

Zoning Bylaw Amendment

Town of Plymouth
Planning Board
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The Leader in Public Sector Law

Overview of Process

Three Sets (Phases or
Types) of Amendments;
Seven Tasks

Types of Changes

- Typographical and Editorial
- “Minor”
- “Major”

Tasks

- Workshop – 1/7/2014
- Diagnosis
- Critique
- Revisions
- Today’s Meeting
 - Summary Report
 - Revised ZBL (in draft)
- Final Revisions
- Adoption
 - 40A
 - Town Meeting

Zoning Amendment – Sets 1 - 3

- Typographic and Editorial Amendments – No change to current meaning or interpretation
- Minor changes - No substantive change
 - Clarify Ambiguity
 - Eliminate Redundancy
 - Improve Consistency of Terms, Standards
 - Conform Definitions to Applicable Law
 - Delete Sections, Provisions
 - Improve Convenience
- Major Changes Deferred – New Standards; Permits

Sections Not Edited – Reasons Differ

- Sign Bylaw
- Inclusionary Zoning
- Open Space Mixed-Use Development (OSMUD)
- Prevention of Light Pollution
- Cordage Park
- Obery Street Overlay
- Traditional Village Density Development (River Run a/k/a Redbrook)
- Wind Energy Facilities

Zoning Amendments – Tasks 1, 2, 3

- ✓ Task 1 – Meeting with Planning Board and Interested parties – held 10/7/2013
- ✓ Task 2 – Zoning Bylaw Diagnosis and Annotated Outline – held 1/7/2014

Overview of approach and necessary amendment types:

Editorial Issues

Unused Provisions

Legal Conformity

- ✓ Task 3 – Critique ZBL in detail

Zoning Amendments – Tasks 4, 5

- ✓ Task 4 – Revisions Drafted in consultation with Planning Director
- ✓ Task 5 – “Public” Participation – starts now
 - Presentation of draft document to Planning Board
 - Review in detail by Planning Board
 - Public Meeting(s) as Planning Board deems appropriate

Zoning Amendments – Tasks 6, 7

- Task 6 – Final Review and Drafting to incorporate comments
- Task 7 – Public Hearings
 - Chapter 40A
 - Board of Selectmen
 - Advisory and Finance Committee
 - Town Meeting article and vote

Set 1 – Editorial Amendments

“Editorial” = No change in meaning or current interpretation.

- New Section Organization See: TOC
 - Former: §205-1 to §205-76
 - New: §203-§207
- All Definitions now in Section §203-3
 - Except those in currently “Untouched” Sections
- New Section: District Purposes and Intent
 - Consolidates and clarifies existing provisions

Set 1 – Editorial Amendments

Not “legal” in nature, but necessary

- Consistency of Terminology
- Clarity, Specificity of terms
- Brevity, Compactness of narrative
- “Grammaticality”
- Unused Sections eliminated
- Table Format: Uses, Dimensions

Set 2 – “Minor” Amendments

Again, no substantive or legal change

- Ambiguity clarified
- Redundancy eliminated
- Consistency of terms, standards improved
- Definitions consolidated, legal terms used
- Unused Sections, terms eliminated
- Abbreviations, short-forms strategically used

Set 3 – “Major” Amendments

Deferred to next phase for various reasons

- Signs – major project
- Inclusionary Housing
- “Special” sections – historical reasons
 - Cordage Park
 - Light Pollution
 - OSMUD
 - Obery Street
 - Wind Energy Facilities

“Minor” Amendments – A Closer Look

Typographic Changes – “micro” level

- Misspellings
- Unintentionally dropped, repeated words or phrases
- Grammar (use of apostrophe, agreement in number or tense)
- Paragraph-long sentences
- Lack of “white space”

“Minor” Amendments – A Closer Look

More Complex Amendments – requiring many hours of analysis and “pondering”

- Ambiguity – “should” means what?
- Legal meaning – “sufficient”
- Synonyms – unnecessary or confusing
- Unused or obsolete sections deleted

See: handout listing Deleted Sections

“Minor” Amendments – A Closer Look

Improve Overall Convenience of Use

- Reorganize order of sections
See: TOC handout
- Add Use and Dimensional Tables
- Expand definitions to avoid unnecessary explanation in text
- Minimize internal cross references

“Minor” Amendments – A Closer Look

Improve “Readability”

- Abbreviations, short forms strategically used to pare down volume of text and avoid unnecessary density, e.g.
 - “This Section” substituted for repetition of full section and subsection citation, when possible
 - SPGA
 - OSMUD

“Minor” Amendments – A Closer Look

Apparently “Easy” Amendments

- Delete unused sections, definitions, terms
 - Patio House? Cluster Development
- Delete unnecessary repetition
- Reorganize
 - New Table of Contents
 - New Section organization
 - New Tables
 - Definitions consolidated

“Minor” Amendments – A Closer Look

More Challenging Amendments

- Identify and correct internal conflicts and legality issues
- Consolidate and modernize Definitions, e.g.
 - Family
 - Group Home
 - Nursing Home; Continuing Care
 - Church; Place of Public Assembly
 - Open Space
 - Buffer

“Minor” Amendments – A Closer Look

More Challenging Amendments – some of the details:

- Closely evaluate numerous provisions to determine what is inadvertent repetition vs. substantive distinction
- Create new Tables for Dimensional and Use controls and coordinate with reorganized Bylaw text
- Identify requirements better placed in Regulations
 - To avoid lengthy and repeated recitation of requirements such as number of plans and details for permit application
 - To allow applicable Board more flexibility in adjusting requirements by less cumbersome amendment procedures

“Minor” Amendments – A Closer Look

More Challenging Amendments – more of the details:

- Avoid amendments that might negatively affected protected pre-existing nonconforming rights
- Eliminate restrictions on protected uses: educational or religious
- Incorporate current unwritten practices:
 - Family Suite
 - Shed dimensions and location

Deleted Sections – Unnecessary

- Electric Plan formatting
- Appearance Code
- Environmental Design Conditions (EDC)
- Utility Service
- Removal of Public Nuisance
- Wetlands Areas
- Board of Appeals to Interpret Uncertainties

Deleted Sections – Obsolete

- Building Permit Limitation and Residential Development Phasing
- Environmental Design Conditions
- Planned Unit Development
- Mixed Density Residential
- Buttermilk Bay District
- Movie and Entertainment Production Overlay District

Deleted Sections – In More Detail

- Building Permit Limitations
- Phasing of Development
 - Legally, restricting ability to build may not continue after need no longer exists
 - By law, Plymouth's building limitation provisions have in fact expired

Deleted Sections – In More Detail

- **Environmental Design Conditions (EDC)**
Advisory only; provide no additional level of protection than the standard special permit criteria
- **Wetlands Area Section**
Now addressed in Lot area requirement

Deleted Sections – In More Detail

Planned Unit Development (PUD)

- History: developed in 1970s for possible High Technology development on Pinehills property; also applied to Retirement Mobile Home development
- No present need: High Tech PUD provisions added to OSMUD section and the Retirement Mobile Home provisions have been incorporated into OSMUD

Deleted Sections – In More Detail

- **Mixed Density Residential (R-20MD)**
 - Its requirements and standards are identical to those of Small Lot Residential (R-20SL)
 - These standards now found only in R-20SL
- **Buttermilk Bay District**
 - Located entirely within the Rural Residential (RR) District
 - In 1995 Town adopted a 1 unit per 120,000 sq. ft. density of development in RR

Deleted Sections – In More Detail

- **Movie and Entertainment Production Overlay District**
 - Today: Another project under construction on this site
 - History:
 - Created for a single project located on the Waverly Oaks Golf Course.
 - Permits issued
 - No construction occurred

Zoning Amendment - Next Steps

- Planning Board review and comment
- Preparation for Town Meeting
 - Planning Board Chapter 40A Hearing
 - Warrant Article
 - Town Meeting Presentation

Next Steps – Procedural Regulations

Text and concepts now in current bylaw and identified as more appropriately administered as regulations will be incorporated into new draft procedural regulations for review and adoption by the appropriate town authorities:

- Building Commissioner
- Planning Board

Questions?



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