

Town of Dorset Planning Commission July 10, 2012 Minutes

Members Present: Bill Breed (Chairman), Brent Herrmann, Danny Pinsonault, Gay Squire, Connie Ferguson, Dave Lawrence, Howard Coolidge

Members Absent: Toni Dee, Brian Beavin,

Also Present: Tyler Yandow (Zoning Administrator), Bob Escher (DRB), Larry Lee, Luanne Hardy, Diana Green, Joan Menson, Janet Saint Germain, Roger Squire, John LaVecchia

B. Breed, Chairman, opened the meeting at 7:01 p.m.

Approve Minutes of June 5, 2012

B. Escher asked for clarification regarding the statement that the DRB minutes had not been received. T. Yandow explained that he had not received the DRB minutes before the Zoning Administrator report was forwarded to the PC members. B. Breed commented that it was difficult for the Board to review DRB minutes at the meeting rather than ahead of time. B. Escher replied that he tries to have them early, but the DRB Board meets at random times. T. Yandow also expressed that it would be nice to post the DRB minutes before the PC meeting. D. Pinsonault suggested that if the DRB minutes are not received within a week before the PC meeting, that they would be reviewed at the next meeting as it was not fair to expect the PC members to make important decisions without previous consideration. T. Yandow suggested scheduling the DRB meetings so that there is time to submit the minutes one week before the PC meeting. B. Escher noted that they tried to be flexible for the residents, but may have to move to a scheduled meeting. D. Lawrence moved and G. Squire seconded to approve the June 5, 2012 Planning Commission minutes as presented. Motion carried 6-0 (C. Ferguson abstained).

Report from the Zoning Administrator

T. Yandow reported as follows:

Planning Commission: Received meeting minutes of June 5, 2012.

Design Review Board: No minutes received at time of printing. T. Yandow noted that everyone should have DRB minutes for tonight's meeting.

Zoning Board of Adjustment: No minutes received.

Select Board: Received minutes of June 19, 2012.

Zoning Permits: 8 permits were issued during the past month: 4 zoning permits, 3 Certificates of Occupancy, and 1 Boundary Line Adjustment. See attached Zoning Permit Summary of July 10, 2012.

P.A.C.E. – No further information received.

BCRC: No report received at time of printing.

Mettowee Mill Nursery: See ZA memo of July 10, 2012, included in monthly packet.

Other: Received copies of the following notices: Town of Winhall public hearing on town plan; waste associated with rebuilding of Manchester Round About (from DEC).

Zoning Permits Issued During the period of 5/26/12 through 7/3/12: - 8; 2011~10; 2010 ~10.

D. Pinsonault asked about a property on Dorset Hill Road and building on 20% slope. It was explained that building is dependent upon the developable area calculation and that this property did fit the criteria.

Report from the Bennington County Regional Commission

An email from the BCRC was received today informing the Board of news and workshop announcements. The newsletter was informational and not directly connected to anything the Dorset PC was doing. R. Gaiotti may have found possible grant funding for the build-out study and is continuing to work on finding funding.

Report from the Design Review Board

B. Escher was present to represent the DRB. The DRB minutes reflect that R. Squire and S. Childs submitted a “Discover Dorset” banner concept for approval. This will be a two day event (September 15th and 16th) as a platform to raise visibility for Dorset businesses and the community. T. Yandow asked how long the banners would be up and B. Escher responded that they would be in place within the next two weeks (July, August and part of September). D. Pinsonault asked what would happen if someone else wanted to use the banner poles during this time and B. Escher noted that no one else has applied. B. Breed inquired whether the DRB had a policy in place for scheduling and B. Escher replied no, they were still working on it and that R. Gaiotti has taken the lead on policing of the banners.

The DRB has been in the process of researching for information regarding updating the ZBL criteria and should have a draft document for presentation next month. After presentation to the PC, the DRB will then present it to the historic district residents. Discussion took place about the percentage of people who have to vote for historic district bylaws (approximately 85%). J. Menson suggested that the Vermont Division of Historic Preservation might be able to give guidance and be a helpful resource. G. Squire moved and C. Ferguson seconded to approve the June 18, 2012 DRB minutes as presented. Motion carried 7-0.

Discussion of Expansion of Activities at Mettowee Mill Nursery

T. Yandow explained that snowplowing and caretaking services are being carried out at the Mettowee Mill Nursery and is asking the PC Board’s opinion about whether this falls under the umbrella of the nursery which is considered “farming and horticulture” which requires no permit. Discussion ensued regarding equipment used, living on the property and whether this is a

separate business. B. Breed asked what definition of agriculture the PC should go by and T. Yandow responded Title 24, §4413 which C. Ferguson read. B. Breed thought this section lacked a definition and D. Pinsonault said it did not seem specific and that it seemed a reach to include snowplowing with agriculture. T. Yandow then supplied a definition of farming (see attached) and also Title 6 VSA §4810, Title 10 VSA §1021 and Title 10 §1259. G. Squire commented that she did not believe farming would stretch to cover snowplowing and B. Breed noted that you have to live on premises to get a permit for snowplowing services. B. Herrmann mentioned that there may be too many employees involved to get a customary home occupation permit. B. Breed asked what this would mean for everyone who does snowplowing for a living without a permit. C. Ferguson asked for clarification and B. Breed explained that in order to be a permitted use in the A & RR district, this would fall under the customary home occupation criteria which he then read. G. Squire asked if anyone who snowplows for a living would be in violation and B. Breed responded, not if they live in the house as they can apply for a customary home occupation permit.

Section 4.2 of the ZBL was reviewed by the Board and B. Breed thought that this activity could only be handled under the customary home occupation criteria. J. LaVecchia mentioned that the Mettowee must have a permit for the store portion of the business for the items they do not grow or make and the possibility of this being pre-existing. B. Herrmann asked how retail sales were allowed in an A & RR district. Discussion ensued regarding whose responsibility it was to prove whether the Mettowee Mill Nursery was in violation or not and tabling the discussion until next month so that S. Jones can attend the meeting. B. Breed noted that the permit he was reading listed a greenhouse and sales only and he would like S. Jones to explain how his retail operation is defined (sales in the A & RR district) and also snowplowing in the A & RR district. B. Breed reviewed the 1989 and 1993 variances granted for dry soils and fertilizer and conditional use permit for the construction of a building to house them. Retail sales were listed at 32.4% and the definition states that they are to be incidental to the business.

B. Breed suggested having T. Yandow look into how this is regulated and ask S. Jones to attend the next meeting. It was questioned why S. Jones did not attend the meeting and T. Yandow noted that he had sent him the memo and agenda. G. Squire commented that the memo did not say that S. Jones should attend the meeting. D. Pinsonault felt that a lot of time was spent tonight on this discussion and a decision should be made about whether or not to issue a violation notice. B. Breed stated that the question before the Board was whether or not they believed snowplow and caretaking services were allowable under the current ZBL's or not. B. Herrmann, H. Coolidge, D. Lawrence and D. Pinsonault felt it was not allowable and a notice of violation should be issued. G. Squire, C. Ferguson and B. Breed also thought these services might not be allowable, but wanted further clarification from S. Jones and T. Yandow. B. Herrman suggested that T. Yandow notify S. Jones in writing that it was the consensus of the majority of the PC members that snowplowing/caretaking services were not an allowable use and to please attend the next PC meeting to discuss this issue.

Continued Discussion of Proposed Revisions to Bylaw

T. Yandow noted that he will call J. O'Dea, Town Attorney, find out the status of his review of the ZBL revisions.

Discussion resumed regarding the revisions to the Bylaws as follows:

Re-number subsequent sections: 6.2.4 to 6.25
 6.2.5 to 6.26
 6.26 to 6.27
 6.27 to 6.28

Amend Table of Contents Section 6 ~ amendment changes were accepted as presented and it was noted to correct the spelling of “commercial.”

Add to Section 3.9 (Plot Plan Requirements ~ addition was accepted as presented

Amend Section 3.6.1(c) ~ amendment was rejected as it does not conform to the Town Plan. B. Breed noted that the Town Plan would have to be revised first before the ZBL. L. Lee commented that there was a real concern in the community about the impact of changing the percentage of allowable slope and believes an analysis of the possible impacts/changes is necessary in order to make a sound decision. He would also like the analysis documents to be given out to the people. B. Breed noted that he has talked with the BCRC and the RCRC concerning this issue and suggested getting the background information and doing research to understand the history. J. Menson mentioned the necessity of having the build-out study in order to envision the development of Dorset.

Amend Section 3.6.2 ~ amendment was rejected

Amend Section 4.2.4.1 ~ amendment changes were tabled until a future date to be determined. Discussion included accessory buildings/dwellings which are already allowable. T. Yandow noted that the allowable percentage for an accessory dwelling was not very practical as it would be a small guest house or rental. B. Breed felt that the “one acre knock-off” bypasses the ZBL’s and that it was not consistent with the Town Plan. G. Squire noted that if there were no jobs, it was irrelevant as to the size of the lot. B. Breed encourage everyone not to incorporate this section at this time as it was controversial and it might not allow the PC to meet the deadline for the FEMA changes necessary for flood insurance. Further discussion ensued for and against including the amendment with G. Squire, C. Ferguson, B. Breed wanting to table the issue and D. Lawrence, H. Coolidge and D. Pinsonault wanting to change the amendment now. B. Herrman cast an undecided vote.

Amend Section 4.2.4.3 (A & RR) ~ amendment changes were tabled until a future date to be determined

Amend Section 4.3.4.3 (VR ~ amendment changes were tabled until a future date to be determined

Add Section 5.3.1.10 (Forest 2) ~ change first sentence to read: *Single-family dwellings and accessory buildings.*

Amend Section 6.2.2(b) ~ amendment changes were tabled until a future date to be determined (awaiting court decision)

Add Section 3.11 (Waivers) ~ addition was accepted as presented.

C. Ferguson moved and B. Herrmann seconded to adjourn the meeting at 9:50 p.m.

Respectfully submitted,

Nancy Aversano

Town of Dorset ~ Planning Commission

Date 7/10/12
Regular Meeting X
Special Meeting

(Please Print)

Name	Address	Representing	(Yes or No) Testifying?
Bob Escher	Dorset VT	DRB	Yes
Wesley Lee	Dorset	Self	"
Luanne Hardy	Dorset	Self	NO
DIANA GREEN	PO Box 881	self	"
JOAN MENSON	DORSET	"	"
Janet Kent Gorman	Dorset	"	"
ROGER SQUIRE	Dorset	"	"
John LaVecchia	P.O. Box 172	"	"

* 2.05 Farming means:

- (a) the cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural and orchard crops; or
- (b) the raising, feeding or management of livestock, poultry, fish or bees; or
- (c) the operation of greenhouses; or
- (d) the production of maple syrup; or
- (e) the on-site storage, preparation and sale of agricultural products principally produced on the farm; or
- (f) the on-site production of fuel or power from agricultural products or wastes produced on the farm.
- (g) the raising, feeding, or management of four or more equines owned or boarded by the farmer.

RNO 2.05