

UNDERHILL PLANNING COMMISSION

Thursday, August 3, 2017 6:30 PM

Minutes

Planning Commissioners Present: Chair Cynthia Seybolt, David Edson, Catherine Kearns, Carolyn Gregson, David Glidden, Pat Lamphere, Andrea Phillips, Johnathan Drew

Staff/Municipal Representatives Present: Andrew Strniste, Planning Director

Others Present: Charles Van Winkle, Development Review Board Member; Karen McKnight, Development Review Board Member; Mark Green, Development Review Board Member

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

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

[6:33] Chair C. Seybolt asked for comments from the Development Review Board (DRB) regarding the proposed updates to the Underhill Unified Land Use & Development Regulations. Board Member Van Winkle acknowledged that he was in support of the changes, noting that he saw the addition of the Tiny House section as unnecessary. Board Member Green inquired about automotive repair as a conditional use and whether this type of activity could be permitted as a home occupation. He then raised concerns about disposal of toxic waste and excessive noise. Staff Member Strniste and Commissioner Gregson advised that their interpretation of the regulations were that as a home occupation, they are exempt from conditional use review.

[6:43] Board Member Green then inquired about the Commission's decision to get rid of the owner occupancy requirement for accessory dwellings, specifically noting that neighbors have expressed concerns in various DRB hearings. He continued to state that he had difficulty reconciling getting rid of multi-family dwellings from almost all districts with getting rid of the owner occupancy requirement. Commissioner Edson asked if the DRB was aware of any incidents out in the field, as he was only aware of one, and therefore, there is no appearance that there is a problem. He further stated that there were other ways to deal with concerns such as health regulations. Board Member Green contended that the owner occupancy requirement provides a remedy rather than an enforcement mechanism, and by getting rid of the requirement, there is no recourse if a problem were to arise.

[6:47] Commissioner Lamphere rebutted that there are a lot of State housing codes pertaining to rental housing, as well as codes for electricity and plumbing. He continued to state that as the Town's Health Officer he has the ability to issue an order should a health concern emerge. Board Member Green advised that the crux of the issue is hard to define; however, the heart of the matter pertains to the character and quality of the neighborhood and the concern that developers will be buying and renting out single-family dwellings with detached accessory dwelling. He then added that the impression he obtained during the DRB meetings was that renters may not take care of the property. Commissioner Kearns contended that the fear of developers changing the character of the neighborhood will be minimized by getting rid of multi-family dwellings in these areas. Commissioner Gregson argued that the fear of getting rid of the owner occupancy requirement is a "not in my backyard" (NIMBY) issue. Board Member McKnight vocalized her concerns that without the owner occupancy requirement, the likelihood that septic capacity or other permitting requirements being exceeded increase substantially. She also affirmed the sentiment that if a landowner was present on a daily basis, then he or she would be able to observe if these issues would arise. Commissioner Drew refuted that Board Member McKnight was vocalizing qualities of a good owner. Commissioners Edson and Lamphere advised that the

Commission is protecting the rural character of Underhill by creating a 200 ft. limitation from the single-family dwelling for the detached accessory structure, as well as having the detached accessory dwelling accessed from the same driveway. Board Member Green reaffirmed that neighbors had vocalized concerns that renters typically do not care about the neighborhood, and that the issue should not be viewed as an enforcement issue, but rather, as a path for recourse.

[7:00] Chair C. Seybolt asked if the DRB was aware of the regulations that the Health Officer is tasked with enforcing, and if they made neighbors aware. Board Member McKnight advised she did not think this topic was a health issue. Commissioner Phillips advised that while the regulations are in place to provide assurances, the issue at hand is more of an NIMBY issue. Commissioner Lamphere then advised that there is an issue with the owner occupancy requirement when the landowner is an estate or corporation. Commissioner Drew stated his opinion that the issue is relatively narrow, as the requirement only applies to detached accessory dwellings, which there is a mechanism to deal with any problems – through the health officer. Chair C. Seybolt added that the owner occupancy requirement was unfair to landowners with a detached accessory dwelling. Commissioner Kearns stated that she has had problems with neighbors that own and live on the property. Chair C. Seybolt asked if the perception from neighbors is that there would be several college kids residing on the property. Board Member Green answered in the affirmative and that there would be less consideration to the neighbors and less upkeep. He then advised that this new regulation would create an incentive and encourage essentially two single-family dwellings on the same property. Staff Member Strniste advised how the two dwellings would function as two single-family dwellings. Board Member McKnight then advised that a survey conducted five or so years ago yielded results that Underhill residents wished to maintain the rural environment, and essentially have two-single family houses on the same lot is not all that rural. She also voiced her concern as a conservationist, if the proposed regulations would interfere with the animal migration patterns and if arable land would be interfered with. Chair C. Seybolt advised that the proposed regulations requiring a 200 ft. limitation and a single access way maintains the rural character of Underhill. The Commission then provided reassurance that the State regulations would assist in protecting the rural character. Commissioner Edson then stated that his idea of rural is not one of preservation and not one of intolerance, and that Underhill is suburban to Burlington. Commissioner Kearns advised that she has never lived in a community where an owner occupancy requirement was in place.

[7:29] Commissioner Green offered final remarks by stating that the owner occupancy requirement is more of a mechanism to enforce a zoning standard and maintain the quality of the neighborhood. Furthermore, it helps maintain the rural character of the zoning districts.

[7:35] Chair C. Seybolt reviewed unresolved issues with the proposed bylaw edits. Staff Member Strniste advised he would be switching Tables 2.2 & 2.3. A discussion ensued about whether Planned Unit Developments (PUDs) and Planned Residential Developments (PRDs) should be allowed in the new Underhill Center District. Staff Member Strniste advised that PUDs & PRDs are tools of flexibility. He continued to state that the intention of the Underhill Center District was to provide flexibility, and the Commission agreed to disallow these tools as part of the district. Commissioner Lamphere advised that the Regulations should not be strict because of technological hurdles. **Commissioner Phillips made a motion to allow PUDs and PRDs within the new Underhill Center Village District. The motion was seconded by Commissioner Glidden and approved 7-0, with Commissioner Lamphere abstaining.**

[7:41] Commissioner Drew provided clarification language for the new Section 4.15.D.3. Staff Member Strniste is to contact Commissioner Edson regarding Section 10.3.D.1.a regarding the expiration date of a zoning permit.

- [7:51] The Commission agreed that they should hold a public hearing on a Saturday, most likely September 16, 2017.
- [7:54] Chair C. Seybolt asked for a motion to approve the minutes of July 20, 2017. **Commissioner Drew made a motion to approve the minutes of July 20, 2017**, which was seconded by Commissioner Kearns. **The motion was approved unanimously.**
- [7:55] Chair C. Seybolt asked if the Planning Commission could forward the proposed edits to the Selectboard ahead of time and if they could provide feedback. Staff Member Strniste advised that they could comment individually, but not as a group since that would be commenting as a Board without holding a public hearing.
- [7:56] Commissioner Glidden advised that he wanted to develop a list of talking points that could be used internally to review what tasks have been performed. He stated that he plans on using Facebook, Front Porch Forum, and the Mountain Gazette. Staff member Strniste advised that someone from the Mountain Gazette contacted him regarding stories in Underhill. Chair C. Seybolt inquired with Staff Member Strniste and Commissioner Glidden if they received her draft article for Front Porch Forum, and distributed copies to all members for review and input. She also inquired if anyone knew the date of the survey Board Member McKnight referenced earlier in the meeting.
- [7:59] Chair C. Seybolt stated that the Commission should provide a visual to the audience that multi-family dwellings have been removed from the majority of the districts. Commissioner Gregson advised that they should also provide a visual of the history of multi-family dwellings in Underhill. Commissioner Kearns suggested that the Commission use comment boxes to explain to the public why they made the changes they did. Staff Member Strniste stated that the Commission should use a PowerPoint presentation that contains charts (specifically the new multi-unit chart) and maps. A few full copies of the proposed edits will be available; however, will need to be requested if people wish to have copies for personal use. Furthermore, the packets will contain minimal information – charts and maps. Chair C. Seybolt advised that they should talk to residents to get the information out ahead of time.
- [8:07] Commissioner Drew advised that there is a lot of redundancy in the bylaws, specifically the district dimensional standards in Table 2.1 and in each subsequent table in Article II. Commissioner Gregson and Staff Member Strniste advised that these made good tear away sheets to distribute to residents. Commissioner Edson advised that the redundancy issue could be resolved at a later date when, and if, the Commission looks at reorganization.
- [8:09] **Chair C. Seybolt asked for a motion to adjourn.** Commissioner Glidden made a motion to adjourn, which was seconded by Commissioner Drew. **Motion approved unanimously.**

Respectfully Submitted By:

Andrew Strniste, Planning Director

The minutes of the August 3, 2017 meeting were accepted this 17th day of August, 2017.


Cynthia Seybolt, Planning Commission Chair