

Town of Shaftsbury
Planning Commission

Minutes of the Meeting of January 12, 2106

- 1) The meeting was called to order at 7:05 pm. Commissioners present: David Mance, Brie Della Rocca, Mike Foley, Chris Williams, David Spurr
Also present: Jim Sullivan, Executive Director, Bennington Regional Planning Commission; Tim Scoggins, Chair, Select Board; Shelly Stiles, Zoning Administrator
- 2) The November 24, 2015 minutes were reviewed. Mr. Mance moved to accept them. Mr. Foley seconded the motion, which passes 4-0-1 (Mr. Spurr abstained).
- 3) Mr. Sullivan introduced the Municipal Planning Grant process, by which we will re-write our land use regulations no later than April 2017. (The revisions could go before the voters as early as November 2016.) Mr. Williams noted he'd reached out to the Town attorney, who agreed to review them when necessary.

Mr. Sullivan went through several questions and comments, to which the board responded:

- Will there be any changes to the zoning map? That has not been taken off the table, but more likely uses within zones will be changed.
- Organizing tables, an introductory one and tables for each zone, are desirable.
- We need to address mixes uses and density requirements. Mr. Sullivan explained that "compounded minimum lot sizes" for more than one principal use go back to the days when the state did not well-regulate waste water treatment and were designed to protect against well contamination. In Mr. Sullivan's opinion, such regulations are no longer needed and in fact work against the goal of creating compact village centers.
- Our VR and VC setbacks need particular attention and should probably be made smaller. Also to be clarified, when mixed uses are proposed, which setback requirements apply – those for the permitted or the conditional use?

Mr. Spurr left at 7:30 pm.

- Mr. Sullivan noted that procedures seem to be an issue, perhaps a hold-over from the time when the Planning Commission reviewed permitted uses requiring site plan review and the ZBA reviewed conditional uses requiring site plan review. This, Mr. Sullivan said, is a blurry distinction that could be avoided by strengthening site plan review requirements.
- Change of use should be looked at: does it always need DRB review?
- Mr. Scoggins said he'd like to lessen the ambiguity potential buyers face as to whether their conditional use will be allowed. Mr. Mance suggested tightening up 3.5.
- Perhaps uses in the VC zones should be expanded. And why are there two zones?
- Mr. Sullivan said the conditional use standards seem unnecessarily stringent for some uses. The standards could be changed, or some conditional uses could be made permitted uses.
- A discussion took place over involving the public. All agreed that they should be involved from the beginning, especially those who might be most affected. And the PC must do a good job of reassuring folks that these changes won't make the regulations less protective.
- RR parcels sizes are probably underzoned. However, since small lots in rural areas have gone out of fashion, that fact hasn't had many impacts. Mr. Mance suggested that density requirements could be kept but something like clustering required. Mr. Sullivan noted that much of the Town already has historically clear "lots" – defined by old fence lines, streams – that might best be

preserved despite a minimum lot size requirement. It was noted that upzoning would not be tolerated by affected members of the public.

- Ms. Della Rocca asked about zoning's role in encouraging regional attractions such as farm to table, micro-farming.
- Mr. Sullivan noted that some permitted uses were odd – schools, churches, and so on - and probably date to an old state statute no longer in effect.
- Mr. Sullivan suggested we replace our variance regulations with waiver regulations which are much more defensible in court. (Waivers are “little variances” more specifically defined.)
- The old Shoreland district might be scratched as the state's Shoreline Protection Act has supplanted it.
- Boundary line adjustments need work.
- Ms. Della Rocca wondered if zoning should address arts and cultural activities.
- Mr. Sullivan cautioned that public input should be sought, but controlled. For example, the public might be invited to comment initially, then allowed to view but not participate in the work session. It seems to be an effective way of making progress.
- Perhaps the VC districts could be named Village Center.

To do: The PC will look at C and RC uses at the Jan. 26 meeting and come to a consensus as to which should be permitted and which conditional. Mr. Sullivan suggested reviewing the N. Bennington and Arlington villages for good models. The PC will share their suggestions with Mr. Sullivan ASAP, who will incorporate them in a redraft of Section 6 to be reviewed at the Feb. 9 meeting.

- 4) Solar application on Norman Lear property. Mr. Sullivan reported he'd talked to the applicant and learned the application had been withdrawn.

Ms. Della Rocca related concerns she'd heard that towns are given an application with the promise that the final would be “substantially the same” only to learn otherwise later. Mr. Sullivan cautioned that the PSB process is legalistic, brutal and expensive.

- 5) The board reviewed VLT's request for a letter of support for an application to VHCB for funds to buy the development rights on the Beauchesne farm, and agreed to write that letter.

The meeting adjourned at 9:35 p.m.

Submitted by ZA Stiles