

**PLANNING & ZONING REGULATIONS SUBCOMMITTEE MINUTES FOR MEETING 4 DECEMBER 2018 AT 6:30 P.M.
AT CITY HALL AUDITORIUM, 110 RIVER STREET**

- A. Call to Order was at 6:30.
- B. Roll Call: J. Grant, P. Kearney, S. Marlow, J. Quish, J. Griffith, D. Sulkis, S. Harris, M. Greene
- C. Minutes of 6 November 2018 approved unanimously.
- D. Staff up-date on Status of Pending Proposed Regulation Changes: None at this meeting.
- E. Discussion on Proposed Changes to Existing Regulations (proposed by SUB-COMMITTEE)

Mr. Quish suggested that the language changes in the five regulations under consideration were similar enough to be discussed collectively. **Mr. Grant** read the first item.

- 1. Amendment ~~##31-18~~– Article 3, Section 3.1.3 Accessory Uses: 3.1.3.9 Camp Trailers
 - 2- **3.1.3.9** One camp trailer or camper, as defined herein, except that occupancy of such vehicle is prohibited while located on any lot. ~~No such vehicle shall be located in any front yard or within six feet of any lot line.~~

DISCUSSION: **Mr. Marlow** said his concerns pertained to all regulation changes on the agenda for the evening. He was concerned that eliminating the language limiting where large vehicles could be stored on the lot language lessened enforcement options. He noted that residents could store large vehicles right on lot lines, saying that such placement of the vehicles could pose a nuisance to neighbors. He shared theoretical scenarios that involved close proximity to a window and discussion ensued about zoning and views. **Mr. Quish** expressed support for placing articles on property due to ownership. **Mr. Sulkis** pointed out that zoning regulations were created to help arbitrate issues of housing density, recognizing that not every property can be used to store every item acquired by the property owner. He urged using a standard question—is this removing a problem or adding a problem. **Mr. Grant** suggested changing the language to limit parking a camper to a driveway. **Mr. Harris** said he frequently sees parking of such vehicles anywhere on the lot; he and Mr. Sulkis noted that enforcement is typically made in response to a complaint. There was discussion of whether the definitions distinguished among different sizes of campers. There was discussion of boats. There was discussion of enforcement limitations. There was discussion of property limitations to other uses such as swimming pools. The committee drafted new language:

***3.1.3.9** One camp trailer or camper, as defined herein, except that occupancy of such vehicle is prohibited while located on any lot. No such vehicle shall be located in any front yard, **except driveway**, or within six feet of any lot line.*

- 3. Amendment ~~##32-18~~– Article 3, Section 3.4.2 Special Uses: 3.4.3.4 Off Street Parking

DISCUSSION: **Mr. Harris** suggested to limiting the deleted reference to 5.1 only, noting that case law doesn't allow board to allow for different parking ratios in different lots; there has to be uniformity throughout the zone per the state statute. **Mr. Sulkis** remarked that a parking formula could be created to provide flexibility while preserving uniformity. The committee drafted new language:

Off-Street Parking and Loading shall be in accordance with Section 5.1.

Mr. Harris advised making this parking language consistent throughout the regulations. Discussion of the evolution of the regulations ensued. **Mr. Sulkis** suggested that a formula could add some flexibility to this regulation as well. Discussion ensued about flexibility and whether the correct section references were being identified for change. **Mr. Harris** suggested that a "repeal and replace" option would be preferable to deleting current custom. He accepted the task of researching how other comparable towns have implemented such formulas. **Mr. Marlow** and **Mr. Grant** suggested the change be put on hold until a replacement was identified. **Mr. Grant** asked for a time frame for the results of the formula research, **Mr. Harris** said he would try to submit suggestions for Director approval by the next meeting. The committee reviewed the next 4 items, noting that the same issue existed in all of them. Mr. Quish asked that the revision for the next meeting consolidate the change into one draft that addresses all the items. The following items came under this revision:

- 4. Amendment ~~##33-18~~– Article 3, Section 3.5.3 Accessory Uses: 3.5.3.4 Off-Street Parking and Loading
- 5. Amendment ~~##34-18~~– Article 3, Section 3.6.3 Accessory Uses: 3.6.3.4 Off-Street Parking and Loading
- 6. Amendment ~~##35-18~~– Article 3, Section 3.7.3 Accessory Uses: Section 3.7.3.4 Off Street Parking and Loading
- 7. Amendment ~~##36-18~~– Article 3, Section 3.7.5 Prohibited Uses: 3.7.5.3 Outdoor Boat Storage

DISCUSSION: Mr. Harris said the language was vague, imprecise and unenforceable. Mr. Grant said that striking the language required preservation of the document's numbering system. He said it would be sent out for regional review.

PROPOSED TEXT: (Changes indicated in **BOLD italicized text** and/or as ~~Strikethrough~~ text)

3.7.5.3 Reserved For Future Use

~~The Board may restrict or prohibit outdoor storage during the winter in areas where such outdoor boat storage would, in its judgment, be objectionable or hazardous to adjoining residential or public areas.~~

DISCUSSION: The group agreed that this language was also vague, imprecise and unenforceable. Mr. Harris said the state does not allow regulation of appearance; there was discussion of aesthetic regulations and where they could be imposed. Mr. Grant said that striking the language here also required preservation of the document's numbering system. He said it would be sent out for regional review.

8. Amendment ~~#37-18~~ Article 3, Section 3.8.5 Prohibited Uses: 3.8.5.11

3.8.5.11 Reserved for Future Use

~~No other building or use which may be inconvenient or detrimental to the general character and appearance of the surrounding neighborhood or impair the value thereof or which shall be inconsistent with the Current Plan of Conservation and Development and policy for future development of the area shall be allowed.~~

9. Amendment ~~#38-18~~ Article 3, Section 3.8.5-1 Prohibited Uses: 3.8.5.10-1 Aesthetics

DISCUSSION: The same action as with #37-18 was applied.

10. Article 3, Section 3.9.3 Accessory Uses: 3.9.3.5 Office Street Parking and Loading

DISCUSSION: The same action as with #32-18 through 35-18 was applied.

11. Amendment ~~#40-18~~ Article 3, Section 3.9.4.3 Building Requirements: 3.9.4.3(8) Dwelling Units

DISCUSSION: There was deletion of a typographical error; the word "not" was stricken. Mr. Quish asked about making minor changes. Staff said great care had to be taken not to change the meaning of the regulation.

G. Adjournment was at 7:25 and the next meeting scheduled for 2 January 2018 at 6:30.

Attest:

M.E. Greene
Board Clerk