

March 20, 2007 Minutes
Zoning Bylaw Review Committee

Present: Joe Fabricotti, Linda Hawkes, Don Keller, Dick Nichols, Joe Reed, Dick Skinner, Shirley Smith

The meeting was called to order at 7:09 P.M.

The meetings for the next month were set for April 3rd and April 17th

Open Space Communities (Formerly Open Space Development)

Shirley reported to the committee on her work so far. She said she is using the state's Citizen Planner Training Collaborative (CPTC) Example Bylaws Collection and the Cape Cod Commission Model Bylaws as guides. The first thing to do was to choose a title so she presented a list to the committee members for their consideration. After a short discussion, Dick Nichols made a motion to accept the choice of "Open Space Communities." The motion was seconded by Dick Skinner and all were in favor.

The next item was a list of purposes relevant to Open Space Communities. These were taken from a study of the above mentioned model bylaws as well as those from 12 other towns similar to Mendon. It was explained that the committee could pick and choose, subtract or add on, to the list. Linda expressed a desire to add something in relation to Low Impact Development (LID). Also both Linda and Don said they would like to see something in the purpose about making this option attractive to the developer. Shirley responded that she hadn't seen anything from other towns that mentioned LID but she would look into it and that there are pages of arguments on why Open Space Communities are as valuable as homes on large lots. The committee decided to postpone a vote on OSC purposes to allow time for further work.

Joe R. requested an explanation of Open Space Communities.

Joe F: They are to induce a developer to build smaller houses without having to develop 50 acres and put in miles of roads when he can put them closer together with much fewer roads. They are also good for the environment.

Shirley: Another advantage is that it can help the town towards the goal of 10% affordable housing. You can include affordable accessory apartments and have inclusionary zoning in these developments.

Joe F: Yes, we can expand our affordable housing stock without allowing developers to come in and dictate to us. We have control of how we do it.

Joe R: Someone, I think it was Kevin Rudden, brought a study into the building safety committee that there are 5000 buildable lots in this town as standards go today. Is it our job to close the door on everyone who wants to come to Mendon? Is it our job to stop everything in the town of Mendon?

Joe F: There are lots of people who would like to do that. It is not the intent here. Would we like things to be better structured? Sure. Does that mean to stop them? No. Open Space Development doesn't stop development. It allows it.

Joe R: Do we feel compelled in some way to reduce what can happen to the town in the next 10 or 20 years?

Don: We just want to control it.

Joe R: If it's allowable today, how do we control it? Is that our job?

Joe F: I don't think we're going to make wholesale changes here. Let's identify the districts: residential, agricultural, commercial. Maybe we can give them more rights than they have. Maybe we can figure out a way to make it more attractive to keep it residential and lower taxes so people can keep their land. And the Historical District? That's limited to down town. Let's make it so the town doesn't get slammed all at once with lots of things they don't want. There isn't a drawbridge mentality in this group where everyone wants to pull the bridge up.

At the March 6th meeting it had been decided that we would amend the general purpose paragraph on the first page of our present town bylaws. Shirley presented a draft of suggested changes to the committee. After going over the "Purpose" paragraphs from 12 towns that share similar socioeconomic and cultural characteristics, Shirley adapted one from the Town of Stow that incorporated many of the issues we had discussed such as open space, commercial, village/historical and affordable housing. Most of them, she explained, said the same thing but this one said it best.

ZONING BYLAWS FOR THE TOWN OF MENDON, MA

Purpose: For the purposes of regulating the use of land, buildings, and structures in accordance with the provisions of Chapter 40A of the General Law and Amendments thereto in order to protect the health, safety and general welfare of present and future inhabitants. This includes, but is not limited to, the preservation of the environmental resources of the Town; the maintenance of open spaces by recognizing the concern for the irretrievable loss of farm, wetlands and woodlands while respecting the rights of landowners; encouraging the most appropriate use of land through a balance of residential and business designations; the preservation of the historical and cultural characteristics of the Town; and the achievement of a range of housing choices and costs to induce its citizens to remain in the community, thus providing a sense of history and continuity.

After a few changes, Dick Skinner made a motion to accept the proposed purpose paragraph as amended. Dick Nichols seconded the motion. All agreed except Joe Reed who was opposed.

Residential **Single Family Multi Family**

Don Keller and Dick Skinner passed out copies of their work on proposed single and multi family residential bylaw changes. For the most part, these were the same as the present bylaws. They were, however, simplified and better organized. There were two proposed changes: The words "right of way" were substituted for "street" in reference to the distance from that center of that point to front of structure. Also inserted was a

requirement that the minimum setback of any structure shall be 200 feet from the boundary of any wetlands. Don pointed out that a waiver could be granted. This was followed by a list of questions. Concerning the reference to Family Definition, Shirley said she had talked Paul Mazzuchelli, Director of Public health for Milford. He gave her a copy of what they had come up with (She will get this to Dick and Don.) and told her we could call him if we needed any more information. One comment said there was a need for some definitions and an “Applies to all” section. Work is ongoing.

Residential District Allowed Uses

Joe Fabricotti distributed copies of what he had accomplished on this section. Again, they were much the same as at present. Under “ Church/ religious purposes” was a stipulation “not commercial or retail,” the reason being that some churches have functions like wedding receptions, used clothing stores and second hand stores that would be detrimental to a quiet residential neighborhood. On Educational Purposes, the question was raised as to whether they should be public or private. Don said this could be done by special permit, which is what we have now. Since most homes are so much larger today, Joe F. said that he had changed the area for a home occupation from a maximum of 400 sq. ft. to 500 sq. ft. Sign regulations would remain at no more than 1 sq. ft. and unlighted. Don again brought up that we should have a sign bylaw under zoning.

Joe R: (referring to section b. that states not more than one non-household member shall be employed on the premises of the home occupation) If you have a daycare with special needs kids, you can’t have two teachers?

Joe F. Under current law, no. Remember the small size is a limiting factor. And daycare operations are regulated by the state.

Next was a discussion of d.: No offensive noise, vibration, dust, odors, heat, or glare shall be produced and e.: Traffic generated shall not exceed volumes normally expected in a residential neighborhood.

Joe R: I have trouble with d. and e. What is offensive or excessive to one person, may not be to another. If we are going to create these kinds of rules, they can’t be this ambiguous.

Don K: We need a noise bylaw that says so many decibels.

Shirley: Trish Rudden said she gets a lot of complaints from residents about noise.

Joe F. Maybe we could eliminate e., no generation of excessive traffic. The small space will limit traffic.

Dick S. expressed concern about home occupations generating hazardous waste and wanted to include some regulation on that.

Regulation f, “All parking must be off street, occupying not more than 35% of house lot area,” triggered more discussion.

Shirley: If you have a 60,000 sq. ft. house lot, that’s a large area of impervious surface.

Joe F: It was written to accommodate a 20,000 sq. ft. lot. We could put in a specific number of square feet. Again, it is limited by the 500 sq. ft. floor space.

Joe R. If a business goes over 500 sq. ft. can you get a special permit?

Don K: Yes, we've issued a lot of them. You can do anything you want. You sit down with the guy and say, "What do you want to do?"

Joe R: If we're going to have everything by special permit, then we ought to have time limits on special permits.

Don K: We do have some businesses that have to be renewed periodically

Residential District Prohibited Uses

The prohibition against outdoor wood burning stoves for the purpose of heating houses triggered a lively debate over the infringement on individual rights vs. the rights of others. These stoves are becoming more prevalent and the committee was divided on whether or not they work. Joe F. said they could flood a neighborhood with smoke and gave examples of two buildings where the interiors were black with smoke from a neighbor's use of just such a stove. He thought we should ban them or make them conform to a standard.

Joe R: If you go through upstate New York and New Hampshire, they are everywhere.

Joe F: They have to be regulated.

Landing Strips

It was agreed that this should remain by special permit as airplanes zooming over houses could be a safety issue.

Mobile Homes, Campers, Trailers

It was decided that D and E would be combined for clarity

No mobile homes, campers or trailers to be used as a permanent residence. Permits issued for use as temporary residence while permanent residence is being restored or rebuilt are not to exceed 12 months.

Parking (Number of Spaces)

The present law only requires one parking space per single unit so it was changed to two. In addition to that, a home occupation situation requires one parking space for the nonresident employee plus adequate parking for clients and customers.

Accessory Apartments

Dick Nichols said he hadn't been able to get together with John Vandersluis on this but Shirley sent me a bunch of stuff. I think the one in Barnstable, their Accessory Affordable Apartment Program; it looks like they have done a lot of work. If you want to designate it as affordable, it can't be a relative, the way I understand it.

Joe F: What are we going to do with the 5 and 6000 sq. ft. homes? People will be looking to put in apartments.

Shirley: We could get our affordable ratings up.

Joe R: I thought you could only get affordable out of new construction.

Shirley: There must be a way, a bylaw or something, because other towns are doing it.

Dick Skinner made a motion to accept the minutes from the March 6th meeting. Linda Hawkes seconded the motion. Motion passed.

Goals for April 3rd Meeting

Finish up Residential Zoning

Talk about Business/Commercial Zoning

Business Overlay Districts and what they mean

Adult Zoning

Dick Skinner reminded the group that March 20th was the date we had set to elect a permanent chairman. Shirley made a motion to elect Joe Fabricotti as permanent chairman. The motion was seconded by Dick Nichols and all agreed.

A motion to adjourn was made by Dick Skinner and seconded by Joe Reed.

All were in agreement. Meeting adjourned at 8:50 P.M.

Respectfully submitted,

Shirley Smith