

LANDGROVE PLANNING COMMISSION

Minutes of Meeting
April 13, 2017

Attending:

Charles Sweetman Leigh Adams Michael Mole
Gerald Hassett Harry Lux Michael Morfit

Hal Wilkins (Zoning Administrator)

The meeting was called to order at 5:03 pm, with all 6 Commissioners and the Zoning Administrator present.

1. Election of Officers and other membership matters

Chuck Sweetman was unanimously elected to serve as interim Chair through the summer of 2017, with the expectation that another candidate will take over after August.

The position of Secretary was left vacant until our next meeting (May 10). Leigh Adams volunteered to take minutes and Hal Wilkins agreed to provide the draft findings of fact on the two applications presently before the Commission.

Having served with dedication since 1989, Leigh Adams expressed a desire to step down from the Commission. This will be communicated to the Select Board so that they can begin to search for a replacement to join the Commission in the next couple of months.

2. Other administrative matters before the Commission

- *Anticipated request from Ann McLaren.* The Zoning Administrator reported that we anticipate a request from Ann McClaren to approve a subdivision of existing property which resulted from the earlier combination of two smaller parcels. The anticipated division will revert to the boundaries of the earlier two parcels. Nonetheless, the Zoning Administrator noted that it cannot be treated as a boundary adjustment but instead must be treated as a subdivision of an existing single parcel.
- *Conditional Use Fee.* It was noted that the list of fees approved at the previous Commission meeting failed to include the long-established Conditional Use Fee (\$100). The Zoning Administrator was asked to amend the list of approved fees to include this fee, which is unchanged from previous practice.
- *Conservation Commission.* It was noted that the town's Conservation Commission has the opportunity to play a role in consideration of applications involving the Utley Scenic Overlook and town lands but currently only has two members and is not in a position to be actively engaged.

3. Application of Bruno and Mary Licata (78 Nichols Road).

The hearing on this application was opened by the Chair at 5:30 pm. The warning notice of the application was read. The Chair invited Commission members to announce any conflict of interest with this application. None was identified. The Chair then swore in two witnesses who planned to speak on this application (Bruno Licata and Mary Licata).

The Zoning Administrator reported that this variance request had been posted and warned in accordance with relevant parts of state and town regulations. He further reported a variance must meet all five criteria (as identified in **Section 144.1** of the Commission's bylaws) in order to be approved. He reviewed each of these and reported that in his opinion the application meets all of them.

Bruno Licata spoke on behalf of his application, providing an overview of the proposed construction and the reasons why specific characteristics of his parcel limit the options for locating the planned new structures.

Commission members asked about the following issues:

- *Set-back.* After reviewing the plans, it appears that the setback of the proposed building will be closer to 52 feet, not approximately 58 feet as suggested in the analysis of the Zoning Administrator. (Bruno Licata confirmed that this is the case, but also noted the uncertainty about the exact location of the presumed centerline of the town road.)
- *Planting to screen the structure.* Do the Licata's have any plans for planting trees, shrubs or other landscaping close to the road to provide a screen for the new structure? (Bruno Licata responded that they have no such plans at this time.)
- *Lighting.* In response to questions from the Commission, Bruno Licata confirmed that all lighting will be direct downward. They intend to use only traditional barn lights.
- *Driveway clearance with the town Road Commissioner.* The Commission noted that the exact location and site work associated with the proposed new driveway would need to be cleared with the Road Commission.

There being no further questions from the Commission and no abutting property owners or other members of the community present and wishing to speak, the Chair closed this hearing. The Licata's were told that the Commission legally has up to 45 days to provide a formal response to their application, but past practice suggests that they will probably receive notice in about 14 days.

4. Application of Michael and Marian Jeffrey (8 Nichols Road)

The hearing on this application was opened by the Chair at 5:57 pm. The warning notice of the application was read. The Chair invited Commission members to announce any

conflict of interest with this application. None was identified. The Chair then swore in one witness who planned to speak on this application (Michael Jeffrey).

The Zoning Administrator reported that this variance request had been posted and warned in accordance with relevant parts of state and town regulations. He also confirmed that all abutting property owners had been notified of the variance request and that he had met with two of the abutting property owners. No objections emerged from these discussions. The proposed structure is compliant with the town's setback requirements. The property is within the Utley Scenic Overlay, however, and the key question for the Commission is whether or not the proposed structure is likely to have a significant adverse impact on the view from the Utley Flats. In the opinion of the Zoning Administrator, it will not.

Michael Jeffrey spoke on behalf of his application, stating that the proposed structure is a very simple, utilitarian lean-to attached to the existing barn. It will be used to store miscellaneous equipment that is now outside. The proposed new structure will be much lower than the existing barn and stained the same color. As a result, it will hardly be visible at all from the Utley Flats.

Commission members asked about the following issues:

- *Lighting.* In response to questions from the Commission, Michael Jeffrey stated that the only light will be a single bulb inside the structure. No additional external lights are planned.
- *Screening trees.* Michael Jeffrey confirmed that an existing stand of trees screens the view from the neighboring house and provides a partial screen when viewed from Utley Flats. The proposed construction will not change this existing stand of trees.

There being no further questions from the Commission and no abutting property owners or other members of the community present and wishing to speak, the Chair closed this hearing. Michael Jeffrey was told that the Commission legally has up to 45 days to provide a formal response to his application, but past practice suggests that they will probably receive notice in about 14 days.

5. Deliberative Session. The Commission moved into deliberative session at 6:05 pm to discuss the two applications.

- *Licata Application (78 Nichols Road).* Unanimously approved as presented, but with note that consultations with and approval by the town Road Commissioner regarding the new driveway will be necessary.
- *Jeffrey Application (8 Nicholas Road).* Unanimously approved as presented.

The Commission adjourned at 6:23 pm to reconvene for further business at 5:00 pm on Wednesday, May 10, 2017.