

November 6, 2014

PC Members Present: Jean Vissering (Chair), Jack Pauly, Rob Halpert, Mark Lane, Norman Hill, Gene Troia

Others Present: Kristi Flynn (Recording Secretary), Paul Erlbaum

Call to Order: 7:03pm

Changes to Agenda – Update on Capital Improvement Committee

Public Comment - None

Review of Proposed Ground Water Withdrawal Language (Land Use & Development Regulations Section 4.6.2)

The PC reviewed the three language options suggested by Paul Erlbaum and Carolyn Shapiro:

- 1) 20,000 gallons per day averaged over a calendar month
- 2) 57,600 gallons on any given day in a calendar year
- 3) Combination of the 2 options above

The original goal was to be consistent with the state's policy and need to prove that the number used is not arbitrary. The PC reviewed the list of companies in the state who need to report their groundwater usage. For EM, use, not capacity, triggers the need for a conditional use review.

Motion: I move that Section 4.6.2(A) read as follows: "The withdrawal of groundwater (including spring water) for non-domestic purposes, which exceeds 57,600 gallons on any given day or 20,000 gallons withdrawn per day averaged over a calendar month, may be allowed in designated zoning districts subject to conditional use review under Section 5.4." Made: Mr. Troia, second: Mr. Halpert

Vote on Motion: Passed 6-0

Review of Draft Flood Hazard Area Regulations

The public hearing has been postponed indefinitely until the PC has a chance to answer all the questions and make pertinent changes to their satisfaction. The PC reviewed the questions and answers from Kim McKee.

- Section 9.6(B) (8) – what does 'minimal investment' mean? Does the language need to be included? The PC agreed to remove 'that represents a minimal investment...' The Chair will ask Ms. McKee about the 500 square foot requirement.
- Section 9.4 – chart is missing numbers 10 and 11

Discussion of Certificate of Compliance Provision in East Montpelier Land Use and Development Regulations Sections 7.4 & 9.11

The Certificate of Compliance is not required in Article 9 and has been removed. The PC can decide to remove it from the regulations altogether. The removal might eliminate potential title search problems (ZA is not using currently).

Motion: I move to keep the language as is in Section 7.4 and urge the Zoning Administrator to use the Certificate of Compliance. Made: Mr. Troia, second: Mr. Halpert

Discussion:

- Title search issues – currently get certification from ZA that no violation exists
- Much of the development in town could be in violation
- If we don't follow the regulations, why do we have them?
- Need to make sure someone is looking at new development
- Could mean more site visits by the ZA/DRB

Vote on Motion: Passed 5-1

If Section 7.4 is retained, is it needed in Article 9? The PC should review how the new state law affects the ZA.

Review of Revised Language for Administrative Amendment Procedure for DRB Approvals

The PC reviewed the draft language and agreed to recommend a smaller fee for an amendment. The full fee would be charged if it turns out a DRB hearing is necessary. The PC tabled a decision to the 11/20 meeting.

Discussion of Upcoming VLCT Presentation on Judicial Bureau Enforcement Option

The Judicial Bureau involves ticketing of municipal violation and is available only for monetary enforcement. The town would need a designated person to be on top of things, such as animal control issues. The SB is looking at a possible Judicial Bureau and will be hosting a VLCT presentation on the issue on 11/17 at 6:30pm at the Fire Station. The PC members should try to attend.

Review Minutes

October 16, 2014

Motion: I move to approve minutes as amended. Made: Mr. Halpert, second: Mr. Lane

Vote on Motion: Passed 6-0

ZA Report

1 new permit since last meeting

DRB Report

The DRB upheld the ZA's decision in the Packard appeal. The merged lot will be in the new River Corridor.

Other Business

Update from the Capital Improvement Committee by Gene Troia: a hearing is scheduled for 12/3 at 7pm at the Fire Station to present, review and get feedback on the proposed Capital Improvement Plan. The plan includes a 10-year plan for trucks, building maintenance and paving. The plan can be done without raising revenue.

Motion to Adjourn. Made: Mr. Lane, second: Mr. Hill. Passed unanimously. Meeting adjourned at 9:30 p.m.

Respectfully submitted by Kristi Flynn, Recording Secretary