

**Zoning Bylaw Review Committee
Minutes of March 2 2023**

Present for the Zoning Bylaw Committee were: Chairman Scott Mallory, George Nangle, Heather Santiago-Hutchings, Jack Svrcek, Warren Shaw and Brian Lussier, Debra Dewitt Ahern. Also present were: Alison Manugian, Community Development, Dan McLaughlin Building Inspector and recording secretary Samantha Carver, Russ Burke and Olivia Knightly of BSC Group and Phil Thibault.

Absent: Scott McKiel, Dan Croce

Mr. Mallory opened the meeting at 5:30 p.m. Mr. Mallory began the discussion by asking if there was any community input.

Community Input

Attorney Michael Fadden was present along with David Deloury of Agretech Corporation and Erik Stevenson of Brox Corporation.

Attorney Fadden showed the Committee a map of the Brox property and explained that this is an active quarry. They currently have 400 acres of land and presented to the Board of Selectmen approximately a year ago that they are looking to expand onto their twenty-three (23) acre parcel. To do this they will have to discontinue a portion of Methuen Street and move the roadway. The twenty-three acre parcel is zoned R1 and by special permit they cannot continue the quarry activity here so they will need to change the zoning to I1 for this parcel. They have created language for quarry manufacturing to assist in this endeavor. Attorney Fadden noted that the parcel of Methuen Street is not owned by the Town it is a private way, the dirt is owned by Brox.

Attorney Fadden then presented the issue that Deloury has on their seventy (70) acre parcel which runs along Merrimack Avenue. You cannot enter this parcel from Merrimack Avenue due to the topography however you can get there from a private roadway across the New England Power property with an easement. This parcel is in the R1 zone and would need to be rezoned as well.

Attorney Fadden stated they figured they would present this now due to the fact that the zoning bylaw review committee is talking about zoning changes. They realize that if this doesn't get addressed at the June Town Meeting they have no issue waiting until the November Town Meeting, they have been waiting quite some time to do this. Attorney Fadden thanked the committee for their time.

Split Lot Zoning

The Committee moved on to the agenda and the first item discussed was split lot zoning approach. Currently there is no language for this now in the zoning bylaws. This would be to address existing split parcels in other areas where these lots are created, such as along Bridge Street, Merrimack Avenue. The proposal would allow owners of currently split lots to extend active use of one zone into the other by special permit from the planning board. While this

would provide a more accessible pathway for owners, the option to rezone at Town Meeting would remain.

Use Table Amendments – merging and updating

There was a discussion on the use table amendments and Ms. Manugian went over a few such as education not for profit and for profit; daycare – there was a brief discussion on differentiating adult daycare from child daycare; telecommunications – there is not a lot of local control on this it is a Federal Law and that trumps local zoning, the companies can apply for a special permit if they are considering a new location, but to add to an existing it falls under the Federal Telecommunications Act.

There was a discussion on the definition for quarry and the committee also reviewed the definition provided by Attorney Fadden. Further discussion will be had on this definition. The Committee as a whole was in agreement that they would need to move this discussion to the fall town meeting.

Large Scale Solar

There was a discussion that it's only being allowed in the II zone and this could be an issue for agricultural users not being able to put solar on their farms. Warren Shaw suggested that a special permit under R1 be allowed. There was a discussion on limiting the parcel size or percentage of one's property. This could be at the discretion of the special permit granting authority. There was a discussion on large, medium and small ground mounted. These would be an accessory use. There was an issue with the medium scale not falling into any category so they would remove both small and medium from this section of the bylaw

Battery Energy Storage Systems (BESS)

BESS provides the definition and guidance for this installation. The batteries are limited in size and must be permitted by building, electrical and fire departments. Ms. Manugian highlighted “ten” feet clearance for vegetation open for discussion for this installation. The Committee mentioned making that twenty (20) feet and confirming that maybe a material needs to be put down that is non-flammable.

New Business

Mr. Mallory asked if there was any new business and noted that there was no new business.

Minutes

Mr. Nangle made a motion to approve the minutes of January 31 2023. Ms. Santiago Hutchings seconded the motion. The motion carried unanimously.

Next Meeting

The next meeting date was discussed and determined to March 30, 2023 at 5:30p.

Adjournment

ZBLR Minutes
03-02-2023

Ms. Santiago Hutchings made a motion to adjourn the meeting. Mr. Svrcek seconded. The meeting adjourned at 7:10p.

ZONING BYLAW REVIEW COMMITTEE