

Milton Planning & Zoning Commission Meeting
Milton Library
Tuesday, June 16, 2009
7:00 p.m.

1. Louise Frey called the meeting called to order at 7:00 p.m.

Roll call of Members:

Ted Kanakos	Richard Greig
Al Perkins	Louise Frey
Ed Kost	Gene Steele

I am chairing the meeting in Virginia Weeks absence.

2. Changes, additions, corrections or deletions to the Agenda

T. Kanakos – No

3. Approval of agenda

L. Frey – May I have a motion to approve the agenda?

T. Kanakos – I make a motion to approve the agenda.

G. Steele – Second.

L. Frey – Any opposed? (No Response) Ok, all in favor? (Response – I)

4. Business

L. Frey – Now; how do you want to do this? Do you want to go through each and every single one?

Change of use. Definitions. Under definitions in red; were the changes that the committee that was appointed by the Mayor; as suggested; and in green; were and the additions and the blue were the concerns of the lawyer.

Definition – Change of use. A structure changing its existing and/or last known occupied use; to a permitted use; in the same zoning district.

L. Frey – Any comments?

T. Kanakos – The structure changing in existing and/or last know occupied use. When I went through this entire thing; the only example; I used one example; to try and weigh this against that one item. That’s been a problem with someone in town trying to change it. The last known occupied use. Is there any time limit on that?

L. Frey – Robin, can you answer the question?

R. Davis – No; they did not put any time limit on it.

T. Kanakos – So in other words; it was a doctor’s office; and that house has been empty for 15 years; that’s what it was.

R. Davis – Yes.

T. Kanakos – In relation to things have changed since then; if there were changes to the buildings; so its last known use?

R. Davis – Yes.

E. Kost – Robin; If the last known use was a non-conforming use; how does that play out?

R. Davis – The reason I think this was all done; currently there is no definition of change of use in the ordinance; at all. There are changes we talked about what has to come before the Planning and Zoning Board. It says; any change of use. Any change of use; or any use; I think that was what the original definition. If I had a non-conforming and it went to a permitted use; it had to come here. If I had a retail; which was permitted; it went to a retail; it has to come here. No; excuse me; retail to retail never had to come because it's not a change. Retail would be a retail. If it was a bake shop; went to a retail; it have to come here. The Mayor's look on things was; and I don't want to speak for the Mayor; describing from the few days that I went in front of the Process Review Committee; details anything that is permitted should go to an easier process. That is why the administrative review came up. So it could be done at basically at Town Hall; instead of having to put somebody through a six or eight month process; for something that is in the code as a permitted use.

R. Greig – Isn't the Planning & Zoning Commission of each town; suppose to review everything?

R. Davis – As our ordinance is now; but this would change that.

R. Greig – Is that legal?

R. Davis – I'm not a lawyer.

R. Greig – I thought the ordinances were based or predicated upon state law and state interpretation.

R. Davis – There are other towns that have administrative plan reviews basic designed standards. The lawyer was not there; I know Deanna Duby was there and shared stuff to the committee.

T. Kanakos – She's an attorney, isn't she?

R. Davis – Yes. That's not for the town though. The town attorney was not present at either of the process review committee meetings.

R. Greig – Would you tell me what that committee was like; I have never heard of anything like that.

R. Davis – I wasn't involved from the beginning; it was members....Ginny Weeks sat on it. They tried to get members from each committee, I think sat on it. It was the Mayor, Deanna Duby, George Dickerson, Alex Donnan, Roxanne Whittaker, Ginny Weeks, and they I came on in the last quorum.

L. Frey – And Alex is also an attorney, and he sits on the Board of Adjustment now.

T. Kanakos – Who is the head of the Historic Preservation?

R. Davis – Jack Vessels is head of it now with Brenda Burns, but Brenda could not make the meetings.

T. Kanakos – She is not on the committee at all now? She's not on the Historic Preservation?

R. Davis – Yes; she is still on the Historic Preservation. She is not the chairperson now.

L. Frey – Moving right along; are there any other questions or comments?
R. Greig – Yes; I have a whole series of them
L. Frey – Under definitions? Richard.
R. Greig – Are they what?
L. Frey – Under the definitions? Go ahead. Let's hear what you have.
R. Greig – Oh, not that part, but throughout the entire presentation. I'll hold off.
L. Frey – Ok; prior to issuing a building permit for new construction; and additions to existing structures; more than 500 square feet; a site plan and supporting documentation shall be submitted to the Planning and Zoning Commission for its review and approval. Requirements for the three separate plan review procedures; concept; preliminary; and final; are set forth in this chapter. So; that means; under 500 square feet; that will be your responsibility to issue or deny an application.
R. Davis – Yes.
L. Frey – Any comments; Ed?
T. Kanakos – New construction; is that a shed in the back; or only livable space?
R. Davis – New Construction; any definition of new construction.
T. Kanakos – So; if I wanted to put a 500 square foot; or 400 square foot; which is the most you can create in that; and a building on the property.
E. Kost – My question is why 500; where did that number come from?
R. Davis – The 500 has always been in the book; it's currently in there now. It is kept in there as 500; I don't know why. I don't know if it has something to do with parking; because it starts getting into more parking; you start adding more fences; which usually; your parking is worked off of each 200 square foot. I have no idea; it was just in the book; that's what it was in the book originally and they just moved it to this. I don't know the justification; and why. I really don't.
E. Kost – You know that's a two car garage. My garage is about that big.
R. Davis – I don't know who originally came up with the 500 square feet. I don't know; it was just transferred from what it was in the book. It tried to keep as much of this the same; without doing a lot of major changing to figures.
T. Kanakos – So; basically it's more than 500 square feet.
R. Davis – Yes.
T. Kanakos – Under 500 square feet they wouldn't have to come here and go through the concept; preliminary; and finals.
R. Davis – Yes.
T. Kanakos – Ok.
L. Frey – Al; do you have any questions or comments?
A. Perkins – No.
L. Frey – Ed?
E. Kost – No.
L. Frey – Gene?
G. Steele – No.
L. Frey – Dick; do you have anything to comment?
R. Greig – Not so far.
L. Frey – The Planning & Zoning Commission shall require that the site plans be prepared by a licensed architect; surveyor; or a professional engineer. This requirement may be waived by the project coordinator after coordination; or the

Planning & Zoning chairperson on recommendations from the town engineer and town planner; based on the complexity of the site features and of the proposed structures or land use as related to same. Ted?

T. Kanakos – No.

R. Davis – It's currently in there now; some of the wording is a little different. They have to come here. If somebody is doing some sort of site plan; that doesn't require a major work; the code says they have to have a licensed architect to do it. To wave that; they have to come before the board first. This way is trying to save a step. If we look at it and say; it's a small project; talk to Mrs. Weeks. Do you feel that it has to come to any of those; requirements.

L. Frey – In your estimation; what is a small project?

R. Davis – Its going to be hard to say; maybe something like; Richard Ashby. The committee waved his requirement for concept plan to be done that way.

T. Kanakos – Done by an architect?

R. Davis – Yes; done by an architect. They thought that they could take what he has done without him spending a lot of money for an architect to do the drawings.

T. Kanakos – When he applied; he came to you originally. Was there a fee he had to pay before he came here; and could be waved? Is that one of the problems? In order; you have to pay to get it waved. I don't know; is the money refunded?

R. Davis – When you submit an application; you have to pay a fee.

T. Kanakos – Ok, now that fee can be waved?

R. Davis – Not by me. Council can wave any fee.

T. Kanakos – What can Planning & Zoning or what can you do.

R. Davis – The requirement of having an architect do it; that's the only thing....

T. Kanakos – So in other words; everybody pays the same price of admission. You go through the toll booth and pay. Then after that; you can make it a lot easier for them. But you have the discretionary authority to review this. If you think it should go to Planning & Zoning; you will. But first you have to go to the town engineer and the town planner? In other words; you go to the town engineer...

R. Davis – I have to go to the chairperson.

T. Kanakos – But; first?

R. Davis – I have to go to her; along with the recommendations of the town engineer and planner. Its basically going to be set up as a ...

T. Kanakos – That's what I was saying; if somebody comes to you; like Rich Ashby; and you want to help put him on a fast tract. The way I read this; after coordination with the Planning & Zoning chairperson on recommendations from the town engineer and town planner; so these two folks have to be contacted first; before it comes here. It seems it should be; after coordination and the recommendations from the town engineer and town planner; then it goes to Planning & Zoning. It seems to be out of sync; you're putting the cart before the horse. Do you understand what I'm saying?

L. Frey – Yes.

E. Kost – Yes, I do but I think they were trying to put emphasis on the administrative review by the chair of the Planning & Zoning committee.

T. Kanakos – If I handed in something to you; you would basically go to the engineer and say; you know; this and that. Then you would go to Planning & Zoning.

R. Davis – Yes.

T. Kanakos – Ok.

L. Frey – Al?

A. Perkins – No; I don't have anything; but I think Ed brought up a good point. No other concerns or issues.

L. Frey – Ed?

E. Kost – No.

L. Frey – Gene?

G. Steele – No.

L. Frey – Mr. Greig?

R. Greig – Yes, I have a couple of questions here. It appears how this process is laid out; that there is no citizen; and that means us because we represent the citizens of the town; overview here. Why are we doing it; to save time?

R. Davis – The whole process was set up; from what I can gather; to save the applicant time on projects that are minimal impact is what was worded in there.

R. Greig – What does minimal mean?

(Laughter)

L. Frey – Under 500 square feet.

R. Davis – Under the definition; change of use.

R. Greig – I have been on Planning & Zoning boards in several places besides here; once before; before I got fired. I think we work for the citizens; we don't work for the Town Council; we don't work for the Mayor; we don't work for the town manager; the voyeur; anybody. We should be here reflecting what we think the citizens of the town want. And by just walking away from this; and leaving these minor kinds of things out there; we are setting two kinds of standards. One is that it goes through the commission; and the other is that it goes through the bureaucracy. There's a lot of difference there in terms of representing the public.

T. Kanakos – Everything goes through the bureaucracy; whether it goes through the coordinator or us; it still is going to go through the bureaucracy. I think this aids small business and people who want to get cracking and start something; it gives them a break. This is not a 300 unit development. This is a guy who wants to put on a one car garage; that's allowed.

L. Frey – Without the review of the architect....

T. Kanakos – They still have to go to the town engineer and the town planner.

A. Perkins – It will be reviewed by the town planner and the town engineer and the chairman of the committee. And, if she feels it should come to us; it will come to us. It's being reviewed.

T. Kanakos – Rather than come to us first; there are two other folks that this can be sheppard into or through; and then it must come to us. Nothing gets by the Planning & Zoning. It's just they choose to act on whatever the planners and engineers are saying.

A. Perkins – Well; isn't that getting by Planning & Zoning?

T. Kanakos – No; it must go to Planning & Zoning.

R. Davis – Administrative reviews will not come to Planning & Zoning.

E. Kost – It will not come to the entire committee; they will only go to the chair committee and you.

R. Davis – Yes.

L. Frey – Well; what we're reading here is....

R. Davis – We are only talking about waving the requirement for an architect; surveyor; or professional engineer. That is the only thing that is being waved. If Jim comes and says, "Hey I have a small project; I'm not doing anything to my building; I'm not changing my building at all; I might be changing the type of business; it would have to come before the board. Does he have to have a big major site plan that has to be done by an architect; if he's not changing anything?"

L. Frey – No.

R. Davis – That's the thing. It still might have to come to the board; but it's not going to require some sort of big major \$3,000 site plan done by an architect.

T. Kanakos – Do you always have to at least touch base with the chairperson?

R. Davis – Yes.

L. Frey – Depending on the scope of the project.

R. Greig – Robin, are you going to be the project coordinator?

L. Frey – He is the project coordinator.

R. Davis – As of right now, yes.

G. Steele – See it says right there on his shirt; Town of Milton, project coordinator.

R. Greig – When did you get the shirt, yesterday?

R. Davis – No. (Laughter)

R. Greig – To whom do you report to in the town?

R. Davis – I actually report to the Town Clerk.

R. Greig – To whom does she report?

R. Davis – I do not know that; but probably to the Town Manager; I would say.

L. Frey – Can I ask why you're asking that; Dick?

R. Greig – I'm going to go back to the point I made before; that I think we should be responsible for making those decisions. We shouldn't be passing off even the minor stuff to the town government; if our chairman is involved in this; that's still only one vote.

R. Davis – When the administrative reviews; the chairperson will not be involved in administrator review.

L. Frey – It's been noted and it will be in the minutes. Administrative review is developed for project with relatively minor impact which requires less information and a Planning & Zoning site plan and can be reviewed and approved in a shorter time period. An administrative review; the project coordinator of the Town of Milton; is the approving authority. Administrative review is required for a change of use plan and a site plan exceptions. The administrative review; eligibility requirements and process can be found in Section 6.4-Administrative Reviews. One or more elements of an administrative review Section 6.4 may be referred to the Planning & Zoning commission as requested by the project coordinator. For such referrals; and materials submitted to the project coordinator for administrative review; shall be deemed sufficient for Planning & Zoning commission review; and no concept; preliminary; or final site plans shall be required. The following items are reviewed administratively under the building permit review process.

L. Frey – 1. Construction or expansion of a single one family dwelling; an ordinary accessory structure related; land use activities.

L. Frey – Any Comments?

R. Greig – I have a question. Backing up a little bit. What does relatively minor impact mean?

L. Frey – Under 500 square feet.

R. Greig – It doesn't say that.

R. Davis – It says that in the...

L. Frey – Definition authorization says it.

T. Kanakos – 6.1.1.

L. Frey – And 500 square feet is really very small.

R. Greig – Yes; I know its 50' X 10'.

L. Frey – Right.

L. Frey - Landscaping and grading which is not intended to be used in connection with a land use reviewable under the provisions of this ordinance.

L. Frey – Any questions; Comments?

L. Frey - Ordinary pier or maintenance to existing structures or uses.

L. Frey – Comments?

R. Greig – What does ordinary mean?

T. Kanakos – You want to paint your house with (unintelligible) maybe?

R. Davis – All these are basically; if you looked at and compared this to your existing ordinance; they're in there now. These 6 items are not reviewed by P & Z at anytime right now anyway.

T. Kanakos – This is what you go for a building permit.

R. Davis – That's why it says; building permit process. They're currently not being reviewed by you anyway.

E. Kost – So ordinary is standard maintenance for your home.

R. Davis – Yes, that's basically it.

T. Kanakos – So, if I were to come to you and say; as I have in the past; if there are no changes; it's ok. But if there are any changes; then you have to go to the appropriate committee.

R. Davis – Yes.

T. Kanakos – Then you would also say that if it had to come to Planning & Zoning or Board of Adjustment; or anybody else.

R. Davis – Yes, that's right.

T. Kanakos – So, not everybody gets a building permit just because they come in.

You have certain digression in your powers; and pass it along based on the rest of the ordinance.

R. Davis – Yes, looking at the ordinance it says it has to go to Board of Adjustment; or has to go to Historic Preservation.

T. Kanakos – Or it doesn't have to.

L. Frey – And Robin this is all under your job description; correct?

R. Davis – Yes.

L. Frey – Ok, then why do we have to do this? I'm not being facetious.

R. Davis – The Mayor asked that it is something in zoning ordinance; that P & Z should look at any changes to the zoning ordinance.

L. Frey – Your job description is in the zoning ordinance?

R. Davis – No, my job description is not; but the procedures are; currently set up some sort of way. The 6.4 is not currently in the zoning ordinance. It's absolutely at administrative plan review. The 2.1; 6.1.1; 6.1.2; 6.2; 6.3; are currently some sort of form in the current zoning ordinance; at this time; except for the definition change of use part. They have just added a little bit to incorporate the administrative plan review into some of this 6.1. When you look at appeals; the appeal is in the black lettering and is currently what's in the book. That is how it's currently written. The next one; they had to put it in there because of the administrative plan review. All that says is; anybody who wants to appeal my decision; it says no this; or that; or you have to go here; they can appeal to Planning & Zoning. They can come to you and say; "Well I don't like Robin's decision".

L. Frey – But then they would have to pay the fees.

R. Davis – They are going to have to pay some sort of fee anyway; administrative plan review fee.

L. Frey – But they would still have to pay more of a fee if they had...

R. Davis – Appeal is usually not under the appeal part. They would come to you and say, "Look; I don't believe Robin is right when he said....."

T. Kanakos – "I already paid my Hundred bucks; now I'm here to tell you that I don't think it's fair and I don't want to pay for this appeal".

R. Davis – Then they turn around and say, "No; you have to come here anyway". Then they have to start their regular site plan process.

L. Frey – Oh, ok.

R. Davis – As you see in 6.3; everything in black is already turned into me. The only thing we've added is at the end; in the heading; Administrative Review. I think they changed the word from; the Town Council; **may**; to **shall**; because they want to charge a fee for this. Everything is fee based.

T. Kanakos – That's on the next page; I'd like to get back to number four; five and six on what we were discussing.

L. Frey – Ok.

L. Frey - Agricultural and for gardening use not involving substantial timber cutting.

L. Frey – Ted?

T. Kanakos – I don't have a problem with that.

L. Frey – Any other comments?

R. Greig – Yes; substantial, what does that mean? Timber cutting; I understand that; but substantial has a quantity to that; what does that mean?

R. Davis – Commercial cutting. All this is wording taken out of the current book. If you brought your zoning ordinance book with you; look at these six items; the wording is exactly; except for number six.

T. Kanakos – Let me ask you; why is that one in red then if these are all....

R. Davis – Because they moved from where they are. They were moved to this section.

T. Kanakos – Well, this has something to do.....

(Inaudible – everyone talking)

T. Kanakos – Let me understand this; if you buy a wooded lot; with no house on it; you are going to have to; come to you for administrative review on how many trees can be taken off?

R. Davis – No. A house is different. Single family homes just go through a building permit process.

T. Kanakos – Alright; now I want to put a shed in the back and it's all wooded. Now I want to rip down...

R. Davis – Ordinary accessory structures. You have to read everything; you just can't pick and choose. Construction or expansion of a single family home or ordinary accessory structure; a shed is an ordinary accessory structure.

T. Kanakos – Timber cutting up; you have to take out 4 or 5 trees to put up a little structure; you would be able to observe that and comment on it.

R. Davis – If it's a single family home; no. The single family homes go through a building permit process; they do not go through Administrative Review or go to Planning and Zoning at all. A shed doesn't go through that; at all because it's dealing with the home. It's an ordinary accessory structure.

L. Frey – That would require a building permit only. You're actually wearing two hats.

R. Davis – Well; the code enforcement officer actually takes care of the building permits.

L. Frey – Ok.

G. Steele? – And you know we don't have one right now.

R. Davis – Yes, it's; me. As for your question for me; I have no idea what substantial means; I really don't. I just know the wording was currently in the book. They probably don't have a definition in the book now.

E. Kost – They might wind up before the Board of Adjustments, then. When they start talking about what's substantial.

T. Kanakos – Somebody has to be able to make a decision.

E. Kost – Probably has to go to that group.

T. Kanakos – On a discretionary decision. Everything is discretionary; but there has to be something definitive down the line. If I want to take down all the trees on my property just for the heck of it; I don't know if this comes in with the tree ordinances. Do they have tree ordinances?

R. Davis – Not yet; they're still working on it.

T. Kanakos – Ok #5.

L. Frey - All signs except in conjunction with new construction.

L. Frey – Comments?

T. Kanakos – So if I have a; (like Bark Avenue; we'll just use them); if they want extra signs; more signs; different signs; new signs; larger signs; anything outside of the accepted use of the regular ordinances; square footage; they have to come there?

R. Davis – They have to come before the

L. Frey – Project Coordinator.

R. Davis – They have to get a building permit; yes; Sir.

L. Frey – And the Project Coordinator goes back to see what was approved originally in the building permit for the business. That's the only signs that they can put without coming back to the board.

R. Davis – Yes.

L. Frey – Are there any other comments? Mr. Greig?

R. Greig – No.

L. Frey – Gene?

G. Steele – No; nothing.

L. Frey – Ed?

E. Kost – No.

L. Frey – Al?

A. Perkins – No.

L. Frey - Garage; yard; and porch sales. If such sales take place more than 3 days in any calendar year.

T. Kanakos – Who keeps track of that?

R. Davis – The only wording that really changed in there is; it used to be 3 times in a calendar year. The issue was; what constituted time? If I put something out in my yard....

T. Kanakos – On Friday and took it in on Sunday?

R. Davis – Yes; that was just one time.

T. Kanakos – Well here; let's say I have 3 garage sales; 3 yard sales; and 3 porch sales; that's 9 days.

R. Davis – No, it looks like; the way I take it; if you have any of them; it's one.

T. Kanakos – It says sales.

L. Frey – Why can't you change it to outdoor sales? I guess a porch is an indoor.

T. Kanakos – Garage; meaning yard and porch sales.

G. Steele – And or porch sales.

T. Kanakos – I don't think three days is quite enough. There are some people in town that have one every other week. There have been complaints.

G. Steele – Yes; we have the one right down by the school. The guy puts the chairs out there every weekend.

R. Davis – They've started talking about this; and with all this other stuff they wanted to do; they basically said, "Let's leave that for now and we'll fight that battle on another day".

E. Kost – Maybe what we should do is; add the word total; a total of three days.

R. Davis – If they have more than three; it turns into what the town basically looks at it like a business.

T. Kanakos – When I first moved here; people were selling cars off of their lawns.

Every three weeks; it was a different car for sale. I found out; it was a dealer who was simply bringing them home.

R. Davis – The biggest thing was; does somebody have the right to sell their own personal car on Union Street. How many times can I do it?

T. Kanakos – Well; how many cars per year?

R. Davis – Cars are different; the definition says personal property. Your car is your personal property.

T. Kanakos – If somebody brings a car in that is not his personal property. Now that's a business. Can you apply for a permit to do that?

R. Davis – Not a building permit.

T. Kanakos – This is only building.

R. Davis – It's turned into a business; it's not your personal property. Yard sales are basically personal property.

T. Kanakos – The other thing that bothers me; I had the town wide yard sale; sometimes I take part in it and that's the only time; but people who put up signs and leave them up for weeks. Is there any ordinance or something that says if they're up there that's like municipal littering? I still some church signs up there from the yard sale we had; all over the place.

R. Davis – There probably is.

T. Kanakos – Aren't they required to take them down within 24 hours; 48 hours; some people put them up and leave them there.

R. Davis – Yes; probably.

T. Kanakos – Is that addressed any where that you know?

R. Davis – I know some of the signs; contractor signs and things like that have to be taken down 14 days after. I'm not sure about yard signs and things like that.

T. Kanakos – So, basically this is a very hard thing to enforce; you know three days a year; who knows why.

R. Davis – Without somebody actually coming in and monitoring; you; you; you; it's hard. It's just there more for the honest factor; I guess that's how you would say it; "hey; I had four this year".

T. Kanakos – Is there a fee for that to apply for year? Do they have a fee schedule for somebody who wants a fourth yard sale? They must come to you.

R. Davis – It's turned into a business. Then it turns into; you have to get a business license. If it's a business at your home; then it's either a home occupation or it's not allowed. You want to stop them from having more than three. If they want to have more than three; and start selling all their furniture out in the front yard; then it turns into a business.

T. Kanakos – Does anybody know how many the average is? Some people have more. I think we could make it six a year and it would be easier.

R. Greig – Aren't you in charge of that? You would be riding around checking all those places on Saturday morning.

L. Frey – He's not the zoning officer here.

R. Greig – I'm kidding.

R. Davis – People think that the Code Enforcement Officer sits in an office all day and watches cartoons; I guess. It's a shame that people aren't more informed on actually what the Code Enforcement Officer is required to do. I know Mr. Dennis rode around and he caught a lot of things; but a lot of things are going to get missed.

Understandably; there's just too many. There is too much heavy stuff in this town; to get it all; honestly. That's just the bottom line. I'm not trying to be smart.

T. Kanakos – No; I've seen some big mistakes made. If somebody is looking at one thing and they should have been looking at something else.

R. Davis – But, when you get a complaint that somebody moaning about their little thing; the big thing gets left; because the guy is always on the phone calling; worrying about his neighbor about this or that.

T. Kanakos – But you know sometimes those are very valid.

R. Davis – I'm not saying...

T. Kanakos – That example of the fellow who no longer lives in town builds a shed on an adjoining piece of property; and somebody phoned it in that he was putting up an illegal fence; they went over and made him get a building permit for the fence. The structure was thoroughly illegal; and the fence was in the Historical District and nobody said he had to go before the Historic Preservation Committee; like I had to do for my fence. It was outrageous. You know, you are looking at a little something and the building is burning down over here. I think it was because he was new and didn't know the ordinances; all he said was that he needed a building permit for the fence. But it happened to be a fence in the Historic District and you need a building permit for the structure. The structure wasn't even allowed on that piece of property. But all he said was, "you need a building permit". This is where we need experienced people and people who have some consistency who work for us for a longer period of time. Every time you get a new fellow; he starts from day one learning. It's a slow learning curve. This is important.

R. Davis – We can discuss this at another time.

L. Frey - 6.2. The applicant or any interested person may appeal the decision of the Planning & Zoning Commission. The appeal is made to Mayor and Council and shall be filed within 60 days from the Planning & Zoning Commission's decision. The applicant or any interested person may appeal the decision of the Project Coordinator of the Town of Milton. The appeal is made to the Planning & Zoning Commission and shall be filed within 60 days from the Project Coordinator's decision.

L. Frey – I think we already discussed that; didn't we?

R. Davis – Basically everybody has the right to appeal a decision.

T. Kanakos – They would only do it to the Project Coordinator rather than ?

R. Davis – No. If they appeal my decision, it has to go to Planning & Zoning.

T. Kanakos – But; not in red.

R. Davis – The black has always been that way.

G. Steele – The black is the existing.

R. Davis – It's always been that way. That's saying they may appeal the decision you guys. It goes to council. The appeal of me; comes here.

L. Frey – Any other comments? Mr. Greig?

R. Greig – No. My name is Dick.

L. Frey – Ok; Dick.

L. Frey – Mr. Steele? Oh; I'm sorry; Gene.

G. Steele – No.

L. Frey – Ted; AI?
(Response – No)

L. Frey - The Town Council shall require the payment of fees to the Town of Milton by applicants whose proposals require special use permits or site plan review as described by this article. Fees for special use permits; site plan review; or administrative review; in accordance with this article shall be established from time to time with the Town Council and in the fee schedule. The applicant will be responsible for engineering fees; legal fees; and any other fees where professional services required by the Town of Milton. Provided such fees were incurred only after the applicant's prior approval.

L. Frey – Comments? Ted?

T. Kanakos – I'm still reading it over and over.

L. Frey – Over black was already there. They're just adding....

T. Kanakos – So; the site plan; before administrative review. What I'm always concerned with is; provided such fees were incurred only after the applicant's prior approval. If he comes to you and you say that there might be some fees later on; he's going to be aware of these fees?

R. Davis – Yes; that was a concern that I would look at an administrative plan review that somebody brought. I would look at it and say, "I think I need to let Bob look at it". All of a sudden Bob spends six or seven hours on it. The applicant gets a Fifteen Hundred Dollar bill; and then something that should have been simple and cheap now turns into expensive. If I look at it and say; "I don't think this is going to work". I need Bob to look at it; but I need you to approve that first; knowing that you're going to get a bill for that.

T. Kanakos – So he can withdraw the application.

R. Davis – Yes. The applicant might say; "I might rearrange it then; I might not do that then". It catches those people that are border line on something that might need to come here. They might say, "I'll downsize that a little bit or I'll change something".

T. Kanakos – But it's like Richard Ashby; I keep using this example because this has been going on for about a year and a half; he is a fellow who....he's a fellow; he wants this business. I still can't figure out what business he has that he wants. There is a number of different things that he said he wants. I think he should be able to...and he's a contractor as well; he has a license in Maryland. He had to sit two days for this; and it's one of the hardest contracting licenses anywhere. He submits plans to the Town of Rehoboth Beach which were approved; so he knows how to draw up plans. And to ask him to say, "Gee, you can't give us a plot; you know; draw a square and put a dot in the middle". I think that's insulting, and it's not right. Then again he has to tell you what he wants to do with these things. As far as his ability to do this; the two dimensional stuff is fine; but he keeps moaning that it costs a lot of money; he can't do this; he can't do that.

R. Davis – Our end of it is relatively cheap. It's what Del Dot is dealing with. But that's not our issue. That is a Del Dot issue.

T. Kanakos – They charge Five Hundred Dollars to go through the door.

R. Davis – Yes; and that's a concern.

L. Frey – Everybody has a survey of their property; I mean goodness; that's the easiest thing to do.

T. Kanakos – The property in the back is Charlie Jones. Has divided; or sub divided; or not divided it. He allows property behind it. Is that Richard's property? That is all showing as one plot; although Charlie Jones has separated himself; for parking behind Irish Eyes. I think he rents it to them for One Hundred Dollars a year.

R. Davis – As you said before; Ted; the first thing is when you come in with a plan; we need to know the uses. That's just the bottom line.

T. Kanakos – Exactly what plan you're talking about.

R. Davis – He wants full base to say, "I want to be able to put anything in there I want".

L. Frey – No; you can't.

R. Davis – You can't do it that way. So that's the first dilemma we really have.

T. Kanakos – He had Gateway Funding. Now he is across the street; he wouldn't like it there. If he went back to the old place; would he have to apply all over again?

R. Davis – If he moves right back into the building he was in; he could move right in because it was a mortgage broker business. Existing use; he could go right back in there again. It's like a retail store; if there was a retail store in there; and another retail store wanted to go in there; they could move right in.

T. Kanakos – Even after a year?

R. Davis – A year is because of the Fire Marshall. The Fire Marshall is a big thing.

T. Kanakos – The Fire Marshall approves it; then the year is ok.

R. Davis – A year is for your non-conforming stuff.

T. Kanakos – What kind of business? Isn't it a gas station?

R. Davis – That used to be an auto repair.

(Everyone talking at the same time)

R. Davis – A long time ago and then it turned into an auto repair.

L. Frey – Well let's get back to the first one then. It was an auto repair; then it became whateverIt's still considered auto repair. So if he wants to come in there with anything other than auto repair....

R. Davis – He has to let us know what it is. Currently; the ordinance the way it is; if he changes it to Gateway Funding; he has to come before....

L. Frey – What's Gateway Funding?

T. Kanakos – Mortgage Broker.

L. Frey – But not in that building?

T. Kanakos – Across the street.

R. Davis – Not in that building; across the street. He wanted to do a Fed Ex drop off; he wanted to do a dry cleaning drop off; he wanted to do building out of that building.

T. Kanakos – Yes he did. Now he has a sign out; help wanted; because he can use the back bay to change oil; legally.

R. Davis – Yes; that's right because he has a sign up for that. I know he is non-conforming; and if it's vacant for more than a year; it can no longer be a gas station or auto repair shop anymore. That is where the one year comes.

T. Kanakos – So; technically he keeps it as an auto repair shop; trying to make something else out of it.

R. Davis - Yes.

L. Frey – Dick; any questions?
R. Greig – No; I got a little lost. That’s Charlie Jones building? Is that correct?
R. Davis – I don’t want to get the conversation too much into....
T. Kanakos – No; it’s just that he rents from a landlord.
R. Davis – Yes; that’s what he is talking about.
T. Kanakos – He rents from a landlord.
R. Greig – That was the guy that has auto repair shop out on Federal Street.
R. Davis – Yes. No matter who owns it; it’s who is using it. It’s just the use.
R. Greig – So; there was a period of time when the use had nothing to do with automobiles?
R. Davis – No. It was still automobile repair.
R. Greig – That’s what it said? It wasn’t used that way.
R. Davis – I don’t know that. I know it was an auto repair shop. That’s what his license was for.
L. Frey – A busy man. Gene, anything else?
G. Steele – No; I’m fine.
L. Frey – Ted?
T. Kanakos – No.
L. Frey – Al?
A. Perkins – No.

L. Frey - 6.4 Administrative Reviews. Administrative Review is for projects with relatively minor impact which requires less information than a Planning & Zoning Commission site plan review and can be approved in a shorter time.

L. Frey – Questions? Comments?
A. Perkins – Strike the word relatively. It’s minor or it’s not. It’s just bad sentence structure.
R. Davis – Is somebody writing all this down?
A. Perkins – No.
T. Kanakos – It’s going to be in the minutes that are being recorded.
R. Davis – I don’t know if the Process Review members are going to get these minutes by next week. What the Economic Development did was; somebody wrote notes on the recommended changes.
L. Frey – That’s the only one we have; recommended changes; correct? We didn’t have anything else; did we?
G. Steele? – Reviewing comment on proposal changes in section 2.2 & 2.6 Town of Milton Zoning Ordinance.
(Everyone talking among themselves)
E. Kost – We’re not going to make a motion or anything are we?
T. Kanakos – No; we’re just commenting.
L. Frey – But I think that was the only change that we had requested that makes sense is the change for relatively. Take that out. With minor impact.
G. Steele – Delete.
L. Frey – That was the only change.
T. Kanakos – These comments that we are making; who will these go back to?

R. Davis – They go back to the Process Review.

E. Kost – Hold on a second, Robin.

G. Steele – There was a place we were arguing about; and; or.

E. Kost – Under section 2.1 definitions; were there anyone who wanted to make a change to actual wording? Was there any change to that by anybody?

L. Frey – I don't think so.

A. Perkins? – Under 6.1.1 authorization. Was anybody going to make a specific change? Specific language?

T. Kanakos – The second part. This requirement may be waved by the Project Coordinator after coordination with the Planning & Zoning Chairperson on the recommendations from the town engineer and town planner. I want to see after coordination; be waved by the Project Coordinator after coordination with the town engineer and town planner and then to see if you need to go Planning & Zoning.

R. Greig – I'd feel more comfortable with that; if they actually had to meet with us; not just the chairmen.

R. Davis – Now remember we're only talking about waiving the requirements for a architectural plan. We're not waiving requirement on whether something is coming to you or not. Whether the drawings need to be done by an architect or not. That is the only thing that we're dealing with.

L. Frey – Do you think we should take a vote on this?

E. Kost – On that particular change.

T. Kanakos – That is just wording; but I think.....

E. Kost – We're not talking about wording; we're talking about whether it goes to the chairperson or to the whole committee; right?

R. Greig – That's right.

L. Frey – Mr. Greig?

T. Kanakos – I'm very pleased with going to the chairperson.

L. Frey – Alright; may we vote for having the application go just to the chairperson along with the Project Coordinator.

T. Kanakos – We make the motion with regards to 6.1.1 that we endorse the requirement that if it needs to go to Planning & Zoning; that Planning & Zoning Chairperson has the authority to her or his discretion; to review it. If they feel that it should go to the full committee; then it comes to us.

L. Frey – Is there a second on that?

E. Kost – Second; let's vote.

L. Frey – Ok; role call? Ted?

T. Kanakos – Yes

L. Frey – Al?

A. Perkins – Yes; as is.

L. Frey – Ed?

Ed. Kost – Yes.

L. Frey – Gene Steele?

G. Steele – Yes.

L. Frey – Dick?

R. Greig – No.

L. Frey – Yes.

G. Steele – The way it's written it still has to be reviewed by the engineer. It will all be reviewed and if he feels that it needs to have it; then we'll get it.

E. Kost – It's just bad language.

T. Kanakos - That's basically easy enough.

G. Steele – That's basically what its saying. But the terminology is to legal to us. ??

L. Frey – Where are we? I'm completely lost.

E. Kost – We are right here. Just in general we covered that 6.1.2. Any comments.
6.1.1.

L. Frey – Were there any comments for the language for the 6.1.2?

T. Kanakos – The only thing I want to bring to attention; is the garage; yard and porch sales. I wasn't aware that if they had more than three they would need a permit anyway. That seems to be ok. These are those minor things that are impossible to enforce.

E. Kost – I just want to add the word; total. Total of three days in a calendar year.

T. Kanakos – I would like to see; six days in a calendar year.

E. Kost – Alright; we'll vote on it.

T. Kanakos – I want to make a motion regarding 6.1.2 number 6 garage, yard and porch sales. Such sales take place more that six days in any calendar year.

A. Perking? – I understand the motion; but why are six better than three?

T. Kanakos – One every two months. It's not every week but you can have six in a row at the height of the season. First of all if you took advantage of all the town wide yard sales; that's two. That would only leave you the discretion to have another one in the whole year. Some people enjoy them.

R. Davis – The way it's set up; it gives you five.

E. Kost – How did you get from three to five?

(Inaudible)

R. Davis – Yes.

T. Kanakos – We should put that in there then. That's going to leave it at three. Can you add....that's in one of the ordinances? Or you can count three days in addition to the two town wide yard sales. Somebody reading this doesn't even know that the town wide yard sales; first of all exist and they are allowed to have up to five. Now if somebody doesn't take part in town wide yard sales; do they still get the five?

R. Davis – No.

T. Kanakos – Ok.

R. Davis – The two town wide and you get three.

T. Kanakos – And you get three. I would like to make a motion that garage; yard and porch sales; if such sales take place more than three days in any calendar year; would stand. But there are two extra days if they choose to take advantage of the town wide yard sale. It's five; it says three; but everybody thinks its three.

G. Steele – (Everybody talking at same time) This is in addition to.

R. Davis – Excluding to town wide yard sales. I think the other ordinances have that.

L. Frey – Before I ask for a second; can I ask a question? About selling cars on your property; is there anything in the ordinance that says you can only sell one at a time?

R. Davis – Just personal property; the sale of personal property.

T. Kanakos – How long does it take to sell a car; sometimes.

G. Steele? – But it is also a registered vehicle. Is it in your name? If it's not a registered vehicle; it's not in your name. It's not personal property.

L. Frey – Is that addressed anywhere?

R. Davis – It is just personal property. That is what the definition of a yard sale is.

L. Frey – Do you have to live where the car is being sold?

R. Davis – It says your property or leasing the property.

T. Kanakos – That's what he was doing on the corner. He was leasing the property.

L. Frey – A used car lot. He had three cars. But who is counting; some days there were six or seven.

G. Steele – Ok; what's next?

L. Frey – We need a second on Ted's motion.

E. Kost – He changed to; just changing the wording; I think.

T. Kanakos – Garage; porch or yard sales; take place more than three days in any time of the year; and to include two days for the town wide yard sale. Total of five yard sales you can have on your property.

L. Frey – So you are making a motion?

T. Kanakos – Yes.

L. Frey – Is there a second on that motion? Making it five total yard sale days.

G. Steele – Second.

L. Frey – Ted?

T. Kanakos – Yes.

L. Frey – Al?

A. Perkins – Yes.

L. Frey – Ed?

E. Kost – Yes.

L. Frey – Gene?

G. Steele – Yes.

L. Frey – Dick?

R. Greig – Yes.

L. Frey – Wonderful; isn't that great?

G. Steele – And he did it with a smile too, isn't that great.

L. Frey – Where are we now? 6.2 are there any comments on that we should be taking down in the minutes? That Mr. Kost is doing? Being none; moving right along. 6.3 do we have any comments on that? Fees. 6.4 Administrative Review. We did take out relatively.

R. Greig – Minor impact is bad enough; but relatively makes it almost useless.

L. Frey – Now we are up to where we left off, correct? 6.4; 1.1 Authorization.

R. Greig – Wait a minute; I have another question on that one. Less information; what does that mean? In a Planning & Zoning Commission site plan review? It can be approved in a shorter time.

R. Davis – That's what this takes; it takes you looking at the current zoning ordinances. What is an application? What does the applicant have to do now? There is

a preliminary site plan and a final site plan or the concept. If you looked in your check list there is a two and a half page lists of things that the applicant has to do.

R. Greig – That’s no fun.

R. Davis – Ok. Look on this required categories; it is now being dropped down to probably A through I. That is less information. That is why you have to compare it to what the applicant has to do now; what this is going to stop them from doing.

G. Steele – Put a few heads together; we’ll get it out right.

L. Frey – Moving right along.

L. Frey - 6.4.2 Process and notification of decision. No application for administrative approval shall be accepted by the town until:

a. The application and compliance with 6.4.3 requirements are submitted for review to the Project Coordinator.

b. Any required administrative fees have been paid. A completed application as submitted as prescribed by the town; including supportive materials and identification of the site.

L. Frey – Any Comments?

L. Frey – 2. An application required for Administrative Review shall be submitted to the Project Coordinator. The Project Coordinator shall determine if such application complies with town ordinances meets the intent of the chapter and is consistent with all town requirements. If so; the Project Coordinator shall affix his or her signature on the application; certifying approval. If the Project Coordinator finds that the application does not meet the intent of the chapter; in/or is inconsistent with the town requirements including the town ordinances; then he or she shall deny approval and transmit that decision in writing to the applicant. Terms governing the appeal of such decisions are set forth in section 6.2.

L. Frey – Any Comments? Ted, did you go to sleep?

T. Kanakos – No.

L. Frey - The Project Coordinator shall not take any action to approve or deny an application requiring an Administrative Review until the following has occurred:

a. The application has been reviewed and determined that it is complete as required in 6.4.3 requirements.

b. Approvals of the application from all applicable outside agencies have been received.

c. The Project Coordinator has sought advice and/or a review from the town engineer; town planner; or town attorney. If needed the cost of which may be charged to the applicant with his or her prior approval.

T. Kanakos – Now; I do have one question. The last one. The Project Coordinator has sought advice and/or a review from the town engineer; town planner; town attorney. If needed the cost of which may; that’s a discretionary fee. It should be more official; shouldn’t it?

L. Frey – Will be charged?

T. Kanakos – To the applicant with his or her approval. Now what is; either everybody gets charged or nobody gets charged. Now, when it says; which may be charged; who determines this?

R. Davis - It should be shall. Planner or the engineer gets billed.

T. Kanakos – Shall be charged. Then we figure what the fee schedule is for that particular...

L. Frey – With his or her prior approval.

(Inaudible)

G. Steele – If you went back earlier; he said if we have to take it to the engineer; and there is a fee for it; they are responsible for the fee. If they don't agree to it, then it doesn't go any further.

R. Greig – That's not what it says here; but if that what it means; then that's fine.

R. Davis – Yes.

T. Kanakos – So; we'll put shall be charged.

L. Frey – Any other comments? (No response)

L. Frey - 6.4.3 Requirements. An applicant for Administrative Review shall submit a completed application form provided by the town and provide any supplemental material required by the Project Coordinator.

L. Frey – Any comments? Is that simple enough?

T. Kanakos – Is that sort of redundant? Doesn't it say that the completed application is submitted and provided by the town and provide any supported material and identification of the site and process notification; no it's under the decision. I'm sorry; continue.

L. Frey - 6.4.4 Review Category. An application for Administrative Review shall comply with all existing laws; regulations; and ordinances governing approval and provide sufficiently accurate data; depending on the information submitted by the applicant in his or her application. The following categories will be reviewed by the Project Coordinator. Signage.

R. Greig – Can I ask a question about that?

L. Frey – Sure.

R. Greig – Signage is a problem sometimes when businesses locate in residential areas. Like on; Union Street. What exactly does that mean?

R. Davis – If it's in the ordinance that says we are allowed to have a 4' X 4' identification sign on a post. Then they are allowed to have it.

T. Kanakos – Conditional use or any other kind of use; that's included?

R. Davis – There are identification signs allowed in Residential. If it meets the code requirements or the ordinance requirement that says that is has to be 4 foot away from the property line; can't block traffic in and out of the driveway. It can only be on a pole; if it's 5 foot away from the property line; the pole has to be 4 foot. The sign can only be 2'X 2'. If they want to put a 3'X 3' It doesn't meet the requirements; they have to come in here. I don't get to review that. That's what all this is about. One or

more of these elements; they do not meet one or more of these elements; I have the right to tell them, "If you want that sign that's over; you have to go to Planning & Zoning". Planning and Zoning will review that sign.

G. Steele – To elevate that process put up this one; and you can do it.

R. Davis – You got it. Yes, that's it. If you still want your big sign; come but they might tell you; no.

L. Frey – Doesn't the Board of Adjustment do signs?

R. Davis – All this is a Planning & Zoning thing. All these are going to come to Planning & Zoning.

L. Frey – Oh, ok. Lighting and flashing and moving signs too.

L. Frey – Parking; landscaping; color schemes.

T. Kanakos – I have a question about all of these. If it's a minor; under 500 square feet; parking; landscape; color schemes; I never knew that we had any authority on these.

R. Davis – They were going to take that out; but they wanted to keep that in there because they eventually we are going to end up with a color scheme.

T. Kanakos – Color scheme seems to be a little odd because you can paint your house or any structure without even a permit; but it doesn't seem anybody says anything about what the color is.

R. Davis – That's what they were taking about; that was going at one time. They said to keep it in there. Now, if you guys recommend that you don't think that it's needed; then take it out.

L. Frey – Who picks out the color scheme?

T. Kanakos – Does the Historic Preservation have any say on color schemes in the Historic District?

R. Davis – No.

T. Kanakos – Well then; how can we? That is the people that should comment.

R. Davis – It just something that was put in there. Now eventually they want to try to go to some sort of standardize pallet.

L. Frey – Is this through out the whole town?

R. Davis – Yes.

T. Kanakos – Not just the Historic District?

G. Steele – I'm moving.

L. Frey – Oh, Please! That's not right.

G. Steele – You'll see for sale signs going up sooner than anticipated.

T. Kanakos – What if where you lived; next door painted their house day glow with dots on it.

L. Frey – If that's where they want to live; that's fine.

T. Kanakos – (Inaudible) It's like a spite fence; you're not allowed. Two toned.

E. Kost - You're getting way out on the edge; almost into Socialism and Communism.

L. Frey – Their idea of color scheme; I may like black and brown together; but who sits on this committee doesn't.

E. Kost – In Cannery Village they're doing all sort of weird stuff like that.

L. Frey – That’s dictating to me.
E. Kost – That’s a little too big brotherish.
L. Frey – Yes. What do we do?
E. Kost – Let’s strike it.
L. Frey – Let’s make a vote on that to take out color schemes; unless it’s pink and purple?
R. Greig – I don’t think the color schemes are anybody’s business but the person that owns the house.
L. Frey – Exactly.
R. Greig – If you don’t like it; throw paint on it.
T. Kanakos – A lot of Historic Districts have a say on it. I worked for the land lost Commissioner in New York for nineteen years; and if you put the wrong hardware on your front door; you got ripped at the core.
L. Frey – But; Ted that’s different than the rest of the town. How can they sell property when they say; you can’t paint your house red? Well maybe this person wants a red house.
T. Kanakos – A day glow color with seventeen dots; I mean....
L. Frey – If I’m buying that house; and paying that money; I want to be able to do whatever I want with the house. I want to put dirty words on there. I can’t put dirty words on there?
T. Kanakos – No more that two square feet.
R. Davis – They fought back and forth with this for a while; and decided to give it to you.
T. Kanakos – And it’s actually nothing.
E. Kost – If we vote to strike it; they can put it back in anyhow.
R. Davis – They can still say; yes.
L. Frey – Can you make a motion?
G. Steele – I make a motion 6.4.4 that Article D; color schemes be removed.
R. Greig? – I second that.
L. Frey – A roll call vote?
T. Kanakos – No.
L. Frey – Al?
A. Perkins – Yes.
L. Frey – Gene?
G. Steele – Yes.
L. Frey – Dick?
R. Greig – Yes.
L. Frey – Yes.
G. Steele – Dick, you did it with a smile too. I’m really pleased with you today.
R. Greig – I’m a liberal; anyway.

L. Frey – Elevations; exterior; lighting; utilities; interior floor plan.

T. Kanakos – Now; how can we comment on interior floor plan if we can’t comment on the color of the house? This is inside your building.

R. Davis – What the interior floor plan is for; is for me to say; what the use is. If somebody has a multi use; I have to know it; because it's like; Rich Ashby. If he is going to have five uses; I need to know the interior floor plan. What he plans on doing with it; so I can say that's not allowed.

G. Steele – Like Bark Avenue.

L. Frey – To be determined necessary for review.

R. Davis – It's drawn that way; just to make sure more than anything else you don't end up with all the way to Z???. You try to do everything. Different applications; I know its broad based; it's really the only way to say; ok; A project compared to B project. I might not need that for Z project; but I might need to add that for A.

T. Kanakos – I would like to make a motion to add I to be more specific. Just for the record.

E. Kost – What do you mean?

T. Kanakos – Well; that's what I mean; what do we mean. That's what I'm asking; what do we mean?

G. Steele – If you're going to make a motion; you should know what the motion is going to be.

T. Kanakos – It's discretionary; it really depends. I know Robin is even headed and a fair fellow; but there are times in towns with administrators; where as we say it's very petty; and you're next to my cousin's house; and he's down the block from someone who didn't like what you did a few years ago at the Lions Club; the idea is that it's crazy. This leads to more pettiness. It's either out in the open; or it doesn't exist. These are rules and ordinances that people have to live by.

R. Davis – Currently; if you look at the preliminary plan review; checklist down at the bottom; there is something in there that says; not maybe in these exact words; anything that Planning & Zoning feels is wrong with this; then they need to review the process. Review the application; it's in there. It's not worded like that; but it something like that effect. If the Planning & Zoning says they need five more things; they have the right to say they need five more thing.

T. Kanakos – Then it has to be on the final plans?

R. Davis – Yes. Or if you decide that you can't review it.

L. Frey – Anything else to come before this committee?

5. Adjournment

T. Kanakos – I make a motion to adjourn.

A. Perkins – I second.

L. Frey – All in favor? Aye.

Adjournment 8:06:44 PM

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