

**TOWN OF NORTH EAST PLANNING BOARD
MINUTES
February 23, 2022**

The regular meeting of the Town of North East Planning Board (“PB”) took place on Wednesday, February 23, 2022 via ZOOM at 7:30 PM. Board members Chairman Culver, Evelyn Garzetta, Bill Kish and Dan Sternberg. Also in attendance was Deb Phillips, secretary to the planning board.

Chair Culver requested a motion to open the meeting.

Garzetta made a motion to open the meeting. Motion was seconded by Sternberg and passed unanimously.

Minutes

Chair Culver requested a motion to approve the minutes of the January 12, 2022 meeting as amended.

Garzetta made a motion to approve the January 12, 2022 minutes as amended. Motion was seconded by Kish and passed unanimously.

General Business

Chair Culver said tonight’s meeting is to go over things to do with the Zoning Review Committee. The ZRC has been asking for some input.

Kish had a made a list (bulleted items:

- Definitions should be airtight. We get into more trouble due to vague definitions.

Chair Culver said this has been a constant battle.

- Architectural & signage standards for the business districts. We need to be able to point to specific zoning that says we can say no to “corporate standards” that would impose unsightly projects on our community.

Chair Culver said working on the definitions would help alleviate problems.

Kish said there should be language in there that says while the PB recognizes that corporations may have standard designs, we have our own standards for what we want to do, particularly in the Boulevard District and that we reserve the right to ask the applicant to adjust to fit our standards.

Chair Culver said putting in outside standards don’t necessarily bear any standing with ours. Our rules, code and regulations will be what the project will conform to. He doesn’t like putting in the word corporate.

- Sidewalk standards for boulevard district. Including regulations that would trigger the necessary steps to install a sidewalk when money becomes available.

Chair Culver that’s important because we’ve consistently talked about wanting to do sidewalks but the mechanisms are not in place.

Kish thinks that the zoning should say that the PB must reserve a space for a sidewalk on each side of the Boulevard.

Chair Culver said it should also say that applicants should respect plans for a walkabout district.

- Parking to the rear! Fix setbacks

Chair Culver said our spirit of wanting to make the BD an extension of the Village would be in the spirit of of the Comprehensive Plan by moving the parking to the rear because we were going to move the buildings closer to the road.

- Required rear lot interconnects in commercial districts

Chair Culver said we can site that as a safety and traffic issue. It makes sense to limit the entrances and exits to stores.

- Regulations that discourage flag lots and encourage shared driveways and other infrastructure

Chair Culver said better language would help.

Kish asked if we can get rid of the requirement that each lot have frontage.

Chair Culver said if you take away any frontage then without a shared driveway, you have a landlocked parcel He doesn't know if it's legal to allow lots without frontage.

Kish suggested having a shared drain field for the septic.

Chair Culver said it wasn't legal when the PB did the Kildonan subdivision. We were told that each parcel had to have ownership of their own drain fields unless there was a sewer district created.

- Subdivision code that encourages retention of open space, preserves valuable farmland and protects important ecosystems

Chair Culver said that's in the spirit of the Comprehensive Plan. Getting our regulations and the zoning regulations congruent with the Comprehensive Plan is the smart work we should be doing. That was the idea to begin with. We were going to do the Comprehensive Plan, provide vision and then we were going to rework the regulations to make the vision a reality.

- A clearly defined process for applications

Chair Culver said we have found that one size checklist does not fit all.

Kish suggested looking at the Town of Dover's website and see if the PB can borrow something.

Kish said we should get a list from the ZEO of very specific instructions about what they need to refer to us because they have way too much leeway right now.

Chair Culver: Sometimes they give an applicant false direction and then the PB being portrayed as wrong when our code is the only thing we are working with. The gray area always seems to get us in trouble. It goes back to definitions.

- ZEO needs a list of what sorts of applications need to be referred to PB, it should not be up to his/her discretion:
 1. Changes to exterior
 2. Signage updates
 3. Repaving (see complete streets)
 4. etc.

- Native planting requirements for commercial landscaping

Chair Culver: That is simple but it needs to be talked about. In the past, people have been given things that are not able to survive in our climate. He suggested asking the ZRC for a list of the preferred plantings for the Town of North East.

- Better enforcement requirements, penalties, etc

Kish asked if there is anything they could put in the zoning that would improve the situation.

Chair Culver said the penalties should be increasing over time.

- Ability to specify building/land disturbance envelopes at subdivision time.

Chair Culver asked if it was legal for the PB to tell the applicant where to put their home.

It was agreed to ask Consultant Agresta and Attorney Langlois.

- Zoning should list specific tools that the PB and ZBA should use when reviewing a project
 1. Wetland maps
 2. Hudsonia maps and report
 3. Habitat assessment guidelines
 4. Assessment checklist
 5. Members agreed.

Chair Culver said the more tools that we have to make a complete decision when we finalize something, the less opportunity that we have to be in court, to be challenged, etc.

Farhangi made a list (bulleted items)

- Zoning that incentivizes people to put conservation easements on their property

Chair Culver said the Comprehensive Plan encourages the preservation of open space. He asked how to zone to make them put conservation easements on their property.

Kish suggested bonuses.

Chair Culver mentioned like what is done with commercial development and tax abatements for a certain amount of years. Maybe incentivize by reducing through the tax assessment by X percentage over X number of years if they put a conservation easement on.

- Zoning that encourages conservation easements with subdivisions (but not the clustered housing model, which doesn't work in our market, at least it doesn't currently)
- Historic preservation!! Have a provision that requires a house to be offered to be moved before being torn down if it is more than X number of years old (100?), among other provisions (surely there are model statutes out there)

Chair Culver said he doesn't know if it's required to give a house away. He is concerned with liability.

PB agreed to give the list to Agresta.

- I incorporate the Hudsonia guidelines for protecting the various habitats/species. E.g. Hudsonia might recommend a bigger buffer from streams that have certain species. (I am referring to the Hudsonia mapping report on our town)

Chair Culver said that's already in the Comprehensive Plan. The state guidelines have become more definitive on protecting habitats.

Kish suggested presenting this to the ZRC.

- Lighting, of course

Chair Culver said it's in the Comprehensive Plan.

- Requiring building envelopes to be delineated on maps when subdividing
- Giving a private citizen the right to enforce provisions if the town won't
- Fencing not right up on property line, but 5 feet in from the property line, so neighbors can maintain the space between fences (otherwise, they can put the fences adjacent to each other, making it impossible to maintain)

Chair Culver said the fencing law says you have to be able to maintain the property from your side.

- Addressing the idea of "pop up" businesses and/or temporary approvals

Kish said it's in the Comprehensive Plan.

- Solar farms (why the super high fencing? Prefer lower fencing).

Kish said to ask the committee that created the solar law.

- Definition of farming - if it can be done on a parking lot, it isn't farming

Kish asked why do we want to limit people's ideas to what a farm is.

Chair Culver doesn't understand the example that if it's in a parking lot, it's not a farm. Making the definitions clear would eliminate that issue. It's creating a problem that doesn't exist.

Chair Culver it always goes back to enforcement. Anything that we do in the ZRC relative to any of this from the PB, it all comes back to that we don't really have enforcement and follow-up.

Kish said we should have bonding.

Chair Culver said we should always bond for landscape and the final ten percent because that never gets done.

It was agreed to bring that to the ZRC.

Kish will collate the meeting's concerns to present to the ZRC.

Chair Culver requested a motion to adjourn the meeting at 8:21PM.

Sternberg made a motion to adjourn the meeting. Motion was seconded by Kish and passed unanimously.

Respectfully Submitted,

Deb Phillips
Planning Board Secretary

APPROVED March 23, 2022