

WEST WINDSOR PLANNING COMMISSION

Draft Minutes

April 15, 2009

Present: Hal Pyke, Glenn Seward, Barbara Truex, Joe D'Anna, Bruce Boedtger, Martha Harrison, Brian Curtis

1. Call to Order – Chair Hal Pyke called the meeting to order at 6:30 PM.
2. Changes or Additions – None
3. Proposed amendments to zoning regulations – the elimination of “Light Industry,” and the addition of “Low impact non-residential use,” as a Conditional Use in the Primary Growth Village district; the standards associated with the proposed addition of Section 4.24 (Low impact Non-residential Use); and other related amendments, if necessary. Martha handed out a draft public hearing notice on the proposed amendments. Hal said he presented the proposed amendments to the Selectboard at their meeting on Monday night and they didn't have any problem with them. The Planning Commission (PC) agreed that May 8th would be fine for a public hearing. There was discussion about the public hearing process. Brian Curtis asked about the standard that says the use shall “establish hours of operations which ensure that the proposed use does not have an undue adverse impact on neighboring residential uses.” Hal said the PC is trying to give the DRB some latitude in determining whether there would be an impact. **Barbara made a motion to publish the notice of public hearing as presented. Joe seconded the motion, which passed unanimously.**
4. Review report on proposed zoning amendments – Martha said the report explains why the PC is proposing an amendment to the zoning regulations. The PC reviewed the report. **Hal made a motion to approve the report. Glenn seconded the motion, which passed unanimously.**
5. Subdivision regulations – There was discussion about inconsistencies between the Subdivision Regulations and the Zoning Regulations and the PC decided that the subdivision regulations would control in resolving inconsistencies. The PC decided to refer to subdivisions as “conventional subdivisions.” There was discussion about the definition of boundary line adjustment and all agreed that Martha would ask Tom and Joelle for a definition. Regarding Section 2.2 (B), the PC agreed to create a checklist of application requirements. The PC agreed that there should be separate application forms for boundary line adjustments and subdivisions. Glenn suggested that a complete application for a boundary line adjustment should include the name, address, and phone number of the applicant and the landowner; the names and addresses of abutters; preparer information; scale; project boundaries, property lines, existing and proposed lot lines, and dimensions; adjoining land uses; roads, driveways, paths, parking areas, rights-of-way, and easements; surface waters, existing water and wastewater systems, drainage, and utilities; and zoning district designation. The PC agreed that, on the application form, the adjustment could be drawn by hand on an existing survey as long as it is drawn to scale. Hal noted that, if the adjustment were approved, an engineered drawing would have to be submitted for recording. Martha suggested that the application should also show setbacks and frontage. Bruce agreed and said acreage should be included as well. The PC agreed. The PC reviewed and revised the requirements for sketch plan review as shown in Table

2.2 and agreed to present them in checklist form. Martha asked if the general location of floodplains, critical wildlife habitat, etc. should be included on the sketch plan. The PC said yes. There was discussion about Section 2.3-2(C) and the PC decided to remove a sentence that was unclear. Bruce suggested requiring 20' contour intervals on the sketch plan, 10' intervals on the preliminary plan, and 5' intervals on the final plan. Martha asked if contours are necessary on the sketch plan since the DRB is going to do a site visit. Glenn said if we're going to ask the applicant to identify slopes with a gradient of 25% or more, we might as well ask for 20' contour intervals. Bruce and Hal agreed. Martha asked if the contours have to be on the same map as the other information, or if someone can bring in a separate contour map. The PC said the contour map could be separate. Bruce said the sketch plan should be something that the applicant can do without having to hire someone. The PC agreed that most of the work is done at the preliminary plan stage. The PC reviewed and revised the requirements for preliminary and final plan review as shown in Table 2.2 and agreed to present them in checklist form. There was discussion about stormwater permits, which are required by the state if more than one acre is disturbed. The PC approved minor changes to Section 2.3-3 (B) and (C). The PC agreed to eliminate Table 2.1, which summarizes the review process. The PC then reviewed the draft changes to the Design Standards. Although they recognized that there might be limitations on the implementation of Section 3.1.10 on existing recreation trails, the PC liked the proposed language. The PC liked the proposed language on open space and the revisions to the section on stormwater management and erosion control. There was discussion about Section 3.4.2 on lighting, but no changes were made to the draft language. Bruce said it's much easier to deal with lighting ahead of time with a permit condition than to try to deal with it afterwards. There was discussion about Section 4.4(C)(2). Martha said the added language is there to ensure that no one builds a house until all required fire infrastructure, roads, drainage, and the like are installed in accordance with approved plans. Glenn said it would be more efficient to do all the work associated with the infrastructure (sewer, water, fire ponds, etc.) along with the site work for the structures. Martha said the PC could change the proposed language to say that no Certificate of Occupancy (C.O.) may be issued until all required improvements have been installed. The PC liked that idea. Bruce said the town would want to know that there was enough infrastructure there for the town to feel comfortable that the project would be finished. Glenn said he has been in circumstances of the type that the proposed wording is trying to prevent. Bruce said someone could end up not getting a C.O. based on something that was out of his or her control that the original contractor didn't finish. Bruce suggested using a phasing plan. Glenn said the PC should incorporate some latitude in the regulations so the DRB has some wiggle room and he's not sure that phasing would work. Martha said the town doesn't want to get stuck with a subdivision that doesn't have the required infrastructure. Hal suggested striking the word "any" from the first sentence. Glenn liked that idea. Barbara suggested requiring a bond. Martha noted that the sentence ends with "in accordance with the conditions of approval" so, depending on how those conditions are worded, the DRB could create its own wiggle room. Bruce and Hal agreed. Bruce said it could be done with phasing conditions, specifying the order in which things need to be done. The PC agreed to change "certificate of occupancy" back to "zoning permit" in the first sentence. The PC then discussed Article 5 (definitions) and modified the definitions of authorized representative

and land development. The PC agreed to ask Tom Kennedy for a definition of boundary line adjustment. The PC also agreed to eliminate definitions for the following: contiguous, extraction and scenic area (feature). The PC asked Martha to check and see how the word “clearing” is used in the subdivision regulations. The PC does not want to prohibit people from cutting trees on their property. There was discussion about how to distinguish between a road and a driveway. A definition for “road” was added and the definition for “street” was eliminated. Martha noted that, in the zoning regulations, an access that serves two or more lots is deemed to serve a small housing development. However, for 911 purposes, if a road serves three or more lots it has to have a separate road name. The PC changed the definition of “road” to indicate that a road serves three or more lots. Hal asked Martha to incorporate the changes discussed and send out a final draft to the Planning Commission. Martha read the statutory definition of “plat” and the Planning Commission agreed to include it in Article 5.

6. Approve minutes: March 18, 2009 – **Barbara made a motion to approve the minutes of March 18, 2009, as written. Glenn seconded the motion, which passed unanimously. April 1, 2009 - Glenn made a motion to approve the minutes of April 1, 2009, as written. Barbara seconded the motion, which passed unanimously.**
7. Other business - None
8. Adjourn – **The Planning Commission adjourned by unanimous consent at 8:45 PM.**

Respectfully submitted,

Martha Harrison