



MINUTES OF THE
PLANNING AND ZONING COMMISSION OCTOBER 9, 2013

- I. Jeff LaBar called the meeting to order at 7:08 p.m. In attendance were, David Coull, Nancy Feuerle, Randy Getman, Megan Reiser, Commission Members. Christopher Jakubiak, Planning and Zoning Administrator, Fran Addicott, Secretary. Tim Stafford was absent.

II. **Approval of the October 9, 2013 Agenda.**

MOTION: Mrs. Feuerle moved to approve the agenda of the October 9, 2013 Planning and Zoning meeting. Seconded by Mr. Coull, all in favor.

III. **Approval of the amended Minutes of the September 11, 2013 Planning and Zoning Meeting.**

MOTION: Mr. Getman moved to approve the minutes of the September 11, 2013 Planning and Zoning meeting. Seconded by Mrs. Feuerle, all in favor.

IV. **Review minor amendments to the Condominium Phasing Plan on Townhouse Condo V, Phase 1, 2, and 3 showing Units F, G and H of Richfield Station.**

Mr. Jakubiak stated that the biggest challenge he has as Zoning Administrator is finding where the easements are on plats. Recently a developer brought in a minor plat amendment. Mr. Jakubiak noticed that there was a storm drain easement over the corner of the lot, which was not showing on their site plan. Sometimes when the property is developed the easement are missed when they get platted and recorded. In many cases when the applicant decides to build a deck and get a permit, they are not aware that a storm drain easement is on the lot. Mr. Jakubiak said these easements must be noticed before the property owner settle on the property. In response to his concerns, the developer has submitted a revised version of the plat which was Richfield Station Townhouse Condominium V, Phase 1, 2, 3 and showing Units F, G and H.

In regards to the amendments, Mrs. Reiser made a suggestion to confirm that the wedge or triangle section of the plat is not of a larger storm drain easement, if it is, then the storm drain easement should be shown on the plat in its entirety.

MOTION: Mrs. Reiser made a motion to approve the amendment with the condition if there is a larger storm drain it must be shown on the plat in its entirety. Seconded by Mr. Getman, all in favor.

V. **OLD BUSINESS REGULATIONS**

This was a continuation of the discussion for the Critical Area Overlay District.

Mr. Jakubiak showed the outline for the amendments to Chapter 290 Zoning Ordinance. He listed the sections that are completed or under preparation. Almost everything is completed. Section 5- Land Use and Density and Section 6- Supplemental Use Standards have not been completed. Sections 13, 14, 15 and 16 dealing with Buffer Management and fee-in-lieu program and Section 19- Trees in the Critical Area also have not been completed.

The Planning Commission's recommendation for these amendments will be considered in January or February 2014 by the Town Council for adoption. Mr. Jakubiak asked the Planning Commission to read the current ordinance 290:39 on the Buffer Exemption Area from start to finish so that the Planning Commission would see the small handwritten amendments he made. Currently, there is a fee-in-lieu program which will need to be changed as well. Mr. Jakubiak discussed the Buffer and the Buffer Exemption Area. Mr. Jakubiak said that the Critical Area Model Ordinance does not recognize Buffer Exempt areas. The Buffer is the land 100 feet from the edge of the water. The Buffer Exemption Area is 100 feet wide and has lost its ability to function as a buffer, this makes more flexibility for a property owner or developer. See the October 9, 2013 worksheet for further information on Mitigation requirements, Buffer Management Plan, Permitted Activities, Buffer Establishment in Vegetation and Buffer Planting Standards. In the Buffer Exempt Area, the Critical Area Law states that the Planning Commission approve certain areas in the Buffer Exempt. The Town will not approve any use and occupancy permit until the plan has been implemented.

Chairman LaBar thinks that if someone has an un-do hardship they should be able to get a variance. Mitigation for area of disturbance for single family residential development. All other types of development, shall be required to offset for such development.

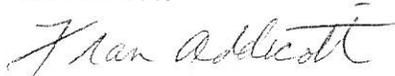
Offsets for planting of existing impervious surfaces in the Buffer of Buffer Exemption Area increased to \$1.50 from \$1.25 per square foot for fees-in-lieu. The Woodland reforestation and afforestation standards will stay the same, as there is no reason to change that section. fee-in-lieu of Mitigation Program-acceptable projects for use of fee-in-lieu monies: Mr. Jakubiak suggested to the Planning Commission to add item d). Any interest earned in the fee-in-lieu program shall accrue to the program and be used in the same manner as monies collected.

Costs associated with organizing, operating, managing, and implementing the fee-in-lieu program, including employee salaries, provided such costs do not exceed 20 percent of fees collected. Tree removal was also addressed. In the Critical Area, the removal of a dangerous tree should be done immediately with the replacement of 1 for 1.

In closing, Mr. Jakubiak said he will consolidate all the sections of the Critical Area Zoning documents we discussed and have a new draft done before the next Planning Commission meeting.

There being no further business, the meeting adjourned at 8:45 pm on a motion by Mr. Getman, seconded by Mrs. Feuerle, all in favor.

Fran Addicott



Secretary of Planning and Zoning