

# ZONING BYLAW COMMITTEE MINUTES

April 28, 2022

## **Call The Meeting to Order**

Chairman Todd Johnson called the meeting to order for the Zoning Bylaw Committee at 6:00 PM in the 1<sup>st</sup> Floor Meeting Room at Town Hall. Members present at the meeting were Steve Johnson, Mark Bertonassi, Richard Cuoco and Mr. Robert Fowler. Also present was Community/ Economic Development Planner Alex Lowder. Committee member Erin Wortman and Assistant Town Manager Steve Sadwick participated remotely.

## **1. Approval of Minutes from February 2, 2022**

**MOTION-** Mr. Cuoco made a motion to approve the minutes from February 2, 2022. The Motion was seconded by Mr. S. Johnson and unanimously voted via roll call vote. Mr. T. Johnson mentioned that there will be outstanding minutes from tonight's meeting. Mr. S. Johnson asked when does a committee dissolve and end a cycle of meeting to approve the previous meetings minutes. There will be a meeting on Wednesday prior to the Special Town Meeting on May 4<sup>th</sup> at 6:30 pm at the High School.

## **2. Annual Town Meeting Discussion**

Mr. Todd Johnson mentioned that it has been a long process to get to town meeting and he thanked the committee for the willingness to serve the community. He went on to state that the process for this bylaw is the product of many meetings, input from consultants, the committee and other elected bodies and the focus of the last 4 or 5 months has been public input. Total of 12-14 changes that are substantive as part of this process brought forward by the community. Not everything was adopted because they had to be evaluated but parts of significant concern especially those raised at last year's town meeting have been adequately addressed. The current bylaw is outdated complicated and not in compliance with some statutes and is a detriment to the community. The document is a living document that down the road will need to be amended and tweaked in the future.

Mr. T. Johnson went on to address why breaking it up into smaller segments was unworkable. The committee struggled with this but at the end of the day realized that it would be an impossible task as this is a total rewrite. If it was done piecemeal, it would be difficult during the interim to connect the dots of the existing to the new. In our estimation, we feel this was the best approach and it will get us to the best place.

E. Wortman believes that this is a better document than the article from last year. Mr. Cuoco expressed that it can't be broken up into smaller pieces. One section affects another section. He would like to remind everyone that it is a zoning bylaw that will affect the entire town not just site specific. This is like many other articles where people will come to Finance Committee meetings or other committee meetings to understand the article in its entirety. From time to time it will need to be tweaked. Who heard of e-commerce 5 years when this started? This is not the be all end all, it is a good foundation moving forward. The outside consultants provided the Town a good foundation for the future.

Mr. R. Fowler stated that the chairman was spot-on in his opening comments. He is pleased with the final product.

Mr. S. Johnson mentioned that this is the second bite of the apple. It is incredibly unlikely that there will be a third bite if this fails. If this is not approved, the existing bylaw remains. If there are things that people don't like from an area, we ask that town meeting members look at this from a whole. He referenced the building height for the office research district and the committee being told that this is what the industry is looking for. If

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we continue to restrict what can go in that district it hurts the town limiting what can go there. Please think of the bigger picture, it may sound odd, but there are reasons why certain things were put in the bylaw. He implored people to not look at amending the document due to the interdependency of sections, that are done due to statutes and court cases. As you are pulling on a string; the document may be undone. As Town Meeting only occurs annually, or maybe now twice a year is another reason why this can't be broken into pieces. It would take 4-8 years if it was broken up. None of this was done without an incredible amount of time. The public forums and input sessions were the best place for proposed changes to be discussed. Town Meeting is a very difficult place to explain something in 5 minutes. Things can be changed in the future. He hopes that town meeting will leave the document as is and will vote up or down.

R. Cuoco would like to see the article pass in its entirety. If there are sections that residents would like to make amendments on they could bring it to a future town meeting. T. Johnson mentioned that the committee made the decision to table retail marijuana until the fall so there could be a further study of it from the non-zoning side first.

M. Bertonassi believes that as the enforcing agent to have this done piecemeal would be very difficult. If there is one specific item it should come forward separately in the future. R. Cuoco points out that the Building Commissioner uses zoning everyday and his input is very important.

S. Sadwick proposed that T. Johnson do the high-level presentation and Sadwick and A. Lowder can provide more technical support. It may be a more efficient method. T. Johnson's opinion is that the stars were not aligned properly for the last town meeting. The Select Board started the process, but last year were in a state of transition. He mentioned that Mr. Mackey would like for the Select Board members to take a more active role in the presentation. S. Johnson mentioned that the planning board hearing worked well. Sadwick's role is this is what it says and what it means. The why falls on the committee members as to explain it. He felt that it worked well at the PB hearing. The context from the committee will be helpful in explaining how we came to the decision we came to. S. Johnson would like it conveyed to Town meeting that the Select Board, the Planning Board and Finance Committee all voted unanimously in favor of the article. S. Johnson thinks that the Building Commissioner should be available to comment on consistency with the building code. No one was prepared to speak to potential amendments when they came up on the floor last time. There is a bevy of information on the website. A. Lowder reiterated that she is available for any questions prior to Town Meeting.

Committee members should be prepared as they all have background in how we put the document together.

T. Johnson referenced that an effort was made to answer every email and other correspondence that have been sent to the committee. Mr. Spinale has communicated with the office which has been responded to by Mr. Sadwick and Ms. Lowder. Questions were about the height in the OR district, ground water protection district, and question about hotel on North Street. The questions were responded to in some detail. Hopefully the answers clarify the committee's opinion.

T. Johnson will post the meeting for the Committee to meet at 6:30 pm on May 4, 2022.

### **Adjournment**

**MOTION -** E. Wortman made a motion to adjourn the meeting at 6:41 PM. The motion was seconded by Mr. Cuoco and unanimously voted via roll call.

**Approved on: May 4, 2022**