

**TOWN OF DUCK
PLANNING BOARD
REGULAR MEETING
March 11, 2009**

The Planning Board for the Town of Duck convened at the Duck Municipal Offices at 6:30 p.m. on Wednesday, March 11, 2009.

Present were Vice Chair Joe Blakaitis, Ron Forlano, John Fricker and new member Don Kingston.

Absent: Chairman Jon Britt.

Also present were Director of Community Development Andy Garman, Permit Coordinator Sandy Cady and Council Liaison Dave Wessel.

Others Present: Bill Owen of Seaboard Surveying, Mayor Pro Tempore Monica Thibodeau.

Absent: None.

Vice Chair Blakaitis called to order the Regular Meeting of the Planning Board for March 11, 2009 at 6:30 p.m. He noted that Chairman Britt was unable to attend the meeting.

PUBLIC COMMENTS

None.

It was *consensus* of the Planning Board to move New Business C up in the agenda.

NEW BUSINESS

Application by Mr. Bill Owen of Seaboard Surveying and Planning, Inc., on behalf of Lambros Vlahos, Property Owner of 1195 Duck Road, for a Special Exception Permit (09-001) to Modify Certain Off-street Paving Requirements as Authorized by Town Code Sections 156.096 and 156.118

Director Garman stated that the property was a corner lot, approximately seventy-two (72) feet wide at the street and two hundred eighty-eight (288) feet deep. He added that it was roughly about one-half acres in area. He noted that there were two (2) buildings on the site – an old shed and an out-building. He stated that the applicant wished to take one of the buildings and update it to be a small produce stand. He explained that it would be permitted as a retail use in the Village Commercial Zoning District, even though it would only be run for approximately 1 to 2 years. Even though temporary, it would be treated as any other use in Town, having to meet all the site plan requirements.

Director Garman stated that in order to accommodate the use, the applicant was proposing four (4) parking spaces on the site. He stated that the applicant was applying for an exception to the

paving requirement as the Town's ordinance requires asphalt, concrete or pavers for the parking surface. He stated that the applicant wished to use coarse gravel that would not produce dust and would like to have a twenty-two (22) foot driveway instead of a twenty-four (24) foot driveway. He noted that the applicant applied for site plan approval administratively in lieu of having the exception approved. He went on to review the application with the Board noting that staff was in favor of the gravel plan since the applicant was also meeting some of the other goals of the Town as they relate to vegetation preservation. He noted that the applicant had exhausted all efforts to obtain cooperation from the adjacent properties with regard to the location of the driveway access with no success.

Member Kingston suggested a twenty-four (24) foot entrance that tapers back to twenty-two (22) feet beyond the apron. Bill Owen of Seaboard Surveying was recognized to speak. Mr. Owen stated that the gravel and the twenty-two (22) feet width was designed to save the existing trees on the property.

Member Forlano asked if the parking spaces were just for the customers. Bill Owen stated that they were. Member Forlano asked how solid waste would be removed. Mr. Owen stated that there would be two (2) roll-out cans. Vice Chair Blakaitis asked if the two (2) cans would be sufficient. Mr. Owen thought it would and if it wasn't, the owner would haul the waste away. Vice Chair Blakaitis noted that the owner could also obtain more carts. Director Garman thought there was a cap on the number of carts the owner would be allowed.

Member Forlano stated he was concerned about the waste that may be generated. He didn't think the two (2) roll out cans would accommodate it. Bill Owen stated that accommodations would be made to remove the waste. Member Forlano asked why Duck Landing would not allow a driveway entrance on Duck Landing Lane. Director Garman stated that they were concerned about traffic and parking on their street. Member Forlano stated he was against putting an entrance for the driveway on Duck Road. Mr. Owen stated that he had tried to get access via Roadside Café as well as Duck Landing Lane but neither would cooperate.

Member Fricker thought the question was whether the Board was going to allow any use of the lot. He thought if the Board was going to, it would have to allow a means of vehicular traffic to get in and out.

Vice Chair Blakaitis asked what Mr. Owen had in mind when he contacted Roadside Café. Bill Owen stated that he proposed to put a twenty-two (22) foot or twenty-four (24) foot drive aisle along the property line, lower the hill where the entrance was and split off into the parking lot among the two (2) properties, closing off the exit on the other side of the property. He thought it would have been beneficial for all parties involved, but there wasn't any cooperation.

Member Fricker asked Director Garman if he felt he could deny the administrative application based on anything the Board had discussed. Director Garman stated that the applicant had submitted a site plan, which he had reviewed and provided comments, and the applicant had addressed everything. He stated that he was down to a few minor items and then he could approve the site plan. Member Fricker asked if it could be denied. Director Garman stated it could not. Member Fricker thought the question would be if the Board wished for the applicant to use gravel or concrete.

Member Forlano stated that no matter what, he was not going to approve the Special Exception. He stated that he would disapprove the applicant based on the location of the driveway, knowing that it will still be there in the future. Vice Chair Blakaitis stated that he understood Member Forlano's point. He thought it was useless to contact the homeowner's association again. Director Garman stated that he had tried to talk to the homeowner association. He stated that if the Board and Council felt strongly about it, perhaps additional measures could be taken to obtain voluntary cooperation by contacting the homeowner's association directly or schedule a meeting with them.

Vice Chair Blakaitis asked if anything else was put on the lot in the future, such as a restaurant, the Board would have to go back to square one for approvals, including the driveway. Director Garman thought they would as the building would be torn down and a new building would be constructed.

Member Kingston wondered if the driveway was moved to the south, it would alleviate any of the Board's concerns with regard to Duck Landing Road. Vice Chair Blakaitis stated that it could not be moved. Member Forlano stated that he would soften his approach if the spaces were used for two (2) or three (3) vehicles, but was concerned about what would happen in the future. Member Fricker thought it was a different issue for a different time.

Vice Chair Blakaitis stated that he did not find anything wrong with the Special Exception request and did not have a problem with the driveway width so long as the Fire and Police Department were fine with it.

Member Forlano asked if the subsurface of the parking lot was going to be comprised of stone over clay. Bill Owen stated it would be about six (6) inches of #5 crushed granite which will compact somewhat. He added that it did not have any fines in it so it will remain porous.

Member Kingston clarified that the surface around the farm stand would be grass. Bill Owen stated he was correct.

Member Fricker moved to have the Planning Board recommend approval of the application to the Town Council with the specific findings set forth in Section 156.096(d) 1-4, and Section 156.118(6) a-c of the Code of Ordinances, upon the conditions set forth in the staff's recommendation. Member Kingston seconded.

Motion carried 4-0.

OLD BUSINESS

Update on Renewable Energy Survey Results

Director Garman stated that the Board was at a point where they could give Council a briefing on the results – what has been done at this point, what the high points were of the survey and where it was leading and see if Council wanted to give the Board direction.

Member Fricker thought there weren't any big surprises, except on Question 4. He thought it was surprising that so many people answered no to that question. He stated that Question 19 versus 25 were similar with twenty (20) points more in favor of solar than wind turbines. He noted that Question 18 had an even split but thought the respondents were not given enough information. He thought there was enough support in principal to suggest to Council that there was sufficient support to draft something for some safeguards to the public as a whole.

Vice Chair Blakaitis thought the overwhelming percentage of respondents were in favor of renewable energy, but not in their back yards. He noted that seventy percent (70%) of respondents do not live in Duck. He thought the height question should be discarded since it was an even split.

Member Kingston agreed with Member Fricker and Vice Chair Blakaitis' comments. He thought the people that responded were the type that had an interest in it. He noted that there were a low number of full-time residents that responded. He thought that people did not understand what the height of the towers would be.

Vice Chair Blakaitis asked what Council should be told. Director Garman thought a general overview of how the Board got to this point as well as an overview of the survey results should be given to Council to see if they want to add anything.

Member Fricker thought that the Board were charged to be "fact finders" and should come back with a recommendation to Council regarding renewable energy, which included drafting an ordinance. Council Liaison Wessel agreed with Member Fricker's comments and thought the charge was to determine whether or not there should be an ordinance specifically related to renewable energy and if so, then to proceed with one. He didn't think it would hurt to give Council an overview and see if they wished for the Board to proceed.

Member Fricker asked if the Board interprets the results of the survey as sending a message to the Board that the majority of the respondents want the ability to have renewable energy projects in Duck in one form or another. Vice Chair Blakaitis thought it was. Member Fricker asked if it was, this would suggest that the Board should go ahead and draft an ordinance to address the prospect. Member Forlano stated he would rather let the Town Council tell the Board to move forward with an ordinance.

It was *consensus* of the Board to have a presentation given to Council on the issue at their next meeting.

NEW BUSINESS

Discussion of Ordinance Related to Quasi-Judicial Procedures

Director Garman stated that the issue started as a housekeeping item. He and the Board reviewed changes to the ordinance. He stated that he would bring the ordinance back at the next meeting with additional sections that will be reviewed.

Discussion/Consideration of Ordinance 09-03 – Amendment to Permitted Uses in the CPR Zoning District; Parking Standards for the Town Municipal Complex

Director Garman stated that this would add a permitted use to the C-PR district that would now include the Town of Duck uses and facilities in advance of development of the Town Hall and amphitheater. He stated that a parking standard was also included which applied to the multiple uses that would potentially exist on the site, recognizing that there will be a lot of different uses at the Town property.

Vice Chair Blakaitis asked if one (1) parking space for each employee would be needed at the Town Hall property. Director Garman stated that it was a realistic standard. He added that each employee drives their own vehicle to the office and that there were two (2) Town owned vehicles that are parked as well. He thought it was a workable standard.

Member Fricker asked how many seats were planned for the amphitheater. Director Garman stated it was between one hundred fifty (150) to two hundred (200), pointing out that with one hundred eighty (180) people, the Town would need twenty (20) parking spaces.

Member Kingston asked how big the Town Hall chambers would be. Director Garman thought it would be approximately 1,600 square feet, which would require roughly thirty-two (32) parking spaces.

Vice Chair Blakaitis thought there wouldn't be enough parking spaces. Director Garman noted that the last sentence in the ordinance had language to account for shared uses.

Member Forlano moved to recommend that the Town Council approve ordinance 09-03. Member Fricker seconded.

Motion carried 4-0.

APPROVAL OF MINUTES

Planning Board Meeting February 11, 2009

Vice Chair Blakaitis directed the Board to review the minutes from the February 11, 2009 meeting.

Member Fricker moved to approve the minutes as presented. Member Forlano seconded.

Motion carried 3-0.

OTHER BUSINESS

Welcome Don Kingston

Vice Chair Blakaitis welcomed Don Kingston to the Planning Board as the newest member.

STAFF COMMENTS

None.

BOARD COMMENTS

Member Fricker stated that he would like to make the Town Council aware that the Board needed to revisit the Special Exception Permit that was discussed earlier in the meeting. He noted it was not mentioned in the motion that pursuant to Section 156.145(e), that the Board had to make the finding that the granting of the Special Exception would not adversely affect the public interest.

It was *consensus* of the Board that this should be included in the motion as it was passed.

ADJOURNMENT

Vice Chair Blakaitis moved to adjourn the meeting. Member Fricker seconded.

Motion carried 4-0.

The time was 8:14 p.m.

Approved: _____
Joe Blakaitis, Vice Chair