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April 11, 2011
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APPROVED

HUNTINGTON PLANNING COMMISSION

Minutes of March 28, 2011

PRESENT: Tom Bailey, Everett Marshall, Gordon Miller, Dana Cummings, Ginger Lubkowitz

ABSENT: Heather Pembrook, Julia Austin

OTHERS PRESENT: Cathleen Gent, Dori Barton

MINUTES: Heidi Racht

AGENDA:

- 7 pm Minutes of March 14, 2011
- Mail
- 7:20 pm Public Comment
- 7:30 pm Guest: Cathleen Gent, Administrative Officer
- 8:00 pm Discuss changes to Zoning and Subdivision Regs
- 9:15 pm Member Business
- 9:30 pm Adjourn

The meeting was called to order at 7:14 pm; chaired by Tom Bailey.

Minutes of March 14, 2011	Dana Cummings moved to approve the minutes of March 14, 2011; seconded by Ginger Lubkowitz.	The minutes of March 14, 2011 were approved unanimously with exhaustive changes.
Mail	Discussion deferred to later in the meeting.	No action taken.
Public Comment	No public present.	
Cathleen Gent, Zoning Administrative Officer	<p>Cathleen Gent introduced herself to the new Commissioners and described what she does for the Town of Huntington as Zoning Administrative Officer. (ZAO). This includes issuing zoning permits, some of which are done as the result of the decisions made by the HPC. Gent explained, "I follow the regs as literally as I can." In keeping with the regs, she "issues an occasional notice of zoning violation." She explained that she "takes the necessary steps with the Selectboard and town attorney."</p> <p>Gent explained how the permit application works and described how the ZBA also operates.</p> <p>Tom Bailey added that the ZAO makes decisions where she has to "interpret regs as they are, not how we would like them to be."</p> <p>Gent went on to say, "by statute, the Zoning</p>	

	<p>Administrator is designed to be independent. It is not a political position. She is appointed for three years. She explained that some of the tough decisions can be made on projects without pressure from the Selectboard.</p> <p>Gent also suggested that language be added to the HPC's approval decisions articulating that zoning permits are a required next step.</p>	
<p>Changes to the Zoning Regulations</p>	<p>The Commission reviewed two memoranda from Gent where she had made comments regarding current zoning and subdivision regulations.</p> <p>The first topic discussed was signage. Bailey read a comment from HPC member Julia Austin, who could not be at the meeting. Austin said that a business should be allowed to have two signs: one out by the road and one on the building, but none on the roof.</p> <p>The Commission discussed "neon" signs. Everett Marshall said that it was "reasonable to have a second open sign, but it doesn't follow the regulations." It was noted that neon signs are internally illuminated and are, therefore, prohibited by Section 5.4.3 (3) of the Zoning Regulations. Dana Cummings referred to the definition of sign in the regs. Gent advised the Commission to "make your regulation clearer." Bailey responded, "It's ambiguous enough that we would have to allow it." Marshall disagreed.</p> <p>The discussion centered on whether a "neon-type" sign that is in the window of a building is "on" the building (as provided in the definition of "sign" in Section 8.1 of the Zoning Regulations. What is the intent, but to project to the road? Gordon Miller said, "If it's inside, it's still on the building."</p> <p>Bailey suggested starting with the Section 8.1 definition of "sign." Miller responded, "There's a difference between in and on and if we start regulating what's in a building, you are going down a slippery slope." Cummings then said, "It's not on the building, but it's been placed in the window to be visible." Bailey summarized, "Once we decided it's a sign, Section 5.4 applies; if it's not a sign, then 5.4 doesn't apply."</p> <p>Gent said that she understood that the Commission</p>	

	<p>considered that if it is a sign, it has to be regulated. It was a question of intent – what’s in the window is intended to inform the public.</p> <p>Cummings then said, “people need to have a way to indicate whether they’re open or closed. It’s informational.” He contrasted it with a neon beer sign, which is “advertising for a product for purchase. Bailey suggested that restricting one and not the other is a regulation of the content of the sign’s message and is, therefore probably not permissible.</p> <p>Bailey then explained to the Commission that a functional process should be created. “Things that are in the hopper by a certain date are dealt with.” Marshall said that the HPC should decide on changes over the course of a few meetings. Cummings said that the Commission should try to get a set of amendments done to have on paper.</p> <p>Ginger Lubkowitz advised that the list of items “in the hopper” be established and revisions be drafted and brought back to the meetings to conserve time.</p> <p>The real estate sign placement was discussed (5.4.4) and all agreed to move this forward.</p>	
	<p>However, the discussion returned to “neon” signs in windows. The state is banning neon signs in 2012, but there are now LED signs that look like neon. The Commission returned to 5.4.3(3) with Marshall asking, “Can we agree that this is a sign? We can change the reg. Right now, it’s not allowed.”</p> <p>Miller then said that the Commission needs to discuss banners. Cummings, reading the regs, said that the banner should not be bigger than 6 square feet and cannot be up longer than three months.</p> <p>Bailey summarized by asking the Commission to consider the “DNA of our villages. What’s the least restrictive use we can allow people?” It was decided that the issue of signs would be taken up at the next meeting.</p> <p>The Commission reviewed the issues raised in the February 8 memo from Gent.</p>	

	<p>She felt that two sections of the regulations pertaining to motor vehicle sales, might be at odds with one another. In Article 3.1(E)(6), in the Village District, no retail vehicle sales are allowed. However, the definition of “Motor Vehicle Service and Repair Facility” (in Section 8.1) allows the sale of repaired or restored vehicles as an accessory to the principal use with five vehicles being the maximum number stored on the premises at one time. She asked the Commission to remove the ambiguity.</p> <p>Under 1.4.2, Gent asked the Commission to add a sentence regarding setback. The setback is often an issue with buildings under 150 square feet. The property owner may run into problems when Letters of Compliance are requested for property sales or refinance; sometimes, additions to buildings even need to be removed. Gordon Miller offered to rewrite this section.</p> <p>Section 2.6.4 was discussed. Gent said that it was brought to her attention that the principal building could be a dwelling or cottage industry.</p> <p>Under Article 3.3, language was proposed to include “grandfathered” dwelling as a permitted use in the Woodland District.</p>	<p>Ginger Lubkowitz will rewrite the section under 1.4.2 to include stronger language about setbacks buildings not needing permit (under 150 square feet).</p>
	<p>Merger in Section 5.9.2 was then discussed at length. Language in the regs now states that adjacent properties held in common become merged unless one parcel has gone through subdivision. Gent noted that merger in State statute is meant to deal with nonconforming lots. She also indicated that the amendment language Bailey had previously drafted cleans up part of the difficulty drafted cleans up part of the difficulty of how to deal with property divisions which pre-existed the current regulations. However, it was noted that merger should not mandated just because someone buys an adjoining parcel. Dori Barton added that she had heard a couple of complaints about this. The Commission concluded that merger needs to be revisited.</p> <p>Storm water run-off was discussed, specifically, run-off onto a neighbor’s property. It was noted that the subdivision regs address run-off during construction, but there is nothing that deals with the routine changes in</p>	<p>Tom Bailey said he would take a stab at redrafting the section.</p> <p>Dana Cummings will write language to address run-off occurring from routine changes to property.</p>

	<p>property resulting in run-off. After some discussion, Dana Cummings offered to write language addressing run-off.</p> <p>It was pointed out that Section 5.22.10 listed streams, but some were missing. Dana Cummings offered to redraft the section and include the missing water bodies.</p> <p>The Commission decided that changing a basement into living space does not need a building permit as a change of use.</p> <p>Moving on to Gent's memo of March 22, Bailey read Austin's comments that the town should not be in the business of restricting tents and other temporary residential structures. Gent responded that there is a use of campers for overflow housing where septic on the parcel is inadequate. It was noted that this is a difficult issue since a camper is all some Huntington residents can afford. She asked, "How do you want me to regulate?"</p> <p>The Commission then moved on to yurts with Gent stating that if a yurt is used for more than six months, it needs a permit. Cummings added that it was an issue of health and safety because of the use of the smoke detectors.</p> <p>Seasonal camps on leased land were also a topic of discussion. Gent asked, "What happens when someone comes in to convert?" She asked the Commission to address leased land.</p>	<p>Dana Cummings will redraft section 5.22.10 to include streams missing from the current regulation.</p>
<p>Member Business</p>	<ol style="list-style-type: none"> 1. Training opportunities for Commission members were presented. VLCT is offered workshop in early April. New members were urged to attend. 2. Tom Bailey raised the issue of a Development Review Board. Act 250 Local Jurisdiction was discussed. It was presumed to save state time. 3. Dana Cummings raised the issue of conflict of interest saying he wanted to be clear that he didn't feel there was any around the proposed subdivision by Diane Cummings (his late uncle's ex-wife), even though his last name is the same. 	
<p>Mail</p>	<ol style="list-style-type: none"> 1. Notification letter from the Vermont Public 	

	<p>Service Board concerning a solar array to be installed by Guthrie Smith on Salvas Road.</p> <p>2. Letter from Sandy Heyman, Brewster-Pierce School, asking for consideration from the town regarding the water overlay district for the school's water system. As a result, the Historic District in Huntington Center was discussed briefly with Bailey noting that it hadn't been mentioned in the Zoning Regulations.</p>	
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Adjournment: Everett Marshall moved to adjourn; seconded by Ginger Lubkowitz. The meeting adjourned at 9:59 pm

UNAPPROVED MINUTES TO THE HPC: March 31, 2011.

MINUTES APPROVED: April 11, 2011

APPROVED MINUTES TO THE TOWN CLERK: April 11, 2011