

MINUTES
ZONING COMMISSION
JULY 1, 2009 - 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Present: Brant, French, Haviland, Hudecek, O'Neill
Alternates Cady, Marquardt, Sutherland
Staff: Murphy, Silsby

Meeting was called to order at 7:00 p.m.

II. APPROVAL OF THE MINUTES OF May 6, 2009

MOTION: To approve the minutes of May 6, 2009

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

III. PUBLIC COMMUNICATIONS

Mr. Jim Furlong of 57 Fishtown Lane, Director of GOSA, submitted an addendum to his May 7, 2009 letter to Mr. Murphy and to Zoning Commission members. He requested that the letter and the attachment be included in the record for tonight's meeting. Furlong explained that he had listened to the Zoning Commission tapes of January 7, 2009. He gave his summarization of what was said at that January 7, 2009 meeting in regards to a build out analysis. He also noted concerns with the Town's recording equipment.

Haviland stated that Mr. Furlong had sent a mailing to all Zoning Commission members but that he himself had refused the mailing from Mr. Furlong due to FOI concerns. He noted that Mr. Furlong should bring documents for the Zoning Commission personally to a Zoning Commission meeting. French stated that she did accept this mailing from Mr. Furlong, but also agreed that these communications should take place at a properly noticed commission meeting.

Staff noted receipt of a letter from the Town Clerk stating that Commissioners Brandt, Marquardt, and Sutherland have all been reappointed to the Zoning Commission

IV. OLD BUSINESS

Land Use Regulation Update Project

Staff reviewed maps that had been handed out to the Commission at their 5/6/09 meeting. Staff stated that a memo relating to this map had also previously been distributed to members and that additional copies would be provided. The areas on the map include zone boundaries that should be reviewed. Staff requested that members review areas 9, 10, and 11, which will be discussed at the next meeting.

Staff distributed revised draft resource protection/unit yield calculations for the four model sites reviewed during the regulation update informational session held on March 4, 2009. Staff explained the calculation methods used to determine yield totals and the reductions in draft unit yields resulting from these most recent changes. Staff explained that these yields continued to be consistent with the yields endorsed in the 2002 POCD. Staff further explained the basic intent of this methodology and how it is distinguished from project design

Two members felt that inland wetland “buffer zones” should be included as a separate resource category in the yield calculation. Staff explained that the term “buffer” is incorrect and that the proper term is upland review area (“URA”). In response to statements from certain commissioners, staff attempted to correct significant misunderstandings regarding the legal definition, legal intent and legal use of a URA by an inland wetland agency, and how this has no relevance to the design of resource/yield calculations that would become part of a zoning regulation. Staff noted that this has been discussed and that these areas have been purposely left out of the calculation in order to respect wetland’s jurisdiction, as well as for other legitimate reasons. It was noted that the Zoning Commission cannot override a permit that the Wetland Agency approves and that the wetland agency is free to permit uses within an upland review area.

Other members objected to the idea of including upland review areas in the yield calculation. Staff noted that the revised draft model provided this evening showed yields that were consistent with the POCD’s recommendations, and that it was unclear therefore what the intent or objective would be of including additional deductions in the model. Staff felt that this method provided a consistent, equitable and defensible means of addressing “buildable area” and resource protection.

The members also discussed how to provide flexibility in design in order to maximize resource protection, how to provide incentives for creative design and maximum resource protection and other related topics.

V. NEW BUSINESS

1. Certificate of Approval of Location for Midas Muffler, 170 Route 12 (Carlos Cortinhas, Applicant)

Evan Bellanger explained that the business has changed hands and that the same type of work will be done.

Staff stated that zoning has not changed. They explained that the DMV requires that local zoning approval is required, even for a transfer.

MOTION: To approve the application as requested

Motion by Haviland, seconded by French, so voted unanimously

VI. REPORT OF CHAIRMAN – None

VII. REPORT OF STAFF

Staff spoke about the budget for the new fiscal year. He noted that the 2009/2010 OPDS budget has been decreased by \$30,000. At this time, it is not known how this decrease will affect the Planning Department. He spoke about zoning enforcement reports and numerous zoning enforcement issues currently in the court system. Staff explained that the Town's recording system needs to be improved. If money permits, he hopes that a new digital recording system might be purchased within the next couple of years.

Staff reported that the inland wetland regulations have been amended.

Discussion ensued about work being done at the Hope Leuba property on Sandy Hollow Road and the disturbance of a wall. Staff explained that a logger was cutting down damaged trees and that this is a permissive use by right, but that the town's scenic road ordinance requires Town Council approval for work within the scenic road. The matter has been referred to the Manager and Council for a Council hearing.

In regards to a question about the Chipperini property on Library Street, staff stated that this issue was discussed in executive session with the Town Council and that the Town is proceeding with every option to try and have this matter resolved.

A concern was raised about a sign or signs on New London Road.

VIII. ADJOURNMENT

Motion to adjourn at 8:17 p.m. by Haviland, seconded by Hudecek, so voted unanimously.

Richard Haviland, Secretary
Zoning Commission

Prepared by Robin M. Silsby, Office Assistant II