

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

AUGUST 6, 2002

A meeting of the Planning and Economic Development Committee was held on Tuesday, August 6, 2002 at 7:03 p.m. in the Aldermanic Chamber

Chairman Brian S. McCarthy presided.

Members of the Committee present: Alderman Scott A. Cote, Vice Chair  
Alderman Kevin McAfee  
Alderman Timothy B. Nickerson  
Alderman Lori Cardin

Also in Attendance: Alderman-at-Large Frederick Britton  
Alderman-at-Large Paula I. Johnson  
Mike Lowe, Planning Board Liaison  
Roger Houston, Director/Manager Planning Department  
Mike Yeomans, Deputy Planning Manager/Development

Chair McCarthy

Alderman Johnson do you have a specific issue you want to get an answer to?

Alderman Johnson

I just wanted to find out exactly what is being changed in the language on the flood plain.

Chair McCarthy

Mr. Houston can you address exactly what the change is? I don't have the legislation in front of me. It just changes the dates of the maps that are referenced is that correct?

Roger Houston

And one other addition. It also says "FEMA or its successor agency".

Alderman Johnson

I think that answers it. I just wanted to see what the change was because I wasn't too sure

because I had gone into my zoning book yesterday for something else and I happened to hear them saying what is the change here. I am satisfied. Thank you.

Roger Houston

I could elaborate further if you like. The maps across the nation – FEMA developed a different set of maps and as such we need to refer to those maps with any flood insurance question that comes in before this city. Why we worded the ordinance this time – although we administratively interpret any new map that FEMA or the federal government comes out with is the map that we use administratively – our ordinance is a little unclear in that light so we wanted to specifically state any amendments in the future that they make will apply so we don't jeopardize our standing as flood insurance community. It does save any residents or owners of land that are next to a flood plain considerably in their flood insurance for their property or homes. Without this ordinance in place their premiums would, I have been told, double if not more.

Chair McCarthy

This should be the last time we have to do this then?

Roger Houston

I hope so, but I would never say never.

Chair McCarthy

Right.

## COMMUNICATIONS

From: Roger L. Houston, Planning Director

Re: Planning Board's Favorable Recommendation – O-02-61, as Amended

MOTION BY ALDERMAN MCAFEE TO ACCEPT AND PLACE ON FILE  
MOTION CARRIED

From: Roger L. Houston, Planning Director

Re: Planning Board's Favorable Recommendation – O-02-85

MOTION BY ALDERMAN CARDIN TO ACCEPT AND PLACE ON FILE  
MOTION CARRIED

UNFINISHED BUSINESS – RESOLUTIONS – None

UNFINISHED BUSINESS – ORDINANCES

O-02-85

Endorser: Mayor Bernard A. Streeter

AMending the language describing flood plain district delineation

MOTION BY ALDERMAN CARDIN TO RECOMMEND FINAL PASSAGE  
MOTION CARRIED

NEW BUSINESS – RESOLUTIONS - None

NEW BUSINESS – ORDINANCES – None

MOTION BY ALDERMAN COTE TO TAKE FROM THE TABLE O-02-61  
MOTION CARRIED

O-02-61

Endorser: Alderman Scott A. Cote

AMENDING THE ZONING ORDINANCE TO REGULATE GLARE AND OTHER  
ADVERSE IMPACTS OF OUTDOOR LIGHTING

Chair McCarthy

I actually have a handout, which reflects the discussion we had at the last committee meeting.

The amendment that is in front of you makes the two changes we had discussed at the last meeting, which is to make the definition of light trespass a definition, and to move the regulatory portion into the regulation part of the ordinance. Also as we had discussed on the third page it is in Paragraph 6, which should actually be Paragraph 7 – luminaries used for lighting areas used exclusively or primarily for outdoor recreation may be mounted at any height, which was the consensus from the discussions we had on recreation areas.

Alderman Cote

Could you just tell me again where the other two amendments were?

Chair McCarthy

The other amendments were under definitions – changing the definition of light trespass to be shining of light, which exceeds 0.2 foot candles at the property line, or surrounding property. In (d) – Control of Glare – Luminaire Design Factors the addition of “shall be designed and installed so as to prevent light trespass. Then there is a corresponding addition of a definition in the site plan section on the next to the last page.

Alderman Cote

Light trespass that is there?

Chair McCarthy

Yes. The paragraph 16 on the page after that also.

MOTION BY ALDERMAN COTE TO RECOMMEND TO AMEND O-02-61 AS FOLLWOS: ON PAGE 2, UNDER DEFINITIONS, THE DEFINITION OF LIGHT TRESPASS SHALL NOW READ "THE SHINING OF LIGHT PRODUCED BY ANY LUMINAIRE BEYOND THE BOUNDARIES OF A PROPERTY ON WHICH IT IS LOCATED AT A LEVEL WHICH EXCEEDS 0.2 FOOT CANDLES AT THE PROPERTY LINE OR ANY SURROUNDING PROPERTY", UNDER (D) CONTROL OF GLARE – LUMINAIRE DESIGN FACTORS, ON PAGE 2, PARAGRAPH (1) TO ADD THE FOLLOWING TO THE LAST PORTION OF THE SENTENCE "SHALL BE DESIGNED AND INSTALLED SO AS TO PREVENT LIGHT TRESPASS", ON PAGE 3, UNDER EXCEPTIONS, ADD PARAGRAPH (7) THAT SAYS "LUMINAIRES USED FOR THE LIGHTING OF AREAS USED EXCLUSIVELY OR PRIMARILY FOR OUTDOOR RECREATION MAY BE MOUNTED AT ANY HEIGHT.", ON PAGE 4, UNDER CHAPTER 16 PLANNING, ADDING A PARAGRAPH "LIGHT TRESPASS" THAT SAYS "THE SHINING OF LIGHT PRODUCED BY A LUMINAIRE BEYOND THE BOUNCDARIES OF THE PROPERTY ON WHICH IT IS LOCATED AT A LEVEL WHICH EXCEEDS 0.2 FOOT CANDLES AT THE PROPERTY LINE OR ON ANY SURROUNDING PROPERTY.", AND ON PAGE 4, FURTHER AMENDING CHAPTER 16 ARTICLE 6 SUBDIVISION REGULATIONS – DIVISION 1 BY ADDING "(16) THAT THE SITE LIGHTING IS CONSISTENT WITH THE PURPOSE OF THE REGULATION OF SITE LIGHTING AS EXPRESSED IN SECTION 16-100 (12), AND THAT THE SITE LIGHTING SHALL NOT CAUSE LIGHT TRESPASS."

ON THE QUESTION

Alderman Cote

I think what this does is it clears up some of the concerns that were expressed last time. There was also a desire by the Planning staff to have out consultant review this. Alderman McCarthy and I had the chance to speak about this a little earlier today, and were kind of anxious to get this in and in place so that we can protect ourselves from any redevelopment that goes forward now with the understanding that we may actually have to come back at some point in time and make some minor adjustments and modifications to this. At least it will give us and the Planning Board some authority to be able to try to control this as redevelopment goes forward.

The other issue that was raised that I believe has been addressed in here is replacement

fixtures. We had talked a little bit about that in our meeting about what to do with replacement fixtures. I do believe that is addressed in here. I just can't remember where. That replacement lighting will be required to conform when perhaps a major replacement of a fixture in and of itself is actually done. On the next to the last page – Nonconforming Luminaires – (g) page 4 – “All luminaries lawfully in place prior to the effective date of this section of the ordinance may continue to be used. However, any luminaire that replaces a nonconforming luminaire, or any nonconforming luminaire that is moved must meet the standards of this section of the ordinance.”

Alderman Nickerson

My reading of that is that would be just the light fixture itself – not including the pole.

Alderman Cote

Actually the luminaire is actually the system itself. It would include – if the luminaire actually includes a pole as part of that system – it would include that as well. A luminaire can be just the mounting base itself or the fixture on the side of a building, but it represents whatever that particular system is not just the lighting apparatus itself.

Alderman Nickerson

It varies based upon the actual unit?

Alderman Cote

Right. In fact, that is further defined under the definitions luminaire. It says “This is a complete light system and includes the lamp, lamps, and/or a fixture.

Alderman Nickerson

I just wanted to make sure that my understanding of that was ...

MOTION CARRIED

MOTION BY ALDERMAN COTE TO RECOMMEND FINAL PASSAGE OF O-02-61 AS AMENDED

ON THE QUESTION

Chair McCarthy

At this point, I would actually like to ask Mr. Houston and Mr. Yeomans if they have comments on the amended draft.

Mike Yeomans

I guess the short answer to your question is yes. I am comfortable with the fact that it has already been recognized that the land use consultant will be looking at this ordinance, and we may come back to revisit to make corrections to it. I think the concerns we have today are not major concerns. They can be addressed during the ordinance review, and I think we are fine for the time being to get on with it and get it on the books. I have actually applied it to a site and found it to be probably a little bit more generous than what maybe needs to be tightened up so we may have an opportunity to come back and take a look at that and even make it stronger than it is today, but I think it is a good start and certainly addresses all of the major issues that I think we are going to have with the ordinance and site lighting. It is a good start so I would say let's run with it, and we will tweak it later.

Roger Houston

As was discussed last time, we are going to have the land use consultant that the city hired look at this as well to improve this ordinance and make it look better along with the rest of the ordinances when that is done. Thank you.

Alderman Cardin

I just wanted to reiterate what I mentioned the first time this was brought up. I think it is good legislation. Even if it needs to be tightened up later I think it is a good place to start. I have had a few issues with lighting in my ward and complaints from neighbors so I think this is a good start.

Chair McCarthy

There are some areas in your ward where I am surprised that we don't get complaints from surrounding communities.

Alderman McAfee

Just a question on enforcement – what is your plan – obviously we will have to purchase some light meters – How are you planning on enforcing this regulation?

Roger Houston

It will be enforced in several different ways. Obviously when an application comes before the Planning Board for a site plan or subdivision application we will review it at that time as part of the Planning process. Other complaints – after a site plan is approved or in a residential situation or any other situation as described in this ordinance will have to be handled by the enforcement department. They will have to respond to each complaint and review the situation and determine whether or not it needs to be enforced on. There will have to be – you will probably see in next year's budget – I am not sure how much light meters cost, but we will have to look at being able to get the appropriate equipment to be able to do the task and those tasks

have to be conducted during the night hours. They will have to be done.

Alderman McAfee

On the way home?

Roger Houston

From time to time yes. After the meetings.

Alderman Cote

If it is a budget problem next year I will buy the meter for you.

Chair McCarthy

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Is there any further discussion?

MOTION CARRIED

Chair McCarthy

The Planning Board has not yet given us a recommendation on O-02-74. There is no need to take further action.

Mike Lowe

We have heard it, but we didn't get the fee schedule at the last meeting so that is why we couldn't act on it because the fee schedule wasn't attached.

HELD IN COMMITTEE

O-02-74

Endorsers: Mayor Bernard A. Streeter  
Alderman Brian S. McCarthy  
Alderman Scott A. Cote

AMENDING THE FEE SCHEDULES OF THE CITY BUILDING REGULATIONS  
AND

AMENDING THE FEES ASSOCIATED WITH SUBDIVISION, SITE PLAN,  
REZONING,

SPECIAL EXCEPTION, VARIANCE, CONSERVATION COMMISSION,  
HISTORIC

DISTRICT COMMISSION AND LAND USE APPLICATIONS

DISCUSSION

ADJOURNMENT

MOTION BY ALDERMAN NICKERSON TO ADJOURN  
MOTION CARRIED

The meeting was declared adjourned at 7:21 p.m.

Scott A. Cote, Committee  
Clerk