

TOWN OF NORTHAMPTON ZONING COMMISSION

OCTOBER 5, 2009

MINUTES

PRESENT:

BOB SMITH
LINDA KEMPER, SUPERVISOR
SKIP TAYLOR
DON FARRON
TOM CORRIGAN
DAVID CURTIS
DARYL ROOSA
SCOTT HENZE, PLANNER

RANDY PALMATEER, MEMBER OF THE PUBLIC

I. MONICA RYAN'S OCTOBER 2ND, 2009 MEMORANDUM ON SPECIAL PERMITS:

Don Farron questioned the memorandum regarding special permits in reference to supplemental regulations for specific uses and general criteria that pertain to all special use permit applications. Don Farron stated that he was still somewhat confused as to the makeup of the special permit. Tom Corrigan stated that special permit regulations are within the current Zoning Ordinance whereby he passed Don Farron a copy to review. Bob Smith questioned as to what point of time Supplemental Regulations will be reviewed by the Zoning Commission. Scott Henze stated that once the use table is complete, Supplemental Regulations will be reviewed right after. Scott Henze stated that the special uses listed in Schedule A would correspond with Numbers 1-9 within the memorandum. He stated that these general criteria would need to be met in order to grant a special use permit. Scott Henze stated that if the particular use also has Supplemental Regulations attached to it over and above the general criteria, those would also have to be met for that particular use. Scott Henze stated that not all uses would need to have Supplemental Regulations. Some of them may only fall under the general criteria. It all depends on how it's laid out within the use table. Scott Henze stated that during the last meeting, the Zoning Commission had discussions of boat storage facilities within the Town. He stated that that particular use is a perfect example of where a special use permit should be required. Scott Henze stated that Supplemental Regulations may also be tacked on to boat storage for the special use permit. Scott Henze stated that the Supplementary Regulations may consist of a number of boats to be allowed within the special permit, setbacks from the property lines, meaning no storage of boats within the side or front setback. Scott Henze stated that a special permit is really an allowed use as long as they meet the general criteria and any Supplemental Regulations, and the only way to deny the special permit is to show reasons why a particular use could not comply with the general regulations or the Supplemental Regulations. So, Commission members should realize that when they incorporate a special use permit within the Schedule, they are really saying that this is an allowed use.

A member of the audience, Randy Palmateer, asked the Commission to elaborate further on the regulations that will be placed on boat storage. Bob Smith stated that the Commission has just started talking about this issue during the last meeting and that we would continue with the discussion during tonight's meeting. Mr. Palmateer questioned whether or not a person would need a permit to store boats. Tom Corrigan stated that the way the consultant has written the regulations now is that if you are storing over three (3) boats on your property, you would need a permit. Mr. Palmateer asked why this issue is coming up now. He stated that there have been people on Houseman Street in the Town of Northampton that have been storing boats on their property for 30 years. Mr. Palmateer stated that the person living across from him has turned their property from a lumberyard into a boat and camper storage. He stated that the individual uses the storage of the boats and campers for a little extra income. Scott Henze stated that the reason it's coming up now is because the Town is going through to update to their zoning and it's an issue that is out there that the Town should address. Mr. Palmateer asked if the issues come up due to someone complaining about the use. Tom Corrigan stated that is not the case. Nobody has complained about the use. He stated that the consultant is providing some guidance and regulations and recommendations for the Town and saying that the Town should possibly regulate the boat storage. Tom Corrigan stated that once the zoning is passed, those particular residences that are storing boats would basically be grandfathered and they would become a pre-existing non-conforming use. He stated that, however, if a new boat storage area or facility popped up then that individual would be required to obtain the special use permit. Bob Smith stated that if the person sells the property where the property has boat storage on it, then the next person that came in and purchased the property would need to obtain a special use permit. Tom Corrigan stated that actually a pre-existing non-conforming use can continue to run with the land. He stated the only way it can be made to comply with a special use permit is if the use stopped for more than a year. Scott Henze stated that also special use permits runs with the land and not with the owner. Mr. Palmateer asked where pull-behind campers or motor homes fall into place. Scott Henze stated that they would probably also fall within the boat storage for commercial. He stated that, in the end, it may be Recreational Vehicle/Boat Storage. Scott Henze stated that he spoke to Monica Ryan regarding the boat storage issue, whereby she indicated that if the Commission does not want to use the special use permit tool that the Boat Storage/Recreational Storage could be added as an Accessory Use on the property.

II. CONTINUATION OF SCHEDULE A USE TABLE:

The Zoning Commission picked up where they left off under Commercial Uses Boat Storage Commercial. The Zoning Commission had questions regarding Broadcasting Facility Radio or Television within the Use Table. Bob Smith stated that his understanding on this would be solely the building use and not necessarily the tower or the radio that would be outside of the building. The Zoning Commission reviewed the definition and Skip Taylor stated that the definition incorporates uses entirely within the Broadcasting Facility. Skip Taylor stated that his understanding of the definition would be that it would be just the facility and not necessarily the tower outside. Tom Corrigan stated, however, that his interpretation is that it's a broadcasting station or facility. He asked how you would broadcast anything without the use of a tower or some other structure like that. Don Farron said that the receiving station would be like the dish that is up on the facility located heading out of town on South Main Street. Tom Corrigan stated he would like the definition to be clearer regarding whether this includes outside facilities such as towers or dishes. Scott Henze stated that he would agree with Skip that the definition clearly states that everything would be enclosed within the facility. He stated that we could ask Monica to look at the definition to make it clearer and specifically state no towers or dishes on the exterior of the building. Linda Kemper stated that she would like the definition to specifically state not towers or satellite dishes. Scott Henze asked David Curtis how he would interpret the definition. Dave Curtis stated that he would interpret it to just be the building and not the towers. However, if you would like to see it specifically state excluding towers, he stated there may be another section that would need to be added to deal with towers or satellite dishes. Skip Taylor asked the question as far as

what height could a tower or satellite dish be put on top of a building. Scott Henze stated that the APA outside of the hamlet areas would regulate that in the Town of Northampton and the maximum height would be 40'. Skip Taylor asked the question as to whether or not you could regulate satellite dishes attached to peoples' houses. Tom Corrigan stated that he remembers reading a case on that fact and he believes that the case determined that you could not regulate satellite dishes on the sides of homes. Linda Kemper stated that she doesn't believe that you would be able to because it is the individual's right to have those types of services. Skip Taylor asked if that was also the case if you're putting the dish in the yard. Tom Corrigan stated that that was the fact that you could have a dish in your yard. Skip Taylor stated then if that is the case as long as you stay under the 40', you can place a dish anywhere. The Zoning Commission determined that within the Broadcasting Facility Radio and Television definition, they would like it to specifically read that it does not include dishes or towers.

The Zoning Commission decided to eliminate the Cabin Colonies definition within the Schedule A.

The Zoning Commission discussed Campground. Bob Smith asked why the Campground use is only currently allowed in the Waterfront Commercial. Scott Henze stated that when Monica Ryan put the use tables together and did her first stab at filling the table out, my understanding was that she did it via the land use map that we had put together and the only campground that was on that Land Use was within Waterfront Commercial and therefore that is why it is reflected on this Schedule A.

Entertainment and Recreation Commercial – The Zoning Commission requested Monica Ryan to provide a definition thereof.

The Zoning Commission discussed Forestry and how it relates to the Use Table. A discussion ensued regarding Commercial Permits. Skip Taylor asked if within the new Zoning Regulations the Town could require a commercial permit. He elaborated asking if there could be a permit to do business within the Town. The Zoning Commission felt that that would be something that would need to be dealt with outside of the actual Zoning Ordinance, maybe with a local law or some other form to enact a Commercial Permit.

The Zoning Commission questioned the definition of Forestry whereby they would like to see a definition of a Wood Splitter, Processor and Portable Sawmill.

The Zoning Commission would like to see a definition of manufacturing

The Zoning Commission would like to separate out Professional and General Offices and define each of them. The Zoning Commission ended their discussions on the Parking Lot as a principal use category within the Schedule A.

They set the next meeting date for October 19, 2009 from 6-8 p.m. to not include the Zoning Consultant. Commission members agreed that they would like to finish Schedule A prior to inviting Monica Ryan back for the next meeting.

(Meeting adjourned at 8:00 p.m.)