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April 26, 2012

APPROVED

**HUNTINGTON PLANNING COMMISSION**

April 9, 2012

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

**ABSENT:**

**OTHERS PRESENT:**

**MINUTES:** Everett Marshall/Heidi Racht

- 7 pm Minutes of March 22, 2012
- Minutes of March 26, 2012
- Mail
- 7:15 Public Comment
- 7:20 Regs Update

<b>Mail</b>	None.
<b>Public Comment</b>	No public was present.
<b>Minutes of March 22, 2012</b>  <b>Minutes of March 26, 2012</b>	<p>The Commission discussed incorporating any changes to the regs in conjunction with review of the minutes of the hearing of 22 March.</p> <p>As a means to work on the comments, the Commission followed both sets of minutes, making corrections as it went.</p> <p>Everett Marshall suggested referring to the flood hazard regulations and incorporating the streams for the Zoning Map. Gordon Miller pointed out that the flood hazard regs aren't part of the zoning. Ginger Lubkowitz said it wasn't ideal, but the HPC could work towards ideal over time since changing it would likely delay the approval of the housekeeping amendments to the regs. There was discussion regarding the format of the map source document and how to change it.</p> <p>Dana Cummings expressed regret for the emphasis on the consistency with respect to setback versus the desire for flexibility and noted that the comments reflected this. There was discussion of three-rod and four-rod roads in town and clarification of definition. (16.5 ft. per rod)</p> <p>Marshall asked what was the original motivation for changing from a 60 ft. to 50 ft. setback. Lubkowitz reminded everyone that it was originally a correction of a typo/inconsistency, but discussion led to making it more lenient across the board. While much of this may be addressed in Form Based Code</p>

(FBC), the decision needs to be made based on current information. Knox Cummin pointed out that “wobble room” was needed (if the river eats away road, for example) and to leave the setback at 60 ft. This led to a brief discussion about fluvial erosion. No conclusions were reached.

Julia Austin suggested taking the public comments and fixing the typo and then leaving everything as it is now “unless you are willing to dive in.”

In further discussion, someone noted that eminent domain might be exercised if there was a need to move the road because of erosion; a 50-foot setback in the village was suggested; the costs of materials and related work to go 10 extra feet from the road as pointed out by Dean Grover.

**The Commission agreed on a 50-foot setback in all districts except for Conservation, where it is not applicable.**

Then, the discussion resumed when Lubkowitz mentioned that Form Based Code will help provide discussion in the near future.

Referring to Grover’s letter, Cummings said he was “not convinced” that ten feet further back [50 feet to 60 feet] visually for neighbors warranted the extra expense for the property owner.

**The Commission then reaffirmed consensus on a 50-foot setback.**

**The Commission changed the date in 2.6.3 to November 7, 1972, the date of the first zoning regulation in Huntington.**

Discussion then moved on to Accessory Apartments. The opening question was about page 30 and whether moving Accessory Dwelling to Conditional Use hindered development. In the proposed reg revision, all Accessory Dwellings will be conditional; currently, Accessory Dwellings in existing buildings require permits, while Accessory Dwellings in new construction requires a Conditional Use hearing. That led to the question, “How long is a building “existing?”

The Commission discussed changing all Accessory Apartments to being permitted [new and existing]. Cummings said, “If we are keeping this, then owner-occupied should be required.”

Gordon Miller differed, pointing out that “most people investing in residential properties expect a certain rate of return.” After reciting calculations based on investment in rental properties, he said, “For an investor to do this, it would have to cost \$300,000.”

The discussion then went on to enforceability with the concept of the Zoning

Administrator doing “bed checks” put forth. Austin asked what other towns do for about the owner-occupied requirement.

Cummings referred to public comment indicating the Commission should address rental properties directly rather than creating a loophole. The option for the owner occupation should be required “initially” and then if something changed, it would not be required. There was more discussion on whether the reg was enforceable.

Knox Cummin said, “Someone should look at it [Conditional Use]; afterwards, there should be no rules.”

Miller said, “There should be certain minimal property standards.” To this, Marshall asked, “Owner occupied initially or all the time?” Miller then said, “Assuming the person applying is the owner.”

Lubkowitz looked up Accessory Apartments in both the Richmond and Hinesburg regs and reported that both required owner-occupancy of either the primary residence or Accessory Apartment. Cummin summarized that the review the town has is site plan review and this is exempted. Therefore, it is permitted with no site plan review in an existing building.

The discussion then went back to whether existing or new Accessory Apartments would require a Conditional Use permit.

Cummings then noted, “If the owner occupancy is not required in a duplex, then we shouldn’t require it for an Accessory Apartment.”

Back to discussion on page 30 and whether moving Accessory Apartment to an accepted use hinders development. Cummin noted that you can build a duplex and “no one [owner] has to live there.” Miller added, “And it could be much bigger.”

The Commission then discussed duplexes – Should the owner occupancy be required for duplexes? Miller said he “disagreed with the requirement.”

Cummings asked Heidi Racht to respond since she had raised the issue at the Public Hearing. Racht discussed her perspective, noting that this is a type of housing and that rental properties were another. She felt that the town could use more rentals, but this was not the way to do this.

After more discussion on the owner occupancy issue, Cummings said “Gordon made an argument that this is not a back door way to rampant development.” He noted that the public comment favored owner occupancy.

Cummings said that if the requirement for owner occupancy was in the regs,

then only people who want to live there will buy a property. Cummin noted, "This is a characteristic of property. There are other limits on other properties."

What constitutes a new or existing dwelling? Someone pointed out that someone could be building a garage with "roughed in plumbing" and not have to go through Conditional Use to convert it into an Accessory Apartment. The Commission agreed that it's a "loophole" when there was no consensus on a timeline for when a building was no longer new.

**The Commission voted on the following:**

**Village and Rural Residential Districts**

**Dwelling, Accessory – new construction (Conditional Use)**

**Dwelling, Accessory – modification to an existing building (Permitted)**

**Family-member occupied either primary residence or accessory**

**Woodland District – Conditional Use to a grandfathered dwelling**

**The language passed 4-2 (Miller and Cummings voted against).**

**The Commission discussed whether to put the list of Exempt Signs at the beginning of the section and decided not to do this. Instead, it will be mentioned at the beginning of the section.**

### 5.3 Contractors' Yards / Vehicle Repair

Several written comments were received by the commission

1. Margaret Taft - screening requirement is excessive and goes beyond "the character of the neighborhood," which is subjective and not defined
2. Wayne Curley – screening is non-existent at times and ineffective at others – visually "out of place" for rural areas
  - a. too many vehicles allowed (18) and who is tasked with follow-up and determining if this meets EPA standards
  - b. size – 4000 sq. ft. easily converted – unlikely that conversion could be accomplished or building torn down to meet regs
  - c. hours – not appropriate to Rural Residential District; recommends not allowing in RR District
  - d. traffic allowances are excessive and not able to be controlled – who will regulate

Stated Vehicle Repair should be limited to Village or designated areas and not allowed throughout the town as it does not appear to satisfy the stated goals of the Reg and does not enhance or protect property values in RR district. No one from the State or the Town takes the time to visit and assess compliance.

Dana Cummings responded, "This covers a large area of the town. It limits people who can use property to make a living." He referred to the Performance Standards which limit impacts on neighboring properties.

Regarding screening, Julia Austin brought up Burnett's on Route 116 north of Hinesburg. She noted that the impact on the road is minimal, due to the setback from the road. Taft had noted that Section 5.3.1.3 doesn't define screening.

The Commission then discussed the realities of screening, given the topography of the town. Someone remarked that screening was more appropriate to a flat area like Florida. Knox Cummin added, "To screen the Huntington Garage, you have to do everything except the curb cuts."

He then noted, "If it's a problem, you would enforce it." Everett Marshall said that the commuter lot screening is "effective" and Austin added, "It is appropriate to try to screen. It's a cost of doing business." Cummings stated, "The specifications are so specific as to be an impossible task." Cummin suggested 8-foot screening. Cummings then said, "I think we can drop the screening under Site Plan Approval Standards (page 21, Section 4.3.3(4). Being Conditional Use, adjacent property owners have adequate notice for comments in review."

Marshall said that screening can be required under Site Plan Review. Cummin said the Commission should refer to the standards; under 5.3.2 (add 4.3.3 (4) as a reference) and this should also be the case for 5.3.1(3). New home occupation vehicle repair requires Conditional Use approval and adjacent property owners are notified and have the opportunity to comment in the review process.

Back to Home Occupation Vehicle Repairs with Margaret Taft's comments about 5.3.2(5) noting a month was too short a time.

**The Commission decided to remove the last sentence of 5.3.2(5).**

The Commission then moved on to discuss signs again. How does the reg address agricultural year-round signs like maple syrup?

**The Commission decided that agricultural signs for products that are available year-round (i.e., maple syrup, eggs, honey) are covered within the context of existing limitations.**

In further discussion, the Commission decided to make the language consistent and change three months to 90 days.

	<p>Knox Cummin moved to approve the minutes of the March 22 Public Hearing, as changed; seconded by Ginger Lubkowitz. Approved unanimously; Gordon Miller abstained.</p> <p><b>The minutes of the March 22 Public Hearing were approved.</b></p> <p>Knox Cumming moved to approve the minutes of March 26 Public Hearing continuation and meeting, as changed; seconded by Ginger Lubkowitz. Approved unanimously.</p> <p><b>The minutes of the March 26 were approved.</b></p>
<p><b>Member Business</b></p>	<ol style="list-style-type: none"> <li>1. Dana Cummings reported that he had tried to ask Heather Pembroke to replace Ed Booth as the CCRPC representative; she hasn't returned his call.</li> <li>2. Heidi Racht gave a brief report on the work done for the May 1 Town Plan Hearing: notices posted; warning placed in newspaper; copies and CD sent out per statute; hand delivery of copies to CCRPC Office in Winooski.</li> </ol>

**Adjournment:** Everett Marshall moved to adjourn; seconded by Knox Cummin. The meeting adjourned at 10:06 pm.

**UNAPPROVED MINUTES TO THE HPC:** April 15, 2012

**MINUTES APPROVED:** April 23, 2012

**APPROVED MINUTES TO THE TOWN CLERK:** April 25, 2012