

**Zoning By-Law Review Committee  
Minutes  
January 17, 2012**

**Present:** Patrick Doherty, Liana Moore (arrived at 7:20), Shirley Smith

The meeting was called to order at 7:10 P.M.

After one minor amendment to the section on Principal Use Residential District (changing the word “note” to “explanation”), Patrick made a motion to accept the minutes from December 21<sup>st</sup> as amended. Shirley stepped down to second the motion. All were in favor and the motion passed.

**Purposes of Districts, Symbols and Notes**

There was some discussion of the need for including the purposes of the districts. The committee decided to go back to this after it had completed the Tables. On Patrick’s suggestion at the last meeting for having a “P” as a symbol for prohibited, Shirley said that, since “Y” was the symbol for uses that were allowed, it would be more consistent to use an “N” for prohibited. In regard to another suggestion from that meeting that concerned adding an “S” for those uses that required Site Plan Review, she had found that other towns often have a general note under the symbol list that explains what a Site Plan Review is and when it is used. The committee was agreeable to both changes.

Liana pointed out that there should be another note under the symbols to let readers know that the number of each use would correspond to the number of the note (should there be one) at the end of the Table of Use.

**Principal Use: Residential**

The first 2 uses were single and two family dwellings. Shirley had added a note that no new single family homes may be built in the 2 business zones. She went on to explain that it is standard practice in most towns to reserve valuable business zoned land for commercial use and not for housing. Liana thought a better way would be to add the following to the notes under the symbols:

For uses legally existing in accordance with this Mendon Zoning By-Law prior to the enactment of this Table of Use, see Section 1.05 d and Section 2.04.

The committee was in full agreement with this. There was some discussion on inadequacy of the existing definition of the word “family.” Liana thought it should be deleted from the definitions section. Patrick added that this was covered in the Building Code.

The next Residential Use was Open Space Development. Liana offered that the word “Communities” should be used to be consistent with the title of the by-law, and that rather than add the reference note for that by-law at the end of the Table of Use, it could be incorporated into the Table itself. This would make a more reader friendly document and the committee not only approved the change, but decided to do the same for every subsequent reference.

The last use was convalescent or nursing homes. Shirley had designated the ZBA as the

Special Permit Granting Authority but Liana explained that this should be the Planning Board. Everyone agreed and again this change was made throughout the Table. Shirley had a question on whether or not a convalescent home should be allowed in the Highway Business District. The committee relied on Patrick's expertise in this matter and he said that yes, it should.

#### **Accessory Residential Use**

On the accessory use of keeping livestock for the purpose of personal enjoyment or household use, Shirley read from the notes of another town that gave more detailed restrictions on amount of land per number of animals and distances from lot lines and wells. She had checked with the Board of Health and learned it was working on this issue and their secretary verified that it was okay for the committee to insert this information into the Table. Liana wanted this information written into the notes and Shirley said she would do so.

On Home Occupations it was undecided as to where to place that information in the Zoning By-Laws. Liana would look into whether we would need a new section or should include it in the notes

#### **Principal Use Agricultural**

Shirley related that she had been in contact with Bill Gillmeister Ph.D. Legal Services Coordinator and Legislative Liaison for the Mass Dept. of Agriculture. In view of the recent amendment to 40A on this subject, there was some confusion on how to write the uses. Dr. Gillmeister had reviewed all 7 items and sent her the corrected versions.

There was some discussion of an additional item having to do with kennels and under what conditions they could be regulated or prohibited. Liana thought this would need two separate use designations and said she would look into it.

#### **Principal Use: Institutional, Educational and Municipal**

Shirley had a question about municipal uses in the Highway Business District and Patrick said yes, they should be allowed. Under private club for a non-profit civic organization, there was a question as to whether or not this should be allowed in the RR section and the committee decided no, it should not.

#### **Principal Use: Commercial**

On Retail Stores, Patrick thought the 20,000 square foot trigger for a special permit should be lowered from 20,000 to 15,000 square feet. Liana had concerns over what retail stores we might want to prohibit and said she would think about it.

Shirley reviewed the note on prohibiting the selling of any drug related paraphernalia in retail stores. She explained that this had been recommended to Mike McCue by CMRPC back in 2007 and that Upton had added it to their by-law.

The committee agreed to review the second half of the Table at the next meeting which was set for February 8<sup>th</sup>. Liana made a motion to adjourn. Patrick seconded the motion, all were in favor and the motion passed. The meeting adjourned at 9:04 P.M.

Respectfully submitted,  
Shirley Smith

