

Public Hearing on Proposed Bylaw Changes

Dummerston Planning Commission

Unapproved Minutes

October 27, 2011

Meeting was called to order at 7:00 at the Dummerston Town Office by Cynthia Wilcox

Planning Commissioners Present: Steve Glabach, Cynthia Wilcox, Sam Farwell, Bill Schmidt, Annamarie Pluhar, Rich Cogliano, Andrew MacFarland

Public Present:

Ezekiel Goodband, Lew and Gail Sorenson, Lewis White, Marie Glabach, Thomas Simeon, Ginny Carter, Mark Whitaker, John Gregory, Greg Brown, Travis and Chris Bristol, Jack Lilly, Browlow Towle, Claudia Teachman, Paul and Jody Normandeau, Brenda Davis, Charlotte Annis

Cindy Wilcox opened the meeting by reading the warning. The agenda was rearranged for the convenience of those who might be interested in the special events or setback requirements, since these are expected to take less comment.

1. Setback Requirements (Draft 9/13/2011)

Discussion of how the setbacks would be applied. Concerns raised included: whether the reduction in side yards is too great, how they apply to planned unit development, how they apply to villages in the zoning, and whether the DRB could allow a variance on the setbacks. Opinions were expressed that the proposed setbacks diminish the need for variances, thus reducing the burden on home owners and the DRB.

2. Special Events (Draft 10/4/2011)

Attendees raised concerns about "currently established events" and how these events should be determined. Cindy explained that the Zoning Administrator (ZA) would have a list. In discussion about the number of cars, it was determined that a sentence got lost from the draft under discussion. Also, there was discussion about parking for private parties. It was pointed out that problems with parking are concerns for the fire department and sheriff's office. Maria Glabach asked about exempting classes and students from the need to get a permit for a fund-raiser. Discussion and differing opinions on whether the sentence about agricultural marketing activities should remain or be removed. It was requested that the word "donation" be altered to clarify that it means a cash donation.

3. Home Occupation and Business (Draft 10/4/2011)

The bulk of the comments about Home Enterprise are about the proposed Home Business classification. While the intention is to create a category of Home Enterprise that would be permitted but would not require a full DRB review, the comments reflected concerns about the proposed standards.

Specific concerns (responses when addressed in parentheses):

Three non-residential employees at one time suggests that one could have many more employees so long as only three were in the building concurrently. The lack of DRB review would mean that neighbors would not have an opportunity to register their concerns about the business. (Neighbors may always appeal a decision to the ZA.) The process would be expensive and cause difficulty. Questions were asked about the standards, for instance, “noxious odors” and how they get determined. (These standards are the current bylaw.) The public registered concern about having to register a business, the problem of a DRB and Site Plan review that could get expensive, the thought that while current businesses are a problem now, there could be an issue if this goes through. Questions about specific language included: the traffic standard “generates no more traffic than would normally be expected in the neighborhood” is unreasonable and “All activities are conducted in the residence and/or accessory structure located on the same lot.” What about businesses that dispatch employees to work elsewhere? If equipment has to be stored inside or screened, it’s actually creating development. The comment was made that there isn’t enough distinction at present between the two categories Home Business and Home Industry.

Suggestions made: Have an expedited application process with letters from neighbors. Change the language of “Home Business” from a “permit” to a “certificate of occupation.” Show the two categories in a matrix to make it easier to understand.

Next planning commission meeting is November 1. Next the bylaw draft goes to the Selectboard and The Selectboard will also hold a public hearing.

Steve motioned to close the public hearing. Chris seconded. Motion passed. Motion made to accept written comments by November 1st to the Planning Commission. Andrew moved. Sam seconded. Motion passed.

Submitted by Annamarie Pluhar