

Public Hearing

October 11, 2016

Purpose- To consider adoption of proposed Interim Zoning by Selectboard

Call to Order- 7:00 PM by Susan Jefferies

Attending Selectboard members- Susan Jefferies, Peter Marsh, Tony Porter,

Others- Martin Lewis, Dan Baker, Norm Cota, Dennis Casey and David Wetmore

The meeting was audio taped by Dave Wetmore and Dave took minutes.

The purpose of tonight’s hearing is to accept comments on the proposed interim zoning which will be effective for 2 years if adopted.

Selectboard (SB) asked Dave to review the proposed interim zoning points for all present.

Dave explained that these suggestions had been mentioned at the 6/25/2016 public hearing and discussed briefly at the 9/20/2016 informational meeting. At the 9/20/2016 meeting a handout of interim zoning proposed was available for public view. At the Planning Commissions meeting on October 6th, they approved the proposed draft interim zoning before the SB tonight. The adoption of interim zoning is enabled in 24 V.S.A. §4415. All requirements have been complied with as required in 4415. The changes being suggested are not substantive as they only seek to clarify and strengthen the bylaws adopted 9/27/2016. They do not change the patterns and land uses in Town and seek to lessen the impacts to the outlying districts. The proposed interim zoning is available for folks to view tonight and include;

Interim Zoning suggestions presented/discussed 9/20/2016 and approved by PC on 10/6/2016.

Edits are underlined

Section 113.A(1)

Remove “not”- “...or similar structures that are ~~not~~ used for ...”

Section 211.A -

Change ASRR- “lot frontage (lot 2 to <5 acres)” to 250 ft. minimum.

Change ASRR - “lot frontage (lot 5 to <10 acres)” to 350 ft. minimum.

Section 325.B- Any nonresidential land use activity located on a class 3 town road further than ½ mile from a class 2 town road or state highway that will generate daily customer and/or truck traffic shall be approved as a conditional use.

Section 251. Density Standards

251.A Density standards are specified in Section 211 for residential subdivisions.

251.B The maximum lot yield (maximum number lots that can created) for nonresidential subdivisions shall not exceed one (1) lot per 10 acres.

Section 358.E, PUD Bonus- The DRB may grant a density bonus for a PUD that is entirely dedicated in perpetuity to affordable or elderly housing as defined in these regulations, to allow construction of up to 100% more homes than could be developed through a conventional subdivision.

Section 510- Terms, add/edit the following definitions

Approved _____

Date: _____

Add new- **Conditional Use**- Use which may be permitted only by approval of the DRB after public notice and public hearing to determine whether the proposed use will conform to general and specific standards as set forth or referred to in these regulations and pursuant to Section 4407(2) of the Act.

Add new- **Household**- One or more persons living, sleeping, cooking, and eating on the same premises as a household unit.

Add new- **Light trespass**- Any lighting that falls where it is not intended or needed and/or is allowed to spill beyond parcel boundaries onto adjacent properties or public rights-of-way.

Add new- **Lot Frontage**- Distance measured across the width of the lot along the edge of the public or private road, or waterway that provides access to the lot. Interior lots with no lot frontage shall have a minimum setback equal to or greater than the required road centerline setback for the district (section 301.C).

Add new- **Lumen**- A measure of the amount of light emitted by a light fixture.

Add new- **Nonresidential**- Property generally referring to a building or property used for business or other commercial purposes, excluding single-family, two-family and multi-family.

Edit- **Seasonal Camp**- Land on which a camp, cabin, camper trailer, shelter or other accommodation is located and is suitable for seasonal or temporary living purposes by the occupants who shall have a primary residence elsewhere. Such structures are not intended to be occupied more than six months of the year. Conversion to year around/full time use will require conditional use approval of the Development Review Board.

Edit- **Single-family home** – A building containing independent living, sleeping housekeeping, cooking and sanitary facilities intended for year around occupancy by one household.

Dave- Noted that PC edited the proposed interim bylaws slightly from that which was proposed on 9/20/2016. Dave reviewed the interim zoning proposed and the basis for the consideration of interim zoning. Section 325.B specifically addresses Jeff Dunham concerns expressed at the 9/20 informational. This makes clear that the minimum density for the Agricultural Scenic and Rural Residential Corridor will not exceed 1 lot per 10 acres. Dave expressed that he believes the lot coverage will be more of a limitation to nonresidential development. Section 358.E (PUD bonus)- Due to mortgage laws the entire project must be dedicated to affordable or elderly housing. The addition and edits to the terms/definitions will make the bylaw clearer and stronger.

Susan opened the hearing for public questions and comments.

Tony- asked about how “light trespass” will be interpreted especially “not intended or needed”?

Dave-suggested that it means that lighting will be required to be directed and focused based on the need of the project. All lighting is required to be down shielded. Ultimately the DRB will make the determination.

Peter- asked if a seasonal camp is a residential use? The “Use Chart” (section 210) was reviewed and it was determined that a seasonal camp is a residential use. Peter asked if this definition is adequate and clear. Dave hopes it is, as there is a pending application that is specific to seasonal uses.

Peter- asked when the interim zoning becomes effective? Dave thought it was immediately but he will check.

Susan asked for other comments- none were asked.

Approved _____

Date: _____

7:30 PM- Tony moved to close the public hearing, Peter 2nds. Approved by SB 3-yes, 0-no

7:31 PM- Tony moved to open the Selectboard meeting to consider adoption of the interim zoning as warned. Peter 2nds.

Tony moved to adopt the interim zoning as proposed above, Peter 2nds. Motion to adopt interim zoning approved 3-yes, 0-no.

Dave noted that he is working with Brandy to prepare the final documents and will include interim as she suggests.

Other business-

Martin Lewis- addressed his experience with the planning process and his tenure on the PC. He understands that Bylaw amendment process was a massive undertaking and a lot of work. That being said he shared his thoughts on the process.

1. He believes that the amendment and adoption process is not transparent and needs to be. He used the public hearing on the interim zoning as an example. Front Porch Forum needs to be used more.
2. Believes the revisions to the Town Plan should have begun some time ago. If it had been started and people engaged that the Town Plan could have been completed quickly and the bylaw adoption process might not have run into the opposition it did.
3. The bylaw adoption process was rushed due to the pending expiration of the Town Plan.
4. The new Town Plan may not reflect the vision outlined in the 2011 Town Plan.
5. Does not feel that the SB should be allowed to administratively adopt the bylaws. This is a major decision and needs to be decided by the voters of Starksboro. Martin really questions the process outlined in VT Law.

SB thanked Martin for his comments.

No other business presented/shared.

Tony moved to adjourn the SB meeting at 7:45 PM, Peter 2nds. Motion affirmed 3-yes and 0-no.

Approved _____

Date: _____