

# UNDERHILL PLANNING COMMISSION

Thursday, January 18, 2024 @ 6:00 PM  
REGULARLY SCHEDULED MEETING  
Minutes (Draft)

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## Attendance

### **Planning Commissioners:**

Commissioner Brian Tijan  
Commissioner David Edson  
Commissioner Lea Van Winkle  
Commissioner Sandy Wilmot  
Commissioner Bart Johnston  
Commissioner Roy Dunphey  
Commissioner Boris Seagraves - absent  
Commissioner Carolyn Gregson - absent

Commissioner Tim Frost

### **Others:**

Charlie Van Winkle  
Penny Miller

To view the recording of the evening's meeting, visit the Mt. Mansfield Community Television website: <http://mtmansfieldctv.org>, or the following link: <https://archive.org/details/underhill-planning-01242024>

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[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 wished to comment.

### **AGENDA ITEM: REVIEW AND APPROVE 12/21 MINUTES**

[6:00] Commissioner Johnston moved to approve the minutes of December 21, 2024, Commissioner Edson seconded and the motion was passed unanimously.

### **AGENDA ITEM: DRB LIST REVIEW**

[6:01] DRB member Penny Miller reviewed a list of regulation issues the DRB has identified. The first has to do with barns. A home industry can go in an accessory structure but the regulations say an accessory structure cannot be larger than the principal structure – with the exception of barns. Does the Planning Commission feel the regulations should continue to say that accessory structures must be subordinate to primary structures? If so, what is the definition of a barn? It is not currently defined in the regulations. Is a barn a use or an esthetic? Can someone build a new barn-looking structure that is not for farming in order to get an exemption from the requirement that an accessory structure be subordinate in size? If not – if it has to be an existing farm structure – how long does it have to have been used for farming purposes? If it is new, does it have to follow Vermont requirements for agricultural practices to be considered a barn?

Commissioner Dunphey said he would get rid of the requirement that an accessory structure be subordinate in size. That is exclusionary because people with bigger houses can build bigger accessory structures.

DRB Chair Charlie Van Winkle said currently if someone had a tennis court and wanted to put a cover over it and use it for a home business there is nothing in the rules that allows the DRB to approve that because it would be considered an accessory structure bigger than the house.

DRB member Miller said she thinks one reason the regulations only exempt barns is due to esthetics. People are okay with the look of a barn but might not be okay with a large metal building constructed in a housing development with 5 acre lots to house 10 cars. She thinks maybe the original intent was to keep accessory structures subordinate looking.

Commissioner Dunphey said if we kept the regulations as is, with an exemption only for barns, we would have to come up with all sorts of regulations about what a barn is. Chair Tijan suggested we could set a square foot limit for accessory structures. It would not apply to real agricultural working barns because they are exempted by the state and we don't have control over them. Commissioner Dunphey said a home industry is subject to conditional use review by the DRB. It is irrelevant what type of building it is in.

Chair Tijan asked if there is a size that would be too large for an accessory structure. What if he wanted to build a 15,000 sq. ft. airplane hangar next to his house? DRB member Miller said a more realistic variation of that question is, what if someone wants to build a huge metal structure for their 16 cars in a neighborhood? She knew someone who wanted to do that. If we get rid of the size limit it means someone could build a big structure next to you in your development. Commissioner Edson said he would get rid of any size restriction and leave it up to the owner what it will look like. He would rather keep it simpler.

DRB Chair Van Winkle said simpler is better for the DRB. He likes the idea of no size limit because the use is different from the structure. He thinks the structure should be allowed to be whatever it needs to be as long as it conforms to setback requirements.

DRB member Miller mentioned that former Planning and Zoning Administrator Andrew Strniste felt the Planning Commission should think about whether to approve wedding barns as a use in certain districts. Chair Tijan said he feels that is a separate issue. He will make a note of it.

DRB member Miller said the next item on the list is the section in the subdivision standards called Transportation Facilities. The regulations under that section are about roads and infrastructure, pedestrian walkways, etc. Maybe that section name could be changed to something more user friendly. Who would think to look under Transportation Facilities for development roads or sidewalks?

The next item has to do with irregularly shaped lots. The subdivision review standards say irregularly shaped lots "(e.g., with curves, jogs, dog-legs, etc.)" are to be avoided "unless warranted due to topographic or other physical site constraints, or to minimize the fragmentation of natural, scenic or cultural resources." DRB Chair Van Winkle questioned the purpose of this. DRB member Miller said the shape of the lot is another thing for the DRB to review. If it is not important, why review it?

Another item is the definition of a utility. A past applicant's engineer argued that a line from a septic tank to a leach field was a utility and thereby exempt from steep slope restrictions. He convinced the Zoning Administrator at the time that it was a utility. DRB member Miller does not think that is the

intent of the regulations. She thinks the wording needs to be changed to make it clearer what a utility is.

The next item has to do with the number of days prior to a hearing exhibits must be submitted. The DRB needs time to review the documents before the hearing. The DRB suggests requiring that all exhibits be submitted 15 days before the hearing.

Another item is to address a typo in the regulations.

Another item has to do with home industries. DRB member Miller said right now in the regulations there is a connection between home industry and home ownership on the property. She gave a hypothetical example of someone who lives with his parents and starts a home printing shop in an accessory structure. Should he be able to move somewhere else and continue to run the shop without living on the property? If his parents sell their house to new owners, should he be able to lease the space from the new owners? Commissioner Van Winkle asked if this has come up as an issue. DRB member Miller said no; it is just a potential issue to think about.

The next item is a suggestion for better wording for Table 4.2 Summary of Home Occupation & Home Industry Standards.

Another items is Diagram 3.1 in the section on riparian buffers, illustrating top of slope and top of bank, which some DRB members have always felt has been lacking in utility. DRB member Miller said many states and towns measure a certain distance from rested vegetation. The Planning Commission might want to talk to Stacy Pomeroy about how setbacks from streams should be measured. She thinks it would be great to at least change or add to the illustration and the Planning Commission might also want to consider whether there is a better way to handle setbacks. There is currently no definition of “top of bank” or “top of slope” but they are discussed in the stream bank definition. At the very least “top of bank” and “top of slope” should be listed in the definitions with “See stream bank.”

The last item is that the term “accepted agricultural practices” is used throughout the regulations, but that term is no longer used by the state. The term used now is “required agricultural practices.”


Chair Tijan suggested that the Planning Commission begin working through the list of items in order at the next meeting.

## **ADJOURN**

[7:17] 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 January 18, 2024 Planning Commission meeting were approved on

  
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Brian Tijan, Planning Commission Chair

02/01/24  
Date