

PLANNING AND ZONING COMMISSION
Public Hearing/Regular Meeting

The Lyme Planning & Zoning Commission held a public hearing/regular meeting on Monday, December 14, 2009 at 7:30 p.m. at the Lyme Town Hall, 480 Hamburg Road, Lyme, CT, 06371

MEMBERS PRESENT: David Tiffany Chairman, Hunter Ward, Steve Mattson, Bob Winslow, Joan Rich, Kelvin Tyler, Attorney Mike Carey, Bernie Gigliotti ZEO and Patsy Turner Secretary.

Public Hearing

An application for a special permit for the construction of a pool, patio and pool house complex on the Connecticut River at the home of Trevor and Melissa Fetter, 33-3 Joshua Lane; Tax Map 18, Lot 7. The combined total floor area of the complex and existing buildings is in excess of 4000 Sq ft.

Present at the meeting was Chris Caulfield to represent Trevor and Melissa Fetter.

Caulfield: The special permit is to construct a pool, patio and pool house. There was an informal meeting where the location of the pool area was discussed; the Inland/Wetlands Commission viewed that same plan and their concerns was with the proximity to the wetlands, the pool and patio plan were relocated closer to the home. The Wetlands approval was received. There is an existing courtyard off the driveway. The pool terrace will be relocated to the area near the house; the pool shed will be approximately 15 feet above the pool terrace. The terrace plans are similar to the previous plan viewed by the commission.

Tiffany: The plans do not show lighting on the details.

Caulfield: There are no plans to have lighting; there will be a light within the pool house.

Tiffany: The walkway will not have lights.

Caulfield: The applicants are not in favor of lighting, if there were to be any lights install they would be placed on the steps only. Included in the documents before the commission are many different drawings showing separate views. There are plans to relocate trees (approximately 8 inch in caliper) on the property and additional plantings will be added.

Tyler: The Inland/wetlands Commission's suggestions have promoted the relocation of the construction.

Tiffany to Gigliotti: There is wetlands approval, were there any written correspondence from public received.

Gigliotti: The wetlands approval was received and there were no letters received.

Caulfield: The height of the retaining walls will be no higher than 6 feet; the elevation is approximately 23 feet.

Tiffany: The heights come in under the regulations.

Tiffany: The buildings measurements are over the regulated amount due to the pool house.

Gigliotti: The home is already at the 4,000 sq.ft; the shed is 10' X 10'. The information has been reviewed; once the construction is completed the pool area will blend into the surroundings nicely.

Caulfield: The siding on the shed will be natural barn siding.

Tiffany: A letter from the Lyme Land Trust was submitted by a public member present; the letter was dated December 14th, the letter states there are no objections to the plan.

The public hearing (Fetter special permit) was closed and the regular meeting for the Trevor and Melissa Fetter application was opened at 7:42 p.m.

Regular Meeting

Trevor and Melissa Fetter 33-3 Joshua Lane; Tax Map 18, Lot 7, a special permit for the construction of a pool, patio and pool house complex.

Tyler motioned to accept the proposal and grant the special exception as presented (step lighting only).

The motion was moved by Ward, seconded by Winslow, and passed unanimously.

Tiffany: The regular meeting was held open and the public hearing was reopened at 7:45 p.m.

Public Hearing

An application for a special permit for the construction of enlarged and modified dock facilities on Hamburg Cove at the property of Reynolds Garage and Marine Inc., 264 Hamburg Road; Tax Map 27, Lot 23.

Present at the meeting were Gary Reynolds, Thomas Reynolds, Hayden Reynolds, Kathryn Wayland, and Keith Neilson, Docko Inc.

Neilson: The application document before the commission was prepared by Docko Inc. the special permit is for the construction at Reynolds Garage and Marine Inc. The return receipts from neighboring property owners were handed to Gigliotti.

Gigliotti: The receipts from abutting neighbors were all received.

Neilson: The project being presented will incorporate dredging of approximately 6,000 yards of material, new floating docks (replacement of fixed pier), tie-off piles for moorings, and drainage updates to the site. The boundary surveys were prepared by Richard Gates of Ivoryton, Ct. The existing site plan was used to explain the areas involved in this project; the Gerber home is to the north of the area and the island is to the west. The US Core of Engineers and the DEP have issued their permits for the project, which are included in the packets in the application. There are three sections (pointed out on the plans) of the bulkheads which will be installed during the project to stabilize the banks. The entire project is within the Waterfront Zone; the operation of the marina has been in use for 70 years and is a water dependant use. The flood maps and SCS soil types are included in the application. The installations of the steel bulkheads have started. An area of the site will be used for temporary dewatering of the dredged material; the material will be trucked off site to (proposed) Sankow's Farm of Beaver Brook Road. There are two drainage systems on site; 1) on the south edge of the property and 2) part of a DOT drainage usage across the property. Detailed on the plan are location maps, regulation reference notes, erosion & sediment control, and list of adjoining property owners. The second plan being presented is the Development Plan; outlined in Blue are the areas to be dredged, some dredging will be done by land and the balance will be done from a barge. The material being dredged will be placed in a

temporary dewatering berm. The materials are marine silt and gravel; hay bails will be placed around the off loading area and the temporary dewatering area. The area is within the FEMA flood zone. There will three floating dock areas created; 1) along the east face of the island, 2) the north end of the channel, and 3) the south end of the facility. The wetlands have been flagged by Rich Snarski, those areas will be avoided during the construction and dredging; to the north there were plant species of special concern found, dredging and boat birthing will be done only on the west side of the floating dock. The dredging will benefit the patrons of Reynolds Marine and boaters traveling up the channel. The docks and ramps will be manufactured off site. Parking for marine operates consists of 30 parking areas. There are seasonal restrictions for the dredging; most work will be done between October and December. As a result of the project approx. 40 slips located on the property; parking will be accommodated on the site, approx. 30 parking area. The removal of 7,000 cubic yards will be removed over time which will calculate to 700 trips with trucks removing the material over years of time; the truck travel will not impede the normal traffic in the area. There are no proposals for new lighting other than 25 watts fixtures attached to the power posts. The documents prepared include a narrative to clearly document all the information being presented. The proposal is summarized on the final pages of the document. This special permit is to allow more efficient operation of the marina. The landscaping will be minimal; branch trimming will occur to allow access for project. The DOT drainage will be altered by Reynolds; sediment traps will be created and will be maintained by Reynolds Marine, the traps will be easily emptied by small equipment. The natural resource areas on the site will be avoided. The zoning requirements have been followed, public safety has been preserved in the development plan, and the impact on the environment has been considered. A coastal site plan was prepared for the commission's viewing. The summary included in the application states the project has no adverse effect on the navigation, public access, and does not change water flow & circulation patterns. A copy of an e-mail from the DEP was entered into the record; physical contact use does not exceed the criteria and the material will not affect ground water.

Winslow: There are currently 30 slips at the facility.

Neilson: The increase will be about 10 slips, which will bring the total to approx. 40 slips; the ability to dock more or less is determined by the size of the boat. The smaller boats will be docked to the northerly end of the marina. The distance between the fixed pier and the floating dock to the north will be approx. 50 feet; with boats tied to the dock the travel lane would vary from approx. 25 feet to 15 feet wide.

Tyler: The DEP dictates a minimum which is required for passage.

Neilson: The general standard is not met with this facility; birthing facility should be kept at 25% on either side. There is no numerical standard to be kept open.

Gigliotti: There are no requirements for two boats passing.

Neilson: This area is not a high traveled area and the area has no line a sight encumbrance.

G. Reynolds: Larger boats will not be docked at the narrow area of the channel; there would not be enough room to turn the boat, it is self limiting. The project consists of rehabilitating existing dockage and bulkheads; the areas exist but are being created in a different format.

T. Reynolds: The goal is to dock larger boats on the southerly location.

Tyler: The sedimentation collection area will be maintained by the State.

Neilson: The State will not be maintaining the collection site; Reynolds Marine will be responsible for the up keep.

West: Contaminates in the spoils being dredged; the DEP has stated the spoils can be touched.

Neilson: The DEP human contact exposure limits have been met; the spoils have no threat to ground water quality, the DEP has suggested not raising sheep (the data for raising sheep has not been studied) down hill from the spoils being relocated. The spoils are suitable for creating top soil. The spoils will be transported to Sankow Farm to reclaim pastures on the farm. The testing report of the material is in the application documents.

West: One hundred percent of the dredging is going to the approved site.

Tiffany: The letter entered into the record states that the material is acceptable to be placed at Sankow Farm on Beaver Brook Road.

Carlene Gerber to Neilson: The dock permit on our property has the capacity to hold up to 30 slips if the choice to develop to a commercial property. The commercial value of the property to the north of the Reynolds' property should be protected without narrowing the area.

Neilson: The dock facility to the north is 50 feet from the bulkhead on the west; the western floating dock could be shortened on the north end to protect the travel lane.

Gerber: The property to the north could be developed into a marina, also.

Winslow: At the farthest north floating dock it will narrow the area to approx. 42 feet.

Tyler: The condition of the area as it exists to the north measures today.

Neilson: The area presently measures 50 feet.

Neilson: The water level at the property line is approx. 3 feet at low tide.

G. Reynolds: Low tide is 3 feet; after the flood in 1982, the tide follows the west side of the Cove.

Gerber: Our property could be dredged for a marina.

Tiffany: If the Reynolds were not dredging their marina the Gerber water would not be accessible.

Gerber: The dredging is a plus for our property.

Tyler: Will the dredging cause sedimentation to deposit farther up the channel.

G. Reynolds: The channel has not been dredged since 1950.

Tiffany: The project will continue on for years.

G. Reynolds: The DEP restriction limit the time which dredging can occur; restrictions are for eagles and fish located in the area. The project will take at least 3 years. The dredging will be done in small increments and the dewatered piles will be removed within the restricted time.

Tyler: The dewatering will not impact the parking.

Mattson: Slips are being added to the facility with a half a parking space per slip; the space being created for parking is taking away from an area otherwise used for something else.

G. Reynolds: The dewatering will occur during the off season of the marina; the addition is approximately 10 spaces. During the winter the boats are stored on the property and/or off site at the boat owner's homes.

Gigliotti: The dredge material will be dry when being trucked off site. The concern is that the material will seep from the truck onto Route 156; the spoils will be damp as to keep dust down.

Neilson: The dredge material will have the consistency of a wet sand pile.

Member of public present questioned the breakdown of the material from the DEP and can the public view the list of materials.

Neilson: The list of materials is part of the application. The area on Sankow Farm where the material will be deposited will be several 100 yards from any well and 200 feet north of the brook on the farm.

Donna Sisk: The location for the material well deficiently be placed at the Sankow Farm; will the placement of the material be overseen by someone.

Tiffany: The depositing of material on Sankow Farm is part of the application and will be monitored by Gigliotti, ZEO.

George Willauer: The letter states "free use."

Neilson: The material will be reused on the Sankow Farm as to restore the property.

Tinker Willauer: The Sankow information will be presented at this meeting.

Tiffany: The Reynolds public hearing will be left open and then the commission will move forward into the Sankow application.

Carey: The Sankow public hearing can be opened with an agreement from the applicants that the information from the dredging application can be incorporated into the Sankow application.

Tiffany called for questions from Gigliotti and the public present.

Gigliotti: All questions were addressed.

Gerber: The worry is that the Zoning Board has asked for things to be done in the past, which have not been taken care of; the project will be self enforced. There are zoning regulations which need to be followed by all public in town; old issues have not been addressed with the property involved in this application.

G. Reynolds: The lighting shields on the property preexist any regulations; the business tries their best to do the things which are asked.

Tiffany entered into the record letters from previous meetings addressing the issues being discussed. Letters entered dated-June 2006, Sept., 2006, March 2007, May 2007, and October 2007.

T. Reynolds: The letters and issues have nothing to do with the dredging application.

Tiffany: The Zoning Regulations states that any outstanding issues be addressed before any new permits are approved. The issues are just being re-brought to the applicant's attention.

Carey: The applicant can indicate whether it proposes to comply with the outstanding issues; Section 10.3.2 of the regulation was read into the record. Previous meeting minutes have been reviewed; these issues have resulted from a as-built plan, after work was completed without permits. Agreements were made and have not been completed.

T. Reynolds: The screening and buffers have been completed.

K. Wayland: The discussions have to do with two separate properties.

Carey: None of what is being discussed has to do with the property across the street from the dealership.

Tiffany: The curbs in the parking lot are one of the issues.

Carey: The curbs were not intended to be placed at many different angles.

Tiffany: The issues need to be resolved.

K. Wayland: The intent should be in writing.

Tiffany: The information has been put in writing. The curbing was discussed.

H. Reynolds: It was discussed that the curbs would not be permanently placed due to snow removal issues.

Tiffany: It was stated the cars would drive over the curbs.

H. Reynolds: No cars go off pavement.

Carey: The approval of the as-built plan could be revoked and the 30 feet of encroaching pavement could be removed to restore the buffer.

Tiffany: These issues have been before the commission numerous times and promises were made, individual meetings have taken place, these issues are minor and can be addresses as to make the commission and neighbors happy. The project is being held up by small issues.

G. Reynolds: A total of six trees were planted to restore the buffer; Gigliotti was out to the property to view the trees.

Rich: These issues call for a new site visit.

Wayland: The trees have been planted along the dealership parking area.

Gigliotti: Does not recall the viewing of the trees; Reynolds' has stated the area was viewed.

Tiffany: These issues need to be resolved; there has been a list of issues for two years.

Wayland: These issues are frustrating.

Tyler: The commission members are frustrated, too.

Tiffany: The special permit application is for a substantial project, this could move forward if the issues were just addressed.

Rich: The history undermines confidence that the project will be done in the right manner.

G. Reynolds: The dealership and marina are very presentable. Offense is being taken.

Wayland: The thought was that the issues have been addressed.

Rich: The site will be reviewed.

Tiffany: The game will continue until the work is completed in compliance with the regulations. There are other ways to deal with these issues.

Carey: There is a disagreement between the Reynolds and the commission whether or not the issues have been addressed. The curbs/bollards have been required to protect the buffer between the properties; the regulations call for a suitable buffer between a commercial and residential property. The minutes from previous meetings were referred to. The impression is that the commission is ready to move forward and is content with the plan, in principal, for the dredging permit. The outstanding issues need to be resolved, to satisfy everyone involved.

Tiffany: There are a few items which need to be addressed (curbing and lighting).

T. Reynolds: CL&P has changed the lighting two years ago on the dealership parking lot.

Tiffany: The Zoning Regulations do not allow lighting to enter other people's property. The new parking lot shows a great example of proper light use.

T. Reynolds: The lights on the parking lot have been in place since before 1969.

Carey: The lights were shown on a site plan submitted in 2000; which became subject to the commission's authority to regulate.

T. Reynolds: CL&P has been out to the property to change the lighting.

Wayland: The corner of the property is dark and the neighbor's property is shielded by the shrubbery.

Tyler: The list can be created; a site walk will take place during the day and at night.

Tiffany: The commission has worked with the Reynolds numerous times to try to solve the issues. The goal is to have the applicants in full compliance with the regulations.

T. Reynolds: There is a disagreement on what needs to be done; a site walk should be scheduled.

Carey: Schedule a site walk and continue the public hearing; the site walk will be open to the public.

T. Reynolds: This has to get resolved once and for all; this is all up to interpretations.

Gigliotti: The as-built site plan shows the property line.

Carey suggested different types of curbing and markers to protect the buffer.

T. Reynolds: The snow piling has been relocated on the property; changes have been made to help accommodate the commission.

West: The site walk should include the property line between the Reynolds and West.

Carey: The West property is not germane to this application.

Discussions continued between the commission and Reynolds as to what will be addressed on the site walk.

Tiffany: Site walk was scheduled for Wednesday, January 6th at 4:00 p.m.

Tiffany: The public hearing for Reynolds will be held open and Sankow public hearing was opened.

An application by Stanley J. Sankow and Suzanne Sankow 139 Beaver Brook Road; Tax Map 37, Lot 19, for a special permit for the deposition of dredged material from the proposed dredging operation of Reynolds Garage and Marine Inc. The amount of material is approximately 7000 cubic yards.

Present at the meeting was Keith Neilson, Docko Inc. to represent Stanley and Suzanne Sankow.

Gigliotti: The return receipts from abutting neighbors were received and the receipts were all counted for.

Neilson: The documents before the commission have been prepared by Docko Inc. for the disposal of the dredged material from Reynolds' Marine onto the Sankow Farm. It was requested of Gigliotti to waive the site plan requirement, once a specific location was chosen for the material, due to the size of the property and Rich Snarski has viewed the property. The plan has been prepared from the assessor's map and the wetlands' map for the Town of Lyme.

Tiffany: The previous public hearing was incorporated into the Sankow public hearing, as agreed by the Reynolds' applicants.

Neilson: The DEP has viewed the testing result and the Sankow property was determined a suitable property for this operation. The location of the of the material will be 200 foot setback from Beaver Brook Road and 100 foot setback from wetlands; the site is pre-disturbed. The chosen area was calculated to be 200 foot square and approx. 7 to 8 feet high. The area will be graded as to create an earth berm; ramps will be placed in the area to avoid destroying the berm. The existing site material on the farm consists of three types of Hinckley soils which will allow free draining of the spoils. The spoils meet the human exposure and ground water permeability; the area is a safe and suitable area for the stock piling of the material. The site location was viewed by Gigliotti. The gravel pit is an on going active site. The 700 truck loads of dredged material will continue for years until the project at Reynolds' Marine comes to an end. The application complies with the Zoning Regulations; setbacks have been established with Rich Snarski, depositing of material is in harmony with a gravel pit, public safety will not be an issue, and there will not be an issue with impact of the truck travel.

Tyler: The property is an on going gravel pit; the spoils will remain on the property indefinitely and/or is there an issue with the soils being used on other properties.

Neilson: From the human exposure standpoint the DEP has stated there are no issues with the material; the salt level was one concern.

Member of Public present: The DEP has stated the material should not be incorporated into other soils due to the salinity; the intent is to use the material as top soil.

Neilson: The intent was for the material to be stored on Sankow Farm and then incorporated into topsoil to be used on the property for restoration of pastures; the DEP did not rule on whether the material will have an impact on sheep farming.

Ward: The details of the spoils are in the application.

Neilson: The chemical analysis is included in the application document.

G. Willauer to Neilson: The location of the depositing of the spoils can be depicted on the map.

Neilson: The property was described by using the map included in the application, there are photographs showing the location.

Tyler: There is nothing in the application which states the material will not be removed from the property.

Tiffany: The material could stay on site for restoration product of the gravel pit.

Neilson: A restriction may be placed on the material as to not allow the product to leave the property.

Winslow: If the material is brought off site it could affect ground water.

Neilson handed copies of the Lyme Flood Plain Maps to the commission members to be entered into the application document. The (FEMA) Flood Insurance Rate Map has been incorporated in the plans as to calculate the location of the 150 setback area.

Mattson: The material being removed from the Cove will consist of gravel; will other materials be removed such as old pilings or wood, if so where will it be stored.

Neilson: The material being dredged will be 10 % silts, 50 % sands, 40 % gravel, stones and twigs; any material being removed will be brought to Sankow Farm. The piles, if any, will not be brought to the farm. There is no fragmyties located in the area; celery grass was located in the area and is shown on the map. Any timber being removed from the Cove would be kept separate.

T. Reynolds: The timbers would be placed in a dumpster and trucked off site due the cresol.

G. Reynolds: Most of the old piles will be reused as batter piles.

Willauer: The long term plan for the Sankow Farm restoration is documented for public viewing.

Tiffany: The restoration plan is not germane to this application.

Willauer: As neighbors the area will be viewed from our property.

Tiffany called for input from the commission.

Carey: The Sankow public hearing should be left open due to the Reynolds public hearing being held open; things may evolve which could affect both applications.

Tiffany: The information being presented is very well thought out; there are just a few questions for the applicant to answer before the next meeting.

Sisk: The neighbors have the right to know if the material will stay in place on the farm and not moved around.

Gigliotti: There are concerns being voice by the neighbors with the restoration of the gravel pit; details of the areas which have been restored and the area to be reclaimed could be outlined. There has been a large area near the brook which has been reclaimed.

Neilson: There are not detailed survey maps to go by; the details will be worked out by next meeting.

Tiffany: The Sankow special permit will be tabled until next meeting. The regular meeting was reopened at 9:26 p.m.

Regular Meeting

Reynolds Garage and Marine Inc. 264 Hamburg Road; Tax Map 27, Lot 23, a special permit for construction of enlarged and expanded dock facilities on Hamburg Road.

Tiffany: Carey has reviewed the information; enforcement strategies should be discussed during an executive session. There are four or five items which are of concern.

Gigliotti: A list of the items will be condensed to one letter and sent to the applicants.

Tiffany: The Reynolds information will be continued until next month.

Stanley J. Sankow and Suzanne Sankow 139 Beaver Brook Road; Tax Map 37, Lot 19, a special permit for the deposition of dredged material from the proposed dredging operation at Reynolds Garage and Marina Inc.

Tiffany: The Sankow information will be continued until next month.

Old Business

Report from Attorney Mike Carey on the results of his review of the Ashlawn Farm and Reynolds Garage and Marine Inc. compliance issues.

Carey: A letter has been created summarizing the findings from files and discussions with Gigliotti. The executive summary of the report is that there are no violations of permits at Ashlawn Farm at this time; signage and parking are the issues. There was an inadvertently omission in 2002; that permit application #1154 was never signed. The previous Zoning Enforcement Officer was in the process of turning the job over to Gigliotti. The application to the Zoning Board of Appeals for a special permit to modify the coffee building in 2004; the Farmers Market was permitted in July 2002. The concerns from the abutting neighbors are that a host of activities over exceed the special permit and the Farmers Market is exceeding the permit with the hours of operation and the types of goods sold on premise. When the application was submitted in July of 2002; there was a statement removed (the market would run from 3 to 6 on Fridays); the intention was to eliminate the limitation on the Fridays and 3 to 6. There was discussion during the ZBA meeting about the permit being open ended if it were granted and was applied to three different concepts; 1) the permit would run with the land, 2) in terms of the time of operations, and 3) the goods being sold at the market. Dahlke had stated at the time that each vendor received at set of rules and regulations to govern their conduct. The rules and regulations were attached to the approval. The products being sold are covered under the regulations. Gigliotti has the authority to monitor the goods being sold. The rules and regulations list products which can be sold; the attachment was received to control the type of goods being sold. The rules and regulations were read into the record.

Rich: Was there a limit to the amount of property which can be used for the Farmers Market.

Carey: A sketch plan of the area to be used was submitted to Gigliotti. The owners sold the development right, which limits the operation to within the 4 acres.

Tiffany questioned Gigliotti if there are items being sold which are outside the limits.

Gigliotti: There are items being sold which are outside the limits, but can be up for debate.

Carey: The rules and regulations attached to the permit apply to the Farmers Market, not what items would be sold in the coffee shop. When the permit was approved in 2004 for modification it encompassed the activities of which the neighbors complained; the complaints are beyond Gigliotti discretion. Based on the review of the records, Gigliotti's current position can be supported and there are no legal obligations to issue a cease and desist order. The purpose of the final paragraph in the letter is to advise the

commission. There will be a need to have a clear conclusion to any issue started by Gigliotti; there will be a need for a new modification permit for the Farmers Market.

Tiffany: To make a modification to the Farmers Market a new special permit application would be required.

Carey: The parking layout is part of the original modification, if changes were to be made by the applicants, it would have to come before the commission for modification to the special permit. The ZBA approved the special exception; the zoning regulations were created at the time of approval for that zone. The commission may want to create a regulation which addresses Farmers Markets within certain zones.

Tiffany: The letter written by Carey reflects the status of the issues.

Carey: Gigliotti's determination is that nothing over exceeds the permit; there are things people may disagree about. Gigliotti could view new vendors being added to the market.

Mattson: According to the interruption the Farmers Market could run 7 days a week, 10 hour days with no problem.

Carey: The hours were removed from the permit; a Farmers Market is intended to run a few days a week and as a seasonal operation.

Tyler: When the rules and regulations were accepted the time was included.

Carey: The approved permit stated that the market would open June 14, 2002 and closing date would be October 2002; the intent was to run the market for longer than one season.

Carey: The minutes from the ZBA 2002 meeting was read into the record.

Winslow: The intent was to describe the type of product being sold at the Farmers Market.

Carey: A transcript was created by Turner from the original tapes of the ZBA meeting; the section of the transcript was read into the record. This commission is left with what the ZBA did and acted on at the time, more details would have been required. The original approval of the Farmers Market will run with the property. The intent was not to have the market operate 7 days a week. Gigliotti did issue a cease and desist in the Fall of 2008 due to extending past seasonal time of operation.

Attorney Bennet requested a copy of the transcript and copy of the tape for his record.

Reynolds

Gigliotti: The site walk will hopefully address the outstanding issues.

Carey: There are other avenues which the commission can follow if the applicants are not willing to comply.

Mattson: Will the parking area across the street from the dealership be included in the discussions on the site walk.

Carey: That lot is not part of the application.

Gigliotti: The noncompliance issues will be discussed on the site walk.

A discussion about the parking at the separate lot continued between the commission members.

West: The West's and Reynolds' property boundary could be viewed during the site walk.

Gigliotti: The position that the commission has taken with this issue is that West will have to take the complaints up with Reynolds; two years ago a limit had been reached with

Reynolds and there was a need for backing from the commission. The permission to enter the property was always granted from Reynolds.

Carey: From reviewing the file, the commission had sent a letter stating that the area on his property should not be added to in the way of material and the area was to be left as is; the removal of the material on site would do more damage.

Tiffany: It is very difficult to gage what material is new material and what material was supposedly recently added.

Carey: Gigliotti will have to revisit the property and photographs could be taken with Reynolds permission.

A mixed conversation continued between the commission members.

New Business

To satisfy statutory requirements, approve meeting dates for 2010.

Tiffany motion to approve the schedule of the Planning and Zoning Commission's meeting dates for 2010.

The motion was moved by Mattson, seconded by Tyler, and was passed by all members present.

APPROVAL OF OUTSTANDING MINUTES

Tiffany entertained a motion to approve the minutes of the November 9, 2009 public hearing/regular meeting.

The motion to approve the minutes was moved by Rich, seconded by Mattson, and passed unanimously.

A motion to adjourn at 10:16 p.m. was moved by Rich, seconded by Tyler, and the motion was carried.

Respectfully submitted,

Patsy Turner, Secretary