

Town of Dorset Planning Commission February 2, 2010 Minutes

Note: These are the unofficial minutes as to be approved within the scheduled March 2010 scheduled meeting

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

Also Present: Christopher Schmelzenbach (Zoning Administrator), Joan Menson, W. Michael Nawrath, Doug Beebe, Andrew Tarantino

B. Breed, Chairman, opened the Meeting at 7:20 p.m.

Approve Minutes of January 5, 2010

Minutes were reviewed and discussed. Minutes were approved with one addition: The removal of the parking space so designated as No. 1 within the site plan presented at the January 5, 2010 public meeting by SSL&K, LLC.

G. Squire moved and D. Pinsonault seconded to approve the January 5, 2010 minutes as revised. Motion carried 5-0.

It was discussed and agreed upon that the previous conditions carried forward associated with the SSL&K, LLC property dated July 5, 2000 under different ownership at that time, would be modified to note that #2 within said conditions would not apply, and #4 would be modified to read "Parking spaces to be delineated".

Report from the Zoning Administrator

C. Schmelzenbach reviewed the February 2nd Zoning Administrator report which included one WW permit receipt; one letter of compliance; three issuance of permits; one permit renewal assistance, two subdivision assistances, one boundary line assistance, one proposed development assistance. 3 permits were issued with the period of 12/17/09-01/19/10.

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

The Public Hearing for William Burns for a two lot subdivision – 1148 Route 30, Preliminary/Final Plat Review was opened by B. Breed at 7:35. The preliminary plat was reviewed. Previous conditions approval dated 06/05/07 were reviewed and applied to the current subdivision under consideration. B. Herrmann moved, D. Pinsonault seconded Motion carried 5-0. The public hearing for Final Plat approval was opened. D. Pinsonault moved and G. Squire seconded approval. Motion carried 5-0.

- **Other Business**

A. Proposed revision to the Town of Dorset Zoning Bylaw associated with section 11.2.1 pg 67.

As reads:

1. Where Permitted

Communication towers or antenna shall not be located in Natural Hazard Areas or Natural Resource Areas identified in the Town Plan. Wireless service facilities are not permitted on a one or two family dwelling or accessory structure thereto.

Proposed Revision:

1. Where Permitted

Communication towers or antenna shall not be located in Natural Hazard Areas or Natural Resource Areas identified in the Town Plan with the exception of deer yards. Wireless service facilities are not permitted on a one or two family dwelling or accessory structure thereto.

It was unanimously agreed to advance this proposed change to public adoption proceedings.

B. Harold Beebe, US Route 7

- Proposed subdivision of 2.0 +/- acres to contain existing single family home with remaining 190.0 +/- acres to remain unimproved was discussed. It is intended to address preliminary and final plats at the scheduled March meeting.

C. SSL & K, LLC, US Route 30

- Opinion on retail vs. ice cream sales in the existing “small” cottage. Change in use requiring Site Development Plan review per traffic generated, number of customers etc. was discussed.

D. Andy Tarantino

The following was discussed:

- Hills Court, 6.86 acres, to be subdivided. Applicant requested opinion to “front yard” location. Is this considered to face US Rte 7? Pg. 33 Sect. 6.2.6 front, side, and rear setback adjacent to Route 7: 75ft was discussed. Owner supplied commentary and draft site plan for initial introductory review.

E. Rutland Town / Rutland City Comparison

The following was discussed:

- It was requested that Zoning procedures relative to the above be reviewed. Rutland Town does not have Zoning and therefore is a “One Acre” town. Basically, if the lot is under 1 acre there are very limited restrictions. If the lot is over one acre regulation is under Act 250 if the proposed activity triggers any of the Act 250 criteria.
- Rutland City – zoning representative was met with. Industrial District has limited

restrictions inclusive of no dimensional requirements. Change is uses are typically handled by the administrative officer. Exterior, demolitions, significant changes are referred to the Board of Adjustment of Planning Commission as appropriate.

F. Donald Dorr

The following was discussed:

- ZA met with Act 250 enforcement relative to the former Bear Paw location. Site was reviewed. The existing firewood processing activity will not be considered a change in use from that originally permitted. They will contact the owner with reminder of operating hours and a notice of violation for encroachment into the required 15ft buffer adjacent to the river.
- They will be reviewing the storage activity of abandoned tractor trailers adjacent to US 7a and determine the extent of associated jurisdiction.

G. Nick Shu

The following was discussed:

- There are numerous letters within the associated file for un-permitted building expansion. The ZA will review and address as appropriate.

E. Municipal Business Listing

The following was discussed:

- It is my understanding that a list of existing businesses has been forwarded to Selectboard members. To address, the ZA has presently completed filing of previously issued Zoning permits dating 1996 – 2010. It is intended to complete filing / organization through 1995 and beyond. This will provide 15yrs of history for each parcel. Per Statute S4454 – pg 67, violation may be addressed for 15yrs. Each business parcel will then be reviewed to establish if a permit had been previously issued and addressed accordingly.
- It would be helpful to notify the ZA of any businesses that you are aware of that existed prior to the 15 yr restriction.

T. Dee moved and G. Squire seconded to adjourn the meeting at 8:24 p.m. Motion carried 5-0.

Respectfully submitted,

Christopher Schmelzenbach, P.E.
Town of Dorset, ZA