



**TOWN OF WESTMINSTER
ZONING BOARD OF APPEALS
11 SOUTH STREET
WESTMINSTER, MA 01473**

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TOWN OF WESTMINSTER

**Meeting Minutes
February 16, 2017**

Call to Order: The meeting of the Zoning Board of Appeals was called to order at 7:07 PM in Room 222 of the Westminster Town Hall by Chairman Don Frigoletto.

Roll Call: The following members were present: Chm. Don Frigoletto, Members, Robin Brasili, Pete Romano and John Bowen.

Approval of Minutes of previous meeting(s): The minutes of the previous meeting were not available. Chm. Frigoletto stated they will be available at the March meeting.

Planning Board proposed zoning changes:

Town Planner, Stephen Wallace, was present at the meeting to review the proposed zoning changes with the board. He explained that they are working in three phases. The first phase focused on commercial and industrial development, the second phase was the Village Center District and the third is what he will be discussing with the Zoning Board, Residential Development. The Planning Board has completed drafts of all the zoning amendments which will be brought to the May 2017 Annual Town Meeting. The drafts include the following zoning changes:

- 1) Revised and New Definitions. Mr. Wallace explained that the Zoning Bylaw currently does not include a definition for Accessory Dwelling Units. The Townhouse Apartment definition currently appears in the Zoning Bylaw's Table of Uses and will be moved to the Zoning Bylaws Definition section to make it easier to interpret. The Planning Board proposes the following amendments to §205-4 of the Zoning Bylaw, attached.

Mr. Bowen asked Mr. Wallace to clarify what the difference is between an In-Law apartment and an Accessory Dwelling Unit. Mr. Bowen explained that if the ZBA needs to treat them separately, then it needs to be clarified because the physical characteristics outlined are too similar. Mr. Wallace was in agreement and will make that recommendation to the Planning Board. Mr. Wallace did note that if an in-law apartment is abandoned, an owner would have to bring the unit up to code as a two-family dwelling.

- 2) Regulating Lot Dimensions. Mr. Wallace explained the purpose of this change is to make the bylaw easier to read and understand. As written, is not user-friendly. To start, the new bylaw will remove the current practice of making new lots extend the frontage width requirement all the way to the nearest point of a building. This has resulted in developers trying to bypass this provision by placing a shed which is considered to be a building at the end of the front yard setback so they can narrow the lot width beyond that point. The new lot dimension will ensure there will be enough land on the lot to accommodate a house, well and septic system. Included in this section are design standards for newly created lots. The Planning Board proposes the following amendments to § 205-13 of the Zoning Bylaw, attached.
- 3) Setback Standards for Accessory Structures. Mr. Wallace explained presently, setbacks for accessory structures are the same as principal structures. This new section would provide some relief and would allow homeowners to locate accessory structures closer to their lot lines. The Planning Board proposes a new Section, § 205-25.1 to the Zoning Bylaw, attached.
- 4) Conversion of Single Family Structures to Multi-Family Structures. Mr. Wallace explained the current language appears within the Table of Uses and is quite lengthy. The proposal is to move the language out of

the Table of Uses into its' own section within the Zoning Bylaw. The only changes proposed are to clarify that such conversions are allowed by right in all residential zoning districts. This new section, § 205-25.2 Conversion of Single Family Structures to Multi-Family Structures, attached.

- 5) Temporary Residential Structures – Similar to #4, Mr. Wallace explained the current language appears within the Table of Uses and is quite lengthy. The proposal is to move the language out of the Table of Uses into its' own section within the Zoning Bylaw. The only changes proposed in the text are to clarify that such structures are allowed by right in all residential zoning districts. This new section, § 205-25.3 Temporary Residential Structures, attached.
- 6) Changes to the Table of Land Space Requirements. Mr. Wallace explained the existing Footnote #2 within the Zoning Bylaw's Table of Land Space Requirements will be deleted in the proposal. It is no longer needed due to the new lot dimension language. The new Footnote #2 will prohibit the clearing of land when an Industrial zoned property abuts a Residential zoned property. Required vegetated buffer between these two will be at 20 feet. Chapter 205 – Attachment 2: Land Space Requirement, attached.

Table of Uses

Mr. Wallace explained the proposed changes (attached) are: 1. The Townhouse definition has been moved out of the Table and into the Zoning Bylaw's Definitions Section. 2. Conversion of residential structures language has been moved out of the Table and into its' own section within the Zoning Bylaw. 3. The Temporary Residential Structure has been moved out of the Table and into its' own section within the Zoning Bylaw. 4. The Home Occupation language has been moved out of the Table and into a new Home Occupation Section within the Zoning Bylaw (attached). 5. Accessory dwelling units are now listed in the Accessory Use section of the Table.

There was some discussion on Home Occupations and the hours of operation. Mr. Bowen argued that various home occupations would require hours available after the normal 5:00 p.m. Chairman Frigoletto stated hours are set as to not disturb neighbors and time limits are necessary. Mr. Wallace agreed with the suggestions and will discuss with the Planning Board about definite hours being set according to the occupation.

Accessory Dwelling Units

Mr. Wallace explained the proposal (attached) will allow Accessory Units by right in all zoning districts that permit residential development and not only by Special Permit. It removes Item C in its entirety and replaces with a new Item C. Mr. Bowen did not feel that Item C was necessary and it should not matter the order in which an accessory unit is occupied. Mr. Wallace stated he would discuss that section with the Planning Board.

Mr. Wallace stated the Planning Board will have two public forums, Saturday, February 25th, from 10-12 at the Library and Tuesday, February 28th at 7:00 p.m. in the Selectmen's Meeting Room. They have advertised these meeting on cable and the town's website and have also sent postcards to businesses. The Planning Board will have a meeting on March 14th to decide what changes will be incorporated and on March 28th, there will be a meeting to set the language. Mr. Wallace will meet with the zoning board again prior to setting the final language. **A motion by Mr. Romano to accept the changes as presented. This motion was seconded by Ms. Brasili and passed with a unanimous vote.**

Livermore Hill Road Extension : Chm. Frigoletto asked Mr Brem to explain his request for an extension on the Livermore Hill Road project.


Jeffrey A. Brem, Principal Engineer for Meisner Brem Corporation was present at the meeting. Mr. Brem is requesting the board to extend their special permit for an additional two years. Mr. Brem explained that the contract is still in place. They were granted a 5 lot subdivision by the Planning

Board, however a new plan will need to be filed at a later date with some changes. The septic system plan will also need to be renewed. In April 2016, legislation changed in regards to Net Metering and that is primarily the need for an extension. It is also possible that they will be reducing the total units by up to 14 units for various reasons. Mr. Brem stated on the positive, losing some of the units will be beneficial to the subdivision's septic system.

After discussion among the members of the board, Mr. Romano made a motion to extend the Special Permit for two (2) years as requested. This motion was seconded by Ms. Brasili and passed with a unanimous vote.

A motion by Mr. Romano to adjourn was seconded by Ms. Brasili and passed with a unanimous vote. The meeting was adjourned at 9:45 PM.

The next regularly scheduled meeting of the ZBA is Thursday, March 16, 2017.

	<u>3-16-17</u>
Donald Frigoletto, Chairman	Date