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TOWN OF GROVELAND

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**Town of Groveland
Planning Board
Zoning by Law Hearing**

Date: March 7, 2017

Members Present:

PB: Jim Freer, Jonathan Perkins, Walter Sorenson, Bob Arakelian

ZBA: Kacie Bailey, Kathy Franson

BI: Sam Joslin

Members Absent: Lisa Chandler

Others Present: Mitch Kroner, Larry Ogden, Eric Harper, Kathleen Delisle, Andy Copleton, Joseph Ryer, Danelle Gatcombe, Cilieen Murray, Lucas Murray, Grace Stokes, Debby Webster

Minutes Secretary: Amy Bedard (by dvd & notes)

Zoning By Law Hearing:

Freer reads the legal notice ... The PB will hold a public hearing on Tuesday, March 7, 2017 @ 8:00pm in the main meeting room at Town Hall, 183 Main St. Groveland, MA 01834 to consider a recodification of proposed amendments to the Groveland Zoning Bylaws in their entirety, including the addition and deletion of permitted and special permitted uses in all districts, amendments to dimensional regulations, new regulations governing parking, non-conformities, site plan approvals, signs, administration and enforcement and deletions of and amendments to definitions and other existing regulations. The complete text of the proposed new Zoning By-law

is on file with the Town Clerk and may be inspected there during normal business hours at the Library or on the town's web site at www.grovelandma.com.

Sorenson motions to open the Public Hearing New Groveland Zoning Bylaw of March 7, 2017 @ 7:05pm, seconded by Freer. All members are in favor. Vote is unanimous. Meeting opens.

Sorenson asks if there are any objections to the public notice ... no objections noted.

Freer shows the notice that was advertised two times in the Eagle Tribune on 2/21/17 and 2/28/17.

Freer states the copies have been at the Town Hall and the Library for review and on the town web site. There was also a reverse 911 call to all Groveland residents about the hearing too.

Freer gives a brief history of when the new Zoning By-law started. Freer states the project started in 2005 by the Zoning Board asking for the law firm of Blatman, Bobrowski and Mead to rewrite the Zoning By-law. The PB went along with the choice. The new Zoning By-law was completed in 2007. The PB reviewed the new Zoning By-law, questions were asked by the PB to get a better understanding of the changes that were made. The changes that were made brought the new By-law into conformance with the current state laws and court decisions at that time. The new Bylaw was given to the Zoning Board to review on suggestion by the BOS in 2007. The Zoning Board neither met with Lisa Mead, nor did they respond to the PB by 2009. The selectman did not want to go forward to the Town Meeting with a new Zoning By-law. Freer states it caused some problems and the issues rearose in 2013 due to new member on both the Selectman and Zoning Board. PB tried to amend the old Zoning By-law in 2014 to take care of the existing problems at that time. The changes that town counsel suggested led back to the format of the new Zoning-Bylaw. Freer states it is very difficult to change the existing By-law. Freer states he attempted to do it, the law firms have tried and the Building Inspector tried. Freer states the Selectman wanted a complete review of the new Zoning By-law by Town Counsel in late 2014. Because of budget constraints the review started in late 2015. The review by Town Counsel also clarified parts of the new Zoning By-law which would have no major changes going before the Town Meeting in 2016. Major changes would be taken up at future Town Meetings one at a time. The review ran late into April 2016 and was subsequently tabled at Town Meeting. A Team of two PB members, two Zoning Board members and the Building Inspector then began work on the Zoning By-law again in the summer of 2016 and continued into February of 2017. The team simplified various definitions, expanded by right business uses, reviewed state laws and court decisions and updated additional language for clarification.

Freer states the reason for doing this is because back in 1988 the courts told the Town of Groveland to rewrite the Zoning Bylaw because nothing was worthy of hitting the courts at that point. The Zoning Bylaw was last updated in 1975. Freer states there were some new sections added along the way. Freer states as they began to get into this with the recent committee they saw that there were some great changes from the law firms but there was a lot of information that didn't line up. Freer states that is what took time. Freer states at this point they are here to review it section by section. The primary purposes of the Groveland Town By-law revision are to reorganize the By-law and make it more user friendly for the public and the town. The modernized bylaw brings it into compliance with changes in the law by also expanding the scope of uses that are permitted in each Zoning District without using a special permit it was not the intent to address areas that could use improvement but not otherwise substantially deficient. The Zoning committee started with this in 2007 and used the version that was slated to be on the 2016 annual town warrant.

On the screen is the general provision ...

Freer states on the first and second page there are seven points.

Freer states these changes were initially rewritten by Blatman, Bobrowski and Mead. Freer states it was a good start to the Zoning By-law. When Kolpeman interceded a year ago they accepted everything Bobrowski had done at that point. Kolpeman did make changes.

Section two is the definitions. Freer states there are some changes and some have no changes. The changes made were to line up with the uses in the By-law. Freer states they put a few businesses definitions together that are basically the same. Joslin states they just clarified some words and deleted words that didn't need to be in there. Joselin states this is the starting line they are not even close to the finish.

Freer states that both law firms informed the PB that it is the format for the future as to where you would make changes.

Freer asks if there are any definitions people want to discuss ...

Kathleen Delisle states she would like some clarification on the home occupation definition and she is wondering who needs a special permit.

Freer states they are resetting this to what it was. The PB agrees it needs to have a major change. Joselin states he knows this needs to be addressed and if this passes this item will be on the top of the list to be changed and more clear. Joselin states yes under the current By-law you still need a special permit. Freer states the permit was created for tax purposes so they could see people where writing off their home office. Sorenson states that there is a registration form in the town and there is a bill he believes every 10 years for the home occupation use / office equipment.

Joslin states they will take the top 5 hot items from Town Meeting and address those.

Mitch Kroner addresses the PB and thanks them for all their hard work. Mitch states he thinks they should have listened and left more alone. Mitch states he disagrees if you put it in the table of uses that specifically states all home occupations will need a permit. Mitch asks why not just allow it as a mater or right.

Joseph Ryan 865 Main St. states in March 2000 he got a permit for a 120' cell tower which was appealed he came out of court July 21, 2001 winning the case and he wants to confirm the permit it still valid. Freer states he discussed this with Ryan before and yes his permit is still valid.

Debbie Webster 45 Wood St states she works at the Accessors Office. Webster states by having everything going to special permit it at least gives it consistency. Webster states this is the problem she has seen for the last 16 years and absolutely work on home occupation soon but feel consistency is best for now.

Larry Ogden from 198 E Main St. from Georgetown states he works with Eric Harper who is probably the 2nd largest property owner in Groveland. Larry states he has put together a letter/list of items that are for clarification and suggestions. Larry reads from the letter some highlighted points ... Larry states permitted use rule in section 4.1 all uses not expressly permitted are prohibited. The exclusionary rule should not apply to accessory uses in their opinion. The second item is the use authorization permit section 4.3 they put an attachment with wording changes. Site Plan review is a rigorous process that requires extensive information, the review may be completed in conjunction with a special permit from the PB after which are the Zoning and non-conforming can be sought. All special permits are good for 3 years and site plan approvals should likewise be good for 3 years.

Eric states he does feel that the Town does need a By-law change and yes you need things to be defined well so people can understand it. Sorenson states the PB has done extensions many times.

Freer states they want to address everything just one thing at a time.

Sorenson asks if anyone has any spot questions in case they are unable to attend the continuance.

Mitch Kroner has another question regarding accessory apartment. Mitch states he feels he was either mislead or it was a misunderstanding. Kroner directs the PB to section of the current By-Law that they have made changes to but did not highlight in green. Accessory Apartments must be attached to the primary single family structure this was the practice of the PB but was vague in the Zoning By-law. Mitch wants the PB to leave the language as it is and make no changes. Sam states under the current Bylaw there are two sections one permit from PB one from Zoning.

Bailey states she was the one who was responsible for highlighting and it was an error on her part.

Sorenson motions no change to Section 7.1 Accessory Apartments, seconded by Perkins. All members are in favor. Vote is unanimous.

Sorenson motions PB/ZBA Hearing continuance to 3/14/17, seconded by Perkins. All members are in favor. Vote is unanimous.

Adjournment:

Sorenson motions to adjourn at 9:32pm, seconded by Perkins. All members are in favor. Vote is unanimous. Meeting is adjourned.