

Town of Dorset Planning Commission

December 2, 2015

Members Present: Danny Pinsonault (Chairman), Brooks Addington (Vice-Chairman), Dave Lawrence, Howard Coolidge, Gay Squire, Brent Herrmann, Charlie Wise

Members Absent: Carter Rawson

Also Present: Tyler Yandow (Zoning Administrator), Austin Chinn, Nancy Faesy, Clarissa Lennox, D. Green, C. Heins

D. Pinsonault, Chairman, opened the meeting at 7:00 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

Approve Minutes of November 3, 2015 and November 24, 2015

D. Lawrence moved and H. Coolidge seconded to approve the November 3, 2015 minutes as presented. Motion carried 6-0 (B. Addington abstained).

H. Coolidge moved and D. Lawrence seconded to approve the November 24, 2015 minutes as presented. Motion carried 5-0 (B. Addington & C. Wise abstained).

Report from the Zoning Administrator

T. Yandow reported as follows:

- The ZBA held a hearing for an appeal by L. McGinnis and L. Bowden which resulted in the Barrows House having to do a conditional use review on December 14th.
- N. Faesy's BCRC report was included in the PC packet
- A violation was issued for 108 Church Street, the landowner has not appealed and the issue will now be handled by the Town Attorney.

Report from the Design Review Board

No report was submitted. D. Pinsonault requested printed copies of the draft DRB zoning amendments so that the PC members can start reviewing the changes. T. Yandow noted that it is his understanding that the changes are essentially a complete re-write of Section 9 of the ZBL. B. Addington said that he had skimmed the document and thought there might still be a lot of gray areas open to interpretation. D. Pinsonault recommended that J. Sullivan review the DRB amendments. T. Yandow suggested that D. Pinsonault, K. Wallace and he schedule a meeting to discuss the new amendments.

Review Proposed Change of Previously Approved Right of Way Adjacent to 2534 Dorset West Road

C. Heins informed the Board that the right of way being discussed tonight started out as part of an approved subdivision in 1998. This vacant lot was conveyed with a right of way showing the driveway going through a Class 3 wetland. The driveway was never constructed and the State wetland regulations have changed since the original approval. C. Heins has designed a new driveway with less impact and with the least effect on the wetland and buffer. It would cut behind the barn and follow the line of the meadow into the trees. T. Yandow noted that you cannot build a driveway in the wetlands, but it might be simple to ask for a variance for a small amount (120 SF) of area. He read ZBL Section 3.6 ~ Site Related Limitations. C. Heins stated that the driveway approved in 1998 had greater impact on the wetlands than the new design proposal. T. Yandow felt that from a procedural standpoint, the right of way was part of the original subdivision permit and it would seem to be a legal component rather than a land use component. It was also noted that the deeds would have to be changed. C. Heins commented that taking away access to the land would directly effect the value of the land and asked if he should file an application to modify the plat or an amendment to the subdivision permit. Documentation has already been sent to the State to try to negotiate an arrangement. T. Yandow expressed that the Town does not have a process to amend a previously approved subdivision right of way and he will research options available to resolve this situation.

20% Slope Regulations, Discussion Continued

T. Yandow stated substantial changes were involved in the J. Sullivan proposed options for 20% slope amendment and given the recent history for proposed ZBL amendments, he drafted a memo (dated 12/01/2015) providing simple language to address this change (memo attached). The PC Board had asked to have language to create flexibility for properties like "Markham" with an option added to require temporary or permanent erosion control and storm water control plans. The draft borrows language from the Town of Rupert regulations which are more restrictive than current Dorset regulations because of the erosion control and storm water control plans. The memo was read by T. Yandow who noted that this gives flexibility, but also can protect the Town and neighbors from negative possibilities. D. Pinsonault said that this might create many situations for the PC to have site visits and T. Yandow recommended site visits. G. Squire asked if site visits should be required and T. Yandow responded that seeing a property in person could clarify everything. G. Squire stated that Dorset abhors major change and rather than risk having an amendment go to a Town vote, she suggested going slowly by using 25% slope instead of 30%. B. Addington suggested using Rupert's scenic effect terminology of having a development envelope. B. Herrmann noted that people have to be educated as to what 20% to 30% slope actually is. D. Lawrence agreed with B. Herrmann and B. Addington suggested choosing a few properties in Town and taking people on a tour of the properties so they can see what the slope looks like. G. Squire reiterated that 30% could be problematic and B. Addington responded that what would really be achieved if 30% was the right answer and the PC did not do enough of an increase in slope. C. Wise asked if the concern was the expansion of existing properties for sale or opening new development potentials and also does it matter how it is done and not where it is done. D. Pinsonault noted that the Board has an opportunity to create checks and balances and to make property available if it passes certain criteria. C. Wise suggested a meeting/forum along with a field trip to draw out what the issues would be ahead of time. T. Yandow pointed out that in the Landgrove regulations there was specific landscape requirements to cover environmentally sensitive areas in Town. He noted that it was possible to grant flexibility, but in return give a list of criteria to meet.

T. Yandow asked the Board to review the J. Sullivan options again and to pick out sections they would be interested in incorporating into a draft amendment. C. Wise noted that section “c” of the memo was subjective and really a matter of discretion; such as clarification of “limited areas.” D. Lawrence suggested that a timeline be put together next month. T. Yandow asked the Board members to review the memo and make changes for the next meeting discussion. G. Squire noted that this amendment could capture the large single family houses on high ridges by using building envelopes. T. Yandow asked if this would include existing lots or just be new lots and B. Addington suggesting asking J. Sullivan and also asking if building envelope would only deal with higher elevation areas.

Public Comments Taken

N. Faesy asked a question about the slopes on the maps presented by J. Sullivan last month and D. Pinsonault explained that the maps showed the difference, but there was too much on the maps to understand. A. Chinn stated that the 20% slope issue was a radical initiative and asked why the Board is doing it. He felt that two people on the Board would profit economically from this amendment. B. Herrmann stated that he already had permits in place for his property and would not benefit from the change. A. Chinn expressed that the Board should listen to the public as a 20% to a 30% change was radical. B. Addington responded that they were not going to 30% overall, but for limited areas along with other restrictions. C. Lennox remarked that she liked G. Squire’s suggestion of 25% and having site visits as she has no clue what the percentages look like. T. Yandow stated that they were trying to create flexibility with minimal disturbance to a site and were not saying 20-30% for a whole house area. He used an example of the Markham property where a small area of driveway had to cross 20% slope – it would be an exception to the rule for small areas. C. Lennox said that people think that the amendment would allow building on 30% slope on 10 acres and T. Yandow stated that they were not changing the 20% slope rule, just for small areas. C. Wise commented that the memo clearly reads “limited areas” and the public has a responsibility to pay attention to what is said. A. Chinn stated that he did not understand development up to 30% and he has no problem with a change that prevents what happened to the Markham property and was sympathetic to this issue. He expressed that the amendment would have to be made very plain to people to convince them that it is a small area being discussed. B. Addington noted that the ZBL of 20% was not being changed, but they were considering a change to 30% only for small areas along with protective measures. C. Wise stated that they needed a professional planner involved along with best practices language and a slide show for slope.

Other Business

None

Adjournment

H. Coolidge moved and B. Addington seconded to adjourn the meeting at 8:45 p.m.

Respectfully submitted,

Nancy Aversano

Town of Dorset ~ Planning Commission

Date 12/2/15

Regular Meeting ✓

Special Meeting

(Please Print)

Name	Address	Representing	Testifying (Yes or No)
AUSTIN CHINN	104 KIRBY HOLLOW RD.	SELF	
Maureen Foresy	3284 RTE 30	Self	
Christina Foresy	Kawer Hollow	"	
D. GREEN	POB 881	"	?
X?			
X?			
X C. HINES?			

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MEMORANDUM

Date: December 1, 2015

To: Dorset Planning Commission

From: Tyler W. Yandow A.I.A., Zoning Administrator

Re: 20% Slope rule

At the November 3, 2015 Planning Commission meeting Jim Sullivan finished presenting three options for updating the slope regulations in the Bylaw. Aside from option 1, "No Changes," they involve significant re-writes as well as changes to the zoning maps.

Recalling one of our earlier discussions of this issue, there seemed to be consensus that the key element missing was a minimum of flexibility, particularly in situations like "Markham." With that in mind I have drafted simple, straightforward language to address this need. With insignificant modifications, the wording is borrowed directly from parts of the Rupert Bylaw:

Move from 3.6.1 to 3.6.2 -

- a. No part of any building, parking area, internal road or driveway may be located on any portion of those lands included in 3.6.1.a, b, c and/or d above except as noted below.

Delete this paragraph from 3.6.2, "Slope Limitations for Building Sites":

In any zone, construction of any new building shall not be permitted where slopes are twenty percent (20%) or greater in their natural, ungraded state. However, in specific cases, site modifications may be permitted under variance procedures. Previous actions affecting these lands may create non-complying situations. Any such non-compliance will have to be corrected to be in conformance with permits.

Add these paragraphs to 3.6.2, "Slope Limitations for Building Sites":

- b. For the purposes of these regulations, slope shall be measured as the average over a horizontal distance of 50 feet.
- c. The Zoning Administrator or Planning Commission may waive compliance with 'a' above in situations involving minimal disturbance of the site and, or limited areas of steep slope in which the development clearly poses a negligible risk to water quality, public facilities and roads, and nearby properties.
- d. Development shall be prohibited on land characterized by a slope of thirty percent (30%) or greater.
- e. Limited site improvements necessary to facilitate development on contiguous land may be approved by the Zoning Administrator or Planning Commission provided these improvements are on land with a slope of less than thirty percent (30%).
- f. The Zoning Administrator or Planning Commission may require temporary or permanent stormwater management and, or erosion and sediment control plans prepared by a licensed professional.

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