

Duxbury Planning Commission

Meeting Minutes May 12, 2016

Members present: Alan Quackenbush, Doug Weber, Bill Whitehair, Brian T. Fitzgerald

Others present: Steffan Defeo, Juli Beth Hinds (Orion Planning and Design)

The meeting was called to order at 6:45 p.m. by Brian Fitzgerald.

Agenda changes: none

Minutes: On motion by Alan/Doug, the minutes of the March 10, 2016 meeting were approved as written.

Zoning revision kick-off: Following introductions, Juli Beth Hinds (Orion Planning and Design) walked the commission through the steps in the process as described in the Town's contract with OPD (see attached handout). There was discussion of several of the steps and how some of the issues likely to arise during the revision process might be handled. In the short term, Juli Beth will be talking to Will Senning (DRB Chair) and Zoning Administrator Al Quesnel. She asked PC members to identify any projects or areas the PC would like to evaluate in more detail.

Juli Beth's partner Bob Barber will be visiting on May 24-25; we'll arrange a visit/tour so he can get a better sense of the town.

The PC will next meet with Juli Beth on June 16 or June 23, so the June PC meeting will probably be rescheduled.

Town forest: FPR has been authorized to execute the transfer by the legislature and the Selectboard has authorized John Murphy to do the same. Alan will contact FPR about finalizing the easement terms. BTF will ask FPR to forward a draft deed for review by the town.

Other business: Steffan gave an update on the status of efforts to close the town gravel pit. Regrading has been completed and all that remains is seeding and mulching. Steffan is looking into the cost of hiring a contractor for that work. A portion of the pit will still be used by the road crew for equipment and material storage. There is still an unfulfilled Act 250 requirement to close down the pit. Steffan is trying to find out if a plan for future use of the site is needed to meet that requirement. There have been proposals to develop a commercial-scale solar facility at the site, but no decisions have been made. Alan suggested that the Selectboard appoint a special committee to take charge of developing a plan for future use. Steffan also noted that the Town received a letter from the state regarding water quality monitoring. He will forward a copy to PC members.

Next meeting: Next regular meeting is scheduled for June 16 at 6:30 p.m., but that is subject to change to enable meeting with OPD regarding the zoning revision. BTF will follow-up and notice the meeting as necessary.

The meeting adjourned at 8:45 p.m.

Minutes by B.T. Fitzgerald

Duxbury Zoning Regulations Update
Planning Commission Kick-Off Meeting 5-12-2016

Your fearless project manager: Juli Beth Hinds, AICP

You will also meet: Bob Barber, FAICP
Graphics & support from: Graham Billingsley, FAICP
Oliver Seabolt, ASLA

- A. Introductions
- B. Walk through the scope of services & tasks, add some dates:
 - 1. Task 1, Project Kick-Off (May 12)
 - 2. Task 2, Analysis of Development Patterns, Recent Applications & Environmental Constraints
 - a. Includes VT ACCD meeting on floodplain regs
 - b. Conversations with AI, Will Senning
 - c. **Any conservation land, or potential changes to ownership that should be flagged?
 - d. **Any projects/areas the PC would like to flag to evaluate in more detail?
Something that 'shouldn't have' been approved, an enforcement issue, a potential area of interest for more density or a beneficial project?
 - e. Bob Barber visit May 24th/25th
 - 3. Task 3, Initial Zoning Review, Town Plan "Cross Walk," Markup
 - a. Initial annotated version (see page from City of St Albans SW ordinance and example of mark-up from Brown Deer WI, attached)
 - b. "Crosswalk" of issues in the Town Plan that can and should be addressed through bylaws, keeping in mind that!
 - i. Purpose statements for the regulations themselves, any special provisions (i.e. wetlands, streams, driveway/culvert), and individual land use districts should reflect Plan principles – but must be focused on regulation
 - ii. Regulations are preventive and reactive – not proactive
 - iii. Regulations must be APPLICABLE and must be ENFORCEABLE
 - c. Key issues likely to be discussed at the Task 3 work session:
 - i. Density in the Village
 - ii. Subdivision and rural road standards
 - iii. Floodplains & structures
 - iv. Sub-districts or changes to dimensional standards, based on correlation of lot sizes to dimensional standards
 - v. Thresholds for zoning permits & erosion control
 - vi. Application requirements – what is the content that would facilitate decision-making & effective review?
 - vii. Town review procedures & 'technical review' (outside support) for larger or complex applications
 - 4. Task 4, First Complete Markup/Draft
 - a. Template/format:
 - i. Fearless Planner's suggestion is to use the recent Jericho update as an example of a complete bylaw but we can use a different template (i.e. font, layout, etc.). Suggest looking at Warren VT, Brandon MS, Wauwatosa WI, and Jericho.

- ii. ****Complete redline versus 'draft new bylaw'** where entire document is replaced IF the reorganization is substantial
 - b. Map changes
 - c. Work through issues and "sort" as:
 - i. Policy (i.e. change in how the Town treats density, uses or other entitlements) – most important for public input
 - ii. Legal/conformance (i.e. stuff the lawyers make us do)
 - iii. Technical (i.e. a change in language, approach or organization that does not affect entitlement or procedure)
 - iv. Process/administrative (i.e. how the Town reviews applications, conditions its approvals, and conducts enforcement)
 - d. Prepare for public workshop
- 5. Task 5, Public Workshop
 - a. Bob, JBH to help scope (especially Bob)
 - b. *****Great time to deal with the Village and what is truly meant by "increasing density"** – and what density Village can support
 - c. Recommend involving Gunner, others to discuss limitations of ww capacity
 - d. Other key issues – Rural subdivision? Roads & driveways? Landscaping & buffering? How to protect wetlands & waters through landscaping, grading, erosion control?
- 6. Task 6, Complete Draft except final pieces of environmental/hazard standards
- 7. Task 7, Environmental Standards
 - a. ***Important to have DRB, Select Board review or at least be very aware of the content & any substantive policy/map changes at this stage.**
 - b. Should deal with density, dimensional standards
 - c. ***Will need to look at where AAPs/AFP are for forestry**
 - d. Coordinate mapping with CVRPC/ACCD
- 8. Task 8, Draft Procedures & Review Process
 - a. ****Joint session with DRB!**
 - b. Staff (roads, ZA, Will Senning) need to think about the types of internal procedures, application contents, technical support desired
 - c. Application content & review standards
- 9. Task 9, Final Draft & Overview Presentation

LINKS:

Jericho, VT Regulations:

http://www.jerichovt.gov/vertical/Sites/%7B0A48C719-28BA-4BAE-B0A4-76C55C17A32C%7D/uploads/Final_Combined_Development_Regulations_4-17-15.pdf

Wauwatosa, WI Chapter 24:

https://www2.municode.com/library/wi/wauwatosa/codes/code_of_ordinances?nodeId=TIT24Z

[O](#)

Example of Annotated Markup: St Albans

2. In the Flood Hazard Overlay District, base flood elevations and floodway limits provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps, where available (Zones A1-A30, AE and AH), shall be used to administer the provisions of this bylaw. In areas where base flood elevations and floodway limits have not been provided by the National Flood Insurance Program (Zone A), base flood elevation and floodway information available from State or Federal agencies or other sources shall be obtained and reasonably utilized to administer the provisions of this bylaw.

3. In the Stream Corridor Overlay District, the limits of applicability shall be all lands lying within thirty (30) feet horizontal distance in either direction from the top of bank of the main stem and primary tributaries of Rugg Brook and Stevens Brook, as depicted on the Stream Corridor Overlay District Map.

Section 303 Intent of Districts

A. Residential Districts

1. LDR - Low Density Residential

G. Exemptions for Existing Structures and Surfaces

Where a site abuts a hardened stream channel, or where impervious surfaces, structures or operation of use takes places within ten (10) feet horizontal distance from the top of bank of the stream as of the Effective Date of this Ordinance, the Development Review Board or Zoning Administrator may exempt the applicant from the provisions of Subsection (C) above provided other supplemental landscaping, tree planting, erosion control or stormwater treatment measures are implemented on the site consistent with the provisions of the City of St Albans Construction Guidance Document and Stormwater Guidance Document.

This is perhaps a bit challenging but allows flexibility in requiring supplemental measures that would address water quality where uses are already within 10' of the channel

H. Stabilization and Planting Required

Any lands or areas within the Stream Corridor that are not vegetated as of the Effective Date of this Ordinance, or that are subject to land disturbance on or after the Effective Date of this Ordinance, shall be seeded or stabilized. Lands lying within ten (10) feet horizontal distance of the top of bank shall be seeded with a combination of trees, shrubs, and plantings. Where ground cover or grasses are planted, a naturalized mix of grasses suitable to the climate of Northwest Vermont shall be utilized, rather than sod or standard turfgrass, and the vegetation shall not be mowed more than one (1) time per calendar year after establishment.

Example of Markup: Village of Brown Deer

54 Village of Brown Deer
 Code & Ordinance Review Project
 POTENTIAL AMENDMENTS FOR CONSIDERATION September 2015

- h. Telephone exchange buildings, microwave relay towers, and telephone transmission equipment buildings.
- i. Water filtration plants, pumping stations, reservoirs, and towers, and sanitary and storm sewer lift stations, public or community.
- j. Bicycle path
- k. Stormwater management and green infrastructure systems, including ancillary structures, public or community.

Sec. 121-160. - R4 single-family attached and multiple-family residence district.

(d) *Useable open space requirements.*

- (1) Ground area of a lot, balconies, rooftop terraces in residence buildings over three stories, landscaping and recreational facilities may qualify as useable open space, provided that it is in an area:
 - a. Which is not devoted to public or private roadways or driveways and open or enclosed off-street parking or off-street loading.
 - b. Which is accessible and available at least to all occupants of dwelling units for whose use the space is required, except balconies.
 - c. Which is not devoted to structures or buildings, except not more than five percent of the required useable open space may be recreational facilities enclosed within a building or structure for the use of all occupants of the dwellings for whose use the space is required.
 - d. Which, when above grade, is structurally safe and adequately surfaced and protected.
 - e. Which has no less than ten feet as its narrowest dimension between either the lot line and area not qualifying as "open space" or between two areas not qualifying as "open space."
 - f. Which is developed, landscaped, and maintained suitable for pedestrian, recreational and leisure use, with no more than five percent devoted to vegetated stormwater management measures.

(l) *Plan approval.* All uses in this district shall be designed to meet the letter and intent of these regulations. Plans shall encourage safe and efficient traffic flow, physical compatibility with other uses existing on adjoining properties, and adequacy of recreational facilities and luxury amenities. Plans submitted to the plan commission for review and approval shall be designed to address the following:

- (1) Engineering design standards. The width of street right-of-way, width and location of street or other paving, outdoor lighting, location of sewer and water lines, provision for ~~stormwater management and the use of green infrastructure drainage or other similar environmental engineering~~, consideration shall be based upon a determination as to the appropriate standards necessary to implement the specific function in the specific situation; provided, however, that in no case shall standards be less than those necessary to ensure the public safety and welfare as determined by the village. Public and private street configuration shall conform with the village's official map, whenever possible.

JERICHO	DUXBURY
AUTHORITY and PURPOSE 1.1. Enactment 1.2. Purpose 1.3. Applicability 1.4. Effective Date	Article I. General Purpose and Rules of Application 1. Enactment and purpose 2. Rules of application 3. General requirements

JERICHO	DUXBURY
1.5. Amendment 1.6. Severability	
DEFINITIONS	Article IV Interpretation and Definitions 1. Meaning and Interpretation 2. Definitions
ZONING DISTRICTS 3.1. Zoning Districts and Zoning Map 3.2. Purpose of Districts 3.3. Interpretation of Boundaries 3.4. Lots in More Than One Zoning District OVERLAY DISTRICTS 6.1. Scope and Authority 6.2. Purpose 6.3. Description 6.4. Wetlands Overlay District 6.5. River Overlay District 6.6. Wellhead Protection Area Overlay District 6.7. Natural Resources Overlay District	Article II Zoning Districts Introduction Article V.13 Statutory Limitations (Ch 117 limitations) Article II (Descriptions, purposes) 1. Ecological Reserve Land District 2. Timber Management and Wildlife District 3. Forest Recreation District 4. Rural Agricultural Land II 5. Village 6. State Farm 7. Flood Hazard Overlay District
ZONING USES (JBH Suggests "USES & DIMENSIONAL STANDARDS") 4.1. Allowed Uses 4.2. Permitted Uses 4.3. Conditional Uses 4.4. Table of Uses 4.5. Uses/Structures Per Lot 4.6. Special Uses 4.7. Specific Use Standards DIMENSIONAL STANDARDS 5.1. Minimum Lot Area 5.2. Required Road Frontage 5.3. Required Yards 5.4. Lot Coverage 5.5. Height 5.6. Density 5.7. Table of Dimensional Requirements for Standard Subdivisions and Conventional Developments 5.8. Table of Dimensional Requirements for Planned Unit Developments (PUD) 5.9. Additional Dimensional Standards 5.10. Pre-Existing Lots 5.11. Dimensional Waivers	Article II (Uses, dimensional standards) 8. Ecological Reserve Land District 9. Timber Management and Wildlife District 10. Forest Recreation District 11. Rural Agricultural Land II 12. Village 13. State Farm 14. Flood Hazard Overlay District Article IV Planned Unit Development 1.Planned Unit Development (dimensional standards) Article V General Regulations 5. Height of Structures 6. Frontage or Access Required to Public roads or Waters 9. Pre-Existing Small Lots
GENERAL PROVISIONS 7.1. Home Occupations 7.2. Adaptive Use of Existing Structures 7.3. Nonconformities 7.4. Earth Products 7.5. Fences 7.6. Swimming Pools 7.7. Sales Permitted in All Districts 7.8. Signs 11. GENERAL DEVELOPMENT STANDARDS 11.1. Access - Public/Private Roads and Driveways 11.2. Parking/Loading/Circulation 11.3. Pedestrian Facilities	Article V General Provisions 1. Home Occupations 2. Day Care Facilities 3. Access and Parking Requirements 7. Equal Housing Standards 8. Signs 10. Lighting 11. Wireless Communication Facilities and Junkyards 12. Storage Unit Considerations 14. Wind Turbines

JERICHO	DUXBURY
<ul style="list-style-type: none"> 11.4. Lot Layout 11.5. Grading/Slope/Ridgeline 11.6. Recreation/Open Space/Common Land 11.7. Water Supply and Sewage Disposal 11.8. Landscaping 11.9. Site Layout and Design 11.10. OutdoorStorage/Display 11.11. Outdoor Lighting 11.12. Utilities 11.13. Stormwater <u>and erosion control</u> 11.14. Performance Standards 	<p>Article III.7 Extraction of Sand Gravel or Soil</p> <p>Article V.4 Sewage Disposal Standards</p>
<p>FLOOD HAZARD AREA REGULATIONS</p> <ul style="list-style-type: none"> 8.1. Statutory Authorization 8.2. Statement of Purpose 8.3. Lands to Which These Regulations Apply 8.4. Development Permit Required 8.5. Procedures 8.6. Base Flood Elevations and Floodway Limits 8.7. Development Standards 8.8. Duties and Responsibilities of the Zoning Administrator 8.9. Variances to the Development Standards 8.10. Warning of Disclaimer of Liability 8.11. Precedence of Regulations 8.12. Enforcement and Penalties 8.13. Definitions 	
<p>REGULATION OF TELECOMMUNICATION TOWERS AND FACILITIES</p> <ul style="list-style-type: none"> 9.1. Purpose 9.2. Authority to Hire Independent Consultants 9.3. Agreement with Federal Law 9.4. Exemptions 9.5. Conditional Use 9.6. Site Plan Requirements 9.7. Evidence of Need 9.8. Legal and Technical Documentation 9.9. General Project Requirements 9.10. Tower and Antenna Design Requirements 9.11. Structural Integrity and Safety 9.12. Amendments to Existing Telecommunications Facility Permit 9.13. Tower Lighting, Signage, Noise Generated by Telecommunications Facility 9.14. Antennae Mounted on Structures, Roofs, Walls and on Existing Towers 9.15. Temporary Wireless Telecommunications Facilities 9.16. Abandoned, Unused, Obsolete, Damaged or Dangerous Portions of Towers 9.17. Maintenance of Telecommunications Facilities Insurance 9.18. Fees 9.19. Definitions 	<p>Article V.11 Wireless Communication Facilities</p>
<p>10. PERMIT AND REVIEW PROCEDURES</p> <ul style="list-style-type: none"> 10.1. Types of Permit Applications and Review Authority 10.2. Zoning Permits 10.3. Septic Permits 10.4. Access Permits - Roads and Driveways 10.5. Water Service 10.6. Certificates of Occupancy 	<p>Article III Zoning Administration and the Permit Process</p> <ul style="list-style-type: none"> 1 Planning Commission 2 Zoning Administrator 3 Development Review Board 4 Site Plan Approval and Review

JERICHO	DUXBURY
<ul style="list-style-type: none"> 10.7. Boundary Adjustment 10.8. Development Review Board Procedures 10.9. Conditional Use Review 10.10. Site Plan Review 10.11. Dimensional Waivers 10.12. Subdivision Review 10.13. Planned Unit Development Review 	<ul style="list-style-type: none"> 5 Public Notice Requirements 6 Conditional Uses 8 Appeals 10 Records 11 Enforcement 12 Appeal from a Decision of the Development Review Board
<p>12. ADMINISTRATION AND ENFORCEMENT</p> <ul style="list-style-type: none"> 12.1. Applicability of Vermont Planning and Development Act 12.2. Zoning Administrator (Administrative Officer) 12.3. Development Review Board 12.4. Planning Commission 12.5. Appeals 12.6. Variances 12.7. Violations and Enforcement 	<p>Article IV Planned Unit Development (administration & review)</p>