

Town of Dorset Planning Commission September 4, 2012 Minutes

Members Present: B. Breed (Chairman), D. Pinsonault, G. Squire, C. Ferguson, H. Coolidge

Members Absent: B. Beavin, D. Lawrence, B. Herrmann, T. Dee

Also Present: Tyler Yandow (Zoning Administrator), Bob Escher (DRB), Christian Heins (Jack Frost), Chris Porter-Beckley, Joan Menson, Robert Menson, Terri Hathaway (DRB)

B. Breed, Chairman, opened the meeting at 7:00 p.m. The Board welcomed Dylan MacFarlane from Burr & Burton Academy, who will participate as a Student Planning Commission member. D. MacFarlane explained that his history teacher has encouraged students be socially active in their local communities and Town governments.

Approve Minutes of August 7th and August 14th, 2012

C. Ferguson moved and G. Squire seconded to approve the August 7, 2012 minutes as presented. Motion carried 5-0.

G. Squire and C. Ferguson clarified that the motion and second after the Deliberative Session of August 14th should be reversed with C. Ferguson making the motion and G. Squire seconding it. H. Coolidge moved and D. Pinsonault seconded to approve the August 14, 2012 minutes as amended. Motion carried 5-0.

Report from the Zoning Administrator

T. Yandow reported the following:

Planning Commission: Received meeting minutes of August 7, 2012 and August 14, 2012.

Design Review Board: Received meeting minutes of August 15, 2012.

Zoning Board of Adjustment: Minutes of three (3) hearings held on August 13, 2012 received.

All applicants received approval of their applications.

Select Board: Received minutes of August 21, 2012.

Energy Committee:

- **P.A.C.E.** – No further information available.
- The DEC met August 27, 2012 to discuss how to move forward with a Town program to ensure compliance with VREBS. See memo from Rob Gaiotti and Tyler Yandow to DEC of August 27, 2012. In addition to the reasons cited in the memo, the Committee noted a) compliance is in conformance with section 9.1.1 of the Town Plan, b) there will be no cost to the Town, c) cost to residents is likely to be significantly less than any plan mandated by the State, should one ever be put in place and, d) the Town could maintain control of compliance if we instituted our own program before the State does. The ZA plans on making a presentation to the PC at the October meeting to help the board become more familiar with the requirements of this code. *Discussion ensued regarding the residential property energy code covering the topics of Town regulations, inspections, training for inspector, revenue source and registration with the Town Clerk.*

- Minutes of this meeting were not available at the time of distribution of this report.

BCRC: Meeting to be held September 20, 2012 to consider approval of town plans for Landgrove, Manchester, Peru, and Pownal. The main portion of the meeting will be dedicated to a presentation and discussion on emergency preparedness planning. Municipal Planning Grant applications are due September 28, 2012. The Town Manager has submitted an application which, if approved, may provide some funds for the Build Out Study.

ZA To Do List:

- Town will contact Chamber of Commerce with regard to insurance policy covering the art on the Town Green. *G. Squire noted that R. Squire had talked to C. Ams of Finn & Stone Insurance and that M. Harding has his own insurance, the Art Show and the Chamber both have no assets so they do not need insurance. T. Yandow stated that the Select Board has to deal with liability insurance for events, not the PC Board.*
- The Select Board has received the Bylaw Amendment Report and will warn a public hearing for Sept. 18, 2012. *The Public Hearing date has been changed to September 25th.*

Permits: 8 zoning permits were issued from July 31, 2012 to August 28, 2012: See attached Zoning Permit Summary of August 28, 2012. Same period 2011: 9. Same period 2010: not available.

D. Pinsonault asked if a demolition fee was charged to C. Beckley to remove a trailer and T. Yandow responded yes. D. Pinsonault asked why, since it was a trailer on wheels, not a building. T. Yandow answered that the bylaws do not speak to the types of building demolition, so a demolition fee is always charged. D. Pinsonault asked if the trailer was moved instead of demolished, would it require a permit. T. Yandow replied that it might, but this particular case was a demolition. C. Porter-Beckley commented that he was unable to move the trailer which was his father's and there was no money available to pay for a fee which he had to pay from his own pocket. He requested that the demolition fee be refunded as it was not his responsibility to pay this fee. T. Yandow stated that the PC does not have the authority to refund money, but C. Porter-Beckley could speak to the Select Board. Requiring demolition permits helps to keep land records up to date.

Report from the Bennington County Regional Commission

No report submitted. There will be a meeting on September 20, 2012 as listed above.

Report from the Design Review Board

B. Escher and T. Hathaway were present to represent the DRB. B. Escher reported the following:

Dorset Inn ~ construction of a back door covered porch roof which was approved by the DRB with the condition that the horizontal beam held up by the columns is a minimum of six inches deep. There will be a handrail and an ADA ramp.

Colony House ~ H. Raspe has updated the DRB on the renovation progress along with an updated status for clearing between the Church and the house.

T. Hathaway informed the Board that the DRB has drafted a letter to the residents of the Historic District and will be sending this out along with a copy of the Historic District ZBL criteria. The criteria will also be sent to real estate agencies. B. Escher noted that they will get input from the residents regarding the criteria, update the regulations and then have the PC review them. The DRB will work along with T. Yandow and R. Gaiotti for the revisions. B. Breed noted that a certain percentage of the Historic District residents will have to sign off on the revisions and then the DRB presents the revisions to the PC who approve them and pass them along to the SB for approval or Town vote approval if contested. T. Yandow suggested that the DRB include the date and time of their meetings in their letter. G. Squire asked about the use of newer materials in the criteria and B. Escher responded that the DRB will address newer materials, but the wording is important regarding equal quality of materials. D. Pinsonault asked about creating “gray” areas in the criteria which would depend on the opinion of the DRB members. B. Escher responded that the goal in creating the criteria revisions is to have clear definitions. T. Hathaway noted that it was important to have historic preservation.

B. Escher commented that the DRB has discussed the options available regarding the clutter of sandwich boards on the green. One suggestion to simplify the sign issue was to have one sign post allowing multiple signs to be hung in a row. The signs would have to meet certain criteria and would be paid for by the entity wanting to hang a sign at the end of the green. C. Heins noted that off-premise signs are strictly forbidden by the State. B. Breed asked about the sign ordinance and questioned using a permanent structure for temporary signs. The DRB will continue this discussion at future meetings.

B. Escher informed the Board that S. Childs will be retiring from the DRB Board and they are seeking another member to take her place.

C. Ferguson moved and H. Coolidge seconded to approve the August 15th and August 31st, 2012 DRB minutes as presented with the suggested change to the DRB letter to give the date and time of the DRB meetings. Motion carried 5-0.

Informal Discussion of Proposed Minor Subdivision of Frost Property at the End of Village Street North, Presented by Chris Heins of Woodland Services. Tax Map Parcel #11-00-010.1

C. Heins, representing Jack Frost, explained that they were trying to put the majority of the Frost farm into land trust and create one building lot east of the railroad tracks (Village Street North – Old Route 7). Currently there is an access there created before zoning regulations took effect. It is not confirmed that it is 20 feet wide, but they hope to verify this with a survey. C. Heins was seeking some assurance that they would be able to access the property before proceeding too far. B. Breed asked if the issue was that they were proposing a project with a less than normal access and C. Heins responded that they were not sure how much frontage they have without a survey, but they do have the right to use the railroad right-of-way (pre-existing trail). B. Breed asked if there was any other access and C. Heins mentioned a crossing on the railroad which was a liability and in wetlands. T. Yandow commented that short of doing a survey, it appears to have two right-of-ways which should be adequate access to the property. C. Heins stated that he will be meeting with the surveyor and that the access to the lot can be a minimum of 20 feet with the approval of the PC. D. Pinsonault asked if this was a flood zone and C. Heins responded yes.

B. Breed reviewed Subdivision Development Regulations Section 4.01 (Planning Standards). C.

Heins noted that there was adequate room for residential access and a portion of the railroad right-of-way can be used to help add to the frontage requirements. He commented that the width of the right-of-way is the question. Discussion ensued regarding the interpretation of Section 4.01 with regard to the 50 feet of frontage requirement and 50 feet easement/right-of-way width. B. Breed thought if there was no further subdivision; it might not require the 50 feet requirement. It was the consensus of the PC members that they were comfortable with the subdivision as presented as Section 4.01 allows the PC to approve a right-of-way not less than 20 feet with no further subdivision.

Public Comments Taken

None

Other Business

1. C. Ferguson moved and H. Coolidge seconded to sign the Municipal Planning Grant application prepared by R. Gaiotti. Motion carried 5-0.
2. T. Yandow informed the Board that J. O’Dea, Town Attorney, confirmed that the Town cannot take enforcement action on a zoning violation that has existed for fifteen years or longer. D. Pinsonault expressed that it was important to try to capture any unpermitted businesses in Town to bring them into compliance. Discussion followed regarding land use, property values, telecommunications from homes, and adding snowplowing to the list of future ZBL amendments. B. Breed noted that the ZBL section regarding contracting gives a lot of flexibility to create a business as a home occupation and noted that snowplowing can be done as a home occupation allowing up to six employees.

C. Ferguson moved and G. Squire seconded to adjourn the meeting at 8:40 p.m.

Respectfully submitted,

Nancy Aversano

Town of Dorset ~ Planning Commission

Date 9/4/12
 Regular Meeting X
 Special Meeting _____

(Please Print)

Name	Address	Representing	Testifying (Yes or No)
Bob Escher	Dorset	DRB	Yes
CHRISTIAN HEINS	RD BOX 1323 MAN. CT. 05255	JACK FROST	Yes
Chris Montei-Brockley	E. Dorset	—	NO
JOAN MENSON	DORSET	SELF	No
ROBERT MENSON	DORSET	SELF	No
Jeri Hattaway	W. Dorset	DRB	yes