

MEETING OF THE LAND USE COMMITTEE 1-12-09

The meeting was called for 7 pm in the Town Hall. Present were Donna Kirk (chair), Sue Blacklow, Kathy Flaxman, Dedun Ingram, Jim Roy, Joe Rubin, Joel Rubin, Bruce Russell, and Linna Barnes (Council liaison). Absent: Lees Hartman.

Joe presented the new County building requirements. There are 5 or 6 sections of which 3 are relevant to us: lot coverage, established building line, and provisions for sloping lots.

- Lot coverage: Is reduced in R-60 zones from 35% to a maximum of 30% of a 6000 sq. ft. lot and declining by 1% for each additional 1000 sq. ft, to a minimum of 20% at 16,000 sq. ft. and above. **Enclosed** porches, but not **unenclosed** ones, are included in lot coverage. The first 240 sq. ft. of a detached garage is excluded. "Garage" is specified, not accessory building in general, although Linna noted that there is case law to say that using the word 'garage' constitutes a regulation of use, which is not allowed.
- Established building line: Applicant can now *opt* to average the two immediate neighbors. Previously houses for 300 feet in either direction were included. This applies to new homes, including those involving 50% or more demolition of an existing house or an addition 50% or more in size. Minimum setback remains 25 feet regardless of surrounding houses.
- Sloping lots: The County is trying to clarify this but it is still confusing. One individual at County permitting vets all slope permits, which are required if there is a slope of 10% or more from the front to the back of a building. The goal is to make the regulations more transparent. The final regulation is not yet written; they are aiming for the end of 11/09.

There will be a mandatory review in June 2010 of the new regulations and experience to date with implementation.

Linna noted that there was some concern about the effect of the new regulations on market values. Sue asked whether something should be put into the Town Forecast alerting residents to the new regulations, especially with respect to lot coverage. Linna suggested that information could be added to the list of building regulations on the Town website. Some discussion and calculations suggested that the Town FAR regulations are more restrictive than the new County regulations, especially on smaller lots.

Review of permitting and enforcement procedures in the Town: Linna reported that the Town plans to hire another person (assistant to the Town Manager **Warren Rizzi**), and will then have a consultant come in to look at staff duties and potential training. The first round of applications for the assistant did not result in a hire. The new code enforcement person (Wayne) is getting up to speed. Bruce noted that training and professional development are not the same, and that perhaps both are needed. Linna expects that the consultant would be asked to look at both.

Bruce noted that the new FAR rule does not appear to be properly or completely grandfathered. An as-of date appears in some sections but not others.

Bruce led the group in a consideration of the 35%-non-vegetative rule, section 4.3(e). There are problems with the definition of "front yard" (section 4.1). Problem 1: The outer limit of the front yard is given as "any and all streets", not the right of way. If the yard extends to the street, do Town sidewalks count in the 35% limit? Problem 2: The inner limit is given as the front building line. This presents a problem if the front wall of the house has portions inset from the building line. Problem 2a: Could this area be paved? Problem 2b: Does it count in the total of which 35% can be paved? We

need to either redefine some terms in order to make the rule enforceable, or approach the perceived problem of parking in front yards in another way. Bruce asked if we could redefine or additionally regulate driveways to accomplish this. Another thing needed to make the 35% rule enforceable is to require permits for walkways. A further problem: is 35% the right number? Do we know how this number impacts existing circumstances?

The committee made some attempts to define “front yard”, as follows:

For the purposes of the 35% rule, the area shall be defined as bordered by:

- Side lot lines

- Right-of-way (this requires a change in the definition of ‘front lot line’)

- The **perimeter of the architectural façade**, facing the street.

Unenclosed projections such as unroofed porches, decks, and stoops are to be defined as unpaved parts of the yard.

Donna and Bruce will draft proposed change(s).

It was noted that the 35% rule still may not prevent parking pads. Bruce noted that the current rule says that parking is allowed in front of the building line only on the driveway. Then we need to further define ‘driveway’? Dedun pointed out that this would create an enforcement issue.

Parks representatives were unable to attend but will be invited to our next meeting.

Linna distributed maps of the Town showing (approximate) lot boundaries.

The meeting adjourned at 9:30 pm.