

APPROVED

HUNTINGTON PLANNING COMMISSION
Minutes June 26, 2017



TOWN PLAN MAP AMENDMENT PUBLIC HEARING – 7 pm

PRESENT: Everett Marshall, Terry Ryan, Joe Segale, Carmen Tedesco

ABSENT: Shayne Jaquith

OTHERS PRESENT: see list at end of document

MINUTES: Heidi Racht

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DATE July 13, 2017

HPC chair Everett Marshall made introductions, including Regina Mahony of the CCRPC (Chittenden County Regional Planning Commission) who has worked for the Commission on the regulations. Ground rules for the two hearings were explained.

The hearing began at 7:05 pm; Everett Marshall chaired the hearing.

Joe Segale explained the State Designated Center had been used for the town's two Village Districts in the Town Plan. The Commission is recommending enlarging this district, stating, "What a true village is is bigger than a small area."

General Comments

Roman Livak pointed out that there is an agricultural restriction in Huntington Center in this village district.

Aaron Worthley asked what the thinking was for the new district boundaries. Segale responded the Commission calculated that the average person would walk either a quarter to a half mile in a village from major points, like a store or town buildings. "It is not a sophisticated process," he noted of the calculation.

Mark Smith commented that he wanted to "protect the village, making them pedestrian-friendly." How do the changes help this? Segale responded in the Lower Village, there is not much room to do much more. The intention is to have the village extend out in a pattern of smaller lots. There is on-the-ground-evidence to support this.

Terry Boyle asked about the Neighborhood District (ND) boundaries - did they change? Marshall responded that the ND is the Village District in the current regulations. The boundaries have not changed; the current Village District will be Village, with higher density, and Neighborhood with similar zoning.

Livak commented on the omission of Hanksville as a Village Center. He noted that the Town Plan implementation for the Village District was to make more of the pre-existing smaller lots, currently non-conforming, to be in conformance. He made the case for Hanksville having a Village Center

designation.

Aaron Worthley commented that he did not like the Lower Village Village Center designation boundaries – it goes too far south. Segale commented that the boundary could have been more circular, but the Village Hill project was included in the contour change. Eliot Lothrop talked about the Neighborhood District versus Village Center, stating he objected to following lot lines and said he was curious about the process. Segale responded that the Commission tried to follow the lot lines “when logical.”

The hearing closed at 7:21 pm.

TOWN LAND USE REGULATIONS REVISIONS PUBLIC HEARING – 7:20 pm

PRESENT: Everett Marshall, Terry Ryan, Joe Segale, Carmen Tedesco

ABSENT: Shayne Jaquith

OTHERS PRESENT: see list at end of document

MINUTES: Heidi Racht

The hearing began at 7:25 pm; Everett Marshall chaired the hearing.

Segale elucidated the Planning Commission’s process for revision of the Regulations. He explained that the work on the document is to bring the Zoning Regulations into compliance with state requirements; overall changes of the existing three regulations (zoning, subdivision, flood hazard) into one document; clarification of the permit process; more specifics on Performance Standards; storm water management standards.

He explained the process for the revisions, starting with the first hearing in May 2015 and hearings in 2016, and noted that the Commission had made changes to the document after the first hearing.

Addressing the changes to the Village Center District, he noted that the new regulations would encourage

- development consistent with village character;
- creation of opportunities for denser (closer) development;
- building where it makes sense;
- allowing more say for village residents – more oversight.

Segale reviewed the permitting process – explain permitted uses (permit from Administrative Officer) and conditional uses. (hearing before the DRB, which may have conditions in the decision.

Five Zoning Districts and overlay districts, which regulate Flood Zones and Groundwater Protection areas, are in the document. Segale stated, “Whichever is more restrictive is the standard” [when a Zoning District has an overlay. He explained the difference between the Village and Neighborhood Districts. The Village District includes building dimensional standards – widths, glazing, new larger building size of 8000 square feet.

Other districts were discussed. Flood Hazard addresses construction of buildings in a way that is resilient to floods; avoiding loss of life and property and impacts on roadways.

Performances standards, which are what the DRB uses to evaluate a proposed project address nuisances like noise and odors. PUDs (Planned Unit Development) are encouraged to cluster buildings to preserve open space.

Storm water Management is a section added. This addresses when projects are not evaluated buy the State. Handbooks are available.

Before the hearing was opened for comments, Marshall stated that the Commission would take written comments through July 9.

General Comments

Darlene Palola asked about the natural resources document that is required for the Administrative Officer to issue a permit. "What do they have to present to show wetlands? 10% grade?" Marshall responded that the property owner may have to go through Conditional Use. The Administrative Officer will have access to a natural resources map and then make a referral to the DRB, if appropriate. Palola added that some standards may require an engineer.

Roman Livak stated that the applicant should be able to get a Zoning Permit from the DRB at the end of the hearing and not have to get it from the Administrative Officer [note from HPC Clerk: DRB cannot do this; only AO can issue permits].

Jeanine Carr had questions and concerns about the Village District. She said that it is the deregulation in this district that "worries me." There is no Conditional Use requirement for mixed use and no Conditional Use for multifamily buildings up to five units. Conditional Use is intended to allow people to comment on the impacts of a proposed project. Regarding the Flood Hazard overlay, building is allowed in the Village District, but no in other areas; it is subject to DRB review.

Carr then said that she liked the document, stating that it is "user friendly." She also likes the three documents combined into one.

Jeannette Segale asked if wildlife corridors throughout the state, could have an overlay, which would help to keep hedgerows in place for wildlife. Also, on a different topic, she noted that the Village District has a maximum of 8000 square feet. She said that the Dollar General operates within the 8000 square feet – and the town needs to minimize this.

Terry Boyle comments that the 120- frontage to 60' requirement [in the Village District] is excessive.

Mark Smith seconded Jeannette Segale's concerns.

Aaron Worthley quested why Senior Housing is prohibited in the Rural Residential while other uses for group housing is allowed. He asked about Home Occupations and Home Businesses – why and when

are these subject to permits? He commented that having not minimum frontage on the public road in the Village District is a "mistake" and questioned if this should say public road or private right of way.

Livak asked about the increased density in the Village District and the capacity for septic. There is a well head protection area in the Village that shouldn't be compromised. Marshall responded that water supply and septic are addressed in the Town Plan. He said the Commission is "jumping the gun" [for increased density in the Village] until there is a solution for addressing wastewater.

Boyle asked why there weren't more Natural Resources overlay districts. Marshall responded that the Natural Resources areas are mentioned - maps and the Natural Resources Atlas are referenced. He then talked about the ECOS study, which was a multi-town study.

Margaret Taft said the information on page 50, regarding the Groundwater Protection Overlay District is "brief and vague." Marshall responded that the Commission will look for advice from the state.

In response to Yves Gonnet's question about jurisdiction over water/wastewater and water protection, Regina Mahony responded that the state looks at wastewater and will look to resource, which means "it is possible it will be protected."

Palola: 5.11 (page 54) objected to the requirement of having to pave the first 30 feet of every new driveway, especially as many of the town's roads aren't paved. Taft concurred as did Livak. Palola stated the base of the driveways should be gravel in order to facilitate drainage. Boyle opined that paving should be done for private roads. Lothrop talked about the driveway permit, observing that each driveway should be looked at individually to make sure "it doesn't drain into road. Segale talked about alignment, noting that the Performances Standards only address steepness. Lothrop stated, that it "is a bigger problem than this." Segale responded, that it has to do where the driveway "hits the road." Palola also advocated for storm water protection in this section of the regs.

Paul Finnerty talked about Stockbridge, Massachusetts, which is home to the oldest village improvement association in the country. He said it worked very well to preserve the historic village. He then commented, "How many five-unit non-regulated buildings do you have to put in before you change the character of the Lower Village?" He noted that after 8 pm, the Lower Village is quiet. "Do we have to sacrifice the nature of the Lower Village?"

Carr said that some of these projects are not reviewed. "These kinds of projects are going to impact a lot of people."

Taft questioned (page 27 and 28; D.3 Parking) about building under the first floor in keeping within the character of the village. Segale talked about a parking lot and the "visual aspect of this," giving Shelburne Road as an example of poor design. He stated, "Don't hide your building behind a parking lot."

Worthley said he liked the parking section and said it would help to "deal with the Dollar Generals." He commented positively on requiring traditional street frontages.

Worthley then talked about on Home Occupations and Home Businesses as consuming – there are more regulations happening in other places – he specified woodshops and home offices. “Do we want or need to have regs in this town?” It is a lot more work for the Administrative Officer and the DRB. De declared, “We may have to hire a full time Administrative Officer.” He then talked about the expertise needed to management storm water requirements. “You have to submit plans that show you are adhering to the regs. Worthley expressed concern about the ambiguity of the DRB’s authority. “This makes the review process a lot harder.”

Next, Worthley talked about parking, specifically shared parking within 600 feet. “What are we constraining?” He gave an example of the parking for the Town Hall, which is down the road.

The setback from the river was Worthley’s next topic for discussion. He said he would like to reinstate the 100’ setback. He said, “It was never about erosion control. It was about water quality. We are giving up something.” Marshall replied that the river corridor includes a 50-foot buffer.

Worthley stated, “The driveway standards are the Selectboard’s authority.”

Smith said he “Seconds Paul [Finnerty] and Jeanine’s [Carr] concerns about commercial development in the Lower Village. There needs to be more muscle behind Conditional Use.” He also seconded Worthley’s concern about small businesses and the regulations being “burdensome to the Administrative Officer. Marshall responded that HPC would reexamine these topics.

Boyle commended the HPC on the document. It is “done nicely and the graphics present a readable document.” He talked about “undue adverse” in the definitions.

Palola asked if the standards examine the impact on the character of a project on the village. Mahony responded that this is “heavily subjective.” Conditional Use standards are laid out in statute. And look at the impacts of development on the surrounding area.

Carr said it is a “mistake to eliminate the minimum lot size in the Village District and to have not limit on buildings. “If people want to live that close together, they can live in Burlington.”

Livak said it is “appropriate for the Commission to designate the Village District.” He asked to have section 4.03 rewritten so it makes sense for Hanksville.

Racht talked about a kennel in town, where the noise impacted the neighbors who then asked for reduction in value, due to noise. She also talked about the Union Meeting House parking, which is behind the building. It involved a complicated exchange of land and a right-of-way in order to get enough parking for the building.

Livak referred to the setback – noting that the street setback from the side of the road is a big change. He said that it would need to be determined if the road was a three-rod or four-rod road. He recommended going back to measuring from the center of the road.

Livak the said he wanted the Administrative Officer to use the parcel ID number and not the tax map

number. He also suggested a preferred number would be the book and page.

Ross Ogilvie talked about Act 174 and moving forward. What is the time frame? Will it go into this document? Or a separate document? Marshall responded, "We won't be adding to the regs now." Going forward, the Commission will work on the Town Plan and make revisions to the regulations. Mahony added that the "base document is the Town Plan in terms of influence."

Palola asked about the town's Energy Plan to be made available. Ogilvie responded that it is part of Act 174. Mahony said that a municipality can do this by July 2018, but the recommendation is to wait a little longer." Marshall asked about an Energy Committee meeting about Act 174 on June 27.

Smith said he appreciates the work of the Planning Commission. "In these troubled times, we need to have confidence in local government." He commended the HPC and DRB/ He went on, "The Town Plan is the most important document that this town produces." He went on, "It has vision, is far-reaching. He felt that that it gets short-shrift because it is perceived as regs development." There needs to be more emphasis by the HPC and Selectboard on the Town Plan due to goals and implementation.

Taft asked about page 32D – how to count accessory dwellings – and table on page 24. It is not clear. Marshall said that the accessory is counted as part of the primary dwelling.

Livak, referencing page 32D: should be land recorded and not Lister's records, which might not be accurate.

Terry Ryan told the assemblage: in written comments, suggest s solution. He then commented on the civility of the proceeding.

Taft asked about the 15 days posting and the 30-day appeal period. Mahony explained that this is all based on statute. It can be set up so the appeal periods are concurrent. Racht spoke about the differences between DRB review and a building permit.

Palola asked if Section 5.15 is only for subdivisions?

Next Steps: Marshall reviewed the next steps

July 9 – written comments due

Then, HPC does revisions and sends to Selectboard, which has a public hearing.

The Public Hearing adjourned at 8:55 pm.

Draft Minutes on town website: July 5, 2017

Unapproved Minutes to HPC: July 5, 2017

Minutes Approved: *July 10, 2017*

Minutes submitted to Town Clerk: *July 13, 2017*

Attendance:

Regina Mahony (CCRPC)
Yves Gonnet
Roman Livak
Dori Barton
Aaron Worthley
Darlene Palola
Barbara Elliott
Terry Boyle
Ginger Lubkowitz
Jeannette Segale
Jeanine Carr
Mark Smith
Eliot Lothrop
Ross Ogilvie
Andrew Hendrickson
Margaret Taft
Robin Worn
Paul Finnerty