

APPROVED

## HUNTINGTON PLANNING COMMISSION

Minutes of July 11, 2011

**PRESENT:** Everett Marshall, Ginger Lubkowitz, Gordon Miller, Julia Austin, Tom Bailey, Dana Cummings, Heather Pembrook

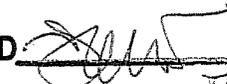
**ABSENT:**

**OTHERS PRESENT:**

**MINUTES:** Heidi Racht

**AGENDA:**

- 7 pm Minutes of June 27, 2010
- Mail
- 7:15 Public Comment
- 7:20 Discuss changes to Zoning and Subdivision Regs
- 9 pm Member Business
- 9:15 Adjourn

RECEIVED: 

DATE July 28,  
2011

Town Clerk

The meeting was called to order at 7:09 pm; chaired by Tom Bailey.

<b>Minutes of June 27, 2011</b>	Dana Cummings moved to approve; seconded by Heather Pembrook.  <b>The minutes of June 27, 2011 were approved unanimously with changes.</b>
<b>Mail</b>	1. Letter from Vermont Department of Environmental Conservation Wastewater Management Division, dated June 14, 2011, acknowledging the application of Seth and Buffy Miller, 144 Ross Hill, to amend permit WW-4-2465-2 to add a one-bedroom detached apartment.
<b>Public Comment</b>	No public was present.
<b>Proposed Changes to Subdivision and Zoning Regulations</b>	The discussion began with the Commission reviewing the process for updating the regs, with a plan to complete items this evening.  <b>Accessory Apartments:</b>  The Commission reviewed Gordon Miller's proposal for changes to Section 5.7 Accessory Apartments. The current regulations follow state statute for 30% of primary residence and Miller advocated for a larger size pointing out that more space might be needed for wheelchairs, and other mobility equipment for handicap accessibility. His proposal is for 1200' or 30%, whichever is greater.  Heather Pembrook talked about her residence, which is 1100' and said that 1200' is more like a primary residence.

Tom Bailey replied that the whole issue of housing is worthwhile to discuss. "Gordon has brought up valid points." He suggested a "short-term amendment" and then to bring up the issue of housing when work is done on the Town Plan.

Everett Marshall pointed out that this would increase density. Pembroke added, "If we decided to have only one house per lot, then we should be consistent."

Ginger Lubkowitz said, "If we're going to allow more than one house, why are we talking about Accessory Apartment?" She added that "accessory suggests subordinate."

Miller said, "It's not fair to people who have smaller houses" to not be able to build a larger accessory as the people with larger houses. He called the regulation "elitist."

Dana Cummings remarked on the "sense of scale" as an important consideration.

The Commission looked at 5.7.3 and continued to discuss the size of the Accessory Apartment. Julia Austin suggested 1000' and up to 30%.

Marshall then said that new buildings with Accessory Apartments should continue to go through Conditional Use. He said, "I have trouble dropping the Conditional Use" since it give neighbors a chance to comment. He gave the example of a small lot with buildings close to the property lines.

Miller said it is "easier to build a garage and then add an Accessory Structure" than to build an Accessory Apartment.

Cummings pointed out that under 24 VSA 4412, Accessory Apartments on owner-occupied property is an allowed use.

**The Commission decided to leave in 5.7.3 Conditional Use.**

**The Commission agreed to change 5.7.1 (1) to read:**

**No more than 1 accessory apartment shall be associated with a single-family dwelling, and the accessory apartment (clearly subordinate to the principal unit) shall contain no more than two (2) bedrooms. Furthermore, the accessory apartment shall not exceed 1000 square feet or 30%, whichever is greater, of the total habitable floor area of the single family dwelling prior to the creation of the apartment.**

At this point, Heidi Racht suggested that since the proposed changes to this section were minor, it would be helpful to those reading the document to have the section updated rather than rewritten.

Ginger Lubkowitz then said that she thought the owner occupied requirement is a “benefit.” She talked about a property near her house that is going to be turned into rental apartments and the fact that it is owned by the person living next to it was good.

After Everett Marshall asked about the interpretation of “subordinate,” the Commission discussed how this would be measured, reaching no conclusions or consensus.

**Telecommunications:**

In the discussion about telecommunication, Tom Bailey explained that he had drafted a regulation, based on information he had received from the VLCT (Vermont League of Cities and Towns) and with language provided by Rep. Rebecca Ellis.

Gordon Miller asked about a tower for low power FM broadcast, giving an example of this in the Mad River Valley. He said there was a possibility of the FCC offering new stations and noted that opportunities could come up for Huntington. Bailey responded that an applicant can apply for a Federal or State approval and “wouldn’t probably apply to the town” when he or she could “get it all at once through the State.”

**Bailey offered to write a final draft and send it out before the July 25 meeting.**

**Performance Standards:**

The Commission reviewed section 5.16 which outlines Performance Standards. Dana Cummings had revised this section, adding run-off and water into the introduction and adding Sections 5.16.9 and 5.16.10.

**The Commission approved the addition to the introduction of Section 5.16 and approved the following language:**

**5.16.9 No significant soil erosion and/or discharge of sediment into a brook, stream, river, culvert, ditch or catch basin.**

**5.16.10 Excepting discharge into an approved storm drainage system, no significant increase in storm water flow levels and/or alteration of existing run-off patterns, which result in ponding or flooding of other properties.**

	<p><b>Vehicle Repair:</b></p> <p>The Commission discussed moving this out of Home Occupation and creating a new section. Heather Pembrook, who had drafted the revision, asked about how the standards are met?</p> <p>After more discussion, Tom Bailey said that he was comfortable with Pembrook drafting new language to be reviewed at the next meeting.</p> <p><b>Heather Pembrook will draft a revision of the Contractors Yard/Motor Vehicle Repair, dividing them into two sections, and circulate the draft in advance of the next meeting.</b></p>
<p><b>Member Business</b></p>	<p>1. Tom Bailey raised the issue of Fluvial Erosion by reminding the Commission that the Town has maps from a study completed by the State's River Management Program. He said that most problems with flooding are fluvial erosion, not inundation, stating that it was "a moral responsibility to notify property owners" if they have property at risk.</p> <p>Ginger Lubkowitz responded that "people have been told that flood insurance doesn't cover fluvial erosion."</p> <p>There followed a discussion about the latest erosion, mostly notably before and around the area where Texas Brook joins the Huntington River, about one mile from the Richmond town line. Bailey led a discussion on "rip-rap" noting that it is not allowed without a [State-issued Stream Alteration] permit. The risks and benefits on the use of "riprap" were discussed.</p> <p>Everett Marshall suggested starting with a public hearing for information regarding fluvial erosion. He concluded that the 100' buffer "disallows building near the river without a Conditional Use permit." Bailey said, "The goal is to avert catastrophic loss." Pembrook clarified that Bailey felt the HPC should be educating landowners.</p> <p>Marshall concluded, "If the town adopts a Fluvial Erosion Overlay, then it's official. It's very controversial."</p> <p>2. Tom Bailey gave an update on the search for a new Zoning Administrative Officer, giving kudos to Julia Austin, who drafted the language for the ad, and Heidi Racht, who created and placed the ad in Seven Days. The job description is located on the town's website.</p> <p>He reported that he had contacted Ed Hanson, Zoning Administrator for four towns that are similar in size to Huntington, and former CCRPC employee Samantha Tilton, who helped Huntington draft the most recent planning grant.</p>

	<p>3. Bailey asked about summer schedules and then clarified that the goal was to “wrap up” the revisions to the Zoning Regulations and Subdivision Regulations on July 25 and then start on the Town Plan.</p> <p>Heather Pembroke and Heidi Racht said they would not be at the meeting on August 22.</p> <p>4. Bailey reported he met with Paul Dreher about Form Based Planning.</p> <p>5. Bailey pointed out that the information for the next round of Municipal Planning Grants has been distributed by the State and suggested that work on the Town Plan could qualify. The application deadline is September 30.</p>
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**Adjournment:** Ginger Lubkowitz moved to adjourn; seconded by Heather Pembroke. The meeting adjourned at 9:30 pm

**UNAPPROVED MINUTES TO THE HPC:** July 14, 2011

**MINUTES APPROVED:** July 25, 2011

**APPROVED MINUTES TO THE TOWN CLERK:** July 28, 2011