

ZONING BOARD MEETING  
At the Newcomb Community Center

October 15, 2018 at 7:00PM

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MINUTES

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**CALL TO ORDER/Roll Call – Jesse James Garetson called the meeting to order at 7:00pm. Chairman Brian Holt was absent, called away for a family emergency. Zoning Board members Ramon Reed, James Sharpton, and Rodger Lull were present. Building inspector Rand Makowski was present. Minutes taken by Clerk Sara Gibb.**

**ZB Ramon Reed made a motion to approve zoning board minutes as amended, seconded by ZB member Rodger Lull. Motion carried 4-0.**

**ZB member Ramon Reed requested 12-point font for future minutes.**

**NEW BUSINESS:**

- Review, discuss, and vote to accept new building permit fee form

ZB member Ramon Reed has no problem with increasing the fees for building permits. He pointed out that the zoning board does not have any authority to change the fees. Rather, it would be a recommendation to the Board of Trustees because the fee structure is within the zoning code.

ZB member James Sharpton believes the fees should be part of a Town fee schedule.

Discussion regarding fees, fee schedule and location of fees (ordinance vs. resolution)

Rand Makowski submitted a draft permit fee schedule with all square footage fees doubled.

**The Zoning Board will recommend permit fees to be as follows: residential construction - \$200, commercial construction - \$200, garage - \$100, accessory - \$100, deck/patio/porch - \$50, residential remodeling - \$50, fences - \$25**

**The Zoning Board will recommend square footage fees to be as follows: residential construction - \$0.75/sq. ft., commercial construction - \$0.75/sq. ft., garage - \$0.25/sq. ft., accessory - \$0.25/ sq. ft., deck/patio/porch – \$0.25/sq. ft., residential remodeling - \$0.25/sq. ft., fences – no sq. ft. charge.**

ZB member Ramon Reed asked why the price should be different depending on whether there is a roof over the deck/porch or not. He does not see any difference. He would like the fees to be simplified.

Building Inspector Rand Makowski stated that a roof over a porch or deck is structural.

There was discussion about the difference in covered deck and porch projects vs. uncovered. The Board will recommend no difference between covered and uncovered porches, decks and patios. No additional charge for the square footage of the roof. ZB member Rodger Lull does not want to include the word “patio” to the fee structure. It is no currently in the ordinance.

ZB member Ramon Reed asked how a remodeling permit requirement would be enforced.

ZB member Jesse Garetson asked how the State is notified when there are electrical or plumbing changes made during a remodel.

ZB member Rodger Lull suggested defining “remodel” more clearly.

The Zoning Board suggests using the phrase “residential or commercial structural change” in place of “residence remodeling”

ZB member Ramon Reed asked how the square footage of a residential structural change would be calculated. ZB Rodger Lull stated that calculating the square footage may be problematic for the building inspector.

ZB member James Sharpton states that it’s not possible to fairly measure lineal feet for a fence. A permit fee only is reasonable. ZB member Ramon Reed does not believe there should be any permit fee for a fence, but that fences should continue to have setback requirements. There was discussion about enforcement of fence requirements if there is no permit. **The Board will recommend removing “fences” from the permit fee schedule.**

**The Board will recommend adding well permits - \$25 to the building permit fee schedule.**

Building inspector Rand Makowski stated that when a home is being built with a detached garage and a deck, only one permit fee should be charged – the greater of all the permits. ZB member Jesse Garetson stated that in the past, separate permit fees have been charged for each structure included in a new build.

Change type of permit description from “deck” to “deck/patio”

Public comments: Tom Gibb (2 comments), Suzy Metzler, Kandy Nasso

- Review, discuss, and vote on process for obtaining a building permit

ZB member Jesse Garetson suggested that the applicant should contact the Clerk with all information and obtain a permit or permits from the Clerk. The fees and square footage costs are calculated by the Clerk. The Clerk will provide copies of the ordinance and have two zoning board members sign off on the plans. Once this is complete, the building inspector will be provided with plans. He suggests payment for the building inspector as follows: ¼ salary to the building inspector – foundation inspection, ¼ fee at studding/drywall, ¼ total enclosure, ¼ at completion. ZB member James Sharpton believes these should be responsibilities of the building inspector.

ZB member Ramon Reed stated that the payment structure for the building inspector would only apply for a residential structure. A process for paying the building inspector should be consistent for all types of permits. He asked how the Town Clerk would have the qualification to determine which fee structure is applicable and to review plans.

There was discussion about whether Rand Makowski provides plans for review to the zoning board members when obtaining signatures. ZB member Ramon Reed stated he has not always reviewed plans when signing permits. Rand states that he always provides plans for review.

ZB member Jesse Garetson stated that he has recalculated seven permit fees and come up with different fees on 6/7. Some appear to be under-charged and some over-charged. He would like more consistency.

ZB member Ramon Reed would like to see a process in writing before voting. ZB member James Sharpton stated that there is a written process "in the file." He stated that he put it in a box and turned it over to Rand. Rand stated the box is at his house.

**Motion to table item 2, "Review, discuss, and vote on the process for obtaining a building permit" made by Jesse Garetson. Seconded by Ramon Reed. Motion carried 4-0. Item tabled.**

Public comments: Suzy Metzler

## **OLD BUSINESS:**

- Review, discuss, and vote on zoning code definitions and section 17 of the 2012 zoning code

ZB member Rodger Lull stated there are many words defined but unused in the zoning code. He stated that "structure" is overused and under-defined. He suggests using the word "building."

Suggestions from ZB members:

"Structure" should be more clearly defined. It should not include anything less than 120 sq. feet because those items do not require building permits.

"Deck" and "porch" should be added and defined – "deck" may be defined as "a platform, usually with a wood surface, without a roof, adjoining a building and usually a distance above the ground which would require a railing (30 inches)"

More definitions should be included. (ZB member James Sharpton will make an effort to list the words he would like defined in the zoning code and bring this list to the next meeting).

Remove numbers from definition list.

"Primary use structure" should be defined and should apply to both business and residential structures. In the residential district – "single family residence", in the business district – "single family residence, business structure, or both"

"Principle use" is enumerated in section 7, but should be defined

"Agriculture" should not include the word "quadruped" but instead express the intent, which is animals for agricultural use/ farm animals. This should be discussed separately from the definitions.

"Alley" – not indicated on zoning maps – should list all alleys instead of referencing zoning map

"Building height" – why use the average of finished grade instead of the highest? Fire Chief Rand Makowski stated that the height limit is a "visual thing."

Suggested addition – "drip line" – may be defined as "the outermost measurement of a building where water drips from and goes to the ground"

"Fence" – "width" is ambiguous, "thickness" was suggested

"Home occupation" – suggested addition to the definition "and which does not significantly

increase noise, fumes, odor and traffic”

“Indirect lighting” – suggested change “the light source is external to the sign but not visible to the naked eye”

Suggested change from “junkyard” to “salvage yard” or “material storage” – also suggested to remove this definition because it is not used in the zoning code

Suggested addition – “long-term permanent rental” – rental of a residential use of structure or part thereof where the occupants are primarily permanent in nature for any 30-day period or more (non-transient)

Suggested addition – “porch” – may be defined as, “usually a covered area adjoining an entrance to a home with a variety of surfaces to walk on such as wood, concrete, etc.”

Suggested addition – “patio” – may be defined as “an outdoor space adjoining a residence, typically paved”

Suggested addition – “short-term transient rental” – rental of any ??? or part thereof for any 29-day period or less is considered a commercial business

“Lot width” – suggested addition “or parallel to the main/front street”

“low density housing” – change “out buildings” to “accessory buildings”

Suggested addition – “primary use/principal use”

“structural alteration” – suggested that “load-bearing walls” could be used instead of “walls”; additional thought should be given to this definition

“temporary use” – suggested that the length of time could be determined by the Board of Trustees (BoT also approves the temporary use permit)

Public comments: Suzy Metzler, Sara Gibb

Comments from Chairman Brian Holt ready by ZB member Jesse Garetson – be ready to discuss sections 4-12 next month

Clerk Sara Gibb will find out if it is within her scope to re-draft the zoning code with editing marks, etc.

ZB member Ramon Reed suggests striking everything in section 17 following “building permit fees:” and replace it with “and shall be as listed in the Town’s fee schedule”

ZB member Ramon Reed will provide Clerk Sara Gibb with a hard copy of the fee schedule, which he believes was adopted in 2015.

**ADJOURN: Meeting adjourned at 9:33 pm**