

Dear Planning Board Members,

Thank you for taking the time to read this letter. My intent is to try and better explain my position regarding the town lighting especially as it relates to the code of ordinances.

I concede the point that the onus is upon myself as the applicant/property owner/business developer to do my due diligence in determining the costs associated with a site plan application as it relates to the requirements outlined within the code of ordinances.

And although many of these items are subject to interpretation by the Planning Board I respectfully argue that it is impossible to budget for items that actually do not exist. In this case I am referring to the purchase and install of town lighting on town property.

I asked the town planner, Maureen O'Meara, to direct me to the sections within the code that describe the requirement regarding the install of town lighting on town property as it relates to site plan approval. Her response was thus; "In the Zoning Ordinance, Town Center District, there are two parts that apply. Sec. 19-6-4(D)(3) (d) and (g)."

I am including the exact passages from those sections here. Please take the time to read them.

d. Building and Parking Orientation. The first impression of a building is from the side which faces the street. The front façade of the structure shall face the street. The structure shall be designed with a primary orientation to the street, although the primary entrance may be located on other than the front façade. The front façade shall include a distinctive entrance. A sidewalk shall be constructed parallel to the front façade. The side yard visible to the public should be designed to present a pleasing appearance to the pedestrian.

g. Landscaping and Site Development 1. Front setback. **The land in the front yard setback** is a transitional space between the public domain of the road right-of-way and the private structure and is a determining factor in the character and ambiance of the Town Center. **This area** shall be designated and landscaped to be pedestrian-friendly in scale, access, lighting, and security. A sidewalk and other pedestrian pathways, such as to the building and to parking areas, shall be located between the road and the structure. The side of the structure facing the front yard setback shall be designed with a distinctive entrance for pedestrians. Multifamily dwellings shall be designated with the main entrance facing the front yard. Design elements of single family homes such as front steps and a front porch shall be incorporated whenever practicable. The front setback shall be carefully landscaped with attention to details evident to pedestrians and shall include street trees. The development of 101 front courtyard gardens is strongly encouraged. Multifamily dwellings shall include at least one (1) street tree per unit in the front yard landscape plan.

The only reference to lighting is within the area on my property defined as the "front yard setback" which has been addressed within my application as it pertains to lighting

I have adapted my plan to comply with the specific items within the design standards of the code of ordinances. Purchasing and installing town lighting on town property is not a design standard and it does not seem to be an interpretation of anything that I have read in the sections

above. This is the reason why we have never included it as part of our design narrative. It is an unrequired financial burden placed upon a developing business.

I am aware of the argument pertaining to “precedent” and I am sympathetic to that line of thinking when it applies, but in this situation I would respectfully argue that it does not apply. This existing property with an existing town sidewalk is not of the scale and scope of C-Salt or the massive project next to town hall. While both brand new construction and “change of use” applications are subject to the same set of standards outlined within the code of ordinances this does not necessarily imply that each application needs to be treated exactly the same, especially as it relates to items that are not clearly stated requirements.

I request and implore the Board to remove the condition of approval pertaining to the install of town lighting.

Sincerely,
Michael Friedland