

October 7, 2021

PC Members Present: Zach Sullivan (Chair), Julie Potter, Clarice Cutler, Siu Tip Lam, Gianna Petito, Scott Hess, Mark Lane, Richard Hall

Others Present: Bruce Johnson (Zoning Administrator), Kristi Flynn (Recording Secretary)

**Call to Order:** 7:03pm

**Changes to Agenda:** None

**Public Comment:** None

**Discuss Zoning Update (Setbacks for non-conforming uses, waivers and variances, certificates of compliance)**

The PC reviewed the following topics for discussion:

**Setbacks for non-conforming residences**

- Reduced setbacks in all districts
- Notwithstanding clause in zones D& E currently
  - Reviewed proposed language for all districts since some older homes still have an issue with a 40' front setback
  - Along with variance provision, D&E have an extra 1/3 side/rear setbacks available
  - Clause means that a house that is otherwise non-conforming and needs to make renovations, they are given an out but need to go to the DRB
  - Clause only applies to house; can expand wider as long as not closer to the front setback
- Preference poll – keep clause? Yes; apply to all districts? Yes; language OK? Yes

**Waivers & Variances**

- Reviewed §3.14 Setback Waivers
  - Town doesn't have to allow setback waivers; regulations allow the DRB to approve what makes sense
  - Setback reductions should reduce the number of waivers requested
- Reviewed §7.6 Variances
  - Many conditions need to be met in order for a variance to be granted and all conditions need to be met; more stringent
  - The problem with the proposed waiver is the structure might be over the front setback; consider not allowing a front setback waiver
  - Variances should be harder to get, waivers easier
  - Ms. Potter will draft front setback waiver language; 'no closer than 10' or 15' from ROW'
- Variance is required by statute; does PC want to keep waivers? Yes, but re-visit

**Certificate of Compliance**

- Statute allows but because we don't have building codes, it is hard to regulate and enforce
- Current regulations have a watered-down version which requires self-certification by the applicant
- Challenge has to do with the flood hazard zone: to be eligible for grant funds, the town must have certificate of compliance on file
- Applicant self-certifies that they have followed the applicable regulations; not certified by town or state
- Consider retaining certification for flood hazard zone only for ERAF funds, which is important to maintain
- Ms. Petito would like to keep it in all districts; might have the ability to enforce in the future
- Other members were not comfortable putting something in the regulations that won't be enforced; the ZA noted that the current process doesn't protect the town or the applicant
- The Chair noted that the PC should review the actual form before making a final decision
- Ms. Potter will research to see if the town can create a form that just satisfied ERAF requirements

**Review Village and Town Wide Zoning District Maps - tabled**

**Review Zoning Updates Updated: Article 3 - tabled**

**Discuss Process to Fill Upcoming Vacancy**

The PC thanked Ms. Lam for her service to the board; her last meeting will be the second meeting in October. If anyone knows of someone with interest in filling the position, have them contact the Chair. It would be nice to have someone from an under-represented area of town. The PC conducts interviews and recommends a candidate to the SB. Applications will be due by November 4, 2021. The ZA will post the job tomorrow.

**Updates**

- Capital Improvement Committee – meeting on 11/2 at 6pm
- Energy Committee – no update
- Resilient Roads Committee – meeting on 10/21
- Central Vermont Regional Planning Commission – no update
- Village Center Designation Renewal – was approved for the next 8 years
- Town Plan Amendments – submitted to the CVRPC for review; some area towns are conducting hearings on amendments to their town plans, if anyone is interested in how they work

**ZA Report**

- No update

**DRB Report**

- Conceptual site plan review for an 8-rental unit PRD on the Old LaPerle Farm property
  - The DRB is generally interested but concerned with the site constraints

**Review Minutes**

September 16, 2021

**Motion: I move to approve the minutes as written.** Made: Mr. Hess, second: Ms. Cutler

**Vote on Motion:** Passed 8-0

**Motion to Adjourn.** Made: Ms. Cutler, second: Mr. Lane. Passed unanimously. Meeting adjourned at 9:00p.m.

*Respectfully submitted by Kristi Flynn, Recording Secretary*