

MINUTES OF THE LAND USE COMMITTEE MEETING FEBRUARY 22, 2018

The meeting was held at 7 pm in the Town Hall. Present were Dedun Ingram, chair; Tom Collins, Kathy Flaxman, Lees Hartman, Rod Henderer, Eric Murtagh, and Stuart Sessions.

Dedun reported on the introduction of the building code ordinance changes at the February Town Council meeting. The Council voted unanimously to introduce the ordinance with the following modifications:

- The proposed change that would allow a front porch added to an existing house to extend 9 feet into the front setback provided it is set in at least 5 feet from the side setbacks was modified to allow such porches provided they are set in 13 feet from each side lot line.
- The proposed code changes involving driveway width in the front yard and use of the EBL to compute rear setback credit for additions were removed and sent back to the committee for further study.

There will be a public hearing on the ordinance at the March Town Council meeting, followed by a Council vote.

The Committee divided up responsibility for the building code changes to be considered by the considered by the Committee this spring.

Driveway width in front yard - Eric

Retaining walls: Tom

Rear setbacks: Kathy, Lees

Definition of 'repair', rooftop/building heights: Rod

Right-of-way issues: Stuart

Side setbacks for additions to nonconforming houses – Dedun

Driveway width in the front yard: Driveway width in the front yard is limited to 10 feet by right; 16 feet via an administrative variance. The Committee will reconsider allowing a 16-20-foot parking pad near the front of a house, with the driveway then tapering to 10 feet at the public right-of-way. Dave Walton provided some diagrams showing parking pads and subsequent tapering. The Town does not favor large amounts of paving in front yards because of stormwater run-off issues, loss of the Town's distinctive green character, loss of on-street parking spaces, loss of space for street trees among other things.,

Retaining walls: The Town's regulation that rear and side yard retaining walls must be set back 2 feet from the rear/side property line will be reviewed. The Committee will study the impacts of wall height, topology, and purpose (e.g., to level a yard).

Rear yard setback: The Committee will study the impacts of reducing the rear setback – one proposal is to cap the rear setback at some specified depth, perhaps 40 feet. Background materials show that capping the required rear setback at 40 feet would impact all lots deeper than 129 feet (about one-third of all lots in the Town). The purpose of setbacks is to control house location. How would reducing the rear setback affect house location -- might houses be built lower and deeper, narrower and deeper,

be set further back on the lot? Initial thoughts: the lower but deeper scenario may be unlikely because bigger footprints are more expensive to build; narrower may be unlikely because street frontage is desirable, and set further back may be unlikely because big back yards are also desirable. The Committee will study the interplay of FAR, setbacks, and lot coverage on house location/size for lots of different sizes and shapes. When does the rear setback constrain building?

Right-of-way. The revised building code ordinance includes revisions of the Town's right-of-way provisions. The committee will consider whether any additional revisions are needed. The Committee had previously added language that would allow residents to extend their lead walkways to the curb or place pavers in the right-of-way in some instances. This language was removed because Dave Walton pointed out that walkways/pavers are not considered to be structures, so placing them in the public right-of-way is already allowed. This needs to be reviewed in light of the Town's general prohibitions for doing things in the public right-of-way (usually not allowed unless specifically noted), concerns about stormwater runoff, the need to have a Town permit to install a sidewalk, etc.

Repairs vs. replacement: The Committee will review current operational definitions for various types of repairs/replacements. It is likely that we will recommend some provisions defining repair/replacement be adopted as an executive regulation rather than incorporated into the building ordinance.

Side setbacks – the intent of three related items involving side setbacks when putting an addition onto a house with one or more nonconforming sides is unclear. The Committee will review different scenarios to determine how best to revise the language to clarify its application.

The meeting adjourned at 8:05 pm.

Next meeting will be the last Thursday in March, the 29th.