

I - Call to Order

PC Members attending- Dennis Casey, Chair, Jason Barnard, Norm Cota, Hugh Johnson, Kelly Norris and Dan Nugent.

Others attending- Scott deBaise, Jim Runcie and Dave Wetmore.

7:00 PM –Dennis called the PC meeting to order.

Visitor Business and adjustments to agenda- none at this time

Scott deBaise- None at this time.

Jim Runcie- His comments will be discussed during PC business.

II- Minutes

PC acknowledged that the minutes of 10/29/2015, 11/5/2015 and 11/19/2015 had been the focus of the Boards review over the last couple of meeting. Based on the Boards discussion, Dan moved to approve the minutes of 10/29, 11/5 and 11/19 as presented, Hugh 2nds. PC approved 6-yes and 0-no. Dennis signed.

12/3/2015 minutes will be approved next meeting.

III- PC Business

Jim Runcie- Presented the following written comments that elaborate on the comments he made at the 11/5 Public Hearing.

- 1- Conditional Uses: Jim expressed that he is concerned that section 426.D (Review Criteria) does not comply fully with State law VSA 4414(3). The Bylaws should be specific and it is critical that they include the required general standards outlined in 4414.
- 2- Conditions and standards should be specific to be enforceable. Jim shared with the Board how the JAM GOLF decision determined that if a provision is aspirational rather than mandatory, it is likely not enforceable. Dennis shared that the PC intentionally left some provisions not mandatory to allow some options. Jim understood but suggested that the standard could be written as a mandatory provision unless waived by the DRB for specific reason. The specific reason could be to benefit another provision of the bylaw. “Shall” is mandatory, “strongly encouraged” and “Should” is aspirational. The provision “suitable” is not supported by standards that determine what “suitability” really is. Jim also expressed concern related to the provision 303 related to waiver of height restrictions. Specifically that there is no guidance as to when a waiver is appropriate. Jim cited “Monkton” waiver rule for PC consideration.
- 3- Noise: Jim supports the efforts to have a noise provision. However he is concerned that the 15 minute average would allow for “very loud intermittent or impulsive noises”. He suggests removing the weighted average but doing so would likely require increases the allowable dB level. Jim shared some example of noise standards from the surrounding area Towns.

Growth cap: PC discussed advantages of a growth cap. Jim expressed that he is curious about the legality of a growth cap. He asked for the PC to explore this further. Dave shared that the PC was always told that unless the Town has a capital budget a growth cap could not be supported. Jim noted that a growth cap could lessen the burdens to the Town and reduce case load on the DRB. PC discussed how a growth

control could be included. Dave noted that Brandy had suggested the provision as part of subdivision review. Jason and Kelly thought it should be zoning permit based as it is currently. Dave mentioned the concern related to a cap that is based on “units” as it is now. Presently the bylaws only allow for one unit to be developed by an owner of record each year.

- 4- Minor issues: Jim shared a list minor issues/questions that he found in the draft bylaws. PC reviewed and comments were made. Board will consider as edits are proposed.
- 5- Jim shared that he would be willing to review any edits the Board makes regarding technical considerations

Jim left at 8:15 PM

Dave used the projector to show where Jim Dumont and Jim Runcie’s concerns are focused. Dave shared some of his suggested language edits to Part 2 for PC to consider. PC made suggestion to section 224A.1, and this change would apply to 234D, 244.C and 255.C. PC expressed that most of Dave’s suggested edits are in line with Jim Runcie’s comments.

IV- Other

Scott deBaise-Suggested the PC was making progress. No further comments beyond those he expressed last meeting.

Jason- expressed that he felt that last meeting was very productive.

VII- Adjournment

Jason moved to adjourn at 9:30 PM, Hugh 2nds, Dennis thanked Jim and Scott for coming tonight. Motion to adjourn 6- yes, 0-no.