

Approved: September 12, 2008

Zoning—Proposed By-Laws—Public Hearing
September 3, 2008
7:00 – 8:30 p.m.

Present: Karen Shackett, Glenn Symon, Bob Fisher, Scott Stanley

Absent: Joe Hescoock, Terry Eagan

Town Residents & Guests: Bob Growney, Edwin C James, Jeremiah Parker, Meg Barnes, Phil Kivlin, Will Stevens, Howard Campbell, Bonnie Campbell, Paul Saenger, Art Remick, Joe Kelley, Kirk LaDuke, Paul Wagner, Bill Telgen, Jr., Virginia M. Spadaccini, Steve Goodrich

Call to order:

Glenn called the meeting to order at 7:00 p.m. Glenn summarized By-Laws evolution to-date, with this version being presented as a joint effort of both Selectboard and Planning Commission

Agenda: To hear testimony from town residents regarding the proposed Zoning By-Laws dated August 14, 2008

Testimonies:

1. Bonnie Campbell—Are these a “done deal?” *Glenn:* No, This meeting is to hear public concerns and get feedback from residents. If PC feels changes warranted are minor, they will be made and the document presented to the Selectboard for review; when ready, the SB will set and hold their own public hearing. If changes are substantial, there will be another hearing for feedback before submitting to the SB.
2. Meg Barnes—Re existing slate pits: there is nothing in the by-laws about existing pits. Are they grandfathered? The by-laws do not say they apply specifically to “commercial” quarrying, so imply they cover both commercial and private pits.
3. Phil: existing pits would be grandfathered under these by-laws. *Glenn:* not the intent of this committee to apply these regs to private/non-commercial pits where gravel is used on-site; apply to new commercial pits which trigger Act 250 review. *Meg:* That being the case, why all these rules?
4. Glenn: Typically, Act250 Review requires town review and approval first.
5. Bill Telgen, Jr.—Can slate/gravel be transported from 1 owned piece to a second non-contiguous piece owned by same person? *Glenn:* Yes
6. Joe Kelley—Do the quarrying regs apply to individual landowners, too, or just farmers?
7. Glenn: Individuals too.
8. Joe—As written, Section 2.05 gives authority to the ZA to determine where a house can be built:
 - a) Is it intended that the ZA have authority to set the building location site rather than the owner doing so? How many towns in Addison county or the entire State allow the ZA to determine where, on a given parcel, a house can be sited?
 - b) In Section 6.08, standards are set out—Development envelope not to exceed 30%? What/Where are the standards for single lots?
9. Jeremiah Parker—He reads 2.05F as saying that ZA will use this section to determine if application falls within guidelines rather than that ZA will determine the building site location.
10. Bill Telgen, Jr.—Not in favor of the 15 acres, never will be. What’s wrong with the current 10-acre size? On 15 acres with a 2-acre building lot, 13 acres is devalued. Why is

- Shoreham the only town in the county that feels it necessary to set size at 15 acres? Who compensates farmer for loss of value of the 13 acres?
11. Joe—Why is it these by-laws allow the ZA to act subjectively in one section (2.05F) but require a literal, non-subjective enforcement in another (7.01)?
 12. Bob Growney—By eliminating the current Low Density Residential area, these regs effectively eliminate low and moderate income housing opportunities.
 13. Meg—What happened to property rights? Her understanding is that property rights are a right granted to us that allow the person who purchases property to do pretty much whatever they wish with their land. This document denies property rights, says Shoreham is special, we have all sorts of rules that tell you what you can and can not do with your land. Now we have piles and piles of unnecessary regulations. For example: Section 1.02 A (1), the regulations are intended to “promote the health, safety, and welfare of Shoreham residents”—if this applies to the whole town, what happens to the individual’s health, safety, and welfare?
 14. Bonnie—In these regs, where is the priority to encourage new people to settle in Shoreham, for improving schools, etc.. Is there a Mission Statement?
 15. Jeremiah—Sees the economy and job situation as the determining factors for local growth, rather than the Zoning By-laws.
 16. Meg—Class 4 roads: with access and frontage requirements, can parcels along class 4 roads be developed? Sees no reference to development standards for class 4s.
 17. Glenn—Developer can develop along a class 4, it is developer's responsibility to upgrade road to acceptable standards to provide access; whether or not road is taken over by the town for is a Selectboard decision.
 18. Joe—3.06 Small lots: lots having separate deeds, separate plats or surveys on file, should be able to retain separateness when brought under same ownership so that owner can resell in future. If parcels are merged into one, the resulting lot may be too small to be subdividable should owner ever wish to do so. Also, why must there be septic/water for lots that will not be used as dwellings (eg just for barn, storage, etc)?
 19. Joe—1.06 (A)3 “fertilizer” does this prohibit farm manure pits, methane generators, etc?
 20. Joe—Wind facilities—if for an individual, fall under review process. How reviewed if on a farm? Farms are exempt from regs, but 4.19 says conditional in all zones, ergo farm use is subject to review?
 21. Glenn—Under these proposed by-laws, for a temp tower, eg to test wind viability, a temporary-use permit for 1 year would be needed. If, after the temporary period, a permanent tower was desired, it would then be subject to conditional use review.
 22. Meg—3.12; Section A is fine, everything is spelled out; then in E, it all gets reiterated. Can’t this be reduced, must it be so long?
 23. Bonnie—What was this modeled on? Did PC look at any surrounding towns’ regulations?
 24. Art—State does not mandate that a town have zoning by-laws, a town may choose whether to have them or not. Only if a town chooses to have them does the State then mandate some of the items incorporated.
 25. Bob—It is wrong for PC or anyone else to refer to “mandated” regulations when the State does not mandate them.

Adjournment:

Glenn adjourned the Hearing at 8:30pm

Respectfully submitted by,

Robin Conway
Minute Taker

Signed: _____
Glenn Symon, Chair
Shoreham Planning Committee