

**PLANNING COMMISSION
PRELIMINARY MINUTES**

REGULAR MEETING

October 15, 2013

MEMBERS PRESENT:

| | |
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| Alan Couch, Chair | Logan Nicoll, |
| Terry Carter | Norman Vanasse |

OTHERS PRESENT:

| | | |
|-------------|-----------------|-------------------------|
| Marty Fino | Jason Rasmussen | Lisha Klaiber, Recorder |
| Rose Goings | | Sharon Bixby – LPC-TV |

1. CALL TO ORDER

A. Alan Couch called the meeting to order at 6:03 p.m.

2. ROLL CALL BY RECORDING SECRETARY

A. All members Planning Commission members present.

3. APPROVE MINUTES

A. The minutes to be approved are from the meeting of September 17, 2013.

B. Marty Fino made the following clarifications

i. Page 2, 5F, Marty Fino said that gold mining on the tributaries of the Black River system, went back over 100 years and had contributed to weakening of the banks and sediment going into the lakes.

ii. Page 2, 5I, Marty Fino said... it includes nutrients such as phosphorous that leech through the impervious surfaces such as grass, into the lake and contribute to algae growth.

iii. Page 3, 5FF, Marty Fino said that there are setbacks and vegetative buffers.

C. **MOTION by Logan Nicoll and seconded by Norman Vanasse to approve the minutes from September 17, 2013 as corrected. Motion passed unanimously.**

4. COMMENTS FROM CITIZENS

A. There were none.

5. ZONING BYLAW AMENDMENTS

- A. Rose Goings said that she did not put the Lakes District on the agenda for this meeting. She said that she went to the Select Board meeting on November 4th and the Trustees on November 5th, regarding the Flood Hazard Regulations. She said that there is some concern over stream setbacks.
- B. Alan Couch said that there were some valid points made, but nothing that pressing.
- C. Terry Carter said that 3 people were concerned that stream setbacks would affect their property values.
- D. Rose Goings said that those properties would not be affected by the stream setback. She added that since those meetings, no one has come to her office. She said that both hearings had been properly warned.
- E. Terry Carter said that one person was concerned about the debris in the water at the Mill Brook Bridge and also voiced concerns about the bridge itself.
- F. Alan Couch said that the town has since cleaned up the debris and that the walking area of the bridge is clearly marked.
- G. Rose Goings said that no decisions had been made at the last meeting about the Lakes District. She said that she would scan and send out copies of the Best Practices from the state.
- H. Marty Fino said that he would like to see the final document for the regulations for the Lakes District.
- I. Rose Goings said the minutes would be on the website or he could attend the meetings or send comments to her.
- J. Marty Fino said that the LAKE RESCUE ASSOCIATION members would prefer to have local control instead of state control. He would like to know how the Best Practices applies to existing properties and when is a property grandfathered respective to changes.
- K. Norman Vanasse said he would like to see the properties from the lakes.
- L. Rose Goings said the board is working under a grant and the work must be done before boats would go back into the lakes.
- M. Marty Fino asked if there would be any attention paid to bubblers on the lakes for docks.
- N. Alan Couch said that he thought that might be a state issue.
- O. Marty Fino said that some states have laws concerning them.
- P. Jason Rasmussen said that he has some questions concerning the Lakes District. Should property owners be allowed to build steps? How does the board want to handle boathouses or docks? He said that for boathouses or docks, they could require zoning permits if they were within the setbacks. The state would look primarily at water quality; this board could look at setbacks. Or, this board could tell people they would need a state permit.
- Q. Terry Carter asked if there are any size limits on boathouses.
- R. Jason Rasmussen said 12 feet wide and 10 feet above the high water mark. He asked if they wanted to clarify this and do they want to require permits.
- S. Rose Goings said that any structure being built requires zoning permits and that people must be able to prove where the high water mark is. They should be exempt from setback rules. Boathouses and stairs are normal waterside facilities and should be included in that section. We should have something in the files to keep track of what is being built on the lakes, but if the state is doing it, do we need to.
- T. Jason Rasmussen said it is up to the board.
- U. Alan Couch said he would like to see what the state regulations are.
- V. Terry Carter said that she likes putting limitations on sizes.
- W. Logan Nicoll said that he does not want bigger structures than are in the current regulations. He said that he likes the idea of the town having a file on docks or boathouses.
- X. Jason Rasmussen said they can leave the language as it is.
- Y. There was board consensus to leave the language as it is.

- Z. Marty Fino said that there have not been any new boathouses built in several years. Now, most people have boat lifts that are temporary and pulled out in the winter. He said that, personally, he likes the size limits.
- AA. Jason Rasmussen said that in their last discussion they put 500 square feet in for maximum dock size.
- BB. Terry Carter said she thinks that it too big.
- CC. Marty Fino said that some areas are very shallow and in order to dock a boat, the dock needs to go out far.
- DD. Alan Couch suggested 200 square feet.
- EE. Logan Nicoll said that would limit the excessiveness of decking on the lakes.
- FF. Alan Couch said that some pontoon and ski boats are 15 to 18 feet long.
- GG. Marty Fino said that the length out into the water is under the purview of the state.
- HH. Alan Couch suggested 20 feet long.
- II. Terry Carter said that is too long.
- JJ. Logan Nicoll said 20 feet is okay.
- KK. Terry Carter suggested 15 feet long.
- LL. There was a board consensus on 15 feet in length.
- MM. Rose Goings said that the Lake Rescue Association is okay with stairs within the setbacks. She said that some people have stairs going to landings to stairs with maybe a gazebo to more stairs. She considers them structures. She asked how we would define stairs and would they be wood or stone.
- NN. Terry Carter said not pressure treated wood.
- OO. Norman Vanasse said that stone is better because it allows the water to soak in.
- PP. Rose Goings said that she understands that people need to be able to get down to the water, but are there limits to landings. If the bank is steep, the probably need landings, but she would like some clarification.
- QQ. Jason Rasmussen said that he does not think they want the entire waterfront filled with stairs.
- RR. Norman Vanasse said this is all tied into buffers and we need to take care of the lakes.
- SS. Alan Couch said that with wooden stairs that do not have backs, the water can flow into the spaces between the stairs.
- TT. Marty Fino said that he has no problem with stairs without backs. He said that his bank is too steep for stones with treads.
- UU. Jason Rasmussen asked the board to consider setbacks and/or buffers. It sounds to him that the board is leaning more toward wanting buffers. He asked if they also want erosion plans and how far does the board want to take water quality procedure requirements. He said that with a 50 foot setback, there would be no new structures in that setback. A 50 foot buffer would be vegetative with no mowing. The other challenge is the upstream tributaries.
- VV. Logan Nicoll suggested limited buffers.
- WW. Terry Carter said possibly limited buffers and setbacks.
- XX. Jason Rasmussen said that buffers will restrict structures and adds protection to the lake shores. New Hampshire has a Shore land Protection law that is very complicated to administer. It comes down to what makes sense.
- YY. Marty Fino said that House Bill H526 deals with buffers.
- ZZ. Jason Rasmussen said that there are certain people in the state pushing for 50 foot minimum buffers.
- AAA. Marty Fino said that existing homes should be grandfathered; this bill would apply to new buildings.
- BBB. Alan Couch suggested that the board continue with setbacks and encourage buffers.

- CCC. Marty Fino said that a house was recently sold and then razed. The people clear cut the land and the Lake Rescue Association is concerned about more situations like this.
- DDD. Jason Rasmussen said he can get some buffer language together for the next meeting.
- EEE. Alan Couch said they do need to have some language about buffers.
- FFF. Logan Nicoll said he would encourage buffers before the state does.
- GGG. Terry Carter suggested buffers for knockdowns and all new structures.
- HHH. Rose Goings said that the property that Marty Fino had just referred to was clear cut. It was not grandfathered and the new building was not within the previously established footprint.
- III. Jason Rasmussen referred to the tables for permitted and conditional uses. He said that he spoke to someone at VLCT about group homes and we do need to clarify that. They have protections and refer to a single family home converted into a group home. No permit is necessary.
- JJJ. Rose Goings asked for the definition of a group home.
- KKK. Terry Carter noted that it refers to handicaps or disabilities, is state licensed and houses no more than 8 people.
- LLL. Rose Goings said that the definition needs to be in the zoning regulations. She then asked about a group home in the flood zones and possibly 3-family homes converted to group homes.
- MMM. Logan Nicoll asked what is conversion and what is construction.
- NNN. Jason Rasmussen said he would get definitions for these.
- OOO. Logan Nicoll suggested that they also get definitions for handicapped and disabilities.
- PPP. Rose Goings said that abutting property owners would not have the opportunity to voice concerns. She would like to make sure the neighbors would be able to give input.
- QQQ. Jason Rasmussen said the board could require notification to the abutting properties.
- RRR. Rose Goings said there would still be nothing they could do.
- SSS. Jason Rasmussen said they could require something that would go into the land records. He then asked if the board would still like to do the split of the RC district into RC1 and RC2? He recounted that they had to make RC1 more commercial and RC2 more residential.
- TTT. Rose Goings asked about building new group homes.
- UUU. Terry Carter suggested adding it to permitted use.
- VVV. Alan Couch said they would first have to build a single family home and then go through the licensing procedures.
- WWW. Rose Goings suggested adding a provision for group homes not covered under the state with more than 8 people. In the Village, they need a category for some homes and better clarification.
- XXX. Jason Rasmussen said RC2 would have a shorter commercial list.
- YYY. There was a board consensus that they still want to continue with the RC1 and RC2 Districts.
- ZZZ. Jason Rasmussen said that he added the parcels to the Jackson Gore District. He then asked the board about Outdoor Events. He said that he had thought about making it a Conditional Use and maybe adding it to Outdoor Recreation.
- AAAA. Terry Carter asked if it protects people living near the event locations.
- BBBB. Jason Rasmussen said that if they put it under Outdoor Recreation, they would need a permit and it would be discussed by the DRB. People would get a general sense of what may be going on. They may also require a permit. He went on to Condominiums and said that is a type of ownership and separate and differentiated from PUDs. He said that there is some money left in the grant and he wanted to know if the board wanted to start on the Village regulations.
- CCCC. Logan Nicoll suggested finishing buffer discussions at the next meeting and starting on the Village regulations.

6. **OTHER BUSINESS**

- A. Zoning Seminar
 - i. Rose Goings said there would be a seminar in Montpelier on Tuesday, November 19th from 8:30 to 4:00 p.m. She asked board members to let her know if anyone wants to go. She will attend it.
- B. Next regular Planning Commission meeting November 19, 2013 at 6:00 p.m.

7. **ADJOURN**

- A. **MOTION by Norman Vanasse and seconded by Logan Nicoll to adjourn this meeting. Motion passed unanimously.**
- B. Meeting adjourned at 7:23 p.m.

Respectfully submitted,

Lisha Klaiber

Alan Couch, Chairman

Logan Nicoll

Terry Carter

Norman Vanasse