

Town of Dorset Planning Commission November 3, 2009 Minutes

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

Members Absent:

Also Present: Chris Schmelzenbach (Zoning Administrator), Paul Greinedo, Alan Calfee (Calfee Woodland), Tony Panetta (Dorset Energy Committee), Ellen Maloney (Dorset Energy Committee), Alex Bornsteen (Dorset Energy Committee), Margaret Meachem, Bob Gashlin (US Cellular), Diana Green, Janet Saint Germain, Isabel Hein, Carol Cole, Jim McGinnis, Bob Escher (DRB), Jack Towsley (Dorset Water), Jon Groveman (VNRC), Joan Menson, Robert Menson, Bob Hartwell, Marilyn Hand, Jim Hand, Neil Landres, W. M. Nawrath (Tim Burns)

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

Approve Minutes of October 6, 2009

M. Canavan moved and G. Squire seconded to approve the October 6, 2009 minutes as presented. Motion carried 7-0.

Report from the Zoning Administrator

C. Schmelzenbach reviewed nine zoning issues listed on his report. There were nine (9) permits issued in 2007; ten (10) permits issued in 2008 and six (6) permits issued in 2009. Zoning building permits and zoning subdivision application packets are being revised to be more comprehensive and user friendly. Once the updates are completed, C. Schmelzenbach will have draft forms submitted for approval.

Report from Jon Groveman ~ Water Program Director & General Counsel to the Vermont Natural Resources Counsel (VNRC)

J. Groveman noted that he was invited to attend the PC meeting by J. Menson who requested that he explain the water issues facing the Town with regard to the Town Plan. He passed out copies of his testimony to the PC. B. Breed explained that the PC was given the proposed language for water protection to put in the Town Plan with no time to react or research the end result of doing so. He noted that they wanted specificity and asked what is driving the State and other Towns to include this language.

J. Groveman detailed his background with various State agencies and explained that groundwater protection has been his primary focus with the VNRC and the statewide advocacy group, the Groundwater Study Committee. There was a realization that Vermont did not have any large commercial withdrawal of water protection and, in 2008, Act 199 was established to regulate large commercial withdrawals, declare groundwater to be a public trust resource and empower

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

local municipalities to control large commercial withdrawals through actions in their Town Plan. Large withdrawals were defined as commercial groundwater withdrawals of more than 50,000 gallons per day (40 gallons per minute) as it was determined that this level can cause impacts. Act 199 requires an applicant to prove that the projected withdrawal of water will not have adverse effects on existing: wells, streams, rivers, lakes, ponds, wetlands and is consistent with duly adopted town and regional plans, in order to obtain a permit from the ANR. J. Groveman explained that Towns can look at residential, agricultural and commercial development with regard to water usage and protection. The Town may want to review the water resources and designate special resource areas they want to protect from large water withdrawals. This law enables towns and regions to decide how ground water should be used and allocated through their Town Plans.

B. Breed noted that if the State has imposed restrictions at 50,000 gallons per day, he was unclear on how much further restriction could be imposed by towns as it should not be an arbitrary number. J. Groveman responded that this was an opportunity to look to the future as the PC studies build out areas in Town and the water resources which would be needed. He noted that this might not be a town-wide issue, but a special ecological area may need protection. B. Menson stated that public water supplies may need protection in Dorset and East Dorset. J. McGuinness noted that there are 182 public water users in Dorset and the use of a new reservoir would be needed for more users. M. Canavan reported that East Dorset had enough water and supplied 81 properties plus VTrans. B. Breed noted that the PC has requested a build out study from the BCRC and, once received, the Board might be in a better position to look at groundwater protection.

Review Draft Report Associated with US Cellular Zoning Permit Application for Generator Installation

B. Breed explained that the ZBA had held a hearing on the US Cellular application without the standard procedure of having the PC issue a report first. The PC will review the application retroactively.

B. Gashlin, representative for US Cellular, described the proposal to install a generator and propane tanks noting that the FCC Katrina Act requires eight hours of backup power for cell sites. The original 2002 approved site plan was used and the generator and propane tanks were added for this application. The proposal is the same as the other cellular companies and will utilize the graveled area developed for equipment and will not extend any further outward. C. Schmelzenbach reported that he has outlined what has been done to date, given a synopsis of the proposal and the ZBA reviewed and approved the application on October 15, 2009 pending PC approval. B. Breed asked about visual impact and B. Gashlin responded that the equipment was on the back side of the mountain. The fence is for security purposes and will be “bumped out” on one side. G. Squired moved and M. Canavan seconded to approve the Planning Commission Conditional Use Report dated November 3, 2009 (Vermont RSA No. 2-82 Inc. (“US Cellular”) – Permit No. 09-00-40.1 to add a generator and propane fuel storage tanks as presented. Motion carried 7-0.

Report from the Bennington County Regional Commission

No report submitted.

Report from the Design Review Board

B. Escher presented the October 26, 2009 minutes of the DRB. He acknowledged the many years of service Jay Hathaway had with the DRB Board and that he would be greatly missed. The Board has nominated and approved two new members, Gretchen Schmidt and Jim Clubb and is actively seeking one alternate member.

Calfee Woodland Management and OnPoint Land Survey ~ two signs were presented to the DRB for approval. They will be installed on an existing sign post with the same colors as Dorset Village Properties' sign. Suggestions were made by the DRB Board and drawings were resubmitted for approval.

G. Squire moved and C. Ferguson seconded to approve the October 26, 2009 DRB minutes as presented. Motion carried 7-0. C. Schmelzenbach is to check to see if the new DRB members need to be approved by the SB.

Other Business

1. M. Nawrath explained that a subdivision for Tim Burns was approved June 5, 2007 and needed to be recorded within 90 days, but was recorded in 92 days. The Title Insurance Company is requiring that the whole application be done over again and M. Nawrath asked if it would be possible to do all the phases in one night. B. Breed responded that the PC can do a final application since it has already been approved. M. Nawrath is to talk to C. Schmelzenbach about the required fees.
2. C. Schmelzenbach requested input from the Board concerning J. Frost and Alpine Slide's request to install a temporary slide loop on J. Frost's property to test a new product. The proposal would be for approximately one year with an above ground track with no public use and be for research and development. The area is in the CI-1 zone and C. Schmelzenbach questioned what permits, if any, are needed. B. Breed noted that this would have to have a site development plan review and meet the criteria. It was suggested that the applicants use ZBL Section 6.2.2(b) 3 (research facility) and/or 17 (a public or private sports facility excluding stadiums).
3. Town Plan ~ C. Schmelzenbach summarized that the SB is in a position to approve the Town Plan at a Public Hearing on November 17th and, if the PC finds the report acceptable tonight, a copy will be forwarded to the SB. B. Breed reviewed the changes as listed with the PC and there were no additional recommended changes to the report. G. Squire moved and C. Ferguson seconded to approve the Town Plan report of November 3, 2009 with one grammatical change for Section 9.1.3 – Biomass ~ do not delete the word "will" before "encourage." Motion carried 7-0.

M. Canavan moved and D. Pinsonault seconded to adjourn the meeting at 8:50 p.m. Motion carried 7-0.

Respectfully submitted,

Nancy Aversano

Town of Dorset ~ Planning Commission

Date 11/2/09
 Regular Meeting
 Special Meeting

(Please Print)

Name	Address	Representing	(Yes or No) Testifying?
Paul Grenade	PO 322 Dorset VT	On Point	NO
Alan Collier	PO 86 Dorset VT	Collier Woodland	No
Key Buxetta	85 LULLA Lane Dorset	Dorset Elementary	NO
Ellen Maloney	3588 Maj Tom	Zoning Comm	NO
ALEX BROWSTON	1266 ROUTE 30 DORSET	DORSET COMMUNITY	NO
Margaret Macdonald	Bordman Dorset	---	NO
Bob Smith	8 PANIDORCE AVE FALMOUTH, ME 04105	US CELLULAR	YES
Diana GREEN	PO BOX 1 Dorset	---	NO
Janet Sint Germain	P.O. Box 707 Dorset		No
Isabel Hains	245 Upper Hollow Rd		NO
Carol Cape	PO Box 813	---	NO
John McInnis	92 Bayview Hollow ^{Dorset}	---	NO
Bob Scher	Dorset Hollow Road	DREB	YES
JACK TOWSLEY	Peace St.	Dorset Water	NO
Jon Groveman	9 Bailey Ave, ^{MUNICIPALITY} 05802	VNRK	YES
JOAN MENSEN	1191 RT. 30, Dorset	SELF	?
ROBERT MENSEN	1131 RT 30 DORSET		YES
BOB HARTWELL	PINE BEND DORSET		NO
Marilyn Hard	1705 Mount Hill Rd	self	NO
Liam Hard	"	"	NO
NEIL LANTIER	P.O. Box 658 Dorset	Self	No
W. M. Marshall	PO Box 544, Manchester, VT 05355	Tim Burns	Yes