

Received 9:00 AM
December 2, 2020
Susan J. Jeanfavre
Assistant Town Clerk

Subject : Re: Zone Change Proposal
Date : Tue, 10 Nov 2020 11:13:00 -0500
Linked to: Steve Byrne (Jeton Adili)
From : Steven Byrne <attysbyrne@gmail.com>
To : David R. Wiig <wiig@optonline.net>

Dave

Anyone can file for a zone change. However, they need to have an interest in the property that is subject to re-zoning or have written permission from the property owners.

The exception to this is that the Commission can amend its regulations w/o any property interest.

Of course, a person can always file a request or petition with the Commission, but this is not the same as an application and it can be ignored.

Attorney Steven E. Byrne
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790 Farmington Ave., Suite 2B
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On Mon, Nov 9, 2020 at 4:43 PM David R. Wiig <wiig@optonline.net> wrote:

Steve

If a citizen asks us to consider a change in Zoning regulations, are we required to consider it? I believe we would be required to do this, only if a petition with multiple people signing onto it was received. Is that correct and is there a magic number of people who have sign onto the petition

Dave

Subject : Re: Question Regarding Outdoor Event Stage In Morris
Date : Fri, 4 Sep 2020 15:18:00 -0500
Linked to: Steve Byrne (Jeton Adili)
From : Steven Byrne <attysbyrne@gmail.com>
To : David R. Wiig <wiig@optonline.net>

Dave

I don't believe that outdoor concerts are permitted in the CB district.Â The language you cite is from Sec. 31.6 of the zoning regulations.Â The term 'indoor' would apply to motion pictures, dramatic production and musical productions.Â Outdoor motion pictures, dramatic or musical productions are not permitted.

As for any of the Governor's Executive Orders given in relation to the Covid-19 pandemic, I don't know of any that overrides zoning restrictions in regard to outdoor concerts/events.Â I have attached the Covid-19 restrictions for outdoor events, which are in addition to and do not preempt local zoning controls.

As for TAHD and noise enforcement, please see the attached memo from TAHD.Â Basically, it eliminated its own noise regulations.Â However, noise complaints can still be made to TAHD which will enforce by relying on State regulations.

Morris also has a noise ordinance "reasonable noise", which is not very precise except that noise must be reasonable after 11 pm.

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On Wed, Sep 2, 2020 at 10:17 PM David R. Wiig <wiig@optonline.net> wrote:
 Steve

The property with the big white barn, known as southFARMS is holding outdoor concerts.Â They added a stage for this purpose.Â He already has a commercial use there; however, with the new structure he needs a site plan review.

There is a line in our regulations for permitted uses in the CA and CB zone that regulation that reads:

Theaters for indoor motion picture projection or dramatic or musical productions.

It clearly specifies indoor for motion picture projection.Â It potentially leaves wiggle room for dramatic and musical productions to be outdoors.Â Regardless, how do you interpret this line?Â Additionally, do the COVID regulations play any role in this?

One other thing, who is the authority on noise these days?Â TAHD will accept complaints; however, they have rescinded their prior rules on noise.Â What authority do they refer to on this?

Dave