

**Town of Fenwick Island
Minutes of the Charter & Ordinance Committee Meeting
November 2, 2018**

Call to Order at 1:00 p.m.

Present: Committee Members Bill Weistling, Bernie Merritt, Mike Houser, Reid Tingle, Bill Mould, Virginia Childers-Davidson, Terry Tieman, and Pat Schuchman

Absent: Mike Quinn

Public in Attendance: Roy Williams, Vicki Carmean, Tim Collins, Julie Lee, Pam Pridgeon, Earle Douglass, Mark Tingle, Howard Krinsky (DEDC), Bethany Hooper (OC Dispatch), Fred Thomas (Chamber of Commerce)

Introduction:

Bill Weistling introduced the two new members of the C&O Committee, Reid Tingle and Mike Houser. Both are longtime residents in Town.

Minutes:

- Virginia Childers-Davidson made a motion to approve the minutes of September 7, 2018 seconded by Bernie Merritt. Motion passed.

Issues for Discussion & Possible Action:

- Bill Weistling began the meeting by updating the committee on progress of various chapters of the code under discussion.
- Chapter 160-2B (Definitions and Word Use) – a First Reading of the amendment to add a definition of “Residential Weather Station” was approved at the October Town Council meeting.
- Chapters 61, 81 and 88 - Town Council created an AdHoc Building Committee.
- Chapter 88 – a First Reading of the amendment to add mandatory twelve inches of freeboard to all new construction or substantial improvements was approved at the October Town Council meeting.
- Chapter 160-4B – a First Reading of the amendment that will prohibit mechanical equipment or items attached or mounted to the roof to exceed the maximum roof height other than a residential weather station was approved at the October Town Council meeting.
- Chapter 160-5B – at the October C&O meeting it was agreed to recommend to Town Council to permit an elevator shaft to encroach beyond the maximum roof height by 4’6” on a commercial building.
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- Discussion continued on whether mechanical equipment should be permitted to encroach beyond the maximum roof height on a commercial building.
- Mr. Weistling introduced Mr. Howard Krinsky, principal partner of DEDC, LLC, an engineering and design firm specializing in mechanical, electrical, structural and control engineering and design of commercial buildings.
- Mr. Krinsky was invited to this meeting to explain options to consider and give general ideas on the best location for mechanical equipment that services commercial buildings.
- As an example, Mr. Weistling referred to a photograph of the roof of the “Our Harvest” restaurant and the various mechanical equipment located on the roof.
- Mr. Krinsky stated a restaurant is a little different since it requires various mechanical units such as an exhaust hood, air handling unit, HVAC and an outside condensing unit. These can be placed in different locations with the exhaust outside on either the roof or side of the building.

- The air handler is typically a larger unit which can be placed inside or outside and either on the ground or roof.
- HVAC and condensing units are always located outside the building.
- He added that logically the roof is the better location for these units since it will better dilute the sound from the units and any odors will be dispersed above the roof.
- There is typically a setback or ten feet from any exhaust system, he would presume the same would be required if there is parking under a commercial structure.
- When there is a multitude of tenants such as in a strip mall or mixed use buildings, the mechanical equipment needs are different than that of a restaurant and are quite similar to residential needs. There would be a separate set of utilities for each unit located in the same building.
- Bill Mould asked how much space would be needed around roof mounted mechanical equipment if we were to require some sort of enclosure or screening for aesthetics to hide the equipment from view. Mr. Krinsky stated there would need to be three to four feet of space around the units, a gap at the bottom and the screening should be one foot higher than the units.
- When asked about the line of sight, Mr. Krinsky stated that the higher the roof the less visible the encroachment becomes.
- He also recommended that any enclosure should match the aesthetics of the building that would maintain the integrity of the building.
- The benefit of having the mechanicals located on the roof is that the farther the distance from the units the less noise can be heard.
- Julie Lee was concerned that there would be more roof top units and fencing the entire length of a strip mall type of building. Mr. Krinsky that the units can be grouped together to prevent this.
- When asked about allowing mechanical units on the ground within four feet of the rear setback behind a building, he stated these units require a minimum distance on both sides of the equipment plus the width of the equipment. There could be one large unit or several smaller units. These would also have to be elevated to floodplain requirements. He cautioned that the closer you get to a unit the louder it becomes.
- Roy Williams expressed his concern that the look of Rt. 1 would change and doesn't want to see the mechanicals above the maximum roof height and would like a survey of Town residents on the matter.
- A poll of the committee members showed some in favor of allowing the mechanicals to encroach beyond the roof but felt more discussion was needed. There was also a concern that to allow the commercial buildings to exceed the maximum roof height we then risk someone in the residential zone to expect the same.
- Tim Collins commented on the look of the commercial zone and the number of vacant commercial properties.
- Bernie Merritt suggested a meeting with the Chamber of Commerce and Business Development Committee to get their thoughts. The next BDC meeting is scheduled for November 14, 2018.
- Vicki Carmean agreed that the Town needs to allow for commercial growth that will blend with residential properties. Mr. Weistling countered that the adjacent property owners will never agree.
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- The next item for discussion was on dumpsters for residential use. Terry Tieman suggested an ordinance that will limit the length of time a resident can keep a dumpster on their property.

Next Meeting:

The next meeting will be held on Friday, January 4, 2019 at 1:00 p.m.

Old Business:

None.

New Business:

None.

Adjourn:

Bernie Merritt made a motion to adjourn seconded by Reid Tingle. Meeting adjourned at 2:30 p.m.