

ZONING ADVISORY COMMITTEE (ZAC)

◀ **Minutes of Meeting** ▶ October 5, 2011

Meeting Title	:	Zoning Advisory Committee
Date	:	October 5, 2011
Time	:	7:00 PM
Place	:	Town House Hearing Room
Chair Person	:	Don Morris
In Attendance (Cttee)	:	Don Morris, Dana Cunningham, Bill Boland, Steve Davis, Kathy Bartolini, Sam Stivers, Lee Bartolini, Eric Denoncourt and Hillary Young Brigandi
Also in Attendance	:	Jack Bartolini, Michael Bartolini, Anthony Bartolini and Ray Hokinson
Absent	:	John Leeds
Agenda	:	Discussion of Third Draft Comments
Minutes Submitted By	:	HYB
Minutes Submitted On	:	October 19, 2011
Next Meeting (Public)	:	Date: Unknown Time: Place:
Next Meeting (ZAC)	:	Date: October 19, 2011 and November 2, 2011 Time: 7:00 p.m. Place: Town House Hearing Room

Decisions:

#	Decision
1.	
2.	
3.	
4.	

Action Items:

#	Action Item	Owner	Status	Due Date	Comments
1.					
2.					
3.					

Carry-Over Items for Next Meeting:

#	Description
1.	See Judi regarding definition of "family"
2.	See Judi for definitions for "non-conforming use" and "non-conforming lot"
3.	Lee Bartolini to research proper weight limit for commercial vehicles
4.	List of acronyms
5.	Eric was to work with the Building Inspector on a better definition of "structure"

Don Morris asked Sam Stivers and Steve Davis for their advice on the best way to proceed given the spreadsheet of comments made by ZAC members. It was decided that the group would start on page one and discuss each item which warranted discussion (many comments were typographical errors and corrections) but not allow more than one minute or so of discussion so that the process does not get bogged down. Any item requiring more will be "held" and the group will return to it at the end of the spreadsheet.

Lee Bartolini wanted to discuss the new building built at Selva Stone, 43-45 Turnpike Road. He stated that there should be something inserted into the text that would allow the Planning Board architectural control as he felt that the current building was extremely unattractive.

Table of Contents – there were several formatting issues and omitted information that was noted.

174-1 A. – agreed to add "...law, including..." after all as authorized; members did not agree to add any reference to "business" or "commerce" as something to promote – the suggestion was withdrawn from consideration.

174-1 B. – agreed to add "no bldg, structure or land shall be used for any purpose or in any manner other than as expressly permitted within the district in which such bldg, structure or land is located UNLESS RECOURSE IS SOUGHT AND RECEIVED FROM THE APPROPRIATE PERMITTING AUTHORITY AS SPECIFIED WITHIN THIS BYLAW."; agreed to substitute "courtyards" for "courts".

174-3 - agreed to capitalize "Town" as it is a defined term; did not agree to insert "applicable" in reference to "...restrictions than those imposed by any other..." because the group felt it would overrule all other Boards.

Article II – Definitions – there were several typographical errors and punctuation marks that needed to be changed or added throughout Article II; it was determined that the word "constructions" was correct for the first sentence.

ADULT USE – quotation marks were added around "sexual conduct" or "sexual excitement" where it appears.

AFFORDABLE HOUSING RESTRICTION – "...of Southborough" omitted from "Town of Southborough" as it is a defined term and is not required; capitalize State

AGE RESTRICTION – agreed to insert "(1)" after the word "one" and capitalize Federal. {This is a typical comment and numerical references should be in the form of "number (#)" (i.e. one (1), two (2), three (3)...).}

BEST MANAGEMENT PRACTICE (BMP) – agreed to change "managerial techniques" to "operational techniques" and to add "and operational" to "Nonstructural BMPs use natural and operational..."

BUILDING INSPECTOR – agreed to add definition as "Building Inspector for the Town" in accordance with M.G.L.; there was discussion as to whether "Zoning Officer" would be added to this definition which was agreed to but in parentheses.

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Eric Denoncourt will follow up with Judi Barrett and David Gusmini, Building Inspector to be sure the definition is acceptable.

BUILDING PERMIT – agreed to remove the word “Zoning” in reference to “Zoning Bylaw”

CELLAR - this was added after the second draft.

COMMENCE CONSTRUCTION – acknowledged addition of definition.

COMMERCIAL VEHICLE – Lee Bartolini suggested that there needs to be an expanded definition for this item then the one in the second draft; Lee Bartolini was to do research on the proper weight limit to be used in the definition.

CONSERVATION RESTRICTION – this was added after the second draft.

DEVELOPMENT COORDINATING GROUP – agreed to rework the text so that all members of the group are allowed a designee except the Town Planner.

DWELLING/TWO-FAMILY DWELLING – agreed on a typo correction.

DWELLING/LIVE/WORK UNIT – (missed typo- should this be indented?) group did not agree to revise text so that this was available to those other than artists.

EARTH REMOVAL – agreed to remove “of Southborough” from text.

ESSENTIAL SERVICES – it was determined that the definition in 174-18.7 A. was sufficient. Eric Denoncourt stated that if something is not defined in the M.G.L. or in a bylaw, then the common dictionary definition prevails.

FAMILY – agreed to retain existing definition unless there was some legal reason why it could not be used; Judi to be consulted on the definition which the group voted on previously.

FRONTAGE – agreed to substitute “along” for “alone”

GREEN BUILDING – no change; Steve Davis stated that “green” means different things to different people and it was best to not include reference to specific national standards

HEIGHT – there was a discussion regarding a reference to section 174-25. Steve Davis commented that the reference could be deleted without impact but Judi Barrett should be consulted to see if there should be a different reference.

INSTITUTIONAL USE – agreed to capitalize Federal and State

LOT – agreed to add “(1)” after the word “one” in last line

LOWER IMPACT DEVELOPMENT – agreed “lower” needs to be substituted for “limited”. It was also noted that there were several typographical errors such as commas, quotation marks and parentheses added or removed

LID/HOT SPOT – noted that this was added after the second draft

LID/MASSACHUSETTS STORMWATER MANAGEMENT POLICY – there was a discussion about the acronym “DEP” which Kathy Bartolini wanted spelled out and a definition added; there was also discussion about adding a list of acronyms; agreed to delete “and” in “...and as amended...”; agreed to capitalize State

LID/MUNICIPAL STORM DRAIN SYSTEM – agreed to delete “of Southborough” at end of sentence.

LID/NEW DEVELOPMENT – agreed to substitute “pre-development” for “currently”; there was discussion regarding the open space aspect that was referred to the “open space” definition.

LID/RESOURCE AREA – agreed to capitalize Federal and State; agreed to delete “Southborough” from the “...Southborough Town Code...”.

LID/REVIEWING BOARD – there was a discussion as to whether the Planning Board should be in the listed in the text; no agreement was reached.

LID/SITE – agreed to substitute “parcel(s)” for “parcel”

MASTER PLAN – agreed to add “...the following:” before “...goals, policies...”

NON-CONFORMING USE/NON-CONFORMING LOT – there was a discussion as to whether there needs to be two separate definitions for non-conforming use and non-conforming lot. Steve Davis argued that a lot could not be “non-conforming” until you place a structure on it while Dana Cunningham argued that Judi had changed the name of the definition but not the definition itself and agreed with Steve Davis. Eric Denoncourt suggested that Judi be consulted on this item, which all agreed to.

OPEN SPACE – agreed that the definition in the third draft was not what was voted on and that it needs to have text included that indicates that the open space can contain wetlands and low impact utility uses as allowed in the OSRD section. Steve Davis’ suggested text was “OPEN SPACE – Open Space shall mean that portion of the lot area that is not covered by any structure and not used for drives, parking, storage or display. Wetlands, ponds and man-made retention areas shall not be considered open space for the purpose of calculating the requirements of this bylaw. Subsurface sewage disposal systems shall not be allowed within designated open space except that areas designated for reserve or expansion of an individual or shared system shall be allowed only if in the opinion of the Board of Health no other options are available or if in the opinion of the Planning Board it would be beneficial to the overall layout of the development. All open space shall be stabilized with natural vegetative cover. Open Space shall be permanently protected by recorded deed.”

PASSIVE RECREATION – agreed to substitute “such land’s” for “its”

PERSON – agreed to delete “of Southborough” in the last line. {All references to Town of Southborough can be changed to Town (typical).}

QUALIFIED HOUSEHOLD – agreed to add quotation marks (“HUD”); agreed to add the reference to the US Department of Housing and Urban Development and Massachusetts Department of Housing and Community Development.

REVIEWING PARTY – agreed to substitute “Town” for “town”.

SIDE LINE (LOT) – agreed to insert “which” so line reads “...other lots and which is not...”. “Side Line (Lot) should be changed to “Lot Line, Side” for consistency with other lot line definitions.

SIGN/BUSINESS ESTABLISHMENT – agreed to add “(1)” after word “one”

SIGN/FAÇADE OF THE BUSINESS ESTABLISHMENT – group confirmed that horizontal blade signs were to be omitted from this draft; change “C” to “Ç” in façade

SIGN/ROOF SIGN – agreed to add “on” so text reads “...which is painted on or otherwise...”

SIGN/TRAFFIC SIGNS – agreed to change text as follows, “...setting out restrictions on the use of roads, ways or parking areas.”

SIGNS/WALL SIGN – agreed to delete “projecting sign” from text; agreed to delete comma and add “or a” so text reads “...considered to be a roof sign or a window sign.”

SITE – agrees to add “(1)” after the word “one”

STORY/HALF-STORY – agreed to substitute “(70%)” after words “seventy percent” for “(70)”

STREET (or WAY) – agreed to capitalize “Town”, “County”, and “State”; agreed to delete “of Southborough”; agreed to add “(1)” after the word one

STRUCTURE – there was discussion and confusion regarding structures between three feet and six feet in height; it was agreed that Eric Denoncourt would speak to the Building Inspector regarding a better definition

TOWN PLANNER – acknowledged addition of this definition.

TRAILER – agreed to change sentence so that it reads “...and not having its own motive power...”

WIRELESS COMMUNICATION FACILITY/COMMUNICATION STRUCTURE – agreed to change the spelling of “monopoles”.

WIRELESS COMMUNICATION FACILITY/MONOPOLE – agreed to substitute “metal” for “steel”; agreed to change the text by replacing “or” with “...or other similar material”.

174-4 A. – agreed to capitalize “Federal” and “State”.

174-4 B. – agreed to add the word “building” before “permit”

174-5 – agreed to capitalize “Appeals”

174-6 B. – agreed on typographical error – delete “s” after the word “special”

174-6 C.(2)(h) - agreed to typographical error – items (i) through (m) should be indented under (h) and numbered 1-5; also (n) should then become(i).

174-6 C.(2)(h)(ii) – agreed on typographical error to add “(1)” after the word one.

174-6 F. - agreed on typographical error to add “(1)” after the word one.

174-7.4 A. – there was a discussion about the threshold limit as to whether it should be 3,500 square feet or the 2,000 square feet listed in the text. Currently it is 2,000 square feet but Sam Stivers wanted it to be increased to 3,500 square feet to be consistent with 174-7.5 No decision was reached. Minutes from the second draft will be checked to determine how the committee voted previously.

174-7.4 B.(1)-(4) – agreed to make “Development Coordinating Group” a defined term (“DCG”)

174-7.4 B.(4) – agreed to add “from the DCG.” At then end of the sentence.

174-7.5 B.(5) – agreed to change text to read “...complete application...”; agreed to capitalize “Town Clerk”.

174-7.5 C.(8) – agreed to add “(1)” after the word “one”; agreed to change text so that it reads “...within two (2) years of an extension period...”

174-7.5 C.(2)(a)-(g) – agreed to substitute semicolons for the commas at the end of each section.

174-7.5 C.(2)(b) – agreed to add an “(s)” so “use” becomes “use(s)”

174-7.5 C.(3) – agreed to change text so that it reads “...Board of Appeals that have been granted.”

174-7.5 E.(1) – agreed to substitute “DCG” for “Development Coordinating Group”

174-7.5 E.(2)(a) – (c) – agreed to substitute a semicolon for the comma at the end of the lines

174-7.5 E.(2)(b) – agreed to changed text to read “...by more than six (6) feet:...” (changed location of parentheses).

174-7.5 E.(2)(f) – agreed to capitalize “State”.

174-7.6 B.(3) – agreed to eliminate “Decision Criteria.” at beginning of line.

174-7.6 B. (4) – agreed to eliminate “Appeals.” at beginning of line.

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174-11 A. – E. – agreed to add quotation marks around all district code acronyms within the parentheses

174-12 – agreed to delete “(FPOD)” as it is a defined term (elsewhere in the bylaws).

174-13 – there was a discussion as to what date will be used as the date of adoption of the new zoning maps. It was agreed that the date to be used is the date that the public hearing is closed.

The Committee agreed to continue reviewing the spreadsheet on October 19, 2011 and if necessary November 2, 2011 is the next regular ZAC meeting with the idea that the third draft could then be given to the department heads to review on or about November 16, 2011.

The meeting adjourned at 9:05 PM.