

TOWN OF BEECH MOUNTAIN

Planning Board Meeting Minutes

February 26, 2013

Call to Order:

Chairman, Andy Porter, called the meeting to order at 9:10 AM. Other Board Members present in attendance were Brian Barnes, Matt LaVigne and John Hoffman.

Adoption of Agenda:

The agenda was adopted with no change.

Approval of Minutes:

Brian Barnes made a motion to adopt the minutes from the previous Planning Board meeting. Matt LaVigne seconded and the motion carried with no objection.

Public Comment Period:

Due to weather conditions, there was no public attendance.

Comprehensive Planning:

Planner James Scott advises that he has placed a rough draft of the Comprehensive Plan on the BeechTV site (<http://www.beechtv.com/planning/>) for review. He has revised the plan, printed out the documents and provided each member with a hard copy for their review and requesting that each member forward any questions and suggestions.

At this time what are missing with the plan are general formatting (150 pages) and getting the plan to be consistent including the table of contents. Mr. Scott is working with the Recreation Center to update the recreation chapter. Also, the transportation plan still needs considerable work. For the Public Safety chapter, Mr. Scott is working with Fire Chief Bob Pudney and Jim Brooks to incorporate suggestions that need to be worked into the chapter. Mr. Scott will have the new rough draft by the next meeting for the Planning Board. Once the Planning Board has reviewed, it will be sent to the Town Council and will be open for public comments. James reminds the Board that this needs to be a living document for the Town to use long term and change over time.

The board members will take their copies with them for review and get back with Mr. Scott with any questions and suggestions.

Discuss Kitchens Provisions:

James Scott reports that there are several provisions in our ordinances that dictate that homes on residential lots may have no more than one kitchen but there can be accessory apartment, which cannot have a full kitchen but can have a kitchenette. These antiquated ordinances were originally intended as a mechanism to ensure that single family homes were not used for multi-family purposes. But these types of ordinances have been struck down by the courts. Many legitimate single family homes have more than one kitchen (example: a home with a “mother-in-law suite”).

After discussing this issue last month the plan was to remove the language that prohibited more than one kitchen in a single family house, but Mr. Scott ran into problems when trying to remove the wording because of the way the issue was tied to provisions regarding accessory structures and guest suites. Although more than one kitchen would be allowed in a single family residence, guest suites and accessory apartments would still be prohibited from having a full kitchen.

Today, Mr. Scott wanted to discuss revising their approach and totally moving away from the kitchen being the litmus test for delineating the difference between single and multifamily homes. Instead of restrictions on the number of kitchens, he would like to propose a restriction that prohibited guest quarters or servants quarters from having *separate utility services* from the primary structure. This would be a more practical manner of achieving the goal of preventing single family homes from being used for multi-family purposes.

Mr. Porter begins the discussion with the idea that the Board should see how other jurisdictions handle this issue and go with what has been adopted by another town in the state. Otherwise, he suggests that the Town should proceed however Town Attorney Four Eggers suggests.

Mr. Porter then questions how the Town will ensure that homes do not function as duplexes in single family districts. Town Manager Randy Feierabend suggests limiting utility services to one water meter and one electric meter. He also suggests that you could keep a guest suite from becoming a duplex by ensuring there is interior access to such a suite from the main home and prohibiting solid walls between a home and a guest suite. However, Mr. Scott felt that such

regulations would not be sensible given that our ordinances allow totally detached accessory structures with guest suites- like garage apartments. Mr. Scott agrees that utilities are the best way for the town to control, but suggests that our ordinance should only restrict water and sewer services, because there are several situations where the electrical code allows and even seems to prefer separate electrical services.

Mr. Hoffman advises of a house near him that has only one utility service yet the 2nd unit is rented with utilities included. Both of these units only have access from the outside. It was discussed that limiting utility services could not totally prevent someone from using a single family home as a duplex, but the prohibition on the number of kitchens has proven equally unsuccessful.

A sign of a single family home being used as a duplex could be a homeowner requesting additional water flow. A flow amount requiring a commercial meter could be a sign of a duplex. Mr. Barnes agrees and confirms that we are trying to protect the single family area yet still allow rentals in the area. Mr. Hoffman discusses how parking is another way to limit how many people can live in a residence

Mr. Porter requests a motion to move forward with the utilities being the deciding factor and dropping the one kitchen requirement. Mr. Hoffman makes the motion, Mr. LaVigne seconds and the motion carries with no objection.

Other Business:

Brian Barnes brings up the topic of wrecked and unlicensed vehicles that detract from the appearance of the town. The current ordinance states that if the vehicle has current license plates it is acceptable even if the vehicle is wrecked and undrivable.

Discussion progressed concerning having the vehicles removed. The board requested that Mr. Scott check with attorney Eggers regarding what wording should be in the ordinance to make it enforceable and have the untagged vehicles removed. The Board is reminded that as a tourist town our appearance is important.

Directional signs are discussed in order to point tourist to shopping & restaurants locations from the sledding hill. The Town Council is concerned about "commercialization" of the sledding hill. It is discussed whether the signs desired by the TDA can be erected without modifying the sign ordinance. The ordinance

had previously been modified to allow directional signs to major destinations, but not all of the destinations have chosen to take advantage of this allowance. The TDA's goal is to have a directional sign that is visible from the road and not just a kiosk that people have to park and walk up to in order to read. The sign could even be seasonal (example: winter for skiing and summer for hiking trail). Mr. Barnes stated that the TDA will discuss further and come up with some ideas/ proposals for exactly what type of sign they desire.

Mr. Porter asks if there is any other business to discuss and there is none at this time.

Call to Adjournment:

A motion to adjourn was made, seconded and carried.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "James Scott". The signature is written in a cursive style with a large initial "J" and "S".

James Scott
Secretary to the Board