

**MINUTES OF SPECIAL JOINT MEETING
HELD BY THE PLANNING AND ZONING COMMISSION
AND ZONING BOARD OF APPEALS
OCTOBER 22, 2014**

PZC Members Present: Eric Prause, Andy Kidd, Horace Brown, Julian Stoppelman

ZBA Members Present: James R. Stevenson, Robert Haley, Edward Slegeski, Sandra Stough, Armando Darna

Also Present: Tim O'Neil, Assistant Town Attorney,
James Davis, Zoning Enforcement Officer
Renata Bertotti, Senior Planner

The meeting started at 7:00 pm.

Senior Planner, Renata Bertotti, convened the meeting.

1. Temporary Signage

Jim Davis, Zoning Enforcement Officer, said there is an ongoing enforcement problem with the use of temporary signs, especially as they are used by businesses. The Zoning Board of Appeals (ZBA) recently heard a variance request regarding this matter, and there was also a recent enforcement action at a restaurant establishment. He summarized the issues as follows:

- The definition is vague. A Novelty Sign is defined as “a sign, banner, pennant, valance or advertising display constructed of cloth fabric, cardboard or other light material intended to be displayed for a short period of time” at Article IV Section 13.02.06. “A short period of time” is further defined in Article IV, Section 13.02.02.4 as not exceeding three (3) weeks. There is no language that addresses any “in between” period. No zoning regulation prevents a property owner or tenant from seeking approval for a specific novelty sign (example, advertising a Labor Day Special Event) and then a week later seeking zoning approval for another specific novelty sign (example, advertising a fall special). Each such novelty sign would be subject to the three (3) week maximum display time from the date each sign received approval.
- The Town has enforced a policy that a period of six (6) weeks must be allotted in between the display of novelty signs at a property. However, policy is not explicit in the zoning regulations.
- There is also no regulation limiting the number of novelty signs on a property.

Mr. Hailey suggested the application fee is a deterrent from having too many temporary signs.

Mr. Kidd suggested the Staff review the regulations for signs that are displayed in windows in some retail establishments and in particular in liquor stores. Mr. Brown agreed with Mr. Kidd. Ms. Bertotti said those type of signs are probably better regulated by a Town ordinance, because that way the enforcement can be done after hours by the police and because the new zoning regulations would likely not be retroactive so the stores that display that type of signage now would be allowed to continue doing that. Mr. O'Neil said the zoning citation would be a good way to deal with those signs. Another problematic type of signs are tag-sale signs which tend to be displayed off premises, on utility poles and other infrastructure and not removed once the tag sale has ended. The members agreed that the best way to address the existing issues was to codify the rules and existing policies into revised zoning regulations.

2. Zoning Citation Ordinance

Assistant Town Attorney Tim O'Neil described the proposed draft ordinance and stated he wanted to check with other towns that have citation ordinances about the collection process. It appeared to him that the collection process and whether the hearing officer was compensated or not were the important issues. He agreed with Ms. Bertotti that having a citation ordinance was probably a good way to get some of the people to comply. Mr. Sledgeski said the collection services should be added to the fine and asked if the Town would be allowed to put a lien on the property. Mr. O'Neil said he would look into that, but ultimately it was not the Town's objective to foreclose on a lien. Ms. Bertotti said that she had received responses from a number of towns, and the responses were generally encouraging. While a number of planners said having a citation ordinance was not a solution to every zoning violation, they said it was a good deterrent and most people complied after being warned of a potential fee.

Mr. Stevenson said one reason to support the ordinance was that people often get approvals and then do not follow the conditions of approvals. Sometimes, in order to secure an approval, the applicants agree to remove certain violations; however, as soon as they receive approvals they go back to violating the zoning regulations. If a citation ordinance were established, repeat offenders would not be given an exorbitant amount of time to correct the situation each and every time. If they violated once, they would be allowed a warning notice and some time to comply. Next time they violated, they could be cited without receiving another warning.

Mr. Kidd suggested that for the consistency, especially if we are considering adopting the citation ordinance, the violation notification procedure should be spelled out in the zoning regulations.

Mr. O'Neil stated he would do some additional research and revise the draft ordinance which the staff, Mr. Pellegrini or Ms. Bertotti, could then present to the Board of Directors.

3. Zoning Definitions for Pets and Livestock

Ms. Bertotti described the draft revised zoning regulations that include the zoning definition for livestock, and a provision by which up to 12 hens could be allowed for single family

dwellings in residential zones. The proposed text came mostly from the Model Ordinance Guidelines as published by the Environmental Law Institute in 2012.

Mr. Brown said he did not like the proposed definition for livestock and thought it would be better to use plain English language instead of using words such as equine, bovine, ovine etc. He also thought the livestock definition's exclusion of "household dogs, cats and potbelly pigs" was too specific. He suggested using the words "included but not limited to" for exclusions.

Mr. Kidd agreed and added that perhaps the exclusions should not even be spelled out at all.

Mr. Stevenson noted that most animals that were subject to variance requests were pets, or in some instances therapeutic pets.

Mr. Stopplemen asked about rabbits and Ms. Bertotti responded that the proposed revisions did not address rabbits.

Mr. Sledgeski asked if she considered doing anything with regards to venomous snakes, and Ms. Bertotti said she had not.

Mr. Davis suggested rabbits should be looked at more closely because the keeping of rabbits is specifically mentioned in the current zoning regulations as a use that is explicitly permitted in the rural residence zone. Other animals, including poultry, are specifically prohibited in other zones.

Mr. Stopplemen suggested that we also specifically exclude Wickham Park because of the nature of its use and the fact that it has the animals for educational purposes.

Mr. Davis suggested the yard requirements for the zones are the setback requirements for chicken coops and that the distances are measured not from the doors and windows but from any part of the structure.

Mr. Kidd asked if we should not regulate animals that are inside of the house.

Mr. O'Neil said that in his opinion it was impossible to list in the regulations every imaginable type of animals someone can have as a pet.

Mr. Davis said it seemed everyone was ok with the chicken proposal. With some minor modification this was more or less ready to be drafted as proposed language. The definition of livestock is more problematic.

Mr. Kidd asked why we are not considering defining household pets. Mr. Brown agreed that it did not seem right to limit the household pets to dogs, cats and potbellied pigs.

Mr. Brown and Mr. O'Neil agreed that if there is a proposed definition for livestock, then there should be a definition for household pet.

Mr. Kidd suggested a definition perhaps focus more on where the animals are kept, and if indoors, they should not be regulated.

The meeting was adjourned at 9:05 pm.

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