

UNDERHILL PLANNING COMMISSION

Wednesday, January 4, 2017 6:30 PM

Minutes

Planning Commissioners Present: Chair Cynthia Seybolt, Andrea Phillips, Catherine Kearns, David Edson, Irene Linde, Nancy Bergersen

Staff/Municipal Representatives Present: Andrew Strniste, Planning Director; Kurt Johnson, Selectboard Member

[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] **A discussion ensued about the November 30th minutes.** Commissioner Edson provided a few paragraphs of proposed changes and additions to the minutes. Staff Member Strniste advised the Commission that he addressed Commissioner Edson's first paragraph by adding language to the minutes; however, he believed that the Planning Commission should vote on whether to change additional language. Staff Member Strniste also advised the Commission that additional language that was proposed by Commissioner Edson could not be added since the issue was not discussed, but rather could be incorporated into this meeting's minutes. As an alternative, Chair C. Seybolt recommended that the recommended language Commissioner Edson provided could be used as a basis for discussion given the length of the proposed changes.

[6:42] **Chair C. Seybolt asked for a motion to approve the November 30nd, 2016, Amended Minutes.** Commissioner Bergersen moved to accept the motion and Commissioner Phillips seconded the motion. The motion was approved unanimously.

[6:43] **In response to the discussion about the November 30th minutes, Selectboard Member Johnson began a discussion about conversion fees and how they would apply if the intended accessory structure was built prior to the intended primary structure.** Commissioner Phillips stated her belief that the applicant should provide their intent/five-year plan to help ascertain how to properly permit the project. Staff Member Strniste provided an overview of the Development Review Board decision that spurred the issued at hand.

[6:54] **Staff Member Strniste provided an update of the ongoing tasks he is handling,** which include: organizational tasks, issuing zoning permits, assisting with the drafting of Development Review Board decisions, drafting zoning inquiry letters, addressing Warner Creek Zoning violation questions, researching tiny house regulations, researching multi-family housing issues, updating forms & applications, and attending an energy meeting at CCRPC. A discussion ensued about alternative energy. Commissioners Phillips and Edson expressed their belief that a statement regarding energy should be incorporated into the Town Plan. Staff Member Strniste explained that while this would not give the Town deference since the Plan would not be certified by the Public Service Board, it would give the Town more of a leg to stand on if there were to be an issue.

[7:04] **Staff Member Strniste advised the Commission he would reach out to Scott Tower regarding the Village Designation for Underhill Center.** Chair C. Seybolt observed that Staff Member Strniste has been spending more time with zoning issues, and wanted to ensure that he would put more planning-related issues on his plate.

[7:07] **Commissioner Phillips provided a rough draft of an advertisement to recruit new commissioners.**

[7:10] **Chair C. Seybolt provided a proposed summary to be submitted for the Town Report.**

[7:12] **Commissioner Phillips began a discussion about using the Underhill landfill as a location for solar panels,** as the landfill would be a more aesthetically pleasing location. She stated that Brattleboro is exploring the construction of solar panels on landfills, and wanted to track to the outcome. Commissioner Edson stated that the construction of solar panels on the Underhill landfill could cause seepage of hazardous waste. Selectboard Member Johnson stated that some contamination levels are already being detected. Chair C. Seybolt advised the Commission that she would reach out to the Energy Committee regarding the landfill, as well as expressed her belief that something should be put in the Town Plan. Commissioner Phillips reaffirmed that even if the statement in the Plan was broad, the Town needed something in the Plan addressing alternative energy.

[7:20] **Chair C. Seybolt began a discussion about incorporating tiny houses into the Land Use Regulations.** Staff Member Strniste gave an overview of the draft definition and draft regulations he provided to the Commission. He reminded the Commission that the crux of the issue was mobility. Commissioner Edson again stated his belief that adding verbiage, i.e. a tiny house definition, to the Regulations was unnecessary as he did not see what additional regulatory effect there would be that was not already in place. Commissioner Phillips stated that there will likely be a trend, and that Underhill should be prepared with something in the Regulations. Chair C. Seybolt explained that if “you” buy into the temporary/mobility issue, then the Regulations should address Tiny Houses. Commissioner Bergersen stated that she did not see why tiny houses needed to be defined in the Regulations. Commissioner Kearns expressed concern about the temporary/mobility issue, and therefore, the Regulations should be provided to address those concerns. Commissioner Phillips reaffirmed Commissioner Kearns’ position by stating that there should be some distinction provided in the Regulations. Commissioner Linde stated her belief that the Regulations already address tiny houses, as tiny houses are similar to any other single-family dwelling. Chair C. Seybolt stated her concerns that the current Regulations may provide an opportunity to forgo paying taxes or abiding State Regulations. Staff Member Strniste reiterated the issues regarding tiny houses, which include mobility issues, tax issues, etc. He then provided an overview of the current tiny house situation on Stevensville Road, and the issues likely to stem from that situation upon completion of the main structure.

[7:42] **Chair C. Seybolt asked for a motion to add a definition of Tiny House** to the proposed amendments similar to the one provided by Staff Member Strniste to Article XI of the Underhill Unified Land Use & Development Regulations. Commissioners Seybolt, Phillips, Kearns, Bergersen and Linde voted in favor of adding the definition. Commissioner Edson was opposed.

[7:50] **Chair C. Seybolt asked for a motion to add the regulations concerning Tiny House** to the proposed amendments that were presented by Staff Member Strniste to the Commission during the meeting. Prior to the vote, while opposed of adding the proposed regulations, Commissioner Edson resolved a debate amongst those in favor of adding the regulations by recommending that the proposed regulations be added to Section 4.19 Temporary Structure or Use. Commissioners Seybolt, Phillips, Kearns and Bergersen voted in favor of adding the regulations. Commissioner Edson was opposed. Commissioner Linde stated she could not vote at this time. Chair C. Seybolt stated that the vote will have to be revisited.

[7:55] **Chair C. Seybolt provided an overview of the email Staff Member Strniste sent out addressing the multi-family house issues.** Commissioners Edson & Kearns have not been in touch with one another; however, they have independently performed research on their topic. They plan on corresponding through email going forward. Commissioners Phillips and Lamphere have been in communication with one another, and Commissioner Phillips stated that they had discussed ways to make the density definition better. Commissioners Seybolt and Bergersen have both perform their own research; however, have not discussed their work with one another. They plan on discussing their research in the future. Commissioners Gregson and Linde have not been in contact with one another regarding their topic.

[8:03] **Staff Member Strniste stated that the Planning Commission's next meeting will be a joint meeting with the Development Review Board. Chair C. Seybolt advised the Planning Commission that they will report back to Commission regarding their topics during the first meeting in February.**

[8:06] **Staff Member Strniste advised the Commission that there may be an opportunity to address re-delineation of the zoning districts,** as he believes that the bylaw updates and re-delineation can be separate ballot issues. As separate ballot items, one issue is less likely to kill the other issue if one of them were to be vetoed. Staff Member Strniste also stated that the Commission would have to do public outreach meetings to help educate the town folks.

[8:12] A brief discussion ensued about the Jericho rezoning effort.

[8:14] Staff Member Strniste asked the Commission **what they wanted to see from the Development Review Board at the joint meeting.** The Commission responded with: why the DRB wants/needs an overlay district; providing information prior to the meeting; how the overlay district will fix the issues; as well as making a case on why the overlay district is worthwhile.

[8:16] **Chair C. Seybolt asked for a motion to adjourn.** Commissioner Edson moved to accept the motion and Commissioner Kearns seconded the motion. The motion was approved unanimously.

Respectfully Submitted By:
Andrew Strniste, Planning Director

The minutes of the January 4, 2017 meeting were accepted this 6th day of January, 2017.

Cynthia Seybolt
Cynthia Seybolt, Planning Commission Chair