

**Town of Milton  
Planning and Zoning Commission  
Minutes  
November 16, 2004**

**Members Present:**

<b>Linda Rogers</b>	<b>Dean Sherman</b>	<b>Denny Hughes</b>
<b>Mike Filicko</b>	<b>Bob Kerr</b>	<b>Eric Evans</b>

**1. Abraxas Hudson – 515 Federal St. 2-35-20.11 Parcel 33.00**

*The special permitted use is a Home Occupation (Art Studio and Private Painting Lessons).*

Linda Rogers introduced the application and asked if anyone was present on behalf of the application. Abraxas Hudson introduced himself and proceeded to explain his application. Mr. Hudson stated he wished to use his house as a home studio for painting, sales of his paintings and instructing possible 1-2 individuals at a time in the art of painting. He also stated he would like to be able to invite customers into his home so they can see him at work. Linda Rogers asked if Mr. Hudson intended to have any open house art shows. Mr. Hudson stated he did intend to have art showings at the house. Mr. Hudson stated the hours of operation are by appointment only. The sign that he puts out stating open will be displayed when his home will be open for the public to come in (art showings). Dean Sherman asked if the sign meets the town requirements. Eric Evans stated it did. Mr. Sherman motioned to grant the special permitted use of an Art Studio and to reevaluate the application in a year to ensure there was no problem that arises. Mike Filiko seconded the motion, all voted in favor.

**2. Catherine Sachs – 302-304 Atlantic St. 2-35-20.08 Parcels 88.00, 88.01, 88.02 and 89.00.**

*The Rezoning of property from the current zoning of R-1 (Single-Family Residential Use) to the requested zoning of R-2 (Single-Family Residential Use).*

Linda Rogers introduced the application and asked if anyone was present on behalf of the application. Mrs. Sachs introduced herself and proceeded to explain her application. Mrs. Sachs stated that the preliminary drawings are preliminary but the layout shows how the property can be used with the R-2 zoning. Mrs. Sachs stated she has approval to build 3 homes on lots located at 302 Atl. St. Mrs. Sachs said she be leaves this is a good use for the land being rezoned to R-2 which works with the wet lands and creates more open space in protecting the wet lands. The parcels currently could be subdivided into possible 6 lots as it currently is. There was further discussion and a comment from Steve Leaderman was he was in question looking at the back of so many homes. After further discussion P&Z closed the public hearing and tabled the decision until the next scheduled meeting.

**3. Water Ridge LLC – 128 Front St. 2-35-20.08 Parcel 12.00, 103 and 107 Chestnut St. 2-35-20.08 Parcels 11.00 and 14.00, and 106 Walnut St. 2-35-20.08 Parcel 13.00.**

*The Rezoning of properties from the current zoning of R-3 (General and Multi-Family Residential Use), and R-1 (Single-Family Residential Use) to the requested zoning of T-C (Town Center Use).*

Linda Rogers introduced the application and asked if anyone was present on behalf of the application. Bruce Marneta from Meridian Engineering stated he was representing the application and proceeded to explain. The applicant wishes to have the properties rezoned to T-C for the development of a commercial building with residential dwelling above the first floor business. Mr. Marneta presented a conceptual drawing of his client's vision. There was much discussion and opposition to the site plan due to traffic, parking, noise and the tranquility of the neighborhood. After much discussion Dean Sherman motioned to close the public hearing and Denny Hughes seconded the motion. All voted in favor. The P&Z commission tabled any decision until the next scheduled meeting.

**4. Shipbuilders LLC. - 102 Shipbuilders BLVD. 2-35-14.00 565.00.**

*The applicant is proposing to create seven (7) Single Family home sites on the above location.*

Linda Rogers introduced the application and asked if anyone was present on behalf of the application. Vince Robertson stated he was representing the application and proceeded to explain. Mr. Robinson stated this application was previously before council for subdivision of the property in a similar design and council asked the developer to investigate the open space dedication. Mr. Robinson stated he has been in contact with Tim Willard the town's attorney in regards to the open space. Mr. Robertson explained the background of the property and the open space. Stating there was no provisions established for the maintenance and upkeep of the open space. Much discussion took place in regards to the open space and the use or the future use of the parcel. Mr. Bob Blayne stated this area could be reused as a recreational park area or a community park center instead of the subdivision of the parcel for single-family homes. Linda Rogers stated when the original subdivision was presented to the town this area was designated open space and provide to the community. A question came up on when the parcel was developed and it was determined that it was completed during phase one and not phase two. After still further discussion on the use P&Z motioned to have any decision made tabled prior to discussing the issue with the Towns Attorney. The motion was made by Denny Hughes and seconded by Dean Sherman. All voted in favor.

**5. Preserve on the Broadkill LLC. - 2-35-14.00 590.00,591.00,596.00, and 597.00.**

*Off street parking in the front yard setback. This is a variation from the approved site plan.*

Linda Rogers introduced the application and asked if anyone was present on behalf of the application. Libby Zando stated she was representing the application and proceeded to explain. The site was approved with no parking along the streets at the request of the developer and after the developer laid out the homes they now feel that parking in the front of the homes for guests would be appropriate. They are asking to provide one parking space in the front yard setback for guest parking. Discussion took place and it was stated by Eric Evans that the entrance to a driveway/parking area must be 30' from an intersection. Mrs. Zando stated they would design the parking spaces keeping the 30' into consideration. After further discussion it was determined that parking would be permitted in the front yard setback. A motion was made by Mike Filiko and seconded by Denny Hughes to grant the front yard parking on the 4 units shown and the other 4 units on the opposite end with the condition of bringing back a site plan showing all 8 units for P&Z approval.

**6. Milton Millwork – 227 Milton-Ellendale Hwy 2-35-14.00 94.00**

*Site plan review and/or approval on a building material supply facility.*

Linda Rogers introduced the application and asked if anyone was present on behalf of the application. Dave Failing stated he was representing the application and proceeded to explain. Mr. Failing stated he has received all the approvals from the outside agencies except for Soil Conservation. They are running behind do to the growth in the area. Mr. Failing stated he has put on a new roof to prevent the building from leaking. Also he is now the owner of the property and is ready to develop. The site plan before you shows the corrections you have asked for and Mr. Failing is asking for approval once the permits are pulled.

Bob Kerr stated the plans needed a few things to be added to it:

1. Type of fence and picture detail and location of the gates.
2. Curb stop location for water shut and location of the water meter plus size of the line
3. Same for the sewer line and location of cleanouts.

Mr. Failing further stated he intends to blacktop the entire parking area now instead of what is shown graveled. After further discussion Dean Sherman motioned to approve the site plan contingent on satisfying the Town Engineer on the notes that are missing. Seconded by Mike Filiko. All voted in favor.

**7. Proposed amendment to the Article 4, Section 4.9 Historic Preservation Overlay District and Article 11 Board of Adjustment.**

The ordinance was presented for review and discussed. The discussion of various topics took place and workshop was determined to be needed. The motion was made to schedule a workshop by Dean Sherman and seconded by Denny Hughes.