

MINUTES
ZONING COMMISSION
SEPTEMBER 4, 2013 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Regular members present: Marquardt, Sutherland, French, Hudecek, Sayer
Alternate members present: None
Absent: None
Staff present: Glemboski, Carey, Galetta

Chairperson Sutherland called the meeting to order at 7:02 p.m.

II. APPROVAL OF THE MINUTES OF meeting of August 7, 2013.

MOTION: To approve the minutes of August 7, 2013.

Motion made by Sayer, seconded by French, so voted unanimously.

III. PUBLIC COMMUNICATIONS – None

IV. EXECUTIVE SESSION

1. To discuss strategy and negotiations with regard to pending litigation: *Whittle v. Zoning Commission*, KNL- CV-08-4007938, *Turner v. Zoning Commission*, KNL-CV-12-6012872-S, and *Whittle v. Zoning Commission*, KNL-CV-12-6012917-S

Attorney Carey noted that there is a typographical error in the agenda motion provided by his office. The first of the three cases is *Whittle v. Zoning Board of Appeals*.

MOTION: To correct the agenda to read *Whittle v Zoning Board of Appeals*, KNL-CV-08-4007938

Motion made by Hudecek, seconded by French, so voted unanimously.

MOTION: To enter executive session at 7:04 p.m. to discuss strategy and negotiations with regard to pending litigation: *Whittle v. Zoning Board of Appeals*, KNL- CV-08-4007938, *Turner v. Zoning Commission*, KNL-CV-12-6012872-S, and *Whittle v. Zoning Commission*, KNL-CV-12-6012917-S.

Motion made by French, seconded by Hudecek, so voted unanimously.

Invited to be in attendance for the executive session were Commissioners Sayer, Marquardt, Hudecek, Sutherland and French. Staff members invited to attend to offer testimony or opinion were Diane Glemboski and Attorney Mike Carey.

MOTION: To end the executive session at 8:12 p.m.

Motion made by French, seconded by Sayer, so voted unanimously.

Chairperson Sutherland noted that there were no votes taken during the executive session.

V. OLD BUSINESS

1. Discussion of Revisions to Zoning Regulations for Buildable Land and WRPD

Staff noted that there is no additional information for the Commission at this time. Staff will talk to the Director about office work priorities in the office going forward now that planning staff has been reduced and the level of development activity has increased.

Commissioner Sutherland asked for an update on the status of the WRPD Regulations.

The Commission felt it might be a good time to revisit the Zoning Commission's list of priority items for consideration at the next meeting and reprioritize them.

Commissioner French stated that she has been interested in "buildable land definition" ever since she was appointed to the Commission and noted that Commissioner Hudecek also shared this interest.

2. POCD Update Report

Chairperson Sutherland noted they have seen some good power point presentations at the meetings. The Open Space map is good and has been updated but some colors may need to be changed because visually it is difficult to interpret. Staff did extensive work on the map to make sure it was accurate before it was made public.

3. Land Use Regulation Update Project

Staff noted this has been discussed with the Director. He will be working on a response to the Commission.

Sutherland noted she had distributed the public information she has to each of the Commissioners as well as staff. She does not want to go any further tonight as long as the Director will get back to the Commission with some real specifics of what was received for what was paid.

The Commission noted that the work by the consultant for the Table of Permitted Uses was done poorly. Commissioner Hudecek felt that he and the Commission could do a better job and that this might be added to their projects.

The Commission also noted that there were going to be design guidelines. Commissioner Sayer noted that there is a fiscal responsibility issue relative to whether what was paid for was actually received.

VI. NEW BUSINESS

1. Report of Commission – None

2. New Applications

There are no new applications however there are two public hearings for Special Permits on the October agenda.

VII. REPORT OF CHAIRPERSON – None

VIII. REPORT OF STAFF

1. Mystic Woods, Special Permit #298 – Utilities Update

Staff noted that this permit was for active adult housing units on Route 1. The Special Permit was approved by the Commission on 12/05/2007. This update was prepared in response to Commissioner French's question relative to the proposed utilities. The background information shows that the utilities were being addressed during the special permit process. The developer was going to do the sewer upgrade, through their project, up to Flanders Road.

IX. ADJOURNMENT

Motion to adjourn at 8:33 p.m. made by Hudecek, seconded by Sayer, so voted unanimously.

Mariellen French, Secretary
Zoning Commission

Prepared by Lynda Galetta
Office Assistant II