

WEST WINDSOR PLANNING COMMISSION

Draft Minutes
February 25, 2009

Present: Hal Pyke, Bruce Boedtger, Glenn Seward, Barbara Truex, Joe D'Anna, Martha Harrison, Joelle Greenland, Tom Kennedy

1. Call to Order – Co-Chair Hal Pyke called the meeting to order at 6:30 PM.
2. Changes or Additions – None
3. Subdivision Regulations – The Planning Commission discussed Articles 1 & 2 of the draft subdivision regulations. Tom suggested that the Planning Commission maintain the option of treating a minor subdivision as a major subdivision. The PC agreed. The PC decided to add language that would allow the Administrative Officer to refer a boundary line adjustment to the DRB. The PC also agreed that the map submitted with the boundary line adjustment application should be drawn to scale. There was discussion about whether or not the AO can attach conditions to permits. Tom said the statutes are silent on the issue. Martha said she would put a query on the ZA list serve. Bruce said in zoning the ZA cannot attach conditions. Tom agreed. Tom said there may be terms of the agreement that the parties want in writing. Martha said she has no problem with that, but she doesn't think she can impose conditions (e.g. I'll issue the permit if you agree not to cut down that tree). Tom said Martha is adjudicating an agreement and there may be conditions that the parties want included on the plat. Hal suggested adding some language to that effect. The PC agreed that the various reviews required for subdivisions, e.g. conditional use and site plan, should be consolidated whenever possible. There was discussion about whether to include a table or a checklist in the subdivision regulations. Tom said the AO and the DRB Chair should have a checklist. Tom said the table, as shown in the draft, should include the submission of the application and associated fee. The PC agreed to remove all references to specific sections of the zoning regulations in case the section numbers change in future drafts. All agreed that they would prefer a checklist to a table and that the checklist should be referenced in the text. Regarding sketch plan review, there was discussion about how far in advance the applicant should submit the application and whether or not the review would take place at a regular meeting or at a warned public hearing. The PC felt that the review should take place at a warned public hearing. There was discussion about how far in advance the hearing should be warned. Hal cited §4464(a)(2) which requires at least 7 days notice. The PC agreed to cite 4464(a)(2) in the text but to require 15 days notice. There was discussion about whether or not the public notice for DRB hearings can be published in a daily newspaper if the Selectboard has designated a weekly paper as the paper of record. Tom suggested that Martha post a query on the ZA list serve. Martha said if the sketch plan review is warned as a public hearing, do the preliminary plan and final plan reviews have to be warned as well. Tom said yes. There was discussion about detailing the process for subdivisions in general (sketch plan, preliminary plan and final plan) and then specifying that the DRB can waive the preliminary plan phase for minor subdivisions. This would give the DRB the option of not waiving the preliminary plan phase if a complicated minor subdivision comes along. Bruce pointed out that the requirements for preliminary plan review and final plan review are almost the same and said that maybe the DRB should be able to waive preliminary plan review for major subdivisions if they don't feel it's necessary. There was discussion about classifying subdivisions as "major" and "minor." Martha said "major" and "minor" are already defined in the regulations. Tom said if someone has done another subdivision within the last five years - that could trigger a major subdivision. Tom said the DRB has to determine whether a subdivision is major or minor during the sketch plan review hearing. Tom said large landowners sometimes subdivide one lot at a time and the DRB needs to make sure that the subdivision is done thoughtfully. Barbara suggested adding back the following

paragraph, which was stricken, “For the purposes of these regulations, subdivisions shall be classified by the DRB as minor subdivisions or major subdivisions, following the DRB’s approval of a Sketch Plan.” All agreed. There was discussion about putting the information about boundary line adjustments in a separate section. Bruce said the state has its own requirements for boundary line adjustments and asked what would happen if the town and the state disagree. Bruce said if the adjustment is significant enough, the state may require the applicant to get a wastewater permit. Martha said, as far as the town is concerned, if the adjustment is significant enough to create a potential future subdivision, that’s okay because the applicant will still have to get a permit for it if s/he decides to do it. Tom said he would like to see the state’s requirements on boundary line adjustments. Bruce said he would email them to Tom. Joe asked if there is a limitation on adjustments. Hal said yes; the adjustment cannot create a new lot. Hal added that 4464(6)(c) allows for administrative review as long as it is clear which applications the AO is authorized to act on. Martha said it is clear because the regulations specify that the AO can act on boundary line adjustments and the standards for boundary line adjustments are spelled out. Hal agreed. There was a question about whether the DRB’s decision on the preliminary plan review needs to be recorded. Tom said he would look into it. Tom said the DRB sets the date for the hearing and the AO carries out that action on their behalf. Tom said the AO cannot determine whether the final application is complete or not. Martha pointed out that, in that case, the DRB will have to have a meeting, prior to their final plan review hearing, to determine if the application is complete. All agreed that Martha will determine if all the elements are present and the DRB will determine if the elements are adequate. Bruce suggested adding language about the change in classification from minor to major that would happen if someone subdivided repeatedly. Bruce also suggested having a question about multiple subdivisions on the application form. Barbara asked if the subdivision would have to be contiguous to trigger the change in classification. Tom said the PC can decide that. Martha asked if there has to be a meeting before the sketch plan and preliminary plan hearings to determine whether the applications are complete. Tom said when the DRB classifies the subdivision they will determine whether the application is complete or not and they will do that at the sketch plan hearing, so there does not need to be a meeting prior to the sketch plan hearing. There was some discussion about whether or not the final meeting and the final hearing can be combined.

4. Upcoming Workshop: Energy Planning – Joelle is attending and will provide the PC with materials.
5. Minutes: January 21, 2009 – **Glenn Seward moved to accept the minutes of January 21, 2009, as written. Barbara seconded the motion, which passed unanimously.**
6. Other Business – Joe asked about the public hearing on the amendment to Section 4.12 of the zoning bylaws, which has been rescheduled for March 18, 2009.
7. Adjourn – The Planning Commission adjourned by consensus at 8:55 PM.

Respectfully submitted,

Martha Harrison