

Town of Dorset Planning Commission October 6, 2015

Members Present: Danny Pinsonault (Chairman), Dave Lawrence, Howard Coolidge, Kay Manly, Gay Squire, Carter Rawson

Members Absent: Brooks Addington (Vice-Chairman), Brent Herrmann, Charlie Wise

Also Present: Tyler Yandow (Zoning Administrator), Jim Sullivan (BCRC), Nancy Faesy, Kit Wallace (DRB), Robert Menson, Joan Menson, Suzanne Hittle, Richard Hittle, Luanne Hardy, D. Green, Janet Saint Germain, Clarissa Lennox, Tracey Mathyas, Jackie Pistell, John LaVecchia, Rosalie Fox, Angela Arkway

D. Pinsonault, Chairman, opened the meeting at 7:05 p.m.

Chair to Note Any Changes in Agenda

None

Have Board Members Introduce Themselves. Invite Other Attendees To Do The Same and State Why They Are Attending

Board introductions completed.

Approve Minutes of September 1, 2015 and September 9, 2015

G. Squire corrected the date of the approval of minutes to August 4, 2015 in the September 1, 2015 minutes. D. Lawrence moved and C. Rawson seconded to approve the September 1, 2015 minutes as amended. Motion carried 5-0 (H. Coolidge abstained).

H. Coolidge moved and G. Squire seconded to approve the September 9, 2015 minutes as presented. Motion carried 5-0 (C. Rawson abstained).

Report from the Zoning Administrator

T. Yandow reported as follows:

- The Zoning Board of Adjustment denied a variance application with regard to a minimum developable lot size in the A&RR zone submitted by S. Albertsson and Dorset Hill Properties LLC. D. Pinsonault asked what happens to the value of a property when an owner finds out it is not a buildable lot and T. Yandow thought that the property owner could grieve the tax amounts based on the true assessed value of the property.
- A report from the BCRC representative, N. Faesy, was received.
- Devin Colman of the State Division of Historic Preservation made a presentation at the September 6th Design Review Board meeting. The DRB minutes include a summary of the presentation.

- T. Yandow reviewed a number of upcoming events to be held. Information can be obtained from the VLCT web site (www.vlct.org).
- Eight zoning permits were issued August 27, 2015 to September 30, 2015. (total permits for the same period previous years: 2014 – 10, 2013 – 7, 2012 – 10, 2011 – 4)

Report from the Design Review Board

K. Wallace, Chairwoman, noted that there were no applications to consider, but gave a summary of the presentation by Devin Colman, State Architectural Historian for the Vermont Division for Historic Preservation. An important point made at the meeting was that historic preservation is only as good as the local level of protection in place. D. Colman reviewed the different levels of preservation and made comments about the local processes in Dorset, such as having demolition included in the bylaws; defining alterations and additions further; protecting a design area from what is to come in; and remembering that the Town is not a museum, but a living area. Discussion included:

- Using common sense, but not being so flexible as to be ineffective
- Define types of structures to be subject to review (picnic tables, bike racks, etc.)
- Creating defensible decisions and avoid being “style” police.
- Creating clear parameters
- Promoting the Historic District’s value

G. Squire asked if the DRB wanted to replace the current street signs with historic looking signs and K. Wallace responded they wanted to replace the wooden signs. T. Yandow noted that the street signs in the district will be replaced soon and R. Gaiotti thought the historic signs pictured could be considered. K. Wallace commented that there is a difference between Design Review and Historic District as a Historic District documents historical structures and landmarks whereby a Design Review considers future development and adherence to certain design standards.

G. Squire moved and C. Rawson seconded to approve the September 16, 2015 DRB minutes as presented. Motion carried 6-0.

Bowden Zoning Change Request

D. Pinsonault read L. Bowden’s letter to T. Yandow dated September 25, 2015 requesting that her property (tax map #23-20-003) located at 3092 Route 30, Dorset, Vermont be included in the Village Commercial zone. The question regarding spot zoning was answered by T. Yandow who said that spot zoning is creating an “island” of a different type of zone rather than including a property in an area already zoned the same. The Board discussed the zoning types in the area around L. Bowden’s property and B. Addington asked if there were any negatives to changing the zone. J. Sullivan noted that if the zoning was changed, the land use map, Town Plan and zoning bylaw maps should all be changed. It was the consensus of the PC Board members to have T. Yandow create the necessary documents to address the requested zoning change by L. Bowden.

Discussion of Possible Development Review Board

Discussion was tabled.

**20% Slope Regulations, Discussion Continued. Review Documents Provided by Jim Sullivan
~ BCRC**

J. Sullivan noted that this discussion was started a while ago and he has created maps based on the proposed Mountain and Ridgeline Conservation District (F2 zone based), Areas of Dorset with 30% Slope or Greater (zone background), Revised Mountain and Ridgeline Conservation Zone and Proposed and Existing Mountain Ridgelines Conservation Districts. J. Sullivan explained that the slope map showing 20% slope locations throughout Dorset showed serious restrictions including lot calculations and crossing driveways especially in F1 and F2 zones. Showing the same map with 30% slope overlay presented significant land drop out noticeable in the F2 zone. R. Fox asked what the purpose of the presentation was ~ if it was an informational session to everyone ~ as having a slide presentation on the wall would have been helpful. T. Yandow stated that the presentation was mostly for the education of the PC members to try to understand the slope issues and D. Pinsonault noted that the Board can't explain to the public what they are trying to accomplish until J. Sullivan explains the options available and the best way to proceed to the Board members. C. Lennox asked what the PC question was and D. Pinsonault responded that there are places in Town that cannot be utilized because of small sections of 20% slope on the properties. R. Fox questioned if the PC would be in a better position if everyone was educated together. D. Pinsonault replied that the members cannot function as a Board if they cannot listen to options from the Planner without interruption so that they can come up with a proposal to present to the public and then answer questions with the knowledge they gained. J. Sullivan agreed that everyone needs to be informed, but they were in the preliminary stages of information gathering and it was important for the PC members to get a good feel for the information to provide direction as a Commission otherwise it is difficult to hone in on the issues. C. Lennox asked if the Board was discussing 20% or 30% slope and B. Addington replied that there is a 20% restriction in place and the Board was discussing is there a need to change it. J. Sullivan explained the history of 20% slope restrictions put in place in the 1970's. He noted, that as a Planner, the concern is when prohibiting development there needs to be a logical reason – what are you trying to protect and preserve. There are currently regulations in place for environmental protection outside of 20% slope restrictions. If regulations are not consistent with reality, they could be subject to legal actions. Discussion continued with the Board and J. Sullivan trying to explain to the audience what they were trying to accomplish with 20% slope options and that the 20% regulation might not be the best way to protect what everyone wants to protect on the ridgelines.

J. Sullivan outlined the options as:

- Keep the 20% slope regulation (variance required to cross 20% slope)
- Remove the F2 District and make it all F1 with same criteria
- Create the Ridgeline and Mountainside overlay zone throughout Town (currently only for subdivisions) with aesthetic criteria

Variations and consequences were discussed with J. Sullivan saying that another idea could be to drop down the F2 District and have an F2 boundary where you cannot build in F1 and everything in F2 has to meet specific zoning standards. B. Addington asked how many people this would affect with regard to property values. J. Sullivan also suggested that the 20% restriction could be taken out and replaced with 30% with cautionary language. If the property was in the F2 zone, you would have the right to develop, but under this plan it has to go through aesthetic review which is harder. The Board reviewed the option documents J. Sullivan presented. B. Addington

expressed concern about how they could convince the public that a change would be a positive improvement and not a negative one ~ educate why fix the regulation and educate everyone. J. LaVecchia stated that over the years on the ZBA Board they have dealt with a number of 20% slope issues and have “tortured” variance requirements to allow crossing small sections of 20% slope. He noted that it was not a perfect way to deal with the issue, but felt that the rule tries to protect aesthetics. J. Sullivan commented that there could be legal challenges to the Town if someone was determined to develop in a 20% slope area and have done site plans, have WWW permits, erosion control, etc. along with State approvals. T. Yandow noted that everyone agrees that this is an aesthetic issue and a possible amendment to the ZBL’s with criteria to address that issue allowing for proper environmental protection might work. G. Squire asked about enforcement and inspections and T. Yandow asked about Rupert’s experiences. J. Sullivan was not aware of any problems with Rupert criteria and enforcement. G. Squire felt that building envelopes are a key issue – where to place the house and driveway. J. Sullivan suggested that he contact the Rupert Board to see if there have been any issues with their criteria. B. Addington stated that good explanations and a clear layout of actions needs to be done and J. Sullivan said he would be happy to put it together. The Board discussed what they wanted to see in different maps that J. Sullivan will prepare for the next meeting.

R. Fox questioned why the PC felt they have to address this issue if J. LaVecchia’s idea of variance flexibility with the ZBA is successful. T. Yandow responded that there is enough evidence to support that the 20% slope restriction does not service the Town and there are specific examples where a house has not been built because of the restrictions~ this can take property off the grand list. B. Addington noted that the Board was looking at a definable, aesthetic goal to add value. J. Sullivan stated that the Board should ask themselves what is the connection between the purpose and the regulation – what are you trying to accomplish and have a clear connection to the regulation to be created. J. Sullivan is to bring aerial maps to the next meeting.

Public Comment

S. Hittle asked about density issues and cluster housing. T. Yandow replied that there are already regulations for cluster housing.

Other Business

Adjournment

H. Coolidge moved and D. Lawrence seconded to adjourn the meeting at 9:15 p.m.

Respectfully submitted,

Nancy Aversano

Town of Dorset ~ Planning Commission

Date 10/6/15

Regular Meeting X

Special Meeting

(Please Print)

Testifying

Name	Address	Representing	(Yes or No)
JIM SULLIVAN	111 Smith Street Bennington	TBCRC	
Nancy Fussy	3284 Rt 30	Self	?
Kit Wallace	2173 Upper Hollow Rd	DRB	Yes
ROBERT MENSON	1131 ROUTE 30	SELF	?
JOAN MENSON	"	"	?
Suzanne Hittle	48 Church St.	Self	?
Richard Hittle	68 Church St.	Self	?
Luanne Hardy	27 Lane Rd.	Self	?
D. GREEN	POB 881	"	?
Janet Saint Germain	Upper Hollow Rd.	"	?
Clarissa Lennox	Lower Hollow	"	?
Tracey Mathyas	799 Kirby Hollow	"	?
Jackie Pistell	780 Black Rock Lane	"	?
John LaVecchia	POB 172	"	?
Rosalie Fox	125 Fox Lane	"	?
Angele ARKWAY	379 Owls Head Hill Ln	"	?