

Town of Dorset Planning Commission November 3, 2015

Members Present: Danny Pinsonault (Chairman), Gay Squire, Dave Lawrence, Howard Coolidge, Brent Herrmann, Carter Rawson, Charlie Wise

Members Absent: Brooks Addington (Vice-Chairman), Kay Manly,

Also Present: Tyler Yandow (Zoning Administrator), John LaVecchi, John Thrasher, Nancy Faesy, Clarissa Lennox, D. Green, L. Hardy, Kit Wallace, Peter Palmer, Jack Gilbert, Lindy Bowden, Joan Menson, Robert Menson, Suzanne Hittle, Richard Hittle, Rosalie Fox

D. Pinsonault, Chairman, opened the meeting at 7:06 p.m.

Chair to Note Any Changes in Agenda

Request for a special PC meeting for a site development plan review. D. Pinsonault noted that the PC meetings will now be conducted similar to the SB meeting having a designated public comment period so that the Board members can accomplish what is on their agenda. He welcomes audience attendance, participation and comments at the appropriate time.

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

Approve Minutes of October 6, 2015

G. Squire moved and H. Coolidge seconded to approve the October 6, 2015 minutes as presented. Motion carried 5-0 (B. Herrmann & C. Wise abstained).

Report from the Zoning Administrator

T. Yandow reported as follows:

- The ZBA will hold a meeting on November 9th to hear an appeal of the ZA's decision to issue a permit for the Barrows House event barn. He encouraged the PC Board members to attend the meeting and noted that the Town Attorney will be present.
- BCRC – no report
- A notice of zoning violation was issued for 108 Church Street for non-conformance with porch column design which was approved by the DRB and PC.
- T. Yandow attended the Fall Planning and Zoning Forum held by the VLCT. One topic of discussion was how Towns can be involved with the Public Service Department and the Public Service Board for alternative energy sources. A packet of information was sent to the members by email.
- Permit information was reviewed.

Report from the Design Review Board

None

Change to Posted Agenda (Request for Special PC Meeting for Site Development Plan Review)

B. Herrmann requested that special meeting of the PC Board be held for a Site Development Plan F2 review for Pad Print in order to add another building addition so that construction can start before mid-December. A PC special meeting will be held on November 16, 2015 at 7:00 p.m. for this review.

20% Slope Regulations, Discussion Continued. Review Documents Previously Provided by Jim Sullivan/BCRC

J. Sullivan presented some newer large format maps showing shaded 20% slope areas in Dorset along with the zoning districts. He suggested reviewing the documents and maps so that the Board could pinpoint which approach they would like to take so that possible language could be formulated to amend the Town Plan and Zoning Bylaws.

The map showed areas of 20% in the higher elevation lands (F2 zones) with ribbons of 20% throughout the Town. The three options outlined by J. Sullivan were (Slope Based Development Restrictions in Dorset – Options for Plan and Bylaw Amendments attached):

1. No Changes ~ keep the current 20% zoning regulations in place with variance procedures available to pursue.
2. Expand the F1 District to Cover the Current F2 District ~ eliminates the F2 District and applies F1 zoning regulations to the whole area. D. Pinsonault asked if the map could delineate by different colors the difference between 20% and 30% slope. G. Squire questioned if the Town could be open to a lawsuit if the F2 zone was eliminated and a homeowner wanted to build on their property in that zone and J. Sullivan noted that it could be possible unless the Board was able to provide sound reasons in the Town Plan and ZBL's for the change. D. Pinsonault stated that homeowners would also have the ability to grieve their property values which would have a direct impact on the Town tax.
3. Ridgeline and Mountainside Conservation (RMC) Overlay Zone Standards ~ apply these or revised RMC standards to all development above a certain size within this zone. Revised standards could include a conditional use process, focusing on undeveloped areas in Town, defining building and development envelopes, strengthening language for scenic view, storm water, erosion control and waste water.

J. Sullivan, T. Yandow and Board members discussed options with J. Sullivan asking the Board to give him what they thought was important to consider and the key points to cover. He stressed that there needs to be clear standards and information as to what is allowed or not. R. Fox asked who would be responsible to enforce new conditions outside of the PC Board or ZA and T. Yandow responded that he would be the main administrator. J. Sullivan noted that the Town can only regulate what it is allowed to regulate; such as forestry activities cannot be regulated. S. Hittle expressed concerns over the destruction of springs with development in higher elevations and also having cluster housing. J. Sullivan noted that planned unit development to cluster buildings is a positive thing to do as it can conserve larger open areas.

The PC Board is to consider the options and have J. Sullivan return for a meeting when they have a clearer idea of which options they are interested in pursuing.

Public Hearing: Add Lot 23-20-003, 3092 Vermont Route 30, to Village Commercial District, per Request of Land Owner

The Public Hearing was opened at 8:27 p.m. L. Bowden presented her reasons to the Board for her request for a zoning district change citing that her property is surrounded by Village Commercial zoning lots and, as a residential property adjacent to the Barrows, she will not be able to sell her property. B. Herrman noted that changing the zoning may not apply as nothing has happened at the Barrows House yet and G. Squire said that the Board agreed previously that this would be good as part of a whole package presented. The Board discussed adjacent property districts and R. Menson stated that he manages the nearby cemetery and does not have a problem with the zoning change. J. Gilbert commented that L. McGinnis already abuts the VC district so adding L. Bowden's property would not be more of an infringement upon her. D. Pinsonault noted that he understands both sides (for and against changing the zoning), but wondered if the Board was not intensifying the issue since so many people were against commercial property. L. Bowden stated that her request was a separate matter and she should not be penalized for the Barrows House. She felt that her property value would decrease as a residentially zoned property especially if the event barn is allowed. C. Rawson questioned whether the PC really wanted to expand the commercial zone as it may open the door to other properties to request the same. C. Lennox expressed support for L. Bowden's request to change zones to commercial. C. Wise stated that this property was really a peninsula, not an island encircled by VC zone and was concerned about setting a precedent. L. Bowden reiterated that it was a hardship to sell her property as Village Residential especially with the Barrows House event barn. C. Wise responded that it was currently speculation regarding the event barn and it is a slippery slope for a determination. He asked what is the basis, precedent and consequences for making a change to Village Commercial. Discussion ensued with R. Fox, S. Hittle and C. Lennox expressing support for the change and the Board explaining that changing L. Bowden's property might set a precedent whereby other residential properties on Route 30 could request the same change expanding the VC district in both directions. C. Wise stated that if the request were granted, the Board should provide the rationale behind the change so a precedent is not set and T. Yandow agreed that a Findings of Fact should be written. L. Bowden said that this request should be judged on its individual merits. J. Gilbert remarked that the Board approved an event barn 75 feet from a residential property and across the street is commercial – historically the Bowden property was part of the Barrows House – and Route 30 is a mixed use area.

The Public Hearing was closed at 9:15 p.m. H. Coolidge moved and C. Rawson seconded to add Lot 23-20-003, 3092 Vermont Route 30 to the Village Commercial District as requested by L. Bowden. Motion denied: G. Squire, C. Rawson & H. Coolidge (yes), D. Pinsonault (no) and C. Wise & B. Herrmann abstained.

Public Comments Taken

N. Faesy requested the PC to consider having Julie Campoli, Urban Designer and Author, speak at a planned event in Dorset. J. Campoli has spoken at the BCRC and gives a planner's and urban designer's perspective on New England villages. D. Pinsonault asked T. Yandow to speak to R. Gaiotti about funding such an event. J. Menson agreed with N. Faesy about J. Campoli.

Other Business

- Reminder for the November 16th Special Meeting at 7:00 p.m.

Adjournment

H. Coolidge moved and C. Rawson seconded to adjourn the meeting at 9:35 p.m.

Respectfully submitted,

Nancy Aversano

Town of Dorset ~ Planning Commission

Date 11 / 3 / 15

Regular Meeting X

Special Meeting

(Please Print)

Testifying

Name	Address	Representing	(Yes or No)
John B. Labackia	Po Box 172 Dorset	self	?
John Thgoete	P.O. Box 100 Rupert	self	?
Nancy Tossy	3284 Vtz 30	self	?
Clarissa Linnov	Lower Hill rd	"	?
D. GREEN	POB 881	"	?
L. Hardy	27 Lane R.O.	"	"
Kit Wallace	2173 Upper Hollow Rd	"	?
Peter Palmer	49 Morse Hill Rd	"	?
JACK Gilbert	2427 WEST Rd.	"	?
Sindy Bowden	3092 Rt. 30	self	?
JOAN MENSON	1131 RT. 30	"	?
ROBERT MENSON	1131 RT 30	"	?
Suzannetittle	68 Church St.	self	?
Richardtittle	" " "	self	?
Rosalie	Box 125 Fox Lane	self	?

Slope-Based Development Restrictions in Dorset

Options for Plan and Bylaw Amendments

1. No Changes

Several provisions in both the town plan and the zoning regulations restrict/prohibit development on lands with natural slopes in excess of 20 percent. Plan and bylaw provisions also require that lands with slopes in excess of 20% be excluded from calculations of allowable building density. The effect of these regulations is to require a fair bit of additional site planning and documentation for any development application while also significantly limiting the amount of building that is possible in many areas of town. Because the regulations also apply to roads and driveways crossing steeply sloped lands (i.e., they are not allowed, regardless of the slope of the roadway or driveway itself) access to some areas that would otherwise be suitable for development may not be feasible.

The bylaw does note that variances can be pursued, although satisfying statutory variance standards can be quite difficult.

The existing plan and bylaw language, left unchanged, will continue to restrict development in areas characterized by, or accessed through, areas where slopes exceed twenty percent. It offers broad protections against environmental impacts that may occur from developing in those areas, although it is possible that many affected sites could be safely developed provided that existing regulations and standards for wastewater disposal systems, erosion control, and stormwater management are followed.

A review of slope maps shows that large contiguous areas of land with slopes in excess of 20% are located at higher elevations, generally within the F1 and F2 zoning districts. There are, of course, many areas elsewhere in Dorset with smaller areas characterized by steep slopes.

The following options each would eliminate the existing slope-based restrictions in the town plan and zoning bylaw and reference state environmental regulations and standards that are intended to ensure that development activities do not result in erosion, excessive off-site stormwater discharge, or pollution of surface or ground water resources. These options could be supplemented by a provision that prohibits development on lands with slopes in excess of 30%, as provided for in Section 3.17 of the Rupert zoning bylaw.

2. Expand the F1 District to cover the current F2 District

This option would eliminate the F2 District, where single-family residential development is allowed on lots of 10 acres or more (of "developable" land), but where no building is allowed where slopes equal or exceed 20%. New permanent development (other than the limited uses permitted in the F1 District) would not be allowed above 1600 feet elevation. Existing uses in that area would become noncomplying (but could remain and be expanded based on the relevant bylaw provisions). The zoning boundary could be adjusted in some places, as along Danby Mountain Road, where there is considerable existing development in the F2 District in areas where slopes and other physical factors do not present severe development limitations.

Interestingly, the F2 District also allows for up to 10% building coverage on a lot.

RECEIVED

OCT 06 2015

TOWN OF DORSET

3. Apply the Ridgeline and Mountainside Conservation (RMC) Overlay Zone Standards (or revised standards) to all development above a certain size within that zone. This option is intended to directly address concerns over the appearance of development on ridgelines and hillsides rather than dealing with it indirectly through slope-based restrictions.

The difference from the current regulatory provisions is that all new development, including individual homes, would be subject to the regulations – not just subdivisions. The existing standards could easily be moved from the subdivision regulations (Section 3.05) and added to the zoning bylaw. Minor additions to existing buildings and small accessory buildings would likely be excluded from review under the RMC standards.

Because the RMC Overlay Zone (see description – Section 10.8 of the zoning bylaw) contains areas with relatively extensive amounts of existing development, it may be appropriate to consider some changes to its extent. The following are options:

- Maintain its current extent – only the low elevation valleys are not included in the overlay zone.
- Remove some areas based on the parcels that are already developed, especially along part of Mad Tom Road, Morse Hill Road, McNamara Road, Nichols Hill Road, and Danby Mountain Road.
- Move the boundary up to coincide with the current F2 District boundary, thus removing most of the existing development that is located within the A&RR District. In this case, the aesthetic standards would basically apply only to development in the F1 and F2 Districts, so those standards could just be added to those sections of the bylaw (no need for an RMC Overlay).
- Select an intermediate elevation (perhaps 1400 feet) that would remove some, but a lesser amount, of developed area from the RMC Overlay Zone.

Related Questions: Section 3.6 (Density Calculations/Buildable Land) of the zoning bylaw also requires that “Zone A” FEMA flood hazard area lands and “lands containing public water aquifers or spring recharge areas as identified in the Town Plan, Town Plan Maps, and/or Zoning Maps (CA Districts) be excluded from the acreage that can be used to calculate allowable development density.

Is development allowed in the “Zone A” area in the most recent version of the town’s flood hazard regulations? (It was, properly designed and reviewed, in the previous version)

Also, BCRC doesn’t appear to have maps showing the CA District – or any other maps showing public water aquifers or spring recharge areas. Does the town have those maps? Is development allowed in these areas?

Concern (aside from the lack of maps in the referenced documents) is an apparent inconsistency if development is allowed in these areas, but the land can’t be used in density calculations because it is not considered to be “buildable.”