

## **Notes for 13 October meeting of the land use committee (LUC). 7:30-9PM, Town Hall**

Members present included, Donna Kirk, Bruce Russell, Dedun Ingram, Joe Rubin, Lees Hartman, Jim Roy Kathy Flaxman and Sue Blacklow. Jon Hiatt and was not present. Linna Barnes, Council liaison was also present.

The committee approved the attached agenda, attachment 1.

Kathy Flaxman introduced herself and interest in the Land Use Committee.

The LUC discussed and reviewed the workplan, item by item, to develop a framework for developing a general strategy, goals, timeline and work product for each task associated with the element. (Workplan attached). The chairs briefly introduced the elements and their suggested approach.

1. The first item on the workplan addressed was item “7. *Develop a master strategy / plan for the acquisition of land for Town parks. (Inventory existing parks, identify possible long term acquisitions based on suitability (develop criteria) and for example proximity to existing parks as it relates to the Playful Cities Task Force.*” Linna Barnes led the discussion and the LUC concluded that our contribution to this Task force will be limited to that which is described in our workplan (see above). Joe Rubin volunteered for the working group. The working group is now: Donna Kirk, and Joe Ruben. A request to the town staff will be made for a large scale map showing Town park properties and residences.

2. Bruce Russell introduced the need to combine the work of item “2, *Review, simplify and streamline all variance processes. Maximize the use of administrative variances*” and item 3a) *Review 35% non-vegetative front yard ordinance (part of the FAR ordinance) , as well as all Town regulations pertaining fences, walls, hedges, use of the public right of way, etc., with the goal of defining terms used in them and clarifying them and develop guidance. Diagrams describing certain aspects of the ordinance may be proposed as amendments to the ordinance. This review will also examine other sections of Chapter 4 (e.g., sections 4-50) for consistency, intent, terminology and accuracy. In addition a review of the Town Charter with respect to public rights of way and the relationship with front yards will also be examined.*” The rationale for this is that the primary focus will likely be on variances related to front yards, e.g., walls, hedges, driveways and walks and are therefore closely linked to the 35% non-vegetative rule. Such streamlining will include providing concise and unambiguous definitions where necessary; relaxing the standard for an application for the survey requirements for a variance (i.e., a less costly survey (plus or minus 1 foot) for the purposes of the application for variance, with the permit application requiring the survey as required by the existing ordinance; maximum use of administrative variances for the routine non-controversial matters. The LUC will make a request to staff for information (applications and records of decision) on all variances since the new setbacks ordinance. The LUC will also requested information on how the Town staff calculate the right of way and

front yard setbacks, following a discussion on rights of way, front yard setbacks and how these related to the 35% non-vegetative rule. The LUC also discussed the basis of the 35% non-vegetative rule. After “lively” discussion, we now understand that the Town Council essentially borrowed this from the laundry list of options provided in the original FAR proposal as part of the compromise FAR that was passed. The LUC agreed that we need to examine the Jakubiak report. Not all members of the LUC have a copy of this report, and will be provided excerpts from the report at the next meeting.. The working group is now: Bruce Russell, Jim Roy, Kathy Flaxman, Susan Blacklow, Lees Hartman and Jon Hiatt.

3.. Donna Kirk led the discussion on item 2 *Develop guidance for implementing key aspects (work with staff and the Mayor to identify) of the new FAR ordinance. Diagrams describing certain aspects of the ordinance may be proposed as amendments to the ordinance.*” One of the first concerns is the 34’ horizontal wall plan rule. Again this was part of the compromise in developing the FAR; we now understand that the Town Council essentially borrowed this from the laundry list of options provided in the original FAR proposal as part of the compromise FAR that was passed. The LUC agreed that we need to examine the Jakubiak report. Donna also suggested that we might want to hire a consultant to assist in developing diagrams. The LUC concluded that retaining Jakubiak would be the simplest and most cost effective way to develop the necessary diagrams, as they already have many and are familiar with our Town ordinances. Donna will draft a proposal to the Town Council for funding. The working group is Donna Kirk, Dedun Ingram, Kathy Flaxman, and Jon Hiatt.

4. Donna led the discussion on item 4 Review existing and develop new education brochures, etc. to describe and explain the construction permitting processes. Coordinate with the Environment Committee to address the Tree and Water drainage ordinances. Again the LUC concluded that retaining Jakubiak would be the simplest and most cost effective way to develop the necessary diagrams, as they already have many and are familiar with our Town ordinances. The LUC noted that the water ordinance is under review by the Environment Committee and that the Water Board has requested a meeting with the Town Council. We may have to defer on those aspects of the water ordinance in the educational materials. The working group is Donna Kirk, Dedun Ingram, Kathy Flaxman, and Jon Hiatt.

5. Bruce Russell introduced the discussion on item “3b the Pre-Pac ordinance (review, recommend improvements as appropriate, develop education materials)” The LUC agreed that the largest issue is education and management of public expectations. The Pre Pac is not a public hearing. The LUC also discussed the County permitting process and how that process dovetails with the Pre-Pac and Town’s permitting process. The working group will examine this with respect to timing and make recommendation\’s to the LUC. The LUC will also examine what is communicated to residents about the Pre Pac and site management meeting, as well as builders, developers, etc. The working group is Bruce Russell, Joe Rubin, and Dedun Ingram.

5. Bruce Russell led the discussions on item 5) *Conduct a comprehensive review of the*

*administration of construction related approval processes, in collaboration with the Environment Committee. Make appropriate recommendations to improve the processes; and item 6. Conduct a comprehensive review of the enforcement (compliance assurance /verification, inspection, education, remedial and corrective actions, record keeping) of Town code with respect to construction, tree protection and water drainage plans), in collaboration with the Environment Committee. Develop and propose a special targeting program to address recurring and high priority concerns, e.g., sidewalk safety, parking).*

A focused discussion ensued related to the need for such a review: Five specific examples were cited, as well as staff turn-over and the lack of background and or staff training. The LUC concluded that it would be best if an outside consultant was retained. To this end Bruce will prepare a proposal to the Town Council: to conduct a comprehensive review of the administration / practices / procedures of the Town's permitting and enforcement of Town Construction ordinances. We are looking for consultants to assist us in conducting an audit and review of processes (and staff competency), ethics and procedures, etc., for our construction permitting and construction code enforcement. Over the past 4 years the Town has imposed comprehensive zoning, tree and water drainage ordinances, but has NOT examined processes, staffing, etc. Staff turnover has been a problem; and the Town manager has not been cooperative with members of our committee, so our committee agreed it best to engage outside expertise. The consultants would report to the Land Use Committee, and would also be tasked with making recommendations for staff and Town Council training. The working group includes Bruce Russell, Joe Ruben, Susan Blacklow and Dedun Ingram.

The meeting adjourned at 9:45