

APPROVED

HUNTINGTON PLANNING COMMISSION  
Minutes of September 16, 2014

**PRESENT:** Everett Marshall, Mark Smith, Knox Cummin, Terry Ryan

**ABSENT:** Beverly Little Thunder

**OTHERS PRESENT:** John Altermatt (DRB); Ed Hanson (Zoning Administrator); Roman Livak (HCC/Selectboard); Tom Bailey

**MINUTES:** Heidi Racht

- 6:45 MEETING BEGINS
  - Public Comment
  - Minutes of August 5, 2014
  - Minutes of September 2, 2014
  - Public Comment
- 7 pm MPG and RFP
- 7:15 Zoning Administrator Ed Hanson
- 8 pm Revised budget
- 8:15 Meet with Tom Bailey
- 8:50 Member Business

RECEIVED   
DATE October 7, 2014

The meeting began at 6:50 pm; chaired by Mark Smith.

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| Public Comment | <p>Roman Livak spoke to the Commission about a variety of concerns.</p> <p>He had three questions:</p> <ol style="list-style-type: none"> <li>1. Why does reconstruction of an existing permitted building require a permit?</li> <li>2. Why is the tax map ID used to identify a parcel for zoning purposes when there is also a parcel ID number and a span number. Livak said he would use the former [if he were the Zoning Administrator].</li> <li>3. What is the intent of 5.9.2 of the zoning regs?</li> </ol> <p>And two comments:</p> <ol style="list-style-type: none"> <li>1. Permitting process is not clear. The Administrative Officer should become involved in the process. He used the example of Mark Smith's recent Conditional Use and how he hadn't been instructed as to the next step of getting a building permit.</li> <li>2. Executive Session – be clear when you go into it.</li> </ol> <p>Knox Cummin entered the meeting at 6:55.</p> <p>Other discussion included merger of property coming under common ownership during which Livak spoke about a correspondence from Town Attorney Jim Carroll to the Commission concerning the Swannie property and its implications for other properties that have been merged. HPC Clerk Heidi</p> |
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|   | <p>Racht said that she had given a copy of the correspondence to Livak for the Conservation Commission. It has subsequently been copied and given to others, including Swannie. ZA Ed Hanson has recently and emphatically stated that it is a confidential attorney-client document. Racht apologized to the Commission; since the request came from a member of the HCC, which was in negotiation to purchase the property, and also a Selectboard member, she thought it was appropriate.</p> <p>On another topic, Terry Ryan suggested that the new regulations include forms and a checklist as appendices.</p>   |
| <p>Minutes of August 5, 2014<br/>Minutes of September 2, 2014</p>     | <p><b>MOTION:</b> Everett Marshall moved to approve the minutes of August 5; seconded by Terry Ryan. Approved unanimously.</p> <p><b>MOTION:</b> Everett Marshall moved to approved the minutes of September 2 with two changes; seconded by Knox Cummin. Approved unanimously.</p>  |
| <p>Municipal Planning Grant (MPG) and Request for Proposals (RFP)</p> | <p>The Commission discussed impending interview with consultant candidate Tom Bailey. Discussion points included the scope of work – the grant was written specifically around regulations for the village and rural zoning zoning and is a follow-up to the work done on Village [form-based] Code with the MPG. However, the entire regulations are going to be revised. The Commission also discussed looking at other town’s regulations, specifically Hinesburg - on which the current regs were modeled – and Starksboro. Briefly discussed was the possibility of a consolidated regulations document since there is repetitiveness in the current two documents.</p> <p>The Commission drafted some questions to pose to Bailey.</p>   |
| <p>Zoning Administrator</p>   | <p>Ed Hanson spent 45 minutes with the Commission discussing aspects of his tenure in Huntington and his ideas and objectives for the future.</p> <p>He commented, “What I do here isn’t unique.” He talked about his comprehensive monthly reports to all town officers, noting that everything is out in the open and all citizens in town can see what is going on.</p> <p>The “vast majority” of his work is either on the telephone or by email.</p> <p>Hanson stated that one advantage he has been able to offer the town is objectivity: he doesn’t live in town and therefore, has no political elements influencing his decisions. Residents can be assured that “they will get democratic treatment.”</p> <p>In answer to a question, Hanson said that he does not visit the property prior to the construction of a building, but instead visits when the foundation is in</p> |

place (a footers inspection) to ascertain the building placement and footprint. The builder tells him when the building is ready for the final inspection. Each applicant is issued a Certificate of Occupancy (CO) to complete the permit; Hanson does a site visit before issuing the CO. He estimated 40-50 site visits in a given year.

Smith asked about whether the town can improve on some of the “things we do” between boards.

Hanson replied that in other towns he has an arrangement where he is the clearing house for any application that comes into the town. He coordinates with boards to schedule, does a hearing package, warnings, public notices to adjoiners. Terry Ryan asked why this process wasn’t done in Huntington. Hanson said that the town did it a different way when he became ZA. [Board clerks have handled these tasks.]

More discussion ensued around confusion as to what applicants were supposed to do with Smith noting that “everyone is a victim of confusion.” Hanson spoke about his expertise with state statutes and how towns “rely on someone like me to translate for lay people what the regs say and what they allow.”

John Altermatt asked how Hanson would handle a variance. Hanson responded that it is “difficult to be an advocate. I can point them in a direction that would streamline the process; also, help them save money by not recommending a variance if there is no chance.”

He went on, “I can say without contradiction that I know more about 24 VSA than anyone else sitting at the table.”

Knox Cummin asked Hanson to look over the regs as they are being revised. Hanson opined, “There are a couple of places in the regs that might need band-aids.” And then offered to work with the Commission on re-drafting the regs. He responded to a question that he bills hourly and charges the prevailing IRS business mileage rate.

Enforcement was then discussed with Hanson enumerating the steps, including:

1. First violation: issue notice;
2. Goes to Selectboard and Town’s attorney;
3. Neighbors usually give notice of violation;
4. No action is taken on anonymous call, but he will honor confidentiality
5. Approach to owner is generally “how can we fix it?”

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|                                     | <p>In other discussion, salient points are:</p> <ol style="list-style-type: none"> <li>1. Huntington is lucky it doesn't have a large body of water because of the Shoreline Protection act;</li> <li>2. Hanson likes St. George's Land Use regulations – "the best I have ever seen;"</li> <li>3. He works for St. George, Addison, Panton and Sudbury.</li> <li>4. Unified bylaw reduced possibility of conflicts in the documents.</li> </ol>  |
| <p>Revised Budget for 2014-2015</p> | <p>The Commission reviewed the minor revisions to the 2014-2015 budget that was proposed by the DRB.</p> <p><b>MOTION:</b> Everett Marshall moved to accept the DRB's proposed budget and submit it to the Selectboard; seconded by Knox Cummin. Approved unanimously.</p>  |
| <p>Meeting with Tom Bailey</p>      | <p>Tom Bailey met with Commission about the MPG. He had submitted a proposal for revision of the regs. The work was to begin on July 1, but with the Town Plan only recently approved by the Selectboard, the project is now behind. Bailey assured the Commission that he was prepared to bring it back to the timeline that was outlined in the RFP in June. Everett Marshall noted that the goal was to produce a document that is "brief, concise and easy to read" and Bailey had demonstrated this with his work on the last MPG.</p> <p>The discussion then went on to the format of the document(s). Bailey asked if this would be a revision of the existing zoning regulations and subdivision regulations or would the Commission want a new style? Would it proceed with a unified document? Bailey explained that the last time that regs were revised, the Commission started with Hinesburg's document and then "split them up" into two documents. Now there is the DRB handling all projects, so it would be "one group dealing with one document." However, the decision remains with the Planning Commission. Bailey remarked, "I work for you."</p> <p>Knox Cummin mentioned that the Commission needed to find the "best places that are comparable" in developing the regs that address village code. The Commission should "bring in the best ideas we see" and adapt the document.</p> <p>Mark Smith allowed that he would like a "lively public process" and "the public needs to buy into whatever we are doing."</p> <p>Bailey advocated for Powerpoints. Someone needs to do visuals.</p> <p>The timing of the work was then addressed. Marshall asked Bailey what time he had available as "we are really running late." Bailey responded that he would try hard to "dive in as directed and produce a draft in the "timeline we</p> |

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|                         | <p>have.” He asked for the process for beginning the work.</p> <p>Marshall suggests a subcommittee work with Bailey, who then requested having one point of contact.</p> <p>Form Based Code was discussed with Smith pointing out that it should “address the character of a community” with emphasis on mixed use, public participation and design. Some discussion about whether the zoning should enable FBC or wastewater or encourage it and a local Act 250 are all decision points that need to be addressed. Chapter 117 provides for local Act 250 that a DRB can do.</p> <p>Bailey emphasized that his point of view “doesn’t matter. The Selectboard and DRB need to own this, although the HPC will do the first draft out the door.”</p> <p>Bailey said he would bill once per month in itemized statements.</p> |
| <p>Member Business:</p> | <p><b>MOTION:</b> Everett Marshall moved to recommend to the Selectboard that Ed Hanson be reappointed as Zoning Administrative Officer for three years; seconded by Mark Smith. Approved unanimously.</p> <p><b>MOTION:</b> Everett Marshall moved to hire Tom Bailey as a consultant to be paid with funds from the 2014 Municipal Planning Grant and direct him to combine zoning and subdivision into a unified Land Use Regulation in accordance with the Town Plan; seconded by Terry Ryan. Approved unanimously.</p> <p><b>ACTION ITEM:</b> Everett Marshall will be the point of contact for Tom Bailey.<br/> <b>ACTION ITEM:</b> Mark Smith will call Tom Bailey.</p>  |

**Adjournment:** Knox Cummin moved to adjourn the meeting; seconded by Everett Marshall. The vote was unanimous to close the meeting. The Commission adjourned the meeting at 9:50 pm.

**Draft Minutes on town website:** September 22, 2014  
**Minutes Approved:** October 7, 2014  
**Minutes submitted to the Town Clerk for recording:** October 7, 2014