

PLANNING & ZONING COMMISSION MEETING MINUTES  
MAY 17, 2021

Meeting Minutes of the Planning and Zoning Commission of the Town of Ocean Ridge held on Monday, May 17, 2021 in the Town Hall Meeting Chambers.

**CALL TO ORDER**

The meeting was called to order at 8:00 a.m. by Chair Marsh.

**ROLL CALL**

Town Clerk Armstrong led the roll call, which was answered by the following:

Chair Mark Marsh	Present
Vice Chair Ric Carey	Present
Member Neil Hennigan	Present
Member David Hutchins	Present
Member Penny Kosinski	Present
Alternate Member Brit Flanagan	Present

Staff Present: Town Attorney Goddeau, Building Official Durrani Guy, Town Manager Stevens, and Town Clerk Karla Armstrong.

**PLEDGE OF ALLEGIANCE**

Chair Marsh led the Pledge of Allegiance.

**PUBLIC COMMENT**

There was none.

**APPROVAL OF MINUTES**

**1. Approval of Minutes of the April 19, 2021 Minutes**

**Vice Chair Carey moved to approve the minutes of April 19 2021; seconded by Member Hennigan. Motion Carried 5-0.**

Chair Marsh congratulated Member Carey and Member Hutchins on their re-appointment. He also asked other members to spread the word about the alternate Planning and Zoning Commission position available.

**DISCUSSION / ACTION ITEMS**

**2. Selection of Chair**

**Vice Chair Carey moved to select Mark Marsh to serve as Planning and Zoning Chair; seconded by Member Hutchins. Motion carried 5-0.**

**3. Selection of Vice Chair**

**Member Hennigan moved to select Ric Carey to serve as Planning and Zoning Vice Chair; seconded by Chair Marsh. Motion carried 5-0.**

**4. Amendment to CCCL Ordinance**

Town Attorney Goddeau provided an overview of the item by noting that the Town Commission directed staff and the Planning & Zoning Commission to develop an exception to the Coastal Construction Control Line (CCCL) ordinance to allow crossovers and stairs east of the CCCL without a variance. She introduced the drafted ordinance to the Commission to allow dunes and stairs east of the CCCL, and she asked that the shed ordinance mirror the language within the CCCL ordinance.

Vice Chair Carey asked if the Code allows for certain sheds to be installed without a permit, to which Building Official Guy stated that the intention of the shed ordinance was not to have certain types of sheds within the setback. Vice Chair Carey stated that a language change to the shed ordinance could have consequences and he is against changing the language within the shed ordinance. Building Official Guy explained the difference between the CCCL ordinance and shed ordinance. Town Attorney Goddeau explained that intended change in the language would not cause a change in the meaning, it will just change the process for the exception to mirror the Town Code.

Chair Marsh asked if the Town had a process for an administrative special exception, to which Town Attorney Goddeau stated that an administrative special exception is not mentioned within the Town Code. Chair Marsh asked for the details, to which he was informed that the Town has an application for Special Exception that goes before the Planning & Zoning Commission and would cost \$1,500. Chair Marsh, Member Hutchins, and Vice Chair Carey agreed to only focus on the CCCL amendment to allow crossovers, decks, and stairs at this time.

All Commissioners agreed with subsection 8 in the draft ordinance.

Town Attorney Goddeau asked the Commission to address subsection 4 and whether they wanted to allow anything past the seaward toe of the dunes. Member Hutchins stated that the Commission should allow people to continue with the steps where they are. Chair Marsh stated that the seaward toe of the dune changes and that DEP is in charge of reviewing anything going east of the CCCL. Member Kosinski asked for clarification on what “toe of the dune” is, to which Chair Marsh explained. Chair Marsh explained the issues that can arise by using the toe of the dune as the defined criteria. Member Hutchins agreed with the issues and stated that any number chosen for the amount of feet would be an arbitrary number. Chair Marsh stated that it can be left to DEP as they would look at the most current survey.

Building Official Guy recommended not to allow any parts of the crossover to extend beyond the seaward toe of the dune. He stated that the ordinance allows for those existing to remain, and to be replaced if needed.

Member Hennigan asked if the stairs should be included in subsection 7 to allow them to be replaced. The Commission discussed the possibility of including the stairs.

Alternate Member Flanagan stated that the Commission should consider the dune height because the higher the dune, then the longer the projection of the stairs. Member Kosinski stated that she

figured out a way on her property to construct the stairs to reduce the stairs projection. Vice Chair Carey stated that people could adjust to the code.

Building Official Guy reiterated his recommendation to continue to not allow any parts of the crossover to extend beyond the seaward toe of the dune. Chair Marsh reiterated that DEP is the agency in charge of this area, and that the Town could reach out to engineering firms to get advice. Vice Chair Carey concurred and stated that he would like to put the work on a consultant rather than more work on staff. Chair Marsh stated that he would not like to put the burden on staff to interpret, and would prefer reaching out to an engineering firm. Town Clerk Armstrong reminded that the Town Commission would like to see the draft ordinance at their June meeting. She advised that the proposed ordinance can be changed later to address the concerns of the seaward toe of the dune.

Member Kosinski asked that nothing extend beyond the seaward toe of the dunes so she asked that walkways and stairs be included in subsection 4. Chair Marsh concurred.

Chair Marsh called for public comment.

Martin Wiescholek, 5 Engle Drive and Town Commissioner, discussed the legal definition of the vegetation line. Mr. Wiescholek and the board discussed the difference between the vegetation line and the toe of the dune. Alternate Member Flanagan noted that a homeowner may plant more dune plants to increase their vegetation line, to which Mr. Wiescholek concurred and added that it cannot be east of the high water mark.

Chair Marsh reiterated that it might be beneficial for the Town to speak with coastal engineers. Member Hutchins asked if DEP would need to permit, to which Chair Marsh stated that DEP does have to permit. Member Hutchins suggested that they allow people to build in accordance to DEP.

Building Official Guy reiterated that he recommends that nothing extends past the seaward toe of the dune. Member Kosinski concurred and asked that the walkway and steps be added to subsection 4.

**Vice Chair Carey moved to approve the proposed ordinance as submitted with the condition that subsection 4 is changed to include steps and walkway to not extend beyond the seaward toe of the dune; seconded by Member Kosinski. Motion carried 5-0.**

Member Hennigan noted that the item can be revisited for additional changes later, and Member Kosinski further noted that the ordinance contains a grandfathering clause.

#### **COMMISSIONERS COMMENTS**

Member Hutchins discussed the popularity and practicality of flat roofs. He asked his fellow P&Z members to consider reviewing the roof code for the possibility of increasing the flat roof percentage to allow a greater percentage of flat roofs. Chair Marsh discussed the massing issues being caused by the current roof pitch requirement and trying to cover it. He stated that he is willing to consider a higher percentage of flat roofs. Chair Marsh and Member Hutchins discussed the history of the pitch requirement. Vice Chair and Member Kosinski concurred that they would

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be willing to explore the idea of increasing flat roof percentage. Town Manager Stevens notified the members that they need Commission approval before they can start working on an ordinance. Member Hutchins stated that he will present the P&Z report at the June's Commission meeting on behalf of Vice Chair Carey and introduce the flat roof idea. Building Official Guy noted a current project that needs a higher percentage of flat roof for the roof to match the design of the structure. The Board discussed the impact that a change to roofs may have on tie beams and parapets.

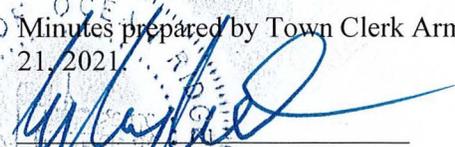
There was consensus of the Planning & Zoning Commission to explore the possibility of changing the Code to increase the flat roof percentage and decrease the pitch requirement so long as the Town Commission consents to it.

Member Hutchins stated that he will work with staff on the May P&Z report. Vice Chair Carey stated that he will miss a few Commission meetings and it would be beneficial to switch the representative so that the Town Commission gets to see all the members.

**ADJOURNMENT**

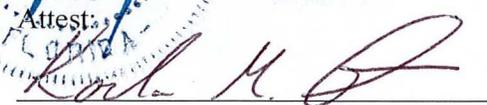
Meeting adjourned at 8:48 a.m.

Minutes prepared by Town Clerk Armstrong, and adopted by the Planning & Zoning Commission on June 21, 2021.



Mark Marsh, Chair

Attest:



Karla Armstrong, Town Clerk