

# UNDERHILL PLANNING COMMISSION

Thursday, March 21, 2024 @ 6:00 PM

REGULARLY SCHEDULED MEETING

Minutes ~~(Draft)~~ *Approved*

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## Attendance

### **Planning Commissioners:**

Commissioner Brian Tijan  
Commissioner David Edson  
Commissioner Sandy Wilmot – absent  
Commissioner Bart Johnston  
Commissioner Roy Dunphey  
Commissioner Boris Seagraves

Commissioner Carolyn Gregson  
Commissioner Tim Frost

### **Others:**

Applicant for Planning Commission

To view the recording of the evening's meeting, visit: [https://www.youtube.com/watch?v=jnujI0Xh\\_ao](https://www.youtube.com/watch?v=jnujI0Xh_ao)

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[6:01] Chair Tijan called the meeting to order.

### **AGENDA ITEM: ADDITIONS TO AGENDA**

[6:01] Chair Tijan added answering a survey about greenhouse gas reduction priorities.

### **AGENDA ITEM: PUBLIC COMMENT**

[6:01] No members of the public wished to comment.

### **AGENDA ITEM: REVIEW AND APPROVE 2/15 MINUTES**

[6:03] Commissioner Johnson moved to approve the minutes of February 15, 2024, Commissioner Edson seconded and the motion was passed unanimously.

### **AGENDA ITEM: EXECUTIVE SESSION**

[6:04] Chair Tijan said the applicant for the Planning Commission came to the last meeting. His resume and letter of interest were circulated to the Commission. Commissioner Dunphey asked what the applicant's professional focus is. The applicant said land development. He is self-employed and all his work is currently in the state he moved from. He doesn't have immediate plans to push for local work. He spoke about his family's reasons for moving to Vermont.

Chair Tijan moved to go into executive session pursuant to V.S.A. Section 313(a)(1)(A) to discuss the appointment or employment or evaluation of a public officer or employee, Commissioner Johnston seconded and the motion was passed unanimously at 6:06.

Chair Tijan moved to exit executive session, Commissioner Gregson seconded and the motion was passed unanimously at 6:31.

Chair Tijan moved to recommend the Planning Commission applicant to the selectboard to fill the vacant position on the Planning Commission, Commissioner Edson seconded and the motion was passed unanimously.

Chair Tijan moved to recommend the applicant for the Planning and Zoning Administrator job to the selectboard, Commissioner Dunphey seconded and the motion was passed unanimously.

#### **AGENDA ITEM: GREENHOUSE GAS REDUCTION ACTION PRIORITIZATION SURVEY**

[6:32] Chair Tijan read the 6 questions on the Municipal Greenhouse Gas Reduction Action Prioritization Survey from the Chittenden County Regional Planning Commission. The survey asked for the town's highest priority project related to greenhouse gas reductions, with a rough budget estimate. Chair Tijan said the email Town Administrator Holden received said the state Climate Action Office is conducting this brief survey in order to receive funding for greenhouse gas reduction measures. The state is hoping to identify, promote and hopefully fund municipal actions identified in the survey. This is an opportunity to get a project on the state's radar for future funding. We do not need to submit a specific budget or detailed work plan.

Chair Tijan reviewed the goals in the energy section of the Town Plan. One of the goals is to reduce energy consumption of town-owned properties and vehicles and strategies for that goal include improving energy efficiency of town buildings and seeking grant funding to support energy efficiency upgrades for town-owned buildings.

Commissioner Edson suggested a project related to flood resiliency that would include things like culvert upgrades. Commissioner Frost suggested energy efficiency improvements to town buildings. After some discussion the Commission agreed to say our highest priority project is weatherization and efficiency upgrades for municipal buildings, including electric upgrades to include high efficiency lighting, general weatherization audits and action plans, evaluation of existing heating systems for possible upgrade to more efficient (hopefully electric) systems and an EV charging station for the town office building. It was agreed to submit \$600K as the rough budget figure. The Commission discussed which of the potential co-benefits listed on the survey would apply to this project.

#### **AGENDA ITEM: DRB ISSUE REVIEW**

[6:04] Chair Tijan reviewed the questions about contiguous land provided by DRB member Peggy Miller. She pointed out that there is a definition of "contiguous land" in the definitions section of the regulations but the body of the regulations never refers to contiguous land, only to contiguous parcels, contiguous lots, etc. She asked if the information in the definition should be incorporated into the body of the regulations instead of an apparent policy being laid out only in the definition. If so, would it cause renumbering of the regulations?

Chair Tijan suggested the possibility of changing the title of Section 3.8 from Nonconforming Lots to Nonconforming Lots; Contiguous Land and adding a subsection about contiguous land. Commissioner Dunphey said he thinks we will have to renumber the regulations anyway. The Commission discussed adding a new Contiguous Land section between the existing Section 3.8 and Section 3.9.

Another question from DRB member Miller was whether the text beginning "Where one or more existing road rights-of-way bisect an existing parcel" is describing contiguous land or land that is not considered contiguous. Commissioner Dunphey said it refers to an existing parcel, not one or more parcels. Commissioners agreed that the meaning seems clear.

DRB member Miller also asked if the implication is that “where one or more” is describing the situation where there is enough land across the right of way to meet dimensional standards but another situation exists if the land does not meet dimensional standards. What is that situation? Commissioner Gregson said if there were not enough land across the right of way to meet dimensional standards it wouldn’t be subdividable.

DRB member Miller asked if the statement beginning with “where one or more” means that only the lot size needs to meet the district standards or if the land would also need to meet the other dimensional district standard frontage. Commissioner Dunphey said he thinks it should be required to meet all the standards. That should be made clear in the new section. Others agreed.

DRB member Miller asked if there are different tax consequences to the property owner depending on whether their lands are considered contiguous or not. Commissioner Gregson said there is a tax benefit if the lots are not separate. Commissioner Dunphey said if there are buildable lots on both sides of the road you are taxed for two buildable lots vs. a single parcel.

DRB member Miller brought up the suggestion of removing the word “point” from the definition of contiguous land. The Commission already decided to do that.

DRB member Miller asked about a hypothetical situation where there is land on the other side of a road right of way. Does that land get added to the total acreage of the proposed development? Does it differ depending on whether the land conforms or not or whether the developer chooses to include it? Commissioner Edson said he doesn’t think the landowner should have to go through a subdivision review if the land is already divided by a road. Commissioners were not sure they understood what issue DRB Miller was asking about.

DRB member Miller asked about a hypothetical situation where the lots in a development each have acreage on both sides of a development road. Chair Tijan said under the current definition of contiguous land, the land on each side might be seen as separate lots. Commissioner Gregson said she thinks it would be up to the DRB to control that.

DRB member Miller said acreage under a road right of way, existing or proposed, does not get added to the acreage of a lot for development purposes. She asked if the intention is for that to mean both public road and development road rights-of-way. She gave examples of situations where a subdivision could and could not occur if that is the interpretation. Chair Tijan said he thinks we might need a section that provides clarification on that.

Chair Tijan said he thinks the Commission should continue discussion of contiguous land at the next meeting.

Chair Tijan said at the last meeting it seemed that we might need to clarify the language on home industry. There was a question about whether it is currently saying what we want it to say. If he had a business at his home and then he was no longer living there but wanted to keep the business going, he thinks the Commission’s feeling was that that should be allowed. But the current language does not allow it. He thinks it is agreed that if he sold the house the new owner would have to go through conditional use review to continue the business, but he thinks we need to add language allowing the owner to continue the business if they are not living on the property. He suggested that for the next meeting commissioners think about the language that should be added.

Commissioner Edson brought up the situation where the owner sells the property and the new owner says they can continue to operate the business there. Chair Tijan suggested that he offer language that would cover that as well.

**ADJOURN**

[7:25] Commissioner Gregson made a motion to adjourn, Commissioner Johnston seconded and the motion was passed unanimously.

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Respectfully Submitted by Donna Griffiths

These minutes of the March 21, 2024 Planning Commission meeting were approved on

  
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Brian Tijan, Planning Commission Chair

05/02/24  
Date