

April 9, 2018

Town of Woodford

Planning Commission

Present: Ed Shea, Betty Charette, John Dovitski

Absent: Susan Wright, Chuck Suss

Public: Catherine Bryars, Glenn Thurber

Ed opened the meeting at 5:23 pm.

The previous minutes were read by Ed and he made the motion to approve the minutes as read, John 2nd; All in favor: three (3) yes and two (2) absent.

The following are discussions that the Board discussed.:

- The draft Subdivision Regulations that Ed provided are quite good. I have a couple of minor suggestions, and I think that the Boundary Line Adjustment section probably should be merged with them. **I suggest placing these together as a separate addendum to the Bylaws rather than in the body of the Bylaws.....**Ed suggested that he preferred to address the Subdivision separately, rather than burying them to make it easier. The Board agreed.

- Section 2.1 (3) – Municipalities have limited authority over renewable energy development, but more on this in the sections related specifically to solar and wind energy. **Good Idea to take renewable energy out of 2.1 (3) and write it in the Bylaws, as Jim may suggest.....**The Board agreed to this suggestion.

- Section 2.3 – I recommend moving these uses (“Limitations”) to the districts where the town wants to permit them and treat them as permitted or conditionally permitted uses. Old statutory language used to state that they could be located “anywhere” in the town, but that is no longer the case, and you

may not want to allow hospitals or schools (for example) in a remote forest district. **Okay.....**Bylaws already have this language and Performance Standards suit Woodford.

Section 2.4 – It would be helpful to indicate in this section, Site Development Plan, when a site plan is required and the process to be followed – making it unnecessary to repeat in each district, and assuring consistency for all uses required site plan approval. **Okay.....**Woodford currently does not require a site plan nor do we have an approval process for the different uses.....No separate applications yet.....No PUD, variance, waiver, conditional use, or home occupation forms are available to date. The Board is not sure how many forms that they want.

Section 2.5 – Although I think I understand the rationale for these Performance Standards, I believe it would be more appropriate to append them to the section on Conditional Uses (rather than having this separate section). I know there is an interest in having standards that can be used (in one of the districts) to allow for any use as long as it meets these standards, I think there are significant drawbacks to that approach. On the other hand, these can work very well as more specific standards that can be used to evaluate conditional uses, although you should be realistic about the level of review and follow-up enforcement needed for some of the listed standards. **I believe we have felt that there is a need for overall Performance Standards in addition to District Standards for reference as a backup for approving permitted and conditional use. It appears there is some difference in thinking on the part of Jim and some other Regional Commissions on this subject. Therefore, it is important to weight options Jim may give us so we are all on the same page.....**The Board agrees.

Section 3.10 lists some conditional uses and then Section 3.11 (same district) lists some more – confusing. **Hope we can sort this out with suggestions for eliminating anything confusing.....**The Board has approved other language previously.

- Section 3.12 is an example of a section that could be removed if there is clear procedural guidance in the site plan review and conditional use sections. Same with Section 4.11 **Happy to have Jim write a remedy to this.....**The Board agrees.
- Section 4.13 (4) – Just a thought, but it would be a lot easier to permit and enforce if lot area requirements were based on number of bedrooms rather than number of guests. **Lot area requirement based on number of bedrooms rather than on number of guests. Okay by me. How does John, our Lister member feel about this?.....**The Board agreed that the “lot areas” be based on the number of bedrooms.
- Section 4.18 – Driveways – would seem to make more sense as a separate section applying to all districts. **Okay.....**The Board agrees and John noted that at WLE there are no tarred driveways permitted per their Bylaws.
- Section 5.10 (5) - think the language about bed and breakfast/lodge should be a separate item (i.e., not combined with single-family residence). **Okay...The Board agrees.** This would then be re-numbered to be (5) and (6).
- Section 6.10 – Recreation District – discusses “Master Plans,” and the Definition of a Master Plan includes a reference to Planned Unit Developments, but I don’t believe there really is a PUD section in the Bylaw. I’d prefer to simplify this section by just requiring site plan review, perhaps with some specific additional requirements – probably listed after the Permitted Uses (Section 6.12). Again, 6.11 isn’t really necessary if it is stated that a site plan is required for the uses noted. **Okay Thoughts we should convey to Jim re: Recreation district? I like what the PC agreed to as conditional use.....**The Board believes that a site development plan and a permitted use are two (2) separate areas of thought. Glenn suggested that the Bylaws should show that a permit is required for a gathering of under 2,000 and above 2,000 should have to follow the state regulations.

- Section 7.0 (RR/RC Purpose) – This section includes more than “Purpose” language; specific standards should be moved to a separate section. **Okay....**The Board agrees.

Section 7.0 (e) and (f) – the language in these provisions appears to indicate that they would apply to any district? If so, they should exist in a separate section (i.e., not embedded in the RR/RC district regulations). In any event, I worry about (e) because of the potential for inconsistency, controversy, and appeals. As for (f), is there a list of prohibited uses? Many bylaws have a section dealing with this issue, noting that any use not listed as permitted or conditionally permitted is prohibited. A few bylaws do contain provisions, for certain districts (often commercial/industrial districts) that allow for some flexibility on the part of the ZBA to make a determination that a particular use is allowed even if it is not specifically listed, based on the nature of the use and similarity to other permitted or conditionally permitted uses in terms of impacts. **Okay.....**The Board feels that more specificity is preferred.

- Section 7.2 – Uses – I’d make an effort to identify the types of uses that are permitted, possibly including some language about “similar” uses as noted above. **I have no problem noting uses but including such as or "similar" uses to assure we are not locked into situations where if it isn't in the Bylaws, it isn't permitted.....**The Board agrees that the need to identify the different types of use are necessary.

- Sections 8.2 and 8.3 can be removed if process is clearly described in the site plan review and conditional use sections. **Okay.....**The Board agrees.

- Section 11.6 – making a swimming pool and conditional use strikes me as a little heavy handed, but I probably don’t know some history. **Okay - What about a permitted use with conditions rather than an in ground pool being specified as a conditional use? Remember an in ground pool at WLE was given approval and the house a C of O without any safe-guard around the pool. As a permitted use the ZA can approve or**

deny based on the permitted use as allowed in the bylaws.....The Board feels that this section needs attention.

- Section 11.7 – now governed by Section 248(a) and not really something that the town can regulate through zoning (although you can for private telecomm towers). **Okay Amend the Bylaws to regulate private telecom towers only.....**The Board believes that this should be amended to read as the Town Plan currently does.
- Sections 11.10 and 11.11 (Wind and Solar Energy Facilities) really belong in the Town Plan, which is considered in Section 248 proceedings by the Public Utility Commission. The PUC does not look at zoning regulations and municipalities are not allowed to regulate these uses through zoning. **Okay - Include in town plan.....**The Board agrees.
- Section 12.1 (5) – Does Woodford have a Site Plan (“Application”) Checklist? It’s a good idea. **Okay - I will provide some templates.....**The Board agrees that a site plan application “checklist” is needed and Ed provided a template.
- Section 12.5 – Waivers were added to the enabling statute a number of years ago to provide a SIMPLE and more viable alternative to variances for minor additions. The language in Section 12.5 is anything but simple. I have some good examples from other towns that you might want to consider. **Okay review suggested waiver language with Jim.....**The Board feels that this section does need to be simplified.
- Section 12.13 – If you adopt Subdivision Regulations you should add that review jurisdiction to the Planning Commission responsibilities. **Okay.....**The Board agrees that this should be under the Planning Commission’s authority in the Bylaws.
- As for the different approaches to Home Occupations, I’d like to meet with the PC and go over some examples that might make the situation a little clearer and less cumbersome. **Okay - Will discuss with Jim for improvement....**The Board agrees.

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OTHER BUSINESS: Doug Divis came to the Board to inquire about an “Certificate of Occupancy” for his new home. He stated that he had spoken to the Zoning Administrator, James Kinney, three (3) months earlier, but that he had not yet been presented the certificate. Doug stated that this certificate was necessary for his bank.

Betty informed Doug that she would e-mail James and that she would also place his concerns in the minutes of April 9, 2018.

There being no further business, Ed made the motion to adjourn, John 2nd; All in favor: three (3) yes and two (2) absent.

The Board adjourned at 6:37 pm.

The next regular meeting will be held on May 15, 2018 at 5 pm.

Acting Secretary,

Betty Charette