

Town of Dorset Planning Commission June 5, 2012 Minutes

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

Members Absent: C. Ferguson

Also Present: Tyler Yandow (Zoning Administrator), Sheila Childs (DRB), Diana Green, John LaVecchia, Gregg Gawlik (Clubb residence), Larry Lee, Joan Menson, Luanne Hardy

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

Approve Minutes of May 1, 2012, April 3, 2012 & March 7, 2012

D. Lawrence moved and G. Squire seconded to approve the May 1, 2012 minutes as presented. Motion carried 5-0 (B. Breed, B. Beavin & T. Dee abstained)

D. Lawrence moved and H. Coolidge seconded to approve the April 3, 2012 minutes as presented. Motion carried 6-0 (B. Breed, G. Squire abstained)

D. Lawrence moved and H. Coolidge seconded to approve the March 7, 2012 minutes as presented. Motion carried 5-0 (G. Squire, T. Dee & B. Herrmann abstained)

Report from the Zoning Administrator

T. Yandow reported as follows:

Planning Commission: Received meeting minutes of May 1, 2012.

Design Review Board: No minutes received at time of printing.

Zoning Board of Adjustment: No minutes received.

Select Board: Received minutes of May 15, 2012.

Zoning Permits: 8 permits were issued during the past month: 7 zoning permits, 1 sign permit. See attached Zoning Permit Summary of May 29, 2012.

P.A.C.E. – The Select Board has signed an agreement with Efficiency Vermont to administer the program. Information pamphlets for public distribution are expected soon. There will be one enrollment period this year, starting sometime this summer. The exact starting date and duration have yet to be determined.

E911 Annual Review: The review has been completed and submitted to the Vermont Enhanced 9-1-1 Board. The ZA is currently fielding questions from them regarding the materials submitted.

BCRC: No report received at time of printing.

PC Field trip: Brent Herrmann lead a trip to Havoc Hill to look at 20% slopes in the field. We looked at slopes on the road as well as in the woods. Others in attendance were Howard Coolidge, Danny Pinsonault, Gay Squire, Brian Beavin and Tyler Yandow.

Zoning Permits Issued During the period of 4/25/12 through 5/25/12: - 7; 2011 – 8; 2010 – 8.

Report from the Bennington County Regional Commission

No report submitted.

Report from the Design Review Board

S. Childs and T. Hathaway were present to for the DRB Board. G. Gawlik, representing J. Clubb, explained that a few changes to the previously presented plan have been made. The house and garage have been separated. The house will be located closer to Church Street in order to redesign the septic system due to the relocation of the separate garage. Shutters have been added to some windows, where the shutters would appear to close. Speath Engineering has submitted the septic plan to the State and they are awaiting approval.

G. Squire asked if the criteria language has been resolved with regard to shutters and T. Hathaway responded that the Board reviewed the language which states that all new construction must have shutters and made sure the criteria was met. T. Yandow clarified that the DRB bylaws have not changed since the last meeting and T. Hathaway noted that the Clubb project was considered new construction and shutters were added, but not on the bay windows. The DRB will be reviewing the criteria for changes within the next year. B. Beavin asked if this was the only way the project could have been approved and T. Hathaway noted that it was impossible to put shutters on some windows. B. Breed stated that having shutters on all new construction was the criteria in the Design Review District and was concerned about either writing a flexible regulation or living with it as it is written to enforce the character of the area. T. Hathaway replied that she understands, but there was one house without shutters in the area already. B. Breed said that this was an enforcement issue and the DRB should talk with T. Yandow or the Select Board.

H. Coolidge moved and D. Lawrence seconded to approve the DRB minutes of May 25, 2012 and the Clubb project as presented. Motion carried 8-0.

B. Breed asked what the timing was for the DRB revisions for the bylaws and T. Hathaway replied that they will start a committee within the year for review of the regulations which will not change drastically, but possibly for building materials. B. Beavin noted that it was not a dollar issue, but a criteria issue and B. Breed asked where they would draw the line in considering expense in the ZBL. D. Pinsonault commented that it seems the DRB can get overwhelmed by the regulations as they try to be flexible, but really cannot do so ~ he suggested trying to make them more user friendly. The DRB will be distributing copies of the Design Review District regulations to all members again along with the real estate offices. B. Breed reminded them to take into account the ramifications of energy efficiency considerations.

Continued Discussion of Proposed Revisions to Bylaw Including FEMA Model 4 for Flood Hazard Area

FEMA Model 4

B. Breed asked if the FEMA Model 4 document to be reviewed was the bare minimum necessary in order for residents to get flood insurance, as previously there was concern regarding the fluvial erosion section capturing a lot of people. T. Yandow responded that this was the minimum and it was easier to use an existing model. B. Breed asked T. Yandow to check into the fluvial erosion edges, for example, if a stream moved 100 feet, does the setback have to be 100 feet from where it moved to or 100 feet from the original point.

Review of Section 8: Flood Hazard Areas (8.1 through 8.10):

Section 8.1: Statement of Purpose ~ no changes made

Section 8.2: Other Provisions ~ no changes made

Section 8.3: Lands to Which these Regulations Apply ~ T. Yandow to check if they apply.

Section 8.3.1 ~ Delete footnote number 3

Section 8.4: Summary Table: Development Review in Hazard Areas ~ T. Yandow is to make sure this section has to be included.

Section 8.5: Development Review in Hazard Areas ~

Section 8.5.1 ~ Delete footnote number 5. B. Breed noted that this section places the regulation in the ZBA's lap.

Section 8.5.4 ~ Delete *Vermont Model Flood Hazard Regulation 4 10/19/09* (T. Yandow to check if needed).

Section 8.5.6 ~ Change DRB to ZBA in the first sentence. Delete footnote number 6. B. Breed requested that this document be forwarded to the ZBA members for review.

Section 8.6: Development Standards ~ T. Yandow noted that most areas in Dorset have not been assigned a BFE (base flood elevation) as there was not enough Federal monies to complete the field work necessary to establish this data. B. Breed questioned what the PC could evaluate with these criteria if there are no guidelines issued yet.

Section 8.6 (A)7 ~ delete footnote number 10

Section 8.6 (A)9 ~ delete footnote number 12

Section 8.6 (A)15 ~ delete footnote number 14

Section 8.6 (B) ~ delete footnote number 15

Section 8.6 (C) ~ delete footnote number 16

Section 8.7: Administration ~ B. Breed requested input from the ZBA on this section. T. Yandow is to make reference to the other existing administration requirements within this section or to place this administration section in the original administration requirements section.

Section 8.7 (A)1 ~ delete footnote number 17

Section 8.7 (B)1 ~ delete footnote number 18

Section 8.7 (D) ~ delete footnote number 20

Section 8.8: Certificate of Occupancy ~ delete footnote number 21

Definitions are to be added to the existing ZBL definition section. B. Breed requested that both the ZBA Board and J. O’Dea, Town Attorney, review the FEMA Model 4 document and submit any comments or suggestions. B. Beavin questioned whether all the footnotes should be deleted as they can be used for interpretation and guidelines. B. Breed commented that keeping the ZBL as streamlined as possible was important and asked where they would want the footnotes to go. T. Yandow suggested leaving the footnotes in the document until getting an opinion from J. O’Dea. B. Breed asked that a copy of the draft ZBL document with changes be available for the next meeting.

Bylaw Revision

- Add Definition: Acre ~ 43,560 square feet - accepted by the Board
- Add definition : DFIRM ~ Digital Flood Insurance Rate Maps – accepted by the Board
- Add definition: Change of Use ~ Members discussed this definition with some saying it was too restrictive. T. Yandow explained that clarity was need as there is no existing definition for change of use and it was a benefit to the Town to know if a business was changing. B. Beavin commented that intensity was more important than what someone was selling. The definition was amended by the Board to read *“A change of use shall include any change of character of a business activity (e.g. retail to wholesale) or increase the intensity as per Section 6.3.2.*

This change of use discussion lead to the example of S. Jone’s use of his barn on Route 30 which is currently used by a Touch of Grass (landscaping & maintenance business). The barn is currently being used as a business on a daily basis and T. Yandow felt it would be appropriate for S. Jones to apply for a permit. S. Jones felt that the location did not have a sign or telephone and should not be considered a business. T. Yandow explained that it had to do with land use. J. LaVecchia noted that he had talked to S. Jones about this situation and asked what the property use was before. T. Yandow replied that it never had a use before and that S. Jones purchased it in 2003 and started using the building in 2005 without a permit. B. Breed noted that running a business requires a permit and that T. Yandow has been tasked with trying to bring all businesses under compliance. It was also noted that before the district was changed to Village Commercial, S. Jones would have been totally out of compliance under the home occupation regulation. It was the consensus of the PC members that a Touch of Grass (and/or S. Jones) needs a permit to operate a business out of the barn on Route 30.

- Add definition: Sawmill/Logyard ~ J. LaVecchia remarked that there is an issue before the courts on the Dorr property with regard to dealing with transshipments. T. Yandow noted that the reason the SB wanted to include this definition was that they felt transshipment is an associated use with a sawmill/logyard. J. LaVecchia expressed that the ZBA findings included the right to use of the land as a sawmill, but that a logging operation in that zone was not allowed along with transshipment not being allowed. He felt that including transshipment in the sawmill definition was a significant departure and involved a great deal of wood shipment which doesn’t pass through the sawmill. B.

Breed expressed that if you have a sawmill that does not operate all the time, then you can't ship all the time. It would be like a Customary Home Occupation in that you have to live on premises and the business is subordinate to the home. B. Beavin pointed out that it doesn't distinguish between operating or not or continuous use or not. J. LaVecchia stated that the issue with this definition is whether is it trying to change the definition to declare that transshipment is subordinate to the sawmill which subverts the idea that transshipment belongs in a commercial zone. B. Breed suggested that the PC Board wait until a court decision is rendered before making any decision on the addition of this definition. T. Yandow is to check the status of the court decision.

- Delete Section 12.2.1 (2nd paragraph) & Amend Section 3.10 ~ B. Breed noted that this covers the problem of small structures being placed in setbacks. D. Pinsonault expressed concern that this section would capture too many structures (removable, tents, etc.) and would make it more complicated for people. T. Yandow noted that once a structure was up, it would be impossible to have someone move it or take it down. D. Pinsonault felt strongly that small, simple structures should not be included and B. Breed asked how can you deal with flexibility in a regulation. T. Yandow remarked that a permit puts the owner on notice not to violate setbacks. B. Beavin suggested using a square footage guideline. Section 3.10 was changed to read as: *Minor construction of accessory buildings or structures of 120 square feet or more, regardless of cost, shall require a zoning permit from the administrative officer. Such development shall include.....* “
- Add Section 3.11 ~ T. Yandow is to check with the Town Clerk to see if demolition information is needed by her office.
- Add Section 3.12 ~ B. Breed questioned whether this section is needed anymore
- Add paragraph to Section 12.3 (should be numbered 12.2.3) ~ paragraph amended to read as follows: *Permits may be renewed at any time less than one year after the date of approval for a period of one year. Permits will be valid for one year from the date of renewal and can only be renewed once without re-application.*
- Amend Section 6.2.3 ~ no changes made
- Amend Section 6.2.4 ~ no changes made

Discussion for next month will continue on the items listed after Section 6.2.4.

Public Comments Taken

No public comment.

Other Business

It was the consensus of the PC members to move the regular July meeting to Monday, July 2, 2012.

D. Lawrence moved and D. Pinsonault seconded to adjourn the meeting at 10:00 p.m.

Respectfully submitted,

Nancy Aversano

Town of Dorset ~ Planning Commission

Date 6/5/12
 Regular Meeting X
 Special Meeting

(Please Print)

Name	Address	Representing	(Yes or No) Testifying?
SHEILA CHILDS	26 CHURCH ST	DRB	
DIANA GREEN	POB 881	-	-
John LaVecchia	POB 172	self	-
Gregg Gamlak	POB 205 Pawlet	Jim Chubb	
LARRY LEE	134 CROSS ROAD	SELF	
JOAN MENSEN	1131 RT 30 Dorset	.	
Luanne Hardy	27 Lane Rd, Dorset	self	