

Town of Dorset Planning Commission April 2, 2013 Minutes

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

Members Absent: B. Herrmann

Also Present: Tyler Yandow (Zoning Administrator), Jim Henderson (BCRC), Tracey Mathyas, Diana Green, Luanne Hardy, Robert Menson, Bob Escher (DRB), Jim Clubb, Greg Gawlik (Clubb), Bill Badger (Raspe), Frank Parent (Mosheim), Dan Mosheim, Jane LoBrutto, John LoBrutto

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

Approve Minutes of March 5, 2013

T. Dee moved and B. Beavin seconded to approve the March 5, 2013 minutes as presented. Motion carried 6-0 (K. Manly & G. Squire abstained)

Report from the Zoning Administrator

T. Yandow reported as follows:

Planning Commission: Received meeting minutes of March 5, 2013

BCRC: No report received.

Select Board: No minutes received. Regular meeting postponed because of weather.

Design Review Board: See minutes of March 19 and March 28, 2013.

Zoning Board of Adjustment: No hearings held

Build-Out Study: Discussion to be continued at this meeting.

Permits: 5 zoning permits were issued from February 27, 2013 to March 27, 2013. 1 sign permit, 4 building permits. See attached Zoning Permit Summary of 04/02/2013. Total permits same period 2012 – 2; 2011 - 4.

D. Pinsonault asked about the Schu property and if J. Bamford had been contacted. T. Yandow responded that he is waiting for the plat plan showing all the sheds on the property before contacting J. Bamford and that Mr. Schu has been unable to comply due to some personal issues.

Report from the Design Review Board

March 19, 2013 Minutes

Raspe Residence (formerly the Colony House

B. Badger, Architect, was present to represent the Raspe's. New drawings and photographs were presented to the DRB for additional changes to the Raspe house. B. Breed asked about shutters and slate roofing. B. Badger explained:

- General repair as needed matching existing materials and colors

- a new covered porch (portico) over the front door would be added because of the snow sliding off the roof;
- a wrap-around porch will be built at the rear of the house with dark gray standing seam metal roof and white painted wood with columns and arches.
- On the West side, a roof extension will be added to provide weather protection for a doorway and existing bay window.
- A separate, free-standing two car garage with a small apartment above will be constructed in the southeast corner of the property.

B. Breed noted that shutters were missing and these are part of the DRB criteria. He asked B. Escher to read ZBL Section 9 ~ Design (D) Areas, (9.5.3.6 – Windows) which states that wooden shutters are required. B. Escher expressed that previous discussions regarding the inflexibility of the criteria were had when considering the Clubb house and the he thought it was decided to have shutters where appropriate. B. Badger commented that some of the windows would look odd with shutters and they would not fit on the dormer section of the house. D. Pinsonault questioned the difference for having shutters on the front of the house and not the back. B. Escher replied that the street side is important and the DRB is working on changing the language of the criteria to be realistic for the inclusion of shutters and modern materials. He was under the impression that the Boards had worked out this problem during the Clubb residence discussion and approval of the May 25, 2012 minutes. B. Breed asked where the DRB felt were the appropriate locations for shutters on the Raspe house and B. Escher answered that shutters should be put on the street side; the back of the house where appropriate; the sides facing the Dorset Church; not on the dormers; not on the windows by the door and that it was a hard call on the awning windows. B. Badger noted that the submitted drawing was labeled incorrectly as the East elevation was actually the West elevation. B. Escher noted that if it was possible to alter only one section of the ZBL, then this section would have been taken care of already. D. Pinsonault expressed that decisions should not be made by opinion and everyone should have the same standards. B. Escher stated that the criterion is a weak link as there are appropriate and inappropriate locations for shutters. B. Breed expressed that aesthetic criteria is not flexible. B. Badger noted that he would try to put shutters on all the windows he can and see if he could move one window over in order to fit shutters.

B. Breed asked about the roofing material and the criteria. B. Escher responded that metal roofs are allowed (Section 9.5.7.4) even though slate roofs are preferred. B. Breed stated that at what point do you stop allowing other roofing materials as eventually slate roofing will be gone altering the historic character. B. Escher explained that the slate roofing in Dorset is wearing out after 100 years of use and what the DRB does is to encourage slate replacements and lecture residents on the value. B. Badger noted that slate roofing will be used on the new construction ~ it will be expensive to install, but it will last a long time. He further explained that slate roofing adds weight which can cause support problems with houses. T. Yandow asked what color roof will be installed on the garage and B. Badger responded charcoal gray. B. Escher thought the color was listed as slate gray and B. Badger noted it would be a dark gray. B. Escher stated that a follow up drawing with the shutters included and the name of the color gray for the garage roofing should be submitted.

B. Escher noted that the J. Clubb bungalow plans were in order and complete.

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B. Escher stated that this was a follow-up meeting for the J. Clubb residence and that it was established that he did not have a conflict of interest discussing this project. G. Gawlick explained that J. Clubb is now proposing to renovate the existing bungalow instead of removing it, but still build a new garage as previously proposed. The major changes will be a full length front porch, new windows, changes to the back deck with new railings, new cedar shake roof on the house, and new mechanicals. A new septic design from Speath Engineering and State approvals are pending. B. Breed asked what the garage elevations were and about the roofing materials. G. Gawlick responded they were the same as proposed last year. B. Escher commented that the DRB asked that the shed wing on the south side of the garage be set back off the corners by 24" to avoid overcrowding of the roof lines. G. Gawlick noted that the roofing is currently asphalt, but they will be using cedar shake and the house would not allow for slate.

D. Lawrence moved and H. Coolidge seconded to approve the March 19, 2013 and March 28, 2013 DRB minutes as presented contingent upon receipt of changes as discussed and B. Escher's approval of shutters for the J. Clubb site plan. Motion carried 9-0.

Two Lot Minor Subdivision, Preliminary Plat and Final Plat Review per Subdivision Development Regulations §7.00 and §8.00, Tax Map Parcel 05.00.09.1, 23 & 85 Goodwood Lane, Applicant: Dan and Calista Mosheim

D. Mosheim explained that in 1997, under the customary home occupation zoning, he built a house and workshop including two wells and two septic systems. The 12' by 22' garage at the house is being used by his son for a metal workshop and he has outgrown the space. D. Mosheim is in the process of trying to refinance the house in order to build a new workshop near the woodworking shop for his son to use. In discussions with the banks, D. Mosheim found out that because the shop is more than 25% of the square footage of the house, it would not meet the criteria for residential mortgage standards as it was considered mixed use commercial. The only solution for refinancing is to subdivide the property. B. Breed asked if D. Mosheim had a permit for a customary home occupation and what happens to it if he subdivides. D. Mosheim answered he received a permit in 1997 and that he is not creating a lot for a house and is only trying to improve his business which employs two other people. B. Breed read the section pertaining to Customary Home Occupation (ZBL - Appendix A: Definitions ~ page A2) and questioned how to interpret the regulation with regard to the proposal as a separate lot (does it have to be adjacent or can it be two lots away). D. Mosheim noted that he had talked to B. Gibney (Lister) about the change in appraisal after a subdivision and was told that there would be no change as it was only a line on a map, but the appraisal would be changed for the new building. B. Breed re-read #1 of the definition again: "is carried on by a member of the family residing in the dwelling unit for residential purposes." B. Beavin commented that you cannot reside on two lots. D. Mosheim presented photographs of the property with the buildings and explained the layout.

B. Breed noted that the issue was not the size of the proposed workshop, but that according to the ZBL it should be incidental to the residence and the proposal was also on a separate lot. This is an Agricultural, Rural Residential zone and the proposal needs to conform to the Customary

Home Occupation criteria. G. Squire stated that D. Mosheim did not choose to subdivide the property as it was imposed upon him by the bank and wouldn't this remove him from strict interpretation from the criteria. B. Breed suggested making a condition on the subdivision that if the lot is sold; the business cannot be sold with it as the use does not go with ownership. D. Pinsonault commented that if the lot is sold, the workshop would have to become a residence. B. Breed said that if the new lot is sold, a person would have to live on the property to have a customary home occupation there. B. Beavin was concerned that this would circumvent zoning as the new lot is not residential, but commercial. B. Breed wanted clarity as the home occupation would not be on the same lot, but does it make it okay if it is contiguous. F. Parent felt the key words were contiguous and pre-existing. D. Pinsonault asked if there would be two tax bills and T. Yandow explained that the Listers identify contiguous lots under the same ownership as one property number.

B. Breed asked if the Board members agreed that the lots were contiguous and pre-existing and all responded yes. He asked if a customary home occupation spanning two lots was okay as long as they were contiguous and pre-existing. J. LoBrutto questioned how big the proposed workshop was and what it would look like. D. Mosheim replied that it would be 28' by 30' and would resemble the original workshop. B. Breed noted that the PC is not responsible for a design review under the criteria.

B. Breed read Subdivision Development Regulations Section 7.02 and Section 7.04. The application met all criteria. D. Lawrence moved and T. Dee seconded to approve the preliminary plat plan as presented by D. Mosheim with the condition that the following wording be placed on the application: *"This subdivision allows the continuation of the existing customary home occupation from structures now on a separate contiguous lot under the same ownership."* Motion carried 8-0.

B. Breed read the Subdivision Development Regulations Section 8.02 and the application conformed to all criteria. D. Lawrence moved and H. Coolidge seconded to approve the final plat plan as presented by D. Mosheim. Motion carried 8-0.

Build-Out Study ~ Discussion of Goals, Public Survey and Related Topics

On the topic of the build-out study survey, K. Manly expressed that she was unfamiliar with the terminology of the subject and did not understand how the average person would be able to answer the survey. She suggested having an informational meeting first so that they would receive more qualified answers to the survey. J. Henderson wondered how many residents would actually attend the informational meeting and B. Breed noted that public input was always a challenge to get early in the process.

It was suggested to add the following to the survey:

- date of PC meetings
- due date of May 8, 2013 for the return of the survey
- statement of relevance of the build-out study to the Town Plan
- Public Hearing on June 4, 2013
- definition of build-out study

J. Henderson informed the Board members that Dorset does not have any representatives to the BCRC and asked them to encourage two people to participate.

Public Comments Taken

None

Other Business

1. It was the consensus of the PC Board members to appoint Bill Breed as Chairman of the Planning Commission.
2. B. Breed, K. Manly and D. Pinsonault all agreed to continue to participate as Board members on the PC.

D. Lawrence moved and H. Coolidge seconded to adjourn the meeting at 9:20 p.m.

Respectfully submitted,

Nancy Aversano

Town of Dorset ~ Planning Commission
 Date 4/2/13
 Regular Meeting X
 Special Meeting

(Please Print)

Name	Address	Representing	(Yes or No) Testifying?
JIM HENDERSON	111 South St. Bennington VT 05201	Benning County Regional Commission	N
Tracey Mathias	789 Kinsy Hollow Rd, Dorset	—	—
DIANA GREEN	POB 881	—	—
LuAnne Hardy	27 Lane Rd Dorset	—	N
ROBERT MENSON	1131 ROUTE 30 - DORSET	SELF	—
JOAN MENSON	"	"	—
Rob Escher	Dorset VT	DRPB	Yes
Jim Clubb	DORSET VT.	—	NO.
Gregg Kamlik	Pawlet, VT.	Jim Clubb	—
BILL BADGER	MANCHESTER		
Frank Parent	E. Dorset VT	Dan Mosheim	Yes
DAN MOSHEIM	85 Concord Lane Dorset	—	YES
Jane Lobrutto	Danby Mtn Road		
John Lobrutto	Danby Mtn Road		