

## Minutes Planning Commission Meeting February 23<sup>rd</sup>, 2016

*Attending:* Matt Tell, Staley McDermet, Patti Smith, Tim Segar, Edie Mas, Kate Buttolph, Bennett Grout  
Mary Sargent (Zoning Administrator)

*Invited guests:* DRB members Gail MacArthur, T. Hunter Wilson, Jean Boardman, Brent Seacrest, Tony Gordon

Matt called the meeting to order at 5:07 pm.

### 1. Minutes

Minutes of February 9<sup>th</sup> meeting approved unanimously as written.

### 2. Communications

- a) Bennett passed around the Handbook or Residential Building Codes and Commercial Building Energy Standards, that went into effect in July 2015 (see notes from third Public Forum February 9<sup>th</sup>.) They are now available in the Town office and will be handed out to any new permit application.
- b) Matt reminded PC members that the next meeting (March 8<sup>th</sup>) is the Annual meeting, when members get appointed/reappointed as needed, and officers get elected.

### 3. DRB comments on Zoning Revisions

- a) PC was asked if it had done any revisions since public forums; answered that not yet, as this is the first time it has met since the last one.
- b) Following comments were made concerning problems in current ByLaws:
  - Inconsistency with boundary adjustments – no limit on size of boundary line adjustments in subdivision regs.
  - Sign regulations: what happens when business closes- how to sunset signs?
  - Definition of structures- too broad (i.e. includes fences)
- c) Staley read following statement that has been added to guide DRB in granting Conditional Use permits(Section 203 #3): “The Development Review Board shall grant a Conditional Use Permit only upon a finding that issuance of said permit shall have no adverse impact on the immediate area affected, and on the Town in general,” and asked if the DRB was comfortable with it. A couple of members said, no, they were not, that it did not provide enough specificity to allow a defensible judgement. What does “no adverse effect” on neighbors or Town actually mean? – it could be contested if applicant was denied a permit. The DRB has to be able to articulate a logic behind their decisions by a set of findings. It is a quasi-judicial judgement. T gave the example that the State provides 5-7 very specific guidelines where a Variance can be given by the DRB. If the proposed Variance doesn’t meet them, can’t grant the Variance. He was not suggesting these guidelines be used to grant a Conditional Use permit, but that some could be crafted in the general spirit. In addition, it was pointed out that Conditional Uses can place conditions on the permit, some that can have a time limit, etc.
- d) Suggestion made that zoning might include wording somewhere that a Variance on a non-compliant use can be approved if it makes the non-conformity less non-compliant.
- e) Lastly, T mentioned that there could be a correction to place periods and commas inside quotes, not outside.

DRB left at 6:08, and PC turned to reviewing and correcting **Article VII, Definitions**

- a) *Affordable Housing*: “Perpetually affordable...” sentence becomes new paragraph.
- b) *Dormitory/Hostel*: add following: A dwelling in which lodging is provided “ *to three(3) or more persons*”
- c) *Common Land*: after much discussion over “Common Land” specifically as it relates to PUDs, no change.

Stopped review at this point and decision made to postpone further review of Definitions until a discussion is held concerning changes to make in draft ByLaws as a result of various community Forums. Meeting adjourned at 7:15.

Next meeting on March 8<sup>th</sup>, at 5:00, in Town Offices.

Respectfully submitted, Edie Mas