

UNDERHILL PLANNING COMMISSION

Thursday, March 22, 2018 @ 6:30 PM

Minutes

Attendance

Planning Commissioners:

Commissioner Cynthia Seybolt, Chair
Commissioner Carolyn Gregson, Vice Chair
Commissioner Nancy Bergersen
Commissioner Johnathan Drew
Commissioner David Edson
Commissioner David Glidden

Commissioner Pat Lamphere
Commissioner Lea Van Winkle

Staff/Municipal Representatives:

Andrew Strniste, Planning Director

Others Present:

None

[6:25] The Planning Commission convened at Underhill Town Hall at 6:25 pm.

[6:32] Chair C. Seybolt called the meeting to order.

[6:33] Chair C. Seybolt asked for public comment. No members of the public were present to make public comment.

AGENDA ITEM: TOWN MEETING DAY DEBRIEFING

[6:34] Staff Member Strniste congratulated the Commission on the passage of the new zoning regulations, as both articles passed by a 2 to 1 vote. Chair C. Seybolt opined that the passage of the new regulations reflected what the Town wanted. A discussion then ensued about planning consultants. Commissioner Gregson opined that they did not have the best of help in the previous rewrite of the regulations, as provisions were slipped in without their knowledge. Chair C. Seybolt inquired about how much the past should be governing their future; e.g. some of the geological information related to zoning no longer makes sense. Commissioner Lamphere advised that maintaining the rural character of the Town has always been tied to the Town, and that the Planning Commission should not lose that aspect of its history.

[6:38] Commissioner Edson opined that overall, zoning has been a positive influence on the Town. Commissioner Drew advised that the outreach that the Planning Commission performed, as well as being at the polls at Town Meeting Day, was instructive. Commissioner Lamphere also informed that being at the polls during Town Meeting Day allowed them to reach a lot of the community and friends.

AGENDA ITEM: ORGANIZATIONAL TASKS – ELECTION OF PLANNING COMMISSION OFFICERS

[6:40] Staff Member Strniste advised that he would have available the Conflict of Interest Policy for the Commission to sign next meeting.

[6:41] Chair C. Seybolt advised that she is stepping down as Chair of the Commission. She **nominated Commissioner Gregson to be the next chair**. The nomination was seconded by Commission Lamphere and **approved unanimously**.

[6:41] Commissioner Seybolt **nominated Commissioner Drew to be Vice Chair**. The nomination was seconded by Commissioner Lamphere and **approved unanimously**.

[6:42] Chair C. Gregson **nominated Commissioner Edson to be Commission's clerk**, which was seconded by Commissioner Seybolt. The nomination was **approved unanimously**.

AGENDA ITEM: ORGANIZATIONAL TASKS – REVIEW RULES OF PROCEDURE

[6:43] A discussion ensued about the Rules of Procedure. Chair C. Gregson opined that there were a lot of provisions in the Rules of Procedure that were more applicable when the Planning Commission was approving subdivisions – prior to the Development Review Board. Commissioner Lamphere made a **motion to designate Staff Member Strniste to take the Commission's minutes**. The motion was seconded by Chair C. Gregson and **approved unanimously**. Other sections of the Rules of Procedure were discussed.

[6:49] Staff Member Strniste opined that the Commission may want to consider an attendance policy – something that he found to be useful as a participating member of the Morristown Development Review Board. The Commission voted to change their regularly scheduled meetings from the first and third Thursdays of every month to the second and fourth Thursdays of every month. In addition, the Commission voted to change the time of their regularly schedule meetings from 6:30 pm – 8:00 pm to 6:00 pm – 7:30 pm. The next meeting will be on Thursday, April 12, 2018.

[6:57] A discussion ensued about finding a new Commissioner. Commissioner Bergersen recommended something be posted on Front Porch Forum. Commissioner Drew asked if Susan Thomas would be interested. Commissioner Seybolt advised that asking again may be a good idea. Commissioner Seybolt also advised that she would reach out to Chirs Miller and ask if he would be interested. Commissioner Seybolt informed the Board that she would ask previous Commissioner, Catherine Kearns, if she knew of anyone interested in serving as a Commissioner.

AGENDA ITEM: NEW BUSINESS – UPDATES FROM PLANNING & ZONING ADMINISTRATOR

[7:03] Staff Member Strniste advised that 24 V.S.A. § 4449(d) was recently brought to his attention. He summarized that when amendments to zoning regulations are being entertained, according to the statute, zoning applications are required to be reviewed under the existing regulations and proposed regulations. Staff Member Strniste advised that there are two current Development Review Board applications where this statute has ramifications – Peter Davis' conditional use review application and Peter Duval's conditional use review application. While there is no specific role for the Planning Commission in regards to § 4449(d), Staff Member Strniste advised that being aware of this statute is important going forward so the Commission knows what to say when amendments to the zoning regulations are being proposed.

[7:14] Staff Member Strniste then provided an overview of a previous subdivision procedure called "parceling," which only occurred between 1995 and 2001. He informed the Commission that an Underhill resident was in the process of selling his property; however, during the title opinion process, no subdivision approval emerged even though a Mylar and deed were recorded. Staff Member Strniste advised that subdivisions without some type of formal approval was problematic and could force residents to go through a subdivision process with the Development Review Board. With the help of Brad Holden, Staff Member Strniste informed the Commission that he and Mr. Holden theorized that parceling was a subdivision process that did not require any Planning Commission approval, and only required a resident to obtain the necessary State, driveway and septic permits, as well as recording the associated Mylar and deeds with the Town

Clerk. Staff Member Strniste asked the long standing Commissioners if they recollected this process. Commissioner Lamphere advised that he did not remember the process. As the Zoning Administrator at the time, Chair C. Gregson advised that she recalled the process, but could not fully remember the specifics. From what she could remember, no formal application or approval was required; all the resident had to do was file the Mylar with the Town Clerk assuming all of the requirements were satisfied. Commissioner Drew clarified that the underlying issue with “parceling” was the legitimacy of the subdivision and how strict buyers’ attorneys will be.

[7:27] Staff Member Strniste also advised that the Development Review Board recently heard the Maple Leaf Farm conditional use review application. He advised that the neighboring property owners voiced concerns due to what had been there before, but seemed to support the application.

AGENDA ITEM: NEW BUSINESS – UPDATES FROM FOCUS GROUPS

[7:29] Commissioner Drew provided an update for the CIP/Grants Focus Group. He informed the Commission that they should be wrapping up their recommendation in July. Commissioner Drew then advised that he had the opportunity to talk to the Infrastructure Committee and informed them of the projected timeline. Lastly, Commissioner Drew stated that he intends to reach out to the other boards, commissions and committees. Commissioner Lamphere advised that he and Commissioner Drew should make an appointment to talk to RaMona Sheppard, the Town’s Financial Director. A short discussion ensued on how to determine the difference between a capital expense and maintenance.

[7:33] Staff Member Strniste informed the CIP/Grants Focus Group that a potential project could be the Town Hall’s upstairs meeting room. Commissioner Lamphere inquired about why a CIP was not executed this year, and Staff Member Strniste advised that the infrastructure committee wanted to spend more time obtaining data. Commissioner Seybolt informed the Commission that the Town Plan encourages the Town to have and utilize a CIP.

[7:37] Commissioner Edson provided an update in regards to the *Unified Land Use & Development Regulations*, specifically reconciling the Regulations with the Underhill Road Ordinance. Staff Member Strniste advised that the Planning Commission’s role should be relatively easy since the reconciliation is a matter of restructuring. Staff Member Strniste informed the Commission he would have something for the focus group to present at the next meeting.

[7:39] A discussion ensued about Commissioner Edson’s proposal to change the minimum lot size definition so that the area would be presumed to include the area between the edge of the right-of-way and the middle of the road, rather than excluding this area. Commissioner Seybolt advised that she was failing to see the advantage of changing the definition. Commissioner Edson responded by saying that the applicant would be presumed to have the acreage. Commissioner Drew advised that he failed to see the conundrum driving the need for the change. Commissioner Seybolt advised that the Commission should move on for the time being and that the Regulations Focus Group should discuss amongst themselves.

[7:45] The Town Plan Focus group advised that they have been in touch with the Energy Committee, and still need to get in touch with the Conservation Commission. They hope to have the two groups meet with the Planning Commission in the coming future.

AGENDA ITEM: NEW BUSINESS – PLANNING & ZONING EDUCATIONAL PAMPHLET

[7:46] Commissioner Drew informed the Commission of why he thought a pamphlet would be a good idea – specifically as a way to educate the public. The Commission discussed whether residents would find the pamphlet helpful and the type of information that would be included in the pamphlet. Staff Member Strniste advised that he would work towards something for the Planning Commission to review.

AGENDA ITEM: OLD/OTHER BUSINESS

[7:50] Staff Member Strniste advised that the Commission should begin the process of looking at the Regulations now if they are proposing to shorten them come 2019 Town Meeting Day. Commissioner Seybolt opined that the focus groups meeting frequently would be important. The Commission agreed that reexamining the use chart would be a good idea, with the suggestions of looking at minimum lot size and permitting multi-family dwellings along Vermont Route 15.

AGENDA ITEM: APPROVE MINUTES

[7:58] Commissioner Van Winkle made a motion to **approve the minutes of March 1, 2018**. The motion was seconded by Commissioner Drew and **approved unanimously**.

AGENDA ITEM: APPROVE MINUTES

[7:59] A quorum will be present at the Commission’s next regularly scheduled meeting date: April 12th.

[8:00] Commissioner Lamphere made a **motion to adjourn**. The motion was seconded by Commissioner Drew and **approved unanimously**.

Respectfully Submitted By:

Andrew Strniste, Planning Director

The minutes of the March 22, 2018 meeting were accepted this 12 day of April, 2018.



Carolyn Gregson, Planning Commission Chair

Action Items

- Distribute Conflict of Interest Policy at Next Planning Commission Meeting (April 12, 2018).
- Post new hours/day at Town Hall, Underhill Center Post Office, Jacob’s Market.
- Post new hours/day on Front Porch Forum.
- Commissioner Seybolt will inquire with Susan Thomas, Chris Miller and Catherine Kearns about interest in Planning Commission vacancy.
- Commissioners Lamphere and Drew will schedule a meeting with RaMona Sheppard to discussion CIP.
- Staff Member Strniste will provide the Commission updated Road Ordinance reconciliation materials for the next meeting.
- Staff Member Strniste will provide materials pertaining to the zoning pamphlet in the coming weeks.
- The Commission reexamine the Regulation’s use chart.