

# Town of Enfield Planning Board Meeting

Wednesday November 3, 2021

7 PM

## Minutes

**Attendance: Planning Board Members; Dan Walker, Mike Carpenter, Ann Chaffee, Rich Teeter, Henry Hansteen. Planning Board Alt Joe Dawson.**

**Town Board Members; Jude lemke, Robert Lynch**

**Deputy Town Clerk Laura Norman**

**Call to order: 07:09**

**Review Minutes October: Mike moved to approve, Henry Seconded, all voted Aye, Carried**

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**464 Black Oak Road subdivision: Dan put a tax map on the screen. The house lot, Alan approved the subdivision a few months ago they just came back in the total parcels 40 acres, they subdivided the house lot off (lot 3) several months ago. They now want to subdivide lot 2 off (going to a family member) Dan has no objections with approving the other lot off technically it has been less then a year since the other lot was subdivided off, it has frontage. Henry doesn't; have any concerns, mike is also ok with it. The planning Board will confirm with Alan that the second lot can be subdivided off. Dan does not see anyone baiting and switching on this one. The planning Board is in consensus on giving approval for the subdivision of lot 2.**

**Discussion of Site plan review law: Drinking water law has Jude's edits but its not in the Main law correct. Correct. The Planning Board needs to the Solar Law was passed as an amendment, Dan would like to incorporate it into the main document and also when we have the water protection law approved, the way that was written was to insert it into the site plan law, what I want to do is assuming the water protection law is approved which may take into next year, he would like to take the 3 laws and incorporate them into one document, Mike thinks its fine to do that. Dan has not had time to wordsmith things there are a couple of elements that Dan thinks we want to make a little more, change slightly to make sure that we get commercial uses, right now the law requires 10,000 structure, should be reduced to 5000k sq feet the dollar general was a 5ksq was under 10k sq, that was reviewed because of grading to more then one acre, someone could put a 5k sq building up without modifying a whole acres, and right below an expansion of 5ksq or more would trigger a review, over 5ksq should be subject to review. Mike thinks that that sounds fine. Construction of a tower over 100ft adding language for water protection law, 1k gallons per**

day. In the definition section of the water law there would be a lot of new definitions added and then. Does this fit smoothly to integrate the laws, just need some word smithing.

Jude, the water law was written to just be inserted, the solar law will be harder because it was drafted as a stand alone addendum. Mike asked if Jude can help, Jude will help. Ann wants to know if its an addendum now, dan says yes and one of the things that we do not have in the law right now are any fee structure for application and we need to add that into the site plan review law and into the that would include fees for the solar law, right now the town incurs some level of cost cause the planning board does not cost anything but we do have paid staff, the secretary and code enforcement officer are paid, there should be fees to cover the coset of staff and advertisement for the public hearing and . that's something that needs to be added in and would cover all site plan approval applications. There was a resolution by the town board to charge \$75 for all site plan reviews. Solar law has it already (fee schedule? Mike asking. Just thinks that it does, a fee schedule for building permit and solar permit. Cost for outside consultants not the same as an application fee. Something consistent for all of them would be good, the wind law has an application fee. Does the town have a public pay schedule? Just for the building permits (Alan answered Dans question) on the site plan review, fees for reviews are not intended to be revenue but just to cover costs. The Town Board left the application fee up to the Planning Board, and shall accompany the application. We don't have a fee schedule other then the building permit. Does the building permit also have a solar fee schedule. Just a fee for commercial projects, that would include the solar project but it is not an application fee for site plan review. If it's a small residential project that doesn't need the planning board that would just be included in the building permit. But larger projects should have an application mee, anywhere form a \$250 to \$500 Application fee in other towns. It's just considered being an application for what's being build. It's to separate permit fees one is for building permit after the project is approved the other is an application fee for going before the planning board, site plan or subdivision, usually subdivision is. We need to see what our average cost is to base the fee schedule on. We haven't had more then one in the last couple of years (the solar farm) Code enforcement is the first line, that should be taken into account as well.

Ask clerk about costs the clerks office takes on (Publications, printing and mailing hard copies of minutes etc..)

the review process in pretty complete within the law. The planning board should mail notice of public hearing to applicant, within 6 days of hearing, the solar law made that public notice 1 mile of the proposed site, Dan believes that the 600 ft is pretty standard, that the County (Solar and wind law) Dan thinks that the 1 mile is excessive, the solar project was over 200 address that had to be notified cause it a mile radius (it's like half the town) Mike thinks 1 mile is to big for solar. Dan 600ft is pretty much the standard for subdivisions and site plans, we want to make sure that we publicize adequately so that anyone that is impacted will know about it, not sure how much the paper is read any more the IJ is the primary paper and we also post it on the town website, just looking for feedback from planning board, why did we do a mile. We went back and forth between a half mile and a mile the problem is that not

many people pay attention to the meetings and wanted to make sure that it does not fall under the radar. Mike, Do we want that mile still? Rick teeter thinks that the mile is good so that even if they don't see it they would still know what was going on in their immediate neighborhood, Henry agrees with Rich, Dan ok for solar but what about regular site plan reviews (like dollar general) a mile is fair for dollar general and site plan. A mile for commercial but maybe not a 3 lot subdivision, someone who just wants to split their land for their kids they may not care but if its commercial people are going to care and want to know about it. Alan (we are talking about 3 different things, Solar, Subdivision, Site plan review. Does that person that is just building a house need to go out a mile for notifications. Rich agrees with Alan. 600ft is plenty for building a house. Dan just looking at the drinking water law, so we would be expanding definitions in the site plan law and that would add 6 other elements that we have already gone over in the drinking water law and most of those fall under items already in the site plan law., the elements of the drinking water law can pass the town board has that now to approve ponce that gets approve I'm going to draft up modify the site plan review to include the drinking water law. Dan will put together draft for the December meeting and try to get everything out to the board more timely. Anyone have questions, Mike and Henry think that it sounds good. Any board members have any other comments? None.

Mike, wants to go over the subdivision law. Dan we do need to go over it but that will need some changes we can go over it briefly. The section on the 2- 3 is not very clear. Is the red what Dan put in recently? Page 12 is where the primary changes were. Minor subdivision 3 to 4 new lots 204.1 and 204.2 that's the new language right, that's not how the law reads now, right. So Mike thinks that that is fine under this language what happened today the discussion on the subdivision we had today wouldn't even go before the planning board I would go to 203.3 but 204.1 says that 203.3 would not come before the planning board they contradict each other, it could come before the PB but the PB wouldn't have any say it so.. If its already been approved by the building inspector then it doesn't need to be approved by the PB. We need to check on Town Law 278, to see if the PB has the authority to delegate the 2 lot subdivision to the Code Officer. Dan will check on it, then they can put a not that it doesn't need to go through the PB. Is there a difference in approving the Platt and the subdivision (Henry) Dan says that the Platt is the documentation of the subdivision, Dan will check to see if the PB has the authority to grant the authority to the Code officer. Mike ok and then on page 7, in a past meeting we talked about changing the road frontage but its in here in red. Dan we don't have any requirements for since on Section 106 Yard definitions. We need to add that. If you look further down. We have a lot of street layout issues as well that we want to make sure that we want to have in here we need to be consistent with the highway dept. We have all these lot area definitions but we have no specifics on minimums and maximums except the solar law we do. The front yard set back is important because of roads. Normally these are defined in zoning ordinance we don't have zoning so it would be appropriate to set the minimums in this document, in this spot, Mike how should we go about this process. The minimum lot size we are going on 1 acre lot the health dept is 150 we basically approve lots that was a 150 ft min allows a 150 ft circle that not part of the law yet, we talked about it but everyone but Dan said that they don't want it. You could have flag lots

with minimum of 15 ft that is state building code. But do we need a minimum lot area the minimum has to be an acre for the health dept, we also need a min lot width. Henry agrees with Mike that the road frontage doesn't really matter, from yard setback, and back yard setback and side yard setback, dan what about impact on neighbors? Henry feels like there should be setback so that you are not right up on your neighbors properties, Dan the min is 15 ft right now its more of a fire issue Alan says fore code is 3 ft, is that enough Alan, probably not. If you are closer then 10 feet your going to have to jump through hoops with your neighbors, it makes sense to have at least 10 to 15 feet cause you are going to have issues putting your foundation in, Alan houses are not usually an issue its more of sheds, mike the city does one side yard can be real small and the other has to be larger. Very often a garage or utility can be within 3 ft of the property line, usually they are portable and don't cause a huge issue. Dan is suggesting a 15 ft rear and side yard is appropriate for house and 3 ft for a shed. Do we need to define how large a shed. Like a big barn could be 3ft away? Alan min size for building permit for sheds 144sqf or larger requires a building permit, if its large enough to require a building permit then it needs to meet the set back, Mike in kind of in Ann's? court Rich if someone wants to overlook it can they? Say it's a family member and they give approval, could that work, variants could be applied for, we are getting into things that are usually dealt with in a zoning issues most of Enfield is rural and most people live here because they want more space. Does Alan see this issues, he sees it once in awhile mostly its people realizing that the neighbors shed is on the property, Alan says we should really be looking at the whole law not just bits and pieces the rest of the planning board agrees, dan asked Alan if he could look it over and if he sees anything that should be addressed to bring it up. Mike suggested a separate committee dan things it fine to keep it part of the regular meeting, Dan doesn't think the site plan is going to be as difficult as the subdivision, ours was probably written for a town with water and sewer. Ann says that there are 37 pages we should set a goal of a certain amount of pages and not skip around say 7 pages and when those are done we are done for the night. Lets do section 101-106 at the next meeting. Lets do article one that will give us a framework for the rest. Article 1 for next month, everyone should read article one for the next meeting let dan know if you need it and he will email it to you. Does everyone have a way to make hard copies of it to review? What is the draft date of the correct document.

**Adjournment; Henry motion to adjourn all say I 8:33PM**