

Planning Board Minutes 08/22/2016

Planning Board
Town of Greenfield
Approved Meeting Minutes
Recorded by Janice Pack
August 22, 2016

Members Present: Paul Renaud, Ken Paulsen, Robert Marshall, Jim Fletcher, Andre Wood

Meeting Opened: 7:22 PM

Mail: Page 7/8 from the Zoning Ordinance (updated copies for everyone)

Return Receipt postcards from the Kokal Farm Minor Subdivision & Lot Line Adjustment

New Business: Columbus Day is October 10th, which is a scheduled meeting day. It was agreed to hold the meeting on October 3rd instead.

PRenaud reported that he had spoken to Lisa Murphy about the Master Plan and the missing chapters. LMurphy admitted that she never brought them over to the Town Office, and said she would get the 9 copies of those 3 chapters and the updated maps that go along with them to us as quickly as possible.

Raul Gonzalez from SWRPC will be visiting a Planning Board meeting within the next few months, as he has been assigned to our area.

Public Hearing: Kokal Farm Minor Subdivision & Lot Line Adjustment (began at 7:32)

Before we can open the Public Hearing, we need to go through the Checklist and ascertain whether everything we need to move forward is present. A brief general overview was given by Chris Guida, Soil and Wetland Scientist with Fieldstone Consultants, on behalf of the applicant. CGuida stated that the Kokals are looking to adjust a lot line and create 2 new existing lots. He pointed out on the map where the buildings were located, and showed where the perc tests were done, which was approved by Mike Borden. He showed the existing wells, and 2 proposed wells. These would be large lots; well over the state's minimum requirements for subdivision.

The Board proceeded to go through the checklist, and found that we needed a Statement of Compliance, and the two 75' well radii noted on the plans. PRenaud asked "Does the Board feel we have enough information to move to accept the application as complete and invoke jurisdiction?" RMarshall moved that we did, and JFletcher seconded. All were in favor 5-0.

PRenaud proceeded to move forward with the Public Hearing; its purpose being to discuss the merits of the minor lot line adjustment at 243 Cornwell Road, turning one lot into 3 and expanding another lot. It was confirmed that this Public Hearing was Noticed, and the mailing to the list of abutters had been done via certified mail. PRenaud went over the rules of procedure for the public hearing.

Public Hearing was opened at 8:03 PM

JFletcher asked CGuida to go over the intent once more. CGuida stepped to the map, and pointed out the lot lines and restated the purpose.

PRenaud asked if anyone wanted to speak in favor of the application. Andrej Kokal spoke, saying that the Kokal family was expanding. All 3 of their boys had completed their education and decided to stay in Greenfield, which is great for them as a family, and for the Town of Greenfield. They had been excellent stewards of the land, and wanted to provide for each of their sons to have a portion of the land.

PRenaud asked if anyone was in opposition? No one spoke.

PRenaud asked if anyone neutral wished to speak? Bob Caron asked if there were any conditions about what was proposed for the lots? PRenaud stated he believed the intent was to put single family homes on the lots. PRenaud asked if there were any other comments.

Eric Kokal spoke, saying that one of the proposed lots was for him and his future family. He is a brand new teacher and plans to stay here forever.

Chris Kokal spoke. He is another son who is looking forward to building a home for his family on the northern lot, and staying in Greenfield.

Mrs. Stephanie Kokal spoke on behalf of the absent son, a veterinarian, and his wife who is also a veterinarian. They will be taking one of the other lots.

JFletcher asked what the logic was behind the "hook" shaped lot. AKokal said that as the boys were there and walking around, they tried to delineate the space to encompass areas that spoke to the boys, and to provide an area that would be equal. AWood stated that he, too, wondered about the logistics of the "hook" shaped lot, and AKokal said that they had had many discussions as to where the houses would be built.

At 8:17 the Public Hearing was Closed and the Planning Board entered their deliberative session.

RMarshall said "Technically, we are considering a proposal to create 4 brand new lots that will exist as a result of this application." His point is that we have a minor lot subdivision to consider but he feels that we are in actuality creating 4 new lots, which would be a major subdivision. Since a *major subdivision* is 4 or more new lots created, RMarshall is concerned about the language. RMarshall asked "How many lots will you register?"

and PRenaud answered "4". He then proceeded to read the definition of lot line adjustment. PRenaud said that technically he feels there is a lot line adjustment, and the creation of 2 new lots.

RMarshall said the fact that we would need to register 4 new lots means that it needs to be considered as a major subdivision, not a minor subdivision.

AWood asked "if they came in with just a lot line adjustment, that would be fine?" and RMarshall agreed.

AWood said "If they then divided 1 lot into 3, would that be okay?" RMarshall said they are "still creating a total of 4 new lots. If 4 new lots need to be registered at the Hillsborough County Courthouse, then it is a major subdivision." JFletcher said in his opinion, we are creating 3 new lots. He suggested that we keep the one lot the way it is and do the subdivision first, and do the lot line adjustment separately. PRenaud said that for just a lot line adjustment the planning board does not necessarily require a public hearing.

AWood did point out the difference in the lot numbers from the sheet showing the existing lots, which may be a typo. PRenaud will check with Catherine Shaw. PRenaud asked if anyone else had something to say. CGuida gave his opinion, saying that MBorden had advised them to go that route. He said it was clear that if we did the subdivision, we create 3 lots. The other lot still exists; it just undergoes a lot line adjustment.

RMarshall asked if we could continue the hearing subject to a ruling by Town Counsel. CGuida asked if the Board could conditionally approve this based on Town Counsel's advice. PRenaud said "No, because it might possibly have to be renoticed if it was deemed to be a major subdivision."

It was decided to adjourn the public hearing rather than to close it. JFletcher said we could not conditionally approve at this point. The board discussed the best way to move forward with this, and did not have a consensus of opinion on how to move forward.

PRenaud decided to reverse his earlier decision to close the Public Hearing, and asked if anyone else wanted to speak. AKokal said he felt extremely confident that this was a minor subdivision with a lot line adjustment, and that when Counsel looks at it, they will agree. He said they are keeping 2 lot numbers, and creating 2 more.

On the question to legal counsel, AWood also wanted to clarify that in the process of doing the subdivision are we creating a NEW lot with a new number, or just an adjusted lot. PRenaud said this may be a prompt to tweak our definitions in the Subdivision Regulations.

PRenaud asked if anyone else wanted to speak. Hearing none, he said "We will now adjourn the public hearing and barring any complications or changes from Legal, we will continue this hearing at 7:30 on September 12th."

JFletcher said to also ask Legal if the existing application could still be considered - take the lot line adjustment out of it and go forward with the subdivision - so that the money spent noticing would not be wasted if we received legal opinion that concurred with RMarshall's opinion.

AWood said "What if the applicant said to us tonight that we wanted to just do the subdivision tonight? We would say that we needed to have a new drawing, and no additional fees would be incurred."

RMarshall insisted that the Board speak to a lawyer and make sure that we have everything right. PRenaud said that we do not have to have a Public Hearing for a lot line adjustment, but you do need to notice it. The board could vote to give approval to the lot line adjustment. He felt we could do that and still be compliant.

RMarshall argued that it would not be doing exactly what the Kokals wanted to do. KPaulsen said that he does want this to go through if everything is done right, and agreed that we need a legal opinion. PRenaud asked CGuida to send him an electronic file to forward to Legal. "We will continue this hearing at 7:30 on September 12th because there is a procedure issue, and we need to wait for an answer from Legal" said PRenaud.

At 8:55 PM, the Public left the meeting.

The Board discussed what might be done differently next time, and AWood said that another interesting question raised was when does a lot become a NEW lot. If the lot has to be registered at the Registry, it becomes a new lot. That is the crux of this whole problem. The definition may need to be revised based on what Legal says.

Moving on, PRenaud passed out the changes to pages 7 and 8 in the Zoning Ordinance.

At 9:01 PM PRenaud read the Minutes. A few minor changes were made, and RMarshall moved to accept the Minutes. AWood seconded, and all were in favor.

The Board proceeded to review 2016 SB 146 – Accessory Dwelling Unit (ADUs)

In any district where single residence dwellings are allowed, this has to be allowed. It notes on the sheet PRenaud handed out that any ADU must have an interior door between it and the principal dwelling unit, which we may want to add to our definition. We should also specify that it must be an independent living unit (with provisions for sleeping, cooking, eating, and sanitation). It must be a separate dwelling unit. In the Center Village and Business District that was just changed. We have different parameters for lot sizes, and PRenaud feels we may want to put similar ADU language in our ordinance.

RMarshall pointed out that in Section IV General Regulations and Restrictions C page 17-18 we state that our dwelling units be 700 s.f. but in the 2016 SB 146 it states that a municipality must not require an ADU to be smaller than 750 s.f. It is not clear if the mandate is also for detached dwelling units. We may need to go to 750 s.f. in our language.

In Rural Ag District the language will also need to be changed. By mandating that it be no greater than 25%, that may make it smaller than 750 s.f. and we cannot require this.

It was agreed that we will need to make these changes.

Moving on to the Municipal Sign Ordinance and how it relates to our Sign Ordinance (page 16), PRenaud stated that our sign ordinance only deals with business signs. It does not specify noncommercial signs (political signs, etc.) What we cannot do is discriminate based on content. PRenaud said that we may want to have Legal Counsel look at our sign ordinance and let us know if there may be a problem since we do not address noncommercial signs, and advise how this decision may impact us.

The board discussed the various types of signs, deciding what the definition of commercial sign is, and naming some examples. Since we do not have a sign ordinance for noncommercial signs, is that in itself discriminatory? Should our sign ordinance be expanded to include noncommercial signs? RMarshall suggested that we also ask MBorden about this. RMarshall suggested that perhaps the Municipal Association could look at it, since that would be free advice.

AWood motioned to adjourn, KPaulsen seconded, and the **meeting adjourned at 9:50 PM.**