



**APPROVED MINUTES**  
**PLANNING BOARD MEETING**  
**DATE: 3/8/2023 TIME: 6:30 PM**  
**WILLCUTT COMMONS, 91 SOHIER STREET**  
**AVAILABLE ON A ZOOM PLATFORM**

**MEMBERS IN ATTENDANCE:**

Tom Callahan (TC), Chair  
Amy Glasmeier (AG), Vice Chair  
Clark Brewer (CB), Member  
Deirdre Hobson (DH), Member  
Chris Plecs (CP), Member  
Kevin Heine (KH), Associate Member

**STAFF IN ATTENDANCE:**

Cassandra Thayer (CT), Assistant Planner  
Lauren Lind (LL), Interim Planner  
Judith Cutler (JC), KP Law-Town Counsel  
John Hallin (JH), Building Superintendent  
Angela Geso, Recording Secretary

**OTHERS IN ATTENDANCE:**

Steven Bjorklund (SB)  
Mike Sardina (MS)  
Jack Creighton (JC)

**Open Meeting @ 6.30 PM Call to Order**

**Roll Call Attendance: T. Callahan – Aye; A. Glasmeier – Aye; C. Brewer – Aye; D. Hobson – Aye; C. Plecs – Aye; K. Heine – Aye**

JC provided some guidance on the Zoning Bylaw Committee who are appointed by the Select Board. The main thing is to make the bylaws more user-friendly. Tonight the board will review recommendations for clarity and organization with an article-by-article analysis to improve the impact of the bylaws. The amendments to be discussed tonight will include non-confirming uses, structures, signage, administration and enforcement.

**ZONING BYLAW PRESENTATION**

**Articles 1 and 13: Authority and Purposes**

Article 1 relates to the validity of the zoning bylaw by combining the two articles and eventually eliminating Article 13. It also serves to eliminate redundant and unnecessary language. The major change for this article is adding purposes for the zoning bylaw to:

- Conserve natural resources and prevent pollution of the environment;
- Encourage diverse housing options;
- Encourage the most appropriate use of land in accordance with the objectives and recommendations of the Town's Master Plan.

**Article 3: Zoning Districts** includes editorial changes to update to list of zoning districts and the referenced zoning district maps. The article clarifies the rules for interpreting the zoning district boundaries. It also alters the current rules for extending use regulations of one district into a second

district where the zoning boundary divides a lot by clarifying that the extension rule does not apply to any Overlay Districts. A change was made where if you are transferring use from one portion up to 30-ft. into the lot, zone it for business.

**Article 6: Signs** has three (3) changes:

- 1. Regulation of political signs:**
  - (a) The changes make the regulations for "Political Signs" apply to any other signs with non-commercial messages protected by the First Amendment
  - (b) The definition of "Political Sign" would be replaced by a revised definition for "Political or Noncommercial" signs
  - (c) Temporary Political Signs will be separately defined and be allowed without a permit for up to 60 days
- 2. Express Exemption of certain governmental signs**
  - (a) Signs erected by the Commonwealth and Federal Government are exempt from local sign regulations
  - (b) Exempts signs erected by the Town on land and structures used by the Town
- 3. Imposes maximum height limited of free-standing signs**
  - (a) 10 ft in Residential Districts
  - (b) 20 ft in Business and Industrial Districts

**Article 8: Nonconforming Uses, Structures and Lots:**

The revised text makes changes to the existing article to clarify certain provisions and update the bylaw in accordance with State law. Several paragraphs concerning zoning freezes will be removed. The Single Lot exemption provisions apply to lots of single family used within the residential districts. Abandonment of a nonconforming use or structure includes non-use for two years or longer. An additional substantive amendment will be presented under a second motion to insert a cut-off date on June 30, 2023 for eligibility under the bylaws additional exemptions for certain nonconforming lots.

**Article 12: Administration and Enforcement**

The proposed amendments are editorial and organizational changes intended to clarify existing provisions, improve internal consistency and improve consistency with State Law. The fine for zoning violations is increased from \$100 to \$300 per day. New Site Plan Review requirements and procedures are proposed to replace the current provisions.

## **DISCUSSION**

Contractor Steve Bjorklund (SB) asked for clarification on a floating zone of 30-ft. up to 200-ft. when it should be 50-ft. He said any increase in area frontage does not apply to a lot with single family use. JC said there may be districts with some lots created since 1955. Potentially it could happen, but research needs to be done. The definition of height for a building requires certainty and precision and to how height is measured. Everyone uses the same base line to establish height as the highest point of a building measured at the roof line defined as the top of a parapet or main use surface, the deck line of a mansard roof or rich sign of pitched, gambrel and hip roofs. TC asked how we determine the height from bottom to top and that 35-ft. is the maximum height allowance. SB said for clarification it is needed to take at least twelve (12) grade measurements. TC wants height measured from pre-construction grade and to not bring in fill to start measuring. Mike Sardina (MS) said in order to establish pre-construction grade it has to be determined. A finished foundation suggests concrete in the ground and maybe it shouldn't be called "finished" if there is not concrete. To figure out what the grades are TC suggested trying to do a starting point for 35-ft. of height and to allow a 10-ft. measuring beginning which is part of the existing way the board does things. JH said the measurements are done piecemeal but give us more flexibility. MS suggested making it more defined at pre-construction. TC said go with twelve (12) equidistant grade measurements rather than ten (10).

**VOTING ON ARTICLES:**

**Articles 1 and 13 Amendments: Authority and Purposes**

Three (3) additional purposes are being added to the existing purposes:

1. To conserve natural resources and prevent pollution of the environment.
2. To encourage diverse housing opportunities.
3. To encourage the most appropriate use of land in accordance with the objectives and recommendations of the Town's Master Plan.

After much discussion, the word "opportunities" was changed to "options". AG said going forward we should adopt language that will include climate change and natural disasters, and to regulate development in environmental areas. TC said this might be already covered.

**MOTION:** By Chair Callahan to give a positive recommendation to Article 1 and 13 with change of "opportunity" to "options".  
**SECOND:** Member Brewer  
**ROLL CALL VOTE:** T. Callahan – Aye; A. Glasmeier – Aye; C. Brewer – Aye; D. Hobson – Aye; C. Plecs – Aye; K. Heine – Aye  
**MOTION PASSES:** 6-0-0 Unanimous

**Article 3 - Zoning Districts:**

JC said we need to rewrite the article more than just changing it. Cluster developments are allowed in two (2) areas. An Overlay District has been removed. The zoning map has been rewritten to be more concise and to include references to maps. Use regulations for either district is extended up to 50-ft.

**MOTION:** By Chair Callahan to give a positive recommendation to Article 3 with changes as noted.  
**SECOND:** Member Hobson  
**ROLL CALL VOTE:** T. Callahan – Aye; A. Glasmeier – Aye; C. Brewer – Aye; D. Hobson – Aye; C. Plecs – Aye; K. Heine – Aye  
**MOTION PASSES:** 6-0-0 Unanimous

**Article 6 – Signs:**

The primary changes are organizational and editorial and include replacing "Political Sign:" with "Political or Non-Commercial Sign" and imposing a maximum height limit on free-standing signs of 10-ft. in Residential and 20-ft. in Business/Industrial districts.

**MOTION:** By Chair Callahan to give a positive recommendation to Article 6 with changes as noted.  
**SECOND:** Member Hobson  
**ROLL CALL VOTE:** T. Callahan – Aye; A. Glasmeier – Aye; C. Brewer – Aye; D. Hobson – Aye; C. Plecs – Aye; K. Heine – Aye  
**MOTION PASSES:** 6-0-0 Unanimous

**ARTICLE 8 – Nonconforming Uses, Structures and Lots:**

CB asked if someone came in with two (2) conforming lots prior to June 23, 2023 would it be protected and TC said it would. The deadline is June 23. The most significant editorial changes include removal of several paragraphs concerning zoning freezes created by filing plans and that the Single Lot Exemption applies only to single family use within Residential Districts. It was also stated that "abandonment" of a nonconforming use includes non-use for two years or longer. It is the responsibility of the Planning Board to administer a site plan review.

**MOTION:** By Chair Callahan to give a positive recommendation to Article 8 with changes as noted.  
**SECOND:** Member Hobson  
**ROLL CALL VOTE:** T. Callahan – Aye; A. Glasmeier – Aye; C. Brewer – Aye; D. Hobson – Aye; C. Plecs – Aye; K. Heine – Aye  
**MOTION PASSES:** 6-0-0 Unanimous

**ARTICLE 12 – Administration and Enforcement:**

The fine for zoning violations is increased from \$100 to \$300 per day per violation. “Substantial alteration” is one that results in an increase of 500 sq. ft. or 10% of the existing gross floor area, whichever is more. It is the responsibility of the Planning Board to administer a site plan review.

**MOTION:** By Chair Callahan to give a positive recommendation to Article 12 with changes as noted.  
**SECOND:** Member Hobson  
**ROLL CALL VOTE:** T. Callahan – Aye; A. Glasmeier – Aye; C. Brewer – Aye; D. Hobson – Aye; C. Plecs – Aye; K. Heine – Aye  
**MOTION PASSES:** 6-0-0 Unanimous

**MOTION:** By Chair Callahan to continue the hearing on the zoning articles to 3/22/23 at 6:30 pm and include deliberations.  
**SECOND:** Member Brewer  
**ROLL CALL VOTE:** T. Callahan – Aye; A. Glasmeier – Aye; C. Brewer – Aye; D. Hobson – Aye; C. Plecs – Aye; K. Heine – Aye  
**MOTION PASSES:** 6-0-0 Unanimous

**DISCUSSION: HEIGHT SECTION**

AG would like to see more science applied to our applications because we owe it to the town to make scientific decisions. CP supports height with 12 equidistant grade measurements as opposed to 10. KH is concerned with the 10-ft. measurement as it’s hard to drop plumb down the side. MS said the measurement could also be done on 1-ft. contour intervals and we should consider using these. SB said big homes will get done but JH will be stuck with the smaller homes. TC said that JH can handle it and if he sees something unusual he will bring it to the attention of Planning and/or Zoning. CB feels this article should be tabled and incorporated into a major review of the zoning bylaw because it’s an important piece of the puzzle. He said the 5-ft. height difference will affect projects and that it doesn’t address flood plains. TC asked for clarifications and said it depends on how you measure stories. He stated that the town has had four (4) years with a 35-ft. height limit but a peaked roof construction is a loophole as it allows for a 40-ft. structure and that One (1) Pleasant Street is doing a 3-story building within our limits. We are facing a different development world and if we think 35-ft. is unreasonable we can change it at Fall Town Meeting.

With no further business to discuss a motion was made to close the hearing.

**MOTION:** By Chair Callahan to close the meeting and continue to 3/22/23 at 7 pm.  
**SECOND:** By Vice Chair Glasmeier  
**ROLL CALL VOTE:** T. Callahan – Aye; A. Glasmeier – Aye; C. Brewer – Aye; D. Hobson – Aye; C. Plecs – Aye; K. Heine – Aye  
**MOTION PASSES:** 6-0-0 Unanimous