

UNAPPROVED

SELECTBOARD PUBLIC HEARING & MEETING MINUTES

January 22, 2014

This public hearing was called to order by Chair, Zeke Goodband at 6:00pm at the Historical Society in Dummerston, Vermont.

Members present: Joe Cook, Steve Glabach, Zeke Goodband, Bill Holiday, Lewis White

Also present: Charlotte Annis, Mike Barrett, Merrill & Ruth Barton, Tom Bodett, Le Borofsky, Paul & Terry Chapman, Brenda Davis, Ellis Derrig Jr., Rick Derry, Sam Farwell, Maria Glabach, George & Emilia Houghton, Beverly Kenney, David Lane, Tammy McNamara, Shane Moore, Gail Sorenson, Claudia Teachman, Beverly Tier, Deb & Charlie Titus, Mark Whitaker, Cindy Wilcox, BCTV, Mike Faher from *Brattleboro Reformer*, Laurie Frechette

Zeke reviewed the rules of procedure and made a few comments on the history of the Zoning Bylaw and Town Plan changes/updates. No comments were received regarding the Zoning Bylaw changes.

Discussion then commenced on the proposed changes to the Land Use Map for the RT 5 & 30 corridors. Very little discussion, if any, was heard regarding the RT 30 corridor. A lengthy discussion ensued about the RT 5 corridor and the changes that the Selectboard had made to the Planning Commission's proposed map. Comments were received from Claudia Teachman, Tammy McNamara, Deb Titus, Ellis Derrig, Jr.; David Lane, Mark Whitaker, Mike Barrett, Terry Chapman, Beverly Tier, Beverly Kenney, Le Borofsky, Sam Farwell, Cindy Wilcox and Tom Bodett.

At approximately 8:00pm, the public hearing was adjourned and the regular meeting immediately convened.

Lewis moved to approve the minutes of January 8 & 9. Steve seconded the motion; it passed 5-0.

On a motion by Joe and second by Bill, the Board voted 5-0 to approve the payment of Warrants 15 and 15P.

Ruth Barton asked if the Board wants the Grange to provide the luncheon at Town Meeting again this year. Steve moved, Joe seconded, and the Board voted 5-0 in the affirmative.

Ruth questioned whether the lawsuit with the Southern VT Learning Collaborative has been resolved. The answer was no.

Correspondence for information included: January 2014 VLCT newsletter; Zoning Administrator's quarterly report; email from Smokey Howe re: lighting incentive programs.

Tom Bodett spoke to the Board at length about adding an article to the Town Meeting Warning to exempt solar-electric systems from property tax assessments. He urged the Board to add this article to the warning without having a petition submitted. After a lengthy discussion, Bill moved to add this article: "*To see if the town should exempt from property tax assessment solar-electric systems (including panels, inverters, battery systems, and balance-of-system components) and solar-thermal systems located on residential, agricultural, and business properties.*" Lewis seconded the

motion and offered a friendly amendment (which was not accepted) to add "if enough signatures are not received". The motion passed by a 3-2 vote.

Lewis moved to sign the annual Letter of Agreement for the CAMA Program. Steve seconded the motion; it passed 5-0.

Zeke agreed to attend the upcoming Windham Regional Commission meeting regarding TransCanada's appeal.

Steve moved to accept the Zoning Bylaw revision as discussed during the public hearing (see attached). Bill seconded the motion; it passed 5-0.

Action on the proposed update to the Town Plan was tabled until the February 5th meeting.

Lewis moved to sign a contract with George Sansoucy LLC for expert witness testimony in the TransCanada tax appeal. Bill seconded the motion; it passed 5-0.

The Board reviewed the draft FY2013 audit results from Sullivan & Powers Co.

Bill moved to give preliminary approval for the 2014 Town Meeting Warning. Lewis seconded the motion; it passed 5-0.

At 8:51pm, Lewis moved to recess the meeting and convene as the Liquor Commission. Steve seconded the motion; it passed 5-0.

Lewis moved to sign a tobacco license renewal for Circle K Vermont, Inc. on RT 30. Bill seconded the motion; it passed 5-0.

At 8:52pm, Lewis moved to adjourn as the Liquor Commission and immediately reconvene as the Selectboard. Bill seconded the motion; it passed 5-0.

The Board will meet with the School Board, Energy Committee and Green Lantern Capital of Waterbury, VT regarding a proposed solar services agreement. The meeting will be held at 6pm on February 6 at the Dummerston School.

There being no other business to come before the Board, the meeting was adjourned at 8:56pm.

Approved

Zeke Goodband, Chair

Bill Holiday, Clerk

Submitted by: Laurie Frechette, Selectboard Assistant

Dummerston Selectboard

**Amendments to Zoning Bylaw
Adopted January 22, 2014**

Inserted text in **bold**; deleted text indicated with ~~striketrough~~.

Section 255 NON-CONFORMING USE OR STRUCTURE

In accordance with Section 4412 of the Act, the following provisions shall apply to all structures and uses existing on the effective date of this Bylaw but which do not conform to the requirements set forth herein.

1. A non-conforming use or structure may be rebuilt after destruction, extended, ~~or~~ altered with the approval of the Development Review Board if there is a finding that the extension or alteration will not be more detrimental to the neighborhood or environs than the existing non-conforming use or structure, and will not increase the degree of non-conformity.

Deleted: or rebuilt after destruction

2. In the case of a one or two-family dwelling, buildings existing at the time of adoption of this bylaw (add adoption date) may be added to in any direction up to thirty (30) feet from the public road center and up to ten (10) feet from any property line, with a zoning permit approved by the Administrative Officer.

Deleted: the finding shall be determined by the Administrative Officer

3. Premises may be changed from one non-conforming use to a different nonconforming use only upon the issuance of a Conditional Use Permit by the Development Review Board. Such a permit shall be granted only for uses listed as permitted or conditional uses in Article II of this Bylaw in the district in which the development occurs which will not be more detrimental to the neighborhood or environs than the existing non-conforming use.

4. A non-conforming use (or structure) which has been discontinued or not used for a period of one year or more shall not be re-established except upon the issuance of a Conditional Use Permit by the Development Review Board. Any other future uses or structures shall conform with this Bylaw.

Section 616 EXEMPTIONS TO SET-BACK REQUIREMENTS

Small accessory structures, less than 200 square feet of floor area and 12 feet or less in height are allowed within setback areas other than those along roadway as provided in Section 615 as long as they are not closer than six (6) feet to the property line. These may not be converted into accessory dwellings, and are prohibited within any 50' streambank buffer.

Fences and brick or stone walls are exempt from setback requirements; however those exceeding four feet in height in the Village District, and six feet in height elsewhere, require a Zoning Permit and are subject to Site Plan Approval by the DRB. [adopted 2008]

Handicap Ramps are exempt from setback requirements provided that they do not obstruct public rights-of-way, or interfere with corner visibilities or sight distances for vehicular traffic. (If there is a question the final determination shall be made in consultation with the Road Foreman.) [adopted 2011]

Reduction of Setback Requirements for small lots: The Administrative Officer may approve a zoning permit application for the construction of accessory structures for permitted uses, including decks and above ground hard sided pools, on a lot that does not comply with the minimum lot size of two (2) acres or less, provided that all of the following criteria are met:

1. The percentage by which the setback is reduced from the minimum setback required shall not exceed the percentage by which the lot size is less than the minimum lot size. For example, if the lot area is 60% of the minimum lot size, the required setback(s) may be reduced to 60% of the minimum setback.
2. The administrative officer may not allow any setbacks less than 10 feet from abutting property lines or 30 feet from the public road center.

Section 715 DEVELOPMENT REVIEW BOARD

There is hereby established Development Review Board, members of which shall be appointed by the Selectboard. The Board shall have five members, Terms shall be for three years. The selectboard may also appoint two alternates to serve on the Board in situations where one or more members of the Board are disqualified or are otherwise unable to serve. Terms of alternates shall be for one year.

Deleted: , at least one of which shall also be a member of the Planning Commission

The Board shall establish and maintain Rules of Procedure to guide the conduct of its business.

The Development Review Board shall have all powers and duties as set forth in the Act to administer the provisions of these regulations, including but not limited to the power to hear and act upon:

- applications for rights-of-way or easements for development lacking frontage
- appeals from any decision, act or failure to act by the Administrative Officer and any associated variance requests
- applications for site plan approval
- applications for conditional use approval
- applications for planned unit development
- applications subject to Flood Hazard Area Regulations
- applications subject to the Dummerston Wireless Telecommunications Facilities Ordinance
- applications for Waivers

All decisions of the Board shall be accompanied by findings of fact and conclusions of law, which shall, among its statements, include an enumeration of all interested parties participating in the public hearing through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding.

~~The Board, after deliberations, may condition the approval of a permit on the satisfactory installation, or bonding, of streets and other required public improvements as provided by 24 V.S.A. §4464.~~