

Minutes of the TOCI Planning Board, Thursday April 18, 2013 at 7:15 at the Hall

Present: Chip Corson, Mabel Doughty, Jane Frizzell, Beth Howe, Chair

Absent: Sam Birkett, Louise Doughty, Charles Hall

Also Present Beverly and Stephen Johnson, Doug Ross, Herb Maine and Mark Dyer

1. Minutes of the Meeting of Tuesday March 26, 2013

Beth apologized for not having included the last minutes in the packet. They will be acted on at the next meeting, which will be in June; Beth will be away in May.

2. Public Hearing on a site plan application by Stephen and Beverly Johnson to use their house at 8 Soule Road (Map I04 Lot 72) as an office for the CTC.

At its hearing on Tuesday April 16 the TOCI Board of Adjustments and Appeals approved the use of the building as an office as a special exception in the IR district.

Beth opened the public hearing. She asked Beverly to give a short summary of the proposal. She said that the proposal is to use the house as an office for CTC's office staff. It will have 3 parking spaces in a small lot off of South Road. Otherwise the site and the house will be changed very little.

Beth asked each of the Planning Board members if they had comments or questions. Mabel said she thought the 3' x 5' sign seemed too large. Beth said it was within the standards of the ordinance. Beverly said she had also thought the sign was too large, but the size was only provisional by CTC, so it might be made smaller. None of the other members of the Board had any questions or comments. Chip said he had a question/issue but it was not related to the application and could wait.

Beth asked what the surface of the parking lot would be. Beverly said it will be grass. Beth asked about mud season. Beverly said that they have been using it for parking for some time and access has not been a problem during mud season.

Ron said that by code, the building must have lights at all doors. Beth asked if the house already had a porch light. Stephen said there is a porch light and a light at the back door. CTC may want to add a light on the side of the building. Beth said that since that was uncertain, it could be made a condition of approval and they could work out the exact lighting arrangements with Ron.

Beth asked Ron whether, if the surface of the parking lot is to be grass, so that no grading would occur, did they need to have erosion control during "construction". He said no.

Beth opened the hearing to public comments and questions:

Mark asked how the parking would be handled. Bev said that the ordinance requires them to have three spaces and they will make a small parking area at the front of the lot, with access off

South Road. Beth also said that Don Soucek had called her and his only question had been about the parking. He was worried that it might be on Soule Road which is quite narrow. He was satisfied with the proposal as presented here.

Beth closed the public hearing.

3. Board consideration of the Johnson Site Plan application in relation to the Board's approval standards and criteria.

Beth suggested that all the findings of fact be considered together unless there was some issue that the Board wished to discuss in more detail. She read through the criteria and the draft findings of fact (attached). There were no substantive changes to the draft.

Mabel moved, seconded by Jane that the findings of fact be approved. Approved unanimously.

Beth said that there are two conditions to the approval of the project: The nature and location of the lighting for the doors, and getting a permit for the sign.

Jane moved, seconded by Chip that the conditions of approval be approved. Approved unanimously.

4. In general, how is "commercial" defined for purposes of site plan review?

Chip asked if a business that also owned and rented out a house in the IR district in the summer would be required to come to the Board of Appeals for a special exception because of having a commercial use in a residential district? Ron said that in general, if the Zoning Ordinance does not specifically mention some use, it would not be allowed. If this were the case for "rentals" then none would be legal, which would be a significant problem. However, the definition of a "Commercial Use" in the Zoning Ordinance is "the use of lands, buildings, or structures other than a "home occupation" . . . , the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units." So rentals of houses, by residents or commercial entities do not have to have review as special exceptions or for site plans.

Doug asked whether rooming houses are legal. There are people renting rooms on the island. Beverly said the Rec had considered whether that would make it easier to get summer staff. Beth said she thought they were not allowed since they are not specifically allowed. Bed and Breakfast inns are an allowed use, with approval of the BOA and, depending on size, the Planning Board.

Beth said that the Site Plan provisions of the ordinance define what kind of "commercial" projects (as defined above) must have site plan review: new commercial buildings, expansion of an existing non-residential building, conversion of an existing building from residential to non-residential use, creation of a new commercial use even if there no buildings are built, the conversion of one non-residential use to another non-residential use, and the construction or expansion of paved areas or other impervious surface.

Beverly asked whether she could use 8 Soule Road as an office for her business if CTC moved. Ron said she could as long as it was still used as an office.

Beth said that as we review the Zoning Ordinance, we need to look at exactly what is and is not allowed now and decide whether we want to make changes to that.

4. Discussion of possible changes to the criterion related to parking in the standards and criteria. Beth said she had been thinking about these approval standards in reviewing Beverly and Stephen's application. But she had not developed changed draft language, which would focus the discussion. So she would like to defer this issue till later in the consideration of the Zoning Ordinance.

5. Report on Code Enforcement

Ron said that this coming week he and the Town attorney will appear in court with the Cacoulides and their lawyer on the code violations on Hope Island. He has made an offer to the Town to correct the violations but not to pay the fines or lawyer fees. The Town will try to get both correction of the violations and as much of the payment of the fines and lawyer fees as the judge will give it.

The meeting was adjourned at 8:35.

Respectfully submitted,

Beth Howe