

**Selectboard Special Meeting  
Review of Proposed Zoning Regulations  
May 19, 2008  
7:00 – 10:30p.m.**

**Present:** Paul Saenger, Bob Warren, Steve Goodrich, Karen Shackett  
**Absent:** Marthe Fisher  
**Guests:** Bob Growney, Scott Stanley

**Call to order:**

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

**Public Concerns, Additions, Announcements:**

- a) Steve will represent the Town at the upcoming tax appeal session. karen MOVED, Bob SECONDED, that the Board give authority to Steve to accept or reject an offered settlement on behalf of the Town Motion passed
- b) Paul noted a memorandum received by the Planning Commission from Adam Lougg (ACRPC), passed along by Bob Growney, in response to questions re density-based zoning without sub-division regulations. The memo supported the stance that a lack of sub-division regs could pose a range of problematical issues, but indicated that there are alternatives to sub-division regs: Planned Residential Districts (PRDs) or provisions in the definition of the zoning districts similar to those under PRDs. Lougee included sample wordings and summaries of pro's/con's for each alternative

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

To review items noted in previous meetings that had been questioned as to intent, need for clarification, or desire for deletion from the regs. These items were extracted and listed in a separate document which was then reviewed by the Planning Commission in February. Their meeting minutes/notes accompany tonight's 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.

**Planners:** *no maps required*

**SB:** *If there are no maps to refer to, upon what is the board to base any decisions?*

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

**Planners:** *no objection [to "all"]*

**SB:** *OK*

**§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.
- There are no defined standards for this District; there should be, just as in other Districts.

**Planners:** *question is unclear*

**SB:** *Map still desired. Under the proposed PUD and associated conditions/leasesments, is undeveloped land considered to be "conserved?"*

**Article 3 GENERAL STANDARDS**

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

**Planners:** *no objection to making both 3 years*

**SB:** *ok, no issue*

§3.06

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

**Planners:** *leave as is*

**SB:** *leave as is (State Statute)*

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

**Planners:** *no objection*

**SB:** *Wording needs to be worked on*

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

**Planners:** *leave as is*

**SB:** *(c) is the real question, then; what bearing does “increase the degree of non-conformity” have?*

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

**Planners:** *leave in*

**SB:** *still question need to prohibit junkyards in **all** districts*

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

**Planners:** *leave in*

**SB:** *Needs further discussion*

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

**Planners:** *leave as is*

**SB:** *“...or other conditions...” remains the sticking point; SB not sure the phrase should be left*

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

**Planners:** *understand that this is ok, regs match state requirements; will check*

**SB:** *review with PC*

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

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

**SB:** *ok*

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

**Planners:** *check legality of wording*

**SB:** *Suggest including “not to include Lake Champlain which is federally mandated as ‘mean low water mark’” after “...and mapped or delineated wetlands...”*

**Article 4 SPECIFIC USE STANDARDS**

§4.03 (A): Strike 3, 4, 5

**Planners:** *SB to decide*

**SB:** *remove 3, 4, 5, 6*

§4.06 (A) (3): Strike? (B) also?

**Planners:** *check 117*

**SB:** *leave as is*

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

**Planners:** *no change*

**SB:** *delete*

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

**Planners:** check this

**SB:** 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...” Karen will check statutes

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

**Planners:** check reference

**SB:** 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

**Planners:** no change

**SB:** review w/PC, prefer to delete

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

**Planners:**

**SB:** review w/PC; prefer to delete space/size designators and make conditional in all districts

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

**Planners:**

**SB:** 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—?

**Planners:**

**SB:** discuss w/PC

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

**Planners:**

**SB:** need more research; Robin will look into

§4.21: Strike entire section

**Planners:** up to SB

**SB:** Strike all

#### Article 5 CONDITIONAL USE REVIEW

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

**Planners:** follows town plan; up to SB

**SB:** delete phrase

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

**Planners:** follows town plan; up to SB

**SB:** delete

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

**Planners:**

**SB:** 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.

**Planners:**

**SB:** discuss w/PC

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

**Planners:**

**SB:**

*obvious correction*

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

**Planners:**

**SB:** *discuss w/PC*

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

**Planners:**

**SB:** *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.

**Planners:**

**SB:** *discuss w/PC; if keeping, SB feels standards should be defined that will aid ZBA to determine course of action*

§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]?

**Planners:** *SB to look up definition of development in Section 7*

**SB:** *noted that 'envelope' is defined on page 59; discuss w/PC*

§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?

**Planners:**

**SB:** *prefer to delete both sections, but subject to prior discussion w/PC*

## **Article 6 PLANNED UNIT DEVELOPMENTS (PUD)**

*Board very uncertain about ownership issues on set-aside land, issue appears throughout this section. When a portion of acreage is sold for a PUD, does not remaining acreage (that cannot be developed, in effect, have an easement placed on it? As that land can no longer be sold for development, how is owner compensated for that amount of lost value?*

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

**Planners:**

**SB:** *will meet w/Fred Dunington re how to set up & record the easements; discuss w/PC the need to determine the life of easements and deed restrictions.*

§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.

**Planners:** *PC and ZA understand that a mechanism is easily worked out*

**SB:** *refer to process developed by Dunington*

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

**Planners:** *as 5.06(D) [SB to look up definition of development in Section 7]*

**SB:** *easements/restrictions typically apply in perpetuity; SB wants to ensure that easements/restrictions created by By-laws are **not** in perpetuity. Want to see wording added somewhere indicating that “restrictions [especially on PUDs] are limited to the life of the By-laws;” such a disclaimer should, in fact, be applicable to all of the By-laws; discuss w/PC*

**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?

**Planners:** *up to SB, could be tweaked*

**SB:** *We have no sub-division regulations on which to base the permitting process. How can the process be simplified and brought into line with how it really works? Review other towns' regs? Check with the state? What protections are there for the buyer?*

**§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.

**Planners:**

**SB:** *combine the 4-step process into 2:*

*-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?

**Planners:**

**SB:** *leave as is*

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

**Planners:**

**SB:** *a, b, & d—discuss w/PC; c—delete*

**Adjournment:**

Meeting adjourned 10:30pm

Respectfully submitted by,  
Robin Conway  
Minute Taker

Signed: \_\_\_\_\_  
Marthe Fisher, Secretary  
Town of Shoreham Selectboard