

**MINUTES OF THE TOWN COUNCIL
ORDINANCE COMMITTEE
Town Hall Council Chambers
December 16, 2013 - Monday**

Present: Michael Smart, Chairman
Jane Hackett, Vice Chairman
Kenneth DiFazio, Councilor
Ed Harrington, Councilor

Not present: Arthur Mathews, Councilor

Also Present: George Lane, Town Solicitor
James Clarke, Director, Planning & Community Development
Abby McCabe, Principal Planner

Recording Secretary: Mary Barker

Chairman Smart called the meeting to order at 6:34 PM.

13 127-Amendment to the Zoning Ordinance “Exceptions by Zoning Board of Appeals” Section

Planning Director James Clarke and Principal Planner Abby McCabe presented the measure to the committee. It was forwarded to the Council on November 18, 2013. Mr. Clarke reviewed section 120-53 of the ordinance and gave a brief background of the zoning. 120-53 allows for an applicant to submit for special permit if the adjoining neighborhood is largely built. The proposal is a result of the concerns of the Board of Zoning Appeals relative to what determines the size of a neighborhood; the language in the zoning, which dates back to the 1940's is ambiguous. There are neighborhoods along Routes 18 and 53 that are similar lot sizes of less than 25,000 square feet. The special permit is for residential only. With the proposed change, an applicant can apply to subdivide only if there are at least 40,000 square feet, and the minimum lot size must meet 17,5000 square feet and frontage requirements. It brings some order to what the board has to look at and provides some limitations.

Abby McCabe reviewed the amendment that was submitted to the BZA. In September, the board received three applications for residential property subdivisions. It prompted them to look at the ordinance to determine some guidelines. She provided a spreadsheet to the committee which reviews applications from 2008 to present, and also provided this as backup to the measure when it was submitted to the Mayor. The town's GIS mapping system was used in the review and also included in the backup. She also provided comparison charts from neighboring communities. Of these, Milton is the only town that offers what is being proposed here. Mr. Clarke noted that a variance is still an option for an applicant if one can support that the application meets the criteria, but the main objective is that the BZA wanted to set firmer guidelines in this section of the ordinance.

Vice Chairman Hackett recommended that Mr. Clarke provide an explanation of differences between Special Permits and Variances at the public hearing to be held during the Town Council meeting.

A MOTION was made by Vice Chairman Hackett to consider no action on measure 13 127 until after the public hearing, motion was seconded by Councilor DiFazio. UNANIMOUSLY VOTED.

ADJOURNMENT

At 6:52 PM, there being no further business, a MOTION was made by Vice Chairman Hackett to ADJOURN and was seconded by Councilor DiFazio. UNANIMOUSLY VOTED.

Respectfully submitted by Mary Barker as Recording Secretary

Approved by Michael Smart as Chairman of the Ordinance Committee
Voted unanimously by Town Council on 27 January 2014