

Present: Chair, Francie Caccavo, Rod Case, Pat Palmer, Jim Walsh, Rob Litch, and Zoning Administrator, Dave Wetmore

Absent: Angie Dunbar

Visitors: John Madden, Paul Horn, Jed Malcolm, John Nelson

Meeting Notes:

Francie called meeting to order at 7:00 PM. Dave Wetmore took minutes. The agenda was posted and it is attached.

**VISITORS BUSINESS:**

I.

- a. **Paul Horn, Jed Malcolm and John Nelson-** Paul expressed that he owns the property at the corner of River Road and Rte.7. During the previous amendments to the bylaws and the zoning districts (2007) his property was omitted from the Highway Commercial (HC) district. Everyone at the time agreed that this was an error, but correcting the error has been extremely frustrating for him and it has not been completed yet. He has put his property on the market and the listing agent listed the property as “commercial”. While this was an error on the agents part, Mr.Horn acknowledged that he bought the property as commercial property 25+ years ago and believes that he has waited a long time for the PC to correct the mistake. He is here tonight to encourage the PC to right the wrong.

Francie- Acknowledged that the circumstances that lead to the mistake was unfortunate and she believes the PC has to figure a way to make the change happen and asked if adopting interim zoning regarding this change was possible.

Dave- Expressed that “interim zoning” has been used in the past but the action is limited to two years from the date they become effective. They are permanent only when they are formally adopted as required by statute. The formal adoption process requires public hearings by the PC and Selectboard before amendments can be adopted. Even if adopted any amendments could be appealed by petition causing even a longer delay.

John Nelson- Asked why this should be such a difficult task and if a variance could be requested? Dave suggested that variances are typically used to vary dimensional requirements not uses. Further, he did not think the DRB would support such a request.

Jed Malcolm- He has been looking at the Horn property. Specifically he is interested in expanding his building contracting business and would construct a shop and office space structure. Whether the use is a by-right or conditional use would determine if the 100-ft setback would apply. Has there

been any thought about making the HC district deeper? PC shared what the Board had been looking to amend. Specifically, the HC district in this location would be expanded to include the Horn property and the boundary between Horn and Granstrom would be the district boundary. Jed also asked if a woodshop/office use would be considered a by-right or conditional use? Dave expressed that the woodshop would most likely be a conditional use.

Francie- She will approach the Selectboard to see if they would support interim zoning for this change to the HC district. John Madden suggested that "home business" use is an option. Mr. Malcolm said that he would not be owner occupied. Francie will consult with the Selectboard and get back to Mr. Horn.

Paul Horn- asked for clarity, if the Selectboard did not pursue interim zoning. Paul has been working to correct this mistake for seven years and he is very frustrated on the PC progress. Dave noted the process to amend would take months.

- b. **John Madden** – Offered his comments relative to the Vergennes referendum vote on the gas line. John feels that vote was not conclusive support for the gas project.

#### PC BUSINESS:

- II. A. Signage- Jim Walsh spoke w/ Brandy. She currently owes the Town 8 hours. She is willing to work with us as needed and asked that Dave send the sign bylaws to her for her review. Jim asked if we knew where the budget request was at. Selectboard is in the process of forming the budget.
- B. Continue review of HC district revisions beginning at "proposed Design Standards", section 1005-B

John- concerned about the phrase "greatest extent possible". PC felt that including reference to section 1005-A will help to clarify.

Section 1005-B- Amend this introduction to read "Construction of new principle and accessory structures or the expansion of existing structures may be approved by the DRB subject to **site plan** and conditional use review, and findings that the proposed constructions or expansion will have no undue adverse effect on the scenic resources of the area and, to the greatest extent possible, the following "design standards" are met, **as guided by section 1005-A "specific standards"**". Francie moved to amend as drafted above, 2<sup>nd</sup> by Pat. Approved 5-yes and 0-no

- 1.1- Rob expressed concern that HC development would conflict with existing agricultural uses, i.e "preserve agricultural utilization ...". Required setbacks, when applied to commercial projects,

effect the building placement and will limit the preservation of resources. Francie moved to strike “agricultural utilization and wildlife habitat”, Pat 2nds.

Discussion- Rod observes that as proposed HC uses and development would be much more restrictive than outlying home occupations or businesses. Future amendments should consider design standards for rural agricultural districts (RA). Dave expressed there are minimal standards that limit impacts in the RA districts. Motion approved 5-yes and 0-no.

1.2- PUD- Jim moved section as drafted, Pats 2nds.

Discussion- PC will need to review existing PUD Bylaw, section 528. Motion approved 5-yes and 0-no.

1.3- Discussed whether this is a practical standard given the topography along Rte. 7. The only way to have a building lower than the skyline would be to set it far back from the road. PC observed that HC is not only along Rte.7. John suggested striking “below skyline”. Pat moved to strike “where applicable, so the roof line is below the skyline, when viewed from Rte. 7 or neighboring properties”, Rod 2nds. Motion approved 4-yes and 1-no.

1.4- Ok as drafted.

2- Building design and Massing

2.1- Pat moved as drafted, Rod 2nds. Approved 5-yes and 0-no

2.2- PC agreed to strike

2.3- Francie moved to move this standard and include with 2.1, Pat 2nds. Approved 5-yes and 0-no. Section 2.1 will now read- “Buildings shall use features such as gable roofs, dormers, porches, ells, barns and sheds as a way to diminish building mass. Long, unbroken planes of building frontage shall be avoided”.

2.4- Strike reference to Rte. 7 and stress only public roads. As drafted, it will be difficult to screen from all public viewing areas. Jim moved to amend as follows, Pat 2nds. “Loading docks and other utilitarian elements of a building and/or associated utilities/utility structures shall be screened from public roads”. Approved 5-yes and 0-no.

PC will start on section 3, next meeting.

PC Business continued

**New Business: none**

Additional meetings- The PC agreed to meet twice in January on the 8<sup>th</sup> and 29<sup>th</sup>.

**REGULAR BUSINESS:**

1. Meeting minutes from 11/20/2013 were reviewed for approval. Jim moved to approve, Rod 2nds. Motion to approve 4-yes and 0-no, 1-abstaintion.

**MISC. CORRESPONDENCE:**

none

Adjourn: 9:10 pm- Moved by Jim, 2<sup>nd</sup> by Rod, so moved 5-yes and 0-no

Respectfully submitted:

Dave Wetmore

Approved on January 8, 2014

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Rod Case

  
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Co-Chair, Francie Caccavo

  
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Rob Litch

  
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Pat Palmer

  
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Jim Walsh