

Acting Chair Willis went over the Agenda items for the meeting.

4.) **Public Hearing and Minor Site Plan Review**

Margaret & Phillip K. Barter, Applicants are seeking Minor Site Plan Approval to change their existing home office use to home office and retail sales. The property, located at 223 Brunswick Av is within the High Density Residential (HDR) Zoning District, City Tax Map 31, Lot 4.

Judy Dorsey asked for clarification as to why this Application was before the Planning Board since it is retail and retail is not allowed in this zone. David explained that this Application is for a Home Occupation and under the standards for this use, it allows for the selling of goods in an area not to exceed 500 SF.

Ron Condon asked if there were going to be two businesses on this property. Phil Barter said that he had closed his real estate office.

Phil Barter said that he makes some small storage items, shelves and other items in his basement. He would like to run a home staging business to assist in selling homes and for people to see and get ideas for budget kitchens, etc and, in addition, he will have some of the items for sale. The retail area will be set up like a home.

Judy Dorsey asked if the retail area was under 500 SF. Phil said yes.

Jim Montell asked if it was like an interior design business. Marg said somewhat and they do some painting for people, but it is done off site.

Pam Mitchel calculated the dimensions of the area and thought that it exceeded 500 SF. Phil said that he isn't going to sell anything in the bathroom or the closets or the entry way. The remaining areas did not exceed 500 SF.

Jim Montell asked if they would have catalogs depicting items for sale. Phil said no. He makes everything and the business will be very small scale.

Judy Dorsey said that she will agree that it falls under Home Occupation if there is an agreement that the Applicant not do any staging or displaying of items for sale in the bathroom or closets.

Ron Condon asked what percentage of the total building space will the business occupy. David referred them to the plan, which shows the area to be used for the business and the dimensions of the buildings.

The Board members reviewed the Application for completeness. A number of waivers were requested by the Applicant.

Pam Mitchel made a motion that we waive the following submission requirements requested by the Applicant – 5. H. 5.b, c, d, e, f, h, i, k, l, m, & r. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion that the Application is complete with the granting of the waivers. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

6:31 PM Public Hearing

Beverly Robbins, a neighbor of the Barbers, asked if the business was required to have a bathroom. Acting Chair Willis said no. Beverly asked where the furniture making will take place. Phil said in the basement. Beverly asked where the parking will be. Phil said the same place it is now. Beverly asked if there will be a sign. Phil said yes – an 18" x 24" sign, the same as before. Beverly asked if it would be lighted. Phil said no. Beverly asked the Board why they have regulations if they waive so many requirements. Acting Chair Willis said that the Applicant is not developing anything new, so many of these do not apply or are not needed. If this were a new development, the Board would need all of these submission requirements. Ron said that these submission requirements do not apply to this project.

Richard Rambo said that he sees two businesses here – if he's making furniture, it is manufacturing and retail. He said that the manufacturing piece needs to be looked at and questions the percentage of retail space as it relates to the total living space.

Acting Chair Willis said that there is nothing in the current Ordinance that limits the percentage of an area to be used for Home Occupation.

Judy Dorsey said if it were not part of a larger structure she might question it, but it is a small apartment over the carriage house.

Richard Rambo said it was previously an apartment. Marg said it was previously an office. Phil said it was similar to a business that Rich was involved in across the street.

Judy asked if the business is approved, and it grows, what would they do. Phil said if it grows that much, he would get a bigger place somewhere else.

Richard Rambo said that he was on the Barn Door Committee and a number of property owners wanted to extend the Professional/Residential Zone out Brunswick Av. The Council wasn't prepared to go there at that time. He is glad the Ordinance Review Committee is looking at it. He feels that some of the larger buildings on Brunswick Av can no longer be maintained as single family homes and he would like to see it changed to Professional/Residential.

Phil said he has gone to great lengths to make his home look like a single family residential. It was a four unit when he bought it and he downsized to a three unit.

Mandy Darville, who lives and has a Home Occupation (service business) along Brunswick Av, said that her business is growing but she can't expand or use most of her building because of the zone restrictions. She would like the Ordinance Review Committee to look at it and get input from the neighbors.

6:48 PM Close Public Hearing

The Board reviewed Section 3 of the Land Use Ordinance to determine those standards that apply to this Application.

Pam Mitchel made a motion that the following Performance Standards apply to this Application – I, K, O, S, & Y. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Board members looked at the Home Occupation Fact Sheet and asked about traffic, home deliveries and the sign. Phil said that the traffic will not be any more than it was for the real estate business – very minimal – some days 5 or 6 cars, some days none. He said there won't be any home deliveries and the sign is the same size as the previous one.

Pam Mitchel made a motion that Performance Standard I has been met. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

David Cichowski, the CEO said that, although the Board felt they had to review Performance Standard K, Light Industry, the first line shows that this is not an industrial structure and this Standard does not apply. Board members agreed.

Pam Mitchel made a motion that Performance Standard K has been met. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

The Board discussed the Performance Standard for Noise. Phil said that there is no noise at his business, in fact there is more outside by the neighbors driving 4-wheelers, etc., than in.

Pam Mitchel made a motion that Performance Standard O has been met. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

The Board discussed parking and determined that there needs to be one more parking space.

Pam Mitchel made a motion that Performance Standard S has been met with the condition that a seventh parking space be created. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion that Performance Standard Y does not apply as the signs were reviewed in the Home Occupation Standards, Standard I. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

The Board members reviewed Section 5. Q. of the Land Use Ordinance - Review Criteria and decided to skip Review Criteria 1 and 2 for now.

Pam Mitchel made a motion to accept Review Criteria 3 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion to accept Review Criteria 4 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion to accept Review Criteria 5 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion to accept Review Criteria 6 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion to accept Review Criteria 7 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion to accept Review Criteria 8 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion to accept Review Criteria 9 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion to accept Review Criteria 10 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion to accept Review Criteria 11 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion to accept Review Criteria 12 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion to accept Review Criteria 13 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion to accept Review Criteria 14 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion to accept Review Criteria 15 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion to accept Review Criteria 16 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion to accept Review Criteria 17 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion to accept Review Criteria 18 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion to accept Review Criteria 19 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion to accept Review Criteria 20 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion to accept Review Criteria 21 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion (Review Criteria 2) that this project meets all applicable regulations and ordinances of the City and meets the intent of the Comprehensive Plan, as amended. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion (Review Criteria 1) that this project meets all pertinent standards of this ordinance including performance standards in Section 3 and Review Criteria. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion that we approve this Application with two conditions: 1.) There will be no staging (display of retail items) in the bathroom and closets, and 2.) A seventh parking spot will be created. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

7:20 PM Break

7:24 PM Resume meeting

5.) **Public Hearing – Minor Site Plan Review**

Stephanie Dickson, Applicant is seeking Minor Site Plan Approval to conduct a Home Occupation (In-home Child Care) in her home. The property, located at 181 Brunswick Av is within the High Density Residential (HDR) Zoning District, City Tax Map 31, Lot 26.

Stephanie Dickson said that she is a former teacher and would like to operate a small in-home day care as she has twin boys and a five year old and would like to stay home with them.

The Board reviewed the Application for completeness and determined which submission requirements applied and reviewed those the Applicant had requested a waiver for.

Pam Mitchel made a motion that we grant the following waivers – 5.H.5.b, c, e, h, i, l, and r. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion that this Application is complete. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Judy Dorsey said that on the Home Occupation Fact Sheet it says, under number of rooms used, 3/5 and wanted to know what that meant. Stephanie said she has 5 rooms and will use 3 of them. Judy asked if the 6 kids were in addition to her own. Stephanie said the State counts the twins but not her 5 year old and that allows her to take in up to 4 more. Judy questioned her number of vehicle trips per day and thought it should be 16, which still falls within the guidelines. Judy also asked about the Hours of Operation and Stephanie's note that she might work weekends and nights. Stephanie said that it would be sporadic, if someone needed a babysitter.

7:37 PM Public Hearing

Richard Rambo said that it sounds good to him.

7:37 PM Closed Public Hearing.

The Board reviewed Section 3 of the Land Use Ordinance – Performance Standards and determined that Standards I and S apply.

Pam Mitchel made a motion that the only Standards that apply to this Application are I and S. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion that Performance Standard I has been met. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion that Performance Standard S has been met. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

The Board reviewed Section 5.Q. – Review Criteria and skipped Review Criteria 1 and 2 for now.

Pam Mitchel made a motion that we accept Review Criteria 3 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion that we accept Review Criteria 4 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion that we accept Review Criteria 5 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion that we accept Review Criteria 6 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion that we accept Review Criteria 7 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion that we accept Review Criteria 8 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion that we accept Review Criteria 9 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion that we accept Review Criteria 10 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion that we accept Review Criteria 11 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion that we accept Review Criteria 12 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion that we accept Review Criteria 13 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion that we accept Review Criteria 14 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion that we accept Review Criteria 15 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion that we accept Review Criteria 16 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion that we accept Review Criteria 17 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion that we accept Review Criteria 18 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion that we accept Review Criteria 19 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion that we accept Review Criteria 20 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion that we accept Review Criteria 21 as written. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion (Review Criteria 2) that this Application meets the provisions of all applicable regulations and ordinances of the City and meets the intent of the Comprehensive Plan, as amended. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion (Review Criteria 1) that this Application conforms to the requirements of the district in which it is to be located and meets the requirements of this ordinance including the performance standards and meets all of the review criteria as outlined. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Pam Mitchel made a motion that we approve this Application. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

OTHER

None

6.) ADJOURN

Pam Mitchel made a motion to adjourn. Judy Dorsey seconded the motion.

Vote: 5 in favor. 0 opposed. Motion passed.

Meeting adjourned at 7:50 PM