

UNDERHILL PLANNING COMMISSION

Thursday, May 2, 2024 @ 6:00 PM

REGULARLY SCHEDULED MEETING

Minutes (Draft)

Attendance

Planning Commissioners:

Commissioner Brian Tijan
Commissioner David Edson
Commissioner Sandy Wilmot
Commissioner Bart Johnston
Commissioner Roy Dunphey

Commissioner Boris Seagraves - absent
Commissioner Carolyn Gregson - absent
Commissioner Tim Frost
Commissioner Geoff Markowski

To view the recording of the evening's meeting, visit:

<https://www.youtube.com/watch?v=d0BHZcJB0FQ&list=PLm9TgJr7n7xePmrmx4P1AwYbnxYkYrXNx&index=1>

[6:00] Chair Tijan called the meeting to order.

AGENDA ITEM: ADDITIONS TO AGENDA

[6:00] No additions to the agenda were needed.

AGENDA ITEM: PUBLIC COMMENT

[6:00] No members of the public were present.

AGENDA ITEM: REVIEW AND APPROVE 3/7, 3/21 AND 4/18 MINUTES

[6:00] Chair Tijan moved to approve the minutes of March 7, 2024, Commissioner Johnston seconded and the motion was passed unanimously.

Chair Tijan moved to approve the minutes of March 21, 2024, Commissioner Johnston seconded and the motion was passed unanimously.

Some commissioners felt there were things agreed upon at the April 18 meeting that were not reflected in the minutes. It was agreed to postpone approval. Commissioner Wilmot will work with Commissioner Edson to decide on what should be added to the minutes.

AGENDA ITEM: DRB ISSUE REVIEW

[6:11] Commissioner Wilmot reviewed the places in the regulations where she suggests changes related to agriculture. In Section 6.4 (Permit Requirements), #4 in the list of exemptions would change to:

Agricultural activities conducted in accordance with Vermont Agency of Agriculture Required Agricultural Practices (RAPs); however, prior to the construction of a farm structure, the farmer shall notify the Zoning Administrator in writing of proposed construction, to include a sketch plan showing required setbacks and Farm Determination

documentation from the Agency of Agriculture. While exempt from municipal zoning review, farm structure building must go through Agency of Agriculture, Food & Markets review.

Commissioner Wilmot said the Agency of Agriculture, Food & Markets has a Farm Determination Form on their website. The review the agency does is pretty significant.

Commissioner Dunphey asked if sugaring fits into this. Commissioner Wilmot said sugar bushes are included in the state definition of farms but if the property is in the Current Use program it can be under either farm or forestry requirements. If it is in the Current Use program under forestry requirements she doesn't think it can also be a farm.

In Section 10.2 (Exemptions), Commissioner Wilmot suggests changing B(1) to:

Required agricultural and best management practices (RAPs, BMPs) as those practices are defined by the Secretary of the Agency of Agriculture, Food and Markets, including farms and farm structures as defined under the Act [§4413]. The farmer shall notify the Zoning Administrator in writing of proposed construction, to include a sketch plan showing required setbacks and Farm Determination documentation from the Agency of Agriculture, Food & Markets. While exempt from municipal zoning review, farm structure building must go through Agency of Agriculture, Food & Markets review.

In Definitions, Commissioner Wilmot suggests replacing Accepted Agricultural Practices (AAPs) with Required Agricultural Practices (RAPs) with the definition to read:

Required practices for agriculture, including farm structures other than dwellings, as currently defined by the Secretary of the Vermont Agency of Agriculture, Food and Markets (see exemptions under Section 10.2). See also Agriculture, Farm, Farm Structure

Commissioner Wilmot suggests changing the definition of Greenhouse by removing "on the premises" and changing "Accepted Agriculture Practices" to "Required Agriculture Practices."

Commissioner Edson questioned whether we need a definition of greenhouse as opposed to just including greenhouses in the definition of farm structure. Commissioner Wilmot said "greenhouse" appears elsewhere in the regulations; that is why there is a definition of it.

It was agreed to add "and commercial greenhouse" after "including a silo" in the Farm Structure definition.

Commissioner Wilmot will send around a draft of all the changes for commissioners to review and then they can be approved at the next meeting.

Chair Tijan said we were going to draft one sentence for clarification of the regulations on home industry on p. 84. Commissioner Edson said we wanted to allow a home industry to be transferred with the property. He volunteered to draft the sentence making it clear that that can happen.

Chair Tijan said DRB member Penny Miller had suggested we might want to clarify Table 4.2 on p. 85 (Summary of Home Occupation & Home Industry Standards.) Where it says "No limit" under Home Industry for maximum floor area of the principal dwelling and accessory structure, she felt that could be misinterpreted to mean that there is no limit to the size of the accessory structure and its home occupation. It was agreed to add an asterisk after "No limit" with the explanation "This refers only to the floor area being used for the home industry."

Chair Tijan said DRB member Miller also suggested clarifying “49% or 1000 sf of gross dwelling floor area.” It was agreed to change it to “49% up to a maximum of 1000 sf.”

Commissioner Edson said the table states that a home occupation must maintain the residential character of the area. He thinks Act 47 says “character” cannot be used in a regulatory capacity. Chair Tijan made a note to ask the town’s attorney about that.

Commissioner Edson read the language he had previously proposed for the definition of Contiguous Land.

(1) A parcel of land contained within a single, unbroken parcel boundary; or (2) two or more parcels which share a common measureable parcel boundary. Where one or more existing state or town road rights-of-way bisect an existing parcel, the right(s)-of-way may be considered a boundary dividing the parcel into two or more lots only if all portions of the parcel divided by the right(s)-of-way meet the minimum lot size requirement for the district in which they are located. Where one or more private road rights-of-way bisect an existing parcel, the bisected parcels may be considered a single parcel.”

Commissioners agreed on that language.

Commissioner Edson said he also wants a language change to allow property acreage to include the town right of way. Currently the regulations say you are not allowed to include any acreage within your property that is in the town right of way. That may prevent an owner from making a lot developable.

Chair Tijan said the commission still needs to work on the definition of camp. DRB member Miller asked if access requirements should be different for camps and if we wanted to revise the definition. Commissioner Wilmot described a remote camp she saw with an access road on a steep slope that was contributing to erosion. If there are no restrictions on access roads for camps that kind of situation can occur. For many years camps were often accessed by walking trails but she thinks the fire department wants to be able to access them. Often a camp ends up becoming a single family residence. It can be a problem if things are allowed for camps that would not be allowed for a single family residence. Commissioner Dunphey said he doesn’t think someone would be able to convert their camp to a single family residence unless they met the regulations. Commissioner Wilmot said if an area has already been cleared and there is already an access, would we make them redo the access? That just increases the impact. Chair Tijan asked, if we assume a lot of the rules about access are for the benefit of the fire department and a camp has the same chance of catching fire as a regular house, why would we not have the same access rules? Commissioner Frost said if there are no limitations on camp access roads, someone with enough money could buy a large piece of land and put a 2-mile long driveway through woods for a “camp.” Chair Tijan said that is a good point. We want to make sure someone is not abusing the regulations. It was agreed to think about camp access more and return to the topic at a future meeting.

OTHER BUSINESS

[7:13] Commissioner Dunphey asked about what has to be done before November if we want a vote on the proposed regulation changes then. Chair Tijan said he thinks a vote next Town Meeting Day is more realistic. But the commission could choose to stop with the changes that have been made so far. They will need to be reviewed by the town lawyer and the Regional Planning Commission and the selectboard will need to see them and decide whether to approve a vote on them. There probably need to be public hearings. We probably need to submit them 4 months before the vote.

Commissioner Dunphey said he is trying to get a feel for how much more we have to do. Commissioner Wilmot said we were going through the regulations page by page and then we switched to looking at the list of issues from the DRB. Chair Tijan said when we were going through page by page we were only about 10% of the way through. Town Administrator Brad Holden said he wanted to wait until all the changes were made to send them to the selectboard and have the vote, but not having a Planning and Zoning Administrator is slowing things down. Maybe now he would feel that it is better to send what we have done so far. He will ask TA Holden about it.

Commissioner Wilmot said we were going to start looking at the zoning map and she had suggested inviting Ethan Tapper to a meeting, but he is leaving his job at the end of this month and won't be available.

Chair Tijan said he will ask DRB member Miller for another list of issues but the commission can discuss where to focus next.

ADJOURN

[7:19] Commissioner Edson made a motion to adjourn, Commissioner Johnston seconded and the motion was passed unanimously.

Respectfully Submitted by Donna Griffiths

These minutes of the May 2, 2024 Planning Commission meeting were approved on

Brian Tijan, Planning Commission Chair

Date