



Town of Westminster

MASSACHUSETTS 01473
FROM THE OFFICE OF THE
PLANNING BOARD

Phone: (978) 874-7414

swallace@westminster-ma.gov

Jon Wyman, chairman

Marie N. Auger, vice chairman

Michael Fortin

Andrew Rice

Linda Wiest

MINUTES OF Special Work Session MEETING

March 08, 2017

Room 222, Town Hall

Attendees: Jon Wyman, Marie Auger, Mike Fortin, Town Planner Stephen Wallace.

Unavailable for afternoon meeting: Andrew Rice, Linda Wiest.

Additional Attendees: Mr. Jonathan Silverstein, Esq. /Town Counsel, Mr. Paul Blanchard/Building Commissioner, Ms. Emily Scerbo.

4:00 p.m. - Review of residential zoning amendments for May 2017 Annual Town Meeting.

Stephen gave those present a quick update of the genesis of the proposed residential bylaws and changes. He had received Town Counsel comments and Attorney Jonathan Silverstein was in attendance to answer questions. Building Commissioner Paul Blanchard was also attending.

Stephen methodically took those present through the bylaws noting Town Counsel comments that had been added to the final drafts. Prior public forum comments from citizens, Board, Committee and Department comments were all noted and discussed during the meeting. The following items were noted:

- Town Counsel would like to see the definition for Accessory Dwelling revised for consistency to reflect the language in the proposed bylaw (205-37.1(b)(2)) All agreed.
- The ZBA would like to see Townhouse setbacks requirements reference the apartment provision to be included in both the definition and Table of Dimensional requirements.
- TC recommends the date for 205-13 (c) Minimum Building Requirements be the date of first publication of the hearing to remain consistent with State statutes.
- Leave the definition of Front Yard alone and remove existing footnote 2 in the Table of Dimensional Requirements.

- Under 205-25.1, the ZBA would like to add the word minimum to the sentence: In no cases shall an accessory structure of any size be located within the *minimum* required front yard setback.

- Chapter 205 Attachment 2: Land Space Requirements

Delete existing footnote 2. Add New footnote 2 Lots that are zoned for industry shall maintain a 20 foot non-vegetated buffer along any lot line that abuts a property used for residential purposes.

(The Board discussed including lot zoned for commercial to this footnote but chose not to include it at this time.)

- In the Table of Use Regulation, A (3) Townhouse apartments will not be allowed in a R-III district. SP in R-II, By right in R-1 and SP in VC districts. Add reference to refer to dimensional requirements of apartments.

- In the Table of Use Regulation, A (2) same as above.

- ZBA asks to allow Accessory Dwelling units in all zoning districts. Yes.

- Home Occupation 205-39 C.(2) The home occupation must be operated by the resident occupant of the dwelling. REMOVE *or a member of the residents family*.
- Home Occupation 205-39 C.(6) Remove hours of operation completely. Nuisance provisions should allow protection.
- Accessory Dwelling. Allowed wherever residential dwellings are allowed. ZBA is concerned second resident of accessory dwelling is being treated different from first. Paul noted that the distinction is a building code issue rather than a zoning issue. Many of the units will end up being converted into a two family. The building commissioner will end up making the determination based on the layout of the plan. If there are common passage and egress then the Jonathan asked the PB units are in common. There can be multiple kitchens and baths in a one family home. If the unit is completely separated by a wall with no common passage (a door) and entirely separate egress then the building would be classified as a two family. Jonathan asked members where the Town is headed with allowing modest housing units. Is the intention just for inlaws and/or caregivers for elders to remain in place or be cared for, or is the intention to provide more modest housing. The Boards intention is to encourage both. The present Bylaw restricts future use and forces a deed restriction on the property to prevent future use. The consensus was to remove item C.
- Accessory Dwelling. Remove unenforceable language directing additional doors to be located around the sides of dwellings.
- ConCom would like to address the screening of dumpsters for home occupations. Board members noted that dumpsters are now allowed anywhere in Town for residential uses without any screening.
- Agricultural Commission would like language added to the accessory structure bylaw preventing chicken houses from being located within 50 feet of a property lines to help prevent nuisance complaints. Paul noted that there is presently language that prohibits any livestock enclosures within 50 feet of property lines. The consensus was that even though the language is present elsewhere in the bylaw, it would make sense to repeat it in the accessory use section to support Ag Com's proactive desire to prevent any agriculture related nuisances before they start.

Stephen will revise the discussed changes and send out revised copies.

When asked if she had any comments, Town resident Ms. Emily Scerbo told the Board she had attended to show concern about opening up Townhouses by right in all the zoning districts. She noted many families move here for the rural character of the Town and to raise a family in the country. She was concerned that as we are trying to increase housing stock, the schools are presently pretty strapped, in financial crisis and are saying they will be adding tons of head count. She is concerned how the Master Plan housing and school issues fit together.

Stephen noted that if the schools are at capacity, the Superintendent and School Committee could come to the Planning Board and request the PB would consider a temporary growth moratorium until the infrastructure could be built. Stephen noted that moratoriums are only temporary until infrastructure needs are addressed. Ms. Scerbo told the Board from what she understands, it is not a capacity issue, it is a funding issue. Mike and Jon both were in agreement noting class size and capacity are not the same thing. Stephen went on to tell those present that most residential housing costs more to service than the taxes they bring in. Over 55 and large mansions are the only housing that do not cost more. The sewer upgrade should be completed in the spring, and hopefully will encourage more business to locate in Town to help offset the tax rate.

Ms. Scerbo also expressed concern that the Low Impact Development Bylaw had no regulations in place. She is concerned that developments going in are not doing justice to retaining ground water on site which can result to degradation to water bodies. She is concerned about the water quality of Crocker Pond given the development at the top of Bean Porridge Hill Road.

Stephen noted that the LID regulations would be something to take up after the present work schedule was completed and asked Ms. Scerbo if she had any good examples the PB might review. There was discussion

about new state guidance concerning 53G Technical accounts and hiring of technical consultants. Ms. Scerbo offered future help when the Board takes up water resource work.

3 Pages of Minutes
Respectfully submitted,
Michael Fortin

4 Attachments:

- 1) *Accessory Dwelling Unit - Marked Final Draft for Posting* no date. 3 pages.
- 2) *Miscellaneous Residential Zoning Changes for May 2017 Town Meeting - Marked Final Draft for Posting* no date. 3 pages.
- 3) *Home Occupations - Marked Final Draft for Posting* no date. 2 pages.
- 4) *2016 Table of Uses - Marked Final Draft for Posting* no date. 3 pages.