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DATE January 30, 2013

APPROVED

HUNTINGTON PLANNING COMMISSION
Minutes of December 10, 2012

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

ABSENT:

OTHERS PRESENT:

MINUTES: Heidi Racht

Agenda

- 7 pm Meeting begins MEETING BEGINS
Village-Based Code - Plan for January 10 Public Hearing
- 7:30 Town Plan Work Session
- 8:30 ECOS grant update
- 8:40 Minutes of November 26, 2012
Mail
Public Comment
- 9 pm Deliberation of Village Hill Preliminary Subdivision
- 9:25 Member Business
- 9:30 Adjourn

The meeting was called to order at 7:03 pm, chaired by Dana Cummings

<p>Village Based Code with Tom Bailey</p>	<p>The Commission met with Tom Bailey to discuss the proposed Village Code. He stated that this proposal would eliminate Zoning Regs Articles 2,3,4,5 in the Village District with the exception of meeting Planning Standards. Since the Village Code is a use-based zoning document with no minimum lot size, there would be a streamlined process for property owners to develop and use their property. Essentially, subdivision review in this area would be eliminated and Conditional Use would be eliminated in favor of Conditional Review, a simpler process.</p> <p>Bailey discussed Conditional Approval. The property owner would need a zoning permit, except for the non-allowed uses. Standards will be applied if Conditional Approval is applied. He also noted that, if Act 250 is required, it would prompt Conditional Approval at the town level.</p> <p>Bailey reviewed the VC point by point. He commented specifically on the requirement for glazing, noting, "virtually everyone in the village is in compliance with this already." Also, he pointed out that many of the buildings in the villages that are on less than one acre that are non-complying structures, would be in compliance with this zoning. To summarize, the property owners would not be confined with uses. He said, "You do as you want as long as you</p>
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comply with the standards.”

At 7:20 pm, Everett Marshall joined the meeting.

Heather Pembroke asked about C2 (Development that adjoins street which are shown on the Zoning Maps of the Village Central Zone, but have not been constructed, shall not be built until such streets are built. However, no development shall be allowed in the rights of way of such streets.) . She asked about possible potential for a road in the Lower Village. She noted that number 2 discourages development due to the requirement that no one can manage it since there is no predicting when the street would be built.

While Pembroke, who is an adjacent property owner to a proposed new road in the village, said that she was not opposed to the concept, she expressed about the speed of traffic. Julia Austin proposed paths instead of roads.

Dana Cummings asked a question about paths. What would the process be if there is a map adopted showing new roads. He suggested that a negotiation with property owners.

Bailey asked if the Commission wanted to keep the maps as shown. Knox Cummin suggested that the roads be left on the map, so “the idea was out there.” He felt that the new road in the Lower Village should be distinguished from the Upper Village since the latter involves one property owner and that the language be changed from proposed road to possible road.

One of the concerns that came out in the discussion was that the Village Code discussion could become one where the focus would be about new roads on the map, rather than the whole concept of the Village Code.

Pembroke suggested under number 4, she would like to match the language to the rest of the document.

Pembroke then strongly advocated simplification of the language under point 6 (Development within the area that has received the state Village Center Designation shall be undertaken with cognizance of the long term benefits to be derived thereby.). She said, “I’d like this in English.” Bailey commented that there was a principal to be applied and that “you do want to say what you mean.” Pembroke then suggested applying the principals of the Village Center designation. Knox Cummin suggested spelling out the benefits of this designation, which includes grants and low-interest loans.

Bailey then wondered if the town should eliminate subdivision in the village, pointing out that it would a potential benefit by eliminating a hearing – less work for a town board and less cost and a financial savings for the property owner. Everett Marshall begged to differ, noting that this would eliminate

public participation.

Pembrook asked about the reasoning that went into point 10 (a diagonal parking development scheme). It was noted that diagonal parking is a form of traffic calming.

Bailey said that the Code requires the landowner to contribute land to a sidewalk. Dana Cummings asked about the building to line – does it go to the sidewalk?

Under point 11 (adjoining land owners constructing adjoining buildings up to the boundary line – having a shared wall), Marshall asked about the shared wall. Bailey replied that the Code “is not going to allow building to the line unless the other property owner agrees. Knox Cummin added, “the setback is eight feet.” Furthermore, Dana Cummings said, “It’s eight feet or zero – not between.” He then asked about the waiver (easement) for maintenance. Bailey responded that this would have to be worked out at Conditional Approval.

Julia Austin asked what the next steps would be after the hearing that was scheduled for January 10. What is the process? Bailey explained that the Commission would recommend adoption to the Selectboard. “Once it’s adopted, it’s part of the regs.” He added, “Virtually all of the Lower Village is not in compliance with the current regs. A lot more of the Lower Village becomes compliant. Dana Cummings said that the first hearing would decide on the direction with possible subsequent hearings.

Pembrook noted that the hearing is an opportunity for marketing and the Commission should be prepared to answer questions. She said, “This may be the only meeting someone attends.”

Cummings then went on to say that the discussion was part of the process to see what people think. It misses marketing the concept, but the Commission wasn’t ready to do this.

There then followed a long discussion on whether to postpone the hearing and the benefits of January versus February.

Marshall stated, “We’re putting the work of the Committee before the town.”

Austin asked, “Do people like the idea of what this looks like for a vision for the town?”

Pembrook responded, “People will want to know, ‘How does this affect me and my property?’” She also advocated that the Commission be prepared to accept comments.

	<p>Austin observed that the implementation is the main task, if this is something that people want. Ginger Lubkowitz added that the Commission needed to get the sense that the public supported the concept of Village Code to determine whether spending the time on it. This would result from comments at the hearing.</p> <p>MOTION: Ginger Lubkowitz moved to hold the hearing on January 10; seconded by Gordon Miller.</p> <p>The Commission voted unanimously to hold a public hearing on Village Code on January 10, 2013, 7 pm, at the Huntington Public Library.</p>
<p>ECOS Update</p>	<p>Everett Marshall discussed the meeting, which would be held on December 13 for real estate agents, site technicians and engineers. It is expected that the participation would be 15 people.</p> <p>Heather Pembroke asked how the ECOS study results would affect real estate agents and technicians and Marshall explained that it would provide background information on natural resources. It relates to inventory work. Dana Cummings added that this would help keep people from putting together a plan that doesn't work. For example, site engineers can provide options. Marshall further commented that there was a tie-in with gathering inventory and providing resources.</p>
<p>Minutes of November 24, 2012</p>	<p>Motion: Julia Austin moved to approve the minutes of November 24, 2012 with changes; seconded by Ginger Lubkowitz.</p> <p>The minutes were approved unanimously.</p>
<p>Village Hill Preliminary Subdivision Review Determination</p>	<p>The role of Knox Cummin, who did not participate as a member of the Commission during the Preliminary Review of the Village Hill PRD, was clarified. He did not participate in the discussion of the project.</p> <p>The Commission began deliberations on the decision of the Preliminary Subdivision Review for the Village Hill PRD at 9:09 pm.</p> <p>Dana Cummings started the discussion by stating that he wanted clarification on the density bonus. He said that he had contacted Garrett Baxter at the Vermont League of Cities and Towns (VLCT) who said that there was nothing from State statute that applies to how a town figures a density bonus. Since the town's subdivision regs don't have the specificity to figure this, it is up to the Commission to make the determination. Pending a statutory preferred way to figure a density bonus, Baxter recommended revising the the town's regs.</p> <p>Cummings mentioned that the applicant had stated that changing the acreage for the project would be an option. Heather Pembroke asked whether the acreage would be bumped down or rounded up. Cummings explained that the</p>

normal allowed amount would be used and that the bonus would be calculated on top of that. He compared it to a salary bonus where the bonus is figured on the base salary. Since fractions of a house don't make sense, he went on, the number of houses would be rounded down. It was also noted that the bonus is up to 25% and the developer could be required do less than 25%; rounding it up give more bonus than 25%. He said the bonus should be 1.25 times the acreage and then round it down.

Cummings noted that the bonus calculation should be clarified in the next round of housekeeping changes to the regs.

He then reviewed section 3.3.4, which is the Commission's timeline for making a decision on the application and recommended approval with modifications of 6.4 acres for 8 residences which could either be accomplished by adding acreage to the project; the applicant could also reduce the number of units to meet the acreage on the proposed plat; or meeting the acreage by having affordable housing. Everett Marshall added that the applicant could get outside funding for affordable housing. Heather Pembrook then said that the Commission should double check the calculation of the density bonus; this was done.

Heidi Racht pointed out that projects of this size had historically had a phase-in. The Commission reviewed the Sections 3.3.5 and 3.3.6, which address sectionalizing and phase-in requirements. Gordon Miller argued that the market will determine the timeline of the project construction and advocated that there shouldn't be a phase-in. Everett Marshall agreed with Miller adding that the "market will dictate" the rate of building the project. Marshall noted, "If you build things all at one, you get all the disturbance over at once." Dana Cummings added, "Creating a hurdle if the market can handle it can leave a scarred landscape."

The Commission discussed Section 3.3.5 and deemed it unnecessary since the project was not so big that it had to be reviewed in sections.

Cummings mentioned that the Commission did not want to have there be a "perception of favoritism" as the applicant is a member of the Commission. Pembrook acknowledged that phase-in, as outlined in Section 3.3.6 had been required before, but she didn't see an overcrowding of schools. Racht said she had only raised the issue because it had been done this way previously by the Commission when considering projects of this size. She pointed out that the CESU has never been known to state overcrowding of schools and said that her experience as a local school board member had been that a developer proposing and 80-plus-unit project in Huntington in the mid-1980s had received a letter stating that the schools district could handle the projected increase in enrollment.

	<p>After more discussion, it was stated that since no one was on the Commission when the last large project went through subdivision review, there was no basis on which to continue the phase-in and the Commission determined that Section 3.3.6 was not necessary.</p> <p>The Commission then considered Tina Scharf's letter, which the applicant had produced for the file. Scharf, a wildlife biologist, had looked at the deer wintering areas and the Class II wetland on the property. Scharf had noted that the project had a natural boundary as it was bounded by residences on East Street on the east edge and there was a natural slope on the west edge of the project.</p> <p>Prior to making a determination, the Commission enumerated the points to be discussed in the decision:</p> <ol style="list-style-type: none"> 1. modification of the acreage for the density bonus; 2. enumeration of why the project wasn't required to be sectionalized or phased in. <p>MOTION: Ginger Lubkowitz moved to approve the Preliminary Subdivision as modified; seconded by Heather Pembrook. The project was approved unanimously, 6-0, with a reiteration that Knox Cummin had recused himself from the discussion and decision.</p>
Mail	<p>The Commission reviewed the following mail:</p> <ol style="list-style-type: none"> 1. invoice from HPC clerk Heidi Racht for July 1-December 10.
Development Review Board	<p>The Commission discussed its next move on its recommendation to move toward a Development Review Board. Everett Marshall said that it was awkward to work on developing the plan with the uncertainty of whether the two Boards would continue in their present configuration of Planning Commission and Zoning Board of Adjustment or whether the ZBA would be replaced by the DRB. Of concern is the number of people who would be needed to fulfill the smooth operation of the DRB. Heather Pembrook noted that the HPC could be reduced from seven members to five members. Cummings then responded that in a perfect world, there would be a mix of members of the HPC on the DRB." This then led to a discussion of the water/wastewater committee and that it is now without a chair; the HPC could take on some of this work as a function of planning. Cummings asserted that he was reluctant of take on this WWW work, if the Planning Commission continues with its present workload.</p>
Member Business	<ol style="list-style-type: none"> 1. Heather Pembrook asked to have a Town Plan work discussion at the next meeting (January 14, 2013). 2. The Public Meeting to discuss Village Code will be held at the

	<p>Huntington Public Library, 7 pm. Details were discussed.</p> <ol style="list-style-type: none"> 3. The agenda was set for the January 14 meeting (notes at end of minutes). 4. The Commission reviewed the driveway permit application for Nils Smith, noting that the application was vague – no address, no specifics on the drawing – and Dana Cummings would talk to Barbara Elliott about the expectation of the Commission’s role. Heidi Racht said that the application was in the process of being rewritten as it had references to non-existent regs and the multiple pages made it too long – a single-page application with standards/instructions was a possibility.

Adjournment: Everett Marshall moved to adjourn the meeting; seconded by Knox Cummin. The Commission adjourned the meeting at 10:33 pm.

UNAPPROVED MINUTES TO THE HPC: December 26, 2012

MINUTES APPROVED: January 28, 2013

APPROVED MINUTES TO THE TOWN CLERK: January 30, 2013

January 14, 2013 Proposed Agenda

- 7-8:30 Town Plan
- 8:30-9 Village Code
- 9 pm Minutes of December 10
- Mail