

**Dorset Planning Commission**  
**Regular Meeting Minutes**  
**May 4, 2021**  
**Via Zoom**

In attendance: Gay Squire, Kit Wallace, Scott Thompson, Dave Berard, Scott Ross, Scott Durgin, Conor Welch, Nancy Faesy, Hilary Solomon, Kevin Roe, Lisa & John Cueman, Jim Barlow, Brandy Saxton, Rod Francis.

**April 6th Meeting Minutes:**

Kit Wallace moved and Scott Durgin seconded to approve the April 6th minutes as presented, motion passed 7-0 (Scott Ross recused himself as he was not in attendance at the April meeting).

**BCRC Report:**

Nancy Faesy gave the monthly update from the Regional Planning Commission. Newsletter items included energy projects and work on determining future possible uses of the Energizer Plant in Bennington.

**ZA Report:**

Tyler Yandow gave the ZA report to the board. April saw 18 total permits, the office is very busy and calls continue to come in about projects.

**2028 Lower Hollow Road:**

Dave Berard inquired about the status of a stormwater permit for the 2028 Lower Hollow Road project that was approved at the local level in April. It was noted that the project had not yet received the State stormwater or construction general permit but it has broken ground and much of the grading work is being done/ is done. D. Berard noted that he thought it wasn't good practice for the applicant to move forward in this manner and he wondered about conditioning future permits so projects could not start until all necessary permits were in order. Scott Durgin agreed. Discussion ensued about the project and the process. Kit Wallace noted that it would seem like the Town does or could require all permits in hand prior to coming to the Town. Tyler Yandow noted that the local permit was for a waiver, and the applicant did not want to invest in getting the other permits until the local permit was received. Further discussion ensued about process, timing, and enforcement. Attorney Jim Barlow noted that the Town could not require that all other permits were in hand prior to coming to the Town, essentially the Town can only control what the Statutes allow. D. Berard noted that it was the principal of the matter and that the PC should look into options to prevent it from repeating. It was the consensus of the Board to review this process to determine what options the Town has.

**Design Review Board:**

Kit Wallace noted that the DRB approved a sign permit at 3155 Route 30. They also reviewed a permit application to replace windows at 108 Church Street. The owners plan to replace windows, and additional information is being provided about window sizing and the model of window. The application will be reviewed again at the next DRB meeting in May. Scott Durgin moved and Scott Thompson seconded to approve the DRB minutes as presented, motion passed 8-0.

**Site Plan Review: 35 Kirby Hollow Road dam site - Tower Road dam site:**

Hilary Solomon of the Poultney Mettawee Conservation District presented the application information and background. Trout Unlimited, the US Forest Service and other partners have funding for dam removals along the Mettawee River in Dorset. The goal of the project is to facilitate fish passage, specifically Brook Trout which are native to the Mettawee and span near the headwaters in Dorset. Because the project is located within Special Flood Hazard Areas it is a conditional use under the Dorset zoning bylaw. The project was reviewed on April 19th by the ZBA for conditional use review, and approved contingent upon the PC site plan review. Gay Squire led the board through the site plan criteria and discussed aspects of the project with the applicant. Scott Durgin moved and Conor Welch seconded to approve the site plan for the project as presented, motion passed 8-0.

**Bylaw Review: Helipads & Paramilitary facilities:**

Planning Consultants Brandy Saxton and Rod Francis were on hand, as well as Town Attorney Jim Barlow. Gay Squire noted that the Selectboard had requested that the PC look at new bylaws dealing with the issues of Helipads and Paramilitary facilities. Brandy and Rod explained their memo and understanding of the Town's ability to regulate helipads and helicopter activity. They noted that issues like noise and safety were out of the jurisdiction of the Town as they were handled by the Federal or State agencies. They recommended a stand alone ordinance that would be enforceable by the Selectboard or an appointee. Attorney Barlow noted that he agreed with Brandy and Rod for the most part, but in his opinion there was an opportunity for the Town to regulate the helipads through zoning because it was a land use issue. Further discussion ensued about setbacks, locations, parcel size, and many other limitations or restrictions that could be placed on the activity. It was the consensus of the PC that allowing any private helipads in Dorset would severely damage the character of the community. The PC asked to have the planning consultant team work with the town attorney to craft language and outline the process. Additional discussion ensued about review times and the process. G. Squire noted that at this point in the meeting there was not enough time to deal with the paramilitary regulations and that they could be reviewed at the meeting in June. Brandy and Rod gave a brief explanation of their thoughts on the matter and noted they would have language and more information for the May meeting.

There being no further business to discuss the meeting stood adjourned at 9:38pm.

Respectfully Submitted,

Rob Gaiotti, Town Manager