

## WEST WINDSOR PLANNING COMMISSION

Draft Minutes

May 29, 2014

Present: Barbara Truex, Al Keiller, Arthur Steinberg, Elvin Kaplan, Martha Harrison

1. Call to Order - Planning Commission Chair Barbara Truex called the meeting to order at 1:33 PM.
2. Changes or Additions – None
3. Public Comment – None
4. Discuss Flood Hazard Area Regulations – The Planning Commission (PC) reviewed and discussed version #4 of the state model flood regulations. Martha said she went over some questions she had with State Floodplain Manager Josh Carvajal. Martha noted that the regulations would prohibit new structures in the floodplain and/or the fluvial erosion hazard zone when one is designated. Martha explained some of the changes she would suggest making to the model regulations. Martha said West Windsor doesn't have a designated floodway at this point but Josh suggested leaving in the references to the floodway so the regulations don't have to be rewritten if one is established. Martha said the model regulations require conditional use review for improvements to existing roads and suggested that the PC consider modifying that requirement given that state and federal permits are already required for most such projects. The model regulations also require conditional use review for accessory structures less than or equal to 500 square feet, with the implication being that accessory structures with more than 500 square feet are prohibited. Martha said the PC can reduce, but not increase, the size of accessory structures allowed in restricted areas with conditional use approval. Regarding exempt activities, Martha suggested including the maintenance of existing bridges and culverts. Martha noted that agricultural activities are exempt and the town can't change that but she thinks we can request written approval from the Agency of Agriculture. Martha added that the state is going to adopt regulations to cover agriculture in floodplains. Martha also expressed concern about the impacts of clear-cutting adjacent to a floodplain. Regarding variances, Martha wondered why a town would issue a variance in a floodplain. Barbara asked if the usual criteria for granting a variance would also apply. Martha said yes. Martha said #4 under Section VII (C) would apply to hay bales if they weren't exempt, and does apply to woodpiles. The PC agreed that someone on a small lot in a floodplain might need a variance for a woodpile. Regarding Certificates of Occupancy, Martha suggested requiring the applicant to provide proof of compliance with all state and federal approvals since she is not qualified to determine conformance with certain conditions (e.g. engineering, wetlands). Regarding the enforcement of violations of Accepted Agricultural Practices (AAPs), Martha said she doesn't think it's appropriate for the town to enforce the AAPs since we're not allowed to regulate them. Martha said she thinks some of the terms used need to be defined (e.g. "improvements"). Barbara asked about the town's liability if a permit is granted for an RV in a floodplain and it subsequently gets swept downstream. Martha said the regulations include a liability disclaimer. Martha will get the "Word" version of the document and make changes for the PC to consider at their next meeting. The PC agreed to consider the flood regulations an Appendix to the Zoning Regulations.
5. Minutes – April 2<sup>nd</sup>: **Al moved to approve the minutes of April 2<sup>nd</sup>. Barbara seconded the motion, which passed with Elvin abstaining.**
6. Other Business – The PC will meet again on June 26<sup>th</sup> at 10:00 AM.
7. Adjourn – **Barbara moved to adjourn at 2:27 PM. Elvin seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison