TOWN OF MINNESOTT BEACH PLANNING BOARD MEETING

MINUTES

December 6, 2016 @ 6:00 PM

MEMBERS PRESENT: Chairman Adam Garfinkel, Richard Hughes, Pete Hall and Mac Rubel.

MEMBERS ABSENT:

OTHERS PRESENT: Carolyn Braly - Town Manager

Mr. Garfinkel called the meeting to order. He called for any discussion or revision to the December 6, 2016 agenda. Mr. Hughes moved to accept the agenda. All ayes.

Mr. Garfinkel called for any discussion or revision to November 1, 2016. PB meeting minutes. Mr. Rubel moved to accept the minutes. All ayes.

Old Business:

1. Weed Ordinance: Mr. Hughes move to table discussion regarding a weed ordinance for a later meeting. All ayes.

2. Updates and clarifications to UDO:

Chairman Garfinkel reported Mr. Rubel has put together some talking points on RM and RMU zoning. Mr. Rubel passed out copies of the same. He explained this was a copy of the current ordinances of the RM & RMU with recommendations for clarifications and updates highlighted. Mr. Rubel said there are two issues with the larger one being driven partly by the smaller one. Residential multi-family (RM) is the fundamental piece for multi-family housing in Minnesott Beach. Getting an appropriate and up-to-date version of it is important because it should be the zoning that drives the multi-family piece that is Phase 3 of Arlington Place. Currently the RMU has woven-in in about 5 different places that somewhat address some of the issues but leaves a lot unsaid. We need to start with new and better definitions. The definition of single family attached housing is not currently included in the RMU. Starting with the new definitions that need to be addressed (ie, what a multi-family dwelling is and what a single family attached dwelling is inside a multi-family). Single family attached dwellings are currently defined as townhouses in RM. We need to re-establish a set of parameters for what a multi-family development are going to be either on an individual lot of whatever size or for residential multi-family. That then moves into the residential multi-family district which would be a replacement in the RM as it is currently in the ordinances. The purpose, uses permitted, the accessory structures and the established development standards are currently in the ordinances. Multi-family dwelling is an expanded definition but it does not address ownership. Single owner of a lot is the single owner of all of the units. There are no prescriptions or methodology for multiple units of ownerships in RM developments. However, there are several exceptions that exist: Bennett Landing and the Links. Although the Links were developed under a difference ordinance. It is recommended to include the ability for multiple owners of individual units in RM developments. It provides for development in a way that meets the requirements of the ordinance but does not impose financial issues on developers to be the owner of all units in RM developments. Chairman Garfinkel expressed concerns about a time-shared unit with multiple owners of the same unit. Mr. Rubel said it is not explicitly allowed under current RM zoning. "The entire building or structure

may be owned by an individual, an entity, or as is the case with condominiums and townhomes, by individuals…" There may need to be a statement that nothing here can be construed as a time share. The key is to provide for a framework within where the development is based on density for different types of development as well as a maximum number of units on a per acre basis along with set-backs and unit square footages.

RMU has other restrictions in terms of maximum density of no more than 4 dwelling units per acre and no less than half-acre for single family residential units and no less than three quarters (3/4) acre for lots on the river. Those remain in place. The dimensional requirement is a minimum lot size of 20,000 sq. ft. The maximum lot size is subject to approval of the plot plan.

Minnesott Beach is all low density because we maintain a maximum height above mean surrounding ground level of 35-foot to the eaves. Currently, single family detached is no more than six (6) units per acre (just under 8,000 sq ft per unit) subject to set-back requirements. Set-backs remain the same. For multi-family, duplexes, quadraplexes, condos and townhomes there it is a maximum of 10 units per acre. Mr. Rubel will look into a minimum width for townhouses.

Mr. Hall asked for a definition for a common wall. After some discussion, a common wall is defined by state code.

151.168 RMU – Mr. Rubel explained, referring to the document he passed out, these were his recommendations for discussion, clarifications and updates. Arlington Place is the only development working under the RMU zoning.

151.168 (E) – Delete 6

151.168 (k): Standards. "The following standards apply." (delete paragraph whereby Town Commissioners may waive)

1. Minimum tract size – no changes

2. Density of development unchanged except: delete paragraph stating Town Commissioners may waive

Lot size: (delete paragraph stating Town Commissioners may waive). Mr. Rubel said there a need to resolve and define "utilized." Is it the total size of the development or the total buildable size of the development used to determine density? And for utilities, is that part of the overall plan and should that land be pulled out when defining and calculating the acreage of the project to determine the maximum density and utilization of the land. He reminded everyone that Wayfarer's Cove had included in their acreage upon which they calculated the density: unbuildable wetlands, naturally occurring tidal water, and the marina itself. Is there specific wording addressing what areas should be removed from the acreage for calculating density? Roads, rights-of-way, athletic fields, common areas, sewage plants.

3. Waste water treatment: No changes.

   However, Arlington Place, in their master plan, state they will have a state approved sewage treatment system on their property, but nowhere does it say the plans have to show this. Mr. Rubel said since it is not in Arlington Place's Phase One or Two, it has to be included in Phase Three. He asked if it was necessary put it in there? There are no specifications of space, time or buildout percentages or who makes the decision on when a sewer system would be put in place. Mr. Rubel suggested that wording be in place. As Phase Three is the final phase, that along with the final phase needs to be the full provision for the waste water treatment. To get this off of septic and onto a

collective system. Mr. Hall asked about septic permits from the county. Mr. Rubel said, the county has issued septic permits for all of the lots in Phase one and Phase two but has not issued any for Phase Three. The current ordinance does not specify anything about that. Since waste water is covered in Phase Three and is said to be there. As part of the high-density development, the developer needs to incorporate the waste water treatment plan with that so that it becomes specific. By doing so the town will put forward restrictions on the developments. Mr. Rubel recommends the following be added: Plans for sewage treatment shall be submitted as part of the Phase Three development submission and shall encompass waste treatment plans for the entire development.

4. Water Supply – no change

5. Set back: single family detached – no change

6. Setback: single family attach & two family - Add (c). Minimum side yard setback line 15 feet.

7. Setback: commercial structures – delete paragraph stating Town Commissioners may waive.

8. Other minimum specifications for residential buildings: Revised:

   a. Single family detached: Refer to R-20 zoning requirements

   b. Single family attached and multi-family: Refer to RM zoning requirements.

9, 10, 11, & 12: unchanged

151.168 (O) Effect of approval.

4. The approved master plan will remain in effect so long as development is ongoing and does not cease for a period of more than 12 continuous months (Ord. passed 2-10-2009, Section 7.9)

151.373 Change in Plans: (Revised)

The owner of each tract designed as an RMU development shall be allowed to submit a plat for subdivision approval that are inconsistent with the submitted and approved Master Plan. If the developer chooses to do so they must first re-submit a modified Master Plan for approval indicating the desired changes and detailing the impact on all RMU specification requirements. Upon approval of the modified Master Plan by the planning board and the Town Commissioners, the modified plat, now in the conformance with the newly approved Master Plan may be submitted for approval and recording.

Mr. Rubel asked that everyone review the document he passed out for further discussion at the January meeting.

Chairman Garfinkel said the commissioners want feed-back from the PB by April. Need to discuss on-frame and off-frame modular homes to make sure the wording is accurate.

Mr. Hughes moved to adjourn. All ayes.

Denise Meyerson

Denise Meyerson, Town Clerk