

## Town of Dorset Planning Commission November 6, 2012 Minutes

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

Members Absent: T. Dee, C. Ferguson, B. Beavin

Also Present: Tyler Yandow (Zoning Administrator), Jim Salsgiver (Dorset Energy Committee), Ellen Maloney (Dorset Energy Committee), Jim Hand (Dorset Energy Committee), Joan Menson

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

### **Approve Minutes of October 2, 2012**

T. Yandow requested that the word “fee” be removed from page 3, Reconsideration item, second paragraph, tenth line ~ *T. Yandow stated that he would like to see the permit retained as it alerts him to what is going on.*

The approval of the September 4, 2012 minutes was invalid so H. Coolidge moved and G. Squire seconded to approve the September 4, 2012 minutes as presented. Motion carried 4-0 with C. Ferguson’s approval from the last meeting.

D. Lawrence moved and H. Coolidge seconded to approve the October 2, 2012 minutes as amended. Motion carried 6-0.

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

**Planning Commission:** Received meeting minutes of October 2, 2012.

**BCRC:** See “BCRC News and Notes – October 23, 2012” included in monthly packet.

**Select Board:** Received meeting minutes of September 25, 2012 and October 16, 2012.

**Design Review Board:** Received meeting minutes of September 12, 2012.

**Zoning Board of Adjustment:** Attended meeting of October 8, 2012. Minutes attached. David Grenier’s request for a side yard variance was denied. I sent David a letter October 16, 2012 requesting two sheds be removed from his property. To date the sheds have not been removed. I will follow up as needed to assure this is done.

**Energy Committee:** Received meeting minutes of September 24, 2012.

At the October 23, 2012 meeting which I attended, the Committee discussed Town Plan Section 9, Energy and Utility Plans. The Committee feels this provides a clear directive for the Town to develop an Energy Conservation Plan as well as comply with VTREBS. See my memo regarding VTREBS of November 6, 2012, included in this month’s packet.

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

- Possible clearing in wetlands at 139 Dorset West Rd and 124 Lane Rd. I contacted Patricia Green at ANR who forwarded my concerns to Patrick Lowkes, an ANR Enforcement Officer. The three of us plan to make site visits the next time Patricia and Patrick can schedule time in this area.
- Sheds and possible business at 365 Mad Tom Rd. I sent a letter stating your concerns to Nick Schu on Oct. 11, 2012 and followed up with a telephone message on Oct. 25, 2012. I have not heard back from Nick at the time this was written but will continue to follow up as needed.
- Research zoning fees in other towns. I have started this work and attached a spread sheet which is a work in progress. I have requested fee schedules from the towns of Woodstock and Stowe and hope to receive them soon.

**Permits:** 3 zoning permits were issued from September 25, 2012 to October 30, 2012. 2 building permits, 1 sign permit. See attached Zoning Permit Summary of 10/30/12. Same period 2011: 9. Same period 2010: not available.

D. Pinsonault asked where all the permit information was stored and T. Yandow responded that the file storage was upstairs, but each permit that the Town issues is recorded with the Town Clerk and also filed in the vault. D. Pinsonault questioned why this important information was not being stored in the vault and T. Yandow noted that there was not enough room and that for the past year he has started to create electronic files of permits. A backup of the data is also created and taken out of the building for safe guarding. Previous files are not protected. D. Pinsonault felt strongly that this documentation should be safely stored in the Town vault. T. Yandow and D. Pinsonault will consult with S. Pinsonault (Town Clerk) about storage of permit data.

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

Discussion ensued regarding the DRB and Dorset sign ordinance with regard to installing signs without a permit. B. Breed explained that the PC has to approve the DRB minutes and, if Board members feel that something is done incorrectly, they have the power to deny approval. T. Yandow mentioned that Shaftsbury has a regulation that if anyone starts any work without a permit in place, when they do get a permit, the fee is doubled. The Board thought this should be given more consideration.

The DRB Minutes of October 17, 2012 were discussed regarding the Dorset Chamber of Commerce banner and R. Cantus resigning from the Board.

G. Squire moved and D. Pinsonault seconded to approve the DRB minutes of October 17, 2012 as presented. Motion carried 6-0.

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

No report submitted.

### **Public Hearing: Planning Commission Reporting Form for Municipal Bylaw Amendments, November 6, 2012**

The Public Hearing was opened at 7:25 p.m. Two items of consideration were adding a

definition for change of use and adding Section 3.11 – Demolition permit (no fee). B. Herrmann moved and H. Coolidge seconded to close the Public Hearing at 7:30 p.m. B. Herrmann moved and H. Coolidge seconded to approve the Planning Commission Reporting Form for Municipal Bylaw Amendments dated November 6, 2012 as presented. Motion carried 6-0. This document will be forwarded to the Select Board for a Public Hearing.

### **Energy Committee Presentation Regarding VTREBS**

J. Salsgiver explained that the State of Vermont is now implementing compliance with *Vermont Residential Energy Building Standards (VTREBS)* and the Energy Committee felt that they should be proactive in encouraging compliance within the Town. Numerous discussions have been had to find ways to help residents address compliance with 21 VSA §266 to stay ahead of the State and do the best for the homeowners. It is recommended that T. Yandow make four site visits to ensure reasonable compliance with the code and a fee of \$100 (\$25 per visit) be charged to the homeowner to cover the costs. The site visits would cover the inspection of:

- Foundation insulation
- Air sealing of building envelope
- Insulation of building envelope
- Mechanical system

E. Maloney noted that eventually the State may enforce the code through use of the property transfer tax document or having banks require the information for a construction loan. It is suggested that a certification form be given with permit applications. B. Herrmann asked if the Town would have to pay for training/certification for T. Yandow and J. Salsgiver replied that there are educational seminars for contractors. Contractors will be responsible for certifying that they are building according to code standards. B. Herrmann commented that sometimes builders quote projects without code standards in order to get the job. T. Yandow explained that what was proposed currently were four site visits during the time of construction to check out the planned construction to see if it is being done properly. D. Pinsonault asked if it might not be better to have the homeowner hire someone qualified so that the Town is not involved as it may be difficult to schedule inspections with the builder. J. Hand responded that since building is slower now, this would be a good time to try using T. Yandow for inspections. J. Salsgiver said that the homeowner would have to be informed when they get their permit that T. Yandow has to be called in for inspections at certain times during the construction to see if the project looks correct. T. Yandow stated that ultimately the contractor was responsible for complying with the energy code. D. Pinsonault suggested that it might be possible to have Towns band together to hire an inspector. J. Hand noted that if Dorset solved the issue at the local level, it might start a trend for other Towns, leading the way for regional inspectors. J. Sullivan of the BCRC is helping to spread the word about the code as builders are not always aware of it or understand it, but with Dorset's more formal process it would be easier for them to follow. Discussion ensued regarding having T. Yandow spend four hours for inspections and at the end of the project having the homeowner hire someone for an independent report.

B. Breed asked for a summary of what the Energy Committee is proposing saying that the State is requiring construction of housing to be of a certain level of efficiency and the builder is required to certify that this is done. If the builders are certifying the compliance, why does the Town have to involve T. Yandow? J. Salsgiver answered that compliance is supposed to be

done, but is not as there is no enforcement or inspections. B. Breed commented that he did not understand why T. Yandow had to be involved if a Certificate of Occupancy was not given until the builder certifies that the project is compliant and why the homeowner is charged \$100 for T. Yandow's inspections when the builder is still ultimately responsible. D. Pinsonault noted that the homeowner needs to understand that the Town is assisting with the energy code giving a limited amount of time and expertise to ensure energy efficiency, but the Town will not guarantee the end product. E. Maloney reminded everyone that the standard is not just for new homes, but also for renovations, alterations, additions, etc. B. Breed asked about possible legal issues if construction is delayed by T. Yandow and expressed concern that the Town would be in the middle. He suggested contacting the Town Attorney for his opinion on liability. T. Yandow noted that the inspections were small steps to take to see if this method will work and the Town is at least moving forward on the energy code. J. Hand stated when a homeowner wants to sell their house, this certification will be needed and attorneys and banks are also starting to ask for the certification.

B. Breed asked what the next step was and T. Yandow responded that he would have to present the proposal to the Select Board. T. Yandow suggested that it would be helpful if the PC composed a statement to pass onto the Select Board.

It was the consensus of the PC Board to encourage compliance of VTREBS by raising the residential zoning permits to \$100 to cover four site visits by the ZA for inspections covering:

1. Foundation insulation
2. Air sealing of building envelope
3. Insulation of building envelope
4. Mechanical system

Any subsequent/additional visits deemed necessary will be charged at \$25 each.

### **Public Comments Taken**

None

### **Other Business**

- C. Ferguson will be resigning from the PC Board as of December 2012. If anyone knows of someone who would be interested in being a member, please contact T. Yandow.
- D. Pinsonault requested that, if a PC meeting falls on election night, the meeting be changed to another date.

H. Coolidge moved and B. Herrmann seconded to adjourn the meeting at 9:00 p.m.

Respectfully submitted,

Nancy Aversano

Town of Dorset ~ Planning Commission

Date 11 / 6 / 12

Regular Meeting X

Special Meeting     

(Please Print)

| Name          | Address            | Representing            | Testifying<br>(Yes or No) |
|---------------|--------------------|-------------------------|---------------------------|
| JIM SALSONER  | 243 NICHOLS HILL   | Self                    |                           |
| Ellen Maloney | Mad Tom Rd         |                         |                           |
| Jim Hand      | 1705 Morse Hill Rd | Dorset Energy Committee |                           |
| JOAN MENSEN   | 1131 RT 30         | DORSET                  |                           |
|               |                    |                         |                           |