

## Town of Dorset Planning Commission January 3, 2013 Minutes

Members Present: B. Breed (Chairman), B. Herrmann, D. Pinsonault, G. Squire, T. Dee, B. Beavin, D. Lawrence, H. Coolidge

Members Absent:

Also Present: Tyler Yandow (Zoning Administrator), Mike Connors, Joan Menson, Robert Menson, Megan Donckers, Brad Tyler, Chris Ponessi (Speath Engineering/Tyler), Steve Jones, Kaye Manley, Christian Heins (Michael Bickford), Lawrence Lee, Marcia Lee, Janet Saint Germain

B. Breed, Chairman, opened the meeting at 7:00 p.m.

### Approve Minutes of December 4, 2012

D. Lawrence moved and G. Squire seconded to approve the December 4, 2012 minutes as presented. Motion carried 8-0.

### Statements of Conflict of Interest

T. Yandow noted that there was a potential for Conflict of Interest with the Tyler application since H. Coolidge works for B. Tyler and D. Lawrence is an abutter to the property under discussion. Both H. Coolidge and D. Lawrence expressed that they acknowledge the possible conflict, but both felt they were able to participate without bias in the hearing.

### Report from the Zoning Administrator

T. Yandow reported as follows:

**BCRC:** No significant communications.

**Select Board:** The Board met December 18, 2012. Minutes were not available at the time of printing.

**Design Review Board:** No meeting was held since the last PC meeting.

**Zoning Board of Adjustment:** December 10, 2012 the ZBA granted a request of Andrew Longacre, 2533 Route 30, for rear and side yard setback variances in A&RR district for a tool shed.

**Planning Grant for Build-Out Study:** The Town was awarded a grant from the State of Vermont, Department of Economic, Housing and Community Development for \$5,260. This will enable the Build-Out Study to continue.

#### **ZA To Do List:**

- Possible clearing in wetlands at 139 Dorset West Rd and 124 Lane Rd - Site visit with Patrick Lowkes and Patricia Green (VT ANR) not yet scheduled.
- Nick Schu –Follow up to continue.
- Dan Bowen – 550 Mad Tom Rd. Needs permit for dormer started. Two letters sent. Continuing to follow up.

**Permits:** 3 zoning permits were issued from November 29, 2012 to December 20, 2012.

1 building permit, 1 Boundary Line Adjustment, 1 Change of Use. See attached Zoning Permit Summary of 12/20/12. Same period 2011: 4. Same period 2010: not available.

D. Pinsonault mentioned that the issue with N. Schu has been going on for four months and felt this was unacceptable as there is a fifteen year time limit to capture zoning violations. T. Yandow expressed that he felt it was important to resolve issues diplomatically without legal intervention and would continue to work on a solution.

### **Interview Candidates(s) for Open Planning Commission Seat**

K. Manley introduced herself by noting that she has lived in Dorset for seven years and her family is one of the founding families of Dorset. She has been involved with the DRB through the renovation of her house, but does not have any planning experience. D. Lawrence asked what her experience with the DRB was like and K. Manley replied that everything was handled well. K. Manley explained that she was aware of some ongoing planning issues in Town and felt that a Planning Board needed balance in its members in answer to B. Breed's question about her thoughts on planning. B. Breed described the functions of the Board by noting that the Planning Commission plays a powerful role in the development of a Town by developing/changing Town regulations and Town Plan which dictate where a Town will go in the future. The PC is also responsible for holding application and subdivision reviews and hearings with a time commitment of meetings once a month.

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

No report submitted.

### **Preliminary and Final Plat Review for 2 Lot Minor Subdivision, per Subdivision Development Regulations §7.00 and 8.00, 3219 Route 30 ~ Applicant: Michael Bickford**

B. Breed opened the Preliminary Plat Public Hearing at 7:15 p.m. C. Heins, representing Michael Bickford, stated that a notation has been added to the site plan indicating that the parcel is in the Historic District as previously requested by the PC.

B. Breed reviewed Subdivision Development Regulations Section 7.00 ~ Preliminary Plat. All criteria under this section were met and B. Breed closed the Preliminary Hearing at 7:30 p.m. H. Coolidge moved and D. Lawrence seconded to approve the Preliminary Plat for M. Bickford for a two lot minor subdivision for 3219 Route 30 as presented. Motion carried 8-0.

B. Breed opened the Final Plat Public Hearing at 7:30 p.m. Subdivision Development Regulations Section 8.00 ~ Final Plat was reviewed by the Board with C. Heins noting that all corner lot markers will be set within ninety (90) days of the application approval (§8.02.1(h)) T. Yandow requested copies of the final plat with a seal on it and C. Heins responded that he would do so. The Public Hearing was closed at 7:35 p.m. B. Herrmann moved and T. Dee seconded to approve the Final Plat for M. Bickford for a two lot minor subdivision for 3219 Route 30 as presented with the condition that copies of the final plat with a seal on it are submitted to the Zoning Administrator. Motion carried 8-0.

**Site Development Plan Review, per Bylaw §6.3.4(b)(9), 340 Route 30, Permitted Use Requiring Site Development Plan Review (Contractor Business). Applicant: Bradford Tyler**

B. Breed opened the Public Hearing at 7:36 p.m. B. Breed asked if there was a density issue and T. Yandow replied that he did not believe so and based on his discussions, it would be logical to do a site plan review.

C. Ponessi of Speath Engineering, representing Brad Tyler, reviewed the site development plan noting there would be two 2,000 sf buildings on the grassy area of the property using the existing driveway with a small spur to a parking lot behind the buildings. The buildings would be separated by a 16 foot area and there would be 11 parking spaces. The plan also shows grading and drainage back to the flood plain. The State Water and Waste Water Permits have been received; a new well will be drilled on the front of the property and the in-ground septic will be located in the back of the property. There will be two separate buildings connected by one roof. The Agency of Transportation has not required any traffic study as they will be using the existing curb cut for access. Ability to serve letters were sent out and not all responses have been received ~ C. Ponessi will submit responses when received ( Vermont State Police, Manchester Rescue & Dorset Fire Dept.). C. Ponessi stated that the application meets zoning and setback requirements. The buildings are planned for a contracting business (plumber, electrician, etc.) with a shop downstairs and an office upstairs.

B. Breed explained that the existing Tyler building was originally permitted as a Customary Home Occupation in an A & RR District which required that the person live and work within the building and, also allowed the building to be a larger footprint than 2,000 sf. The zoning in this area has been changed to Village Commercial and the VLCT has said that the existing building is non-conforming dimensionally, but can be used as a business location without anyone living there now. B. Breed cautioned the PC members that they will have to be careful about changing zones in the future as this change has now allowed an 8,000 sf building to be located in the Village Commercial zone as opposed to a 2,000 sf building which is in keeping with the character of Village Commercial zoning.

B. Breed reviewed ZBL §6.3.4(b)(9) ~ Permitted Uses in the Village Commercial (VC) Districts (Contractors). It was the consensus of the PC Board that the application fell under the above listed ZBL.

ZBL §3.8 ~ Site Development Plan was checked with C. Ponessi answering all questions about driveway access, slopes, number of employees, parking, landscaping, water supply, storm drainage, lighting, fire protection and power poles to the PC's satisfaction. The application approval will be contingent upon receipt of ability to serve letters as mentioned above and the notation of the lighting symbols on the site plan.

ZBL §3.8.3 ~ Site Development Plan Review and ZBL §3.9 review were completed with all criteria being addressed properly.

G. Squire asked if the exterior of the new buildings would be the same as the existing one and B. Tyler responded that it would be the same roof and siding type, but he was not sure of the colors

yet. R. Menson expressed concern that this was the “gateway to Dorset” and B. Tyler has taken excellent care of the existing location now, but wondered who would take care of the property in the future. B. Tyler noted that he would be the current owner to maintain the property, but could not guarantee what happens in the future.

L. Lee questioned the design of the buildings having a connected roof which gives the appearance of a larger building (5,000 sf). C. Ponessi replied that the connected roof provides cover for clients in inclement weather and B. Tyler noted that aesthetically it looks better. L. Lee asked if a change of use application would need to be submitted if two different contractors potentially took over the buildings and B. Breed answered yes as per §ZBL 6.3.4; low impact uses under this regulation can be reviewed. L. Lee questioned if this application would be in violation of any regulations if it was not considered under major subdivision criteria and B. Breed responded no. J. Menson was concerned about landscaping and parking to which B. Tyler noted that parking was on the back side of the building and C. Ponessi explained that there was a large buffer to the river and no outdoor storage is planned. M. Lee suggested that a model structure be submitted due to the nature of the large roof construction and B. Breed commented that there is nothing in the regulations saying that the roof cannot be connected between the two buildings and submitting a model would create a hardship on the applicant. This was not a design review district. The PC can only control the landscaping and a large amount of landscaping has been proposed to help screen the area.

S. Jones stated that he was an abutter on the south side of this property and requested more detail to the landscaping plan such as the specification of the size of the trees to be planted. He also felt that screening on the south border of the property was important to implement in order to reduce the impact on his property. C. Ponessi answered S. Jones’ question about the regulations allowing the connection of two buildings on the second story by noting that the ZA gave a determination that it was allowable above grade on the second floor or below grade by tunnel. S. Jones indicated that the intent of the Village Commercial zoning for size was a 2,000 sf building and he felt connecting the buildings was a way of bypassing this criterion. B. Tyler responded that there were three reasons: the ZA determined it was allowable; cover for clients in inclement weather and it was more aesthetically pleasing. Discussion ensued between S. Jones and B. Tyler concerning landscaping between their respective properties with B. Breed stating that this would have to be worked out between them for clarity in screening. He noted that the application approval could be made contingent upon the completion of a landscaping plan between S. Jones and B. Tyler, but did not want the PC involved in a neighbor to neighbor dispute. C. Ponessi suggested moving some of the trees shown on the plan from the front of the property to the side. B. Tyler noted that he was willing to move some of the proposed front trees to the side as long as S. Jones would plant some on his property side. S. Jones agreed to match B. Tyler with placing two/three Norway spruces (6-7 ft) on his property line. B. Breed noted that they would not like to see the landscaping in front be impacted, but instructed B. Tyler and S. Jones to make an agreement to submit to the ZA.

The Public Hearing was closed at 9:10 p.m. B. Beavin moved and B. Herrmann seconded to approve the Site Development Plan submitted by B. Tyler as presented with the conditions that a written agreement between S. Jones and B. Tyler regarding landscaping between their properties be submitted and the receipt of the ability to serve letter from the Dorset Fire Department.

Motion carried 8-0.

**Preliminary and Final Plat Review for 2 Lot Major Subdivision, per Subdivision Development Regulations §7.00 and 8.00, 340 Route 30. Applicant: Brad Tyler**

The Public Hearing for the Preliminary Plat Review was opened at 9:11 p.m. C. Ponessi reviewed the site plans with the Board noting that Lot 1 will be 2.85 acres and Lot 2 (existing) is 2.78 acres. The proposal meets setbacks, dimensional requirements, parking requirements and has an easement plan in place for water and shared driveway. All criteria in the list were met. The Public Hearing was closed at 9:15 p.m. B. Herrmann moved and H. Coolidge seconded to approve the Preliminary Plat Review as presented for a major subdivision for B. Tyler. Motion carried 8-0.

The Public Hearing for the Final Plat Review was opened at 9:16 p.m. The Board reviewed the application with regard to the regulations and the Hearing was closed at 9:18 p.m. D. Lawrence moved and B. Beavin seconded to approve the Final Plat Review as presented (stamped site plan dated: 11/20/12). Motion carried 8-0.

**Public Comments Taken**

None

**Other Business**

1. D. Pinsonault asked if it would be simpler to have the ZA notify abutting property owners when an application is submitted and, in this way, the Town would have a record of who was notified. T. Yandow replied that it was clearly written in the regulations that the applicant must notify abutters. He has now created a checklist for himself to help make sure applications are complete.
2. It was the consensus of the Board members to recommend Kate Manley to the Select Board for appointment to the Planning Commission.

H. Coolidge moved and T. Dee seconded to adjourn the meeting at 9:45 p.m.

Respectfully submitted,

Nancy Aversano

Town of Dorset ~ Planning Commission

Date 1/3/13  
 Regular Meeting X  
 Special Meeting     

(Please Print)

Name	Address	Representing	Testifying (Yes or No)
Mike Connors	Dorset		
JOAN MENSON	1131 RT 30 DORSET	SELF	YES
ROBERT MENSON	1131 RT 30 DORSET	SELF	YES
Megan Donckers	1014 West Mountain Rd. Shaftsbury	—	NO
Brad Tyler	Dorset	SELF	?
Chris Bonassi	111 Harmony Lane 05255	Brad Tyler	YES
Steve Jones	Dorset		
Kaye Manly	P.O. Box 511 DORSET	SELF	NO
CHRISTIAN HEINS	PO BOX 1323 MANCHESTER CT 05255 VT	MICHAEL BICKFORD	YES
LAWRENCE LEE	CROSS RD DORSET	SELF	YES
MARCIA LEE	CROSS RD DORSET	SELF	YES
JANET SAINT GERMAIN	UPPER HOLLOW RD DORSET	SELF	YES