

**MINUTES
PLANNING COMMISSION MEETING
FEBRUARY 25, 2016**

The meeting was called to order at 6:30 p.m.

Present: Artner, Denn, Kotilinek, Mahoney, Patrick, Ulbrich; Town Board Liaison: Prudhon; Attorney: Kelly; Planner: Riedesel.

Absent: Griffin with notice.

APPROVAL OF AGENDA (Additions / Deletions): Artner moved approval of the agenda as submitted. Mahoney seconded. Ayes all.

APPROVAL OF MINUTES OF JANUARY 28, 2016: Artner moved approval of the Minutes of January 28, 2016. Kotilinek seconded. Ayes all.

CONSENT AGENDA: There were no Consent Agenda Items.

ZONING ORDINANCE AMENDMENTS – LAND USE SAFETY ZONES: The Planner reported that the Town is reconsidering the Town's Land Use Safety Zoning as defined by Sections 7-4 and 7-5 of the Rezoning Ordinance. The ordinance amendments are being considered as a result of the Stoddard lawsuit against the Town, relating to airport zoning. The Town Board has determined, based on Attorney advice that modifying the airport land use safety zoning is in the best financial interest of the Town. The most recently reviewed project is a Planned Unit Development for 19 lots on 6+ developable acres and is impacted by the Land Use Safety Zone B. He stated that there are no state requirements for safety zones although the Town adopted land use safety zones in 1985.

The safety zoning adopted was based on a model drafted by MnDOT Aviation. The zones adopted by the Town were based on a model for a paved public airport. Benson's is considered a private airport and has a grass strip runway. New land use safety zone models have been developed by MnDOT Aviation since the standards were adopted by the Town. Since Benson's Airport is considered private, no land use safety zoning is required by the State. Therefore, the Town may eliminate Sections 7-4 and 7-5 of the Zoning Ordinance, or modify them as desired. Adopting the Special Purpose Airport

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Model seems to be the most obvious amendment to consider. The Special Purpose Public Airport Model runway begins Safety Zone A at the end of the runway.

The current zoning has a primary zone which extends beyond the end of the runway 200'. Zone A starts at this point and extends out a distance of 1,258 feet (2/3rds) the length of the runway. Zone B starts at the end of Zone A and extends an additional 629' (1/3rd) the length of the runway. An approach surface is also defined by the ordinance which is 250' wide at the end of the primary surface and is 2,500' wide, a distance of 10,000' from the end of the primary surface. Larger properties in or near the safety zones have developed in accordance with airport safety zoning.

If the Town adopts the Airport Safety Zone based on the Special Purpose Public Airport Model, there is no primary zone. The safety zone begins at the end of the runway and extends out 2/3rds the length of the runway for Safety Zone A and 1/3rd the length of the runway of Safety Zone B. The approach zone is similar to the current zoning (2,500' wide at 10,000' from the runway), but because Safety Zone A starts at the end of the runway, the width at the end of Safety Zone A & B are not the same as the current zoning. Using this model shifts Safety Zones A and B 200' closer to the runway end. The north line of the zone is consistent with the property line of Outlots A and B in the Wyldridge Development and would not be located over any existing structures with the exception of existing structures on the Stoddard property on the east end of the runway. On the west end of the runway adoption of the Special Purpose Public Airport Model shifts Safety Zone A so it is further from the Lake Animal Hospital building than the existing airport safety zones.

The Planner presented another Zoning Ordinance amendment option which may be considered. This option is to amend Section 7-5.1(b) of the ordinance keeping all sections of 7-4 and 7-5 intact as is, but modifying 7-5.1(b) as follows:

Safety Zone A: All land in that portion of the approach zones of a runway, as defined in Section 7-4.1(d) of Airspace Obstruction Regulations hereof, which extends outward from the end of the primary surface, a distance equal to two-thirds (2/3rds) of the planned length of the runway.

Safety Zone B: All land in that portion of the approach zones of a runway, as defined in Section 7-4.1(d) of Airspace Obstruction Regulations hereof, which extends outward from Safety Zone A to a distance equal to one-third (1/3rd) of the planned length of the runway to a distance equal to one-third of the planned length of the runway. The underlined wording could be deleted and replaced with the following: "to a distance equal to 425' from the end of Safety Zone A". By amending the ordinance, Safety Zone B is reduced in length by approximately 200.

The Planner presented another amendment to consider as follows: Amend Ordinance No. 35 by eliminating the following sections of the Zoning ordinance:

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7-5.1(b). SAFETY ZONE B: All land in that portion of the approach zones of a runway, as defined in Section 7-4.1(d) of Airspace Obstruction Regulations hereof, which extends outward from Safety Zone A to a distance equal to one-third (1/3rd) of the planned length of the runway.

7-5.1(c). SAFETY ZONE C: All that land which is enclosed within the perimeter of the horizontal zone, as defined in Section 7-4.1(b) of Airspace Obstruction Regulations hereof, and which is not included in Zone A or Zone B.

7-5.2(c). ZONE B: Subject at all times to the height restrictions set forth in Section 7-4.2 of Airspace Obstruction Regulations, and to the general restrictions contained in Section 7-5.2, areas designated as Zone B shall be restricted in use as follows:

- (1). Each use shall be on a site whose area shall not be less than three (3) acres.
- (2). Each use shall not create, attract, or bring together a site population that would exceed fifteen (15) times that of the site acreage.
- (3). Each site shall have no more than one (1) building plot upon which any number of structures may be erected.
- (4). A building plot shall be a single, uniform and non-contrived area, whose shape is uncomplicated and whose area shall not exceed the following minimum ratios with respect to the total site area:

Site Area At least (Acres)	But Less than (Acres)	Ratio of site area to Bldg. Plot Area	Building Plot Area (Sq. Ft.)	Maximum Site Population (15 Person/Ac)
3	4	12:1	10,900	45
4	6	10:1	17,400	60
6	10	8:1	32,700	90
10	20	6:1	72,600	150
20	and up	4:1	218,000	300

- (5). The following uses are specifically prohibited in Zone B: churches, hospitals, schools, theaters, stadiums, hotels and motels, trailer courts, campgrounds, and other places of frequent public or semi-public assembly.

7-5.2(d). ZONE C: Zone C is subject only to height restrictions set forth in Section 7-4.2 of Airspace Obstruction Regulations, and to the general restrictions.

Deleting sections of the Zoning Ordinance relating to Safety Zones B and C would leave only Safety Zone A intact. Safety Zone A would remain as defined by the Zoning Ordinance.

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Safety Zone A at the east end of the runway is located primarily over wetland and only impacts a small upland portion of the Stoddard property. That portion of Safety Zone A located on the Stoddard property is planned for ponding and a paved trail.

Of the three options proposed, the recommended option is to adopt Special Purpose Public Airport Model Zoning.

Aerial photos showing Special Purpose Public Airport surfaces for a grass strip airport were reviewed as well as the other options proposed by staff. Zone A would remain intact and Zone B would be shortened by 200 feet (from 620 feet to 425 feet). Zone A does impact the Lake Animal Hospital property if a Special Purpose Airport model is used. It does not impact the building but does go over a portion of the property. Mahoney asked if the safety zone could be configured in any way that the Town wants. The Planner stated that is correct. Ulbrich stated that one of things that bothered him was not the spacing for the houses but the density. It was so dense in the little circle. He stated that the Town has subtracted the wetland area. He asked if Safety Zone B was subtracted out. He stated that he would be in favor of something like that. He stated that the zoning area could be changed and give them the 200 feet but they will not be able to build in a wetland or safety zone.

The Town Attorney stated that the issue was raised in discussions with retired Judge Borg. His response was one house, ten houses, it does not make any difference. The premise is that the safety zone is not needed. The Planner has presented a model based on a grass strip runway. He reported that he talked with the League attorney about this possibility and he was in favor.

Kotilinek stated that a lot of the model is based on urbanized areas in that location. The pilots were happy to land in a spot with one building per three acres even if they have to go around it a little bit. But we have pretty much shoved everything to the side and now there is a big open area that they can land it. We are not trying to get around the intent of having a safety zone for the pilots. Ulbrich stated that the little street (cul-de-sac) that would come down is a dense area. Denn stated that it impinges on the ability to develop.

Mahoney asked if the runway was too short to be paved. The Town Attorney stated that it is. Mahoney asked if it could be paved if it would be taking away the ability for the airport to be paved by amending the safety zones. Ulbrich noted that the Township would win an argument with putting in paving is not consistent with the Conservation Easement. The Town Attorney stated that it would change classification and licensing procedures. Kotilinek noted that the airport representative indicated that there are no plans to pave the runway.

Artner stated that she is not comfortable with the proposal but does understand. Patrick stated that he feels the same way as Artner does. Ulbrich stated that he feels the project is dense but understands the proposal. Mahoney asked if approval of amending

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the land use safety zone is approved by the Board if the lawsuit is no longer an issue. The Town Attorney stated that the Planning Commission is legislating in the best interest of the Town, its residents, and property owner. It gives the Town a tremendous position in asking for a motion for dismissal of the lawsuit. Prudhon asked if, in moving the safety zone B back 200 feet if the cone stays the same. Denn stated that he has never been opposed to having a grass runway model. He stated to just leave the amending to the northern side for Safety Zone B by moving it back 200 feet and do nothing on the other side. He stated that is his recommendation. Ulbrich asked if moving the safety zone allows for more houses. The Planner reported that the density allows them 19 units. Mahoney asked if Zone B would be reduced by half. The Planner stated that it would be reduced by a third. Mahoney asked if this would affect their development with the one-third reduction. The Town Attorney stated that it should fit in with the developer's plans. A question was asked if the primary zone would go away. The Planner stated that it would not.

Kotilinek moved to recommend to the Town Board that Land Use Safety Zone B be reduced by 200 feet following model wording. Ulbrich seconded. Ayes all.

It was noted that the motion should include the language for the amendment.

Kotilinek moved to withdraw his motion. Ulbrich seconded. Ayes all.

Ulbrich moved to recommend to the Town Board that the Zoning Ordinance amendment be as follows: **Safety Zone A:** All land in that portion of the approach zones of a runway, as defined in Section 7-4.1(d) of Airspace Obstruction Regulations hereof, which extends outward from the end of primary surface, a distance equal to two-thirds (2/3) of the planned length of the runway. **Safety Zone B:** All land in that portion of the approach zones of a runway as defined in Section 7-4.1(d) of Airspace Regulations hereof, which extends outward from Safety Zone A to a distance equal to 425' from the end of Safety Zone A. Kotilinek seconded. Ayes: Ulbrich, Kotilinek, Mahoney, Patrick, Artner; Abstain: Denn (based on previous statements for abstention).

BALD EAGLE ISLAND – MEGABEIN REAL ESTATE, HANS W. STACHOWIAK & NICK VAN BRUNT, 1 BALD EAGLE ISLAND: A) REQUEST FOR CONDITIONAL USE PERMIT TO ALLOW CONSTRUCTION OF A COMMERCIAL RECORDING, FILM & TELEVISION POST PRODUCTION RECORDING STUDIO; B) REQUEST FOR AN EXEMPTION FROM SECTION 5-29 OF ORDINANCE NO. 8 TO ALLOW AN OVERSIZED ACCESSORY BUILDING (STUDIO); C) REQUEST FOR VARIANCES: 1) 44.6' & 21' LAKESHORE SETBACK VARIANCE TO CONSTRUCT A RECORDING STUDIO; 2) 49' LAKESHORE SETBACK VARIANCE TO CONSTRUCT A HOME ADDITION; 3) 10' LAKESHORE SETBACK VARIANCE FOR A SETBACK SYSTEM DRAINFIELD (50' REQUIRED FROM THE O.H.W.); 4) 30' BLUFF SETBACK VARIANCE TO CONSTRUCT A RECORDING STUDIO: The Planner reported that in January of 2015, the Town Board approved rezoning of Bald Eagle Island and approved setback variances and a Conditional Use Permit which allowed construction of a

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recording studio and remodeling of a portion of the existing home to accommodate a commercial recording, film, and television postproduction studio. The Town's Zoning Ordinance requires that any approved Conditional Use Permit must be initiated within six months of approval. A six month extension may also be approved by the Town Board if requested. After approval of the Conditional Use Permit and variances, no construction was started within the six month time frame. An extension was requested and approved by the Town Board. That extension expired on January 5, 2016. The developer had submitted the remodeling and construction plans which were reviewed and approved by the Town's Building Inspector prior to the expiration date. The permit just needed to be paid for and picked up to initiate the development. The Town reminded the developer of the expiration date and was assured that the permit would be paid for and picked up. The permit was not picked up before the expiration date and the Conditional Use Permit lapsed. The developer was in the week of February 8th to pick up the permit. As a result of the non-initiation of the permit within one year of approval, Megabein must obtain a new Conditional Use Permit and variances to begin the project. The development remains as it was approved in 2014. The following was approved by the Town in 2015 and must be approved again by the Town in order for the project to begin:

- A Conditional Use Permit
- 44.6' & 21' lakeshore setback variances to construct a recording studio
- 10' lakeshore setback variance for a septic system drainfield
- 30' bluff setback variance to construct a recording studio.

The 49' bluff setback variance for the hot tub room addition was denied by the Town.

The Planner reviewed the original presentation for the project. He reported that Mr. Stachowiak is requesting Town approval to construct a 2,461 square foot recording studio on Bald Eagle Island. Mr. Stachowiak is also requesting Town approval to convert a portion of the existing home on the island from a racquet ball court to two bedrooms with two baths on the second level and a photo/television studio with two postproduction rooms on the first level. An existing exercise room and closet abutting the racquetball court is also proposed to be converted to a server/tech room and a hot tub room is proposed to be converted to a coffee shop on the first level. A new hot tub room is proposed on the west side of the home at grade level with a terrace above. A new septic system is also proposed. The purpose of the home remodel, addition, and construction of the recording studio, if approved, would allow Mr. Stachowiak to live and run his business, Megabein Entertainment, from Bald Eagle Island.

On June 2, 2014, the Town denied a request to construct a recording studio by Special Home Occupation Permit for Mr. Stachowiak on Bald Eagle Island. The request which was denied also proposed guest cottages for Megabein clients. During review of the Special home Occupation Permit, it was determined that the Town's Zoning Ordinance was not consistent with DNR Shoreland Management model wording which permits one guest cottage per property. The Town subsequently adopted Zoning Ordinance wording

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for cottages which is consistent with DNR model wording. Mr. Stachowiak's new proposal does not request construction of any cottages. Rather than constructing cottages to house his long term guests, the existing home is being remodeled to accommodate guests.

At the September 2014 Planning Commission Meeting, the Commission reviewed the proposal from the applicant to remodel the home and add a hot tub, construct a new music studio and construct a new septic system. The Zoning Ordinance amendment, Conditional Use Permit and several variances were reviewed. The Planning Commission members present at the meeting voted 3-3 on the Zoning Ordinance amendment requests meaning the amendments were not recommended for approval. There was no action taken on the variance and Conditional Use Permit requests since the Zoning Ordinance was not recommended for approval.

The Town Board reviewed the requests from Megabein at a November 3, 2014 Public Hearing. The Town Board approved the Zoning Ordinance amendments as summarized in the staff memo at that meeting. As a result of the Town Board action, a new BEI Zoning District is in place and a Commercial Recording, Film, and Television Post Production Studio is a Conditional Use permitted in the BEI District. Review of the Conditional Use Permit and variance requests were directed back to the Planning Commission for review at the December 17, 2014 meeting.

The list of conditions for approval for a Conditional Use Permit was reviewed. It was the consensus that #1 on the list: "Docks should be removed from the water during the winter months" is not necessary. It was noted that since the home is located on an island there needs to be dock for the property owner to come and go to his home safely. It was also noted that people who live around the lake remove their docks to prevent damage from ice during the winter months. There is nothing in the Ordinance that states that a property owner must remove their docks.

Denn noted that the Town Board voted to change the zoning of Bald Eagle Island. There is nothing in this request that is in violation because it is allowed by current zoning of what is allowed on Bald Eagle Island. The vote is on the request that meets the conditional use. The Planning Commission had sent no recommendation to the Town Board. Kotilinek stated that the Town Board had the opportunity to approve the zoning and it makes it more difficult to now deny the project. Prudhon stated that the use comes with conditions and that is where the Planning Commission has the right to vote "yes" or "no" on the conditions of that permit. Kotilinek stated that the Planning Commission has to come up with the reasons to deny. Patrick stated that he is not in favor because it does not fit the environment of the island. Ulbrich stated that it was previously approved and there was nothing to stop it except for the timing of obtaining the permits.

Artner moved to recommend to the Town Board to approve a Conditional Use Permit to allow construction of a Commercial Recording, Film & Television Post Production Studio

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subject to prior conditions, with the exception of: "Docks should be removed from the water during the winter months". Ulbrich seconded. Ayes: Artner, Denn, Ulbrich, Kotilinek. Nay: Mahoney and Patrick. Motion carried.

Artner moved to recommend to the Town Board to deny the request for an exemption from Section 5-29 of Ordinance No. 8 to allow an oversized accessory building (studio). Ulbrich seconded. Ayes: Artner, Ulbrich, Kotilinek, Denn, Mahoney. Nay: Patrick.

Patrick stated that it should be denied because the island cannot support an oversized building. Ulbrich stated that it was approved previously by the Town Board and nothing has changed and recommended approval. Kotilinek stated that he does not recall a lot of public input not to recommend. Prudhon stated that this fits all the requirements and to deny the request would deny the applicant the right given to others.

The Planner reported that requests for variances include:

- 44.6' & 21' lakeshore setback variances to construct a recording studio
- 10' lakeshore setback variance for a septic system drainfield
- 30' bluff setback variance to construct a recording studio.

Artner moved to recommend to the Town Board to approve a 44.6' & 21' lakeshore setback variance to construct a recording studio. Kotilinek seconded. Ayes: Artner, Kotilinek, Ulbrich. Nay: Denn, Mahoney, Patrick.

Patrick stated that he does not know of many other places in the Town where these kinds of setbacks have been approved. He stated that with this project there are a lot of setbacks and variances. No piece of property has come close to having this many variances. He stated that these variances affect the ecology of the lake. He referred to the report from the DNR on the affects that it could possibly cause. Ulbrich stated that one of the reasons that it was approved is that it is in the regulations and is due to the uniqueness of the property. Nothing has been changed with the plan as it was previously approved. Kotilinek stated that he does not see any reason to change the thought on the variances since it was already approved. Denn stated that the Planning Commission did not send this to the Town Board as a recommendation. He stated that because the Town Board made their choice on rezoning the island he believes that the setbacks are unreasonable. He was not in favor of them a year ago and is not in favor of them tonight. The setbacks are the reason to exclude this. The DNR was not in favor of the variance because of the setbacks. He stated that although the property is unique every homeowner on the shore believes that their property is unique. Artner stated that she is not sure how the DNR is looking at this. Prudhon asked why this did not go back to the Variance Board again before coming to the Planning Commission. He stated that the Planning Commission is being asked to reconsider this and why did the Variance Board not reconsider it as well. Ulbrich stated that he was on the Variance Board when it was first reviewed and they recommended approval.

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Denn stated that the next setback variance request is for a 49' lakeshore setback variance to construct a home addition. The Planner reported that this was denied by the Town Board.

Denn called for a motion for recommendation for approval of a 49' lakeshore setback variance to construct a home addition.

Artner moved to recommend to the Town Board to deny the request for a 49' lakeshore setback variance to construct a home addition. Ulbrich seconded. Ayes: Artner, Ulbrich, Denn, Mahoney, Patrick. Nay: Kotilinek.

Ulbrich moved to recommend to the Town Board to approve a 10' lakeshore setback variance for a Setback Drainfield (50' required from the O.H.W.). Artner seconded. Ayes: Ulbrich, Artner, Denn, Kotilinek. Nay: Mahoney and Patrick.

Ulbrich stated that the reason he is recommending approval is that the professionals stated that this was the minimum amount of variance that is needed to construct the proper system to work efficiently for the property. Patrick stated that he is against it because septic systems in the past on the property were to have been pumped properly and it was never pumped properly. He stated that he sees problem with this. Artner stated this is a state of the art system to provide enough information to make a recommendation. Mahoney asked if the variance was because of adding fixtures or because of the size of the system. It was noted it was because of the size of the system. Kotilinek stated that he recalls that they really did not need the new system but that the professionals said that they would have a better system with the variance. Prudhon stated that to improve the system they need the setback.

Denn called for a motion on the request for 30' bluff setback variance to construct a recording studio.

Artner moved to recommend to the Town Board to approve a 30' bluff setback variance to construct a recording studio. Ulbrich seconded. Ayes all. Ayes: Artner Ulbrich, Kotilinek. Nay: Denn, Patrick and Mahoney. Motion failed.

The Planner reported that Public Hearing will be called on March 7, 2016 to be scheduled for the first Monday in April.

NEXTERN, 1185 NORTH BIRCH LAKE BOULEVARD- SKETCH PLAN REVIEW:

The Planner reported that Nextern has recently purchased the property at 1185 North Birch Lake Boulevard from White Bear Township. They have been working on site clean-up and grading the lot so it is ready to construct their new official manufacturing building this spring. They have submitted plans for review by the Planning Commission, although they are incomplete at this time. The plans show the location of the building, parking and drive lanes. Elevations of the proposed building have also been submitted. Staff reviewed the plans and found that the parking areas and drive lanes on three sides

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of the site do not meet setback requirements. The side setback requirements for all structures, including parking lots is, 15 feet. The rear setback is 30’.

The setback concern was discussed with the applicant. They are considering plan modifications and the use of gravel or pavers within the setback area to avoid setback problems. Gravel drives and paving stones are not considered “structures” by the Town. The developer would also like the Town to consider zoning ordinance amendments which would accommodate their plans. The variance option was discussed but is not recommended since the lot is vacant.

The Planner reported that Section 7-1.2(a) of the Zoning Ordinance lists 7 scenarios where structures can be closer to a lot line than allowed by the Lot Regulations in Table 7-1 as follows:

7-1.2(a). Driveways and sidewalks consisting of poured concrete or bituminous paving shall be considered a structure and shall be allowed to encroach into minimum front yard setback areas but shall conform to minimum side and rear yard setback requirements.

7-1.2(b). Retaining walls may be allowed to encroach into minimum setback areas and may incorporate stairways into the structure.

7-1.2(c). Paved parking areas in the I-1 (Light Industrial) Zoning District shall have a minimum setback from a railroad right-of-way of 5 feet.

7-1.2(d). Paved parking areas in the I-1 (Light Industrial Zoning District shall have a minimum setback from North Birch Lake Boulevard and a future street adjacent to Specialty Manufacturing Company of twenty (20) feet.

7-1.2(e). Monopoles with cellular phone antennas in an I-1 Zoning District shall have a minimum setback from a railroad right-of-way of 10 feet.

7-1.2(f). A garage or accessory structure in an R-1 Suburban Residential District shall have a rear yard setback no less than 10 feet when abutting in O.S. Open Space Zoning District.

7-1.2(g). A 20’ rear yard setback is permitted when an industrial structure is proposed abutting an undeveloped property containing a wetland, provided that the distance from the wetland to the structure is no less than 30’.

A reduced setback from North Birch Lake Boulevard per Section 7-1.2(d) applied to this property. However, a large wetland is located between the buildable portion of the lot and North Birch Lake Boulevard. No structures are planned on the wetland portion of the property. Green area on the site will not be a concern because of the wetland area

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which is over an acre in size. The lot is 2.72 acres. The minimum green area required is 30%.

The following are zoning ordinance amendments (additions) which may be considered for this project:

Add new sections:

7-1.2(h). A 5' side yard setback is permitted when an industrial structure is proposed abutting an undevelopable property containing a stormwater treatment pond or wetland, provided that the distance from the structure to the wetland or ordinary high water level of the storm pond is no less than 15'.

7-1.2(i). A 5' rear yard setback is permitted when a structure is proposed abutting stormwater treatment pond located on a fully developed property provided that the distance between the structure and the ordinary high water level of the storm pond is no less than 30'.

If these two amendments are adopted, the Nextern site plan will meet setback requirements on three sides. The west side setback still needs to be addressed however. The Planner reported that the Nextern plan is being reviewed as a sketch plan at this time. Input from the Planning Commission will help the developer complete their site plan.

Melissa Douglas, Nextern, stated that the site has some constrictions. She stated that there is a lot of wetland so there needs to be a buffer. She stated that the Ordinance does allow pervious pavers in the setback area in the parking area but does not allow for curbing. On the west side they would do Class V but would not allow curbing. They cannot find a provider for truck traffic to allow for green space and controlled drainage. She noted that the site plan does allow for green space. They would be willing to consider pervious pavers to allow infiltration on the west side. She stated that for a parking lane they would need to get a green easement from Comstock. This would not have any impact on the Comstock property.

Mahoney asked why the building could not be turned to minimize the setback. Melissa Douglas explained that they have tried to keep the focal point to the south and east. In the future they hope to acquire property to the west for expansion. She reported that they have contacted the property owner to the north and they are comfortable with the site plan. Mahoney asked about the grading. Melissa Douglas reported that they have a grading permit to level the property and will construct in the spring. She reported that there is still dirt stockpiled and it needs to be hauled.

Ulbrich asked if Nextern does not acquire the property to the west if there will be problems with the building being so close. Melissa Douglas stated that they would move to buy the property if for sale. It was noted that in the future the Ordinance should

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be reviewed regarding driveway setbacks to structure. Mahoney asked if there will be two way traffic on the west side. Melissa Douglas stated that they plan on one way traffic. They are working with their production department regarding trucking. She reported that she had the trucking company that they use come out to the site and they feel it is just fine. They use 90' steel containers. Denn stated that the recommendations from the Planner appear to be a remedy. He stated that he would not like to see Class V. A poll of the members showed that the members are in favor of the sketch plan. It was the consensus that they support adding the following new sections to the Zoning Ordinance:

7-1.2(h). A 5' side yard setback is permitted when an industrial structure is proposed abutting an undevelopable property containing a stormwater treatment pond or wetland, provided that the distance from the structure to the wetland or ordinary high water level of the storm pond is no less than 15'.

7-1.2(i). A 5' rear yard setback is permitted when a structure is proposed abutting stormwater treatment pond located on a fully developed property provided that the distance between the structure and the ordinary high water level of the storm pond is no less than 30'.

The Town Attorney provided a summary on variances and Conditional Use Permits.

The meeting adjourned at 8:40 p.m.

Respectfully Submitted,

Joan J. Clemens
Recording Secretary