

HAMPTON PLANNING & ZONING COMMISSION
REGULAR MEETING
MINUTES
6 27 2011

Call to Order

Chairman Grindle called the meeting of the Hampton PZC to order at 7:35 p.m.

Roll Call

Members Present: Chairman Kevin Grindle, Gary DeCesare, Robert Burgoyne, Gloria Langer and Wayne DeCarli, Alternate Randy Thompson

Absent: Alternate Ev Hyde*

Staff Present: Martha Fraenkel, Zoning Official and Acting Recording Clerk

Seating of Alternates

None required. All regular members present.

Additions to Agenda

1. Under New Business. Request for extension of approved home business, Naomi Ayotte, for antiques store at 133 Old Town Pound Rd., RA-80 Zone, property of Mark Ayotte. Item was added to Agenda by consensus.

Audience for Citizens

None.

Approval of Minutes

Langer moved to approve the minutes of the special meeting on 6/ 9/11 as submitted, and Burgoyne seconded. Unanimously approved.

Burgoyne moved to approve the minutes of the special meeting on 5/12/11 as submitted, and DeCesare seconded. Unanimously approved.

Old Business -- deferred to end of meeting by Chairman Grindle with consensus of members.

New Business

1. Proposed modification to site plan for ground mounted solar panels at the new Town Garage, West Old Route 6, RA-80 Zone. First Selectman Kate Donnelly, speaking for the proposal, said DCS Solar Energy will give the Town a 9 kilowatt solar voltaic panel ground mounted system but won't place roof-mounted panels because the garage is a metal building. DCS personnel said that there is adequate room on site and have proposed to place the panels in the northwest corner of the site. There would be 36 panels, with a 2 to 6 ft rise from the ground, 4 rows deep and 9 panels across. The area covered by the panels will measure 22 x 35 feet. The Town would have to provide the trenching to service the panels, which are stationary. The residents across the street (Dot Blocker and Mike Ford) have been participants in the discussions at the Town Garage meetings. Although they have not been legally notified of the proposal, Grindle noted there is no legal requirement for such notice in the zoning regulations. Donnelly commented that

both Blocker and Ford had been in attendance at garage meetings and expressed satisfaction with the modified planting plan and acceptance of the proposed panels. (*Hyde arrived at 7:40pm)

It was noted that the company will get tax incentives and energy credits that can be sold. Burgoyne expressed frustration with this proposal because the site had been carefully designed and anticipated roof mounted, not ground mounted, solar panels. Hyde said the system is virtually maintenance free. Donnelly said Mansfield's legal staff has already reviewed a contract with DCS Energy for solar panels and found it sound. The Town may need to pay for the rack to hold the panels at a potential cost of \$1500.

Grindle noted that the proposed location would be close to the rear storage yard and septic location. Donnelly responded that CLA project engineer Jeremy Williamson noted no conflicts with the approved site plan. Members said that they would like to confer directly with representatives of DCS Energy.

Donnelly said that what electricity the garage doesn't use will be turned back to CL&P. After 5 years the Town will own the equipment and will be responsible for its maintenance.

Concerns about possible future building expansion were determined to be minimal or none since there will be no need for an expansion for many years, probably further into the future than the lifespan of the system.

DeCesare strongly recommended that the Town Attorney read the contract prior to signature, and Donnelly agreed.

Langer moved to approve the modification of the existing site plan as presented on a sketch dated 6 27 11 submitted by Donnelly. DeCarli seconded the motion. The motion was approved by a vote of 3 to 2, with Burgoyne and DeCesare opposed.

New Business

1. Request for extension of home business, Hidden Treasures Shop. Grindle read the written request submitted by Naomi Ayotte dated June 14, 2011. The request was ruled received.

Mrs. Ayotte spoke for her request. She reported that her son, who is owner of the subject property, Mark Ayotte, has a signed contract with the builder, and that the project was delayed due to the harsh winter weather. Her request is for an extension from July 8, 2011 through November 30, 2011. The builder has said he would start construction for the new residence on the subject property by end of the summer.

Burgoyne said this is a problem created by the Commission's action. The original home business approval language, as he recalled, required a Certificate of Occupancy for the house within 12 months but none has been issued, and the project has not even commenced.

Mrs. Ayotte said she has done everything she could but could not control the weather.

Langer said the Commission recognized that there would not be a major impact from the business and bent the rules to accommodate the request to support the proposed business.

DeCesare moved to close discussion. There was no second.

Mrs. Ayotte said she would return when the house is built if the extension is not granted.

Grindle reiterated that the business as originally proposed does not meet the zoning regulations.

DeCesare said that the applicants have cooperated with the Commission.

Burgoyne commented that the issue is one of principle, not personalities. He said the Commission has defied its own regulations and the advice of its own attorney by the approval of this application. It has set a bad precedent and is contrary to the very purpose of the RA80 Zone.

Hyde said that the Commission had failed to follow its own rules by its approval of the application of the shop. He said this had nothing to do with the personalities but with the Commission and application of its regulations to the proposed home business.

Grindle asked for comment of the zoning official. Fraenkel said that she wears two hats, as a zoning enforcement officer and a planner. As a zoning officer, she evaluated the request both last year and this current request for extension and found that they did not meet the regulations. Although she found the business to be attractive, zoning compliance is paramount and she has found that the business cannot comply with the regulations since there is no residence on the premises.

DeCesare moved to approve the request for extension to November 30, 2011, and DeCarli seconded the motion, conditional that no later than upon the date of reopening on March 1, 2012, there would be a Certificate of Occupancy issued for a residence on this property. The motion was approved by a vote of three to two, with Burgoyne and Grindle opposed.

Burgoyne submitted his resignation from the Commission.

Zoning Official report.

1. Draft ordinance on zoning violations. Fraenkel has proposed changes to the section dealing with the Zoning Board of Appeals following discussion with the ZBA Chairman, Ed Burchfield.
2. Enforcement issues. Fraenkel is working on a case of ATV use on an uninhabited property on South Bigelow near Bennett and on an unpermitted outdoor woodburning furnace on East Old Route 6 at Bigelow, among other cases.
3. Lot opinion. The Town Attorney has concurred with Fraenkel's requirement for a letter from an attorney for houses on non-subdivision lots to ensure the lot is legal.
4. ZBA activity. Two applications have been approved recently for setback variances.
5. Legislative update 2011 session. Fraenkel noted that the Commission's ability to bond for public improvements on subdivisions has been diminished by recent legislation.

WINCOG report.

Grindle said Windham is revising its regulations to form based zoning in the B1A zone, the downtown Main Street zoning. The hearing will occur in the coming months.

Old Business.

Tabled to next regular meeting in July.

Adjournment

Chairman Grindle adjourned the meeting at 9:25pm.

Respectfully submitted,

Martha Fraenkel, Acting Recording Clerk