

February 17, 2022

PC Members Present: Zach Sullivan (Chair), Kim Watson, Julie Potter, Richard Hall, Clarice Cutler, Mark Lane, Gianna Petito, Spencer Hardy

Others Present: Bob Onne, Jean Vissering, Kirby Scarborough, Steve Justis, Norma Raymond

Hearing Call to Order: 7:01pm

Statement regarding remote meetings

Presentation EM Proposed Amendments by Julie Potter

- EMVMP
- Address changes in State statutes
- Address identified issues
- Village Planning 2004-2018 History, included in 2018 Town Plan
- L U & Development Regulations last amended 2015
- Target updates to LUDR
- Village Zoning Districts
- Added VMP- VMU VRMD VR
- Changes to Parking; Min / Max #of Spaces
- PUD
- Mobile Home Parks
- Changes to Address Statute
- Statute requires increase in ADU size
- Updated to Required Agriculture Practices
- Changes to Address Issues with the LUDR
- Update Setbacks in all districts, waiver provisions, telecommunications distances, Cert of Compliance

Next Steps:

- Address Public Feedback
- PC approves proposed amendments
- Present to SB who approves Amendment

Comments from those residents in attendance:

Jean Vissering

- Complimented Julie Potter on a job well done
- Village Plan to increase density
- Disappointed with controlling out sprawl
- Missed any notices on the changes
- Reserves the right to send comments later

Kirby Scarborough

- Hopes the plan addresses vision noise and sound pollution
- Address light pollution
- New class of technologies to address industrial technologies
- Noise due to wind towers etc. need to be addressed in due course; light pollution should be examined as well.
- Like the telecommunication section in the regs and how they were addressed
- Zoning regulations restrict lighting
- Les Bloomberg he says it can make a difference to limit sound and noise pollution; knows how to make it work

Bob Onne

- Impressed with presentation; this is his first Zoom meeting
- Question with water drainage: is it a problem in a town?
- Zach: Zoning includes Flood hazard regulations
- Max amount of lot coverage for impervious surfaces

Email comments from DRB member

- Setback comments; needed to be dropped and felt it was excessive
- How will it be put into practice?

The town website contains the entire presentation, as well as an abridged version with the changes noted

Motion was made by Ms. Watson to close the hearing, seconded by Mr. Lane; motion passed unanimously

Hearing adjourned at 7:56p.m.

Planning Commission Regular Meeting

Call to order: 7:57pm

Changes to the Agenda: None

Public Comment: None

Wrap-up of Hearing

The PC discussed the comments received.

- Ms. Cutler addressed the comment that there should have been more communication about the hearing. It was posted on Front Porch Forum a number of times; it is not clear what else could have been done. Ms. Watson suggested sending postcards to bring more attention to the hearings. Consider posting on community forum e-mail groups. Ms. Potter noted that in-person hearings are probably more of a draw for people. There is no easy answer to the issue.
- On comments regarding light and noise pollution issues, the Chair feels that this is more of a development topic and should be dealt with in the Town Plan as opposed to the zoning regulations. The DRB can address these types of issues when they review development projects. The challenge in dealing with noise pollution in zoning regulations is enforcement and the fact that it can be arbitrary or temporary; zoning could be the wrong tool for this issue. A noise ordinance adopted by the SB might be a consideration. Ms. Watson noted that there are clear safety guidelines that the noise cannot be over 80 decibels; the DRB often adds conditions regarding noise and lighting issues. Ms. Potter reiterated that a noise ordinance is not part of the zoning regulations and must be adopted by the SB, not the PC.
- Comments from Jeff Cueto:
- Change to setbacks – Ms. Potter noted that the ROW might not be a consistent form of measurement on some roads, which is the reason for measuring from the road centerline in most cases. Ms. Watson addressed the absolute minimum of 10 feet that was suggested by Mr. Cueto; this would be just regarding a setback waiver. The Chair noted there is something in the regulations that says the setback cannot be in the road ROW; there may be existing structures that are in or very close to the ROW.
- Notwithstanding language – it should be clarified that this only applies to residential lots. The language was moved intact from other districts dealing with residential uses only. The issue comes up generally with older homes that were built prior to zoning; this clause is intended to help those homeowners do something with their houses, if they desire. Extending to other districts makes sure this is fair across the town. Ms. Potter suggested that the Chair speak with the ZA and Mr. Cueto regarding the pros and cons of this clause to give the PC and DRB a clearer picture. The DRB needs to understand that this clause only applies to residential uses. Ms. Watson and Ms. Cutler noted that the DRB hasn't come up against this issue in their recollection.
- Front setbacks in Zone D – Mr. Cueto feels that the decrease in setback maybe has gone too far. It is felt by the PC that this may be a safety and aesthetic issue. Ms. Watson noted that the PC is encouraging landowners to build closer to the road in order to keep land in the back more open. She doesn't feel the town will run into too many problems with this in Zone D. The change from measuring from the edge of the ROW to the road centerline was made previously. The Chair noted that this issue does not have a right or wrong answer; it is important that the PC listen to these types of comments and consider them. The PC is comfortable with where they landed on setback minimums.
- Accessory Dwellings and Floor Area/Gross – the question regarded the measurement of living area. The Chair noted that it appears that two words were omitted from Section 4.2(A)(3) in the regulations. The PC also reviewed the definition of floor area, which was not revised. The question from Mr. Cueto is how one would actually go about measuring the floor area of living space; it is not sure what would make the definition clearer. The PC feels that the definition is clear in its intent. Ms. Potter noted that there is no definition for 'living area.' The Chair suggested removing living area from Section 4.2 and simply refers to floor area. Mr. Lane noted that there is a big difference between interior living area measured to inside walls and floor area/gross that measures to the outside of the exterior wall. Ms. Potter suggested going back to the statutory language to make sure the regulations match the statute. Ms. Potter noted that the easiest way to clarify this is to add a 'living area' definition that would state the measurements are to the interior walls.
- Preference poll – keep as is or clarify – evenly divided. The Chair will bring this back to the ZA to see if there is a technical reason for the wording of Section 4.2 and the definition; he will bring it back to the next meeting.

Updates

- Capital Improvement Committee –no update
- Energy Committee – no update
- Resilient Roads Committee – no update
- Central Vermont Regional Planning Commission – no update

ZA Report/DRB Report

- DRB meeting next month

Review Minutes

February 3, 2022

Motion: I move to approve the minutes as amended. Made: Ms. Cutler, second: Mr. Lane

Vote on Motion: Passed 7-0-1 (Petito abstained)

Other Business

Ms. Cutler noted that we have a write-in campaign for the vacant position on the PC and hopefully Lauren Oates will be elected. She also wanted to say thank you to Ms. Potter for all she has done for the PC; she will be missed. Ms. Potter stated that she has learned a lot over the last 9 years and she has enjoyed working with those on the board. She is encouraged that many things that have been worked on are actually coming out of the concept stages. Ms. Watson thanked her for her phenomenal work for the PC.

Motion to Adjourn. Made: Ms. Watson, second: Mr. Lane. Passed unanimously. Meeting adjourned at 9:08p.m.

Respectfully submitted by Kristi Flynn, Recording Secretary