

## PLANNING & ZONING COMMISSION MINUTES

October 9, 2014

7:00PM

Acting Chairperson Ursula Boudart called the meeting to order at 7:00pm. In attendance were Ursula Boudart, Commissioner Renee Capano, and Dave Jarinko. Absent were Dwayne Sweet Rogers Clements and Wib Pumpaly, Town Administrator.

- September 4, 2014 minutes were presented. After review Rene Capano motioned to approve and Dave Jarinko seconded it. All were in favor, approved 3 – 0.

### Old Business

- Tabled until later in the meeting

### New Business

- 14-69 Habitat for Humanity – Demolition of Fire Damaged House. The house is extremely damaged by fire and needs to come down in preparation for new construction. It is assumed that they will observe all safety precautions during this demolition project. Dave Jarinko motioned to approve the permit, Renee Capano seconded the motion. Approved 3-0.
- 14-70 Remove Dead Tree – A general consensus is that we need to stop charging people for permits to remove dead trees. This has been mentioned at the last Commissioner’s Meeting. Dave Jarinko motioned to approve the removal of the dead tree, Renee Capano seconded. Approved 3-0.
- 14-71 Install Windows Office/Shop Building - Mr. Jarinko looked at the site and ascertained that it is very straight forward. The windows will be used to give the new office space on the second floor added light and outside sight. Renee Capano moved to approve the installation of the windows, Dave Jarinko seconded. Approved 3-0.
- 14-72 Extend Deck in Cool Springs - A deck already exists at the sight. This is a request to extend the deck to make it slightly larger. There was no plat copy or approval from the Homeowner’s Association included in the paperwork. Rene Capano moved and Dave Jarinko seconded that we would table this permit until the needed paperwork is submitted. Approved 3-0.

### Old Business

Revisiting 14-48 Market Street Café – Rene Capano has received no more information from MML. Because it has been passed it will need to go to our attorney, but pretty much since it was passed we cannot go back on that. Dave Jarinko states that may be the case, but is not sure of this scenario. Ursula Boudart reiterated our four options presented previously by Dave Jarinko. They are do nothing; write a letter explaining our error that part of the land being used is not zoned commercial, but R3 Historic District and explaining then that they would not be

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permitted to continue beyond December 31<sup>st</sup>; write a letter explaining our error that part of the land being used is not zoned commercial, but R3 Historic District, but because it was our error that they would be allowed to continue as currently configured with no changes or modifications except removal and that the zoning would remain R3Historic District; advise the Zoning Board of Appeals that we made an zoning decision error by approving the Market Street Café construction on a part of their property not zoned commercial, but R3 Historic District and request Zoning Board of Appeals to consider change the zoning from R3 Historic District to Commercial at the town's expense. Renee Capano questioned whether or not we had heard from our attorney. The answer to that is no. Ursula Boudart is leaning toward the second scenario explaining our error and telling Market Street that they would need to cease using the venue by the end of the year. Dave Jarinko feels that the third solution would be more valid. If the property were to be sold this situation would be documented and forward no further changes could be made and it would be treated as a non conformity.

Renee Capano moved that a letter be sent if approved by the town attorney to Market Street advising that "we made a zoning decision error in approving their outdoor serving venue. The portion of your property where the outdoor serving area has been located is zoned R3 Historic District not commercial and we missed that when we approved your project. However, since it is our error we will allow your outdoor serving venue to continue as currently configured. No changes or modifications will be permitted except removal and the zoning for that area will remain R3 Historic District, in effect treating the situation as a grand-fathered non-conformity". The motion was seconded by Dave Jarinko. Approved 3-0

Ursula Boudart presented closed meeting minutes and letter that needs signatures. The signatures are to be across the seal of the envelope.

Rene Capano moved to adjourn the meeting, Ursula Boudart seconded. Approved 3-0.