

Rockport Board of Appeals
July 15, 2015
7:00 P.M.
Rockport Public Library
The Brenner Room
17 School Street, Rockport, MA

- 1) 7:00 pm Rockport Board of Appeals called to order. Members present Alan Battistelli (Chairing), Peter Bergholtz, Michael Bace, Lars-Erik Wiberg, Charles W. Christopher, John N. Rees and Tacy D. San Antonio. Frederick Frithsen is absent.
- 2) Review: Economic Development Committee's EDSAT Report for the Town of Rockport, Massachusetts. January 2015. Section 5: Municipal Process C: Timeliness of Approvals
 - a. The report alleged that the zoning process is heavy, time consuming and difficult.
 - b. The Board has addressed much of this in the past year and has made a number of improvements that will be forwarded to the Economic Development Committee.
 - c. These are some of the improvements:
 - i. Meetings starting ½ hour earlier.
 - ii. Speeded up the meetings.
 - iii. Only one signature required on final decision.
 - iv. Revised application to speed up the process.
 - v. Electronic submission of files accepted.
 - vi. Response time is very good under 40A.
- 3) Michael Bace made a motion to add a discussion of the Planning Board's proposed change to the Zoning Bylaws specifically Article W to this evening's agenda.
 - a. Lars-Erik Wiberg seconded the motion.
 - b. It passed unanimously with Alan Battistelli, Peter Bergholtz, Michael Bace, Lars-Erik Wiberg, Charles W. Christopher, John N. Rees and Tacy D. San Antonio voting.
- 4) Discussion: the Site Plan Review bylaws as it applies to single family and two family homes particularly in sections IX.B and IX.H.
 - a. Lars-Erik Wiberg discussed criteria for single family and two family residences.
 - i. It is a difficult process to go through.
 - ii. Perhaps one family residence should be exempt
 - iii. Is it enforceable?
 - iv. We have some available options to address this Warrant article:
 1. Leave it as it is.
 2. Make exemptions.
 3. Have single and two family residences removed from this Warrant article.
 4. Throw out site plan review completely.
 - b. Peter Bergholtz
 - i. Stated that he spoke to the Building Inspector who feels that the current site plan review bears minimal results. That the time, effort and expense to the Town are wasted.
 - ii. In favor of eliminating single and two family residences.
 - c. Continuing discussion:
 - i. We need to look at the legality of putting the Planning Boards changes into the Zoning Bylaws.
 - ii. We presently have building coverage and site plan review. Are both needed?
 - iii. Single family and two family need to be removed from Zoning Bylaws.

- iv. Character and scale of residences are not defensible under 40A.
 - v. Can cause the town money in legal defense of site plan review.
- 5) Discussion of Planning Board's addition of Article W to the Zoning Bylaws.
- a. This would be added into the Zoning Bylaws which already include site plan review and lot coverage.
 - b. 6,000 square feet requirement already triggers a site plan review. Will this be in conflict with site plan review?
 - c. Concept can be worked on but the numbers are really in question.
 - d. Tacy San Antonio feels that this might keep people from tearing down small homes and building enormous ones in their place.
 - e. Alan Battistelli felt this might lower the value of lots as it makes it so difficult to build in Rockport as opposed to other local communities.
- 6) Action: Recommendations and a vote of the Board on Site Plan Review for single family and two family homes.
- a. Peter Bergholtz can we take out 9B 1.5 of our bylaw page 48?
 - b. How does Article W get relief
 - c. We are a very restrictive community.
 - d. The Board can review Article W, make changes and submit them to the Planning Board.
 - e. The Board is opposed to single family and two family site plan review.
 - f. Michael Bace made a motion that the Board send to the Planning Board the recommendation that site plan review be removed as a requirement for one and two family residences as it conflicts with 40A and leads to litigation.
 - i. Lars-Erik Wiberg seconded.
 - ii. It passed unanimously with Alan Battistelli, Peter Bergholtz, Michael Bace, Lars-Erik Wiberg, Charles W. Christopher, John N. Rees and Tacy D. San Antonio voting.
 - g. Michael Bace made a motion that we recommend that the Planning Board table Article W until it can be reviewed further.
 - i. Charles W. Christopher seconded.
 - ii. It passed unanimously with Alan Battistelli, Peter Bergholtz, Michael Bace, Lars-Erik Wiberg, Charles W. Christopher, John N. Rees and Tacy D. San Antonio voting.
 - h. The Board will discuss Article W next month.
- 7) Peter Bergholtz made a motion to adjourn.
- a. Lars-Erik Wiberg seconded.
 - b. It passed unanimously with Alan Battistelli, Peter Bergholtz, Michael Bace, Lars-Erik Wiberg, Charles W. Christopher, John N. Rees and Tacy D. San Antonio voting.
 - c. Adjourned at 8:50