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DATE March 11, 2014

APPROVED

HUNTINGTON PLANNING COMMISSION

Minutes of February 24, 2014

Community Church of Huntington Hall

Public Hearing on DRB Changes to the Zoning and Subdivision Regulations

Followed by Regularly Scheduled Meeting

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

ABSENT:

OTHERS PRESENT: Duncan Keir, Terry Boyle, Roman Livak, Dawn Taylor, Kendra Christiana, Nancy Stoddard, Mark Smith, Doug Graver, Ryan Elliott, Barbara Elliott, Lee Krohn (CCRPC staff)

MINUTES: Heidi Racht

Agenda

- 6:45 Set up room for public hearing
- 7 pm Public Hearing on DRB changes to Zoning and Subdivision Regs
- 8 pm Public Comment
 - Minutes of February 10, 2014
 - Mail
- 8:20 Preparation for Town Meeting Day Articles 9 and 10
 - Brief overview of March 10 Site Plan Review Hearing
- 8:45 Member Business
- 9 pm Adjourn

The Planning Commission Public Hearing began at 7:05 pm; chaired by Knox Cummin. Minutes were taken by Heidi Racht.

<p>Public Hearing on DRB Changes to the Zoning and Subdivision Regulations</p>	<p>Knox Cummin explained the purpose of the public hearing was to take comment and explain the process for implementation of a Development Review Board in Huntington.</p> <p>He then turned the presentation over to Lee Krohn, who is a staff member at the Chittenden County Regional Planning Commission (CCRPC), who explained the background on the roles of the Planning Commission (PC) and Zoning Board of Adjustment (ZBA). Krohn gave a brief summary of his experience serving for 24 years on town boards and other municipal roles, mainly in the Town of Manchester, Vermont in many different roles as Planning Director, Zoning Administrator, Tree Warden, E911 Coordinator, Service Officer, Roundabout Project Manager, Interim Town Manager, emergency management, volunteer firefighter....</p> <p>Krohn said that the theory behind the DRB was to consolidate all the development review with one board.</p>
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Concerns about the change to a DRB include that the PC might not stay in touch. Is that a risk? Krohn said, "Someone has to pass the information back and forth." Another concept is to get the board together once or twice per year.

Krohn explained that the Selectboard would create a resolution that would be passed at a regular meeting: no hearing is needed.

In many towns, the ZBA becomes the DRB; some towns "shuffle the deck" and PC members and ZB members serve on the PC and new DRB. The Selectboard would make the decision to create the board; the number of members and the terms of office.

He then talked about the process for managing the transition. "We did ours at the change of the calendar year. People are used to looking at a change in the year."

He added, "It is reversible" but no town has gone back to the PC/ZBA model once the DRB is created.

Everett Marshall commented on Huntington's elected PC members and appointed ZBA members. Krohn responded that there was no prohibition on serving on both boards.

Terry Boyle asked which towns have DRBs. Krohn responded that the majority of towns have a DRB. Barbara Elliott offered to get the information from the Vermont League of Cities and Towns (VLCT).

Nancy Stoddard asked for a "con." Krohn explained that the PC might not have a hands-on focus: there is the potential for planning in a vacuum. Marshall added, "We do keep track of the regulations. A DRB could do the same."

Knox Cummin said he was in favor of having one PC member being on the DRB – at least, initially. Krohn went on to say that the intent of that is so the DRB has context of why a reg was drafted.

Roman Livak asked about the number of people on the DRB. Knox Cummin responded that there was a reason to reduce the HPC from seven to five. Livak asked about the work flow: subdivisions versus conditional use and variances. Marshall talked about Sketch Plan Review and the amount of time that these informal discussions about potential development projects took. Duncan Keir asked who would take responsibility for all the ZBA duties if the

DRB took over the subdivisions and sketch plans. Krohn replied, "Everything goes to the DRB."

Terry Boyle talked about a project in another town where, about 15 years ago, the PC disapproved and the ZBA approved. The case was appealed to Environmental Court, where the judge told them what to do.

Dawn Taylor brought out a list of topics relevant to revisions to the regs. There were a couple a places where PC or ZBA had been missed in the draft revisions where it should have been changed to DRB. (3.3 e2). She had a question about grandfathering existing lots – if someone had a question about proposed development, she/he could come to the Planning Commission, but a question to the ZBA, which doesn't meet regularly requires an application.

She said she had a concern about "items handled by the PC being transferred to the DRB. The PC is elected and this [DRB] removes it from the citizenry." In 4.3.4, she questioned the propriety of having appeals handled by the same board – for example, a variance is handled with a different board. Barbara Elliott responded that the property owner needs to apply for a variance. Krohn corrected, "Technically, under state law, the appeal is from a Zoning Administrator (ZA) action." He then explained the process: application, with payment, to ZA for building permit; denial of permit; application, with payment, to ZBA/DRB for variance. In most towns, he said, the applicant just applies for a variance [with payment]. It is "handled as a practical solution to a technical problem." Taylor said that this should be written into the regs. Dana Cummings said that this would be part of the questions addressed by revisions to the regs. Livak pointed out that the ZA would refer to the ZBA for variance and then issue a permit if granted.

Krohn then went on to say "You don't need a hearing, technically, to change the words [in the regs]."

Taylor spoke about 5.7.1(3), which she had petitioned to have changed. She then quoted the ZBA decision on her variance application, which she said was unanimous and recommended a change to the regs.

Mark Smith commented that he, as a former member of the Commission, understood the PC's frustration and it was "way overworked, although the quality was outstanding review [of projects] and regs. A lot of the planning discussions were short-shrived" as the discussions were pushed to the end of the meeting, after subdivision review. It was a complex process and requires knowledge of law and philosophical discussion on planning. He talked about the small town process and that the meetings were often not focused. He

liked the ideas that were presented by the HPC and it should be able to function in an environment where it can achieve its goals.

Regarding the ZBA, Smith said he was “happy on the board” and it has a “lovely logic” and has an easier function than the PC. It is a judicial body interpreting the regs and there is “integrity in that process. The ZBA reflected the community and he credits Joe Perella. The Board was “very fair” and “I don’t want to lose this.” He went on to talk about the differences in the roles of each: one is planning and one is reviewing. “Cast it so people are more successful in what they want to do.”

Doug Graver asked about the PC role. Dana Cummings went on to talk about the three tiers of the PC: town plan, regs, non-regulatory implementation of the town plan.

Julia Austin spoke about her three years on the Commission. She said there were “a lot of element of being on the PC that appealed to me, but I am not interested in plat review. People are drawn to one or the other, but not both. It’s a good idea to split the types of duties so they might participate in what they are interested in.”

There was then a discussion about Taylor’s application to be on the Commission, which had not been acted on by the Selectboard; the perception of her being a one-issue person; how many votes would be needed to get elected as a write-in candidate at Town Meeting and Selectboard appointments after Town Meeting. Doug Graver raised the point of order.

Back to DRB, Mark Smith asked about the transition “what will this look like as you power down one board and gear up another. Knox Cummin responded that anything in process would go to the PC and new projects would go to the DRB. Krohn suggested timing it so whatever is in process is completely concluded. He explained that it was “the cleanest approach to time it so everything is wrapped up [before the new system is in place].”

Ryan Elliott asked about the Zoning Administrator taking on more administration. Krohn replied that this generally wouldn’t change the job much. Terry Boyle commented that the clerks of the two boards now handled this work; he commended them for finding a date that the two groups could meet in order to have the applicant just attend one night for two hearings.

Duncan Keir asked Julia Austin about the number of Sketch Plans. She responded that about 50% of the meetings had some time spent relevant to a Sketch Plan. There was more discussion about sketch plans.

	<p>Dawn Taylor pointed out that the ZBA doesn't have regular meeting and the HPC does. There is no stipulation for the DRB to have regular meetings. Krohn said that the DRB will manage its docket. Taylor responded that the purpose doesn't have anything at all to do with the citizens of Huntington. There is no public comment in the ZBA meeting – the ZBA/DRB meet on demand. There is no point unless there are projects. She talked about open meetings. The function is different from the PC or the Selectboard.</p> <p>Krohn said, "Every person's request does not get approved. The Board is not bound to make changes because of someone's request."</p> <p>Taylor said she had a concern about paying \$175 just to talk to the ZBA. Regular meetings might be helpful. She asked about the process.</p> <p>Taylor said that her additional points could be submitted to Racht for attaching to the minutes.</p> <p>Roman Livak thanked the Commission and recognized the members who were at their last meeting: Julia Austin, Gordon Miller, Dana Cummings.</p> <p>The hearing closed at 8:30 pm.</p>
Member Business	<p>The meeting resumed at 8:45 pm with comments from the members:</p> <ol style="list-style-type: none"> 1. Dana Cummings talked about the joint hearing of the HPC and ZBA to consider the application of the Town of Huntington to do modifications to the Town Hall. 2. Cummings also said the Commission said curb cuts should be formalized in the next regs housekeeping. 3. Gordon Miller, responding to Cummings, advocated for allowing the DRB/ZBA to do a variance.
Mail	None.
Minutes of February 10, 2014	<p>Gordon Miller moved to approve the minutes of February 10, 2014 with corrections; seconded by Dana Cummings.</p> <p>ACTION ITEM: Approved unanimously.</p>
Member Business: Town Plan	<p>Knox Cummin informed the Commission that the Selectboard is being difficult about taking the Town Plan. Much discussion ensued. Dana Cummings said that the town plan was "a big thing for the town. It is a vision for the town. It asked questions like 'is this appropriate for the town? Does this plan describe it?'"</p>

	<p>A point-by-point summary can't be done. The Commission has done an overhaul of the entire document and the Selectboard needs to read it as a new document.</p> <p>Everett Marshall added, "We rewrote the document for them to review." Cummin said, "We made it as concise as we could."</p> <p>Julia Austin summarized, for the record, "We've done our job. It's time for them to do their job."</p> <p>The Commission then went on to talk about the fact that the Selectboard can only make non-substantial changes without having to begin the process again. The Commission had a hearing and reviewed the changes over several meetings. Marshall remarked that the Selectboard had ample opportunity to read and become familiar with the document.</p> <p>Racht said that the work she had done on the Town Plan had been volunteer time and she had already spent a few hours highlighting the changes [for the Selectboard] made after the HPC hearing. She is now too busy to spend any more time on it: "nothing is going to be done [by me] to enhance the reading experience of the Selectboard."</p>
<p>Town Meeting articles</p>	<p>The Commission had a brief discussion about Articles 9 and 10 at Town Meeting.</p>
<p>Town Hall Site Plan Review</p>	<p>A short discussion was held about the March 10 joint hearing of the HPC and ZBA on the applications from the Town of Huntington for Site Plan Review and Variance. It was noted that the Town Office would probably be very crowded and the church hall would be a better location.</p> <p>ACTION ITEM: Racht will see about getting the church hall for March 10.</p> <p>ACTION ITEM: Racht will send the application to the HPC members in advance of the hearing, since Site Plan Review is done infrequently and the HPC is not experienced. The application will be sent to the new members.</p>

Adjournment: Julia Austin moved to adjourn the meeting; seconded by Dana Cummings. The Commission adjourned the meeting at 9:21 pm.

UNAPPROVED MINUTES TO THE HPC: March 3, 2014

MINUTES APPROVED: March 10, 2014

APPROVED MINUTES TO THE TOWN CLERK: March 10, 2014

**COMMENTS SUBMITTED BY DAWN TAYLOR for the
HUNTINGTON PLANNING COMMISSION PUBLIC HEARING:**

A Public Hearing on Monday, February 24, 7 pm, Community Church of Huntington Annex, to take comment on the proposed changes to the town's regulations to change from a Zoning Board of Adjustment and Planning Commission to a Development Review Board and Planning Commission.

3.3 WOODLAND DISTRICT (WDL)

(E)(2) A structure within this district must be located within a designated building envelope approved by the Planning Commission (under subdivision review) or, for lots subdivided **prior** to the effective date of these regulations, by the **Development Review Board** (subject to conditional use review).

Previously,

(E)(2) A structure within this district must be located within a designated building envelope approved by the Planning Commission (under subdivision review) or, for lots subdivided **prior** to the effective date of these regulations, by the Zoning Board of Adjustment (subject to conditional use review).

1. The previous version refers to “lots subdivided prior to the effective date of these regulations, by the Zoning Board of Adjustment (subject to conditional use review).” The proposed edit changes the ZBA to the DRB, but at this point there are no lots subdivided prior to the effective date of these regulations, by the Development Review Board (subject to conditional use review). Does this now mean before the updated date for the regulations before the DRB existed or before the original effective date of these regulations? How does this impact grandfathering in older property decisions?

3.4 CONSERVATION DISTRICT (CON)

(E)(2) A structure within this district must be located within a designated building envelope approved by the **Development Review Board** (under subdivision review **or** conditional use review).

Previous wording:

(E)(2) A structure within this district must be located within a designated building envelope approved by the Planning Commission (under subdivision review) or, for lots subdivided **prior** to the effective date of these regulations, by the Zoning Board of Adjustment (subject to conditional use review).

2. The changes to this paragraph create confusion similar to 3.3(E)(2). The previous version refers to “lots subdivided prior to the effective date of these regulations, by the Zoning Board of Adjustment (subject to conditional use review). Since the DRB is just being created, there are no DRB approvals of subdivision review or conditional use review prior to the effective date of these regulations. How does this impact grandfathering in older property decisions made by the Planning Commission or the Zoning Board of Adjustment?

I would point out that 3.3(E)(2) and 3.4(E)(2) were exactly the same in the previous version, but have not been edited the same in the proposed version. "Planning Commission" is left in for the Woodland District and changed to the "Development Review Board" for the Conservation District.

4.3.2 In reviewing site plans, the **Development Review Board** may impose conditions and safeguards with respect to adequacy of traffic access, circulation, and parking; landscaping; screening; and other conditions and safeguards as appropriate. The **Development Review Board** shall act to approve or disapprove such a site plan within forty-five (45) days after the date upon which it receives the proposed plan, and failure to act within such period shall be deemed approval.

The applicant shall notify the clerk of the **Development Review Board** at least ten (10) days prior to the next regularly scheduled **Development Review Board** meeting at which the applicant desires the site plan to be considered. The applicant shall submit a completed application and fee together with two (2) sets of plans as well as one (1) set of 11" x 17" or 8.5" x 11" reductions of the plans, data, and information, **which shall include the following:**

- (1) Site plan drawn to scale showing existing features, contours, structures, easements; all proposed improvements and land use area; proposed traffic access, circulation, parking and loading spaces, and pedestrian walks; landscaping, site grading, and screening;
- (2) Specifications of the materials and plantings to be used;
- (3) Period of time in which all site improvements will be completed; and
- (4) Any other information or data, which the **Development Review Board** shall reasonably require, **not excluding a traffic study.**

3. This is written the same way in the previous version, but I do not understand why a list of what shall be included, ending with "Any other information..." would have "not excluding a traffic study" tacked on the end.

4.3.3 Site Plan Review Standards: **The Development Review Board** shall review the site plan and supporting data before approving, approving with conditions, or denying, and shall take into consideration the following standards:

Previous version reads:

4.3.3 Site Plan Review Standards: Unless the Zoning Board of Adjustment is conducting a conditional use review, the Planning Commission shall review the site plan and supporting data before approving, approving with conditions, or denying, and shall take into consideration the following standards:

4. This edit combines the Planning Commission (elected) and the Zoning Board of Adjustment (appointed) responsibility, authority and power regarding Site Plan Review, then assigns it all to the Development Review Board which is to be appointed. Perhaps the DRB should also be elected as is the Planning Commission.

4.3.4 The **Development Review Board** may limit the number and width of access drives to secure traffic mobility and safety. It may also require the provision of joint facilities for access, parking, and utilities.

5. This role was previously assigned to the Planning Commission. An applicant could apply to the Zoning Board of Adjustment for a variance if needed. If the DRB requires limits, can an applicant still apply for a variance now from the same entity?

******* 5.7.1 (3) My Proposed Edit/Amendment: *******

Whereas both the proposed edit and the previous version of the Zoning Regulations Town of Huntington, Vermont read:

5.7.1 (3) At least two (2) off-street parking spaces shall be provided for each dwelling unit and no additional access drives are to be created.

Whereas, accessory dwellings were conceived to provide an affordable housing option for the aging and elderly, the handicapped and disabled, and those who are less fortunate and may need some assistance or accommodation, and

Whereas, this prohibition does not exist for any other structure or addition, and

Whereas, other accessory structures for livestock (barn), farm equipment (shed), and vehicles (garage) are not prohibited from applying for a second access point via the regular driveway permit procedure, and

Whereas, on June 3, 2014, a petition with more than 75 signatures was submitted to the Planning Commission requesting this paragraph be edited, and

Whereas, the Huntington Zoning Board of Adjustment stated in the introduction of the Findings of Fact and Conclusions of Law, IN RE Kendra and John Christiana, V-2013-05-V, "As an aside, the ZBA also unanimously concluded that because this ordinance provision can easily lead to impractical and/or harsh results, it should be amended to allow for a second driveway so long as such second driveway cut met conditional use criteria."

I propose that paragraph 5.7.1 (3) be edited with a period after the word "unit" and the words "and no additional access drives are to be created" deleted.

The new paragraph (3) would read:

(3) At least two (2) off-street parking spaces shall be provided for each dwelling unit.

[[Whereas the proposed edit of the Zoning Regulations Town of Huntington, Vermont reads:

6.5.2 On an appeal for a variance from the provisions of these regulations the Development Review Board may grant variances and render a decision in favor of the applicant only if all of the factual criteria set forth in the Act and in Section 6.7 are found and such findings are specified in its decision. **In no case shall the Development Review Board grant a variance for a use, which is not permitted or conditionally**

permitted in the applicable district, or grant a variance for an increase in the maximum density allowed in a district.

Whereas the previous version of the Zoning Regulations Town of Huntington, Vermont reads:

6.5.2 On an appeal for a variance from the provisions of these regulations the Zoning Board of Adjustment may grant variances and render a decision in favor of the applicant only if all of the factual criteria set forth in the Act and in Section 6.7 are found and such findings are specified in its decision. [I]f no case shall the Zoning Board of Adjustment grant a variance for a use, which is not permitted or conditionally permitted in the applicable district, or grant a variance for an increase in the maximum density allowed in a district.] This might mean that the ZBA didn't have the authority to grant the variance for my driveway since it is specifically prohibited.

5.24.5 Independent Consultants. Upon submission of an application for a Wireless Telecommunication Facility Zoning Permit, the Zoning Board of Adjustment may retain independent consultants whose services shall be paid for by the applicant. These consultants shall be qualified professionals in telecommunications engineering, structural engineering, monitoring of electromagnetic fields and such other fields as determined by the Development Review Board. Such consultants shall work at the Development Review Board's direction and shall provide the Development Review Board such reports, advice and assistance, as the Development Review Board deems necessary to review the application.

Previously,

5.24.5 Independent Consultants. Upon submission of an application for a Wireless Telecommunication Facility Zoning Permit, the Zoning Board of Adjustment may retain independent consultants whose services shall be paid for by the applicant. These consultants shall be qualified professionals in telecommunications engineering, structural engineering, monitoring of electromagnetic fields and such other fields as determined by the Zoning Board of Adjustment. Such consultants shall work at the Zoning Board of Adjustment's direction and shall provide the Zoning Board of Adjustment such reports, advice and assistance, as the Zoning Board of Adjustment deems necessary to review the application.

6. Missed one?

6.1.2 Duties: The Administrative Officer shall administer and strictly enforce this Regulation literally. The Administrative Officer shall not have the power to permit any land development which is not in conformance with this Regulation, other applicable Town regulations or any applicable conditions of the Development Review Board. In addition, the Administrative Officer shall inspect properties for compliance with these regulations and Town permits, audit permits, conduct enforcement activities, maintain accurate and complete records and perform related tasks. [If requested] the Administrative Officer shall periodically meet with the Planning Commission and the Development Review Board and provide suitable reports.

Previously,

6.1.2 Duties: The Administrative Officer shall administer and strictly enforce this

Regulation literally. The Administrative Officer shall not have the power to permit any land development which is not in conformance with this Regulation, other applicable Town regulations, any applicable conditions of the Planning Commission or the Zoning Board of Adjustment. In addition, the Administrative Officer shall inspect properties for compliance with these regulations and Town permits, audit permits, conduct enforcement activities, maintain accurate and complete records and perform related tasks. ■ The Administrative Officer shall periodically meet with the Planning Commission and provide suitable reports.

7. Why is “If requested” inserted? Who makes the request, the Administrative Officer, the Commission, the Board or the respective Chairs? Shouldn’t reporting be a normal, expected duty of the Administrative Officer whether or not the officer wants to present a report OR the Planning Commission and/or the Development Review Board want to hear a report?

6.2 DEVELOPMENT REVIEW BOARD

6.2.1 Appointment: A Development Review Board is hereby created and may consist of not less than five (5) nor more than nine (9) members appointed by the Selectboard for three year terms or as otherwise determined by the Selectboard. Any member of the Development Review Board may be removed for cause by the Selectboard upon written charges and after public hearing.

6.2.1 Organization and Meetings: The Development Review Board shall elect its own officers and adopt rules of procedure. A quorum shall be not less than a majority of the Board, and a concurring vote of a majority of the Board shall be necessary to affect an order. Meetings shall be at the call of the chairperson and at such times as the Board may determine. The officers of the Board may administer oaths and compel the attendance of witnesses and the production of materials related to any issue under appeal, in accord with the Act and these regulations.

6.2.2 Application: The Development Review Board is hereby authorized to: (1) Administer aspects of this Regulation and the Huntington Subdivision Regulations as it provides, specifically, but not limited to the following duties:

Hear and decide requests for conditional use permits as governed by the terms of this Regulation;

Hear and decide appeals from denial of the Administrative Officer to issue a Zoning Permit, and appeals from issuance of notice of violation or denial of the Administrative Officer to act on reports of violation of provisions in this Regulation;

Hear and decide appeals for a variance from the strict application of this Regulation under the guidelines of the Act; and

Hear and decide requests for site plan review, subdivision approval and right-of way approval as governed by the terms of this Regulation, the Huntington Subdivision Regulation and any other applicable local regulations.

Attach such requirements, conditions, and/or reviews to actions on applications presented to it as it feels necessary to carry out the intent and purposes of this Regulation and the Huntington Subdivision Regulation and the Huntington Town Plan.

Previously,

6.2 ZONING BOARD OF ADJUSTMENT

6.2.1 Appointment: A Zoning Board of Adjustment is hereby created and may consist of not less than three (3) nor more than nine (9) members appointed by the Selectboard for three year terms or as otherwise determined by the Selectboard. Any member of the Zoning Board of Adjustment may be removed for cause by the Selectboard upon written charges and after public hearing.

6.2.1 Organization and Meetings: The Zoning Board of Adjustment shall elect its own officers and adopt rules of procedure. A quorum shall be not less than a majority of the Board, and a concurring vote of a majority of the Board shall be necessary to affect an order. Meetings shall be at the call of the chairperson and at such times as the Board may determine. The officers of the Board may administer oaths and compel the attendance of witnesses and the production of materials related to any issue under appeal, in accord with the Act and these regulations.

6.2.2 Application: The Zoning Board of Adjustment is hereby authorized to:

(1) Administer aspects of this Regulation and the Huntington Subdivision Regulations as it provides, specifically, but not limited to the following duties:

Hear and decide requests for conditional use permits as governed by the terms of this Regulation;

Hear and decide appeals from denial of the Administrative Officer to issue a Zoning Permit, and appeals from issuance of notice of violation or denial of the Administrative Officer to act on reports of violation of provisions in this Regulation;

Hear and decide appeals for a variance from the strict application of this Regulation under the guidelines of the Act; and

Attach such requirements, conditions, and/or reviews to actions on applications presented to it as it feels necessary to carry out the intent and purposes of this Regulation.

8. There are 2 sections with the same label of 6.2.1. This section again combines responsibilities and power of the Planning Commission (elected) and the Zoning Board of Adjustment (appointed). Perhaps DRB members should be elected just as Planning Commission members are currently.
9. The Zoning Board of Adjustment did not hold regularly scheduled meetings even though the previous version referred to them. The Planning Commission did and does. Since sections 4.2.1, 4.3.2, and 4.4.2 refer to regularly scheduled meetings, will the Development Review Board hold regularly scheduled meetings?

6.3 PLANNING COMMISSION

6.3.1 Appointment: The Planning Commission is hereby created and shall consist of seven (7) members elected for staggered three year terms or as otherwise determined by the Selectboard.

6.3.2 Organization and Meetings: The Planning Commission shall elect its own officers and adopt rules of procedure. A quorum shall be not less than a majority of the Commission, and a concurring vote of a majority of the Commission shall be necessary to affect an order. Meetings shall be at the call of the chairperson and at such times as the Commission may determine. The officers of the Commission may administer oaths and compel the attendance of witnesses and the production of materials related to any issue under appeal, in accord with the Act and these regulations.

6.3.3 Application: The Planning Commission is hereby authorized to:

- a. Collect data, conduct studies, produce reports and organize information regarding the land use, development and planning in the Town of Huntington;
- b. Prepare and submit for approval the Huntington Town Plan;
- c. Draft proposed town regulations and submit for adoption ;
- d. Undertake and engage in such other actions, studies, work and activities as are provided for in the Act.

6.5 APPEALS Superior Court's Civil or Environmental Division

6.5.1 Any interested person, as defined in the Act may appeal a decision or act of the Administrative Officer by filing notice of appeal with the Development Review Board, within fifteen (15) days if in respect to being denied a Zoning Permit, and within seven (7) days if in respect to notification of violation issued by the Administrative Officer. A copy of the appeal notice shall be filed with the Administrative Officer and, upon such filing; the Administrative Officer shall transmit all papers of record related to the appeal to the Development Review Board within fifteen (15) days.

6.5.2 On an appeal for a variance from the provisions of these regulations the Development Review Board may grant variances and render a decision in favor of the applicant only if all of the factual criteria set forth in the Act and in Section 6.7 are found and such findings are specified in its decision. In no case shall the Development Review Board grant a variance for a use, which is not permitted or conditionally permitted in the applicable district, or grant a variance for an increase in the maximum density allowed in a district.

6.5.3 Appeals to the Environmental Division of the Superior: An interested person may appeal a decision of the Development Review Board to the Environmental Division of the Superior as specified in the Act.

Previously,
6.5 APPEALS

6.5.1 Any interested person, as defined in the Act may appeal a decision or act of The Administrative Officer by filing notice of appeal with the Zoning Board of Adjustment, within fifteen (15) days if in respect to being denied a Zoning Permit, and within seven (7) days if in respect to notification of violation issued by the Administrative Officer. A copy of the appeal notice shall be filed with the Administrative Officer and, upon such filing; the Administrative Officer shall transmit all papers of record related to the appeal to the Zoning Board of Adjustment within fifteen (15) days.

6.5.2 On an appeal for a variance from the provisions of these regulations the Zoning Board of Adjustment may grant variances and render a decision in favor of the applicant only if all of the factual criteria set forth in the Act and in Section 6.7 are found and such findings are specified in its decision. In no case shall the Zoning Board of Adjustment grant a variance for a use, which is not permitted or conditionally permitted in the applicable district, or grant a variance for an increase in the maximum density allowed in a district.

6.5.3 Appeals to the Environmental court: An interested person may appeal a decision of the Planning Commission or the Zoning Board of Adjustment to the Environmental court as specified in the Act.

10. The Environmental Division of the Superior does not make any sense.

On the State of Vermont Judiciary website, <https://www.vermontjudiciary.org>, under Court Information, under Environmental Division, the title page reads:

Vermont Superior Court
Environmental Division.

Suggested alternatives: Vermont Superior Court Environmental Division
Environmental Division of the Vermont Superior Court

Petition

The Huntington Zoning Regulations as adopted July 9, 2012, specifically prohibit a second driveway or curb cut for an Accessory Apartment or Accessory Dwelling. A second driveway or curb cut is not prohibited for any other Accessory Structure. If a garage or a horse barn is built, a property owner can apply for and receive a Driveway Permit for a fee of \$35.00. A property owner that builds an Accessory Apartment/Dwelling for an aging parent or a disabled veteran in the family, needs to apply for a variance from the Zoning Board of Adjustment, pay the \$175.00 advertising fee, wait 3 weeks for the posting of the hearing, and then apply for the driveway permit with the additional \$35.00 fee, IF the variance is approved. People should be treated with the same consideration as horses or vehicles and allowed to have a driveway convenient to their Accessory Structure.

The current Huntington Zoning Regulations as adopted July 9, 2012, under the section Accessory Apartments, states in section 5.7.1:

(3) At least two (2) off-street parking spaces shall be provided for each dwelling unit and no additional access drives are to be created.

We propose that this paragraph be edited with a period after the word "unit" and the words "and no additional access drives are to be created" deleted.

The new paragraph (3) would read:

(3) At least two (2) off-street parking spaces shall be provided for each dwelling unit.

Reference from The Vermont Statutes Online

§ 4461. Development review procedures

(a) Meetings. An appropriate municipal panel shall elect its own officers and adopt rules of procedure, subject to this section and other applicable state statutes, and shall adopt rules of ethics with respect to conflicts of interest. Meetings of any appropriate municipal panel shall be held at the call of the chairperson and at such times as the panel may determine. The officers of the panel may administer oaths and compel the attendance of witnesses and the production of material germane to any issue under review. All meetings of the panel, except for deliberative and executive sessions, shall be open to the public. The panel shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating this, and shall keep records of its examinations and other official actions, all of which shall be filed immediately in the office of the clerk of the municipality as a public record. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of the members of the panel, and any action of the panel shall be taken by the concurrence of a majority of the panel.

(b) Information gathering and record of participation by interested persons. An appropriate municipal panel in connection with any proceeding under this chapter may examine or cause to be examined any property, maps, books, or records bearing upon the matters concerned in that

proceeding, may require the attendance of any person having knowledge in the premises, may take testimony and require proof material for its information, and may administer oaths or take acknowledgment in respect of those matters. Any of the powers granted to an appropriate municipal panel by this subsection may be delegated by it to a specifically authorized agent or representative, except in situations where the municipal administrative procedure act applies. In any hearing, there shall be an opportunity for each person wishing to achieve status as an interested person under subsection 4465(b) of this title to demonstrate that the criteria set forth in that subsection are met, and the panel shall keep a written record of the name, address, and participation of each of these persons.

§ 4465. Appeals of decisions of the administrative officer

(a) An interested person may appeal any decision or act taken by the administrative officer in any municipality by filing a notice of appeal with the secretary of the board of adjustment or development review board of that municipality or with the clerk of that municipality if no such secretary has been elected. This notice of appeal must be filed within 15 days of the date of that decision or act, and a copy of the notice of appeal shall be filed with the administrative officer.

(b) For the purposes of this chapter, an interested person means any one of the following:

(1) A person owning title to property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by a bylaw, who alleges that the bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case.

(2) The municipality that has a plan or a bylaw at issue in an appeal brought under this chapter or any municipality that adjoins that municipality.

(3) A person owning or occupying property in the immediate neighborhood of a property that is the subject of any decision or act taken under this chapter, who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality.

(4) Any ten persons who may be any combination of voters or real property owners within a municipality listed in subdivision (2) of this subsection who, by signed petition to the appropriate municipal panel of a municipality, the plan or a bylaw of which is at issue in any appeal brought under this title, allege that any relief requested by a person under this title, if granted, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality. This petition to the appropriate municipal panel must designate one person to serve as the representative of the petitioners regarding all matters related to the appeal.

(5) Any department and administrative subdivision of this state owning property or any interest in property within a municipality listed in subdivision (2) of this subsection, and the agency of commerce and community development of this state.

(c) In the exercise of its functions under this section, a board of adjustment or development review board shall have the following powers, in addition to those specifically provided for elsewhere in this chapter:

(1) To hear and decide appeals taken under this section, including, without limitation, where it is alleged that an error has been committed in any order, requirement, decision, or determination made by an administrative officer under this chapter in connection with the administration or enforcement of a bylaw.

(2) To hear and grant or deny a request for a variance under section 4469 of this title. (Added 2003, No. 115 (Adj. Sess.), § 106.)