

## Planning Commission Public Hearing on Proposed Zoning and Subdivision Regulations

December 3, 2015

Hearing called to order 7:04 pm

In attendance: Gary Gulka, Frank Kampf, Chuck Marian (Planning Commission), Karen Deasy (Secretary and Zoning Administrator). Members of the Public: Amy Hornblas, Jessica Miller, Bill Cobb, Jack Daniels Roman Kokodyniak, Leonard Spencer, Betty Ritter

Gary Gulka opened the hearing by introducing the members of the Commission and providing an overview of the adoption process, format of the regulations, Planning Commission Report, and summary of major changes in the proposed regulations.

### **Zoning Bylaw Adoption Process**

- At least one hearing by the Planning Commission; submit draft regulations and PC Report to Select Board.
- Select Board may amend and then hold one or more public hearings, 30-120 days after receiving.
- If substantive change, then additional hearing(s) are required.
- Final proposal warned at least 30 days in advance of town-wide vote by Australian ballot

### **Format of Draft Regulations**

- Draft regulations have 6 *Articles*. *Chapters* are subheadings within an article. *Sections* contain the actual zoning language and section numbering corresponds to the article and chapter.
- Page numbers correspond to the Article. Example: page 1-1, page 2-1, page 3-1.
- Separate Zoning Regulations and separate Subdivision Regulations are proposed (to be voted separately).
- Zoning District Map which shows boundaries of zoning districts.

### **Planning Commission Report**

- Contains a summary of the proposed zoning.
- Addresses how the proposal conforms with or furthers the goals and policies contained in the Town Plan (see Table in Planning Commission Report).
- Addresses how the proposal is compatible with proposed and future land uses/densities in Town Plan.
- Addresses how the proposal carries out any specific proposals for community facilities.

### **Summary of Major Changes Proposed**

- The 4 current zoning districts have been expanded to 8 districts, including addition of a Commercial Industrial District, a Conservation District, a split of Shoreland District into Developed Shoreland and Undeveloped Shoreland and a reconfiguring of the village areas into 3 new districts. Boundaries of Districts attempt to follow parcel lines. See Zoning District Map

(attached to proposed zoning regulations) and *Zoning District Dimensional Standards - Comparison of Existing and Proposed (Examples)* at bottom of page 2. In many cases lot size and property line setbacks have been reduced. Figure 2 on page 2-2 and Figure 3 on page 2-3 summarize density/dimensional standards and type of approval needed for development in each district, respectively.

- A *Development Review Board (DRB)* has been proposed to replace the Zoning Board of Adjustment and consolidates project review for commercial and non-residential projects under one board rather than two, streamlining the review process. A majority of neighboring towns have also gone to the DRB model. The DRB would have the ability to waive certain application requirements and allow for minor deviations from development standards (such as property line setback).
- A General Exemptions section and Residential Exemptions section have been added to expand and clarify development that does not require a permit.
- Clearer and more specific requirements for parking, signs, lighting, driveways and p planned unit developments and commercial projects.
- Updated flood hazard and erosion hazard area regulations to assure compliance with the National Flood Insurance Program. Included restrictive development standards for lands in the state-mapped “River Corridor” that identifies areas prone to erosion (not simply inundation by water) in a flood event. Currently flood hazard regulations are an ordinance adopted by the Select Board. River Corridor regulation is not required but by doing so, Cabot maximizes FEMA funding for flood damage while also limiting development in areas that could be washed away in a flood event.
- Regulation of telecommunications facilities and towers has been eliminated since state law preempts local review under zoning regulations. The Planning Commission is recommending that the Select Board address any future regulation of these facilities in an ordinance adopted by the Select Board.
- Addition of *Article 5 Administration* that clearly defines the roles of the zoning administrator and town boards, as well as administrative procedures for permit applications, hearings, decisions and appeals which is lacking in current zoning.
- Continued allowance of Planned Unit Developments (PUDs) but clearer and more specific standards than in current zoning. This addresses an issue raised when the two Planned Unit Developments were reviewed and approved in town several years ago.
- Certificate of Zoning Compliance upon completion of new homes or other principal buildings
- Addition of Subdivision Regulations as called for in the 2013 Cabot Town Plan (as a future action step). Minor subdivisions and major subdivisions are defined. Major subdivisions have a more extensive review process. Single lot divisions are a type of minor subdivision that can be approved by the Zoning Administrator with minimal review process. It should be noted that all subdivisions of land would require a land survey. Note: a majority of neighboring towns (Marshfield, Calais, Hardwick, Danville, and Peacham) have subdivision requirements and all require a land survey of the subdivided land.

- Overlay Districts - for Flood and Erosion Hazard and for Drinking Water Source Protection - more restrictive standards than underlying District

Gary referred to the Zoning District Dimensional Standards Comparison (existing regulations vs. proposed regulations) in the handout materials, and pointed out that property line setbacks and road setbacks have been reduced in many instances to allow more flexibility for the location of structures.

**Zoning District Dimensional Standards - Comparison of Existing and Proposed (Examples)**

**Village Center**

	<u>Existing Zoning</u>	<u>Proposed Zoning</u>
Lot area minimum	25000 sq ft	12000 sq ft
Minimum lot frontage	125 ft	50 ft
Minimum road centerline setback	65 ft	25 ft
Minimum property line setback	25	5
Maximum height	35 ft	35 ft
Maximum lot coverage	10%	80%

**Rural District**

	<u>Existing Zoning</u>	<u>Proposed Zoning</u>
Lot area minimum	2 acre	2 acre
Minimum lot frontage	200 ft	200 ft
Minimum road centerline setback	65 ft	45 ft
Minimum property line setback	40 ft	25 ft
Maximum height	35 ft	35 ft
Maximum lot coverage	10%	20%

**Developed Shoreland**

	<u>Existing Zoning</u>	<u>Proposed Zoning</u>
Lot area minimum	1 acre	1 acre
Minimum lot frontage	150 ft	100 ft
Minimum road centerline setback	75 ft	45 ft
Minimum property line setback	25 ft	25 ft
Maximum height	25 ft	25 ft
Maximum lot coverage	15%	60%

The Planning Commission Report was also reviewed by Gary Gulka. It is a required document that summarizes the changes to the regulations, how the proposal furthers the goals and policies contained in the Town Plan, how the proposal is compatible with the proposed future land uses and densities of the Town Plan, and how the proposal carries out any specific proposals for any planned community facilities. Gary indicated changes were made to facilitate development in the village with reduced setbacks and smaller required lots, while expanding Planned Unit Development (PUD) regulations and developing subdivision regulations like the neighboring towns of Marshfield, Calais Hardwick and Peacham.

Gary concluded the overview and requested that members of the public state their name for the prior to asking a question.

**Jessica Miller**– Why are setbacks reduced? She does not feel it is advisable and would like to see more restrictive requirements and larger setbacks, especially in the Rural District.

**Planning Commission response:** Rear and side setbacks were consolidated into a single property line setback - not all lots are square and this can make interpretation of rear and side difficult. There are challenges on some lots to meet setbacks due to terrain or other physical factors.

**Bill Cobb:** 2 acre minimum lot in Rural District is too small and that a larger lot size should be explored to preserve more land. What happened to the proposal for 5 and 10 acre minimum lot size in the Rural District? There is not much in this to retain the rural character of the town.

**Planning Commission response:** Larger minimum lot sizes and reduced density were discussed and included in early drafts. Community feedback during early public forums was that this was too complicated and restrictive. The Planning Commission instead chose to require 40 percent open space in a larger subdivisions (5 or more lots) as a way to preserve the rural character.

**Jessica Miller:** Supports larger lot size in the Rural District.

**Planning Commission response:** Many towns have concluded that smaller lot sizes are not as detrimental to maintaining rural character as 5 or 10 acre lot minimums which can chop up or fragment open space. Restrictions for septic and wastewater siting as well as terrain, wetlands and other factors often lead to lot sizes that need to be larger than 2 acres. Many area towns have a 2 acre minimum to help affordability of land. By retaining the two acre minimum, it allows larger farm tracts to be retained if a landowner wishes to split a parcel for a variety of reasons. A 10 acre minimum could make a farm unproductive if a landowner needed to split off a parcel or two, giving up 20 acres instead of 4.

**Bill Cobb:** What input did the State of Vermont have in the proposed regulations?

**Planning Commission response** – The Agency of Natural Resources reviewed the flood hazard regulations to assure they comply with National Flood Insurance Program standards so that property owners are eligible for federal flood insurance.

**Jack Daniels:** The proposed regulations seem to give the landowner more flexibility by reducing property setbacks.

**Bill Cobb:** Would like the Planning Commission to consider larger lot sizes and elimination of density increases (bonuses) in PUDs

**Jessica Miller:** You could require large lot sizes in subdivisions only

**Roman Kokodyniak:**– Questioned if it was being suggested that smaller lot sizes will promote larger subdivisions and PUDs

**Bill Cobb:** You need to find the best way to preserve rural character and keep property taxes down, as well as make housing affordable

**Bill Cobb:** Concerned about all the allowed uses in the Rural District? Where did this list come from?

**Planning Commission response:** This is no different than current zoning which allows any commercial or industrial use provided it receives conditional use approval. What the Planning did was provide specific standards and requirements for certain uses that could have a detrimental impact in one way or other.

**Bill Cobb:** Could some uses be eliminated in the Rural District? He suggested eliminating multi-family housing, congregated housing, and high intensity recreation.

**Bill Cobb:** Why is there not a light industrial zone on Route 2?

**Planning Commission response:** It was discussed and is a consideration in the future. We were not able to draw lines on a map right now.

**Jessica Miller:** Questioned allowing extraction of earth resources, commercial use, and light industrial use in the Rural District and would like to see specifically defined uses and clearly defined definitions. She finds them very vague. It does not exclude anything. She finds commercial extraction troubling.

**Planning Commission response:** Although certain industrial and commercial uses are not excluded, there are standards and a requirement in Article 4 for certain uses which could have detrimental impact if not regulated. An example of this is groundwater extraction for commercial purposes.

**Jessica Miller:** Groundwater extraction should be banned as a commercial use.

**Bill Cobb:** Why are we allowing gun clubs? Would like to see them excluded.

**Planning Commission response:** The proposed regulations do not exclude them, but the regulations include specific requirements to regulate them.

**Jessica Miller:** Supports a ban on gun clubs.

**Bill Cobb:** How are nonconforming uses regulated such as development on West Shore Road? He could not find it in the proposed regulations.

**Planning Commission response:** Section 124 provides specific requirements for non-conforming lots, structures and uses.

**Bill Cobb:** Asked whether West Shore Road structures could still expand by adding a second story.

**Planning Commission response:** Proposed property line setbacks are less restrictive but there is still a 25 foot height restriction. Also, size of structures would potentially be restricted by state wastewater permitting.

**Jack Daniels:** What is the process after tonight's hearing if there are additional comments?

**Planning Commission response:** Written or emailed comments will be accepted until close of business on December 9 so that they can be considered at the December 10 Planning Commission meeting. Comments can be emailed to Karen Deasy at [ZACabot@fairpoint.net](mailto:ZACabot@fairpoint.net)

**Jessica Miller:** If these proposed regulations are not passed by the voters do we revert back to the old zoning?

**Planning Commission response:** Yes

**Amy Hornblas:** Is there still regulation of development on steep slopes? Topographical and steep slope information is required in applications?

**Planning Commission response:** Regulation of development on steep slopes was removed. The Commission will take another look at the application requirements and consider removing steep slope information.

**Jessica Miller:** Questioned PUD requirements circumventing the density requirements. You can get around any density requirements by the allowance for density increases. She felt that there is a lot of leeway.

**Planning Commission response:** Some density increases (bonuses) were removed from previous drafts. The Commission will look at this again.

**Bill Cobb:** Keep the zoning process streamlined and keep Cabot unique.

**Jack Daniels:** Specificity and detail in the proposed regulations offers a lot more protection than existing regulations.

**Planning Commission response:** The proposal clarifies standards, reflects current patterns of development( in the reduction of setbacks in certain districts), and allows more flexibility.

**Bill Cobb:** Questioned if Cabot Creamery owns land above the plant and why that was not included in commercial and industrial district.

**Planning Commission response:** The Cabot Creamery owned land is in the commercial and industrial district. The Creamery has been involved in discussion of proposed zoning and some adjustments have been made to district boundaries per their requests.

**Amy Hornblas:** Why are floor plans needed in a zoning permit application, especially if they change?

**Zoning Administrator response:** We currently require a floor plan sketch. Unless the building footprint changes, the applicant does not have to make modifications to the application. If the building footprint changes, the application is amended with a new sketch or a notation is made on the application.

**Amy Hornblas:** Question on the setting of administrative fines. Is a landowner notified prior to a fine being assessed and how? The proposed regulations state that the Zoning Administrator “may notify the landowner”. Penalties could quickly add up. Would like to see “may” changed to “must”.

**Planning Commission response:** Will consider changing this as requested. Resolution of the violation is always first action to correct a violation

**Jessica Miller:** Would like to see specific enforcement action taken that is consistent, not selective.

The Planning Commission advised those in attendance that the Planning Commission will meet on December 10, 6:30 PM to discuss comments and further review the proposed draft zoning and subdivision regulations. Written comments will be accepted until the close of business on December 9.

A motion was made, seconded, and approved to adjourn the public hearing.