

DRB Meeting March 26, 2018 6:00 pm directly after completion of the site inspection - 5:30 at 3053 Main Street

In attendance, Richard McClain, Brad Alexander, Amy Hornblas, Michael Socks, Oliver Welters, Chuck Marian, (za) Karen Deasy, Jan Westervelt

A site inspection was attended by the board at 5:30 prior to the start of the meeting. The board reviewed the site and was given a tour of the building.

Meeting Called to order 6:05 pm

1. Review agenda

Richard motioned to approve the agenda, Seconded by Amy

2. Public comment

Karen provided the board with a brief update of the discussion the planning commission had regarding the current parking standards that in instances when part of the building is used the applicant can provide parking for that area. The planning commission stated that the DRB through their determination could clearly stipulate requirements and indicate restrictions. A discussion on this information was had.

Richard made motion to call hearing to order for the application on 3053 Main Street. as discussion was relevant to the application seconded by Michael

3. Conditional use application 3053 Main Street

- a. Open Hearing – advise all parties that all questions are to be directed to the board and the Chair will recognize you prior to having the floor.

- b. Swear in those who wish to speak on application

Jan was sworn in to testify by Richard ,

Jan had no additional testimony to provide but would answer questions from the board.

Michael asked procedurally about members that were not present if they were allowed to participate and vote. The landowner needs to allow for this and provide permission for them to participate

Jan was asked if he had an issue with the board members present reviewing the application as they were not present at the initial hearing. The Owner agreed to allow them to participate.

Amy brought up issue on nonconforming uses that uses that are nonconforming shall not be a less restrictive nature. She believes we are interpreting this incorrectly and have been wrong in the past. The discussion also included the existing small lots section where uses on existing small lots are permitted even when they do not meet all of the requirements and provides for exemptions. The board debated this issue and agreed that a nonconforming structure was different than a nonconforming use, the definitions were

reviewed, Amy felt that this indicated the setbacks had to conform and the board generally agreed that the structure setbacks did not impact it's use. The building lot size was reviewed, and found to meet the criteria for existing small lots. The existing building is not being expanded. Brad indicated that it is arguable on what is more or less restrictive and there is some discretion there. Use of the building and setbacks are two different things. Jan indicated that the board was getting into some deep issues and wanted to know if there were specific questions he could address. Michael asked to confirm that there were two parking spaces to the side and three behind. Jan stated that was correct and the drive will be to the right and if they needed to add another it is possible by eliminating the space for chairs. If we did not allow for development we would have to tear it down and he did not feel that was what people wanted. Richard asked the board if they had any questions or comments before they entered deliberative session Jan understands the things that are wrestled with and he wished the board well. Motion to enter into deliberative session made by Richard seconded by Brad. The board entered deliberative session at 7:22 pm

Close testimony board motioned to enter executive session -

4. Board adjourn to deliberative session
5. Other Business
 - a. Rules and procedures, Board was asked to review draft and provide feedback.
6. Adjourn Meeting Motion to Adjourn Richard, seconded Oliver adjourned at 7:58 pm vote 6-0

Submitted by Karen Deasy