

# Planning Commission Meeting December 10, 2015 6:30 PM

Planning Commission Gary Gulka, Frank Kampf, Chuck Marian,  
(ZA) Karen Deasy  
Public Jessica Miller, Amy Hornblas, Leonard Spencer

## 1. Review agenda

Frank made motion to review agenda seconded Chuck approved 3-0 after review

## 2. Public Comment

Jessica questioned why Planning Commission (PC) decided to bifurcate the subdivision regulations from the main body of the regulations. PC felt that it was a benefit as other area towns have gone with this approach such as Danville and Marshfield.

Amy would like to see overlay maps included in the document. Amy would also like to see a comparison on uses from existing regulations to new.

## 3. Approve Meeting Minutes

Review minutes from public hearing, a correction on page 5 Jack Daniels statement should end with question mark, page 6 planning commission response should read “setbacks in” Motion made to accept minutes with corrections. Motion made by Chuck seconded by Frank, vote 3-0

## 4. Review Public Hearing Comment

- Gary prepared sheet from hearing comments of items he felt PC should consider, many are minor edits. (see attached)
- Item 1 Appendix A zoning revisions table. This data needs to be added, it was discussed if this was revisions moving forward or if all past
- Jessica Miller: Why would someone oppose increasing setback requirements as a recommendation.
- Planning Commission response: There have been a wide range of comments on this issue, many small or nonconforming lots have difficulty with meeting larger setback requirements.
- Item 2 correct typo's section 105 (B) add date and 106 (B)(1) add comma
- Item 3 Section 124 (E) (3) add space lower case t
- Item 4 Rural district lot size comment was received on retaining the current setbacks, after discussion it was decided that keeping the 40' property line setback would allow for privacy and greater buffers, while reducing the centerline setback to the proposed 45' allows for greater flexibility. PC chose to accept this modification.
- Item 5 The PC considered increasing the minimum lot size from two acres, prior to the hearing and in many of the public forums it was discussed that larger restrictions limited a landowner's ability to do what they wanted and did not work to preserve open land. The Board discussed and determined at this time they would retain the 2 acre minimum but at a future date would consider adjusting this.

- Item 6 After discussion the PC determined they would keep the chart on 2-3 the same. The uses indicated are for a broad range of activities rather than specific uses.
- Item 7 Section 318 (E) correct “zoning”
- Item 8 Section 405 (B) “farm” lower case
- Item 9 Section 414 (B) (7) delete text “does not emit more than a total of 2,000 lumens per lot and that”
- Item 10 Section 435 (B) change site plan review to conditional use
- Item 11 day care, no action at this time
- Subdivision the PC discussed the various comments and approaches to setting lot density, a variety of comments from the public hearings provided a wide range of opinion. The PC reviewed the allowable density bonuses and determined through definition that only the village areas where Municipal wastewater was available would be eligible for a density bonus and decided to leave this for now. A consideration to having to remove the required open space from the PC Board did determine they would alter the 40% required open space to be 50%.
- Figure 12 Permit application requirements, after discussion the board will strike steep slopes and change wording for floor plans as follows. “floor plans- required for Commercial and Industrial uses”
- Section 518 (D) (1) change may to must
- Section 518 (D) (3) change may to must
- Section 522 (A) add reference to article 6
- Section 523 (A) rearrange list as follows (3) becomes (1), (1) becomes (2), (2) becomes (3)
- Section 524 (E) (1) 4424 (E) is incorrect reference check number in 4424 and correct
- Section 447 (D) add language, DRB may restrict flows based on data. DRB will also require an annual report indicating yearly daily use withdraws per month and projected use. The landowner/applicant will also provide updated data to indicate recharge and safe yield to the identified source water zone established in permitting.
- In definitions delete term buildable land.

Change date to December 10, 2015, correct page numbering where required

## 5. Review final draft of Zoning and Subdivision regulations

Gary made motion to forward the zoning and subdivision regulations as corrected to the Selectboard Seconded Chuck, no discussion vote 3-0

## 6. Review Budget

Current year to date the Planning commission has spent approximately \$1,000 of the projected budget. The Planning Commission will plan on reproduction expenses, notices and a mailing for the 2016 year and are proposing the following to the Selectboard:

Reproduction and mailing costs	\$3,000
Mapping RPC	\$500
Total request	\$3,500

## 7. Other Business

VTEL has withdrawn Calais application due to local resistance. Cabot has not heard if VTEL plans on continuing with the Thistle hill tower site.

Planning Commission meetings will be once a month moving forward the board will keep Thursday night but move to 7:00 on the first Thursday of the month.

Planning Commission is on the agenda for the Tuesday Selectboard meeting.

The Board will plan public outreach to voters on the revisions to the regulations.

Gary will put together a goals list for 2016, work to include Hazard mitigation planning.

8. Next meeting date January 7<sup>th</sup> 7:00 pm

Submitted by Karen Deasy

## **Possible Edits/Considerations to Proposed Zoning**

Appendix A : Add zoning bylaw revision table (See Town of St. George for an example)

Sections 105(B) and 106(B)(1) - correct typos

Section 124(E)(3) - correct typo

Figure 2 and Rural District (Section 274): consider changing back setbacks to 65 and 40 feet, given that the DRB can approve a waiver request for up to 50% reduction in these setbacks

Rural District Minimum Lot Size: Consider pros and cons of increasing minimum lot size in Rural District to 3 acres from 2 acres

Figure 3: Add the following: PRD, Daycare Facility, Mobile Home Parks, Campgrounds, Gun Clubs, Fueling Stations, Self-Storage Facilities, Bed & Breakfast, Inn. Note: PRD should be footnoted that it is conditional use but subject to Section 527 review

Section 318(E) Correct Typo

Section 405(B) Correct Typo

Section 414 Outdoor Lighting: Change (B)(2) to read: "Outdoor lighting associated with a single- or two-family home and move this up to (B)(1). Move the existing (B)(1) to become (B)(2) . Eliminate (B)(7)

Section 435(B): Change from site plan approval to conditional use approval and refer to Section 526

Section 434 Daycares

In a previous email I mentioned some issues with Section 434 Daycares. I looked at the Town of St. George, VT that Brandy worked on and I think we can do something like the language below. I also suggest add a definition of Daycare Facility which is currently lacking. Note that Daycare facility is slightly broadened to include adult care as well as child care. That is the way St. George does it. That's an option we can consider and I reflected that for now in the definition below.

We might then remove Family Childcare from the table (Figure 3) and add Daycare Facility. We will also need to change Article 2 that shows that allowable uses in each District – perhaps deleting family childcare home as a permitted use (since it would be an accessory use in all districts) and adding Daycare Facility under Site Plan Review for each district where it is allowed.

I don't believe these changes will need to be noted at the public hearing. I don't think this issue will come up. We can work on them at our next meeting.

#### **Section 434. Daycares SEE PROPOSED FIXES BELOW**

(A) **Family Childcare Home.** A family childcare home that meets all of the following standards shall be permitted as an accessory use to a single family dwelling within all districts where single family dwellings are an allowed use or in any single family dwelling in existence as of the effective date of these regulations:

- (1) The business will be located within a home and operated only by residents of that home.
- (2) The number of children does not exceed the maximum allowed by state law (6 full-time and 4 part-time).
- (3) The only external evidence of the business will be a lawful sign (See Section 416)
- (4) The family childcare home is operated under state licensing or registration.

(B) **Daycare Facility.** After the Development Review Board approves a site plan (See Section 525), the Zoning Administrator may issue a permit for a daycare facility in accordance with the following:

- (1) The business will provide suitable traffic circulation and parking to accommodate the safe dropping off and picking up of children or adults.
- (2) Outdoor play or use areas must be fenced and separated from traffic and be located outside required setbacks. The Development Review Board may require outdoor play or use areas to be screened or set back from adjoining properties.
- (3) The business is operated under state licensing or registration.
- (4) A daycare facility may be permitted as an accessory use to any business for the purpose of providing childcare primarily for employees, clients, or customers of that business.

#### **Definitions:**

**Daycare Facility:** A facility providing for care of children, the elderly, or individuals with disabilities in a protective setting for a portion of a 24-hour day.

Chapter 450 PUDs: There was concern about allowing density increases for PUDs - but note that density increases or already very restricted - must be connected to municipal sewer to even qualify. This rules out density increases in Rural District. So I suggest we leave it as it is. Consider the following change: In calculating allowable # of units in a PRD, exclude the 40% of open space acreage in the calculation. We previously had something like this but changed it.

Section 512 Zoning Application Requirements: Eliminate steep slopes and require floor plan sketch only for non-residential

Section 518 Change wording from “may” to “shall” in two places

Section 522 Correct typo

Section 523 Correct typo

Section 524 (E)(1) incorrect citation to state statutes