

Beverly Shores Plan Commission Minutes

February 7, 2022

- A. The virtual meeting of the Beverly Shores Plan Commission was called to order at 6:35 p.m. and broadcast to the public by Microsoft Teams software.
- B. All members were present virtually: John Blackburn, Joe Kapacinkas, Greg Lyman, Donna Norkus, Larry Stanton, Tom Weber and Bob Young. Also present was Ellen Hundt, Town Clerk and Recording Secretary. A quorum was determined present for the meeting.
- C. The public was able to participate and observe the meeting through the Teams software pursuant to prior email notification of the agenda and virtual link.
- D. Title VI Survey Availability on Town Website was discussed, and the public was encouraged to participate.
- E. Outgoing member Greg Brown was thanked for his service to the Plan Commission. Bob Young was welcomed to the Plan Commission
- F. Election of Officers.
 1. President. Nominations were taken for President. Commissioner Norkus nominated Commissioner Lyman for President, Commissioner Stanton seconded the nomination. No other nominations were made. Roll call vote: Commissioner Blackburn-yes, Commissioner Kapacinkas-yes, Commissioner Norkus- yes, Commissioner Stanton-yes, Commissioner Weber-yes, Commissioner Young-yes and Commissioner Lyman-yes. Motion is passed 7-0. Commissioner Lyman is named President.
 2. Vice President. Nominations were taken for Vice President. Commissioner Norkus nominated Commissioner Kapacinkas for Vice President, Commissioner Weber seconded the nomination. No other nominations were made. Roll call vote: Commissioner Blackburn-yes, Commissioner Kapacinkas-yes, Commissioner Norkus-yes, Commissioner Stanton-yes, Commissioner Weber-yes, Commissioner Young-yes and Commissioner Lyman-yes. Motion is passed 7-0. Commissioner Kapacinkas is named Vice President.
 3. Recording Secretary. Nominations were taken for Recording Secretary. Commissioner Lyman nominated Ellen Hundt, Commissioner Norkus seconded the nomination. No other nominations were made. Roll call vote: Commissioner Blackburn-yes, Commissioner Kapacinkas-yes, Commissioner Norkus- yes, Commissioner Stanton-yes, Commissioner Weber-yes, Commissioner Young-yes and Commissioner Lyman-yes. Motion is passed 7-0. Ellen Hundt is named Recording Secretary.
 4. Plan Commission appointment to the BZA. Commissioner Stanton nominated Commissioner Lyman for the BZA appointment, Commissioner Norkus seconded the nomination. No other nominations were made. Roll call vote: Commissioner Blackburn-yes, Commissioner Kapacinkas-yes, Commissioner Norkus- yes, Commissioner Stanton-

yes, Commissioner Weber-yes, Commissioner Young-yes and Commissioner Lyman-yes. Motion is passed 7-0. Commissioner Lyman is named the Plan Commission appointment to the BZA.

G. Review of previous meeting minutes.

Minutes of the December 6, 2021, meeting were reviewed. Commissioner Stanton moved to accept, seconded by Commissioner Weber. Roll call vote: Commissioner Blackburn-yes, Commissioner Kapacinskas-yes, Commissioner Norkus- yes, Commissioner Stanton-yes, Commissioner Weber-yes, Commissioner Young-yes and Commissioner Lyman-yes. Motion is passed 7-0.

H. Old Business

1. Mackin Pozzi Subdivision Modification. An application was filed before the Plan Commission to modify an existing 2012 subdivision in the Commercial District. The revised application was filed on November 10, 2021. The application was sent to the Building Committee for review of the technical conformity with the standards fixed in the Subdivision Control Ordinance. On December 11, 2021, the Building Committee reviewed the application and determined that the proposed modification of the 2012 subdivision would be in technical conformity with the standards fixed in the Subdivision Control Ordinance.

John Mackin appeared to discuss the modification. In 2012 a three vacant lot subdivision was approved by the Plan Commission in the Commercial District and the plat was recorded. Lot 2 is owned by John and Patricia Mackin as well as the adjoining property at 204 Quigley, where their house is located. 204 Quigley is outside the subdivision. The purpose of the modification would be to remove 9200 sq. ft. from Lot 2 and add that property to 204 Quigley so that 204 Quigley would be a conforming lot under the Town Code consisting of 20,000 sq. ft. The modified lot 2 would still have 23,000 sq. ft. All three owners of the subdivision lots joined in the petition. The subdivision lots are vacant land, and no proposal was submitted to develop these lots.

The Plan Commission determined that the application was for a minor subdivision under the Town Code 155.151 since no new public way will be opened and the petition otherwise complies with the Subdivision Control Ordinance and the Town Code. Since it is a minor subdivision primary approval can be granted without public notice and hearing. The General and Specific Subdivision Control Regulations were reviewed and discussed by the Plan Commission. The Commissioners discussed whether the application was consistent with the Comprehensive Plan, in particular the purpose of the application was to create conforming lots under the Town Code, 20,000 sq. ft., one of the highest priorities of the plan. Also considered was the current conditions and character of the structures in the vicinity, conservation of property values and responsible development and growth.

The standards of 155.158 were read and discussed. After discussion was completed Commissioner Stanton made a motion to make the following findings:

- That the proposed subdivision will not adversely affect the community,

- That the use and value of the area adjacent to the subdivision will not be affected in a substantially adverse manner,
- That the zoning district will not be disrupted or harmed,
- That the approval will not be injurious to the public health, safety, and general welfare of the community, and
- That the resultant lots in the subdivision will not violate any of the provisions of 155 of the town Code solely as a result of the proposed modification to the subdivision.

Commissioner Stanton further moved to grant Primary Approval to the proposed subdivision. Commissioner Kapacinskis seconded the motion. Roll call vote: Commissioner Blackburn-yes, Commissioner Kapacinskis-yes, Commissioner Norkus-yes, Commissioner Stanton-yes, Commissioner Weber-yes, Commissioner Young-yes and Commissioner Lyman-yes. Motion is passed 7-0. The applicant was reminded that the procedures for secondary approval would have to be followed before the plat for the new subdivision could be recorded.

2. Continued Discussion of the Comprehensive Plan. Included in the discussion was the current ordinance requirements for Commercial District and the need to plan for a sewer line in both the commercial district and the residential district. The Commissioners agreed to continue these discussions at the next meeting.
 - I. New Business. The members discussed the Rules of Procedure and began to discuss revisions to the Rules. The Commissioners agreed to continue these discussions at the next meeting.
 - J. The next meeting date is scheduled for March 7, 2022.
 - K. Commissioner Norkus moved to adjourn the meeting; Commissioner Blackburn seconded. Roll call vote: Commissioner Blackburn-yes, Commissioner Kapacinskis-yes, Commissioner Norkus-yes, Commissioner Stanton-yes, Commissioner Weber-yes, Commissioner Young-yes and Commissioner Lyman-yes. Motion is passed 7-0. Meeting adjourned at 7:33 pm.