

Town of Dorset Planning Commission November 1, 2011 Minutes

Members Present: B. Breed (Chairman), B. Herrmann, D. Pinsonault, C. Ferguson, D. Lawrence,

Members Absent: G. Squire, T. Dee, B. Beavin, H. Coolidge

Also Present: Rob Gaiotti (Town Manager)

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

Approve Minutes of October 4, 2011

C. Ferguson moved and D. Lawrence seconded to approve the October 4, 2011 minutes as presented. Motion carried 4-0.

Report from the Zoning Administrator

T. Yandow was absent and R. Gaiotti read the ZA report as follows:

Select Board: Received minutes of October 25, 2011.

Planning Commission: Received meeting minutes of October 4, 2011.

Zoning Permits: Permits were issued to the following parties: Tom and Nancy Ziegler, replace and enlarge covered porch; James Coleman, site improvements (landscaping); Roger and Gay Squire, replace above ground propane tank with underground tank; Brian Bowen for John Peckham, new garage & shop; Sarah Garay, new barn; Howard Coolidge, replace old deck and add new deck; Ron and Pat Curny, storage shed.

Energy Committee: See enclosed memo.

ZBA: No minutes received.

AT&T Cell Tower: Received notice that request for road change approved.

Town Fair 2011: Workshops attended –

- VREBS – An atlas of data for potential renewable energy sources is available on the Efficiency Vermont website. Municipalities can institute energy efficiency and conservation requirements in ByLaws or Town Plan. Efficiency Vermont has agreed to administer the PACE program. 27 states have approved PACE districts in past 3 years. 13 Vermont towns have created PACE districts. Also see attached PACE seminar summary.
- The Blood in this Town: The Story of Community Outreach in Rutland City – Portions of the film “The Blood In This Town” were shown. This is the story of how Rutland collected more blood than any other city in the country for one year. It was an inspiring

story. Also of note was the development of a 300 acre derelict piece of City property into a mountain biking and hiking mecca, entirely by volunteers. Google "Pine Hill Park." I subsequently visited Pine Hill Park on two occasions and rode several trails on my mountain bike. This has become a destination for locals as well as out of state visitors and has revitalized a part of the City which had been written off as lost.

Permits Issued During the period of 9/28 through 10/25: 2011 - 7; 2010 – 0; 2009 – 6.

B. Breed asked what the Town thought of the PACE program and R. Gaiotti responded that the biggest challenge was the administration and financing of the program. Discussion ensued regarding default of PACE loans, property tax/non-payment, and criteria required for loan.

In response to B. Breed's question about the Conflict of Interest Policy, R. Gaiotti noted that it would be reviewed by J. O'Dea to see if one policy should be used by all Boards. E. Rosencrantz commented that the Secretary of State/State Department have an excellent guide to writing Conflict of Interest policies which are concise and cogent. He felt that the PC policy was not well done and would not be binding, especially if the policy can be changed at will with each Board. E. Rosencrantz suggested that the policy should be done as a Town Ordinance or written as part of a Town Charter. B. Breed noted that the method they are using allows flexibility and has its advantages and disadvantages. The PC will wait to see what the Town Attorney has to say.

Report from the Bennington County Regional Commission

No report submitted.

Report from the Design Review Board

No report submitted.

Public Comments Taken

E. Rosencrantz stated that he felt it was disturbing that the Select Board can direct the PC to write a Rules of Procedure Policy as the State says that the Board can write its own procedures. B. Breed explained that the PC was given a template to review and modify as they saw fit. D. Pinsonault noted that a joint Board meeting was held to discuss these documents. E. Rosencrantz said that some aspects of the document need careful work ~ noting items such as who can speak and when; deliberative sessions only used to evaluate evidence after closing the hearing; and work sessions (non-public meetings) which can be used to work out budgets or administrative procedures such as the Town Plan or ZBL's. He felt that the PC should consider adding work sessions to the Rules of Procedure. B. Breed commented that it was a matter of public perception to have open meetings as many times no one attends meetings, but people will complain if changes are made. B. Breed thanked E. Rosencrantz for his comments.

Other Business

B. Herrmann wanted to discuss his application for the Black Rock property and B. Breed noted that there were not enough Board members for a quorum to deal with the issue and vote. He was uncomfortable to open the discussion, but D. Lawrence commented that, in not listening to the information, B. Herrmann's project is put off for another month. B. Breed stated that the ZA should look at the application and either deny, approve or refer it to the ZBA or PC Board. D.

Lawrence said that the ZA was not comfortable making a decision about the project. D. Pinsonault suggested having a Special Meeting to accommodate the applicant.

B. Herrmann explained that the Black Rock subdivision was listed as 13 lots by the Town, but the previous owner had all the permits in place to downsize the subdivision to 8 lots. B. Herrmann had talked to C. Schmelzenbach (previous ZA) who thought it would just be boundary line adjustments to accomplish the downsizing. After purchasing the property, septic system issues arose with the Town saying there were 13 lots and the State saying that building can start at any time. These issues have been resolved. R. Gaiotti noted that it was a pre-existing subdivision made before regulation were put in place and was amended at the State level to be 8 lots. E. Rosencrantz noted that with an Act 250 permit the Town has no say in it. B. Breed stated that with a pre-existing lot, which is part of a subdivision made prior to Subdivision regulations, if an applicant wants to reconfigure lots, they should come under current regulations. B. Herrmann commented that the change would lessen the impact on the Town, brings needed tax revenue and should be welcomed by the Town. B. Breed agreed, but felt that the Town has regulations and permitting processes which need to be followed. B. Herrmann noted that the Town has mylars with both the 13 and 8 lots depicted, deed descriptions and State paperwork.

B. Breed read the definition of boundary line adjustment and Section 1.06 of the ZBL's and noted that there was no existing minor/major subdivision by the Town, so there is no subdivision to amend. B. Breed noted that T. Yandow has the ability to change the boundary lines if he is comfortable with it and can call B. Breed to discuss the issue. E. Rosencrantz noted that if this didn't work, it would go to the ZBA or the application would be valid at the end of 15 days if not acted upon. B. Breed remarked that T. Yandow was right to be cautious on this matter, but noted that the PC Board members felt he could handle the situation if he was comfortable doing so.

C. Ferguson moved and D. Lawrence seconded to adjourn the meeting at 7:55 p.m.

Respectfully submitted,

Nancy Aversano

Town of Dorset ~ Planning Commission			
Date <u>11/1/11</u>			
Regular Meeting <u>X</u>			
Special Meeting <u> </u>			
(Please Print)			
Name	Address	Representing	(Yes or No) Testifying?
<u>Eric Rosencrantz</u>			