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APPROVED

HUNTINGTON PLANNING COMMISSION

Minutes of February 13, 2012

PRESENT: Tom Bailey, Dana Cummings, Gordon Miller, Heather Pembrook, Ginger Lubkowitz, Everett Marshall,
ABSENT: Julia Austin, Heidi Racht (arrived 8:23 PM from Board of Civil Authority meeting)
OTHERS PRESENT: Knox Cummin, Ed Hanson
MINUTES: Heather Pembrook and Tom Bailey

Agenda:

- 7:00 PM Minutes of January 23, 2012
- Mail
- 7:20 PM Public Comment
- 7:30 PM Finalize Changes to Zoning and Subdivision Regs
- 9:30 PM Member Business
- 9:40 PM Adjourn

The meeting was called to order at 7:10 pm; chaired by Tom Bailey.

<p>Minutes of October 24, 2011</p>	<p>Dana Cummings moved to approve the minutes of January 24, 2012; seconded by Everett Marshall.</p> <p>The minutes of January 24, 2012 were approved unanimously with changes. Ginger Lubkowitz abstained.</p>
<p>Mail</p>	<p>Received the Andy and Onnie Palmer subdivision sketch plan. Tentatively schedule sketch plan review for March 12th.</p>
<p>Comments from Zoning Administrative Officer, Ed Hanson</p>	<p>Ed Hanson was invited by Tom Bailey to share his comments about the Zoning regulations with the Commission.</p> <p>Hanson expressed concern about enforcing the 300 foot setback of buildings from the Deer Wintering Area and the setbacks from wetlands. He always tries to work with the landowner by calling or writing them about the alleged violation. If the person is intractable, he will issue a Notice of Alleged Violation. The case then gets referred to the Selectboard which may pursue the case in Environmental Court. All cases which Hanson has brought to the Environmental Court have been, in his opinion, air tight, and all have been decided in his favor. He feels that from a zoning enforcement perspective the DWA boundaries are amorphous (no metes and bounds exist to define it) and controlled by the State and therefore do not belong in our regulations. He suggested that applicants seek the Department of Fish and Wildlife's (DFW) input on impacts to DWA.</p> <p>Everett Marshall clarified that the DFW does not typically rule on wildlife</p>

	<p>habitat areas for Town regulatory purposes.</p> <p>Dana suggested that the zoning regulations could reference a specific static map of critical wildlife habitat. If updates were made, the new map would need to be re-adopted by the Town. This would allow the Town more control over the impacts of changes made by the State.</p> <p>Tom Bailey clarified to Ed that the HPC draft zoning regulations under consideration would have the applicant hire a wildlife biologist to define the DWA boundary if it was in question.</p> <p>Everett Marshall clarified that DFW does not have jurisdiction over development in critical wildlife areas outside of the Act 250 process. Our regulations refer to these areas. He added that the HPC is removing language in the Zoning Regulations about wetland set backs as the State does have jurisdiction in this area, so it is unnecessary in our regulations.</p> <p>Dana explained to Ed that our proposed zoning regulations would outline a process where an applicant who wanted to build within a DWA would need to hire a wildlife biologist and seek a variance from the Zoning Board of Adjustment.</p>
<p>Public Comment</p>	<p>Knox Cummin asked about the timeline and process for approving the proposed zoning and subdivision regulations. He is interested because of the impact that the new regulations would have on his proposed project near the lower village with respect to DWA. The process is that the HPC has a public hearing, make changes as necessary, then recommends a version to the Selectboard who has a 2nd hearing. The Selectboard can vote to accept the new regulations or they can bring it before the voters. Estimated time until the draft regulations are approved is 4 months from today.</p> <p>Knox also asked if he got a variance from the ZBA for the 300 foot buffer from the DWA, would it be valid if the regulations change? The HPC felt that if the regulations passed, he would not longer need a variance and/or the variance he received would be valid. Everett suggested that Knox call the League of Cities and Towns to clarify.</p>
<p>Development Review Board</p>	<p>Tom asked Ed Hanson to give his opinion about Huntington adopting a Development Review Board. Ed said that most towns he has worked for have DRBs. He thinks they are a good idea and would allow the Planning Commission to gain traction on planning activities.</p>
<p>Subdivision Housekeeping Revisions</p>	<p>Discussion began with Deer Wintering Areas. Members reviewed the proposal that Dana had drafted and Tom had edited regarding Section 5.22.3 of the Zoning regulations. Members decided to change the wording of “minimal negative impact” to “undue adverse effect” which is a standard in natural resources regulations at the state level.</p>

	<p>Discussion ensued about what a “qualified wildlife biologist” was and how the commission would determine if their qualifications were valid. It was decided that the state was small enough and consultants have reputations which are easy to unveil. It was suggested that the HPC would review and approve the biologists’ findings.</p> <p>Everett pointed out the reference to vernal pools in Section 5.22.1 of the Zoning regulations. He suggested removing language which refers to them as the State’s new Wetland regulations includes vernal pools, so we no longer have jurisdiction. Section 5.22.1 c will be removed.</p> <p>Gordon made am motion to accept the Zoning and Subdivision housekeeping changes. Dana seconded the motion. The motion passed unanimously.</p> <p>The public notice will be advertised in the next Times Ink, published on February 22nd or 23rd. The HPC public hearing will be March 22 at the Huntingotn Public Library.</p>
Member Business	Ginger will host a gathering at her house for outgoing members Tom Bailey and Heather Pembroke on Sunday March 4 th . Cocktail and dinner are options.

Adjournment: Heather Pembroke moved to adjourn; seconded by Everett Marshall. The Commission voted unanimously to adjourn at 9:40 pm.

UNAPPROVED MINUTES TO THE HPC: January 23, 2012

MINUTES APPROVED: February 27, 2012

APPROVED MINUTES TO THE TOWN CLERK: March 1, 2012