

Dummerston Planning Commission

Unapproved Minutes

October 9, 2023

Members Present in Person: Sarah Bergh, Daniel Gehring, Maria Glabach, Annamarie Pluhar

Members Present in Zoom: none

No public present.

Absent

1. Approve minutes of September 9th, 2023

Annamarie moves to approve, Maria seconds. Motion passes

2. (6:33) Correspondence

3. (6:37) Public Forum for proposed bylaw revisions

4. (6:42) Discuss

Review all proposed revisions to bylaws

Vote to approve for public hearing

Daniel moves to approve the three bylaws: Landscaping and Screening, Airstrips, and Food Trucks. Maria seconds. Motion passes. m

Plans for public notice, comment, etc. to enact this year's bylaw adjustments

5. (7:00) Budget for next year

Annamarie moves to level fund the budget of FY '25. Daniel seconds. Motion passes.

6. (7:15) Storage containers

Discussion of portable storage containers. Those that are less than 200 square feet are described in Section 701 as small accessory structures associated with residential use.

7. (7:25) Next meeting: November 13th, 2023 which will be the public hearing on the three bylaws. (Attached.)

8. (7:28) Items for next meeting agenda

Public hearing 6:30-7:00.

The planning commission will meet after and approve bylaws if no changes are necessary.

9. (7:30) Adjourn

Section 235 Rural Commercial District RC

Allowed Uses

In addition to the Uses listed in Section 204, the following are allowed in the Rural Commercial District:

Zoning Permit and Site Plan Approval required:

1. B&B
2. **Food Truck**

Conditional Use Permit required:

- | | |
|----------------------------------|---------------------------------|
| 1. Animal Hospital | 16. Places of Worship |
| 2. Auto Service & Repair | 17. Portable Storage Container |
| 3. Building Trade | 18. Public/Government Building |
| 4. Campground | 19. PUD (all other) |
| 5. Communication Structure | 20. PUD Residential Only |
| 6. Community Center | 21. Recreational Facility |
| 7. Country Inn | 22. Repair Shop |
| 8. Dwelling Multi-Family | 23. Residential Care Facility |
| 9. Earth/Mineral Extraction | 24. Restaurant |
| 10. Licensed Child Care Facility | 25. Retail Store |
| 11. Kennel | 26. School (Public & Private) |
| 12. Manufacture/Pack/Process | 27. Storage Facility |
| 13. Mixed Use Structure | 28. Warehouse |
| 14. Mobile Home Park | 29. Air Transportation Facility |
| 15. Office Building | |

Section 240 Commercial/Light Industrial District CI

Allowed Uses

In addition to the Uses listed in Section 204, the following are allowed in the Commercial/Light Industrial District:

Zoning Permit and Site Plan Approval required:

1. **Food Trucks**

Conditional Use Permit required:

- | | |
|---------------------------------|---------------------------------|
| 1. Animal Hospital | 10. Office Building |
| 2. Auto Service & Repair | 11. Recreational Facility |
| 3. Building Trade | 12. Repair Shop |
| 4. Communication Structure | 13. Residential Care Facility |
| 5. Earth/Mineral Extraction | 14. Retail Store |
| 6. Kennel | 15. Solid Waste Facility |
| 7. Licensed Child Care Facility | 16. Storage Facility |
| 8. Light Industry | 17. Storage, Portable Container |
| 9. Mixed Use Structure | 18. Warehouse |
| | 19. Air Transportation Facility |

Section 690 Food Truck

1) The Administrative Officer may issue a zoning permit for a food cart or mobile food vending unit located on private property in Rural Commercial District or Commercial/Light Industrial District.

(2) A zoning permit for a food cart or mobile food vending unit will be subject to review by May 1 of each year.

The operator must:

- (a) Display the zoning permit on the cart or unit;
- (b) Obtain and display a general business license; and
- (c) Conform to applicable state health and safety codes.

(3) The food cart or mobile food vending unit, and any associated site furniture, must:

- (a) Be entirely located on private property;
 - (b) Not be located within any minimum required setback, buffer or right-of-way; and (c) Not interfere with sight distance at any intersection.
- (4) The food cart or mobile food vending unit, and any associated site furniture, may be located within off-street parking areas provided that it does not: (a) Reduce the number of parking spaces below the amount needed to accommodate the principal use(s) intended to be served by the parking area; (b) Interfere with pedestrian or vehicular access or circulation; or (c) Block visibility or otherwise create a traffic hazard within the parking area.
- (5) The operator must provide appropriate receptacles for trash, recyclables and food waste, or have an arrangement to use such receptacles otherwise available, within 10 feet of the food cart or mobile food vending unit.
- (6) A food cart or mobile vending unit must not have any signs permanently mounted on the site. The use may be advertised with: (a) One or more signs mounted on the cart or unit, not to exceed a total sign area of 32 square feet. (b) Up to 2 portable signs, not to exceed 8 square feet in area that are located within 100 feet of the cart or unit. Such signs must not be placed within parking spaces or public rights-of-way, must not impede pedestrian or vehicular traffic, and must be secured so as not to cause a hazard to pedestrians or motorists.

Section 635 Landscaping and Screening Requirements

Landscaping or screening, where required under this Bylaw, will be installed and maintained in front, side and rear yards on property owned or controlled by the owner and/or operator of the facility. It shall take the form of indigenous shade trees, deciduous shrubs, evergreens, well-kept grassed areas or ground cover, depending on the purpose of the plantings. The species of plants shall be approved by the Development Review Board.

When the purpose is to screen, plantings shall provide a year-round visual screen. A diversity of materials shall be used to create a diverse, naturalized screen rather than a large expanse of uninterrupted, uniform material. Materials may include: trees and shrubs indigenous to the area, and berms, or a combination thereof, to achieve the objective of screening the site.

All landscaping or screening shall be maintained so as to preserve its purpose. Plantings that die or become diseased shall be replaced within six months of dying or becoming diseased.

Following are the minimum dimensional requirements for landscaping and screening:

1. Where any non-residential land use abuts a residential land use, a strip of land at least twenty-five (25) feet in width shall be maintained as a landscape and/or utility area in the front yard, side yards and rear yard, unless waived by the Development Review Board.
2. Commercial and industrial uses shall provide for a strip of land at least fifteen (15) feet in width which shall be maintained as a landscaped area in the front, side and rear yards, unless waived by the Development Review Board.
3. In any Planned Unit Development landscaping shall be provided as required by the Development Review Board.

Section 637 Ground Mounted Solar Electric Generation Facilities

(A) Purpose. In accordance with 24 V.S.A. Sec. 2291 and 24 V.S.A. Sec. 4414, this bylaw sets forth screening requirements for ground mounted solar electric generation facilities located in the Town of Dummerston. This bylaw is intended to ensure that solar facilities do not degrade the natural visual appeal of hillsides, ridgelines, or open fields, do not encroach aesthetically upon a natural or historic area or upon a stream, wetland, or other water resource, and do not encroach on the rights of adjacent property owners.

(B) Screening Requirements:

- a. Solar facilities shall be screened in accordance with the landscaping and screening requirements set forth in this bylaw (see Section 635). The screening requirements: i) in Rural Commercial and Commercial/Light Industrial Districts are consistent with Landscaping Requirements applied to commercial and industrial uses and ii) in all other districts are consistent with the Landscaping Requirements applied to the abuttal of a residential use with a non-residential use.

- b. Solar facilities shall be sited and screened so that visual impacts of such facilities, including but not limited to, solar panels, transformers, utility poles, fencing, etc., are mitigated as viewed from public streets and thoroughfares, scenic viewpoints, and/or adjacent properties.
- (C) Recommendations to the Public Service Board. Pursuant to 24 V.S.A. Sec. 2291, the Town of Dummerston may make recommendations to the Public Service Board applying the requirements of this bylaw to a proposed solar facility. The Select Board is designated to make such recommendations.
- (D) Condition of Certificate of Public Good. Pursuant to 24 V.S.A. Sec. 2291, the screening requirements of this bylaw and the recommendations of the Town of Dummerston shall be a condition of a certificate of public good issued under 30 V.S.A. Sec. 248 for a solar facility in Dummerston.

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1. B&B

Conditional Use Permit required:

- | | |
|----------------------------------|--|
| 1. Animal Hospital | 16. Places of Worship |
| 2. Auto Service & Repair | 17. Portable Storage Container |
| 3. Building Trade | 18. Public/Government Building |
| 4. Campground | 19. PUD (all other) |
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| 9. Earth/Mineral Extraction | 24. Restaurant |
| 10. Licensed Child Care Facility | 25. Retail Store |
| 11. Kennel | 26. School (Public & Private) |
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Section 240 Commercial/Light Industrial District CI

Allowed Uses

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Conditional Use Permit required:

- | | |
|---------------------------------|--|
| 1. Animal Hospital | 11. Recreational Facility |
| 2. Auto Service & Repair | 12. Repair Shop |
| 3. Building Trade | 13. Residential Care Facility |
| 4. Communication Structure | 14. Retail Store |
| 5. Earth/Mineral Extraction | 15. Solid Waste Facility |
| 6. Kennel | 16. Storage Facility |
| 7. Licensed Child Care Facility | 17. Storage, Portable Container |
| 8. Light Industry | 18. Warehouse |
| 9. Mixed Use Structure | 19. Air Transportation Facility |
| 10. Office Building | |

ARTICLE 8: DEFINITIONS

AIR TRANSPORTATION FACILITY: A site or structure intended to accommodate or support air transportation such as a runway, hangar, terminal, control tower or heliport.