

Notes from November 16, 2010 Planning Commission Meeting

After general business matters and presentation from Carol Wells on plans for a more pedestrian-friendly design for the Shaw's parking lot, Tom W. reviewed the area designated by the state as a downtown under their program and supported the statement that the town did not have to match the boundaries for design review district; the designated downtown and the Village Business district that is being proposed.

Noelle went over the questions and answers from the October 19th meeting. Most of the questions still centered around setbacks and footprint. Here are some follow-up comments and questions by the Planning Commission and any follow up comments/answers by Noelle from Smart Growth Vermont or Brandy Saxton from PlaceSense in blue text.

- **From October 19th meeting the Questions:** There was a lot of discussion around the Road setback and property line setback. How is the road setback measured? Is it from the center line? A 10 foot road setback might work on Main Street, but what about on other streets? How would it apply to internal lots (like the site of Shaws), how would it be measured?
Answer (First Response after meeting): The stated setbacks are from the edge of the right-of-way. We will include in the definition or somewhere as a general standard that if the edge of the right-of-way is not known it is to be estimated as 25 feet from the centerline of the road. Interior lots typically have a setback for all lot lines equal to either the front setback or the greatest setback required in the district. That language generally goes into the general standards for lots, setbacks, yards.
- **Proposed Definition of Road Setback was drafted:** ROAD SETBACK. (Response to first meeting) The required distance between the edge of the road right-of-way and the nearest point of any structure. If the edge of the right-of-way is unknown, the road setback shall be measured from the centerline of the road by adding 15 feet for town and private roads or 25 feet for state highways to the setback distances specified in Article * of these regulations.
- **At the November 16th meeting, follow up Questions included:**
 - **Comment:** Ken mentioned that it is the prevailing legal precedent that roads are 31/2 rods or that setback or more recognized as 25 feet for, not only state highways, as was in the proposed definition, but for all roads. He also noted that many new roads are 66 feet.
 - **Question:** Ken wondered where the 15 feet came from and why is it not 25 feet.
Answer: We used the 15 feet to show that there can be variations in what a community allows for ROWs. Some towns have private roads with 30-foot ROW. Ken is correct that normally it would just be 25 feet. Also remember that in many cases roads are not in the center of the ROW – so this is already an estimate of where the edge of ROW is. It is used where there is a lack of information. If there is more accurate information (ie a survey; or know how many rods from a document) then you would use that.
 - **Suggestion:** Need to have language in the definition that allows for some flexibility in measurement depending on the road.
ROAD SETBACK. (Updated Definition) The required distance between the edge of the road right-of-way and the nearest point of any structure. If the edge of the right-of-way is unknown, the road setback shall be measured 25 feet from the centerline of the road. If the right-of-way is known, it would be half of the known width.
 - **Follow Up:** Members of the PC will do some road measurements to see what the setback area.
- **Comment:**
 - Tom felt that footprint was not a necessary dimensional standard as we already had FAR and maximum lot coverage. He felt that this might be legally contentious is a landowner had 1-2 acres and could only build a certain size footprint.

- PC members felt that the 30,000 sq ft footprint was too large; should be more like 20,000 sq ft maximum.
- PC member felt that 10,000 sq ft for an accessory building was too large, and that it should be a percentage of the principle building – i.e. 10%
- They wanted to make sure that an innovating parking structure that might, for example, be associated with a hotel such as multi-story parking with a restaurant or conference area on top should be allowed.

Answer: Footprint was used as a way to set the ceiling for the largest building that they feel could be appropriate in the district. It creates a far greater sense of certainty for what the largest building will be.

- **Questions:**

- Need to clarify Accessory Structure – would this include both the definition of accessory dwelling unit and an accessory use or building? If it included assessor dwelling unit, may need to rethink the maximum.

Answer: An accessory dwelling may be located in an accessory structure (ex. above a garage or in a converted carriage house) but could also be located in the principal structure. The maximum size of an accessory structure would not trump any size requirements placed on accessory dwellings. The state has a maximum size of up to 30 percent of the “total habitable floor area of the primary single family dwelling.” The town can be more generous if they want, they just cannot go lower. Can also do 500 sq feet or 30 % whichever is greater as that deal with someone with a smaller home.

- Hardware store – would this be handled under the definition of retail?

Answer: Yes if not separately listed and defined.

- Town Green – where would this be defined?

Answer: Why would this need to be defined in the zoning? We can write a definition of park, but typically not something that would come in for a zoning permit.

Proposed Schedule of Uses

Noelle picked up on the schedule of uses. On October 19th, we had finished the “household, group living, healthcare and daycare uses” and were moving on to finish this group. Some of the changes made on the draft, include:

- The definition of Emergency Services Facility currently has police and the PC does not want this. They would like a definition of “Law Enforcement” and it would be SP in Village Business.
 - **EMERGENCY SERVICES FACILITY.** A publicly operated facility for the storage of emergency response vehicles and equipment, along with related training and administrative space for emergency responders. This definition specifically excludes police station.
 - **POLICE STATION.** A building, or part thereof, that is operated by a governmental agency to provide law enforcement services, which may include administrative offices, equipment and vehicle storage, and temporary detention facilities.
- There was a question of Group Home – is there a statutory requirement that it be permitted, and can we do PS and not P?

Answer: A group home that meets the state’s definition and requirements must be treated like a single-family use of property. So if SF homes are P then group homes must also be P.
- Noelle noted that there had been discussion on the first round review of the need for a “guest facility” and that there was not a definition. After reviewing the definitions, we decided that guest facility fit the definition of Inn and we would call that definition “Inn/Guest Facility”
- B&B – from not allowed to SP
- Need to separate out Resort and Retreat Center
- Nature Preserve – from SP to not allowed

NOTE: On the way driving home, Noelle realized that “gravel extraction” need to be added under industrial uses and we need to discuss in each district. It was not on this schedule of uses because it was being handled separately when we started this process.

Proposed Standards:

We next moved to page 4 of the standards document to the section titled “Compatibility with Existing Settlement Patterns”

- The following standards apply and/or need further specific standards:
 - Strong consideration shall be given to massing and architectural design...
 - Need further visuals
 - Need standards or definition of “positively”
 - Combine landscaping and Street trees
 - Should read: Landscaping shall be an integral component of new development and shall comply with the landscaping provisions of Section * of these regulations
 - In this district, street trees should (not shall) as in many cases not feasible to put in the Main Street area; but they shall be native and also salt resistant if applicable
 - There was discussion regarding building with a footprint larger than 3,000 sq feet having required design features so many felt this shall needs to be a should
 - Parking lots – should be changed to parking areas
 - Delete the first part of the sentence regarding pedestrian access and just say – Safe pedestrian...
 - Need a definition/standards for “safe” so it is measureable
 - The final standard – the “shall” was changed to “should.”