

Zoning By-Law Review Committee
Minutes
October 21, 2014

Present: Patrick Doherty, Ted King, Shirley Smith

The meeting was called to order at 7:25 PM. Ted made a motion to accept the minutes from July 31, 2014. Shirley stepped down to second the motion. All were in favor and the motion passed.

Review Revised Section 3.04, Open Space Communities By-Law

This is a by-law that allows for smaller lots but requires 55% of the land to be preserved as open space. Shirley related that the Planning Board had requested revisions to this by-law. Their experience with a recent applicant was that the by-law allowed more units to be counted in the Yield Plan than would be financially feasible to actually access. An example given was proposing a long road, involving expensive wetland crossings to reach an upland area. Shirley had contacted Kurt Gaertner at the Executive Office of Environmental Affairs (EOEA). Our local by-law had been based upon a state model but Kurt explained that this model was flawed and a new one had been written. Shirley, working with EOEA and Anne Mazar, who had extensive knowledge on the subject, rewrote the by-law. The primary revision involved substituting a net acreage formula that, according to the new state model, "...should realize a yield comparable to that resulting from the much more complicated, costly, uncertain, and time producing process of producing a yield plan."

Pat disagreed with this and thought the yield plan should stay in place. He thought the formula would discourage developers from using the Open Space Communities option. They would just divide the parcel up into very large lots. Shirley pointed out that the considerable savings in road and lot construction would be enough motivation to use the by-law. Pat and Ted agreed that the savings to both the developer and the Town were important. The committee did agree that the part of the by-law that said, "Lots on the preliminary plan, which are not practically buildable because of impediments to development, shall not be countable towards the number of developable lots," should remain in the by-law. It was decided that this may well be sufficient and Shirley said she would review the by-law with that in mind for a future meeting.

Pat called attention to a mistake in the Applicability section where Site Plan Review was cited rather than subdivision regulations and the correction was made.

Timing

The existing by-law made no provisions for when the required Conservation Restriction(CR) should be in place. This had created problems for Anne Mazar's Land Use Committee. Shirley presented a statement from Anne to the committee. Anne proposed that the developer should be responsible for paying the costs of the CR but did not think it fair to hold up the developer until the CR is recorded. An alternative would be to have a fund set up where the developer would deposit enough money to cover the costs of the CR. That would allow the Town to proceed with the CR in a timely manner.

Signs

The existing by-law did not address the issue of signs. Anne proposed that signs, approved by the Conservation commission, should be posted every 100 feet between house lots and the open space. The committee approved of this placement of signs but Pat didn't think Conservation should be involved, only the Planning Board. The committee disagreed that signs should be posted around the entire area of open space but that it should have some kind of markers. It was decided that this subject required further investigation.

Clear Cutting Violation

The existing by-law states that, "The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal." The developer of the current project, however, had clear cut the lots in violation of the by-law. The committee agreed that this is something that was under the jurisdiction of the Building Inspector. Pat pointed out that grading is sometimes necessary. In order to accommodate the varying lot clearance requirements, Shirley wondered if the Building Inspector could review each individual lot prior to any clearing or grading activity. This needs further investigation.

Pat made a motion to adjourn. Ted seconded the motion. All were in favor and the meeting adjourned at 8:45 PM.

Respectfully submitted,
Shirley Smith