



## TOWN OF BEAUX ARTS VILLAGE

### PLANNING COMMISSION

#### MINUTES

February 19, 2009  
Donoghue

**Present:** Acting Chairperson Jake Donoghue, Commissioners Scott Harpster, Karen Scott, Gordon Roberts, Dick Stratton

**Excused:** None

**Staff:** Deputy Town Clerk Angela Kulp and Town Planner Mona Green

**Guests:** None

Acting Chair Donoghue called the meeting to order at 7:10pm.

**Minutes:** Commissioner Scott moved to approve the January 15, 2009 minutes as written. Commissioner Harpster seconded. Vote: 4 For, 0 Against, 1 Abstain. Motion carried.

Acting Chair Donoghue led the Commissioners in welcoming Dick Stratton as our new Commissioner to the Planning Commission.

#### **OLD BUSINESS: Remodel/Rebuild Definitions**

The Commissioners introduced this topic to new Commissioner Stratton. Discussion continued, with a focus on identifying the specific difficulties in working on nonconforming structures in the Town. The Planning Commission is interested in giving the owners of nonconforming structures more incentive to remodel/reconstruct their homes, rather than forcing them to demolish and build new homes to comply with current zoning regulations. It is estimated that at least 50% of the homes within the village could be classified as non-conforming.

Ideas considered included raising the \$250,000 threshold for remodel; replacing the absolute dollar amount with a percentage of assessed value amounts; or eliminating the dollar threshold. Regarding the 20% permitted increase in habitable living space; Commissioners considered whether a limitation would be needed if the resulting Gross Floor Area (GFA) were within the current allowed GFA. Acting Chair Donoghue and Commissioner Scott recognized that maintaining existing (nonconforming) setbacks preserves existing open space, but Planner Green noted a shift to construction with conforming setbacks would provide for open space that would benefit the neighboring properties.

Commissioner Stratton was very concerned about unintended consequences, and Planner Green noted there could be unintended consequences from relaxing the nonconforming structure standards so any proposed revisions would need to consider

those. Such consequences could include leaving a single section of wall or foundation in place and therefore building a new residence in a nonconforming location.

Planner Green noted that any change to the remodel and reconstruction definitions could influence the Town's requirement for two covered parking spots per building site. The Commissioners agreed to evaluate this parking issue further in the coming months.

After much discussion, consensus was reached on the following:

1. Interior work on a nonconforming structure should be permitted without a variance, regardless of the project cost.
2. A nonconforming structure should be expandable without the granting of a variance, provided there is no increase in the degree of nonconformity.
3. A nonconforming structure should be expandable without the granting of a variance, provided the maximum allowed GFA for the lot is not exceeded.

Commissioners intend to continue discussion of this topic next month.

Commissioner Scott moved to change our meetings permanently from 7:30pm to 7:00pm on the 3<sup>rd</sup> Thursday of each month as she noted the earlier time seems to be working well for all. Commissioner Roberts seconded. Vote: 5 For, 0 Against. Motion carried. Deputy Clerk Kulp will have the changed of time noted in the newsletter, the Green Book and the Town website as well as future agendas.

**Adjourn:** Commissioner Scott moved to adjourn the meeting; Acting Chair Donoghue seconded. Meeting adjourned at 9:00pm. Vote: 5 For, 0 Against. Motion carried.

**Next Meeting:** The next meeting is Thursday, March 26, 2009 at 7:00pm at Commissioner Stratton's home. This 4<sup>th</sup> Thursday meeting deviates from the usual 3<sup>rd</sup> Thursday to accommodate a scheduling conflict for the Commissioners just for the month of March.

Respectfully submitted,

Angela Kulp  
Deputy Town Clerk