



ORDINANCE COMMITTEE

(Town Council Sub-committee)

Members (FY2018)

Claudia King
Andy Jones
Aaron Svedlow

Meeting Minutes

January 22, 2018, 4:30 pm

Large Conference Room, Town Hall

Members Present: Claudia King, Andy Jones, and Aaron Svedlow

Others Present: Nathan Poore, (Town Manager), Amanda Stearns (Land Use Policy Specialist) and several members of the public.

1. Approve previous meeting minutes.

Andy Jones moved and Claudia King second the meeting minutes be approved, as written. The motion passed 3-0.

2. Discussion on abutter notice requirements.

Nathan Poore presented a new table that identified the varying requirements for abutter notification process throughout all the town's ordinances.

Much of the focus was on the Water View Overlay District (WVOD).

The Committee agreed that the next step is to provide additional analysis including the following:

- a. Provide 3 sample scenarios within the WVOD with notification ranges of 250', 500' and 750'.
- b. Continue discussion about pros and cons of whether to have different notifications based on size of structure. It was mentioned at the meeting that there are some reasons to consider this in the WVOD but in other scenarios it may not matter with regard to the size – a small building can obstruct a view in a similar manner that a large building could obstruct the view.
- c. Staff review of historical applications and the difference in land use intensity, comparing applications for use changes and those applications that only dealt with form.
- d. Research why there is a significant notification process for sewer appeals.

Several members of the public offered the following comments (all focused on applications with the WVOD):

- Should consider more notice, up to 10 days, to give the public time to be aware of a project and prepare comments
- Send notices by certified “sent”
- There are possible abutting property value impacts that requires a higher level of notification
- Buildings can be out of character and notification can result in public comment to bring this to the attention of boards
- Need to consider the view impact from vegetation and not just buildings
- Consider “story poles” as an added level of notification
- Consider large signs at construction sites that give notice of an application and possible hearings
- Topography can be a factor with views so reaching to more properties is important
- Notice to property owners on the other side of the street must be included in a notification process
- Members of the reviewing boards must visit sites to understand the application and impact on abutting properties

THE COMMITTEE RECESSED AT 5:15.

THE COMMITTEE RECONVENED AT 5:30

3. Discussion on food trucks

Amanda gave a quick history of this project and reviewed the legal basis for addressing food vendors as a temporary use of property, authorizing the Council to issue licenses rather than it being treated as a permanent land use under zoning. The bright line is that mobile food vendors need to be temporal in nature, not physically remaining on one site indefinitely, and be operating for only a certain period of time. Amanda related that Nathan had asked that staff put together a recommendation for the Ordinance Committee to react to. Community Development staff met, including Ethan Croce, Justin Brown, and Dawn Emerson, and developed the recommendation as submitted in the memo dated January 17, 2018. The committee reviewed the suggestion and decided on the following:

- A. **General Applicability** – Mobile food vendors are either units that are approved to occupancy a certain location on private property with a prescribed schedule but not year round or overnight. Also included are moving vendors that operate on the street. Food establishments that are operating out of a building and permitted through zoning and site plan review are not in this category and receive victualers licenses through the Council. Caterers and restaurants providing off-premise catering are licensed by the state and the Town collects a \$10 fee for each event.
- B. **Duration** – Licenses must include prescribed dates for use. Vehicles must be removed from the site daily.
- C. **Location** – This ordinance is strictly for the use of private property or use of the street system. If the Council wants to consider public spaces that can be addressed separately through policy development.
- D. **Hours of Operation** – The applicant should propose hours of operation and these be reviewed by staff and the Council.
- E. **Amenities** – Amenities such as tables, seats or tents for food vendors are not permitted.
- F. **Utilities** – The food vendor should be completely self-contained but may also request to temporarily hook up to electricity with review from Fire EMS and Codes.
- G. **Relationship to permanent land use on site** – Food vendors will not be required to provide extra parking on any given location but may not interfere with circulation on the property. Staff will review regarding any public safety concerns during the review process. The total space occupied by the vendor and if the site is suitable would ultimately be decided by the Council.
- H. **Signage** – Signage would either be on the vehicle (regulated by the state) and as allowed by either the permanent or temporary sign ordinance.
- I. **Public Health** – The town would continue to rely on the state for a current Health Inspection License to allow operation.
- J. **Public Safety** – All applications would require review by Public Works, Community Development (Codes and Planning), Fire EMS and Police prior to being considered by the Council.
- K. **Vehicle Registration** – The vehicles used for food vending must be registered, insured and inspected.
- L. **Administration** – The permitting process will be moved to Community Development. Victualer, caterer and liquor licenses will remain with the Town Clerk.

- M. **Fees** – fees will be increased from the current \$25.00 to \$250.00. Renewals with no significant changes will have a reduced fee of \$150.00. Renewals will be through staff but may be forwarded to the Council if there are concerns.
- N. **License** – Should the Council approve a license, the CEO will issue a physical license that is required to be kept in the vehicle at all times and available for inspection.

Additional changes to the Code of Ordinances will include:

- A. Separate the mobile food vendor permitting from other food establishments (restaurants and temporary food establishments) as these exist in a permanent building and may receive yearly victualers and liquor licenses.
- B. Remove all language regarding sanitation and depend on the state Health Certificate to assure that the vendor is meeting all health and sanitation requirements. We do not currently inspect as we do not have staff that are adequately trained or where it is an assigned responsibility.
- C. Remove the requirement that mobile food vendors need to have a base station.
- D. Remove the duplication of food licensing in the Code.

The committee agreed that Amanda will draft the ordinance changes and email out to committee members. Comment will be reviewed and if needed, it will be discussed at the next meeting. The target date for introduction will be a meeting in March.

4. Other business

There was no other business.

5. Next meeting date

The next meeting was scheduled for February 26 at 5:30 PM

The meeting adjourned by consensus at 6:45 PM.

Recorded and submitted by Nathan Poore and Amanda Stearns