

MINUTES OF THE LAND USE COMMITTEEMEETING
1/11/10

The meeting was called for 7 pm in the Town Hall. Present were Dedun Ingram (chair), Craig Brooks, Tom Collins, Kathy Flaxman, Stephanie Brown (left 8:10), Lees Hartman, Joe Rubin, Joel Rublin (7:30), Linna Barnes (Council liaison), and Dave Walton (staff).

Dedun called the meeting to order at 7:10.

Minutes of the meeting of 12/14/09: The name of Victor K. Tervalva was corrected. Georgia moved to accept as amended. Seconded, passed without dissent.

Issues concerning the public right-of-way: Dedun passed out copies of several sections of the Town code dealing with the public right-of-way. Attachment 4 of the committee's report to the Town Council notes that Town ordinances and permitting requirements refer to, but do not define, right-of-way "disturbances". Also, the list of items requiring permits is not consistent among sections of the code (early section 4 versus 4-54 through 4-56). The code is inconsistent about what activities are permitted in the right-of-way. Dave Walton was present to discuss ways in which residents use/disturb the right-of-way, in the hopes that we can better list and codify these uses.

Major consideration is that many residents do not know where the public right-of-way begins. The committee had proposed a Town-wide ROW survey but this has been put off because of cost. Dedun reported that at a meeting with chairs of other Town committees, the suggestion was made that as an interim measure (until the Town feels it can afford to do the ROW survey), the Town could ask any resident who has a survey showing the ROW boundary to bring it in to be recorded. The boundaries of nearby properties could then be interpolated. Georgia also suggested that the Historical Society might have some relevant maps. While Dave Walton thought this might be somewhat useful, he pointed out that the survey would provide "on the ground" marking of the public-right-of-way which would assist the Town when planting trees and doing other work in the public right-of-way.

Dave Walton passed out copies of a handout summarizing ROW regulations. We do not currently require a license to use the ROW (only for construction projects), but we could. Kathy noted that at the minimum, the Town needs to educate residents as to the meaning of the public right-of-way, restrictions on its use, and that it might not start at the sidewalk or street.

The committee began "cleaning up" current ROW regulations to make them clear and consistent. For 4-55, the committee proposed separating possible uses of the right-of-way into classes as follows:

- a) forbidden
- b) allowed but require a permit
- c) allowed without a permit; also
- d) grandfathered.

Particular issues concerning use of the right-of-way that were discussed were:

Pavers: Is there a reason to prohibit pavers? In some cases they can be detrimental to nearby trees. In an extreme case they could constitute a parking pad. They should require a permit.

Below-grade improvements: Sprinkler systems and invisible dog fences were considered. David Podolsky (Town attorney) had recommended that these require permits because the Town should know that they are there. There seemed to be consensus on the committee that, for public safety reasons, invisible fences should be confined to private property and perhaps even set back two feet from the

ROW boundary. Underground sprinklers might be allowed in the ROW as part of maintaining that area, but should require a permit regardless.

Discharge pipes: It was noted that some houses have piping from downspouts or sump pumps that discharges water onto the sidewalk or other part of the ROW. Should we prohibit that because of icing issues?

On the question of requiring permits for any improvement that the Town would want to know about or regulate, Dave noted that some things that can run afoul of ordinances such as the tree and water regulations (backyard patios and structures) do not require permits.

Linna passed out copies of a proposal from Mr. Tervala for creating the proposed building regulations handbook. The proposal is for writing. Craig and Joel were concerned about the process of moving from paper-based to web-based. Charts, drawings, etc. would also have to be added.

The meeting adjourned at 9:35 pm.