

APPROVED

HUNTINGTON PLANNING COMMISSION
Minutes of November 18, 2014



PRESENT: Everett Marshall, Mark Smith, Beverly Little Thunder, Terry Ryan
ABSENT: Knox Cummin
OTHERS PRESENT: Tom Bailey, Joe Perella
MINUTES: Heidi Racht

RECEIVED *[Signature]*
DATE *December 16, 2014*

7 pm Public Comment
7:10 Minutes of November 4
Mail
7:15 Regulations Revision
8:50 Member Business
9 pm Adjourn

The meeting began at 7:05 pm; chaired by Mark Smith.

Public Comment	<p>Joe Perella came in to discuss 5.9.2 (merger). He cited 24 VSA 4412, which authorizes town to merge lots if one is not nonconforming, He gave an example of a half acre merging with 20 acres. The Huntington regs allow for merger and doesn't confine it to nonconforming lots. It is the consensus of the DRB that it doesn't make sense; it isn't fair and it "doesn't seem legal in my opinion."</p> <p>Perella went on to say that that statute "does not authorize broad merger." The regs cannot promulgate merger and it is limited to existing nonconforming lots. He said he consulted with the VLCT and their legal reps agreed with him that statute puts limits on town's merger.</p> <p>He said that the the DRB will make a decision (regarding Roman Livak's appeal) which says:</p> <ol style="list-style-type: none"> 1. this is constricted by statute; 2. the reg is unlawful and doesn't apply to two conforming lots. <p>Everett Marshall expressed that the Commission was disappointed in the town attorney's lack of specificity.</p> <p>Tom Bailey arrived at the meeting.</p> <p>There was more discussion on merger including discussion of the listers' tax map numbering of lots (merging them for tax purposes) not having an impact on zoning. Mark Smith said he would like to work toward some decisions. Perella added that ZA Ed Hanson could do renumbering himself rather than have the listers do it, "but he doesn't want to." Terry Ryan asked about the</p>
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	<p>specific appeal and Perella replied that the DRB doesn't need the Commission to rule on Livak's appeal/ He said he was "talking about a broader direction. It is more than an academic issue; it is a real issue." Smith then said that the Commission "has a good understanding of the issue. The direction of the DRB is pretty clear if the Commission is in consent." Perella said that he was not looking for consent and just wanted to inform the Commission of the issue. Ryan summarized, "The merger reg as it stands is too broad and may not comply with statute." Beverly Little Thunder added that the Commission should reconsider this in the re-write of the regulations.</p> <p>Perella then went on to make the request again that nonconforming structures (5.8.2) be Conditional Use and not require a variance. He went to explain that the DRB (formerly Zoning Board of Adjustment) is constrained by the reg and someone might not be able to meet the variance criteria "through not fault of their own."</p>
<p>Zoning Updates with Tom Bailey</p>	<p>The Commission discussed the draft that Tom Bailey had sent via email. Bailey remarked that the Flood Regs revisions, which will be incorporated in the regs revisions, will need to go through the state.</p> <p>Mark Smith discussed the process, remarking that he would like to receive the material in a timely manner so the Commission can do its "homework."</p> <p>Smith then went on to discuss encouraging the "downtown" or village centers. He said he would like the new regs to give individual landowners and the town the ability to do "creative and good things that would benefit the community." Sidewalks, for example.</p> <p>Everett Marshall talked about conditional use versus variances., noting, "In any district, it's really important to do adaptive reuse, lessening the impact from building out." Bailey remarked that under FBC, there 's no restriction on use. Marshall asked about a noisy business. Bailey responded that the Performance Standards would address this. He said that Williston zoning officials can write a civil ticket. Ryan remarked that this could be included in the regs as an enforcement tool.</p> <p>Bailey went on to point out that the problem in the village is with wastewater. Most people can't add a bedroom; they are locked in by well shields.</p> <p>Smith commented that adaptive reuse would not give a business a blank ticket, but to support it in a mixed use economy. He used the extensive trails in Huntington as an example of a benefit for all zoning districts. Ryan talked about allmansrätten, the Scandanavian use of private property, which is considered a great asset to the local economy as it encourages outdoor</p>

	<p>recreation and tourism. He asked about how the regs could include keeping existing rights-of-way. There was discussion on this and landowner liability, which is not the case as long as nothing is charged to the people using the property. Ryan talked about the Mad River Trails and the trail around Middlebury (TAM), which is a dirt trail. He concluded that the network in Huntington exists now.</p> <p>Smith suggested rewarding creative use and gave an example in the existing regs of PRDs and PUDs. Marshall talked about open space with clustering of houses and buildings. Bailey suggested, "Zone for what you want." Ryan talked about implementation 8 on page 14 of the town Plan. Smith went on to say that the regs should enable or foster cooperation.</p> <p>Ryan suggested moving 6A4 to 6 d-h.</p> <p>Marshall asked if it made sense to have the DRB look at all structures in the Flood Zone. Bailey asked if there should be an engineering report for the structures.</p> <p>Ryan said that all standards should be stated at the beginning of the regs. For example, minor repairs, if less than 50% of the cost of the market value of the structure should not need a permit. The only case where the Administrative Officer should issue a permit is for a minor residential improvement. Bailey agreed to rewrite this and consult with the state.</p> <p>Ryan proposed that the document "start with those things that pertain to everyone." There was discussion of how this will be laid out. Bailey remarked that the districts are described and the differences will be in the districts. The Uses and Standards should be included in all districts. Bailey said, "People live in zoning districts and they want to know what is allowed. The procedures will be the same."</p> <p>Racht said that she had a problem with the terminology of development district and said that it set a tone for the document. She said she preferred zoning district.</p>
<p>Minutes of November 4, 2014</p>	<p>MOTION: Mark Smith moved to approve the minutes of November 4 with minor changes; seconded by Beverly Little Thunder. Approved unanimously with Mark Smith abstaining.</p>
<p>Mail</p>	<p>4 wastewater permits: DePietro (5180 Main Road); Gonnet (9613 Main Road); Harley Brown (35 Handy Road, best fix); Huntington Town Hall (installation of holding tank)</p>

Member Business	<ol style="list-style-type: none">1. Ryan requested an outline for the regs revision.2. Racht mentioned that a meeting to discuss the Lower Village Scoping Study had been held and another one was scheduled. The first meeting had a lot of discussion about the rate of vehicles travelling through the village. Also, the grant that worked on the village green about 15 years ago was discussed. She noted that not all the proposed solutions were in the files. She agreed to forward the information about the next LV meeting to the HPC.
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Adjournment: Mark Smith moved to adjourn the meeting; seconded by Beverly Little Thunder. The vote was unanimous to close the meeting. The Commission adjourned the meeting at 9:15 pm.

Draft Minutes on town website: November 20, 2014

Minutes to the HPC: November 28, 2014

Minutes Approved: December 16, 2014

Minutes submitted for Record: December 16, 2014