

Zoning By-Law Review Committee Minutes July 31, 2014

Present: Ted King, Shirley Smith

The meeting was called to order at 7:05 PM. Ted made a motion to accept the minutes from July 16, 2014. Shirley stepped down and seconded the motion. All were in favor and the motion passed.

Revised Village Center District

Based upon decisions made at the last committee meeting, the changes had been incorporated into the By-Law. These included removing all references to the overlay designation and Nitrogen credit land from the by-law. A clause had been added to exempt commercial or industrial structures from the By-Law as long as they were not visible from a public way. An 18 month time limit for special permits had also been added. The By-Law was considered to be ready for the August 11th work session with the Planning Board.

Revised Village Center District Map

Shirley had made a new map reflecting the changes made by the Planning Board. The land on the northwesterly side of Route 16 had been deleted. However, the committee discussed having the Fino corner included in the District so that the Planning Board would have more control over the architectural design and use of any proposed structure. There had been much opposition to a previously proposed gas station at that location. Shirley pointed out that, should circumstances change to allow one to be built, inclusion in the District would prevent that from happening.

Accessory Dwelling By-Law

Shirley presented the revised Accessory Dwelling By-Law. At Bill Ambrosino's suggestion, all references to affordable accessory dwellings had been deleted. The assessor's office was once again urging that this by-law go forward as the Town had no regulations for accessory apartments.

Amendments to Section 3.01, Uses of Land and Structures

In response to Attorney General's comment:

Under (b), Prohibited Uses, (viii), add the words, " unless exempted under MGL 40A, Section 3," after the word "facilities."

(b) (viii) Power Plants, except for Large Scale Ground Mounted Solar Photovoltaic Facilities, *unless exempted under MGL Section 3.*

Table of Uses:

1. Item # 37: Trade, professional or other school conducted as a private business
There had been a question as to whether these schools should be allowed in the Highway Business District. The committee decided that they should be allowed.
2. Item # 38: Personal care services such as barber shops, beauty parlors and nail salons.
Should these be allowed in the General Residential District and the Highway Business District? The committee again decided in favor of allowing these services in both

districts.

3. Item 39: Dry cleaning establishments limited to pick up service.
Question as to whether these should be allowed in the Highway Business District. Yes.
4. Item #73: Drive through windows for other businesses “subject” This is evidently a typo.
Delete the word “subject.”

Notes to Table A

Under note for Farmer’s Market

There had been a comment from a resident on the validity of the temperature cited in the note for keeping farm fresh eggs. This temperature, however, had been taken directly from the Massachusetts Department of Public Health Food Protection Program so it was decided to leave it as is.

Article 19, Amendments to Section 3.01

7. Add Section 1.02 (p) Power Plants: Any building, structure, machinery, and associated equipment and facilities for the purpose of producing or generating electricity or power.

Another comment was that solar, wind and thermal should be added to the above definition for power plants. Shirley had investigated this and could find no definition that included solar, wind or thermal. The committee decided that a general version of the definition best served the purposes of the by-law. There are other sources of power, including those that might be invented in the future. If some are listed, then all should be listed.

Additional Amendment to Section 3.01

We do not have an item for consumer repair services such as television, computer or household appliance repair. The committee agreed that this should be added to the Table of Uses.

Amendment to Section 2.03, Off Street Parking and Loading

Shirley brought up the problem of some people parking on front lawns and asked if a prohibition against parking on front lawns could be added to the by-law. It was decided to consult with Patrick on that issue.

Rezoning from Residential to Business on Route 140

The selectmen had indicated that they were interested in rezoning more land for business. Shirley provided assessor’s maps of approximately 100 acres of land along Route 140 that could be considered for this purpose. There could be at least 1230 feet of frontage and depths of 1500 to almost 2000 feet. Proximity to the Upper Charles River would have to be taken into consideration. Shirley had elicited comments from residents on this proposal and most were in favor as long as there was a substantial buffer zone along the frontage and that parking was to the side or rear of structures. This needs further discussion.

Open Space Communities

The Planning Board had requested that this by-law be amended so that developers could not count land that is not economically feasible for building. An example would be a

small amount of upland that could be reached only by a long road with wetland crossings. A conventional plan would not include this because of the exorbitant expense. Shirley explained that the by-law had been based on the state model which the Executive Office of Environmental Affairs now admitted was flawed. Other communities had experienced the same problem so they had rewritten the by-law. Shirley had been working on a new version with Kurt Gaertner of EOEA and Anne Mazar. One of Shirley's concerns was including a penalty for developers who clear cut house lots in direct violation of the by-law. Ted suggested that the Planning Board could revoke their permit. This seemed like a workable solution but the committee would have to check the legality.

Ted made a motion to adjourn the meeting. Shirley stepped down and seconded the motion. All were in favor and the meeting adjourned at 8:27 PM.

Respectfully submitted,
Shirley Smith