

**PLANNING BOARD MINUTES
WEDNESDAY, MARCH 16, 2016
MUNICIPAL BUILDING COUNCIL CHAMBERS – 7:00 P.M.**

Present: Jeremy Chubbuck, Judd McIntosh, David Thompson, John Beckett, Michael Costello, Christa Schwintzer and Jason Charland.

Absent: Phil Ruck

Judd McIntosh chaired the meeting in Phil Ruck's absence.

Jeremy Chubbuck was introduced to the board and Michael Costello and Jason Charland were designated voting members.

Acceptance of the agenda.

JOHN BECKETT MOVED ACCEPTANCE OF THE AGENDA. DAVID THOMPSON SECONDED THE MOTION. MOTION UNANIMOUSLY APPROVED.

Approval of the minutes of February 17, 2016.

MICHAEL COSTELLO MOVED APPROVAL OF THE MINUTES OF FEBRUARY 17, 2016. JOHN BECKETT SECONDED THE MOTION. MOTION CARRIES 5:0:3 WITH JUDD MCINTOSH, LISA BUCK AND CHRISTA SCHWINTZER ABSTAINING FROM VOTING.

Stormwater Presentation

There was a stormwater presentation by Belle Ryder for all board members. Belle advised the board that Street and Stream Cleanup will be Saturday, May 21st and encouraged the board to participate.

Public Hearings.

- a. An ordinance amendment to the Land Use Ordinance Section 18-31 Definitions, Section 18-61 Administration and Enforcement, and Section 18-131 Home Occupations to include standards for "home office", "home workshop" and "home business" and an amendment to Section 18-106(e) Schedule of Uses to include these three categories.

Evan Richert explained that the Comp Plan was approved in 2015 and now the implementation starts with amending the Land Use Ordinance to comply with the Comp Plan. There is a 24 month timeframe to amend the Land Use Ordinance so it complies with the Comp Plan.

Evan explained that the role of the board is to review the amendments and to make recommendations back to the Council to adopt as proposed, adopt with modifications or that more work is needed and the board needs more time by tabling until the next meeting.

The home occupation ordinance has been streamlined to take the burden off of the board and also those wanting and having a home occupation. The proposal is for three types of home occupations:

1. Home offices
2. Home workshops

3. Home business

Home offices and home workshops are done within the home but don't typically involve traffic. A home business is a home occupation that is not a home office or workshop and would include sales or services to customers/clients who would regularly come to the home for such sales or services. Home offices and workshops would be required to register with the Code Enforcement Office while the home business would come before the board for review. The review would be changed from site plan review to a conditional use review. The home occupation could not use more than 25% of the principal structure. Signage for a home business would be 4 sq. ft. while home offices and workshops would remain at 2 sq. ft. Later on there will be discussion on "home stays" and those will also be a home occupation.

The public hearing was opened. There were no questions, comments or concerns from the audience.

Michael Costello asked about continual yard sales and Evan Richert responded that yard sales are not a home occupation because home occupations need to be carried out within the structure.

The public hearing was closed.

DAVID THOMPSON MOVED THAT THE PLANNING BOARD RECOMMENDS THE ADOPTION OF THIS LAND USE ORDINANCE AMENDMENT AS PRESENTED. LISA BUCK SECONDED THE MOTION. MOTION UNANIMOUSLY APPROVED.

- b. An ordinance amendment to the Land Use Ordinance Section 18-31 Definitions and Section 18-140 Signs defining and allowing "light pole" signs in certain locations.

Evan Richert explained that the Town uses light pole signs along Main Street. The Credit Union is all set up for light pole signs but they are not allowed to have them. The Credit Union made a formal request to Council and that is why it is moving ahead now. A light pole sign owned and installed by the Town is exempt from regulations as are other government signs.

Light pole signs are only allowed in urban plaza's, which is now defined. They must have frontage to a public sidewalk or public parking lot and is connected to the building entrance. One sign is allowed per 1,000 sq. ft. of plaza area. A maximum size of 15 sq. ft. is proposed and they would be located on fixed arms of the light pole and only illuminated by the light from the pole itself. The light pole sign should be of a textile, canvas or similar durable material that can withstand sun exposure and inclement weather conditions to prevent tearing and fading.

The public hearing was opened. There were no questions, comments or concerns from the audience.

Jeremy Chubbuck has experience with light pole signs at the University. He explained that not just any pole can be used; it has to be a specially designed pole to hold a light pole sign otherwise the manufacturer will no longer warrant its safety. This might be something the Town wants to consider. He also stated that light pole signs do not like wind. He feels 15 sq. ft. is too large and suggested maybe a 2 ½ ft. by 3 ft. size similar to what the University has.

Michael Costello suggested having flaps so that the wind blows through them and doesn't cause stress on the pole.

Evan Richert suggested changing the size to a maximum of 12 sq. ft. or the manufacturer's maximum, whichever is less. All board members felt this was reasonable.

The public hearing was closed.

LISA BUCK MOVED TO APPROVE THE AMENDMENT WITH THE CHANGES AS DISCUSSED. JASON CHARLAND SECONDED THE MOTION. MOTION UNANIMOUSLY APPROVED.

- c. An ordinance amendment to the Land Use Ordinance Section 18-31 Definitions to define "house guests" and add a reference to this definition under the definition of "family".

Evan Richert explained that currently the Code Enforcement Officer has no way to get information regarding the number of tenants in a rental unit and enforce the standards if there is a problem. The common response when it appears there is a problem with the number of tenants is that they are visiting. This proposed amendment will help distinguish between a house guest and a resident.

Evan stated he has spoken to the Town Attorney on enforceability. Section 18-81 Violations is all new language created to help the Code Enforcement Officer with the issue of the number of unrelated people living in a rental unit. The new language allows the Code Enforcement Officer the ability to make a written request of the property owner and others of the dwelling unit documentation on who resides in the rental unit and that if requested the documentation shall be provided within 15 days of receipt of the request. This allows the Code Enforcement Officer to take appropriate action in District Court if no documentation is provided and request the Court demand the documentation.

Michael Costello asked what the documentation would be and Evan replied it could be a copy of the lease or a copy of a driver's license.

The public hearing was opened. There were no questions, comments or concerns from the audience.

John Beckett felt it was a step in the right direction.

David Thompson agreed.

Michael Costello asked if this information could be noted when they apply for the rental permit.

Evan Richert felt there was an educational opportunity and information could be sent out when the annual mailings go out.

Judd McIntosh had a couple of concerns as a landlord. He would like documentation defined so he would know exactly what would be required. He felt as a landlord he really has no power especially if the rent is being paid.

Evan asked if a standard lease could have language within it regarding house guests. Judd McIntosh would be willing to do that, but felt enforceability would be an issue.

Lisa Buck asked if it is just cars triggering that there is a possible violation and was told large gatherings is also an indicator.

JOHN BECKETT MOVED TO TABLE THIS PROPOSED AMENDMENT SUBJECT TO A RE-WRITE, LISTING SOME OF THE REQUIREMENTS REGARDING DOCUMENTATION. DAVID THOMPSON SECONDED THE MOTION. MOTION UNANIMOUSLY APPROVED.

- d. An ordinance amendment to the Land Use Ordinance Section 18-136 concerning land area and sewer and water supply system required in clustered developments.

Evan Richert explained that currently in the MDR, LDR and C-2 zones the requirement is 5 contiguous acres of land to do clustered development. The proposal is to reduce that down to 3 acres.

In the F & A district there is mandatory clustering (not optional as in other zones) that is required for subdivisions and no density bonus as in other zones. In the F & A zone engineered septic systems are required for the clustered subdivision. The proposal is to allow for on-site water and septic systems for each lot as well as overhead power. This allows for on-site wells and septic systems to be allowed as long as you had at least 2/3 acre sized lots.

The public hearing was opened. There were no questions, comments or concerns from the audience.

Christa Schwintzer felt note 9 was difficult to read and suggested 2 paragraphs be made with one being for the F & A zone and the second paragraph for other zones. Evan will reformat this.

The public hearing was closed.

CHRISTA SCHWINTZER MOVED THAT THE BOARD RECOMMEND APPROVAL OF THIS AMENDMENT TO THE TOWN COUNCIL. MICHAEL COSTELLO SECONDED THE MOTION. MOTION UNANIMOUSLY APPROVED.

Evan Richert asked Judd McIntosh to read the letter from Amy Irish from UCU on light pole signs into the record.

Discussion.

- a. April 20th meeting.

It was noted that the April 20th meeting date falls during school vacation week and because there was a difficult time getting a quorum during the last school vacation the proposal was to move the meeting to April 27th.

JOHN BECKETT MOVED THAT THE MEETING DATE BE MOVED FROM APRIL 20TH TO APRIL 27TH. CHRISTA SCHWINTZER SECONDED THE MOTION. MOTION UNANIMOUSLY APPROVED.

JOHN BECKETT MOVED TO ADJOURN. DAVID THOMPSON SECONDED THE MOTION. MOTION UNANIMOUSLY APPROVED. The meeting adjourned at 8:50 p.m.

Respectfully submitted,

Ruth Vaughan