



PLANNING COMMISSION

Meeting Type:.....**Regular**
Date:.....**Tuesday, August 2, 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 Chair called the meeting to order at 7:15 p.m.
3

4 **2. ATTENDANCE**

5 **Members Present:** Lori Donna, Chair; Julie Rutz, Vice-Chair; Tony Micklus, Clerk; Henry Bonges; John Lindsay.

6 **Members Absent:** None.

7 **Staff Present:** Jacob Hemmerick, Planning Director; Brandy Saxton, PlaceSense consultant.

8 **Public Present:** Diane Mallock, Reginald Blaisdell, Bill Workman, and Michael McCormick.
9

10 **3. AGENDA REVIEW**

11 Staff requested an item be added to clarify what time the Commission would like to begin their meetings as they
12 move in to the fall season. The Chair suggested this be the last item of business.

13 **Additions:** None.

14 **Deletions:** None.

15 **Corrections:** Staff noted two corrections to the Agenda: the next meeting is Tuesday, August 16, 2016; and under
16 "Upcoming," Map Review should be Item 6B rather than 6C.
17

18 **4. PUBLIC FORUM**

19 Diane Mallock identified herself and her neighbor, Reggie Blaisdell. Mallock stated that she and Blaisdell
20 understand that they own the last two lots of what is currently the Checkerberry district, and were unaware of
21 the potential changes that may occur if the Unified bylaw is adopted. The proposed changes would negatively
22 impact their development plans. Staff clarified the details and advised that the parcels' Zoning District would be
23 changed to R3 - Low Density Residential, if the bylaw is adopted.
24

25 Bill Workman identified himself and gave a history of the site and various proposals that have occurred over the
26 years, since approximately the mid-1990's. Workman stated significant funds have been invested into the existing
27 infrastructure (including a 12-bedroom septic system and ledge blasting), all with the intention of developing
28 residential units on the lot. Workman, Mallock and Blaisdell agreed that their preferences were to retain high-
29 density residential zoning, or to be in the proposed commercial-only zone, in that order. It was made clear that
30 the group has no desire to be in the proposed R3-Low Density Residential district.
31

32 The Chair gave a thorough explanation of the purpose of Interim Zoning and the reasons it was implemented.
33 The Chair also explained the process moving forward, and encouraged all those interested to participate in the
34 public hearings and to voice their opinions.
35

36 Michael McCormick spoke next, representing Hubert McCormick, the owner of a 128-acre parcel on Route 7 near
37 the Sears building. McCormick's plan for the property, a Planned Unit Development (PUD) approved by the
38 Development Review Board (DRB) in 2010, has already been through the Act 250 process and a great deal of
39 money has been spent on engineering. McCormick stated that although the PUD was pre-approved, Interim
40 Zoning is restricting his ability to obtain a permit to construct the residential units. McCormick began giving

1 details of the project, and the Chair stopped him in order to avoid a conflict of interest, as two DRB members
2 were present. Some general discussion followed and the Chair thanked everyone for their comments.
3

4 **5. STAFF UPDATE**

5 **5(A). General News/Updates; Statutory Notices from Other Agencies; Development Review Report**

6 Staff gave a brief update of Department activities and Town news. A more detailed update was emailed earlier.
7

8 **6. BUSINESS**

9 **6(A). Annual Election of Officers**

10 The group agreed to move the Annual Election of Officers to the end of the meeting. At that time, the following
11 occurred:
12

13 MOTION by Bonges to nominate Donna as Chair. SECOND by Rutz. Donna abstained. MOTION CARRIED.
14

15 MOTION by Donna to keep Rutz as the Vice Chair and Micklus as the Clerk. SECOND by Lindsay. MOTION
16 CARRIED.
17

18 **6(B). I-1 to R-1 Zoning Map Amendment Decision for Tax Map 36, Parcel 5, SPAN 10898**

19 The Chair recused herself from the discussion of this item. The Vice Chair gave an overview of the history of this
20 item, stating that at the time the vote was taken, she was unaware of a possible conflict of interest that existed.
21

22 MOTION by Bonges to RESCIND the prior vote. SECOND by Lindsay. Discussion: none. Vote RESCINDED by
23 UNANIMOUS CONSENT.
24

25 Micklus described the potential for the perceived conflict of interest: at the time of the vote, he was not aware
26 that Don Turner of Century 21 Jack Associates was representing Peg Nichols, the landowner of the parcel.
27 Micklus is also an agent of Century 12 Jack Associates, and therein lies the potential conflict of interest. The Vice
28 Chair asked what he would do if the vote were to be taken now, knowing this information. Micklus stated he
29 would recuse himself. Micklus then recused himself.
30

31 MOTION by Lindsay to APPROVE the I-1 to R-1 Zoning Map Amendment for Tax Map 36, Parcel 5, SPAN 10898.
32 SECOND by Bonges. Discussion: none. Vote taken:
33

34 Lori Donna, Chair	yea/nay/abstain/absent/ <u>recusal</u>
35 Julie Rutz, Vice-Chair:	yea/ <u>nay</u> /abstain/absent/recusal
36 Tony Micklus, Clerk:	yea/nay/abstain/absent/ <u>recusal</u>
37 John Lindsay:	<u>yea</u> /nay/abstain/absent/recusal
38 Henry Bonges:	<u>yea</u> /nay/abstain/absent/recusal

39
40 MOTION FAILED due to a failure to reach a concurrence of the majority of the board.
41

42 **6(C). Unified Bylaws "General Provisions" Sections 1 & 4, Review of Second Draft**

43 Saxton had highlighted some of the areas the group had wanted to revisit, and discussion followed:
44

45 Chapter 400 addresses Administrative Procedures. Saxton advised it lays out the structure of the governance, the
46 responsibilities of the parties involved including the Planning Commission, the Zoning Administrator and the
47 DRB. The section was pretty straightforward, and there were no questions or concerns.
48

49 Chapter 410 is titled Fees and Filing Requirements. Various items were discussed. The group liked the addition
50 of the ability of the Zoning Administrator (ZA) to go to the site for mid-construction inspections. The ability to

1 require submission of as-built drawings was well-received. As Saxton noted, everything does not always go as
2 planned once you are in the field, and this is a good tool to have in your toolbox as it can benefit all parties.
3

4 The proposed bylaw gives the ZA more authority in many areas, including deeming an application complete.
5 Discussion about requiring a time limit to make such a determination followed. Saxton advised that this was not
6 a statutory requirement, and the Chair felt this should be left to Staff's discretion. Micklus had some questions for
7 Staff, to ensure that Staff is meeting the similar requirements to those that are asked of the applicants. The
8 delegation of authority was discussed, as well as the Town's Charter requirements and general office procedures.
9

10 The following items were also quickly discussed:

- 11 • Conditions of Approval: gives authority for the ZA to condition an approval;
- 12 • Period of Effect;
- 13 • Delay in Effect: gives the applicant the opportunity to request a delay in the effective date of a permit;
- 14 • Appeal Period;
- 15 • Permit extensions;
- 16 • Posting of permits: they must be posted in at least one public place; Staff advised software is needed
17 before this can feasibly be done online;
- 18 • Transfer of permits: the permit goes with the land, not with the permit holder;
- 19 • Permit expiration: clarifies that if a needed permit has expired, a new one must be obtained, the approval
20 of which will be based upon the Regulations in effect at the time of the new application;
- 21 • Revocation of permits and approvals: this addresses the ability of the ZA to revoke a permit based upon
22 inaccurate or misleading information that was included on the application. This item was briefly
23 discussed and Staff noted that this could require more than just the ZA's authority, and could be set up to
24 require either Town Manager or Selectboard approval;
- 25 • Inspection during construction;
- 26 • Certificates of Compliance: some new options, including a temporary Certificate of Compliance, were
27 discussed;
- 28 • Surety administration.

29
30 The group discussed their second September meeting, as Saxton cannot attend on the regularly scheduled date.
31 The meeting was rescheduled to September 27, 2016. The group also agreed to set the meeting time at 6:00 p.m.
32 effective August 16, 2016 and moving forward.
33

34 *Next Steps:* Section 430 will be studied by the Commissioners and discussed at the next meeting.
35

36 **7. MINUTES**

37 **7(A). Approval of Minutes of July 19, 2016**

38 MOTION by Micklus to APPROVE the Minutes of July 19, 2016 as written; SECOND by Lindsay. Discussion:
39 none. Unanimously APPROVED.
40

41 **8. ADJOURNED**

42 MOTION by Rutz to ADJOURN at 8:37 p.m.; SECOND by Lindsay. Unanimously APPROVED.
43

44 Minutes approved by the Commission this _____ day of _____, 2016.
45

46 _____
47 Lori Donna, Chair /kt

48 Draft filed with the Town Clerk this 5th day of August, 2016.
49

50 Filed with the Town Clerk this _____ day of _____, 2016.
51