

Meeting 8/28/2019

Attendees:

Dick Wentzel  
Rich Bielecki  
Susanne Hamilton  
John Millholland  
Greg Quinn  
Gregg Wilson- on phone  
Andrew Kaye  
Jen Wadland – Secretary for meeting  
Kathy Corbo- arrived 7:15  
Matthew Sisk  
Tim Burke  
Lee Castignetti  
Janet Daylor

Non-Conforming--- Town Solicitor

Protection for Non-Conforming lots---

Non-Conforming Structures-- lots of protection for non-conforming residential structures--  
- what kind of modifications or changes do you allow to a non-conforming. Lots of  
leeway here--- single and two family...  
not as much for multifamily-- or business. Under Section 6. Section 6 very tough to  
understand- inconsistent, incomplete and  
difficult to follow.

Section 4.8-- Revision of Section 6 State Law

Section A.- State Law

Section B- #5--- Question on substantially more detrimental--- vague? For the zoning  
board to decide on this-- the state has defined what the zoning board should look at---  
the zba should decide whether the proposed change is not substantially  
more detrimental to the neighborhood than what is currently there. Section 6 says the  
ZBA shall make a finding-- towns  
can make this a special permit requirement, don't need a super majority vote if the ZBA  
hears it-- don't need advertising  
or public notice.

#2-- TYPO or ERROR--- 4th line--- should be the provided that the use OR the  
construction of the structure is commenced within the  
twelve months....

#4- Lee Castignetti - Question he had--is the request to obtain a variance-- taking a  
conforming lot, making it non-conforming-- and then get a variance

so it's non-conforming. Example- give next door neighbor land--- can you do that via the variance-- can i obtain a variance and engage in the process--- giving away land-- Solicitor decided to take another look at this.

### C. Non-Conforming Uses

What constitutes change--- "substantial extension"--- look at if there is change to nature and purpose of the use- impact on the neighborhood.

Expansion in hours- generally not considered change in use- unless very significantly changed---

1. Non-conforming use, wants to change to non-conforming use--- should you allow it-- proposes-- ZBA can approve- Braintree does not allow use variances--- non conforming use- person willing to turn it into another conforming use--- but better for town-- lots of questions on this-- we can take this out---- we don't have to keep this. WE NEED TO VOTE ON THIS AS A GROUP

2. substantial extension--- Could apply to footprint. Could apply to hours... seasonal openings--

3. Typo pf-- OF

D. Structures--- state law makes differentiation between single/2 family v. all else. D Applies to everything but single, 2 Family

Variances required for new non-conformities, increase extent of non-conformity, shall be more detrimental to the neighborhood

You have to meet #1 and #2--- you have to go for variance

### E. Single Family/2 Family

State law much more lenient --

1. Deals with structure that meets all the setbacks-- but on non-conforming lot because it does not have enough frontage--

some changes that are minimal that should be left to building inspector--- so if the structural change meets the other setbacks- excludes re construction

if you put an addition, and the addition conforms, existing house meets the setbacks-- exception is frontage and lot area. This is a policy choice--- thought was not

to make everyone go to the ZBA-- this avoids the one wall issue--- and that would be considered re construction by the new definition - FAR does apply (#1 is in current By law-- (section 403 existing by law) --- Jill Coyle (Resident) could not find this in the current bylaws

2. Structure is non-conforming-- doesn't meet the dimensional requirements-- but change will make it conforming--- so reconstruction excluded-- rear addition, meets

set back in the rear--

3. Reconstruction-- /demolition--- existing non conformity-- make it worse... violate setbacks even more--- all you need to get is a finding from the ZBA-- apply for the special

Permit before you tear down--- re construction does include a tear down or significant amount--- don't have to use the same footprint--

4. New non conformities-- courts say this would requires a variance.

F. What point do you lose the non-conforming right by not using it any longer---

1. Abandoned (intent of the owner-- have they shown an intent not to use- did they renovate--- / discontinued-(means not using it period- 2 years)--

After more than 2 years you cannot reestablish that non-conforming use---- could not resume non-conforming use.

2. Rebuilt a non-conforming house-- within 2 years--- substantially completed within 2 years

3. A Structure- business that is non-conforming-- you have to re build to conform-- this is a change from current by law--- it's optional--

Section 5- O and R

Page 33

Lot Width-- discussion--

Should it be measured from the rear portion of the lot or from the set back-

Section B--- 20 Feet from the set back or bring it in to the set back – Jill Coyle

(Resident) /Melissa Planning Department

Increase the 65% in lot width-- should be 80 or so---

This needs to get addressed- two points here--- should the lot width be measured from rear set back or from rear- and frontage---

Discussion about parking in front of structures--- for example a breezeway-- agree to disagree here--- we may want to vote on this

Section E-- Billboard- out- page 35

B2- Landscaped Space--- 10 feet of a residential within General Business--- Make note of this--- change to 20 feet--

Open Space- 30 Feet--- took this out--- Page 37--

Changing the residential C--- for every bedroom so much open space. Res C- change from one acre to half acre---

FAR Spreadsheet- from staff w other cities, towns-- to be forwarded by Christine

5.9- Sheds-

smaller shed-- with less set back--- concerns over 18 Feet--- put in our recommendations and vote on it

Lee Castignetti --- asks about the FAR in Res A---- Res B--- .80 doesn't make any sense--- so if you want to build a single family home= Lee come up and make recommendation on this

Amendment to inclusionary-  
over 100 -- 7 unit per acre density-- 15% doesn't work--

Until they work on density - it doesn't work--- changed it from 20 units per acre--- lowered to 12 units per acre---  
issue- Density bonus--

Susanne to send out areas that were unchanged from past zoning to new zoning-