

PLANNING BOARD
Minutes
Monday May 2, 2011

Members present: Philip Helmes, Jim Bishop, Edward Nilsson, Kurt James and Russell Beck.
Others present: Becky Curran – Town Planner and Lisa Mead – Asst. Town Counsel.

The meeting was called to order at 7:15 pm. at the Performance Arts Center in the Veterans Middle school.

Cont public hearing on Zoning articles for the 2011 Town Meeting

Charles LeRay attorney for proponent Wayne Johnson explained that they submitted an amendment to article 36. The amendment changes the requirement for lot width in the single residence district from 75% to 60% rather than the original article which changed the requirement for lot width to only extend back to the front of a structure.

Discussion ensued on the original article. The planning board reiterated that they do not think that there is a problem with lot width in the single residence district and believes that this article has been proposed - not to fix a problem with the town zoning - but to remedy the non conformity of one parcel of land. Member also discussed the fact that it reverses a very important change that was made in 1994. A change in the lot width requirement to create more uniform shaped lots. The board felt that this provision has been quite effective and has eliminated the problem of so called "rat tails" "pork chop lots" or "funnel lots".

A motion was made and seconded to oppose Article 36 as written and recommends to town meeting that this amendment not be adopted. All in favor.

Discussion ensued on Article 36 AS AMENDED. The board then discussed the impacts of this agreeing that the planning board's job is to look at any article that proposes to change the zoning bylaw and determine what effect it will have on the town's zoning. The planning board discussed the impact data that eight lots in the single residence district have lot width as their only non conformity and therefore would be fully conforming if this amendment were passed. And that five others listed below have other nonconformities already in addition to lot width so if the amendment to 36 passed they would have one less nonconformity or if the existing houses were removed the lots would be conforming.

The board debated the consequence to new developments. It was discussed that since density is controlled primarily by area and frontage it will not have a significant effect, if any, on future density. The reason that lot width was amended in 1994 was to control the general shape of lots to make them more uniform. The amendment would not affect this.

Jim Bishop stated his opposition to this and thinks it will have a larger unintended impact.

Frank McElroy stated he felt there was no rationale for the article and he was part of the planning board's zoning subcommittee that proposed the lot width amendment in 1994

and that the 75% dimension la was not arbitrary and urge the board to vote to indefinitely postpone the amendment.

John Shey Bubier Road asked if the board was aware that the articles impact him and his property exclusively. The planner explained that the board has to look at any citizen sponsored zoning article and weight the impacts on the town and the benefits to the town.

Fran Mayo Harborview are was concerned about the process.

The board disused their displeasure with the practice of to make changes to the zoning bylaw to remedy one lots zoning deficiencies. Rather the zoning bylaw should be amended only when a chronic problem arises a new provision is introduced.

A motion was made and seconded to explain the impact and benefits and make no recommendation on this article. 4-1 vote (Nilsson, Helmes, Beck and James in favor, Bishop opposed)

The public hearing on Article 36 was closed.

No recommendation was made on Article 37.

The meeting was adjourned at 7:40 pm

Respectfully submitted,

Rebecca Curran