



PLANNING COMMISSION

Meeting Type:.....Regular
Date:.....Tuesday, June 21, 2016
Time:.....7:00 p.m.
Place:.....Planning Department Office
Address:.....43 Bombardier Road Milton, VT 05468
Contact:.....(802) 893-1186
Website:www.miltonvt.org

MEETING MINUTES

1 **1. CALL TO ORDER**

2 The Vice-Chair called the meeting to order at 7:02 p.m.
3

4 **2. ATTENDANCE**

5 **Members Present:** Lori Donna, Chair (arrived approximately 7:30, following recusal from the zone change
6 discussion); Julie Rutz, Vice-Chair; Tony Micklus, Clerk; John Lindsay; Henry Bonges (left at approximately 8:40).

7 **Members Absent:** None.

8 **Staff Present:** Jacob Hemmerick, Planning Director; Brandy Saxton, PlaceSense consultant (arrived at
9 approximately 7:30 p.m.).

10 **Public Present:** Don Turner, Jr., Real Estate Agent (representing the zone change applicant).
11

12 **3. AGENDA REVIEW**

13 The Vice-Chair suggested Agenda Review and Staff Update be delayed until Saxton and Donna arrive, and that
14 Agenda item 6(C) (I-1 to R-1 Zone & Map Change Application for Tax Map 36, Parcel 5, SPAN 10898) be
15 discussed first. The group agreed.

16 **Additions:** None.

17 **Deletions:** None.

18 **Corrections:** None.
19

20 **4. PUBLIC FORUM**

21 None.
22

23 **5. STAFF UPDATE**

24 **5(A). General News/Updates**

25 Staff reminded the group of the upcoming Planning Department Strategic Planning Retreat, and asked those who
26 have not done so already to complete the brief survey that was sent out. Some of the goals of the day include
27 capturing more efficiencies, better serving the public and the Planning process, and honing in on the Planning
28 Department's Mission and Values.
29

30 Staff noted that Lou Mossey was honored at a recent Regional Planning Commission (RPC) meeting; this news
31 was warmly received. Various RPC initiatives were discussed, followed by updates on recent legislative activity.
32 Staff summarized some training and professional development opportunities that are available.
33

34 **5(B). Work Plan Review & Possible Joint Meeting with the Selectboard**

35 Staff noted that the group's next meeting has been cancelled due to the July 4th holiday. The Work Plan was
36 reviewed. The joint meeting with the Selectboard was briefly discussed, with Staff noting that no date had been
37 set.
38

39 **5(C). Use Table Update**

40 Staff noted that Saxton had updated the Use Table, and presented the updated version to the Commission. The
41 Commissioners will review and refer to the Use Table as they progress through the Work Plan.

1
2 **6. BUSINESS**

3 **6(A). I-1 to R-1 Zone & Map Change Application for Tax Map 36, Parcel 5, SPAN 10898 [previously Item 6(C)**
4 **on the Agenda]**

5 Rutz framed the options that the Commission has regarding this application:

- 6 • Move to hold a hearing;
- 7 • Ask for more info, and hold off on making a decision;
- 8 • If the group decides to recommend approval, there are two subsequent options: the Zone Change can be
- 9 packaged with the rest of the amendments the PC is currently working on, or they can present it as a
- 10 single item (Staff recommends packaging with the rest of the amendments).

11
12 Lindsay stated the terrain was not conducive to Industrial uses. Rutz reviewed the list of permitted uses in the R-
13 1 Zoning District. Bonges expressed his support of the change, stating the proposed change fits with the existing
14 neighborhood, as well as the Bylaw changes that the Commission has been working on. Micklus agreed, stating
15 residential was a much better use of the land.

16
17 Rutz stated that she was not looking at the proposal through the lens of the best or most efficient way to develop
18 the land. Rather, she is looking at it through the lens of what's best for the Town, and whether or not it fits in to
19 the goals of that district. Rutz confirmed with Staff that an approximation of the density possible under the
20 current regulations was approximately 61-73 units, which Rutz felt was high. Rutz felt that this many homes in
21 that location is not compatible with the Comprehensive Plan. Discussion followed.

22
23 MOTION by Bonges to APPROVE the I-1 to R-1 Zone Change request of Milex Properties, LLC/Owner &
24 Applicant, and to present it for hearing with the other amendments currently being worked on. SECOND by
25 Micklus. MOTION PASSED.

26
27 **VOTE RECORD**

28		
29	Lori Donna, Chair	yes/no/abstain/ absent/recusal
30	Julie Rutz, Vice-Chair	yes/ no /abstain/absent/recusal
31	Tony Micklus, Clerk	yes /no/abstain/absent/recusal
32	John Lindsay	yes /no/abstain/absent/recusal
33	Henry Bonges	yes /no/abstain/absent/recusal
34		

35 Rutz clarified with Staff the responsibilities of the Planning Commission at this point. Staff reviewed the
36 necessary steps and the timeline for them to occur.

37
38 **6(B). Unified Bylaw "General Provisions" Section 1 Review [previously Item 6(A) on the Agenda]**

39 The group picked up where they left off on the review of Section 1. Saxton continues to take notes and gather
40 input from the Commissioners and Staff and the goal is to present a revised Section 1 toward the end of July.

41
42 The section addressing prior permits and approvals was discussed first. This is the section that would expire
43 prior approvals within three years. The draft language has them expire (if no permit is obtained) 3 years from the
44 date of adoption of the regulations. Micklus expressed hesitation and Saxton explained that there are
45 mechanisms in place to extend the timeframe for new approvals, and clarified that this language applies only to
46 previously approved Site Plans. Saxton explained that this is mostly a housekeeping piece, and tidies up some
47 oddities in the current regulations, where Milton has no expiration. Donna felt the deadline should be less than 3
48 years, but deferred to Staff's expertise regarding the necessary amount of time needed for applicants to obtain
49 other permits (State Agencies, Act 250, etc.). Saxton felt 3 years was reasonable and recommended against
50 dropping it any lower than 2 years.

1 The timeline for new, approved Site Plans was discussed. A change that was discussed, in particular, was the
2 default to a zoning permit being issued at the same time as the Development Review Board (DRB) approval,
3 unless the applicant specifically asks to delay the issuance of the zoning permit. The Zoning Administrator could
4 authorize this up 18 months, with DRB approval required for any further time extension. Donna requested
5 setting a maximum extension that the DRB may approve, suggesting 6 months. Saxton noted that this would
6 total 2 years of extensions, which should be enough to get through any other permitting requirements, barring
7 legal challenges. Bonges brought up some of the issues that could arise from expiring or unfulfilled Site Plans,
8 such as the shared parking that the group has previously discussed. Discussion followed.
9

10 The group went over Chapter 120 quickly:

- 11 • Zoning Permits and DRB approvals go with the land, not the owner.
- 12 • Lawfully recorded sub-division plats do not expire.
- 13 • Expiration of permits & approvals: discontinued uses would need new Site Plan approval, even if for the
14 same use. This is a great opportunity to bring properties in to compliance, particularly those that have sat
15 untouched for years.
- 16 • Section 1202 clarifies that applications are reviewed based on the regulations in place at the time the
17 application is deemed complete by Staff (this prevents a rush of incomplete applications from being
18 submitted just prior to a regulation change).
- 19 • Section 1203 addresses a change of use.
- 20 • Section 1204 addresses expansion of use. The group discussed residential versus commercial.
- 21 • Section 1205 addresses discontinued uses. A use would be considered abandoned at 18-months. This
22 timeframe was discussed and the group agreed 12 months was preferable.
- 23 • Section 1206 deals with abandoned land development, and requires the developer to tidy up the site to a
24 certain degree.
- 25 • Section 1207 addresses damaged lands and structures (for example, fire or flood). The regulations that
26 guide rebuilding of a damaged structure were discussed. More discretion is granted to the Zoning
27 Administrator here.

28
29 **6(C). Unified Bylaw "Administrative Procedures" Section 4 Introduction [previously Item 6(B) on the Agenda]**

30 The group moved on to the Section 4 Introduction. Saxton reviewed the framework of the section, advised that a
31 lot of the language here is Statutory, and pointed out what wasn't statutorily required. The Commissioners will
32 review this section and report back with their impressions at their next meeting. Of specific interest was the
33 proposed change to having Staff review Sketch conventional subdivision applications, rather than requiring they
34 go to the DRB (they would still go to the DRB for Preliminary and Final Plan approval as required).
35

36 **6(D). Wetland Permit Application Notice**

37 The Commission reviewed the permit application and had no comments.
38

39 **7. MINUTES**

40 **7(A). Approval of Minutes of June 7, 2016**

41 MOTION by Rutz to APPROVE the Minutes of June 7, 2016 as written; SECOND by Lindsay. Discussion: none.
42 Unanimously APPROVED.
43

44 **9. ADJOURNED**

45 MOTION by Rutz to ADJOURN at 8:50 p.m.; SECOND by Micklus. Unanimously APPROVED.
46

47 Minutes approved by the Commission this _____ day of _____, 2016.
48
49

50
51 _____
52 Lori Donna, Chair

/kt

- 1 Draft filed with the Town Clerk this 24th day of June, 2016.
- 2
- 3 Filed with the Town Clerk this _____ day of _____, 2016.