

March 6, 2007 Minutes
Zoning Bylaw Review Committee

Present: Joe Fabricotti, Don Keller, Dick Nichols, Dick Skinner, Shirley Smith, John Vandersluis

Also present, Kathy Coffey Daniels, Planning Board. Selectman Lawney Tinio came in for a short time to see if the committee had any questions for him.

Meeting called to order at 7:00 P.M.

Chairman Joe Fabricotti explained that he had been studying the Mendon Zoning Bylaws. He thought they were haphazard and reactive to things that have happened. In order to simplify and structure our work, he took all the things we've talked about from the minutes and drew up a bylaw outline. He said we needed to break it down and have a method of attack, a format to build around. "We need to expand it but not complicate it. It is not an instruction book but will let people know what they have to do."

Everyone agreed that it was a great first step and thanked Joe for his work on this.

Zoning Bylaw Outline

- I. Purpose:
 - Joe F: What we have now, the purpose of promoting health, safety, convenience, morals and welfare of its inhabitants, is okay.
 - Shirley: Can we add something about keeping the rural character of the town? Many small towns have that.
 - Joe F: Draft one up. Anybody can make a draft.
- II. Definitions:
 - Joe: These should be in the front and we will need to expand on it to include new definitions.
- III. Districts:
 - A. Residential
 - 1. Single Family
 - 2. Multi-family (Don K. and Dick S. will work on 1. and 2.)
 - 3. Open Space Conservation (Shirley will work on 3 including the title.)
 - 4. Accessory Apartments
 - 5. Home Occupations (Dick N. and John V. will do 4. and 5.)
 - a. Prohibited Uses
 - b. Parking regulations (Joe F. will work on a and b.)
 - c. Lot size, set back, coverage (later)
 - B. Business/Commercial District
 - 1. Office
 - 2. Retail
 - 3. Industrial/manufacturing
 - 4. Business Overlay District
 - 5. Adult Zoning

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- C. Business/Commercial District
 - 1. Prohibited Uses
 - 2. Parking
 - 3. Lot size, Setback, Coverage
 - 4. Signage
 - D. Agricultural District
 - 1. Uses
 - 2. Prohibited Uses
 - 3. Size, area requirements
 - E. Village/Historical District
 - 1. Definition
 - 2. Purpose
 - 3. Allowed uses
 - 4. Prohibited Uses
- IV. Water/sewer Regulations
- A. Water/well Regulations
 - B. Sewer/septic regulations
 - C. Flood Plain Overlay
- V. Administration
- A. Zoning Enforcement Officer
 - B. Planning Board
 - C. Board of appeals
 - D. Application process for variance
 - E. Application process for special Permit
 - F. Site Plan Review

There were various comments on the above outline. In respect to signs, Don K. said they are presently under our regular town bylaws but they should all be under zoning as with most towns. Kathy suggested checking the Upton website on agricultural district and urged the inclusion of the site plan review category under administration. She said some towns have a whole separate booklet that deals with this. On Cluster Zoning, Kathy advised us to not use that wording and said Open Space Development was a more acceptable term.

The Administrative section was met with much approval.

John V: This will help people to know where to go. They won't waste their time and everybody else's time.

Joe F: These will be guidelines. If you're doing this, you go to this board. If you're doing that, you go to that board.

Perceived Threats

Don K. brought up concerns that Mendon could be vulnerable to something like the proposed Shoppes in Bellingham and that the business zoned 8 acres behind the Gift Barn could be a possible site. He thought we should have a town meeting vote like Bellingham on any such proposal. Joe F. pointed out that lack of sewer and water

would not allow such a project and that 8 acres would not be enough land. He also didn't think we would have a business large enough to warrant that kind of vote at town meeting. The likelihood that it would not perk and the need to protect the school children were also mentioned as limiting factors.

Don also wanted to address the issue of the adult entertainment zone. He said, " We have to explain at town meeting that the way the law is written today anybody can come in. They can do it anywhere and you can't stop it."

Fino Property

Kathy initiated a discussion of commercial zoning for the Fino property. Joe F. thought it might be better to have multi-use zoning with town houses in front and commercial in back.

Commercial District

Kathy: Have you reviewed the whole commercial district? Is that something we need to look at and change? There was a \$30,000 grant for a report in 1995 that recommended some of the things we should be doing. It was an attempt at rezoning. Would any of the language in the report be helpful?

Shirley: (and others) We do have that. We all have copies and there is some valuable information.

Joe F: There are some places where you could have a 400 ft. depth. You have to identify them.

Don K: In many cases if you go back 400 ft., you're bumping into a residential zone. You can tailor a special permit to fit a particular project at the ZBA. If you don't want it, you deny it. But without a special permit, you don't have a hearing. You can't regulate how much traffic. With the special permit, you can specify almost anything. The theory is that you have a law that says you can't do it. But if you get a special permit and the town likes it and wants to deal with you, you can do it.

Kathy pointed out that, with the planning board, there is some review that goes on but we can't deny them. If we set conditions they don't agree with, they can appeal through the building permit.

Relation of Change of Use to Parking

Discussion on how the addition of seating capacity in Rebecca's has added to the parking problem in the village center.

Don K: When you have a grandfathered business in a residential zone, you need to get a special permit. For example, the post office building is grandfathered. Normally, you think of change in the physical structure of the building but usage and the resulting impact on parking are big changes.

Kathy: In recent years there have been changes in the use of that building. Also behind Hood's Plaza, dumpsters are taking up parking spaces. And Lambert's in the Pop N Kork parking lot (where they sell Christmas trees and plants) that takes up space so there is not sufficient parking for the businesses.

John V: I thought the ZBA increased parking space requirements when the addition was built.

Don K: We did but they were never installed. I think we can do something about that.

Kathy: If you change business use (in a business district), you should go for a site plan review.

This was followed by comments on lack of enforcement.

Don K: The building inspector's job has increased greatly.

Shirley: In connection with parking, at the last meeting, Joe Reed complained about the number of commercial vehicles being parked at residences. I can see where this could be an eyesore and some towns do limit home occupations to one vehicle.

John V: What if it's just parking, not an occupation?

Shirley: You could probably apply it to that, too.

John V: Suppose someone has 15 acres. There could be a special permit.

Shirley: Absolutely. If you can't see the vehicles, no one would care.

Shirley: (In response to repeated use of the word "impervious" in reference to parking lots.) Why does it have to be impervious?

Larry Bombara of the Uxbridge DPW, told me that in Uxbridge, they passed a bylaw requiring that all new parking lots have to be pervious asphalt. He said that this has come a long way in the last five years and gave me a whole stack of material on it. It may be a little more expensive to install but is cheaper to maintain.

The next meeting is on March 20, 2007 at 7:00 P.M. in the town hall.

John Vandersluis made a motion to accept the minutes from February 20, 2007. The motion was seconded by Dick Skinner and all agreed.

A motion to adjourn was made by Don Keller and seconded by Dick Nichols. The motion passed. The meeting adjourned at 8:23 P.M.

Respectfully submitted,
Shirley Smith

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