

November 20th 2023 Bylaw Review Committee Meeting

Item 1 | Call to Order

November 20, 2023 Bylaw Review Committee meeting called to order at 7:01 via Zoom.

Members present: Chair Dan Lieber, Kevin York, Tim Lilley, Joseph Pride, Lucy Fox, Katherine Howitt. Attorney Mark Bobrowski and members of public also present.

All votes were taken by roll call.

Item 2 | Public Engagement

Member of the public confirmed with Chair Lieber that she can offer suggestions and raise questions throughout the meeting as we walk through the individual bylaws.

Item 3 | Minutes from November 6, 2023

Motion to approve minutes from November 6, 2023 meeting, with one small technical amendment (clarifying that all votes were taken by roll call.) Joe moves to vote, Lucy seconds.

Eric Reid joined the meeting at 7:05.

Motion passes with 1 present vote (Eric) and the rest were yes votes.

Item 4 | Review Zoning Bylaws

A.190-111 Cannabis Moratorium

Our current cannabis moratorium has expired, so Attorney Bobrowski recommends striking it. He raised that unless the town adopts specific bylaws regulating cannabis sale and growth, someone could apply for a cannabis retail store or farm and it would just be treated as any other retail or agriculture business.

Attorney Bobrowski will develop draft language for separate bylaw on this matter.

D.8.3 Open Space Development

Attorney Bobrowski recommends striking "to protect the value of real property" since courts have already made clear that you have to tether that to another zoning-related injury (noise, traffic, etc) to have standing. If protecting value of property gives standing, it makes it too easy to sue.

A member of the public raised a discussion about the wetlands section. She is worried 20 feet (currently in the bylaw) is an insufficient buffer area, also worried because current bylaw allows driveways on the buffer. Attorney Bobrowski suggested that the town adopt a wetlands bylaw that fills in loopholes in the state regulations on this matter, and then allow the conservation commission to adopt rules and regulations to administer the bylaw; all the details for local wetlands permits would then be in those rules and regulations.

E.8.4 Trailers

Attorney Bobrowski didn't recommend any changes to this section.

Committee discussed upping the time someone can live in a trailer or mobile home on their property while waiting for their home to be rebuilt after a fire or natural catastrophe. Committee recommends that Mark draft language to increase that time from 12 months (in the current bylaw) to 18 months, along with language that allows this period to be extended for up to 12 months at a time by the building inspector for good cause.

G.9.2 Municipal Building Reuse Overlay

Attorney Bobrowski didn't suggest any changes to this section.

H.9.3 Creative Overlay

Attorney Bobrowski suggested new language for a traffic demand management plan that can reduce number of parking spaces needed.

Committee discussed, but ultimately decided against, an exemption process from parking requirements for buildings that can show good cause.

J. Accessory Uses

Committee discussed making two changes to increase the availability of accessory apartments (and therefore increase the housing stock in the town): removing the requirement that a family member live in the accessory apartment and removing the requirement that the accessory apartment must be in the primary structure.

The committee also discussed making the permit for the accessory apartment last 5 years (or to sale); the owner would need to attest that they are still living on the property to renew the permit.

Attorney Bobrowski will draft these changes.

C.7.4 Adult Uses

Attorney Bobrowski made suggestions to keep the spirit of our current bylaw but put it in language and a framework that makes it constitutional (since adult uses are protected by free speech laws.)

F.8.6 Affordability

Deferred to next meeting.

B.6.4 Performance Standards

Deferred to next meeting.

I.6.1 Parking and Loading

Deferred to next meeting.

Item 5 | Upcoming Dates

A.Next Meeting(s): Monday, December 4, 7:00 PM; after that Monday, December 18, 7:00PM

B.Holidays: Thanksgiving - November 23, Channukah - starts evening of December 7, Christmas - December 25, Kwanzaa - December 26

Item 6 | Adjournment

Kevin moves to adjourn; Tim seconds.

Unanimous vote to adjourn at 8:52pm.

Minutes approved 12/18/2023.