

ZONING BYLAW COMMITTEE MINUTES

February 2, 2022

Call The Meeting to Order

Chairman Todd Johnson called the meeting to order for the Zoning Bylaw Committee at 6:04 PM in the 1st Floor Meeting Room at Town Hall. Members present at the meeting were Steve Johnson, Mark Bertonassi, Richard Cuoco, Erin Wortman, Robert Fowler and James Mackey III. Also present were Assistant Town Manager Steve Sadwick and Community/ Economic Development Planner Alex Lowder.

Chairman T. Johnson noted that member S. Johnson needs to leave at 7 pm and asked the Committee agree to taking agenda items 3 and 4 out of order. There were no objections.

1. Changes

Voted on To Date

S. Sadwick referenced a 5-page summary labeled Summary: Revision 1+ for 2021 Zoning Bylaw Rewrite Zoning Bylaw Committee approved up to 1/28/22 that was provided to the Committee. The summary was everything that Committee has approved previously with the date of the approvals. Items were moved around to highlight the community's concerns.

Remaining Changes to Discuss

The first group of items were discussed at the January 5th meeting provided on a handout labeled Discussion Items from 1/5/22 Meeting. Sadwick and staff discussed the items and brought back recommendations. The recommendations are as follows: Section 5.4.5.D.3 temporary trailers—determination by Building Commissioner. S. Johnson thinks it's a good change.

MOTION - Mr. S. Johnson made a motion to accept the change. The motion was seconded by Mr. Fowler and unanimously approved.

Next change is relative to off-street parking requirements. Recommend amending Section 6.1.3 which ties back to section regarding minimum # of spaces addressing Building Commissioners concerns. R. Cuoco stated so long as there is relief someplace. S. Johnson stated Planning Board could provide relief through site plan review. M. Bertonassi stated that the Town matches AAB. E. Wortman commented that it the best of both circumstances. S. Johnson pointed out that it is a difference between the administrative vs. Board.

MOTION - Ms. Wortman made a motion to accept the change. The motion was seconded by Mr. S. Johnson and unanimously approved.

Handicap accessible space concerns. There are other triggers outside of bylaw. Proposal would require a minimum of 1 handicap van accessible. Recommend amending Section 6.1.11.G.

MOTION - Ms. Wortman made a motion to accept the change. The motion was seconded by Mr. S. Johnson and unanimously approved.

Screening maintenance is new section. Plantings installed as screening buffer maintain in perpetuity. If installed for a screen it needs to be maintained as screen. A. Lowder stated that it is meant to give teeth to landscape buffer. Recommend amending Section 6.1.12 by adding subsection G.

MOTION - Mr. S. Johnson made a motion to accept the change. The motion was seconded by Ms. Wortman and unanimously approved.

Next items were received by T. Johnson via email on 1/18/22 from retired building commissioner that lives in Town. The three items were addressed by Building Commissioner M. Bertonassi. 1- mobile homes should be

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defined in the definition section. M. Bertonassi stated that it is addressed elsewhere in bylaw, namely Section 5.4.5.D.3. 2- Fences should be changed to 7 feet for a building permit as required by the new building code. Could cause enforcement issue. Could be changed to 7 feet easily. R. Cuoco raised issue of elevation differences.

R. Fowler asked if there was something in bylaw addressing accessory structures in the front of the house. Sadwick was not sure but doesn't know why it would be removed.

MOTION - Ms. Wortman made a motion to accept the change. The motion was seconded by Mr. Fowler and unanimously approved.

The final item was large scale solar mounted facilities. It was pointed out that this is not district specific in the current bylaw. The draft bylaw used existing language but reduced lot size from 20 to 5 acres. The Sutton Brook Disposal Area superfund site was used as an example of R40 district that allowed for solar facility. E. Wortman stated that it maximizes facilities especially since municipal properties would no longer be in a Municipal District. The proposed bylaw would allow for ground mounted on municipal parcels. This would be reviewed on property-to-property basis town-wide. S. Johnson agrees with E. Wortman. Shared expectations. S. Johnson believes that it should be left alone and that this discussion should be included in our strategy sessions going forward. T. Johnson wants to make sure that the Committee's intentions are relayed back to the resident.

T. Johnson asked if there are any remaining outstanding issues. Sadwick stated not until new business.

2. Marijuana Discussion

T. Johnson recapped the last meeting discussion on this topic and that the committee supported retail marijuana but set aside whether or not to include it in this draft bylaw. There are pros and cons to including it in the draft bylaw and there has been a lot of time to think about it. S. Johnson stated that the numbers from the survey seem to run the range of ages not just the young saying yes and the old saying no. There were 5 times the number of participants of Town Meeting that took the survey. Sample shows opinions may have changed. All 4 of other options have been available. This is 5th and final and the Town has been forgoing revenue. Liquor stores, smoke shops are allowed and prevalent throughout Town. If something is right it should be in this draft. He believes the Committee has received enough feedback. Other towns have served as guinea pigs and there have not been any problems. S. Johnson wants to be clear at Town Meeting that if there is a major problem with retail sale of marijuana people should use scalpel not sledgehammer. We should be prepared. There is more benefit than detriment with allowing retail sales. There will be a number of oversight boards.

R. Cuoco didn't see a problem after 5 years if we said okay and its in zoning bylaw. We are putting in a use at some point in time then it has to go to higher authority. If it goes to Select Board or Board of Health and the State, then it receives oversight. Otherwise, we have to come up with regulations. J. Mackey pointed out that just because its zoned there will still be regulations that are the responsibility of someone else. S. Johnson asked how other towns that have it been regulating it? T. Johnson raised Mr. Bob O'Brien's comments during last public session including the questions of a dual track. Zoning only addresses 1 side. The Town Meeting discussion will focus on regulation and not the zoning. There is risk because scalpel may not be brought to the discussion. Could damage the entire bylaw. If questions are raised, the whole thing could fail. T. Johnson recommended a message from Committee to the Select Board that regulatory framework needs to be created for October Town Meeting. S. Johnson asked about medical and Sadwick replied that there were different state law and regulations in effect when the Town passed it. R. Cuoco stated if this came up 5 years ago we would have had 5 years to discuss. R. Cuoco believes that October would be zoning and local bylaw to address retail permitting in its entirety. If it came up a year ago, it would be a different story. Bring retail sales back in October. The Zoning Bylaw is a living, breathing document. We have continued to change flood plain,

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groundwater over time. People want some type of regulations. T. Johnson recommended a vote to endorse concept, but notes that there are holes from a regulatory point of view and ask that Select Board act on it. The Committee should put this on record and speak to it at town meeting. E. Wortman pointed out that it was favorable with regulation; but her view of regulations may be different than other committee members. Its important in the process to meet majority comfort. J. Mackey agree with E. Wortman and wants to clarify that it was zoning restrictions on the survey. A. Lowder confirmed it was. T. Johnson pointed out that there is no right or wrong answer. M. Bertonassi asserted if there is this much debate in the committee, what would it be like at Town Meeting.

S. Johnson wants this to pass in the interest of bylaw rather than his feelings for certain sections. The only reason left out was to cross t and dot i. We have election coming up and new Select Board members may have different opinion of retail marijuana. Fine with pushing zoning retail marijuana to October. R. Cuoco stated we didn't want to rush it. T. Johnson pointed out that it is being respectful to voters.

MOTION - S. Johnson made a motion to recommend to Select Board and Planning Board to put together articles in their respective areas necessary to deal with retail sale of marijuana zoning and general bylaws for the October Town Meeting warrant. The Committee would have done it, but it is prudent to allow for more time for those boards to deal with it specifically. The motion was seconded by Mr. Cuoco and approved 6-1 with Mr. Mackey opposed.

Zoning bylaw webpage should have a message that in the interest of prudence this topic will be brought to Town Meeting in October. The warrant closes in August for the October meeting so the Boards will need to jump on it quickly. This is the best of both worlds. Doesn't jeopardize this bylaw and keeps retail sale of marijuana moving forward.

Chairman T. Johnson asked about Mr. Cuoco's new business item that he would like to raise. Mr. Cuoco pointed out the dimensional requirements for a maximum front yard setback. R. Cuoco points out that we have never had a maximum and it should just be stricken. The town center is the only place where it makes sense. E. Wortman raised design expectations. R. Cuoco stated that it works for larger lots. Variance would be relief. What is practicable? S. Johnson doesn't want to see it bounced between boards. T. Johnson asked if the current bylaw has it in it? James Mackey where did it come from? It is not in the current bylaw and it came from the consultant. Sadwick stated that the planning profession pushes for no parking in front of buildings. It is aspirational but not practicable given lot sizes on Rt. 38. R. Cuoco says this makes sense in the town center.

S.J. left meeting at 7:08 pm.

MOTION - Mr. Cuoco made a motion to strike maximum setback in all districts except for TC accept the change. The motion was seconded by Mr. Mackey and approved 5-1 with Ms. Wortman opposed.

Sadwick pointed out that this would result in no front setbacks for the GB and MUB districts. Recommends 25 feet.

MOTION - Ms. Wortman made a motion to add minimum setback of 25' to the GB and MUB districts. The motion was seconded by Mr. Fowler and approved unanimously.

Back to marijuana—Sadwick proposed to do away with Med Marijuana Overlay and placing the use in the GB district. Does away with overlay. James Mackey asked what else changes. Single use building is removed and the 1200' setback is reduced to the state requirement of 500'.

MOTION - Ms. Wortman made a motion remove the Med. Marijuana Overlay District and allow for that use in the GB district and to allow for the setback from schools to mirror the state regulation. The motion was seconded by Mr. Fowler and unanimously approved.

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3. Approval of Minutes from 1.05.22 and 1.18.22

MOTION- Ms. Wortman made a motion to approve the minutes from January 5, 2022 and January 18, 2022. The Motion was seconded by Mr. Cuoco and unanimously voted.

4. Map-

Nothing new to discuss.

5. Next Steps

T. Johnson stated that this is the last meeting for the warrant article preparation. He extended thanks to those that have been here the entire time. For those that recently joined a lot has been accomplished in this short period of time. There is also an appreciation for the level of public input that was received. The Committee will meet before Town Meeting to discuss how to manage questions at Town Meeting. The Committee will most likely reconvene in April. Sadwick stated that the website will be updated to include the article, side-by-side comparison to the existing bylaw, a summary of the changes, and the map. He and A. Lowder will also work on a video describing the changes. T. Johnson stated that it may be a good idea to go to the Planning Board and Finance Committee.

Adjournment

MOTION - E. Wortman made a motion to adjourn the meeting at 7:25 PM. The motion was seconded by Mr. Fowler and unanimously voted.

Approved on: April 28, 2022