

TOWN OF NORTHFIELD, VERMONT
PLANNING COMMISSION
Minutes of November 2, 2022

The meeting was held at the Community Room of the Brown Public Library, and was also streamed via the Town GoToMeeting account for the benefit of those unable to attend in person.

The meeting was called to order at 7:05 pm by Chair Laura Hill-Eubanks.

Roll Call: Present for the meeting were Commissioners Laura Hill-Eubanks, Nancy Peck, Ruth Ruttenberg, and Chandra Blackmer. Aaron Rhodes was absent. Clerk Mitch Osiecki hosted the meeting from the Community Room. Also present were JuliBeth Hinds of Birchline Planning (joined at 7:25), Erin Hicks-Kibbles of the Northfield Housing Task Force, and resident Julie Lappin.

Mitch Osiecki and Nancy Peck attended from the Community Room; all other attendees participated remotely via GoToMeeting.

Set/Adjust Agenda: Since JB will joining a few minutes late, the agenda will be juggled a bit to keep things moving until JB arrives.

Public Participation: Laura welcomed guests and made introductions.

VCRD Grant Application

Motion: Ruth Ruttenberg moved to approve the draft of the grant application; Nancy Peck seconded.

Vote to approve: 4-0. Laura will submit application.

Approval of Minutes: Mitch noted that he has edited the minutes of October 5 to make it clear that he was the only person in attendance at the Community Room; all other attendees participated remotely via GoToMeeting. Nancy Peck moved to approve minutes as amended; Chandra Blackmer seconded.

Vote to approve: 4-0.

Discussion of Meeting Schedule

The possibility of adjusting the PC meeting schedule was raised and discussed. The PC currently meets once a month, generally on the first Wednesday. Would members prefer one longer meeting each month or two shorter meetings? At least through the holidays (November and December), the preference is for a single monthly meeting.

Executive Session

An Executive Session item has been added to the agenda to discuss a personnel issue. The Executive Session will be held at the end of tonight's meeting.

General Comments

Ruth Ruttenberg is concerned about protection of the Town Forest. Ruth wants to protect this land from development.

Ruth also hopes to see more use of riparian buffers to prevent livestock from grazing near waterways.

It might be a good idea to ask Ned Swanberg for advice on strengthening our regulations.

Mitch will check the on the ZA forum to see if other municipalities have found ways to regulate such activity.

Mitch also updated the PC on issues related to the Watters/Farrington property on Clark Road. Will continue to keep everyone up to date on the proceedings related to this property.

JB Hinds joined the meeting at 7:25.

Zoning Regulation Updates:

Wrap up of revised Article 2.

Draft regs now include a helpful table covering various zoning actions: types of review, public notice requirements, reviewing authority, and rights to appeal decisions.

Consider granting the ZA the ability to administratively approve minor site plan adjustments. Note: the ZA must report such reviews at the subsequent DRB meeting.

Will have to clearly define what qualifies as a “minor” adjustment, but it can be done.

Planned Unit Development – proposed changes will clarify the procedures for PUD review.

Article 2 particulars:

2.6.4 Certificate of Occupancy

There are many good reasons to issue C/O's. Advisable: use C/O as a tool to require the owner/applicant to attest that they have completed the approved project and have complied with all applicable zoning regulations (setbacks, for example).

Chandra Blackmer: Will Select Board buy in?

Mitch: Uncertain. The composition of the SB changes over time. Those that once opposed C/O's may no longer serve. There are good reasons to issue C/O's. It's worth making the case for C/O's to the SB.

Consensus of the PC is in support of issuance of Certificates of Occupancy.

2.6.5 Conceptual Discussion

Current language suggests that an applicant can informally discuss a project with the PC. This should be updated to DRB.

2.6.6 Administrative Review

Standards for review.

(E) Field Changes and As-Built Plans

- minor adjustments to previously proposed site plan can include structural changes up to 400 sq. ft.

Items 6, 7, and 8 currently allows ZA the ability to approve “site plan” changes. Some towns allow ZA approval of minor changes; others do not.

State law governs which types of permits the ZA has the authority to approve.

There are guardrails in place that can be used as checks on the authority of the ZA.

PC suggest removing authority to approve changes to #7, #8, and defer such approval to the DRB instead.

2.6.7 DRB Procedures

A. Concurrent review – this language appears to be a holdover from when the town had a Zoning Board of Adjustment. It can be deleted.

B. DRB can authorize site visits in advance of a DRB hearing.

C. Can also require an applicant to pay the reasonable costs of an independent technical review of an application. Not ordinarily needed, but for larger projects this might be desirable. Should add the language so that the option is available if needed.

Notice Requirements

Can require applicants to make notification to abutting property owners.

F. Waiver of Public Hearing for Minor Adjustments to Site Plan Review.

Propose to remove – no compelling reason to waive review.

Public notice of DRB hearings. Public notice is required 15 days in advance of conditional use review, variances, appeal of decision of the zoning administrator, and subdivisions. Seven days in advance for all other types of DRB review (site plan review, sign permits). Application. All application materials must be received 7 days prior to a warned public hearing.

G. Hearing Recess

DRB may recess a hearing pending submission of additional information from an applicant.

H. Decision

Mitch noted that the DRB does not routinely issue formal written decisions. Instead, they rely on language in the zoning regulations that states (paraphrasing here) that “*minutes of the DRB hearing will serve as the decision.*” This process is not ideal. One solution is to cut and paste minutes into form that includes applicant name and application number.

Requirements for Conditions of Approval

Can specify several specific conditions the DRB can impose to mitigate the impact of large-scale developments.

Propose adding requirement that an applicant constructing a single-family dwelling submit evidence of having obtained the required state wastewater permit (Potable Water Supply and Wastewater System Permit).

Should also specify preservation of open spaces, including provisions for future (???) and maintenance.

Consider requiring a permanent conservation easement?

Word of advice: be careful not to require excess parking.

8. Areas for snow storage, trash handling, utilities and outdoor storage are sited, screened, and secured in a manner that minimizes visual impacts and prevents pollution and contamination of the site, surface waters and adjacent properties.

11. Nonresidential use: can require additional setbacks and other conditions to mitigate impact on abutting residential uses.

Site Plan expires in 180 days if no work has begun on the site.

2.6.9 Conditional Use Review

B. Site Plan approval often associated with Conditional Use Review.

C. Proposed conditional use shall not result in undue adverse impacts on any of the following:

1. The capacity of community facilities;
2. The character of the area affected;
3. Traffic on roads and highways in the vicinity;
4. Bylaws and ordinances in effect;
5. Utilization of renewable resources.

Lot Line Adjustment (Northfield currently allows ZA to approve administratively). Current language makes a clear distinction between subdivisions and lot line adjustment (a lot line adjustment explicitly does not create a new lot or parcel).

Waivers and Variances – will come back to the distinction between these.

A minor subdivision is usually defined as one or two new lots. Minor subdivisions are sometimes allowed to be approved administratively (i.e., by the zoning administrator). A major subdivision will generally require a preliminary review to work through the impacts of the proposed development: new infrastructure (roads, water supply, wastewater), stormwater management, traffic, etc.

Suggestion: one or two new lots is a minor subdivision; three or more lots, any PUD, or any subdivision requiring a new road greater than 800 feet will be considered a major subdivision.

F. Discussion of Subsequent Development Plans

The DRB may require a general indication of the intended uses of the remaining portions of land. This should include access, types of use, intensity of use, etc.

2.7.2 PUD

When permitted in underlying zoning districts, modification of district regulations is permitted simultaneously with site plan review.

Purpose: to encourage innovation in design and layout and more efficient uses of land.

Can allow for multiple principal structures on one lot, for example.

2.7.3 Application, Review, and Approval Procedures

Pre-application Conference required for PUD & Major Subdivisions (optional for Minor Subdivision).

Should specify application requirements. DRB will advise applicant of any specific steps it will require as a condition of final approval.

Imposition of Conditions

Important: Can require the applicant to post a Performance Bond.

Phasing: May require certain items to be completed before other phases of the project may commence.

Appeal of Decision of the Zoning Administrator

2.8.7 Variance – A variance is a type of appeal.

Appeal for Renewable Energy Structures

Decisions on Appeals

The municipality shall enforce all decisions of the DRB.

Next Regular Meeting: December 14, 2022 at 7:00 pm. (Note: moved from regular meeting date to schedule conflict).

Motion: At 9:44, Ruth Ruttenberg moved to enter Executive Session to discuss a personnel matter. Chandra Blackmer seconded.

Vote to approve: 4-0.

At 9:52, the PC came out of Executive Session. No action was taken.

Adjournment: Nancy Peck moved to adjourn; Chandra Blackmer seconded.

Vote to approve: 4-0.

Meeting adjourned at 9:55 pm.