

UNDERHILL PLANNING COMMISSION

Thursday, April 18, 2024 @ 6:00 PM

REGULARLY SCHEDULED MEETING

Minutes (Draft)

Attendance

Planning Commissioners:

Commissioner Brian Tijan - absent

Commissioner David Edson

Commissioner Lea Van Winkle – absent

Commissioner Sandy Wilmot

Commissioner Bart Johnston

Commissioner Roy Dunphey - absent

Commissioner Boris Seagraves*

Commissioner Carolyn Gregson - absent

Commissioner Tim Frost

Commissioner Geoff Markowski

*participated via GoToMeeting

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

<https://www.youtube.com/watch?v=5fMBoT4Rm6k&list=PLm9TgJr7n7xePmrmx4P1AwYbnxYkYrXNx&index=1>

[6:00] Vice Chair Edson 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 MINUTES FROM 3/7 AND 3/21

[6:00] Not enough members were present who had been present at the March 7 and 21 meetings so approval of minutes was postponed.

AGENDA ITEM: PZA UPDATE

[6:01] Vice Chair Edson said he had no update on the Planning and Zoning Administrator position.

AGENDA ITEM: DRB ISSUE REVIEW

[6:01] Commissioner Wilmot said our regulations use “accepted agricultural practices.” That needs to be changed to “required agricultural practices” because that is what the Agency of Agriculture now uses. The Agency of Agriculture has definitions about farm size. There are two that seem relevant to us. One is small farm operations, where you operate 4 or more acres, you filed a tax form once in the last 2 years, or you earn annual gross income of \$2K from sale of ag products. The other is certified small farm operations. Those are bigger farms. We might have a few of those in Underhill. Section 6.4 of our regulations discusses exemptions to permit requirements. If you are building a barn or other farm structure you just have to notify the Zoning Administrator, not go through the permit process.

Commissioner Edson said the Agency of Agriculture has a farm determination form. He suggested we could simplify our regulations by requiring that if someone wants their property to be designated as a farm by the town they must get a farm determination from the state. That would eliminate some verbiage from the regulations. Commissioner Wilmot asked if there is a fee to get a farm determination. Commissioner Edson said he doesn't think so.

Commissioner Wilmot said she thinks our regulations should still have a definition of "farm structure." Are we including "barn" in our definitions? Commissioner Edson said he thinks we are keeping the two definitions he previously suggested. Commissioner Seagraves suggested we could drop the word "barn" from our regulations. If someone wanted to build a barn we would ask whether it was a farm structure or an accessory structure. Commissioner Markowski said he had also been wondering if we need to use the word "barn." Commissioner Wilmot suggested that instead of defining "barn" we could say "See accessory structure or farm structure."

Commissioner Edson moved to set up a loose-leaf folder of agreed-upon definitions and regulation changes, Commissioner Wilmot seconded and the motion was passed unanimously.

Commissioner Edson said the Planning Commission previously had decided that parcels divided by a state or town highway should not be separate lots. That would be creating a lot of non-conforming lots. He proposes a change to the contiguous land definition. He wants to change "Where one or more existing 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" to "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."

Commissioner Seagraves said Mountain Road bisects his property. He wants his property to be one lot even though the road divides it. Maybe we should not say that the divided sections have to be separate, just that they can be separate if the owner desires. Others pointed out that the definition says "may be considered." Commissioner Wilmot asked, if bisected parcels may or may not be considered separate no matter what type of right-of-way bisects them, why do we need this language? She doesn't understand why we need the second sentence Commissioner Edson proposed if the land is already a single parcel.

Commissioner Edson said he thinks Commissioner Wilmot is confusing "parcel" with "lot." He reviewed the definition of "lot." He would like to change that definition by removing "excluding existing or proposed road rights-of-way." A lot is different from a parcel. Commissioner Markowski said a lot doesn't necessarily exist until subdivision happens. Commissioner Wilmot suggested the definition of lot should refer to "any parcel of land within a subdivision" where it currently refers to "any parcel of land." Others agreed.

Commissioner Edson said in the definition of Lot Area (Lot Size) he would like to remove "exclusive of the area designated for any existing or proposed road rights-of-way as measured within the boundaries of the right-of-way."

Commissioner Edson asked if everyone is in agreement with his suggested changes. Commissioner Seagraves said he feels like he needs more time to think about them and make sure he understands them.

Commissioner Frost asked for clarification. Did we decide that if there is a right-of-way going through a conforming parcel then it is two lots? Commissioner Markowski said it may be. Commissioner Frost asked, if it can be two lots is the division into two lots automatically approved or does it have to go through the subdivision process? Commissioner Edson said he thinks it has to go through the subdivision process.

OTHER BUSINESS

[7:03] Commissioner Wilmot said the Jericho Conservation Commission is showing a film about managing forests and forest products and afterwards Chittenden County Forester Ethan Tapper and local tree warden Don Tobi will be there. She thinks it will be helpful because Ethan will talk about the current use program. At least 30% of the forest area in our town is under current use. When we start talking about zoning lines, the natural resources inventory and conserved land, the kind of information Ethan has will be helpful to us. She was considering asking Ethan to come give a presentation on current use to the Planning Commission. We could still do that, but this would be another option. The film and discussion will be April 27.

ADJOURN

[7:06] Commissioner Wilmot made a motion to adjourn, Commissioner Johnston seconded and the motion was passed unanimously.

Respectfully Submitted by Donna Griffiths

These minutes of the April 18, 2024 Planning Commission meeting were approved on

Brian Tijan, Planning Commission Chair

Date