

MINUTES of the LAND USE COMMITTEE MEETING
6-13-2011

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

No members of the public were present.

Minutes of the April meeting were approved as circulated without dissent.

Minutes of the May meeting were approved as circulated without dissent, Lees abstaining because he had not been present.

Code Section 4-52: The latest revision as circulated by Dedun was considered. With regard to front yard hedges, Kathy noted that the latest version of 4-52(f) does not say specifically that a permit is required. This was intentional to make it conform stylistically to other sections of the code, but the need for a permit for a hedge is less obvious than for a construction project. Consensus was that mention of the permit requirement is near enough in the code (section 4-48) that it need not be repeated here. Craig moved to accept this version for presentation to the Council. Lees seconded. It passed without dissent.

Front-yard retaining walls: The committee had drafted a proposal asking the Council to consider adding a definition of retaining walls to the code and to provide an interpretation of front yard retaining walls for Town staff, especially as involved in below-grade driveway cuts. Craig moved to approve the language for submission to the Council. Dedun seconded. Passed without dissent.

Handicap ramps/lifts: Dedun provided wording for the proposed recommendations to the Council. Question: Should neighbor notification be required? The consensus was that it should be neither more nor less necessary than with any other construction. Appropriate wording is needed for allowing a ramp to extend into a setback in order to reach a driveway; the committee hoped that David Podolsky could provide this. Kathy moved to accept the wording of the recommendation. Lees seconded. Passed with no dissent.

Allowing encroachments into setbacks without full boundary and EBL surveys: The committee continued its consideration of this issue. One possibility considered was to allow some projections on properties which have plats that show that they currently conform to setback requirements; but continue to require the boundary survey for non-conforming properties because the proposed projection on such properties could require a variance which requires a full boundary survey. The issue is complicated because plats are not known to be accurate. In addition, even if a house is nonconforming, the proposed projection may still be minimal enough to meet the projection setback requirements. The committee recognizes the monetary burden of having a full boundary survey done when a very small projection is planned (such as a bay window or a small covering over a front stoop).

Nonetheless, given all complexity of determining if a proposed projection complies with current regulations and the desire not to destroy the integrity of the setback regulations, the Committee determined that a general relaxation of the boundary survey requirement was undesirable.

The Committee decided that creating one exception to the boundary survey for coverings over front doors might be possible if it was narrowly worded. So far, this is the only type of projection for which waiver of the boundary survey has been requested. The committee proposes that the boundary survey be waived for a covering over a front door only if the house is set back at least 25 feet from the front lot line (as indicated on the house plat), that the front door covering be 30 inches or less in depth (the amount cornices and eaves are allowed to project into the front setback), and be minimal in width (4 feet seems more than adequate to cover a front door).

The committee proposes the following wording for waiving the boundary survey requirement when a front door covering is proposed: "A boundary survey may be waived for a covering over a front door provided: (1) a plat clearly shows that the front of the main structure is set back at least 25 feet from the property line and (2) the projection does not exceed 30 inches in depth and 4 feet in width."

Generators: Placement of generators is currently regulated by the County but not by the Town (the County does not allow them to be placed beyond side setbacks). The committee discussed the desirability of the Town regulating this as well – the Town currently regulates the placement of air conditioners and heat pumps. Dedun noted that County setbacks are less restrictive than ours. Recommendation is to add a part (g) to the section of the Code addressing air conditioners and heat pumps; mirror those regulations but do not allow replacement of generators located beyond side setback.

July meeting: The normal date is July 11 but to allow time to finalize the Committee's report before the July 13 Council meeting, the July committee meeting was rescheduled to Tuesday, July 5.

[Craig left at 8:45.]

Driveways: Remain to be worked on.

Dedun expressed concern about the overall construction approval process involving permits, variances, the tree board and water management. She thought that the various pieces should be better coordinated and wondered if we wanted to say something about this as a committee. She will discuss further with Linna.

The meeting adjourned at 9 pm.