

# UNDERHILL PLANNING COMMISSION

Wednesday, March 1, 2017 6:30 PM

## Minutes

**Planning Commissioners Present:** Chair Cynthia Seybolt, Carolyn Gregson, Catherine Kearns, David Edson, Pat Lamphere, Irene Linde

**Staff/Municipal Representatives Present:** Andrew Strniste, Planning Director

**Others Present:** Stacy Turkos, Underhill Resident; Penny Miller, Development Review Board Representative

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

[6:31] Chair C. Seybolt called the meeting to order.

[6:31] A discussion ensued regarding how to proceed with interviews for the Commissioner vacancies.

[6:32] Commissioner Edson voiced his opposition to two statements made in the January 4, 2017 minutes, the first involving a confusing statement under the 7:20 heading, and the second regarding a statement that he proposed he did not make under the 7:50 heading. Staff Member Strniste stated he vividly remembered Commissioner Edson make the comment, but he would strike the statement, though he would be opposed.

[6:41] **Chair C. Seybolt asked for a motion to approve the minutes of February 22, 2017.** Commissioner Gregson moved to accept the motion, and Commissioner Kearns seconded the motion. The Commission voted unanimously to accept the minutes. The minutes from January 4, 2017 and February 1, 2017 could not be accepted because a quorum from those meetings was not present.

[6:43] Staff Member Strniste advised the Commission that the Department of Housing & Community Development (DHCD) approved the Town's application to designate Underhill Center as a Village Center. DHCD approved the village center with the encouragement that the underlying zoning be changed to reflect the characteristics of a village center.

[6:45] Chair C. Seybolt stated that the Planning Commission will need to discuss whether they should proceed with a new zoning district for Underhill Center or an overlay district, or make no change to the existing zoning districts. **Chair C. Seybolt asked for a motion to propose the approval of a new district.** Commissioner Gregson proposed the motion and Commissioner Linde seconded. Staff Member Strniste provided an overview of a preliminary Underhill Center zoning district, which at this time, stated that the boundary was arbitrary. Commissioner Gregson stated that she believed the Commission needed more time to review the proposed district's boundaries. Staff Member Strniste then provided an explanation between the implementation of an overlay district versus a new zoning district. Commissioner Kearns asked if a new zoning district could dramatically reduce the acreage, which Staff Member Strniste answered in the affirmative. He then stated that the acreage requirement and boundaries would be the hardest questions to answer. Commissioner Kearns commented on commercial use, and how that would impact the Center. Staff Member Strniste responded that commercial development would likely be required as a conditional use, assuming it follows the characteristics of the other zoning districts. Board Member Miller asked the Planning Commission to keep in mind the Town Plan, and the uses mentioned, as the Board relies on the Town Plan when evaluating conditional uses. **The Commission voted unanimously to create a new zoning district for Underhill Center.**

[7:00] Chair C. Seybolt continued the conversation from the previous Planning Commission meeting regarding density bonuses. **Chair C. Seybolt asked for a motion to eliminate Section 9.6 of the Underhill Unified Land Use & Development Regulations.** Commissioner Edson moved to accept the motion, and Commissioner Kearns seconded. Chair C. Seybolt asked Staff Member Strniste to provide his rationale on why the Commission should keep Section 9.6. Staff Member Strniste advised that he was a proponent for density bonuses, as he would propose to reduce the maximum award from 100% to either 20% or 25%, and saw it as a possible avenue to assist those landowners on the cusp of subdividing. Commissioner Kearns responded that allowing a landowner on the cusp of subdividing was not the intent of the PRD section; Staff Member Strniste responded that the Commission could make that the intent if they choose. Staff Member Strniste proceeded to say that if the Commission wished to get rid of density bonuses, they should do so in its entirety, rather than allow owners within a certain amount of acreage to subdivide to use the PRD process and any sort of bonus density modification. Commissioner Gregson repeated the sentiment from previous Planning Commission meetings that density bonuses were something they were pressured into adding to the Regulations. A discussion then ensued about calculating density by allowing landowners to use land to the middle of the road for all future subdivisions. Staff Member Strniste stated he was opposed to the idea because it could add acreage to landowners who might own that land. Board Member Miller expressed her concern regarding how this information would be portrayed on a plat/site plan, and that she thought acreage was deed dependent.

[7:11] Resident Turkos renewed the conversation of density bonuses by asking if they were required by State statute. Staff Member Strniste responded that he was almost certain that density bonuses are to the discretion of the Town. Commissioner Lamphere stated that smaller lots permitted because of density bonuses do not fit the dimensional standards of rural characteristic, and that he did not notice any changes to allow for this deviation of the underlying acreage requirement. Staff Member Strniste asked Commissioner Lamphere to reconcile his belief that the Burroughs should have been able to subdivide with his earlier statement (see directly above). Board Member Miller advised as a resident that she was okay with the idea of allowing the density bonus in cases similar to the Burroughs; however, was hesitant with bigger subdivisions, such as a 5-Lot Subdivision trying obtain a sixth lot. Commissioner Lamphere stated that he believed the open space density is better served for the bigger lots. Commissioner Gregson stated that she did not think the density bonuses made sense, as they were not the type of stipulations that should be awarded as a bonus. **The Commission unanimously approved the motion to eliminate 9.6 from the Regulations.** Staff Member Strniste stated that he knew of landowners that had been turned away – since the implementation of density bonuses – from the subdivision process by previous Zoning Administrators stating they could not subdivide, even though these landowners had the option of subdividing by utilizing density bonuses.

[7:23] Chair C. Seybolt began a discussion about her and Commissioner Bergersen's proposal of clarifying and adding regulations regarding condominiums. She stated that the both of them proposed adding regulations to the multi-family house section (to be added as part of the bylaw updates), add an entry to the use table under Table 2.1, and to clarify the definition of condominium. After discussion by the Commission, they determined an entry under Table 2.1 was not required. Commissioner Lamphere asked if a multi-family dwelling could be permitted an accessory dwelling. Staff Member Strniste responded that Section 4.2.A only allows accessory dwellings to be permitted to a single-family dwelling. Chair C. Seybolt then stated that she and Commissioner Bergersen proposed that the condominium association documents be filed with the Zoning Administration. Commissioner Edson asked if an exclusionary clause should be required to be put into the documents. Commissioner Lamphere asked if the State regulates

condominiums any differently than a regular multi-family house. Board Member Miller advised about the Federal Fair Housing Act and how condominiums relate to that act. **Chair C. Seybolt asked for a motion to approve the condominium proposal as written, except for paragraph 3.** [A copy is attached to these minutes]. Commissioner Lamphere moved to accept the motion, and Commissioner Kearns seconded the motion. **The Commission unanimously approved the motion.**

[7:39] Staff Member Strniste asked the Planning Commission if they were able to answer the question of if a duplex in a 5-acre district on a 10-acre lot would be able to subdivide. Members of the Commission felt that the landowner would be able to subdivide in the abovementioned scenario by looking at Table 2.1. After further discussion, the Commission found that Section 3.7 allows the landowner to subdivide in the abovementioned scenario. Commissioner Gregson clarified that a 5-acre lot in a 5-acre district would be able to construction an 8-unit structure. Staff Member Strniste advised Commissioners Gregson and Linde that they will need to delineate the multi-family dwelling entry in Table 2.1 even further. Clarification was provided that the 8 dwelling units on the 5-acre lot in the 5-acre district would need to be all one structure, rather than detached from one another. Board Member Miller asked the Planning Commission to clarify the multi-family dwelling definition and the two-family dwelling definition.

[8:00] The Commission expects there to be a quorum at next meeting, March 15, 2017. Beginning in April, regular Planning Commission meetings will take place on the first and third Thursdays of each month.

[8:02] Chair C. Seybolt asked the Commission to look at the maximum number of units that should be permitted for multi-family structures, read the minutes, and look at the Commissioners Edson's and Kearns' presentation materials. Board Member Miller asked if she could be included so she could help communicate to the Development Review Board what the Commission is reviewing, and to help summarize the materials for the Development Review Board Board.

[8:04] **Chair C. Seybolt asked for a motion to adjourn.** Commissioner Gregson moved to accept the motion and Commissioner Kearns seconded the motion. **The motion was approved unanimously.**

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Respectfully Submitted By:  
Andrew Strniste, Planning Director

The minutes of the March 1, 2017 meeting were accepted this 6<sup>th</sup> day of April, 2017.

  
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Chair C. Seybolt, Planning Commission Chair

We recommend that condominiums be addressed in the multi-family housing section of our Regs, and subject to the same zoning regulations that apply to other two- and multi-unit dwellings.

For clarification, we recommend adding “including condominiums” under Dwelling – two family and Dwelling – Multi-family in Table 2.1.

Our final recommendation is that the developer of a condominium should be required to submit to the Zoning Administrator, prior to final permit approval, copies of the condominium association’s Bylaws, regulations, and any other relevant documents to be sure they do not violate or conflict with any Town regulations.