

Duxbury Planning Commission

Public Hearing on Zoning Revision

Minutes

February 8, 2018

Members present: Alan Quackenbush, Doug Weber, Brian T. Fitzgerald

Others present: JoAnn Berno, Randy Berno, Lars Dickson, Jordan Goldstein, Erin Lander, Audrey Quackenbush, David Specht, Tamatha Thomas-Haase

The hearing was called to order at 6:31 p.m. by Brian Fitzgerald.

Brian welcomed everyone and members of the Planning Commission introduced themselves.

Brian gave remarks covering the purpose of the hearing, background on the proposed amendment, details on the public notice for the hearing, and the process forward. He noted that the proceeding was being recorded, and the recording would serve as the official record of the hearing, but that Planning Commission members would take notes. He pointed out that the Planning Commission is taking comments on version 9.3, dated January 11, 2018. He also noted that written comments would be accepted until February 9 at 3:30 p.m.

Comments were offered by Audrey Quackenbush, Lars Dickson, David Specht, Randy Berno and JoAnn Berno. A summary of the comments follows.

Audrey Quackenbush

- Asked some questions about the map changes, but she did not suggest any modifications to the proposed changes.
- Noted that the 25 acre lot size (Table A) for non-municipal uses in the State Farm Plateau Subdistrict could be problematic if the property is to be sold for development.
- Noted that two uses (Table B) in the State Farm River Road Subdistrict are not allowed under the terms of the easement covering this area. Those uses are permanent processing and saw mill operations and public facilities. It was noted during discussion that telecom facilities and wind turbines would likewise not be allowed.
- Noted that motels are not listed in Table B.

Lars Dickson

- Stated he is interested in riparian buffers, as he had heard a lot of concern about it. He did not offer any specific points or suggest changes.

David Specht

- Maps and other documents referenced in the zoning are not dated, so zoning provisions could change as maps or documents are updated. He referred specifically to the ANR Natural Resources Atlas, Erosion Control Manual, Acceptable Management Practices for forestry, and Required Agricultural Practices. He wants everything locked in to the date the zoning is adopted.

- The building height definition conflicts with the building height section (4.5).
- Certificate of occupancy definition conflicts with Section 6.3.
- Doesn't want the corner lot definition to apply to lots where there is a bend in a road rather than an intersection.
- Stream buffer section should be dropped (preference), or at least reduced to 25 feet on either side of the stream.
- The stream buffer section allows for up to 20 square feet of footings or pilings within the protected area. This would allow construction of a bridge pier in a stream. There should also be a standard that requires any structure to be above a specified elevation.
- Raised issues about enforcement. He doesn't believe people will comply or that the town has the ability to enforce it.
- Thought that the requirement for a scale drawing in 6.2(D)(1) had been dropped. Applicants should have to provide a scale drawing.
- Item 6.2(D)(1)(d) should reference the Natural Resources Atlas with respect to wetland setbacks.
- Believes that wastewater was removed from the zoning during the review.
- There is no provision for consideration of wastewater issues in boundary adjustments. These decisions will now be made by the zoning administrator rather than the DRB. A state authorization should be required.
- Do boundary adjustments only apply to transactions involving multiple owners?
- The DRB has inconsistently applied the requirement for downcast lighting and the regs need to address this.
- The change in the frontage requirement in Rural Ag I & II from 200 to 100 feet is a major change he does not like.
- The 20 employee limit on light industry is too low.

Randy Berno

- Doesn't like stream buffer provision. Would affect his ability to harvest timber on his land, which has a lot of streams. What we have now is working so there's no need to change. Raised property rights issues.

JoAnn Berno

- Reiterated Randy's comments and noted the lost income by limiting forestry. Noted enforcement would be a problem.

Brian noted that the Planning Commission would hold a special meeting on February 15 at 6:30 p.m. in the town garage meeting room to consider the comments received tonight.

The hearing adjourned at 7:18 p.m.

Notes by B.T. Fitzgerald