

ZONING ADVISORY COMMITTEE (ZAC)

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<b>Meeting Title</b>	:	Zoning Advisory Committee
<b>Date</b>	:	June 22, 2009
<b>Time</b>	:	7:30 PM
<b>Place</b>	:	Cordaville Hall
<b>Chair Person</b>	:	Don Morris, Dana Cunningham
<b>In Attendance (Cttee)</b>	:	Don Morris, Dana Cunningham, Sam Stivers, Steve Davis, Kathy Bartolini, Nancy Vargas, Sal Giorlandino
<b>Also in Attendance</b>	:	Jack Bartolini, Lee Bartolini, Mary Hynes Bill Pezzoni
<b>Absent</b>	:	John Leeds
<b>Agenda</b>	:	Initiate group discussion of potential "Table of Uses" for revised zoning bylaw
<b>Minutes Submitted By</b>	:	Kathleen Bartolini
<b>Minutes Submitted On</b>	:	07/10/09
<b>Next Meeting (Public)</b>	:	<b>Date:</b> <b>Time:</b> <b>Place:</b>
<b>Next Meeting (ZAC)</b>	:	<b>Date:</b> 7/1/09 <b>Time:</b> 7:30 p.m. <b>Place:</b> Cordaville Hall

**Decisions:**

#	Decision
1.	Summary sheet of member's responses regarding draft Table of Uses needs to be updated to reflect missing members spread sheets and correct transcription errors
2.	To expedite group discussions and enable group consensus decisions – a summary with analysis was needed
3.	

**Action Items:**

#	Action Item	Owner	Status	Due Date	Comments
1.	Obtain spread sheet responses from all members	Hillary Brigandi		July 1, 2009	
2.	Minutes for Special Meeting	Kathleen Bartolini		July 1, 2009	
3.	Create summary sheet regarding consensus or near consensus Land Use options found in	Hillary Brigandi and Kathleen Bartolini		July 1, 2009	

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	Table of Uses discussion spread sheet				
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**Carry-Over Items for Next Meeting:**

#	Description
1.	Village Business District and Highway Business District regarding boundaries and permitted uses
2.	Discussion of Draft Table of Uses options spread sheet

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Although there was a quorum present by 7:30PM, those present waited to commence discussion till one or more members of the Consultant group arrived to lead the discussion. Some members also did not receive email with the summary spreadsheet of Draft Table of Land Uses responses which were submitted. Thus we waited while copies were made. At 8:00 PM the group started formal discussion under leadership of the co-chairs (no consultant present).

The purpose of the special meeting was to discuss over three pages of potential land uses that might or might not be allowed in Southborough and, if permitted, whether it be by-right, special permit, or another mechanism such as site plan review. In turn any consensus would serve to inform COG as they start writing a draft bylaw. The first summary spread sheet and individual member response sheets would serve to facilitate the evenings debate and would not be used to reflect group consensus. In fact by hearing the reasoning behind individual responses, it was expected that members could change their opinions. In the absence of staff, Kathleen Bartolini offered to do minutes, as well as record shifts in opinion and note if consensus was being reached. In turn this information would be shared with COG as they commence to draft some material for the August ZAC meeting.

Kathleen Bartolini suggested that before Committee began line item by line item there might be some generic input members could share regarding policies they used when formulating their responses. For instance, she said she limited favorable land uses such as open space or single family homes in some districts because there was limited vacant land in those districts which was needed to implement new goals adopted in the Master Plan. She also explained that as she tried to address housing diversity and affordability goals, she felt she was being forced to treat the RB district as a "dumping zone", and therefore suggested it might be better to create a new RC district to serve as a transition zone between Village Districts and single family zones.

There was also a discussion about whether the permitting options should be limited to: "by right"; not allowed; or allowed by special permit. Some members utilized permitted by site plan. There was disagreement as to whether site plan truly controlled "by right" use or if site plan reviews were

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recommendations unless a special permit was also needed. It was agreed that Judi Barrett would be asked to clarify this issue at the July 1, 2009 meeting. Steve Davis said he doesn't like special permits because "they are too discretionary, easy to challenge in court and arcane".

This discussion of special permits vs. site plan review led to a discussion as to whether permitting could be better streamlined by having some special permits go to the Planning Board vs. the Zoning Board of Appeals. Again, there was no consensus. Some agreed that going to both boards was both costly and time consuming, but Sam felt the ZBA provided more protection for the abutting neighborhoods. Presently, 2,000 square feet is used as the basis for determining if a project triggered a minor vs. a major site plan. While many argued for increasing this number, no one felt comfortable how much the square footage should be increased.

Nancy Vargas, prior to leaving the meeting ill, indicated that she did not intend by leaving a land use blank on her spread sheet that it should be interpreted as not allowed. She intended to formulate her answers based on group discussion. Others said the Master Sheet of responses could not be totally accurate regarding individual responses. For instance, two people selected special permit for a congregate residence but the summary sheet indicated no one opted for special permit. It was agreed that staff should be asked to check the spread sheet again. At the end of the meeting Don Morris also asked that staff review the revised spread sheet to highlight where committee is at or near consensus versus where much more discussion will be needed.

At that point the committee went to a line by line discussion of the draft spread sheet. There was unanimity that single family homes should be allowed by right in both RA and RB districts. In the three village districts most wanted single family by right. Bartolini, however, said that since the village districts were already so built out with so little vacant land, she preferred single family by special permit and that the applicant would have to address need to build here versus single family zones. Steve Davis said we must not limit ourselves to what is here today, but think ahead for twenty to fifty years. Bartolini responded that is exactly what she was doing and that Southborough is ripe for small lot mergers or tear downs that will result in "McMansions" in comparison to surrounding structures, and that is contrary to desired character and uses in the Village districts. Others felt land owners would oppose losing their current right to build a single family. There appeared to be a majority in favor of maintaining the pyramidal use structure in the current bylaw. However there was no poll on that question.

Discussion moved to two family dwelling units and whether they should be allowed as new construction, conversion only, or not at all. There were some who felt that accessory apartments and duplexes were really the same thing and thus should be treated the same. Other members said these uses met two different housing needs. Duplexes are a more affordable form of family housing, while accessory apartments are limited in size and usually have 1-2 occupants, frequently family members. More favored

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duplexes in village districts than in single family districts. They were done by new construction or limited to "conversions only". Some members felt that people bought their homes in single family only areas and should not now have to have a duplex next door. Others said the Master Plan called for a better variety of housing types and more affordability. The current single family districts are where the land exists to meet these goals.

Don Morris cited a case example where a single family conversion to two families drew a lot of opposition. The neighborhood questioned the number of cars on the lot, increase in trips per day generated, and the ability of the septic system to support two households. These will be the same issues raised if we allow duplexes in either RA or RB. Jack Bartolini reminded attendees that duplexes are how the Planning Board is meeting affordability requirements for large subdivisions. These units have not interfered with sale of single family homes or proven problematic later due to traffic, etc. He said whatever ZAC decided, they should be careful not to eliminate the Town's ability to meet existing affordability requirements.

There was consensus that ZAC members felt that accessory apartments should be allowed. Presently there is no "in-law" requirements imposed on occupants and no one argued to enact any. Don said accessory apartments have been more successfully used than duplex conversions.

Currently there are two significant rules that impact the number of units and their size. There is a cap on these units, i.e. only five (5%) percent of the single family units in Town can have an accessory apartment and no unit can be larger than twenty-five (25%) percent of the existing single family's square footage.

There was consensus that the approval of accessory apartments should not be a lengthy or costly project, or it will serve as a disincentive to providing this housing option. Steve Davis said it cost him more than twenty thousand (\$20,000) dollars to get such a unit approved at his home. It was needed so his daughter could afford to stay in Town.

After an hour and a half of discussion, members agreed that maybe there is need for a transitional zone to implement Master Plan's goals and objectives. Jack Bartolini reminded attendees that there once was an RC district which allowed residences on lots as small as 15,000 square feet. It is ironic that it may need to be re-instituted for the same reasons.

The meeting adjourned at 9:10 PM. The ZAC will meet again at 7:30PM on July 1, 2009 in Cordaville Hall. The first hour will be dedicated to Highway Business District discussion including its relationship to Fayville Business Village District. Following that discussion, they will return to Land Use Options spread sheet.

Respectfully submitted,  
Kathleen Bartolini

VOTED: To adjourn at 9:10 PM