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April 12, 2012

APPROVED

### HUNTINGTON PLANNING COMMISSION

Minutes of March 26, 2012

**PRESENT:** Dana Cummings, Knox Cummin, Ginger Lubkowitz, Everett Marshall, Julia Austin, Gordon Miller

**ABSENT:**

**OTHERS PRESENT:** Joe Perella, Rachel Towers, Tom Bailey, Margaret Taft, Justin Willis, Nancy Bretschneider, John Altermatt, Dori Barton, Mark Hill, Ralph Towers, Dean Grover, Joanne Conley

**MINUTES:** Heidi Racht

**Agenda:**

6:30 pm Site Visit to Palmer Property (Minor Subdivision Review)

7:30 pm Continuation of Public Hearing on Subdivision and Zoning Regulations Revisions

9 pm Adjourn

**Continuation of Public Hearing on Subdivision and Zoning Regulations Revisions**

At 7:30 pm, the Commission continued the Public Hearing for the Revision of the Zoning Regulations and Subdivision Regulations.

Joe Perella spoke on Section 5.8 (page 42) of the Zoning Regulations. He said that certain changes to buildings in the setbacks now require a variance from the Zoning Board of Adjustment in the regs approved in 2009 where before it could be granted by issuance of a Conditional Use. A variance is harder to get because it requires specific criteria. Perella pointed out that houses built pre-zoning and which don't meet setbacks require a variance. "It is an important provision," he said. "There isn't any reason to change it from Conditional Use. If they can't meet the setback, they have to get a variance. This gives the ZBA the flexibility to mitigate." He proposed changing 5.8.3 to read that it can be expanded with Conditional Use approval. He asked the HPC to "toss a sentence in there" in the interest of "common sense and fairness due to the reason of when they are built."

Everett Marshall clarified, asking Perella if he thought a structure could be more non-complying.

Perella replied that the actual structure is non-complying. He added that the addition within the setback is interpreted as needing a variance.

Marshall again asked for clarification about whether it would include adding a front porch that would put a non-complying structure closer to the road.

Perella said that it would include a degree of non-compliance can be addressed

with a conditional use instead of a variance.

Dori Barton clarified the naming of Otter Brook by giving a history of the work of the Conservation Commission. She said, "Jenkins Brook is a place holder. Since then, the Conservation Commission came up with Otter Brook. It had recommended to include this in the list "more for wildlife value than as a stream" as it was a "major corridor to Gillette Pond."

There was further discussion about the naming of the brook, including the location on the USGS; and, that it did not flow into or away from Gillett Pond.

#### **Article 8: Definitions**

John Altermatt asked about Accessory Apartments and its "subjectiveness in the eye of the beholder" in terms of the "clearly subordinate" size of an Accessory Apartment to the primary residence.

Julia Austin replied that it could be defined as a percentage of the square footage.

Marshall said, "Municipal law says subordinate."

In response to a comment that the Accessory Apartment could be one square foot smaller than the primary residence and be "subordinate." Marshall added, "It's only going to be nearly as big as the original if the primary structure is pretty small."

Gordon Miller said, "You can have 99.9% of primary structure and be in conformance."

John Altermatt argued for clarity in the reg, noting, "We [the ZBA] don't want to be in the position to make the call."

Joe Perella asked about the definition of Accessory Apartment and whether it was consistent with the reg. He was told that an Accessory Apartment does not have to be attached to the primary residence.

Perella then suggested that an Accessory Apartment over a garage doesn't need a Conditional Use as "sensible."

#### **Subdivision Regulations Revisions**

Dana Cummings reviewed the changes to the Subdivision Regulations. There were no comments from the floor.

#### **Section 5.24 of the Zoning Regulation**

Joe Perella asked where the wording for the section came from.

Tom Bailey, who drafted the section, replied that the wording came from the VLCT and it was adapted to fit the Huntington reg. He noted that a recent group that met in town wanted to encourage cell towers for better coverage.

There followed a discussion about the role of the Public Service Board (PSB) and how the town could participate in the hearings for towers that come under the jurisdiction of the PSB. Bailey explained that the PSB process allows towns to participate, similar to Act 250. Everett Marshall explained that the reg would apply if it doesn't go through the PSB.

Perella asked, "Where is it in the reg does someone have to go to the Statute?"

Morris Knight asked if the lawyer had gone through this; he recommended it. Marshall explained that the HPC could discuss using a lawyer and "if we agreed," we would pass it along to the Selectboard." The Selectboard has to approve spending money for attorney's fees. He added, "It could be expensive." Knight responded, "It could be expensive not to."

After Perella said the town should be attending to the small details, Knight replied, "It's not just communication towers. Wind towers cost the town a lot of money." Margaret Taft added, "The language could come back at you."

Bailey explained that the reg had been adapted from a document that was a stand-alone.

Moving back to Section 5.23, Taft then asked why Accessory Apartments in the Village and Rural Residential Districts had been moved from permitted to conditional use.

Dana Cummings replied that this was covered in 5.7.3.

It was explained that if it was under an approved use and if there was going to be substantial changes to the property, there should be some means of review. Also, if it was partially conditional, then it needs to be in the chart as conditional.

Joe Perella mentioned that Light Industry and Home Industry, which are listed in the charts of the Village and Rural Residential Districts were not in the definitions. There was nothing in the regs that addressed these terms either. Heidi Racht said that this could be Cottage Industry, under Section 5.2.

In discussion around the language for Light Industry, Home Industry and Cottage Industry in the chart and the body of the documents, Perella expressed

	<p>concern that the reg not preclude something by changing the language. It appeared that Light Industry did not appear anywhere in the document except the charts. Taft suggested changing Home Industry to Cottage Industry.</p> <p>Morris Knight proposed that Section 5.23 (Daycare) be handled by the State. Cummings replied that this would be treated as public comment and the matter be addressed at the next regular meeting for discussion since “these weren’t changes.”</p> <p>After discussion about the deadline for written comments since the hearing had been continued, at Cummings’ suggestion, the Commission decided to extend the deadline for written comments to the end of business day on April 2. Cummings then clarified the process.</p> <p>Perella then recommended that his recommendations be warned for another round of hearings if it constituted to major change to the document. He was told that this hearing only addressed changes to the existing regs.</p> <p><b>The public hearing was closed at 8:30 pm. Written comments can be made through April 2.</b></p>
<p><b>Mail</b></p>	<p>The Commission reviewed a letter from Christine and Morris Knight, dated March 26, 2012, that re-iterated Knight’s comments of earlier in the evening which are that the State’s regulations are more stringent and Huntington’s regs are not necessary: regs address parking, drop off and square footage of the house. Reasons were given in the letter. Cummings will look over the document.</p> <p>This will be reviewed in the next round of housekeeping:</p> <p>A suggested wording change under 5.23.2: change children to individuals.</p> <p>Cummings suggested that off-street parking should be addressed in the net round of housekeeping.</p>
<p><b>New member orientation</b></p>	<p>The Commission introduced its process to new member Knox Cummin. As part of the discussion, the Commission discussed the functioning of the Board and how it interacts.</p>
<p><b>Minutes of March 12, 2012</b></p>	<p>Everett Marshall moved to approve the minutes of March 12, 2012 as revised; seconded by Gordon Miller.</p> <p><b>Approved unanimously, with Knox Cummin abstaining.</b></p>

<p><b>Town Plan</b></p>	<p>Ginger Lubkowitz passed out a letter to Charles Baker with CCRPC requesting CCRPC approval. The letter deals with Huntington's relationship to surrounding towns.</p> <p>Everett Marshall moved to send the letter with changes; seconded by Ginger Lubkowitz.</p> <p><b>Motion passed unanimously.</b></p> <p>Lubkowitz will send out the revised letter by Wednesday.</p> <p>Lubkowitz passed out a timeline for adoption of the interim Town Plan. The hearing date was set for the week of April 30, depending on availability of a meeting room.</p>
<p><b>Member Business</b></p>	<ol style="list-style-type: none"> <li>1. Dana Cummings will ask Heather Pembroke to replace Ed Booth as the CCRPC representative as he will be stepping down.</li> </ol>

**Adjournment:** Ginger Lubkowitz moved to adjourn; seconded by Knox Cummin. The meeting adjourned at 10 pm.

**UNAPPROVED MINUTES TO THE HPC:** April 3, 2012

**MINUTES APPROVED:** April 9, 2012

**APPROVED MINUTES TO THE TOWN CLERK:** April 12, 2012