

Middleton Zoning Bylaw Review Committee
Middleton, MA
MINUTES OF THE MEETING
April 4, 2022

The Middleton Zoning Bylaw Review Committee met at a regularly meeting
on April 4 at 7:00 pm,
This meeting was conducted via an internet-based meeting space.

The following committee members were in attendance:
Co-Chairs David Parker and Natalie Lovett
Members Annie Wilton, and Lisa Sheehan
Also in attendance: Katrina O’Leary, Town Planner
And Jay Talerman, Town Counsel

Meeting called to order at 7:00 PM

Approval of Minutes

Need to approve minutes from January 3, 2022 and November 29, 2021.

November minutes – Annie Wilton ---- one correction in first paragraph ‘take some areas where.....’ --- typo.
Was typed as ‘were’, should be ‘where’.

MOTION: Made by Annie Wilton to approve the minutes from November 29, 2021 with the one grammatical correction of ‘were’ to ‘where’. Motion seconded by David Parker. Roll call vote:

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|----------------|-----|
| David Parker | yes |
| Natalie Lovett | yes |
| Annie Wilton | yes |
| Lisa Sheehan | yes |

Vote 4-0 in favor, motion carried.

MOTION: Made by Annie Wilson to approve the minutes as written from January 3, 2022 meeting. Motion seconded by Natalie Lovett. Roll call vote:

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|----------------|-----|
| David Parker | yes |
| Natalie Lovett | yes |
| Annie Wilton | yes |
| Lisa Sheehan | yes |

Vote 4-0 in favor, motion carried.

Discuss notes on bylaw modifications as recommended by Town Counsel

Continued discussion between Jay Talerman and the committee on his recent audit of the current Bylaws. Discussion started with Section 6.2.

Language on earth removal process – as per Jay Talerman, language is fine, a little light. Some of the problem is what is ‘accessory’ use. Both the Planning Board and ZBA would like to see this tightened up a bit, so developers aren’t selling off the topsoil and then needing to put in irrigation systems because the grass is dying. They want them to keep the topsoil. Another recent example was that the 99 Restaurant was granted an earth removal permit, but they didn’t use it for that. Since they knew there wouldn’t be construction from some time, they used the lot to dump earth and then move it somewhere else. The Town doesn’t want this. We would like to add some language to limit earth removal to what you take out for excavation; example to dig a basement. Mr. Talerman – earth importation is very different from earth removal and would be considered illegal. Often see some degree of specificity in a subdivision as part of a special permit. You can highlight what ‘accessory’ could be. Katrina O’Leary --- maybe add a note right now that this needs to be revisited with some specific examples and tighten up the language. Mr. Talerman suggests not allowing it ‘by right’ – it you require a special permit than it’s easier for the Town to control.

Section 6.3.3 – as per Katrina O’Leary had requested to take away the waiver by special permit

Section 6.3.4 --- grade of driveway. Recommendation is to leave as is

Section 6.3.6 – moving from Board of Appeals to Planning Board. That is how most towns do it but Middleton does it backwards. Will move to Planning Board as their agenda is typically lighter and has more experience and generally deals with residential and subdivisions.

Section 6.5 – Telecommunication facilities, will likely need more discussion. Can’t prohibit per se unless duplicative service or a demonstrable public safety problem. Have the bylaw say less and require a special permit. Current bylaw says it is allowed in certain districts – we might want to change/remove that. Mr. Talerman indicated that if we haven’t had any problems, can just leave it.

Section 6.6.1 – industrial parks. Had a developer use some residential land to qualify for the square footage needed to be considered an industrial park. Can we adjust the wording so that the 320,000 sf needed for an industrial park all be within the industrial zone? Could add ‘in an industrially zoned district’ if you want the specification.

Section 6.7.1 --- building permit on unconstructed way – ‘by special permit from the Planning Board’ to provide the authority to have the process to allow. This way the Planning Board can enforce what they need from a subdivision perspective

Section 7.1 – multi-family. Do we want to allow a 2-family home to be built by right if the lot meets all of the requirements? The Committee had a few concerns about if wetlands/unusable land can be used for the square footage minimum. Needs more discussion. Sections 7.1 and 7.2 need to be reviewed and rewritten.

Section 7.3 – flexible development. Mr. Talerman would recommend keeping it by special permit so the Town can have some ability to review and recommend.

Section 7.4 – needs to be removed

Section 8.1 – floodplain overlay. They have not changed our maps. As per Mr. Talerman, the maps will be changed. Will wait for that notification.

Section 8.3 – institutional overlay district. Not sure of it's need.

Section 9.3.1 --- need to formalize the Selectboard to appoint associate members to the Board of Appeal

Section 9.4.8 – bring it up to the new statute that allows 36 months

Section 9.5.2.1 – garden apartments. The definition should be reviewed

Section 9.5.2.4 – This would be a new provision, to add site plan review for changes for commercial uses in residential zones. We should add signs to this section as well

Section 9.5.2.5 – Educational uses. New provision to have educational uses go through site plan review. Allows review of parking and safety

Section 9.5.2.6 – Signs. New provision

Section 9.5.5 – add sub-section f to add electronic

Katrina and Annie Wilton will share their notes. Then send to Mr. Talerman to review in order to be able to draft a report for Town Meeting. Natalie Lovett wants to make sure that the combined notes indicate where it was committee discussion vs. policy recommendations or substantive recommendations on legal issues. David Parker agreed that there should be notes regarding the committee's discussion as to why we're recommending something. It would be good for the next recipient to understand some of the discussion that took place to provide some history as to the why. The committee agreed to provide a quick update as to where they are and then will pass on recommendations as soon as ready. Natalie suggested a quick next meeting to draft the report to be given at Town Meeting.

Schedule next meeting

The committee agreed to meet on May 2, 2022 at 7:00 pm via Zoom to draft the report to be given at Town Meeting.

Adjournment

Meeting adjourned at 8:48 pm

Respectfully submitted by Amy Becker, recording secretary