

**Planning Commission
Meeting Minutes
January 25, 2021**

ATTENDANCE: Henry Barrett, Ben Malesh, Julie Rachel, Tim Myers, Dianna Battaglia, Amanda Paoletti

Meeting called to order at 6:30 p.m.

APPROVAL OF MINUTES:

The minutes for the November 16, 2020 meeting were unanimously approved.

New Business:

Consideration of a Proposed Text Amendment: Chapter 84 of Town Code Zoning Ordinance

Ms. Dianna Battaglia provided background information on the proposed change. She indicated that the proposed text amendment was brought before the Planning Commission because Perryville Station wished to subdivide the Dunkin Donuts and adjacent parcel from the remainder of the parcel. In doing so, the lots would not meet the current requirements of the Zoning Ordinance for a lot in the C-2 district. It had been recommended that the shopping center could submit under a highway corridor unit. It was found that this particular section of the code did not have any flexibility for the lot size. The Town attorney developed a proposed text amendment that would provide flexibility to guide the Planning Commission to move forward.

Ms. Battaglia noted that she did not like to make an amendment to the code that was strictly based upon one application. She also noted that there were provisions that allowed the subdivision under the Unified Development, such as the Relax Inn property, but they were able to meet minimum lot requirements. She stated that 50% of the lot requirement would not work for Perryville Station and that the developer asked if we could consider reducing it.

Ms. Battaglia questioned if 40% was appropriate simply because it works for Perryville Station. She stated that she wanted the Planning Commissions input on the provision to determine how we should move forward.

Ms. Julie Rachel asked for clarification on which two parcels were going to be subdivided off. Ms. Battaglia further explained that it was Dunkin Donuts and the vacant parcel directly adjacent to Dunkin Donuts. She stated that the developer wanted to break those two parcels out so that they can be sold separately. Ms. Battaglia noted that she believed they have a potential buyer for the vacant lot, which may be the driver for the potential subdivision, but the complete details had not been provided.

Ms. Battaglia noted that the Mayor was not fond of the idea of subdividing the parcels out because once it is broken up and sold, then the buyers would most likely not be town residents and have no interest in the Town. She also noted that there was a commonality for the overall parcel such as stormwater.

Ms. Battaglia stated that it wasn't the intention for the Unified Development wasn't to provide a bunch of tiny lots along Route 40.

Ms. Rachel asked if Dunkin Donuts would lose some of their lot with this proposal. Ms. Battaglia clarified that they would not, it just doesn't meet the 50% of the lot size requirement. It would only meet the requirement for the lot requirement if our requirement was lowered to 40%.

Ms. Battaglia noted that a final decision did not have to made tonight.

Ms. Rachel stated that she did not know a good reason to amend the text and that she feels similar to the mayor.

Mr. Barrett asked for clarification for the location of the vacant lot. He was concerned that it was not a very large area. Ms. Battaglia further described the grassy area that is known as Pad Site B.

Mr. Tim Myers was curious about the 40% and 50% requirement. He was asking if it meant 40 or 50% of 40,000 square feet. He also noted the required width and depth of the parcel. Ms. Battaglia further explained the requirement of the lot width and depth and that the minimum lot requirement is not determined by the width and depth. She stated that the Highway Corridor district provides some flexibility to the lot width requirement.

Ms. Battaglia stated the Corridor original development looked as if it was originally designed to be broken apart, but none of the staff was around for the initial development to confirm this. She stated that the new owner of the shopping center wants to subdivide, but they would require this text amendment.

She reminded the Planning Commission that every property that comes through the Highway Corridor provision must be approved by the Planning Commission. She questioned the Commission how far they wanted the flexibility to go, noting that 40% is a 16,000 square foot lot.

Mr. Myers noted that he wanted to resist the look of up and down Route 40 with small lot after small lot lined up and down the road with a bunch of small abandoned shacks. He stated that he understands their flexibility request for now, but what happens 50 years from now?

Ms. Battaglia noted that no additional entrances off of Route 40 would be permitted for this particular development if the 40% was approved.

Mr. Myers asked how they could guarantee access to the property. Ms. Battaglia stated that there would need to be a document for the overall development that lays out the maintenance and upkeep of parking lots, entrance road, and stormwater. Something similar to a homeowner's association would need to handle these issues.

Mr. Malesh stated that he doesn't believe that the potential benefit doesn't equate the potential risk. He noted that he is against the proposed text amendment.

Ms. Battaglia agreed and worries about future ramifications.

Mr. Myers indicated that he agreed with the Mayor and that the amendment is short sighted.

Ms. Rachel brought up the issue of the parking lot maintenance. She wanted to know how to address the pothole and painting issues. Ms. Battaglia indicated that the Planning Office would look into it and contact the property owner. Discussion ensued regarding various parking lot concerns.

Mr. Barrett stated that the amendment would promote choppy development and that he did not see the benefit of the text amendment. He stated that he thought it was not a benefit to Food Lion as the anchor store. He stated that the text amendment doesn't seem to be consistent with what the Town was trying to achieve.

Ms. Battaglia noted that the current owner has done this at other locations to provide multiple owners for shopping centers. She indicated that if Food Lion left this site that the Town would be in trouble. She provided the Planning Commission with past information that the owner originally wanted to subdivide off all of the stores, but it did not meet the road frontage requirements. She told the Planning Commission that we want to attract development but we don't want to take away what makes us a Town.

Ms. Battaglia clarified that the Planning Commission did not want to move forward with the Text Amendment because it does not meet the objectives of the Town. Mr. Barrett asked if a vote was necessary. Ms. Battaglia stated that no vote was necessary, but noted that there was a common consensus that the change to text wasn't favorable.

Tim Myers stated that no motion was necessary. No further discussion was provided on the topic.

General Discussion:

General Discussion commenced with discussion in regards to updates for projects in the town, including 5th Company Brewing.

Ms. Rachel also noted that she had heard Pure Vida Yoga would be moving to Perryville Station. Ms. Battaglia stated that she had been asked about that, but was not sure at this point.

Ms. Battaglia noted that if that was the case, there would only be two vacancies at Perryville Station.

Adjournment:

Without objection the Planning Commission meeting adjourned at 7:20 p.m.

Respectfully Submitted,

Amanda M. Paoletti
Planning Coordinator