

Special Meeting Minutes
Planning Commission & Selectboard Joint Meeting
November 29, 2022
7pm Town Offices

Members Present: Gay Squire, Scott Thompson, Scott Durgin, Dave Berard, Kit Wallace, Natalie Quigley, Connor Welch, Scott Ross, Dave McAneny, Megan Thorn, Henry Chandler, Frank Parent, Jim Salsgiver

Others Present: Brandy Saxton, Ellen Maloney, Nancy Faesy, Rob Gaiotti, Tyler Yandow, David Wilson

Gay Squire called the meeting to order at 7:02pm

Members introduced themselves and noted that there were no conflicts of interest for the meeting.

Bylaw Discussion:

Brandy Saxton presented an overview of the new draft Dorset Zoning Bylaw. She noted that the document was reformatted and rewritten for the most part to comply with current VT statutes and best practices while retaining the character and approach of the previous bylaw. She noted that part of the update was technical and part administrative. The technical portions were laid out in bullets 1-17 of the draft PC report. The administrative updates allowed for the Zoning Administrator to approve more permits administratively for small projects and permits that were being amended. Other administrative changes related to the process that permits would go through, removing the need for applicants to meet with more than one board. As an example, the PC would conduct conditional use review. Highlights of the technical updates were: Stormwater language (not in the current bylaw); Steep slope review changes; short term rental regulations; regulating shooting ranges; prohibiting landing strips for aircraft; subdivision updates; PUD changes;

Henry Chandler inquired about the accuracy of the conserved lots in the new RRP zone. He noted that his property was only partially covered by a conservation easement yet the entire property shows up as conserved on the map. Brandy noted that they would look into it in more detail to assure accuracy. Megan Thorn inquired about antenna language. Brandy noted that most telecommunications antenna and equipment are either regulated by the FCC or the State. There is language in the Bylaw but applicants don't currently have to get local approval. The

language was included in the event that the State stops the public utility process for telecom. Megan Thorn noted that the village mixed use zone in Dorset Village and the 4,000 square foot footprint in the zone were of concern to her. Discussion ensued about the village mixed use zone and the character of the center of the Village. Ellen Maloney noted that it would be nice to see additional activity in the Village, both residential and small business related. Nancy Faesy noted that many of the homes in the Village are often empty most of the year. Henry Chandler noted that the Village was primarily residential in nature, and he has a concern about businesses taking the place of the homes in the Village. Brandy Saxton noted that the PC could put in additional language that required a dwelling unit to be retained in homes that were being converted to small businesses in the Village mixed use zone. She noted that this was done in other communities to preserve the residential character. Scott Thompson noted that the Village mixed use zone was also in the Design Review District, meaning that the looks of the buildings would not change. Further discussion ensued about parking and character of the area. A question about the border of the Design Review District was posed with regard to the Dorset Field Club property, it was noted that the DRB line should be removed from the portion of the Field Club where the maintenance facility is located.

Megan Thorn noted that there was a lot on Meadow Lane that could potentially house a few large buildings. The lot was zone Village Business so the buildings could be commercial. She noted that this was concerning as new large commercial buildings could impact the character in this location. Scott Thompson noted that the septic rules and setbacks would limit the number of units that could be built in that location. Scott Durgin noted that this location had been talked about frequently during the planning phase and the hope was that it would allow for some more housing units to be built. Gay Squire noted that she felt it would be important to get as much input from all property owners as possible prior to approving. Jim Salsgiver noted that the public hearing might be the first real chance for residents to give input. Discussion ensued about approaches for gathering input. It was noted that the PC would have to update the Town Plan to accommodate the prohibition on landing strips for aircraft. The PC has targeted a February meeting date for the first public hearing (Feb. 28, 2023), which would allow the December PC meeting to discuss some of the Selectboard concerns. Megan Thorn noted that the overall document was very well done, and she had only two real concerns the village mixed use area and the footprint in the village zones. Henry Chandler agreed. Jim Salsgiver noted that he could see the value in the Village mixed use area.

It was the consensus of the group for the PC to discuss these items at the December PC meeting and then work with staff to warn the February public hearing with notice to all property owners via simple postcard. Brandy Saxton noted that the bylaw website was up to date which includes all the documents and maps: placesense.com/dorset/

There being no further business to discuss the meeting stood adjourned at 9:30pm

Respectfully Submitted,

Rob Gaiotti

Town Manager

PLANNING COMMISSION REPORT

ON PROPOSED BYLAW AMENDMENTS

In accordance with 24 V.S.A. §4441, the Town of Dorset Planning Commission (PC) has prepared and approved this written report on [date] prior to warning and holding a public hearing on proposed amendments to the Town of Dorset Land Use and Development Regulations (LUDRs).

Brief Explanation of the Proposed Amendments

The Town of Dorset currently has separately adopted a Zoning Bylaw and Subdivision Development Regulations. The Zoning Bylaw was initially adopted in 1973 and last amended in 2013. The Subdivision Development Regulations were initially adopted in 1987 and last amended in 2002.

The 2020 Dorset Town Plan recognized that it was time for a comprehensive review and amendment of the Zoning Bylaw and Subdivision Development Regulations to realign them with the town's current planning policies. There was also a need to address inconsistencies resulting from the many changes that have been made to state statute since the regulations were last updated, and fix identified shortcomings of the current regulations that had resulted in confusion or difficulties for applicants, the Zoning Administrator, Planning Commission (PC) and Zoning Board of Adjustment over the years. There was also a commitment from the PC to improving the clarity of the regulations and the town's development review and permitting processes.

To achieve those aims, the PC has restructured and reorganized what was two separate documents into a new single document. While the draft LUDRs appear very different from the prior regulations in their structure and organization, the overall planning policies the LUDRs are implementing remain largely the same. There are a discrete number of substantive policy and procedural changes that are critical to aligning the LUDRs with the goals and objectives of the Town Plan and to conforming with statute, which are described in more detail below:

1. The list of exemptions (structures and activities that do not need a permit) has been expanded and clarified (Section 1101).
2. The process for allowing for multiple uses or buildings on a lot has been simplified (Section 2006).
3. The dimensional standards in the village districts have been modified so that the town would be eligible to seek a state Neighborhood Development Area designation in the future in support of housing creation in the village (Sections 2101-03).

4. A requirement to designate building envelopes that specify where buildings will be placed on a parcel has been added to the Rural Residential and Rural Resource Protection districts to guide development away from significant agricultural and natural resources (Section 2106-07).
5. In the districts intended to accommodate businesses (Village Business, Village Mixed Use, General Business and Rural Mixed Use), more businesses and other non-residential uses will be permitted rather than conditional. This will simplify the development review process for those uses, reducing the time and cost of permitting (Sections 2201, 2202, 2204, 2205).
6. The town's policy for development on Class 4 roads has been clarified and further residential development accessed from Class 4 roads will not be allowed without upgrading the road (Section 3002).
7. Specific requirements for erosion prevention and sediment control (Section 3010) and stormwater (Section 3018) have been added. In practice, the PC sometimes asks applicants to address erosion control and stormwater management when it is deemed an issue on a particular site, but the proposed regulations establish specific triggers related the amount of disturbance or impervious surface being created to determine whether applicants will need to meet the standards. As the town now has responsibility for run-off and sediment once it travels off private property and into the public road drainage system under a state general permit, it is in the town's interest to ensure that private development is responsibly and appropriately managing its stormwater and controlling erosion.
8. The steep slope provisions (Section 3017) have been updated with a new definition of what constitutes a steep slope and additional criteria for reviewing development on steep slopes. Currently, the town prohibits development on slopes in excess of 20% but then authorizes site modifications on steep slopes through a variance process. The PC hears many applications seeking approval for site modifications on steep slopes. The adopted zoning bylaw provides little guidance to applicants or the PC on the type and extent of modification that may be approved and the use of variance as the approval process is no longer consistent with Vermont statute. The draft LUDRs establish a conditional use approval process for considering applications to disturb steep slopes that includes a requirement that applicants demonstrate that the proposed development cannot reasonably be accommodated elsewhere on the lot. The current definition of steep slopes is inclusive of any land area with the slope in excess of 20%. With contemporary mapping with remote sensing data, very small areas of steep slopes can now be readily identified. The proposed LUDRs return to the original intent to protect larger areas of steep terrain and establish a minimum area (20,000 sf) characterized by slopes of 20% or greater to qualify as a steep slope under the regulations.
9. Chapter 310 adds more detailed site design and performance standards for landscaping, parking, outdoor lighting, outdoor use areas and other aspects of proposed multi-unit or nonresidential development. The current zoning bylaw addresses these elements but has very broad, general standards for the PC to interpret and apply. The proposed standards make it clear what the community wants and make it easier for applicants to propose projects that meet community expectations.
10. Standards for short-term rental (Airbnb) have been added (Section 3208).
11. Standards for outdoor recreation uses, including shooting ranges that are not for an individual's private use on their property, have been added (Section 3221).

12. Updates have been made to the subdivision standards (Chapter 330) to clarify and strengthen protection of natural resources. Major subdivisions in the Rural Residential and Rural Resource Protection districts would be required to be planned unit developments (PUDs). Building envelopes would be established on all new lots larger than 2 acres to specify what land within a larger parcel can be developed. Building envelopes have to be sited to minimize resource impacts and fragmentation.
13. PUDs (Section 3307) are encouraged for residential development in a rural setting. Homes would be clustered and at least 70% of the lot would be set aside as protected open space. There are clear criteria for selecting the land with the highest resource value to be within the protected open space. This development approach would be required for larger subdivisions in the Rural Residential and Rural Resource Protection districts. The adopted zoning bylaw authorizes PUDs generally but is no longer consistent with Vermont statute and land use practice.
14. The authority of the Zoning Administrator (ZA) to review minor projects, boundary adjustments, sketch plans and small modifications to approved development (Section 4204, 4304, 4307, and others) has been expanded. The intent is to streamline the permitting process for small projects and avoid unnecessary delays and expense.
15. Currently the Zoning Board of Adjustment (ZBA) grants conditional use approval while the PC grants site plan approval. Nearly all conditional uses also require site plan review, so those applicants need to appear before both boards. The draft LUDRs assign conditional use approval to the PC so that conditional use and site plan review can be conducted in a combined hearing in front of one board. This will significantly streamline the permitting process for many applicants. The ZBA will continue to hear applications for variances and appeals from the ZA.
16. The zoning districts and map have been replaced in their entirety. This affects all property in town, although the extent to which zoning district standards are proposed to change varies depending on the district. For most existing homeowners, the zoning change is unlikely to affect typical projects like small additions, sheds, carports, pools, etc.
17. The changes to the zoning districts were guided by clear and specific strategies laid out in the 2020 Town Plan and include:
 - The village areas are being zoned for higher densities (smaller lots, more units per acre, higher lot coverages) in response to the planning policies expressed in the Town Plan to guide housing and businesses to the villages and for the villages to be the places with the highest intensity of development and use in town. It is recognized that without supporting infrastructure, the land in the village zones cannot be developed to the full potential that would be allowed under the draft LUDRs.
 - Currently, there are two upland Forest zones defined by elevation. The proposed zoning map merges those two districts. The district has been expanded include most public and conserved land in town, including lands at lower elevations. The higher elevation properties along the Danby Mountain Road have been re-zoned to Rural Residential in recognition that the roadway itself extends above the 1,600-foot elevation. The proposed Rural Resource Protection district provides a more accurate indication of lands that are generally not available or are very poorly suited for development. Homes and other uses could be approved in this district, but at an extremely low intensity with significant natural resource protections in place.

- The commercial/industrial districts have been re-shaped to reflect the availability of developable land and a new, single General Business district has been proposed. It covers the J.K. Adams site, the Tennis Way business park, and a new area in the vicinity of Frost Road off Route 7 just north of East Dorset (in recognition that the Tennis Way business park is largely built-out).
- The remaining rural lands have been split into two districts – Rural Residential and Rural Mixed Use. The proposed Rural Residential district largely carries forward the current dimensional standards for the adopted Agriculture and Rural Residential district and allows for only limited non-residential or non-agricultural uses. The proposed Rural Mixed Use district recognizes the long-standing presence of tourism, agricultural and other business activities along the main travel corridors outside the villages. In recognition of the availability of highway access, it allows for a broader range of uses and a higher density and intensity of development than the Rural Residential district.

The PC sought and considered public comment on the proposed LUDRs throughout the summer of 2022. It received and responded to more than 50 written comments. Community members have also had an opportunity to offer verbal comments at two public information sessions and at many PC meetings. The draft LUDRs proposed for public hearing incorporate the PC's response to that community feedback.

Statement of Purpose

The purpose of the proposed amendments is to further the goals and objectives of the 2020 Dorset Town Plan. The proposed LUDRs include a purpose statement in Section 1003, which enumerates a set of nine guiding principles. The overarching principle of the Town Plan and the LUDRs is to guide future development into the villages and away from sensitive natural resources.

Municipal Plan Goals and Policies

The Dorset PC commenced the process of amending the LUDRs with a technical review that recommended regulatory approaches to effectively implement the goals and policies of the 2020 Town Plan. The proposed amendments to the LUDRs include many of the recommendations from the technical review including:

- Support Future Village Infill and Vitality. The draft LUDRs propose dimensional standards that reflect the historic development pattern. Reduction in lot size and setbacks may allow for some modest infill within village areas. The draft LUDRs provide more flexibility for use of existing buildings and sites. Multi-unit housing is supported. Multiple buildings and uses are allowed on a lot. The proposed Village Mixed Use district offers more use options for homes and other buildings in the core of the villages.
- Provide Space for Commercial and Industrial Uses. The draft LUDRs provide new land zoned for General Business and open up new possibilities for income-generating use of land in the Rural Mixed Use district.
- Farming and Forestry. The draft LUDRs allow for agricultural enterprises in addition to the statutorily required on-farm business. The Rural Resource Protection district allows working land uses and discourages conversion of those lands to residential use. The open space and building envelope requirements will ensure that future home sites are located to minimize natural resource impacts and fragmentation of working lands.

- Site Plan and Performance Standards. The draft LUDRs include a comprehensive set of clear and specific site plan standards.
- Housing. The draft LUDRs align with recently revised state requirements for accessory dwellings and small-scale multi-unit housing.

Municipal Plan Future Land Use

The Town Plan states, “Once this updated Town Plan has been adopted, the Zoning Bylaw should be thoroughly reviewed in the context of this Plan.” The PC has done exactly that through its process of starting with a technical review based on town plan policies and then implementing the policy recommendations made in the Town Plan and in the review.

The 2020 Town Plan listed six areas for improvement of the town’s regulations, five of which are directly addressed by the proposed amendment:

- Building Size and Density Limits. The proposed LUDRs increase the maximum building footprint from 2,000 sf in the adopted Village Commercial district to 4,000 sf in the proposed Village Business and Mixed Use districts. The minimum lot area per dwelling unit is proposed to change from one unit per 15,000 sf of buildable lot area in the adopted village districts to one per 5,000 sf of lot area in the Village Business and Mixed Use districts.
- Reduction of Lot Sizes. The proposed LUDRs reduce the minimum lot size in the proposed Village Business district from 20,000 to 10,000 sf.
- Mixed Use. The proposed LUDRs allow for mixed uses and multiple buildings on a lot. This will expand opportunities and simplify the approval process for mixed use development.
- Home Business Regulations. The proposed LUDRs allow for three levels of work from residential property. A home office with no non-resident employees or customer traffic is exempt from permitting altogether. Home occupations with up to 4 non-resident employees are permitted without site plan review on any residential property. Home businesses with up to 6 non-resident employees and no limitation on the amount of area in an accessory building that may be devoted to the business use are allowed either as a permitted use or conditional use with site plan review in most districts.
- Slope Restrictions. The proposed LUDRs seek to address the recognized shortcomings of the adopted slope restrictions while maintaining adequate controls to avoid undue adverse impacts from disturbing steep slopes.
- Form-Based Code. The proposed LUDRS did not propose a form-based code approach in the villages at this time. This option may be considered in the future if supporting infrastructure becomes available and the potential for new construction in the villages increases. At this time, the design review district will be retained in Dorset Village.

The proposed amendment is compatible with the future land uses and densities set forth in the 2020 Dorset Town Plan as described below:

- The Town Plan calls for Mixed Use and Concentrated Residential in the existing settlement areas of Dorset Village, East Dorset and South Dorset providing space for housing and suitable business and service establishments. The three proposed village zoning districts align with these planning policies by allowing for higher density residential, civic and a mix of small business uses.

- The Town Plan notes that the Commercial-Industrial areas need to be revised to eliminate where site conditions, such as wetlands and conservation easements, preclude commercial and industrial development, which the proposed zoning map does. The plan call for Commercial-Industrial areas that provide for suitable locations of adequate size to attract new light commercial-industrial development in the town. In alignment with this policy, the proposed LUDRs create a new General Business area north of East Dorset in the vicinity of Frost Road.
- The Town Plan classifies the remainder of town below 1,600 feet in elevation as Rural areas. It calls for permitting a range of rural and low-density residential uses, while protecting resources of open space, views, agricultural and forest lands, natural areas, and wildlife habitats. The proposed LUDRs implement this policy through the requirement for building envelopes and clustered conservation PUDs for major subdivisions in the proposed Rural Residential and Rural Resource Protection districts. Agricultural, recreational and other resource-based uses are allowed with more intensive uses directed to the Rural Mixed Use district located along the main travel corridors.
- The Town Plan places the land above 1,600 feet in Rural Forest and Forestry and Recreation use areas. It notes that high elevation lands are not suitable for normal development due to limitations related to topography, soil conditions, high elevation, and inaccessibility. It calls for these lands to be primarily used for forestry and recreation. The proposed LUDRs recognize the success of land conservation efforts in Dorset to permanently protect vast upland areas either through public or conservation organization ownership or private conservation easements. Where development is possible, the proposed LUDRs have a suite of tools to protect sensitive resources including amended steep slope provisions, erosion control and stormwater standards, driveway standards, building envelope requirements and conservation PUD standards. The proposed Rural Resource Protection district allows for non-residential land uses that are consistent with the Town Plan policies related to outdoor recreation and forestry uses.

Planned Community Facilities

The proposed amendments do not directly implement any specific proposals for planned community facilities. The draft LUDRs continue to implement a community vision and set of land use policies that have remained consistent for decades. Growth will be directed to the villages and business districts. Outlying development will fit into the landscape and seek to preserve rural character. Further fragmentation and development of high elevation, inaccessible and environmentally sensitive lands will be discouraged. Given that there is no substantive change in direction, the draft LUDRs are not anticipated to create new or different demand for community facilities than the current LUDRs.