

Selectboard/Planning Commission Joint Meeting
Review of Proposed Zoning Regulations
June 18, 2008
7:10 – 10:00p.m.

Present: Paul Saenger, Bob Warren, Steve Goodrich, Karen Shackett, Marthe Fisher
Glenn Symon, Scott Stanley, Bob Fisher, Joe Hescoek
Guests: Bob Growney, Phil Kivlin, Will Stevens

Call to order:

Paul called the meeting to order at 7:10p.m.

Zoning—Review of Proposed Regulations of July 9, 2007:

To review, with the PC, items noted in previous meetings that had been questioned as to intent, need for clarification, or desire for deletion from the regs. The minutes/notes of the SB special meeting of May 19 accompany tonight's review.

Process and Goal(s) of This Meeting

SB and PC agreed to go over the SB's list per 5/18 Minutes , to seek common ground on each, and to close with a document that all can live with.

Review

Article 2 ZONING DISTRICTS & DISTRICT STANDARDS

§2.01 "Flood Hazard Area Overlay" & "Map of Record" —Maps referred to in (B) and (C) should be provided, or the reference removed.

Result: Karen and paul had conferred with Adam Lougee (ACRPC) who recommended using the Listers' map as of April 1, with any changes over the ensuing year recorded on a "discrepancy list" which then form the basis for the next year's Map of record. phil indicated there should be no issues doing this ; the PC concurred.

§2.04 Re Conditional Use for Government Facility: applicable to *all* Districts, not just Village?

Result: change to "all" Districts

§2.11

- Is there a map? Should there be? If so, should it not be part of this document?
- (B) (3)—Clarify re deed restrictions (same for C)
- Clarify as to whether or not PUDs are included as well as conserved land.

Result: PUDs will be struck from this section; it was never the PC's intent to have easements be "in perpetuity"—they should be changeable when by-laws change; wording to reflect the non-permanent status of easements should be included so this is clear.

Article 3 GENERAL STANDARDS

§3.02 Check consistency of dates (here "one year," **3.0.9 (B)(1):** "three years")

Result: both will be 3 years

§3.06

- (A): Owner of 2 or more lots should be able to choose whether to combine or keep separate

Result: leave as is, comes from statutes

- (B) (2) & (3): insert reference to "State approved," "State regs"

Result: insert reference(s) to "State approved"

§3.09 (A) (3) (a): too broad, covered by (c); remove?

Result: *leave as is; Phil explained examples of degree of non-conforming being increased or not; Board understands what is meant.*

§3.10 (C): Why “all” districts? Prefer to allow in certain areas

Result: *leave as written, no junk yards in any district*

§3.12 (B) (3) & (4): What provision is there to accommodate off-street parking , specifically for businesses to accomplish this?

Result: *leave in, Waivers allows for case-by-case evaluation/decision*

§3.13 (A): What is the purpose of this?

Result: *delete*

§3.16 (A): “...all districts...” Town doesn’t regulate this in Ag district, State does.

Result: *leave in*

§3.17 (C) (3): [per Bob Growney/Waste Water Contract] needs to include PUDs, Commercial, Industrial

Result: *change “all development” to “PUD's, commercial, and industrial development”*

§3.18 (A) (1): State regs for Lake Champlain differ, say: “...mean low low water mark...”

Result: *“not to include Lake Champlain which is federally mandated as ‘mean low low water mark’” to be added after “...and mapped or delineated wetlands...”)” – Check with Adam on specific wording*

Article 4 SPECIFIC USE STANDARDS

§4.03 (A): Strike 3, 4, 5

Result: *leave in Conditional Use, remove 3, 4, 5 (keep #6)*

§4.06 (A) (3): Strike? (B) also?

Result: *leave as is*

§4.07 (D): “...as it deems appropriate.” – Strike to remove ambiguity.

Result: *leave as is*

(E): 2nd sentence confusing, insert “active”/“ongoing” to clarify?

Result: *delete”This provision specifically by statute does not apply to milling or quarrying operations, however upon...” so that sentence begins at “Failure of the permit holder...,” but flip so sentence reads “Town make take legal action as appropriate to ensure site reclamation and cost recovery upon failure of the permit holder, their successors or assigns to complete site reclamation as required.”*

§4.12 (A) (2): check re State statute, clarify meaning

Result: *add wording from statute: “A residential home or group home, to be operated under state licensing or registration, serving nine or more who have a handicap or disability as defined in 9 VSA § 4501, shall be reviewed as a multi-family dwelling and shall be subject to conditional use and site plan review.”*

§4.13 (A) (3) & (B) (5): Strike, too subjective

Result: *delete*

§4.15: No reference/provision/section for heavy industry, only light—?

Result: *leave as is, but change in definition of “Light” to 40,000sq. ft*

§4.17 (B): “...may not...”/“...are not...” – contradictory, unclear

Result: *remove the word “not” in “...are not deemed...” to remove double negative in sentence*

§4.18: Why utility lines required to be buried here, but not elsewhere? This section appears to zone MHPs out of wastewater access, out of town—?

Result: *strike entire section and refer instead to the State regs*

§4.20 (D): There should be provision for business and public service radio systems

Result: *both Robin and Adam suggested separating antenna structures/towers from telecommunications facilities. suggested definitions and clarifications under exempt entities, to be worked into document.*

§4.21: Strike entire section

Result: *Strike [sawmills]*

Article 5 *CONDITIONAL USE REVIEW*

§5.02 (B) “...including but not limited to...”

Result: *delete phrase “...but not limited to...”—keep “including”*

• (B) (5)—Does this fall under town’s purview?

Result: *delete*

§5.03 (B)(2) Unclear how owner can be responsible for conditions/safeguards beyond his/her boundaries. Examples?

Result: *delete “...or beyond the boundaries...”*

§5.04 (A) (2)—Words like “settlement patterns,” “sense of community,” who determines this? Seem too subjective to allow ZBA to make decisions based strictly on literal, well-defined rules.

Result: *leave as is*

• (A) (4)—“Error! Reference not found”—Delete

Result: *obvious correction*

§5.05 (A) (1)—Another too subjective phrase: “...to ensure compatibility.” ? Delete?

Result: *delete after “materials,” move “and” before height, so sentence reads: “Conditions may be imposed as appropriate with regard to siting, density, setbacks, and height [~~and materials to ensure compatibility.~~.]”*

• (A) (5)—Conflicts with Wastewater contract.

Result: *insert “...PUD’s, commercial, and industrial development only...” and delete reference to 3.17*

• (A) (6)—Would this not disallow a store, or dealership, or other similar business from displaying wares as is customary (eg: lawn mowers, snow machines, hardware supplies) for certain retail operations? Board opinion split. Clarification needed.

Result: *delete “...prohibited unless specifically approved...” so sentence reads: “The outside storage or display of materials, goods, supplies, vehicles, machinery or other materials shall be [~~prohibited unless specifically~~] approved by the ZBA.”*

§5.06 (C) (D)—Intent of these sections is unclear; what guidelines would ZBA use to make their determinations? How/what is “development envelope” [define]?

Result: *Leave as they are*

§5.07 (C)—This section first states no architectural style mandated, then goes on to list requirements; same thing §6.09 (A) (3)—What is intended?

Result: *leave both as they are*

Article 6 *PLANNED UNIT DEVELOPMENTS (PUD)*

§6.01 (C) Clarification needed as to method of modification intended by “...Commission may modify...” —on ad hoc basis? via rewriting/public hearing process.

§6.04 (B) (6) (c): Ownership and protection mechanism of set-aside land—Clarify/define how ownership and protection mechanism of “set aside” land are determined, how owner is compensated for loss of development opportunity.

§6.08 (D) : Board feels development limitations should be limited to life of the amendments. Clarify?

Result: *All parties agreed that easements/restrictions created by By-laws are not in perpetuity. Wording to be included indicating that “restrictions [especially on PUDs] are limited to the life of the By-laws;” Board will consult Dunnington’s documents for clear wording. Owners wishing to have restrictions in-perpetuity can have appropriate wording included in deeds.*

There must be a clear concise trail of transfer restrictions/easements/etc so that there is no loss of owner equity and buyers are protected.

Article 7 ADMINISTRATION & ENFORCEMENT

§7.02 (E) (2): Seems backwards; do a proposal first as creating & recording changes also changes the tax structure; Can this be reworded or removed?

Result: *No appreciable tax change occurs when a parcel is created because of way state requires contiguous parcels to be handled (tax-wise); process begins with the waste water permit, then the access permit and subdivision if needed. The Zoning Permit is the last step in this process. Board will use wordings from a zoning document Lougee is working on for another town.*

§7.03 (A): Possible rewording to be clearer, perhaps combine (1) & (2) and (3) & (4)? Appears to require excessive wait-time resulting in extra expense to contractor.

Result: *combine the 4-step process into 2, note that applicant **can** request a specific date/time for ZA’s inspection, and that Assist. ZA makes a quicker process possible:*

-1) inspection: building staked out and ready for ZA

-2) final inspection: ZA checks, measures when structure ready for occupancy but before use commences

§7.07 (B): Seems to reduce or remove ability to secure a variance. Is this necessary? Can it be clarified?

Result: *leave as is*

(C) (4) (c): Examples?

Result: *leave as is, direct from Statute (purple book) 4469.A4*

Conclusion:

Because the review period has lapsed without action by the Selectboard, the by-laws are now back in the Planning Committee 's hands. Once the document edits are incorporated, the PC will present to the SB, and warn a public hearing on the revised proposal.

Glenn, on behalf of the PC, asked the Board if they are willing to support the by-laws once the changes above are implemented, and take the document to the voters. The Board confirmed that they will do so, that such has been their intended outcome for this joint meeting. The understanding on both sides is that where issues remain, said issues can be dealt with in the future, as need arises, via the amendment process. The document will go to the voters with support from a united Selectboard/Planning Commission.

Adjournment:

Meeting adjourned 10:00pm

Respectfully submitted by,
Robin Conway
Minute Taker

Signed: _____
Marthe Fisher, Secretary
Town of Shoreham Selectboard

Signed: _____
Glenn Symon, Chair
Shoreham Planning Commission