

# UNDERHILL PLANNING COMMISSION

Thursday, May 18, 2017 6:30 PM

## Minutes

**Planning Commissioners Present:** Chair Cynthia Seybolt, Carolyn Gregson, Catherine Kearns, David Edson, Pat Lamphere, Nancy Bergersen, David Glidden, Johnathan Drew

**Staff/Municipal Representatives Present:** None

**Others Present:** Peter Bennett, Energy Commission April Desclos, Energy Commission

[6:30] The Planning Commission convened at Underhill Town Hall at 6:30pm.

[6:35] Chair C. Seybolt called the meeting to order.

[6:36] Chair C. Seybolt asked if any members were able to attend the Spring Planning and Zoning Forum. No Commissioners present could attend due to work or other obligations.

[6:40] **Peter Bennett and April Desclos presented the Energy Commission's findings from communications with the Chittenden County Regional Planning Commission (CCRPC).** Peter Bennett provided an overview of State Law Act 174, which is the State Comprehensive Energy Plan, stating that if towns and municipalities write plans supporting the comprehensive energy plan, the State will give them "substantial deference" when it comes time to look at renewable energy siting. Chair Cynthia C. Seybolt asked what exactly towns needed to do and Commissioner Bennett stated that after State guidelines are developed, the CCRPC will come up with their regional plan, which must comply with state plan. CCRPC has been sending out memos including data for Underhill, and they announced a meeting where the process will be explained: How to write a plan that will be compliant with their plans. This was the meeting that Commissioner Desclos attended. The Energy Commission emphasized that this is **optional for the town of Underhill.** Chair Seybolt clarified, "We don't have to conform?" Commissioner Bennett stated the intent was carrot and stick. **If Underhill does not conform, they will hold Act 248 hearings for developers. In an Act 248 Hearing, the town loses some say in the development. If Underhill conforms to the plan, then the town gets substantial deference in that hearing.** The VLCT (run by Karen Horn) has stated that their real concern has been that the Department seems to not have a particularly good understanding of the capacity of the small towns to do the research and analysis involved, resulting in potentially heavy lifting from small towns. Commissioner Kearns asked what "substantial deference" means. Commissioner Bennett clarified it **means the Underhill Town Plan would apply as written, and the Developers would have to provide clear and convincing evidence to overrule the Town. Commissioner Desclos pointed out that the CCRPC regulation calls for "due consideration" if we do not have "substantial deference" and does not adequately define the difference between the two terms.**

[6:50] Chair Seybolt asked if the Energy Commission has seen the State plan. Commissioner Bennett said the State Plan is out there and is called "Introduction to Act 174 Regional Planning standards." Commissioner Desclos **mentioned the County level plan still in draft and asking for feedback.** Commissioner Bennett stated that the State plan

involves questions such as, “Does the [town] plan promote efficiency? Do buildings demonstrate efficiency?”

[6:55] Conversation ensued regarding timing of the Town Plan submission to the County, and the Energy Commission stated it may not come into play until someone wants to develop. **Commissioner Gregson pointed out that the Underhill town plan is not up for revision until 2020. The Town may need to make an amendment if the revision should occur before 2020 if the town would like “substantial deference.”**

Commissioner Edson stated he thinks the Town Plan should be more interchangeable with the County where the town influences region, not dictated down from the county. Commissioner Bennett believes energy is a special case. Discussion ensued on how the Planning Commission would meet the definitions required by the CCRPC. Chair Seybolt expressed concern that the Town Plan as written may be too vague without an amendment. Dates were clarified: **CCRPC wants input and feedback for their five questions by 16 June, although the CCRPC plan will not be done until next year.** Commissioner Edson asked if there will be hearings on the proposals, and the Energy Commission believes there should be. Commissioner Drew asked who interacts with CCRPC from Underhill. Discussion ensued as to whether the Planning Commission should interact with the CCRPC in addition to the Energy Commission. Chair Seybolt stated the Planning Commission likes to get information through the Energy Commission.

[7:00] Commissioner Bennett pointed out that the Energy Commission is concerned about not sticking to their lanes when providing information and both Commissions agreed upon further collaboration with the project, with a reasonable first step of reading the State plan and County’s request. Chair Seybolt pointed out this may be an opportunity to point the CCRPC toward the old landfill as a place of interest although there’s a possibility of contamination. Discussion on the landfill as a development area ensued. Commissioner Bennett said the Energy Committee has been looking into it. It doesn’t look too promising as a development site, but they are continuing to look into it.

[7:05] **Chair Seybolt suggest each person on the Planning Commission digests these three pages [a memo from CCRPC and the TOC from the State guidelines provided by Energy Commission] by next meeting and provide feedback to the Energy Commission for CCRPC. The next meeting is 1 June. The Energy Commission will send the whole memo for further reading. The Planning Commission agreed that beyond the feedback it probably will be best to wait for the CCRPC Plan before taking further steps,** as well as continue to take information from the Energy Commission if they attend further trainings or conferences on the matter. Discussion resumed on private vs public land for the local preferred development sites and all agreed the recommendations would be geared toward development on public, town-owned land. Commissioner Bennnet also brought up the option of declining the Act 174 process entirely and reported that Morristown declined to be involved at all. He also suggested an ad hoc committee of P.C and Energy committee members down the road to deal with CCRPC planning.

[7:20] Commissioner Bennett also asked about the suggestion provided to the Selectboard on transportation issues from a previous Planning Commission meeting. Chair Seybolt explained the Planning Commission's intent with exploring possibilities of organized transportation besides the bus. **Commissioner Bennett informed the Planning Commission that the bus is funded through FY18 now. Both Commissions agreed to work more closely in the future, such as with zoning laws etc.** A short discussion on conditional use and zoning ensued.

[7:35] The Energy Commission representatives left and the Planning Commission next looked at a document submitted by Commissioner Edson which submitted a "patch" for nonconforming lot sizes. **Chair Seybolt suggested the Planning Commission take it home and look at it and come to next meeting with a recommendation.** It is intended for Section 3.9 of the Bylaws. **Chair Seybolt stated she'd like to reach out to Commissioner Phillips again to discuss her intent of remaining on the Planning Commission.**

[7:40] The Planning Commission reviewed the Bylaw status. Discussion ensued about the Underhill Village Center and multi-zoning given it has emerged that some may be in process in the Center (specifically, the space that was formerly the Underhill Country store). Commissioner Bergersen supports multi-family as an option in the district, as long as it conforms to State standards. Commissioner Kearns stated she is against the Water Conservation District getting multi-family housing permitted for the whole district, but is willing to reconsider for the new zoning district when the new Village center zone is created. Chair Seybolt proposed no more than two units conditional in rural residential and water conservation. Commissioner Gregson agreed, stating said we should keep it as we have last time and change it only when the new district comes forward. **Commissioner Drew formally moved that conditional use of multi-family units be restricted to two for all districts except Underhill Flats which reduces the number of multi-family units to a cap of five.** Commissioner Gregson seconded. **Motion approved unanimously.**

[8:05] Discussion ensued regarding the curb cut issue. The Planning Commission is unclear whether they voted to recommend to the Selectboard that an accessory dwelling must share a curb cut with primary dwelling, or just discussed it. Minutes from the last meeting seemed inconclusive. Chair Seybolt asked if we want to have a distance requirement between an accessory dwelling and a primary dwelling to be at a maximum of 400 feet. All agreed on a 200 feet maximum. **Commissioner Bergersen moved the Commission vote on a maximum distance between the primary and accessory dwellings be 200 feet.** Commissioner Gregson seconded. **All voted yes with the exception of Commissioner Lamphere, who opposed.**

[8:10] Chair Seybolt mentioned the bylaws are behind schedule and could work in a special meeting next week but not many people could meet. **Chair C. Seybolt asked for a motion to adjourn** Commissioner Gregson voted to adjourn and was seconded by Commissioner Drew. **Motion approved unanimously.**



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Respectfully Submitted By:  
Catherine Kearns, Planning Commission Secretary

The minutes of the May 18, 2017 meeting were accepted this 31 day of May, 2017.



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Carolyn Gregson, Planning Commission Vice Chair