

Town of Dorset Planning Commission December 6, 2016

Members Present: Gay Squire (Vice Chairperson), Brent Herrmann, Carter Rawson, Dick Coss, Kit Wallace, Scott Thompson, Adam Danaher, Charlie Wise,

Members Absent: Brooks Addington (Chairman)

Also Present: Tyler Yandow (Zoning Administrator), Lindy Bowden, Arnie Gottlieb, D. Green, Ruth Tanenhaus, C. Lennox, Bo Thorn, Megan Thorn, Merrill Bent (G. & L. Callen), Laura & Glen Callen, Rosalie Fox, Ken Gilbert, Linda McGinnis

Gay Squire, Vice Chairperson, opened the meeting at 7:02 p.m.

Chair to Note Any Changes in Agenda

None

Disclosure of Any Conflicts of Interest

K. Wallace was unclear on whether she should vote or recuse herself on the approval of the DRB October 17th minutes with regard to the Callen sign application. The Board felt that K. Wallace should not be limited in her duties for the PC Board and the issue did not personally pertain to her, therefore, allowing her to vote.

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

Approve Minutes of October 4, 2016

B. Herrmann moved and D. Coss seconded to approve the October 4, 2016 minutes as amended to note that C. Rawson was not present at this meeting. Motion carried 5-0 (G. Squire, C. Wise & C. Rawson abstained).

The November 1, 2016 were tabled until the next meeting due to a lack of the required number of Board members to vote.

Report from the Zoning Administrator

T. Yandow's report covered:

- Act 174 ~ a presentation by J. Sullivan of the BCRC will be held December 15, 2016 at 5:30 p.m. in Arlington to discuss the standards/criteria of the Public Service Board in more detail for Act 174
- The VLCT Fall Planning & Zoning Forum was attended by T. Yandow and the written report covered: Energy; Municipal Roads General Permits; and Required Agricultural Practices

- No permits were issued from October 27 to November 29, 2016

Report from Representative to BCRC

T. Yandow included in the packet an email from N. Faesy which summarized the work of the Energy Committee on transportation and energy issues. A report will be forthcoming after the Committee discusses these issues in more detail.

Report from the Design Review Board

G. Squire noted that the approval or disapproval of the October 17, 2016 DRB minutes was continued from the last PC meeting until this meeting. G. Squire asked if the applicant could agree that the location for the sign is a single family residence which was purchased and renovated with a plan for rental. L. Callen responded yes, but that her family also personally uses this house and G. Callen noted that his children will sometimes go to the house after school. G. Squire felt that the application for a sign was for a single family home in the Village Residential zone which allows for a residential sign for identification of 1.5 SF and also permitted is a real estate sign which is not permanent and removed when rented. It should not be a business sign as the business is not located in the house. M. Bent stated that the DRB approved the originally designed sign which the Callen's want to put up, but have also submitted an alternative sign after discussion with the Zoning Administrator. All agreed that the October 17th minutes needed to be dealt with first. R. Fox commented that if the Board approved the original sign submitted, it would set a precedent in the Historic District. Discussion of AirBnB's and signage was initiated. M. Bent stated that the Dorset Sign Ordinance, page 8, Section F, #3 does not say that a sign has to be removed upon completion of a lease/rental, but does have to be removed upon completion of construction or sale. The Callen's will continue to look for rental tenants, so it should not require removal.

Discussion ensued covering:

- the necessity of having the web site and/or phone number on the sign;
- local tourist traffic which would see the sign;
- sign being too big & the issue of continuous short term rentals in a Village setting not being a permitted use (can be appealed to the ZBA);
- C. Wise noted that approving the sign is not tacit approval of the use;
- The DRB decision was not unanimous – concern was expressed about precedent;
- C. Rawson recused himself from the vote;
- Sign ordinance language versus what can be implied – sign ordinance was read aloud;
- M. Thorn noted that the ordinance does not say that a real estate sign is permanent upon lease either in answer to M. Bent's interpretation. M. Bent said that this is not reflected in the ordinance and the sign complies with the criteria as written and it is subjective to imply something;
- Length of time to approve the alternate sign;
- C. Wise felt that it is appropriate for the Boards to interpret what is written;
- Real estate sign using a post to hang from versus a type of ground real estate sign
- Feasibility of taking the real estate portion of the sign down after each rental

B. Herrmann moved and D. Coss seconded to not approve the October 17, 2016 DRB minutes as presented with regard to the Callen sign application. Motion carried 7-0 (C. Rawson abstained). The Board encouraged the Callen's to resubmit their alternate sign design to the DRB.

C. Wise noted that he hoped the Callen's could appreciate that the PC Board members were grappling with the implications of precedents; the broader issues of signage in residential areas and trying to be respectful of impacting a historical zone. It was suggested to make the second portion of the alternate sign a little smaller than the residential name sign. A. Danaher felt that the Sign Ordinance language should be clarified and T. Yandow noted that the ordinance was originally done by the Select Board.

Bylaw Discussion ~ Formula Based Businesses; Commercial/Industrial Zones (CI-1 & CI-2)

T. Yandow explained that his memorandum of December 6, 2016 included the language from the January 6, 2015 Municipal Bylaw Amendment for Formula Based Businesses:

- *Formula Based Businesses: Stores and restaurants that have standardized services, decor, methods of operation, and other features that make them virtually identical to businesses elsewhere. Such establishments would be one of 5 or more branches worldwide, and provide a standardized menu, array of merchandise, signage, and require standardized uniforms for staff members.*

It was recommended that this paragraph be added to the Bylaws in Appendix A ~ Definitions and to consider adding "*Formula Based Businesses are not permitted in any zoning district in the Town of Dorset.*" T. Yandow noted that there is currently only one Formula Based Business in Town in East Dorset and it would be detrimental to lose it. He suggested "grandfathering" all formula based businesses existing prior to the adoption of a prohibition of them. He asked the Board to think about what level of review they would require for a proposed expansion to a pre-existing, non-conforming formula based business – site development plan or conditional use (ZBA). B. Herrmann questioned what would happen to a local hotel/lodging establishment that could be purchased by a larger corporation who would be willing to live by Dorset regulations, but would be stopped by this amendment. A. Danaher felt that there could be a creative way to retain the look and feel of current lodging establishments with the correct wording and allowing corporate purchases. T. Yandow commented that the goal was to eliminate "cookie cutter" businesses and K. Wallace said that the owner was less important than retaining historic quality. C. Wise and A. Danaher are to work on the language of the amendment to be more specific about the protection of the right of owners to sell their businesses to corporate entities while still protecting Dorset from strip development.

Discussion of the Commercial-Industrial zones is tabled until the maps are received from J. Henderson. The Board is to think about how to create a commercial environment similar to Tennis Way so as to pre-plan for future development of commercial areas.

Other Business

None

Public Comments Taken

- C. Lennox felt that planning for industrial parks was a superior idea.
- R. Fox thought that the history of the defeat of the 2015 Formula Based Business amendment should be known – that many people did not want to include the three other districts listed and the amendment had to be accepted as a whole so the document was rejected. She also noted that she was offended by the use of the words “certain people” during a discussion which was disparaging, divisive and unprofessional.
- D. Green commented that farm stand zoning should be reviewed.

Adjournment

D. Coss moved and C. Wise seconded to adjourn the meeting at 9:05 p.m.

Respectfully submitted,

Nancy Aversano

From: Squire House <turtlerock@squirehouse.com>
Sent: Wednesday, December 07, 2016 10:35 AM
To: dorsetfire341@gmail.com
Subject: FW: To the Dorset Town Planning Commission; Comments for 6 December Meeting

-----Original Message-----

From: James Clubb [mailto:jdclubb@gmail.com]
Sent: Monday, December 05, 2016 2:44 PM
To: brooksaddington@yahoo.com; turtlerock@squirehouse.com
Cc: Robert Gaiotti <townmanager@gmail.com>
Subject: To the Dorset Town Planning Commission; Comments for 6 December Meeting

Dear Brooks; Dear Gay :

I am writing as a property owner on Church Street in Dorset (40 Cheney Road at Church Street and 35 Cheney Road at Church Street) in respect of a sign permit that I understand will be discussed at the regularly scheduled Planning Commission Meeting tomorrow.

I understand that the request for a permit to erect a sign at the Musser House (also known as the old Manse) on Church Street was discussed at the PC meeting last month but without conclusion and will be again discussed tomorrow. I also understand that there have been various renditions offered as options for the wording on the sign.

I am writing to indicate my **STRONG OBJECTION** to a **PERMANENT** sign being constructed with a **COMMERCIAL OFFERING / ADVERTISING** and **CONTACT DETAILS** in a **RESIDENTIAL ZONE**. Historically, signs have been used in Dorset for local institutions to identify the building and location with some including year established (eg the Dorset Field Club and the Dorset Playhouse). In my opinion, any other information contained on a sign- and particularly those in a residential zone - would constitute obvious commercial activity and should not be permitted. Additionally, in this particular situation I believe the size of the sign being proposed is of a commercial and not residential size. Historically, what has been permitted are **TEMPORARY YARD SIGNS** for real estate offerings (eg house for sale or rent). This specific permit should not be confused with the current rules permitting

temporary yard signs necessary for real estate agents / offerings.

On a somewhat related issue to the specific request being considered, we are all aware that many home owners are renting their homes for the summer or other busy tourist seasons (through AirB&B or another service). To date, as far as I have heard, I believe that this has been done respectfully, with due consideration of their neighbors and with NO OUTWARD SIGN that the home is being rented or offered for rent. I applaud these owners for their efforts to have something which both achieves economic positive results for them and the area AND respects the quietness and character of the residential neighborhoods in which they live.

Respectfully submitted,

Jim Clubb

Nancy Aversano

From: Squire House <turtlerock@squirehouse.com>
Sent: Wednesday, December 07, 2016 10:35 AM
To: dorsetfire341@gmail.com
Subject: FW: Comment for the Planning Commission's meeting tonight

From: Peter Gilbert [mailto:PGilbert@vermonthumanities.org]
Sent: Tuesday, December 06, 2016 4:30 PM
To: brooksaddington@yahoo.com; turtlerock@squirehouse.com
Cc: townmanager@gmail.com
Subject: Comment for the Planning Commission's meeting tonight

Dear Mr. Brooks and Ms. Squire:

I am a joint property owner on Church Street in Dorset (597 and 517 Church Street). I understand that the Planning Commission will, at its meeting this evening, consider a request for a permit to put up a sign that is commercial in character. I write to express my strong objection and opposition to the permitting in a residential zone of town a permanent sign about a commercial operation.

I understand that the wording of the sign has changed; I certainly don't know its current proposed wording, but I don't believe it matters: a sign identifying, and thereby advertising, a commercial enterprise would constitute commercial activity, whether or not it includes explicit contact information, and therefore should not be permitted in a residential zone. If it were to be permitted, it would open up the possibility of requests to be permitted to post a sign saying things such as, "Rooms for Rent. Inquire within [or citing contact information]." "Home Available for Rent." "Taking in Laundry." "Massage and Aroma Therapy." "Cute Cuts, Curvy Curls." "Smith's Hooked Rugs." "H&R Block." Or "Thompson Investment Management." I have nothing against the activities, but I do object to such a sign being permitted in a residential zone in Dorset. If it is a sign for commercial enterprises done not at the property where it is posted but elsewhere, that would open up an entire universe of possible signs promoting any business enterprise in any location. Why one would want to permit that I can't imagine.

Such a sign or signs would detract materially from the town's attractive residential character, and I hope that such a request for a permit will be denied.

Thank you.

Respectfully submitted,

Peter Gilbert

Nancy Aversano

From: Squire House <turtlerock@squirehouse.com>
Sent: Wednesday, December 07, 2016 10:36 AM
To: dorsetfire341@gmail.com
Subject: FW: Sign application - item on tonight's meeting agenda

From: Ken Gilbert [mailto:kpgilbert@sbcglobal.net]
Sent: Tuesday, December 06, 2016 4:20 PM
To: brooksaddington@yahoo.com; Roger & Gay Squire <turtlerock@squirehouse.com>
Cc: Town Manager <townmanager@gmail.com>; Ken Gilbert <kpgilbert@sbcglobal.net>
Subject: Sign application - item on tonight's meeting agenda

To: Dorset Planning Commission

I write as an owner of property at 597 Church St in Dorset.

I have learned that at tonight's meeting you will consider a request by a homeowner in the central residential area of Dorset for a sign permit to erect a sign advertising his/her house for vacation or short-term rent.

I write to express my strong opposition to this request.

To allow advertising for a commercial venture such as renting out a house in a residential district is in violation of the residential nature of the area and will start a slippery slope for other signs for other commercial activities. The area in question is a residential zone and should remain so. Whether one conducts business within his/her house is up to the owner, but such activities should not intrude on others who live there specifically because it is a residential zone. A sign for a commercial venture in this area would do just that.

Requests for signs like this should not be handled on a piecemeal basis. If this request is approved, others will immediately follow, and the Commission will be hard pressed to deny future requests. Should that be the case, the whole nature and atmosphere of the central Dorset residential zone will change - and change for the bad.

Furthermore, advertising houses for short-term rental these days is done online. It is not done via a sign in the front yard. People wanting to rent houses go to sites such as Airbnb.com. They don't drive around looking for physical signs.

Accordingly, I ask that you deny this permit request.

Thank you.

Kenneth A. Gilbert