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April 15, 2015

APPROVED

## HUNTINGTON DEVELOPMENT REVIEW BOARD

Minutes of March 10, 2015



**PRESENT:** John Altermatt, Britt Cummings, Jeanine Carr

**ABSENT:** Joe Perella, Mark Smith

**OTHERS PRESENT:** Everett Marshall, Beverly Little Thunder, Roman Livak, Ed Hanson (Admin Officer), Joe Segale, Terry Ryan

**MINUTES:** Heidi Racht

7 pm Public Comment

Minutes of October 28, 2014

Minutes of February 10, 2015

7:20 Discussion of Fire Chief's letter – Mayo Subdivision

7:30 Land Use Regulations revision discussion with Planning Commission

8:50 Member Business

Mail

9 pm Adjourn

Informal discussion was held while the Board waited for a quorum. Everett Marshall explained the Zoning documents under review. The Planning Commission is going from three documents to one. The timeline was discussed. Roman Livak asked if the document would be ready for a Town Meeting Day vote. Marshall replied that the Selectboard had passed the regs in recent years. Livak commented, "there is a number of us on the Board who feel the town should vote."

The meeting began at 7:15 pm; chaired by John Altermatt.

**Public Comment:** None.

**Minutes of October 28, 2014:** Jeanine Carr moved; Britt Cummings seconded. Approved with changes.

**Minutes of February 10, 2015:** Jeanine Carr moved; Britt Cummings seconded. Approved with changes.

### **Fire Chief's Letter to Barbara Mayo**

A letter from Fire Chief Tate Jeffrey was reviewed. The letter expressed concerns about Ross Hill, a private, steep narrow road and the ability to get a truck up and then turn around. Jeffrey outlined several points, including 9-1-1 signage, the road association sanding the road all winter, widening the top of the road and also maintaining the width in the winter. Heidi Racht will make sure that Mayo has received the letter.

### **Land Use Regulations Discussion with Planning Commission**

The two groups reviewed Sections 2, 3 and 4.04 with Tom Bailey taking notes.

Marshall said that the HPC was struggling to try to write the reg in a readable format. He said it is easy to use jargon or technical terms. The Commission was focusing on "big picture" items and had a goal to make the document easier to use. John Altermatt agreed that the document was "user friendly" and

said he like the charts and visuals.

Marshall reviewed the outline, explaining that the Commission was building the document off the outline. He then moved on to Section 4.4. The group talked about Step 1 and Step 2 – looking at planned development.

Britt Cummings commented on the detail, especially in the village, asking what was trying to be achieved. Joe Segale said that the comment was valid, as he himself had just jumped into the process and was seeing this level of detail for the first time.

The group decided to review the document by section.

Jeanine Carr pointed out a couple of grammatical errors and made suggestion for clarity.

Salient points made by Jeanine Carr on Section 2:

1. Under what conditions would the Administrative Officers waive requirements? Ed Hanson replied that he has to decide when he has a complete application. Carr suggested changing the language to state that the AO could waive requirements if not applicable.
2. 2.05a take out second sentence – already said in first sentence.

Question from Terry Ryan about when the 30-day period starts for action by the AO. Hanson said it begins when he has the complete application. The fee has to accompany the application.

Ryan, again: page 19, Paragraph C references a public place – where is it? Be specific. After a bit of discussion, it was determined that post in the Town Clerk's Office (statute) and on the town website (informational).

Roman Livak suggested a Certificate of Compliance rather than Certificate of Occupancy would be more appropriate to some buildings. Hanson answered that the common term 24 VSA 117 is CO.

Question about 2.07 page 10 is this calendar days or work days: calendar.

- 2.09 – Clarification from Hanson in answer to a question: permit expires two years from effective date, rather than date of issue. Specify this.

Carr: 3.03a – eight months? Where did this come from? Racht explained that six months wasn't long enough and the Commission did not want applicants have to return for a hearing again because of the time limit being exceeded.

3.03 3 c – John Altermatt – submission of documents – does not want to preclude DRB from requesting other documents in the process. Bailey talked about additional parties. Hason added that this would be appropriate as long as the application is in the evidentiary phase. Bailey will look at the language.

3.03 3e comment about hearing – direct all questions through the chair. Bailey explained that the chair

has more control of the hearing.

3.03g (page 14) get ride of parens to read better. Put Criteria in district at top of list.

Racht: ? about wording of Districts – requested Land Use not Land Development.

Britt Cummings – does Pre-Application process require notification of neighbors? Hearing a negative response, he asked when the neighbors would be notified.

There was a bit of discussion about the Pre-Application and mixed comment about appropriateness of getting neighbors into a meeting that may not have a definite project , but merely an exchange of ideas. At some point in the process, the applicant will be told that it is time to notify the neighbors. There was also discussion about the requirement of having the neighbors in before leaving Pre-Application.

Joe Segale: Pre-Application is still a public meeting. What is the problem with having neighbors at the initial hearing?

Carr: Pre-application process seems vague. No defined steps that the applicant would go through. If steps were better defined, it would tell the applicant what to do.

Segale: what are adjoiners? Explained that these are people who property is adjacent. Racht commented that for some projects, other people on the road may be more affected by a project than the adjoiners who are over the hill with no common access.

Cummings asked about a checklist for pre-application checklist in the documents. Bailey gave the reasons why this wouldn't work. The form will contain these requirements.

Hanson: a number of places where specific statutes are in these change and then the document gives misinformation.

Ryan disagreed: people shouldn't have to hunt for information.

Marshall: cite statute judicially. Reference Municipal Planning Law.

Segale: suggested phraseology such as such things as, but necessarily limited to... Bailey will look at statutory citations. Marshall added: examine to see where the document will make reference to citation.

Carr: take out repetitive use of the term 24 VSA Ch 117 and use one word; have a brief description

Ryan: page 45 – summary of statutes.

4.04 Rural Residential District

p. 21 Step 1 and Step 2: discussion on specific wording and how this could be incorporated into the document earlier.

Livak: how do future resources figure into this

Carr: beginning of section (4.04 A) - take out sentence after Likewise,...

Carr, again: B. Simplify to: Permitted Uses Are:

Discussion about Accessory Dwelling – clarification of whether statute makes this an allowed use.

Carr, again: page 21 Step 1 and Step 2 helps define the process and it is clearer than the language earlier in the document.

Cummings: 4.04 H1b states DRB shall identify resources – trails. Etc. Applicant should identify and DRB can add.

Carr, same section: take out trails; take out extremely as it is a red flag

Bailey and Marshall will work on this section and also section 5.02

Carr: Site Plan Review is required for DRB approval? Bailey: state statute.

Carr: global sense. Prior to public hearing have sheet that summarizes changes from previous to proposed. Discussion on how this might work. Marshall proposed an overview; did not want to see track changes.

Carr suggested topics: three documents into one; which districts have changes – in layperson's terms; other changes.

Ryan: make sure it is clear that this is a draft. Watermark proposed.

Marshall: there will be one or more public hearings

Carr: HPC needs to give rationale for major changes

Livak: objects to A & B districts and additional roads in Village Code – this is not in the Town Plan

Carr: no one here is an advocate for sprawl; others may have other ideas

Livak: nonconforming lots in village - should have oversight

Comments can be sent to Everett Marshall.

### **Member Business**

Heidi Racht brought up the Bill White driveway permit. The Selectboard wants the DRB to sign the permit. Discussed was the role of the DRB in this process [driveway permit application] as well as the specific request. Racht said the application was under revision and the new document would make

more sense.

**MOTION:** The DRB sees no reason not to issue a driveway permit for the new residence on Bill White's property as the original former residence is deemed a storage unit. Jeanine Carr moved; Britt Cummings seconded. Approved unanimously.

**The Board authorized Heidi Racht to sign the driveway permit application on its behalf.**

**Adjournment:** The meeting adjourned at 9:09 pm. Britt Cummings moved to adjourn; Jeanine Carr seconded.

**DRAFT MINUTES POSTED ON THE WEBSITE:** March 10, 2015

**UNAPPROVED MINUTES TO DRB and Others:** March 11, 2015

**MINUTES APPROVED:** April 14, 2015

**MINUTES TO TOWN CLERK:** April 14, 2015