

## Town of Dorset Planning Commission January 5, 2010 Minutes

Members Present: B. Breed (Chairman), M. Canavan (Vice Chairperson), G. Squire, D. Pinsonault, T. Dee, C. Ferguson, B. Herrmann

Members Absent:

Also Present: Chris Schmelzenbach (Zoning Administrator), Stig Albertsson, Joan Menson, Robert Menson, David Burgess, Bob Burgess, Kit Wallace

B. Breed, Chairman, opened the Public Hearing at 7:03 p.m.

### **Approve Minutes of December 1, 2009**

G. Squire moved and T. Dee seconded to approve the December 1, 2009 minutes as presented. Motion carried 7-0.

### **Report from the Zoning Administrator**

C. Schmelzenbach reviewed the January 5<sup>th</sup> Zoning Administrator report which included one addition; one 911 number assignment; two site development plan assistance; four coordination/review of regulations and one meeting concerning telecommunications.

### **Report from the Bennington County Regional Commission**

No report submitted.

### **Report from the Design Review Board**

No report submitted.

### **Public Meeting – Continuance of William Burns – 2 Lot Subdivision – 1148 Route 30 – Preliminary/Final Plat Review**

M. Canavan moved and C. Ferguson seconded to continue the Public Hearing for William Burns for a two lot subdivision – 1148 Route 30, Preliminary/Final Plat Review. Motion carried 7-0.

### **Public Meeting – Alpine Products, LLC Site Development Plan Review ~ Change in Use of 154 Tennis Way from Warehouse Facility to Manufacturing per Relocation of Alpine Products, LLC from their Manchester Location**

B. Breed reviewed Zoning ByLaws Section 3.8.2~ Site Development Plan ~ Requirements. There are to be 17 anticipated daily vehicular round trips generated and no additional lighting. D. Pinsonault asked about tractor trailer deliveries and the effect on the roadway. S. Albertsson responded that the facility was past GWC and Casella with two proposed deliveries per day. All criteria were met.

cc: PC Minutes, Conservation Commission & File, Design Review Board & File, Town Manager, Town Clerk, Listers, Select Board

Zoning ByLaw Section 3.8.3 ~ Site Development Plan Review was looked at and met all criteria with B. Breed commenting that all exterior lighting except for safety and security shall be extinguished by 9:00 p.m. All work will be done inside the building so there will not be a lot of noise.

M. Canavan moved and B. Herrmann seconded to approve the site development plan from Alpine Products, LLC for a change of use of 154 Tennis Way from warehouse facility to manufacturing as presented. Motion carried 7-0.

**Public Meeting – Alpine Products, LLC Site Development Plan Review – Temporary Installation of “Alpine Slide” Test Track to be Located on Lands Owned by Frost, Inc., East Dorset**

C. Schmelzenbach reported that the proposal is for a temporary test track above ground directly behind the Frost house for approximately one year. It will be a tubular rail with some concrete for anchorage of the system with minimal ground disturbance located in a CI-1 district. Reference was made to ZBL Section 6.2.2 (b) (3) Research Facilities as a permitted use and this would be low impact and temporary. ZBL Section 3.8.2 ~ Site Development Plan – Requirements was reviewed with all criteria being met and some discussion on item number ten with regard to 20% slope. B. Breed felt that there was no building or subdivision and this was not applicable. B. Breed asked what the hours of operation would be and S. Albertsson responded that it was for occasional testing purposes only - for speed measurements and braking distances. If the track use extends beyond the end of 2010, S. Albertsson will need to talk to the Zoning Administrator regarding an extension. D. Pinsonault expressed concern about safety issues and S. Albertsson noted that the carts cannot be run without a generator and the carts which weigh approximately 200 pounds would be removed from the tracks and hung from a hoist. B. Herrmann moved and D. Pinsonault seconded to approve the site development plan for the temporary installation of an “Alpine Slide” test track on the lands owned by Frost, Inc. in East Dorset. Motion carried 7-0.

**Public Meeting – SSL & K, LLC – Change in Use of Lands at 3057 Route 30, Generally to Office Type Space and Studio Apartment**

C. Schmelzenbach noted that there were three existing buildings on the lot with the proposal to have the small yellow cottage as an office for a service firm with one employee; larger yellow building for offices with two to four employees and the red barn for an office on the first floor and a studio apartment on the second floor. This is in the Village Commercial zone and has been forwarded to the PC under ZBL Section 6.3.2 – Increased Intensity of Use. Discussion ensued regarding the previous application and the apartment, with C. Schmelzenbach noting that the SDP was approved for retail, but does not mention the apartment.

B. Breed questioned the number of parking spaces needed which is listed as 15, as only 14 are shown on the plan. K. Wallace commented that she over estimated the number of spaces and noted that the goal was to get general approval for professional offices as she does not have all the tenants yet. R. Menson expressed that the buildings should not have a “Coney Island” atmosphere with a lot of lights.

cc: PC Minutes, Conservation Commission & File, Design Review Board & File, Town Manager, Town Clerk, Listers, Select Board

B. Breed reviewed ZBL Section 10.3.1 – Parking Facilities and Section 3.8.3 – Site Development Plan Review. The number of parking spaces for the smaller yellow cottage was changed from five to three. Discussion included the narrow driveway; the amount of proposed trips; and the proposed sideways landscaping. B. Breed suggested eliminating parking space #1 and K. Wallace noted that she would be happy to change it and bring the screening closer to the road.

C. Ferguson moved and G. Squire seconded to approve the site development plan for SSL & K, LLC for a change in use of lands located at 3057 Route 30 with the following conditions:

- that the previous conditions should carry forward – July 5, 2000 minutes:
  1. That the use be for office and retail space and any change of use will have to come before the PC again
  2. The site plan be modified to eliminate spaces 7 and 8 and spaces 5 and 6 be reoriented approximately 90 degrees to the drive
  3. Sign to be posted directing traffic to parking area in rear of building and caution sign warning of narrow driveway to be installed
  4. Parking spaces 1 through 6 must be delineated
  5. Existing and proposed lighting must be shown on the site plan. All lighting except for safety and security lighting, shall be extinguished at the close of business or by 9:00 p.m., whichever is later. Lighting fixtures shall be constructed and/or mounted to direct glare away from residential uses, and from adjacent streets. Lighting fixtures shall be mercury vapor, metal halide, or other ■white■ light. Incandescent lighting may be used. Lighting shall be designed with consideration for uses in the surrounding area, and to:
    - i avoid glare and excessive light off-site;
    - ii avoid excessive lighting on-site which would impace views of the night sky from the surrounding area and detract from the character of the area; and to
    - iii avid traffic safety hazards
  6. Subject to copy of current/final waste water permit
- the small yellow cottage parking spaces should be changed to 3 so that the required parking required would be 13
- signs are required to be posted – Parking in Rear and Narrow Driveway
- the proposed lighting is to be shown on the site plan
- all lighting is to be extinguished at the close of business
- the permit would be subject to receipt of the water and waste water permit
- the permit would be subject to the receipt of a letter from the Fire Department allowing

- connection for potable water
- the apartment approval is subject to the Department of Labor and Industry approval

Motion carried 7-0.

**Other**

- Discussion was opened concerning the proposed location of a cell tower site which is denoted as being in a deer wintering yard. B. Breed noted that ZBL Section 11.2.1 does not allow towers to be located in Natural Hazard Areas or Natural Resource Areas. G. Squire stated that bear/deer yards have never had an effect on previous development. B. Breed responded that the Town Plan says to protect wildlife and scenic views and asked if it was appropriate to change the ZBL for a cell tower. G. Squire commented that given the history of what has happened in Town, it was dangerous not to have cell service in Dorset. She did not feel that the tower would be very visible and suggested re-writing the ZBL to allow one tower for service on the west side. D. Pinsonault asked how the PC would justify allowing one tower, but not another for a different location in Dorset. C. Schmelzenbach noted that this discussion was to establish a process for approval, but could not be site specific. It was suggested that it might be possible to allow cell towers in Natural Resource areas limiting it to only deer yards. C. Ferguson noted that it was important to make every effort to maintain natural resource areas, but safety installations in these areas may be beneficial. C. Schmelzenbach remarked that it is hard to enforce “could be.” D. Pinsonault suggested having the State review the area again to check for the deer yard.

B. Breed asked if it was the consensus of the PC to open the exemption for deer yards to allow wireless communication facilities only under ZBL Section 11.2. D. Pinsonault recommended checking with the Town attorney before changes were made as this would set a precedent.

- C. Schmelzenbach is to research Rutland ZBL’s for a comparison with Dorset ZBL’s to review for ease of use.
- The new draft permit was evaluated with B. Herrmann expressing that he felt it was too complicated and C. Schmelzenbach noting that the only way to change the permit was to change the ZBL’s. C. Schmelzenbach explained that this new permit would make it easier to get the details when looking back at the permits.

M. Canavan moved and G. Squire seconded to adjourn the meeting at 9:20 p.m. Motion carried 7-0.

Respectfully submitted,

Nancy Aversano