

## **PLANNING COMMISSION**

### **Minutes**

**February 1, 2017**

- Members Present:** Sally Miller, Lowell Gray, Susan Boston, Jeff Bendis, Michael Pacht, Sam Segal, Keri Cole
- Members Absent:** None
- Others Present:** Fred Hunt, Mary McVey, Betty Anne McGuire, David McGuire, Jamie Ziobro, Michael Trotsky, Jan Hutchinson, Robert Hutchinson, John Trotsky, Keith Anderson, Ian Swordy, Eleanor Swordy, Gretchjen Smith, Brooke Beard, Amy Trotsky, Katie Trotsky, Michael Russell, Carol Cummings, Daniel Cummings, Barbara O'Connell, Michael Brands

#### **I. CALL TO ORDER**

The meeting was called to order at 7:30 pm.

#### **II. APPROVAL OF MINUTES**

The January 4, 2017 minutes were approved by unanimous vote.

#### **III. BUSINESS**

##### **A. Town Zoning Rewrite**

##### **1. List of Zoning Amendments**

Due to the large number of attendees interested in the Westerdale Road zoning changes, a final review of the list of zoning amendments was tabled until next meeting.

##### **2. Zoning Map Changes**

The proposed Westerdale Road zoning map changes were discussed. All other map changes were tabled until next meeting.

Chair Miller described the process that led to the proposed zoning changes concerning the lower area of Westerdale Road. The Planning Commission has been working on the Town Zoning Regulation rewrite for over two years. The Westerdale area is just one of many issues the Planning Commission has dealt with.

The Planning Commission has been concerned for many years with the potential for commercial and industrial uses allowed per the BS/LI zoning district on the Halle / Berry and Adams parcels. The road is narrow and the area is mainly residential in character. This would not be a good location for large trucks or other industrial commercial uses. The BS/LI district was first established in 1990. The Halley/Barry property was included

in the district as there were commercial office type businesses, which have since left.

The Town Planner sent notification with map to all abutters of a potential zoning map change to gauge neighborhood sentiment. The map included the following changes:

- 1) Town garage from Business Service / Light Industrial (BS/LI) to Community,
- 2) Halley/Barry and Adams properties from BS/LI to Residential Low Density (RLD),
- 3) lower half of former Stott property from Residential Five Acre (R5) to RLD.

The Planning Commission's main intent for the two southernmost parcels was to remove the commercial/industrial uses from the two properties yet maintain the allowed density of one unit per ½ acre. The owners would be losing the ability to place a commercial or industrial use on-site. The Planning Commission wanted to make sure as a trade-off the owners would retain the allowed residential density of 2-units per acre and therefore agreed on the RLD designation.

A realtor asked to change the zoning of the former Stott property to bring the four current residential units into conformance. The R5 designation allows only 2-units on the 8 acre Stott property. One proposal is to place the zoning line midway on the property. This would place the upper 4 acres in R5 and the lower 4 acres in RLD. The RLD designation allows 1-unit per 20,000 square feet, or 8-units in the lower 4 acres. The realtor asked for a 6-unit designation of the property.

Mr. Segal noted the Planning Commission is concerned with proposals that may have overall negative impacts. They have tried to analyze, as best as possible, the potential impacts before approving a change. Inviting comment from the neighborhood helps the Planning Commission render a decision.

The Town Planner noted that the Stott property is non-conforming in two ways. There are 6-units where only 2-units are allowed and the building on the corner does not meet the 60' setback and is partially located in the highway right-of-way. The 4-units were created pre-zoning (before 1976) and therefore are considered grandfathered. The State of Vermont has strong rules on grandfathered uses whereby the use is allowed to continue.

Ms. McGuire, full-time, long-term resident of Westerdale Road, spoke to the Planning Commission. She asked to be considered the spoke person for the Westerdale neighborhood, many of whom were in attendance. She spoke at length as to why the zoning change should not move forward. She also sent a letter dated January 31, 2017.

Rezoning the Stott property could be considered a case for spot zoning, whereby one property receives benefits not available to its neighbors.

She also disagrees with the Halley/Barry and Adams rezoning. The Town Plan requires multi-family affordable housing to be placed in areas of public water and sewer availability which do not exist in this part of town.

The change could cause potential environmental damage to the Stott wetland. The road is a Class III road and should not be subject to the impacts of high density zoning.

Ian & Eleanor Swordy, tenants of Stott property spoke up in support of the status quo. They stated that they feel no changes are needed and would like to see zoning left as it is.

Ms. Amy Trotsky, abutter, is concerned with additional traffic and safety. The neighborhood cannot support the negative impacts of additional housing.

Ms. Katie Trotsky, asked that the zoning of Halley/Barry and Adams properties be changed to Residential One Acre (R1). This would match the zoning of the properties located directly west of the subject parcels, along Liberty Farm Road. This would create one continuous district. She requested that the Stott property retain its R5 designation.

Mr. John Trotsky, 30-year resident, noted he could live with the commercial/industrial allowance but did not want the ½ acre zoning allowed per BS/LI. He also preferred a 1-acre zoning for the lower properties.

Chair Miller restated that the Planning Commission's main interest is to remove the potential commercial / industrial use impacts yet retain the same residential density.

Mr. Segal noted it is important to a property owner that they not lose value due to a down zoning. In this case some value is retained with the allowance of the 1-unit per ½ half acre designation. One would assume the neighbors would not want a potential excavation company moving next door.

The Town Planner stated down zoning creates potential court action. In planning and zoning circles this known as a "taking", whereby an owner loses property value. In this case, the loss of the commercial / industrial zoning label would reduce the market value of the property.

Mr. Michael Trotsky, a 25-year abutter spoke for the Hutchinsons, 40-year residents and abutters to the Stott property. All are very concerned with additional residents in the neighborhood. He stated that he felt the Planning Commission has placed the cart before the horse in that the area to be rezoned has not been reviewed thoroughly enough to justify an increase in density.

Ms. McGuire added that the Halley/Barry and Stott property owners are not full-time residents and have not maintained their properties.

Mr. Cummings questioned how the property owners were allowed to have rentals when the properties are not maintained properly. To grant the right for additional density one should be forced to maintain the properties.

Another option is the "do-nothing" option, whereby the zoning is left as is on all three of the subject properties.

The neighborhood reiterated their preference that the lower section of Westerdale be rezoned R1 to match that of Liberty Farm Road.

Ms. McVey is an abutter to two of the properties. She is concerned with classification of property owners as non-residents. Zoning is for the good of the whole not just a few. Ms. McVey submitted a January 31, 2017 which addressed the issue with a question and answer format.

Mr. McGuire asked to revert the 2013 amendment to 1-acre zoning. In 2013, a zoning amendment was approved that increased residential density in all BS/LI districts from 1-unit per acre to 2-units per acre. Six areas of the town have a BS/LI designation.

Mr. Cummings announced that the Cummings and the O'Connells are about to purchase the Stott property. The closing is set for Thursday, February 2, 2017. They do not need a change in zoning, their only intent is to restore the property.

Mr. Bendis felt the issue needs more discussion. If the Halley/Barry and Adams properties are to be rezoned R1, and the Planning Commission will need a response from the owners. He was okay with leaving the Stott property R5.

Ms. Cole also felt the property owners should be notified before rezoning their parcels to R1. She was okay with leaving the Stott property as R5.

Mr. Segal stated he would like to leave the zoning as is. If the lower properties are to be rezoned R1, the owners need to be notified.

Mr. Bendis restated he does not like the commercial / industrial potential on this section of Westerdale Road.

Mr. Pacht hears the neighborhood desire to change to the R1 designation. He would rather eliminate the commercial/industrial potential than retain the current zoning.

Mr. Cummings noted a preference for the R1 zoning and could live with the potential commercial/industrial use of the BS/LI.

The Planning Commission agreed to hold off on any decision until the Adams and Halley/Barry property owners have had a chance to comment on the potential down zoning of their properties from BS/LI to R1.

The Town Planner will send a memo to the two parties. He will also keep Ms. McGuire, as the Westerdale neighborhood spokesperson, up-to-date.

The issue was continued to the next Planning Commission meeting on March 1, 2017.

**B. Act 250 Stone House Update**

The Town Planner noted that a Design Review permit to remove the Stone House at the Gerrish East End property has been granted in line with conditions of the 2016 Act 250

permit. Another condition was for the owner to pay \$50,000 to the Vermont Office of Historic Preservation to be used for a new historic survey of the Village. With the up-front payment, the office will be able to start work sooner. Part of the survey project would be an expansion of the official historic district. The PC will be kept up-to-date on the various aspects of the new survey.

**IV. OPEN DISCUSSION**

The Town Planner invited the Planning Commission members to attend a February 15, 2017 workshop sponsored by the Conservation Commission. Pete Fellows, GIS Planner at TRORC, will do a hands-on workshop so both boards can have a better understanding of the State's ANR Atlas and BioFinder mapping websites. Attendees should bring their laptops or ipads. They should also visit the websites to obtain a basic familiarization with them. The workshop will be held at 7:00 pm.

**V. NEXT MEETING**

The next meeting is scheduled for March 1, 2017.

**VI. ADJOURNMENT**

The meeting adjourned at 9:15 pm.

Respectfully submitted,

Michael Brands, AICP  
Town/Village Planner