

## MINUTES OF THE LAND USE COMMITTEE 4-11-2011

The meeting was called for 7 pm in the Town Hall. Present were Dedun Ingram (chair), Craig Brooks, Tom Collins, Kathy Flaxman, Lees Hartman, and Linna Barnes (Council liaison).

No members of the public were present.

May meeting: Because of scheduling conflicts, the committee agreed to move the May meeting from the usual second Monday to **Wednesday, May 4<sup>th</sup>**.

Minutes of the March 14 meeting: With a small grammatical addition were approved without dissent.

**Sec 4-52 revision:** Dedun passed out copies of the revised version of Code Section 4-52 (Structures, walls, fences, earth berms, trees, hedges, shrubbery and other plant growth on private property). The committee then discussed the following issues:

- Front yard retaining walls are generally not allowed, including those that would support a driveway cut to a below-ground garage. Yet a case was cited of a recently-built house where something structural appears to be used to support the sides of the driveway cut. Dave Walton was asked about this but said that it had been done before his watch. Regulations need to be clarified: What if anything would be acceptable in this situation? How much or little slope to the sides of a driveway cut is acceptable, and at what point is reinforcement needed? The Town does not like below-grade driveways for a number of reasons including: they tend to require a front-yard retaining wall which is not allowed, they usually result in water problems which has led the resident to then request regrading of a street or sidewalk, and there are safety issues when a car backs up and out of such a driveway because the pedestrians and vehicles don't see the car backing out and the driver of the car being backed out of the driveway cannot see approaching pedestrians and vehicles. The committee discussed what would constitute a wall and what would constitute an earth berm. The committee proposed an interpretation that would consider the banks on either side of a below-grade driveway to be walls if they are retained by any type of structure whether it is a traditional wall material or not and may also be considered to be "earth walls" if they are steep enough. Town staff will be asked for suggestions about specifics.
- Safety railings on top of retaining walls: These are required by the County if the wall is above a certain height, but can be used as an excuse to have a front-yard fence. Preference would be that front retaining walls be limited to 30" in height which would not require a railing, but if a larger wall is to be allowed we would like to specify the structure of the safety railing: that it be the minimum height required by the County (30") and of open construction (75% fenestration?).

Craig moved that the revised version of Section 4-52 be accepted as presented. Seconded, passed without dissent.

**Handicapped ramps/lifts:** The committee continued its consideration of handicapped ramps and lifts, which are not currently addressed by the Town code. The County also has no regulations, and committee members did not find any mention in other local codes. The Americans with Disabilities Act regulates ramps and lifts only in commercial, not residential, construction. However, Craig did find some relevant regulations in Pittsburgh. The committee decided at the March meeting to draft a proposed regulation using a combination of ideas from the Pittsburgh and ADA materials. Dedun distributed a draft of proposed regulations under which ramps would be allowed subject to certain restrictions and with a permit. The chief concern is structures that project into a setback. The suggestion was that a ramp be allowed to extend up to 40" into the front, side, and/or rear setbacks (this would be the width of the ramp). Ramps

needing to project into a setback would need to be constructed parallel to the house so as to minimize projection beyond the setback. Craig pointed out that a ramp might need to extend farther than that into a side setback (along its length) in order to reach a driveway. David Podolsky will be asked to draft the specific language.

**Need for survey:** The committee also considered an issue raised by a resident regarding the cost of required surveys for small alterations. The resident wished to add a small roof over a front stoop but the permitting process requires both a boundary survey and an established building line survey, the combined cost of which far exceeds the cost of the proposed alteration. Dave Walton has suggested that the Town could follow the County's less stringent rules in this kind of case and use the front wall of the building rather than the EBL as a starting point for measuring projections. The committee noted that items such as air conditioning units, heat pumps and generators raise a similar issue; residents do not want to get a full boundary survey in order to locate these. The committee felt that all of these should be considered more broadly as a single issue. Any change will require a change to the code which will require some time to enact.

The meeting adjourned at 9 pm.