

Washington Planning Board
Public Hearing Minutes - Draft

November 1, 2016

- 0.0** Assembly: 6:00PM
 - 0.1 Members present: Crandall, Kluk, Dulac, Williams and Schwartz
 - 0.2 Alternates present: Terani
 - 0.3 Members and Alternates Absent: Hatch and Russell
 - 0.4 Visitors: None

1.0 Public Hearings:

Crandall opened the first hearing at 6:00PM and turned it over to Kluk.

- 1.1 Minor Subdivision** – Kluk asked Crandall if anything had changed from Dombroski’s presentation to us last month. Crandall said no, he is carving out an 11.85-acre lot (to be designated TM 15-48-1) from his lot TM 15-48. HThis will keep the new lot in current use and he is giving the rest of lot TM 15-48 (after subdivision, 25.97 acres) to New England Forestry Foundation to add to their Oak Hill lot as conservation land. Kluk asked for questions and there were none. We went through the application checklist once more. Kluk asked what the Master Plan designation was for the property. Schwartz said the property is in the Natural Resource Inventory Conservation Plan Area #13 and what Crandall is doing is consistent with that designation. All other needed documents were in our possession excepting the 2 mylars of the subdivision plan. Crandall said Dombroski will provide them when notified that the plan was approved. Williams wants Kluk to inspect the mylars to make sure they match the paper copies before signing them. Schwartz will take the mylar to the registry of deeds when they are signed. Williams made a motion to close the public hearing, the motion was seconded by Dulac, all voted in favor. Kluk closed the public hearing for Crandall at 6:10pm.

Crandall opened the second hearing at 6:15PM

- 1.2 Land Use Ordinance Changes/Additions** – Crandall asked Kluk to speak on the three issues we have covered with the proposed changes to the LUO.
Accessory Dwelling Units - She said that on the Accessory Dwelling Units ordinance we are complying with SB146, which was passed by the legislators last year. They required all municipalities to allow ADUs to provide diverse housing and independent living for seniors and elderly family members. Most of the ordinance is required language but we had some discretion in a few areas. We developed our ordinance in accordance with the requirements and went one step further to allow an ADU in a separate existing structure or attached or within the existing structure. Terani asked if he had a separate garage could he make an ADU in there? Kluk answered yes, a garage or other out building could house an ADU. Kluk said that an ADU can’t be converted to a condo or conveyed to a

separate owner. She said that deed restrictions would supersede this ordinance. Dulac asked if everything was new in 301.1? Kluk said yes Crandall asked how we can let people know it was done subject to a state bill. Schwartz said we can indicate that on information given at the polls.

Signage - Kluk said we are changing our existing sign ordinance language because of a recent US Supreme Court decision, Reed V Town of Gilbert. They decided that different requirements based on sign content was not OK, the ordinance language must be content neutral. We went through our existing ordinance and removed anything that pertained to sign content. We ran the language by the UVLSRPC and they thought it was compliant with the ruling.

Frontage – Crandall spoke about codifying the interpretation of the current ordinance to lose any ambiguity. He said for 26 years (in 1990 the LUO was amended but the previous LUO also held to this requirement, the wording was changed slightly) the ordinance has been applied this way without any problems. Numerous waterfront subdivisions have been done and all have 200 feet of road frontage and 200 feet of water frontage. Dulac asked about Eastman’s interpretation as either/or. Crandall said it has never been interpreted or applied that way. Schwartz said that the surveyors who have been drawing plans for waterfront property owners when they want to subdivide have always complied with 200 feet of frontage on both water and road. It was never an issue the Planning Board had to question because it was always applied this way and no one challenged it. Williams said that the Town hasn’t voted on this since it was put in the LUO. This will allow them to understand and have their say. He said the Town Attorney advised us that this is the way it should be interpreted. Williams said that even if the change is voted down the interpretation won’t change and we will still apply it this way. Dulac said we need to be careful of how we present this, we are not confused and our interpretation is sound. Kluk said the state doesn’t want us to create a lot without road frontage, so an interpretation of either/or is not valid.

Williams made a motion to close the public hearing, the motion was seconded by Kluk and all voted in favor. Crandall closed the hearing at 6:37 pm.

Respectfully Submitted,
Nan Schwartz