

**PLANNING BOARD  
MINUTES**

**May 9, 2022**

On the above date Planning Board Chairman Barry Horas called the meeting to order at 7:00 PM. After the Flag Salute he made a statement in compliance with Sunshine Law.

**Roll Call**

Members Present: Kathy Brady, Kevin Cain, Gail Haviland, Robert Haviland, Mayor Niki Giberson, Barry Horas, Doreen Kelly, Joe Martin, Donna Riegel, and Paul Smisek.

Board Attorney Joe McGroarty and Board Secretary Vicki Cantell

Absent: Bill Montag

**Minutes** – On the motion of Gail Haviland, second of Paul Smisek and carried unanimously to accept the minutes of March 7, 2022.

**City Council Report** – Mayor Giberson provided the report as Mrs. Riegel had not been in attendance at the Council meeting. She stated that she had nothing to report but that Council had inquired as to the Board's status on the chicken ordinance.

**NEW BUSINESS**

**Adams Subdivision, B 21, Lot 2** – Tom Darcy appeared representing Robert Adams, Jr to present a two-lot subdivision. Both were sworn in. The notification to residents on the 200 foot list was supplied.

Mr. Darcy stated that the Adams Family have been residents of the town since the 1800s and the property in question belongs to Robert Adams, Sr. They would like to subdivide the property to continue the legacy of family living in town. The subdivision will require two variances – one for road frontage and one for side set-back. The original lot has a frontage on a county road of 257 feet, 334 feet across the back with 384 along the left side and 400 on the right side. County approval has already been received. The house presently on the property is located off-center causing an obstacle to subdivision. They are proposing that the new lot 12.01 would have a frontage of 107 feet and 1.2 acres while the other lot with the original house would have 150 feet and be approximately 1.6 acres. Lot 12.01 would require a frontage variance as 150 feet are required but would have ample room to meet all setbacks. This would limit the width of the lot to the existing house which would then have a set-back on only 11.3 feet where 20 feet is required thereby requiring a set-back variance. This proposed line would be consistent with a previously long-standing line.

Mr. Darcy presented evidence in support of a Hardship variance and evidence that meets the guidelines that the proposed lot and promotes the General Welfare to the neighborhood. There are no environmental concerns.

Mr. Adams stated that the house he plans would be 60-70 feet wide and would be further back than the existing home to ensure privacy. Mayor Giberson questioned the placement of the proposed house. Mr. Adams replied that the rear of the property is heavily wooded and the house on the property behind is not far from the property line. They would prefer not to disturb the woods to provide screening and privacy issues for both. The placement would be consistent with the neighborhood and not create a visual detriment. Mr. Smisek request and received clarification. Mr. Horas inquired if soil

bearing had been done. They have not as yet but the property is high and no problems are anticipated. Mrs. Riegel asked if the existing home septic would be updated and was informed that it was not required.

Mr. Darcy request that some checklist items be deferred until the final house and septic placements are decided as they will affect tree removal, drainage, etc. The items to be deferred would be #18, #21, #23, #29, #30, #37, #38 and #39. Applicant agreed that should the subdivision be approved the resolution would be filed with the deed to ensure that a home could not be built without the conditions being met. This would be required of any owner should the property be sold.

Matt Doran, city engineer, stated that he believed Mr. Darcy has met the criteria and the attachment of the resolution was acceptable. No building permit would issue until all conditions are met.

**OPEN TO THE PUBLIC** – There were some observers but they had no comment.

On the motion of Donna Riegel, second of Gail Haviland and carried by unanimous roll call vote to approve the subdivision with deferred items attached to the deed filing.

**Allen Variance, B 14, L 7** – The announcement that this matter had been postponed until June 13<sup>th</sup> at 8 PM at the request of the the Allens' attorney.

#### **OLD BUSINESS**

**Animal Ordinance** – Draft ordinance was discussed and members were asked for their input. Pigs prohibited in all zones was stressed. Concerns of manure removal and remedies if not done were brought up. There was a discussion of not allowing free-range chickens off property. Review and clarification of “units” (number of animal equivalents) was suggested.

**CORRESPONDENCE** – None

**BILLS** – On the motion of Gail Haviland, second of Kathy Brady and carried unanimously to pay the bills.

**ADJOURNMENT** – On the motion of Paul Smisek, second of Katy Brady and carried unanimously to adjourn the meeting at 7:46 PM.

Respectively submitted,

Vicki L. Cantell, Board Secretary