

UNAPPROVED  
PLANNING & ZONING COMMISSION  
TOWN OF VOLUNTOWN  
SPECIAL MEETING  
JULY 26, 2017

The special meeting was called to order at 7:00 p.m. by Chairman Scott Davidson.

Members present were Carl Grenier, Jim Hutchins, and Arthur Nieminen. Alternates present were Patricia Wray and David Nieminen. Regular member Tom Sweet and Alternate Ronald Millovitsch were absent. Attorney Mike Carey was present also.

In the Audience were Jim Larkin from NECCOG, and Zoning Officer Peter Zvingilas.

Alternate Patricia Wray was seated as a regular member.

Approval of Minutes: Carl had a question regarding visitor's comments from last month's meeting. Tammy Daigneault was commenting on a fourth apartment not a fifth. Scott stated that Al Daigneault did say a fifth but then corrected himself. Arthur made a motion to accept the minutes, Patricia seconded the motion, all were in favor, motion carried.

ZEO Report: None.

Old Business: Workshop. In regards to the fees, nothing has been decided and Scott asked the commission whether or not they would like to see an ordinance or not. It is agreed that the fees need to increase. Scott stated that if they end up doing a text amendment change there will be a public hearing anyway so if there is no ordinance they can change the fees with the text amendment. Art stated that he felt the Town already has too many ordinances that do not get followed so why bother with more. Jim Larkin stated that technically it should be done through an ordinance per state statutes. Because statutes can be ambiguous, many commissions have them in their regulations but have since adopted an ordinance that has a fee schedule. He told the commission that they can change the fees in their regulations but at some point they might want to do it through an ordinance. Art asked if it would give the Selectmen power over the fees and Jim stated that it did not because it still has to go to a Town meeting. Even if they wanted to change the amounts, it would still go to a Town meeting. Some towns have that set up so the Selectmen can change them at a regular meeting but he felt the municipal statutes do not allow for that. Carl agreed with Arthur that if it works this way why change it. Art asked Pete what he thought and Pete stated that it's only going to be a problem if someone contests it and eventually there should be an ordinance, but he has had no complaints about the fees. When Pete was changing the building fees he submitted it to the Selectmen and it was agreed upon at their meeting. Art made a motion to make an ordinance for the fees. Scott asked if they wanted to send the ordinance that was written by Jim to the Selectmen, but Attorney Carey has not even looked at it yet which should come first. Art's motion to make an ordinance with the

addition of sending it to Attorney Carey first was seconded by Scott, all were in favor, motion carried.

Discussion on the Text Amendment changes. Jim went over with the commission what has been done as far as the text amendments and review what the uses are. Jim handed out maps for the commission to look at which showed the village district and went over each item. He explained that the yellow area on the map is the village district and noted that the village district does not follow parcel lines in many places. Uses are broken down on the side and the red areas are single family, 2 family is the orange. Yellow is multi-family which he thinks there are four. He noted that there are only two that conform to the current regs. He tried to add the commercial as in land use using the assessor data and to keep in mind that there might be multiple uses on one lot. He also wanted to include what is vacant and open space. He tried to remove anything municipal, religious and non-profit and just show the areas that concern the amendments. He also went over the acreages, which some of the parcels overlap with part of the property in the village and the rest not. Jim mentioned that he left the village overlay out because he said he finds the regulations conflicting as it doesn't lend itself to mixed use. The commission went over the changes that were presented at the July 12<sup>th</sup> meeting. The square footage of the lot sizes for single family, 2 family and multifamily were discussed and what changes Jim made from that meeting and presented at this meeting. Jim went over each item that he made changes to such as the mixed use regs. David asked if an applicant came before the board and asked them to waive certain parts would that be possible and Attorney Carey said no and he cited a case that came before the appellate court. He did say that you can put conditions on an approval to make sure the approval meets the regulations. More discussion took place on the wording of some of the sections of the regulations being changed. The commission went through each of the changes of the text individually and discussed what to leave in or what to add or omit. Discussion took place on increasing or reducing lot sizes for single family and two family residences. Scott will give the changes to Attorney Carey to look over and then set a date for the public hearing. Arthur made a motion to accept the revisions with the changes and then move forward with the public hearing, the motion was seconded, There were four yeas and one nay, motion carried. The tentative date for the public hearing would be September 13<sup>th</sup>. Attorney Carey had a suggestion on getting input from the other property owners in the district. Something that will alert them to let them know this is happening. Put on the website. There was some discussion on an issue about rock crushing that Carl brought up. He felt there should be some kind of regulations on commercial crushers. The commission did not feel that this is an issue.

New Business & Correspondence: None.

Pending Litigation: Executive session to discuss pending litigation (Grenier v. Voluntown PZC). Scott made a motion to go into executive session, Arthur seconded the motion all were in favor, the board went into executive session at 8:35 p.m. The Board came out of Executive session at 8:55 p.m.

Scott made a motion to adjourn the meeting, Jim seconded the motion, all were in favor, motion carried. The meeting was adjourned at 8:56 p.m.

Respectfully Submitted:

---

Scott Davidson, Chairman

Cc: EDC, ZBA, ZEO