

PLANNING COMMISSION
PUBLIC HEARING, TUESDAY, MARCH 1, 2016
MINUTES

PRESENT: Norman Cohen, Alan Biederman, Jerry Stearns, Howard Burgess, Barbara Pulling, Dana Peterson.

Ms. Pulling called the Public Hearing to order at 7:05 P.M.

Ms. Pulling gave an introduction as to what the Commissioners will be presenting at tonight's meeting:

- Land Use Map
- Working Lands Designation that was Agricultural
- Natural Resources and Scenic Views
- Why amendments are happening after the original Town Plan was adopted in October 2014.

Ms. Pulling cited Title 24, Sec 4382, what is required in the Town Plan under State Statute, and explained the intentions of the Commission.

Individual presentations were made by Dana Peterson and Alan Biederman.

Ms. Pulling stated the Commission voted unanimously on January 7, 2016 to pose the draft map, working lands designation, and the language for view sheds. Ms. Pulling opened the floor for comment.

- Town resident Mr. Joe Denardo voiced his concern the working lands designation's restrictions and uses may tie the hands of the farmer who may need to do things to keep the farm open. Some of his land contributes to the viewsheds, and he is concerned the farm will not be able to take on projects that they may need to do to make a living.
- Town resident Mr. Ed Skwira questioned under whose standards is this Town Plan being created. Mr. Biederman said the Town is using the Act 250 Standard better known as the Queeche Lakes Decision. Mr. Biederman said the standard is whether the development would be visually offensive to an average person not associated with the application.
- Town resident Mr. Ray Leonard requested there be no R40C on West Proctor Road. He is requested the existing R40C be changed back to R40A.
- Town resident Mr. Ken McGinnis, owner of Rosen and Berger told the Commission he would like his a parcel on his land redesignated from conservation back to commercial as he has been using this parcel commercially for years. The Commission will consider his request.

- Town resident Mr. Fred Nicholson commented as there is no zoning in the Town, there is no way to enforce the Town Plan. He suggested the Planning Commission draw up a zoning document so the Town will not have to go through Act 250 or Section 48 hoops.
- Town resident Ms. Florence Boutwell requested the street currently named Connor Drive be changed to reflect the family spelling to Conner Drive.
- Town resident Mr. Jim Hall commented the Planning Commission should not lose track of the fact the agricultural land should be used for production purposes.
- Town resident Mr. David Pezetti, who lives in the Southwest section on Beelock Drive, questioned how the Commission came to the decision on designating the area residential neighborhood rather than rural residential.. Mr. Peterson told Mr. Pezetti the Commission did not change the designation from the previous plan.
- Mr. Nick Paquette who acquired 45 acres of property on 500 Post Road questioned the proposed designation of the Commission regarding the 10 acre minimum and that most parcels on Post Road are smaller than the 10 acre minimum. Mr. Biederman, Mr. Peterson, and Mr. Joe Zingale, Jr. explained to Mr. Paquette there is no zoning, and nine homes could be put on that land without anything from the Town. If the land owners wanted to put something commercial in nature Act 250 may have to get involved and they may or may not approve the project after looking at the Town Plan.
- Town resident Mr. Byron Hathaway asked if there are other towns that address view sheds in their Town Plans. Mr. Biederman said that this is something new the Commission invented. Mr. Ed Bove said Shrewsbury has some view sheds in their Town Plan. Mr. Hathaway encourages the Commission to rethink the working lands designation, adding a clustering component.
- Town resident Gwen McShay expressed her concern over the restriction of the proposed Town Plan not giving farmers the freedom to develop their land for future economic opportunity. In addition, she said she sees constriction in the amount of commercial and industrial development along routes 4 and 7.
- Town resident Kent Smith asked how it is determined for land to be conservation or agricultural. Mr. Biederman explained the purpose of the Land Use Map, and that districts can be changed in the future.
- Town resident Jimmy Lord what the definition of conservation is to the Planning Commission. Mr. Biederman read the definition of conservation. Mr. Peterson explained how the Commission came to designate those certain lands conservation.

- Town resident Jason Swett asked if he were in a residential/agricultural district, could he put up 2-3 houses and not have to go through Act 250. Mr. Zingale, Jr. said yes as long as you can get the land to perk for water and septic. He also asked if zoning does become a reality should he be pushing to redesignate the land to residential/commercial and not stay in residential/agricultural because the options may not be the same. Mr. Stearns said if it did ever go to zoning Town residents would have multiple opportunities to address the designations on their land. Mr. Swett asked about his options regarding purchasing a horse farm on Quarterline Road. Mr. Zingale, Jr. said agricultural land is not regulated by Act 250. If you are a bonsaied farm there should not be an issue, however if it is a farm being used for commercial use, it will trigger zoning if the Town ever adopts it. Mr. Biederman said that if zoning was ever to be adopted, the Town Plan would still play a role. Mr. Zingale, Jr. said the proposed Town Plan will not interfere with anything they want to do.
- Town resident John Thomas representing Thomas' dairy asked about a parcel the dairy owns on the corner of Post Road and Route 7. The old map shows 99 % commercial and 1% conservation. He asked the Commission why they are taking away so much commercial use from them on the proposed map and asked for redesignation.
- Town resident Sharon Crowley representing the Burke Farm said she supported Mr. Denardo on his concerns on flexibility with his farm. Her family owns a farm on McKinley Lane and North Grove Street and would also like options to maintain the farm in other ways to get a return. Ms. Crowley suggested instead of using "working lands" on the map to change it to "agriculture" to maintain the flavor of the map. She said she was not on the list of properties affected and her designation has changed from conservation to working.
- Town resident Rod Pulcier suggested that housing be placed in the Diamond Run Mall for college students who could work at the mall and the surrounding commercial businesses. Mr. Biederman and Ms. Pulling stated the residential building is allowed in a commercial district.
- Town resident Ted Hubbard spoke with the Commission and Mr. Zingale, Jr. with regard to his current and future designation.
- Town resident Ms. Irene Hathaway inquired about her parcel. Mr. Peterson and Ms. Pulling explained they did not break up the parcel as there was no overwhelming need. The Commission and Mr. Zingale, Jr. explained the differences of R40A and working lands.
- Mr. Nicholson asked Mr. Burgess how the Town Plan will affect the assessments of the properties in the Town. Mr. Burgess said it would not affect them.
- Mr. Pezzetti cited a decision from the Public Service Board (PSB) about solar sighting and building in Bennington based on the wording of their Town Plan. Ms. Pulling said the Town does

not have zoning, but they do have a proposed Town Plan for consideration for decision on all kinds of things, one of them being solar. Mr. Peterson said the plan also has taken into consideration where things will be placed and how development will occur.

- Ms. Crowley questioned the wording in the proposed Town Plan, “Scenic resources in Town belong to all Town residents”. Mr. Biederman explained why the wording is necessary and the Commission has more work to do on the wording.
- Mr. Cohen commented the Commission has worked very hard trying to balance individual interests and community planning.
- Mr. Denardo said he is concerned about the view sheds and how they will be interpreted. He also afraid that the land designations for resident’s properties that are being changed make them targets and anything thing they try to do will put them under more scrutiny than those who’s parcels have not been changed. Ms. Pulling asked if there were too many view sheds and he said he would rather not have any. He asked the Commission why the colors on the maps have changed because he thinks it is confusing. Mr. Biederman discussed the Commission’s process and the decisions they have made on the view sheds. Mr. Cohen said one of the considerations they made was if the language would hold up in the court system.
- Mr. Swett asked when property owner would go to the Planning Commission if they wanted their property redesignated. Ms. Pulling explained the process of the adopting the Town Plan.
- Ed Skwira asked the Commission what happened to the last Town Plan that went up before the voters. Mr. Stearns said the Select Board didn’t act on it, and every 5 years the Commission is required to re-adopt a Plan. Mr. Zingale, Jr. explained the process if the people of the Town did not want to adopt the Town Plan the Select Board adopts.

At the conclusion of the hearing, the Commission met briefly and requested Mr. Brad Wilson to attend the next Planning Commission meeting on Thursday, March 17, 2016. The Commission agreed to meet at 6:00 P.M. rather than 7:00 P.M., and will notify Mr. Zingale, Jr. of that time change.

Mr. Biederman made a motion to adjourn. Mr. Stearns made a second to the motion. Meeting adjourned at 9:05 P.M.

