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**Town of New Haven**  
**PLANNING COMMISSION SPECIAL MEETING**  
**New Haven Town Office**  
**Monday, January 9, 2023**  
**Meeting Minutes**

*[Approved by unanimous voice vote at February 13, 2023 Planning Commission meeting.]*

**Planning Commission (PC) Members present:**

**In person:** Co-chairs Kathy Cahill and Rob Litch, Benj Putnam, Megan Ooms

**Remote:** Bev Landon

**Absent:** Maggie Eaton

**Visitors:**

Paul Lekstutis (Cross Pollination), Amanda Bodell

**Staff Present:**

Peggy Connor, Zoning Administrator & Minutes

**I. Call to Order:**

Kathy Cahill called the meeting to order at 7:00 p.m.

**1. Adjustments to Agenda**

None.

**2. Visitors' Business**

Cross Pollination owner Paul Lekstutis was in attendance to follow up on the Planning Commission's discussions regarding the addition of light manufacturing as a conditional use to the RA-10 zoning district. Cross Pollination hopes to re-purpose the historic barn on Route 7 for an indoor cannabis-growing operation.

**II. Zoning Administrator's Report**

- Addison County Regional Planning Commission (ACRPC) has advised that FEMA is currently updating the Flood Insurance Rate Maps (FIRMs) in Vermont for the National Flood Insurance Program (NFIP). FEMA requires that town bylaws meet current standards for participation in NFIP. Over the next six months, ACRPC will be reaching out to Planning Commissions and Zoning Administrators to help review bylaws and provide advice on updating language to meet NFIP standards.
- Reached out to Town Attorney Cindy Hill for guidance on adding cannabis production as a conditional use in the RA-10 zoning district, and shared Attorney Hill's email with PC members for their review.

**Manufacturing/Light Industry: Discussion**

Following discussion and considering the Town Attorney's recommendations, PC members agreed to add "cannabis manufacturing" as a conditional use in adaptive re-use structures (no less than 25 years old) in the following zoning districts: RA-10, Industrial, and Highway Commercial. "Cannabis Cultivation" will be later defined in Article XIV, with reference to the State's Cannabis Control Board website: <https://ccb.vermont.gov/guidance>

**CONTINUED BUSINESS: Review Unified Bylaws DRAFT:**

**1. Benj Putnam: Review Sections 1000-1006-A**

Benj reviewed his recommendations to revise Article X: Zoning Districts, Definitions, and new provisions for Density Based Zoning (available on Town's website). Highlights include:

- Add "Table of Allowed Uses" at beginning of Article X: Zoning Districts, which will list allowed uses in each zoning district (RA-2, RA-5, RA-10, NC, HC, IN, FD, FHD), and the category (below) in which each falls:

- 60
- 61 P = Permitted Use
- 62 P/S = Permitted use with Site Plan Review required
- 63 C = Conditional Use
- 64 X = Prohibited
- 65 E = Exempt

- 66
- 67 ➤ Benj noted that, in accordance with the Town Plan, the Unified Bylaws should apply a flexible
- 68 land use policy based on density of development by specifying a minimum required acreage
- 69 figure for each development unit, rather than requiring all lots to meet a uniform minimum lot
- 70 size.
- 71
- 72 ➤ Add “Section BB. Minimum Required Acreage,” noting that the density of development will be
- 73 regulated by assigning a minimum required acreage figure to each development unit, based
- 74 on the zoning district in which the development is located.
- 75
- 76 ➤ Suggests including “Density and Dimensional Standards” and “Allowable Uses (refer to Table
- 77 of Uses)” for each zoning district vs. “Permitted Uses/By Right Uses” and “Conditional Uses”
- 78
- 79 ➤ Suggests that if a lot includes land in more than one zoning district, the required acreage is
- 80 based on the specific location of the development zone for the proposed development unit.
- 81 And if the development zone for a proposed development unit will be located in more than one
- 82 zoning district, the requirements of the district with the higher acreage requirement will apply.
- 83
- 84 ➤ Add “Section CC: Application of Density-Based Zoning Requirements”: Except as otherwise
- 85 provided by the other provisions in the Unified Bylaws, no permit shall be granted for any land
- 86 development unless the applicant establishes that the completed development will comply with
- 87 the minimum acreage requirements of Section BB.
- 88
- 89 ➤ Suggests that a boundary of a lot with one or more existing development units may be
- 90 adjusted as long as the minimum acreage requirements will continue to be met after the
- 91 completion of the adjustment.
- 92
- 93 ➤ Suggests square foot limits for “Retail Store I” and “Retail Store II”: Retail Store I: 4,000 square
- 94 feet; Retail Store II: up to 10,000 square feet.

95  
96 PC members will review Benj’s suggestions prior to further discussion at their next meeting on  
97 February 9<sup>th</sup>.

98  
99 **2. Definitions for “Easement,” “Event,” and “Manufacturing/Industry”**

- 100 ➤ Add definition for “Easement” to read: “The authorization of a property owner, in a deed or
- 101 other suitable written document, for the use by another of a designated part of his or her
- 102 property for a specific purpose.”
- 103
- 104 ➤ Substitute “Manufacturing” for “Industry” and add definition to read: “The use of land and/or
- 105 structures for the manufacturing process, fabrication, testing, and/or assembly of products,
- 106 which also includes associated research and development, warehousing, and shipping
- 107 activities. The processing of agricultural products on the premises where they are grown shall
- 108 not be deemed to be manufacturing.”

109  
110 **3. Continue review of Article XIV Definitions (beginning with “Interested Person” – p. 67)**

- 111
- 112 ➤ Delete “Junk Yard definition
- 113
- 114 ➤ Add “Kennel” as a conditional use in Highway Commercial zoning district
- 115

- 116 ➤ Delete definition for “Loading Space”
- 117
- 118 ➤ Redefine “Lot” to read: “A tract or portion of land with defined boundaries that are either
- 119 created by the act of subdivision or which are naturally divided from other lots by a state or
- 120 municipal highway, road or right-of-way, by surface waters with a drainage area of greater
- 121 than 10 square miles, or by a municipal boundary. See also “Merger.”
- 122
- 123 ➤ Re-define “Lot Depth” to read: “Perpendicular to center line of road.”
- 124
- 125 ➤ Add definition of “Merger” to read: “The combination of multiple lots into a single lot for
- zoning purposes. Merger is accomplished by the conveyance of a deed that specifies an intent to
- 126 merge two or more lots. The conveyance of multiple lots by a single deed, or the conveyance
- 127 of two or more adjacent lots into common ownership, does not automatically merge the lots
- 128 unless the deed specifies an intent to merge.”
- 129
- 130
- 131 ➤ Delete definition for “Mobile Home, Trailer, Farm Implement and Contractors’ Sales and
- 132 Service Facility”
- 133
- 134 ➤ Redefine “Motor Vehicle Sales and Service Facility” to read: “A retail establishment for the
- 135 display, sale, and service of motor vehicles, including but not limited to cars, trucks,
- 136 agricultural equipment, vans, campers, boats, motorcycles, or snowmobiles.”
- 137
- 138 ➤ Delete definition for “Municipal Sewage Disposal System”
- 139
- 140 ➤ Delete definition for “New Construction”
- 141
- 142 ➤ Re-define “Non-Conforming Lots or Parcels” to read: “Non-Conforming Lots: Lots that do not
- 143 comply with all zoning regulations covering dimensional....”
- 144
- 145 ➤ Substitute “lot” for “parcel throughout document
- 146
- 147 ➤ Re-define “Non-Conforming Structure” to read: “A structure or part of a structure that does not
- 148 conform to the present bylaws but was in conformance with all applicable laws, ordinances,
- 149 and regulations prior to the enactment of the present bylaws, including a structure improperly
- 150 authorized as a result of error by the Zoning Administrator.”
- 151
- 152 ➤ Re-define “Non-Conforming Use” to read: “Use of land that does not conform to the present
- 153 bylaws but did conform to all applicable laws, ordinances, and regulations prior to the
- 154 enactment of the present bylaws, including a use improperly authorized as a result of error by
- 155 the Zoning Administrator.”
- 156

### 157 **III. Approve PC Meeting Minutes for December 12, 2022**

158 Lacking a quorum of those present at the December 12<sup>th</sup> meeting, approval of minutes DEFERRED.

### 159 **IV. Adjourn**

161 Megan Ooms moved to adjourn; Rob Litch seconded. Motion passed unanimously by voice vote 5-0.  
162 (K. Cahill, B. Putnam, B. Landon, R. Litch, M. Ooms) **MOTION PASSED**.

163 Meeting adjourned at 8:30 p.m.

164 The Planning Commission will hold its next meeting on Monday, February 13, 2023.

165 Respectfully submitted,  
166 Peggy Connor  
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