

Town of Panton DRB/ Planning Commission Meeting Minutes of July 13, 2006  
(Approved)

Planning Members Present:  
M. Hermann (Chair)  
R. Moulton  
D. Marshall  
L. Giovanella  
K. Bingham  
G. Norton  
K. Vorsteveld

Zoning Administrator Present:  
E. Hanson

Planning Members absent:  
J. Darragh  
R. Kline

Guest: A. Lougee

Call to order: The meeting was called to order in the Panton Town offices at 7:05 p.m. by M. Hermann, Chair. A quorum was established.

Introductions: Adam Lougee, Director of Addison Regional Planning Commission was introduced by M. Hermann, Chair. A. Lougee was asked to talk about what he has been doing.

He has been helping with the changes to the zoning regulations to accommodate the statutory changes to Chapter 117 that has been in affect as of approximately last September. He was here at a couple of previous meeting. He went through the regulations and the statutory changes and took note of comments made by the Planning Board members. He took the old zoning rights and incorporated them as a representative of these comments regarding Chapter 117. A draft of Chapter 117 was done and returned for the members to review. Each member should have received a copy of this draft. There will be an open discussion so that any questions can be answered such as: what was done, why, and what changes still need to be made

Vicki Collette was introduced by Chair M. Hermann as the new Assistant Town Clerk of Panton. She will be taking over the responsibility of copying down comments and decisions made by the DRB/Planning Commission Board.

Minutes: April and May minutes still need some additional changes and corrections.

Old Business: Chapter 117 draft review - Adam Lougee

### COMMENTS

Draft, page 4, Accessory Dwelling Unit

Under point number 2, L. Giovanella thought that a couple of meetings ago the members had voted to change the definition of the guidelines to be: The Unit does not exceed the greater of (1200 square feet instead of) not 800 square feet (as it reads) or 30 percent of the total habitable floor area of the single-family dwelling. A discussion followed and all agreed this change was voted on and approved at a previous meeting.

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Comments (continued)

Draft, page 5, Accessory Use or Building

A use or building customarily incidental, subordinate to the principle use of building, and located on the same lot. L. Giovanella ask if the draft should define more specifically, how subordinate in terms of height, area, bulk, extent, and purpose? There was a discussion on how loose or tight this should be. It was decided by Chair, M. Hermann that all of these issues will be address at a later meeting.

Draft, page 16, Board of Adjustment

L. Giovanella noted that the draft used Board of Adjustment instead of Development Review Board (DRB). A. Lougee stated that he would make that changed throughout. M. Hermann, Chair, stated that in practice, we haven't changed much in what we do. It is the same nine people on the Planning Commission who are on the Development Review Board at the present time.

Draft, page 22, Sections 380: Waivers (Optional Statuary Change)

A. Lougee explained that a waivers is an alternative to variances. Under the statutes, to get a variance you have to meet very strict criteria. There are Zoning Board of Adjustments, in particular, for Development Review Boards that say, We want to give setback waivers because we have a lot or old houses in town that are too close to either the road or their boundaries are on pre-existing small lots. They can not do anything with their house. We do not want to give them a variance to put on a porch or such. The statute allowed something call 'waivers' or basically, 'setbacks'. M. Hermann, Chair, interjected that sometimes a variance had been given inappropriately when it would have been practical and usable to give a waiver, but that had not been an option. E. Hanson said that a waiver still applies only to the placement and size of structures on the property. M. Hermann, chair, called it a dimensional web.

Draft, page 22 and 23, Waiver Application requirement. The notice and review procedures are a little different than a variance because the variance has to have a notice in the newspaper.

Draft, page 16 and 17, Section 340, 1, b.: Public Notice and Review Procedure (Statutory Changes) All other types of developments not less than 7 days, posting, and written notification. A waiver does not have to have the newspaper notice. A waiver would give a fair amount of site control.

Motion: Motioned by R. Moulton seconded by K. Bingham to include the waiver application provisions and waiver review criteria in the zoning regulations. So voted unanimously.

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Draft, page 33, Section 529: Telecommunication Towers

M. Hermann, Chair, stated that there seems to be an inconsistency in the words (#2 ): 11 feet for each foot of rotor diameter less than 20 feet. It seems that the wind energy towers may have been mixed with the telecommunication towers. No definite decision was made.

Draft, page 32, Section 527: Wind Energy Systems

L. Giovanella stated that Darby says the setbacks would make it necessary to have a 7 acre lot in order to have a wind energy system. It seems 5 acre lots would be sufficient to

have a wind energy system. The question was asked by D. Marshall, "Do we need the same criteria for a telecommunication tower for an antenna setback as we do for a wind energy tower"? Some discussion followed. M. Hermann suggested that the solution may be to take the R-5 and add the wind generation facility as a conditional use of R-5. He asked if there were any comments. No definite decision was made.

#### Defining Conditional Uses

This led to the topic of defining conditional uses by R. Moulton. R. Moulton would like to have a change acted upon. E. Hanson said that in every district you have defined permeative uses and you have defined conditional uses, specific uses in both categories. Normally in a zoning regulation, there is an exclusionary statement which says, any use not listed in anyone of the districts will be deemed a prohibited use. We do not have that statement, therefore, we have given ourselves a little elasticity. There was a discussion about the wording of the motion to be made. R. Moulton suggested that we add to our conditional uses the words, "other uses that do not significantly change a character of the neighborhood (R-2, R-5, R-10 on pages 46 and 47 of the draft). A. Lougee suggested the wording, "with impacts similar to those noted above". The use does not have to be similar, but the impacts do. One other suggestion A. Lougee made was to use the wording, "affect the character of the neighborhood as envisioned in the Pantown Town Plan". There are five planning districts with the town plan, and they are different than your zoning districts. More discussion followed.

Motion: Motion made by R. Moulton that an additional conditional use for all of the specific districts as other uses with impacts similar to those above which do not significantly change the character of the neighborhood as envisioned in the Pantown town plan. Seconded by G. Norton. So voted unanimously with one abstained.

#### Draft, page 27, Section 503: Accessory Apartments

A. Lougee suggested that in addition to referencing parking requirements, add an additional requirement that the accessory uses does not create a new access.

#### Draft, page 14, Section 323: Action by the Administrative Officer

E. Hanson requested the second paragraph be taken out. The Administrative Officer shall not grant a permit for any property with an existing zoning. M. Hermann, Chair, agreed.

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#### Definitions

L. Giovanella stated that there are some definitions that do not pertain to us (example: Clinic) and others out there that are not in use anymore or the definition has been changed.

#### Draft, page 15, Section 326: Certificate of Compliance

E. Hanson said that Certificate of Compliance should be Certificate of Occupancy. Certificate of Compliance is what we issue on the septic systems under the sewerage ordinances.

#### Draft, page 16, Section 332: Board of Adjustment

L. Giovanella asked what is meant by, "If more than one review is required for a project, the reviews to the extent feasible shall be conducted concurrently"? She said that this does not pertain to us because Pantown is a DRB. A. Lougee said that the language will change to reflect the DRB.

#### Criteria for review

L. Giovanella asked how the capacity of a road is determined. A. Lougee said that the State put out road standards in 1997. The width of the road and the width of the shoulders required vary depending upon the number of cars that use it. A. Lougee will send a copy of the State Road Standards.

#### Copies of Applications

L. Giovanella asked why 8 copies are needed of a package that is generated by the application which E. Hanson gathers into a submission package to give to us. A. Lougee asked how many did we want? E. Hanson said that for this document we will need to have an original and one copy of anything up to 11x17 format. If a Mylar, two or three printed copies at the most. Everyone will not need a copy of a Mylar.

#### Draft, Page 28, Section 512: Non-Conforming Uses and Non-Complying Structures

M. Hermann, Chair, brought up these two different concepts: A non-Conforming use is a pre-existing use which would not otherwise be allowed in a particular zoning district. A non-complying structure is allowed use, however, the pre-existing structure does not comply with the zoning regulations. That would relate to such matters as setbacks, height and size. These two concepts have been mixed together and need to be separated and re-written. L. Giovanella also stated that there is not a clear definition of structures.

#### Draft, page 32, Section 527: Wind Energy Systems (continued)

M. Hermann stated that a decision has not been decided upon, specifically, whether to put a wind-energy system on a 5 acre lot. Right now, the only place you could put it would be on a 10 acre lot because of the way we have the regulations setup. There is another setback requirement of 275 feet outlined which does not leave to many 5 acre lots. E. Hanson asked if that is a fixed 275 feet? Usually the setback is calculated based on the height of the tower and the diameter of the rotors.

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#### Draft, page 33, Section 529: Telecommunication Towers (continued)

M. Hermann, Chair, asked if we really need to have the same criteria for a communications structure as we do for a wind structure? D. Marshall suggest that we get rid of the word rotor. E. Hanson said that he will have to look back at the communication regulations. We may not have the authority to set a fixed setback distance on something like that. A. Lougee has a one page telecommunication regulations in simple language that he will send. We cannot keep them out, but we can have a great amount of control where they are placed. More discussion followed.

#### Draft, page 49, Neighborhood Commercial District (NC-1)

A. Lougee stated that the statute said, that at least in one district, we had to include multi-family dwellings. Previously, there had been a couple of lengthy discussions on where that should go. We settled on conditional use in the neighborhood commercial district.

#### Mobil Home Parks

L. Giovanella asked about Mobil home parks. A. Lougee deleted it from Chapter 117. We can not discriminate against Mobil homes or Mobil home parks. It will be treated just like any other residential so it does not need to be defined separately.

#### Adjoining Lots

R. Moulton asked about adjoining lots. A. Lougee said that the new statutory position is

that the town gets to choose. They can choose to merge. The merge is not mandatory but a choice. Under old statutory law, it was automatic.

#### Other Issues

M. Hermann, Chair, asked if there were any other issues here to address or anything we missed before A. Lougee leaves? No more questions at this time. M. Hermann, Chair, stated that on the second phase, we will talk about changes to be made to pinpoint certain inconsistencies that have come up.

#### Municipal Planning Grants

A. Lougee said that if we would like someone to help us re-write these regulations, A. Lougee's office could help us. Municipal Planning Grant applications are due in September. We could get up to \$15,000 for town planning.

A. Lougee will correct any typos and make the changes discussed here tonight and send them back to us in about a week.

Call for a Short Break: Chair, M. Hermann, called for a short break at 8:35 p.m.

Call to Restart: Acting Chair, M. Hermann, called the DRB meeting to restart at 8:45 p.m.

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#### Sharon Ashcraft

E. Hanson wanted to talk about treatment of conditional uses. Sharon had a buyer for her property who is in a beekeeping operation. He also wanted to have on the property a small business that he could operate out of one of the accessory outbuildings to process and pack honey based products and ship them out from there. We told him we could not do that because conditional uses would not allow the manufacturing of it. Sharon has another applicant who would like to buy the property and live on it with his family, but he would like to operate a small furniture manufacturing operation in one of the outbuildings. It would be a very small business; probably with few employees. Maybe something like a home based light industry, where it is a small industrial operation; probably for commercial purpose, which is conducted in an accessory outbuilding. Generally, there is a limit in the size of part of the accessory outbuilding that can be used for that purpose. More discussion followed. E. Hanson asked if the board would entertain a conditional use for that application. By the show of hands, it was unanimously affirmative. E. Hanson will ask Sharon to give him an application for a permit and an application for a DRB hearing for the conditional use. When we have the hearing, we will need to have adopted the rules of procedure and rules of ethics because we will be doing something that is out of the ordinary.

We will be advertising in the Addison Independent instead of the Eagle because it comes out twice a week and we will get a lower rate.

Motion to Adjourn: at 8:58 p.m. by D. Marshall and seconded by K. Bingham. So voted unanimously.

Respectfully Submitted  
Vicki Collette, Scribe