

**Zoning By-Law Review Committee
Minutes
May 23, 2012**

Present: Liana Moore, Patrick Doherty, Shirley Smith
Bill Ambrosino joined the meeting at 8:10

The meeting was called to order at 7:35 PM.

Section 3.01, Table of Uses: Items 59 and 19

The committee discussed an apparent conflict between these two items:

- A. Item 59, allows playing fields, playground, swimming pool, tennis and basketball courts on municipal land by Planning Board Special Permit in all districts.
- B. Item 19 prohibits municipal recreational use in one of those districts: Rural Residential. Item 19 does allow this use in the General Residential District with Site Plan Review.

Liana pointed out that the more specific Item 59 should take precedence over Item 19. The committee agreed that Item 19 should be removed but, to avoid unnecessary confusion on Town Meeting floor, this would be done as an amendment at a future Town Meeting.

Possible Amendment to Section 1.03, Delineation of Districts and/or Section 3.01, Uses of Land and Structures

Shirley said that, when the committee had worked on the Table of Uses and Delineation of Districts last fall, changing the use of St. Michael's Church on North Ave. to a municipal library had not been an issue. Since the greater part of North Ave. is on the National Register as a Historic Agricultural District and is also a site of spectacular views, it was left as Rural Residential.

The situation changed when it was learned that the June 26th STM warrant included an article for the Town to purchase the church property for a library. Municipal Use is not allowed in Item 18 in the Table of Uses. Options considered to resolve the problem were: a variance from the ZBA, changing that end of North Ave. to General Residential, or changing Item 18 from prohibited in the Rural Residential District to be allowed by Planning Board Special Permit.

Changing the zoning, although the better solution, involved a public hearing prior to the STM and two zoning maps. Shirley had read the limitation in 3.01 Use Regulations, (c) (5) c): "The use is in keeping with the character and nature of the permitted uses in the applicable district," as prohibiting the ZBA from giving a variance. Liana said the standard is subjective and provides some flexibility for the ZBA to find that the use is acceptable in this area. The committee decided it would be best to leave the by-law unchanged at this time and address this as a potential amendment if it became an issue.

Liana made a motion to adjourn, Patrick seconded the motion and the meeting adjourned at 8:24 PM.

Respectfully submitted,
Shirley Smith

