



## TOWN OF BEAUX ARTS VILLAGE

### PLANNING COMMISSION

#### MINUTES

June 20, 2013  
Stratton

**Present:** Chairperson Wade Morlock, Commissioners Jeff Kendall, Dick Stratton, Jan Johnston and Hank Heckendorn

**Excused: Staff:** Planner Mona Green, Deputy Clerk Angela Kulp

Chairperson Wade Morlock called the meeting to order at 7:06pm.

**Minutes:** Commissioner Stratton moved to approve the May 16, 2013 minutes as written. Commissioner Kendall seconded. Vote: 5 For, 0 Against. Motion carried.

**Old Business:** The Commissioners did not have any old business to discuss at this time.

#### **New Business: Tree Code Amendments**

Planner Green gave the Commission background on the proposed Tree Code Amendments, explaining the purpose is to shift the burden of responsibility back to the homeowner for tree protection in certain situations. The amendments (as proposed and recommended by the Town's Building Official and Town Arborist), will require the permit applicants to submit their own arborist's report with their permit application during construction and/or grading permits, instead of the Town Arborist making recommendations and then reviewing their own work with the application.

Public Hearing opened at 7:10pm.

There were no members of the public present for testimony.

Public Hearing closed at 7:11pm.

The Commissioners discussed the proposed Tree Code Amendments in detail. Commissioners Kendall and Heckendorn expressed concern about costs to the property owner. Planner Green explained the proposed Tree Code Amendments do not limit what the property owner can do; they just avoid the conflict of interest currently present. Commissioner Johnston echoed the avoidance of conflict of interest, and noted the proposed code amendments will make this code cleaner, and more straightforward. Chairperson Morlock kept the Commission on track by re-stating concerns for clarification.

Commissioner Stratton moved to adopt the proposed ordinance as written, accepting all proposed tree code amendments. Commissioner Johnston seconded. Vote: 5 For, 0 Against. Motion carried.

**New Business: ROW Code Amendments**

Planner Green gave the Commission background on the proposed ROW Code Amendments, explaining the purpose is to clarify that only adjacent property owners may make certain improvements to a planting strip without first obtaining a permit. The amendments (as proposed and recommended by the Town's Building Official), limit ROW improvements to just adjacent property owners instead of any Beaux Arts property owner.

Public Hearing opened at 7:40pm.

There were no members of the public present for testimony.

Public Hearing closed at 7:41pm.

The Commissioners discussed the proposed ROW Code Amendments in detail. Planner Green noted these proposed ROW Code Amendments do not change what is allowed or not, just who has control over changing the ROW. Commissioner Stratton recommended the property owner be a resident as well, in order to make ROW changes. Discussion ensued further, debating whether any occupant should have a say in adjacent ROW changes or not, and if the resident status mattered with a property owner. After much discussion, Commissioner Johnston moved to adopt the proposed ordinance as written, accepting all proposed ROW code amendments. Commissioner Stratton seconded. Vote: 5 For, 0 Against. Motion carried.

The Commission therefore recommends to the Council to that both proposed Code Ordinance amendments be adopted as written.

**Adjourn:** Commissioner Stratton moved to adjourn the meeting and Commissioner Johnston seconded. Meeting adjourned at 8:13pm. Vote: 5 For, 0 Against. Motion carried.

**Next Meeting:** The next meeting is Thursday, September 19, 2013, 7:00pm at Commissioner Johnston's home.

Respectfully submitted,  
Angela Kulp, Deputy Town Clerk