

Shaftsbury Planning Commission
Shaftsbury Town Hall
Buck Hill Rd at 7:00 pm
Regular Meeting
October 23, 2012

Members present: Chris Williams (Chair), Abigail Beck, Norm Gronning, William Pennebaker, David Spurr (Vice Chair)

Members absent: none

Others present: Brian Lent, Arthur Paulin, Jennifer Viereck, Art Whitman, Sandra Mangsen (Recording Clerk), Tyler Yandow (Zoning Administrator)

1. Call to Order

Chris Williams called the meeting to order at 7:03 p.m.

2. Approval of minutes of meetings of October 9, 2012.

Motion: To approve the minutes of Oct 9, as corrected. Moved by Bill Pennebaker; seconded by Norm Gronning. Carried, 5-0-0.

3. Discussion of Sign Ordinance.

Tyler Yandow distributed copies of comments sent by Williams Jakubowski.

The chairman asked for comments and questions from the floor.

Art Whitman noted that there is a need to distinguish between various types of business within the sign ordinance, since different sign regulations may well be appropriate.

Chris Williams asked the group to examine the relation of particular signs/categories of signs to advertising, and suggested the ordinance should distinguish between purely "directional" signage (e.g., "Deliveries Here") and signs whose main purpose is to advertise a business.

Jennifer Viereck suggested that a one-size ordinance will be unlikely fit all cases – the ordinance needs to identify and distinguish the need for different signage in different establishments. Any of several approaches might be adopted: e.g., lot size, number of entrances, zone.

Art Paulin read a letter he had sent to the Selectboard, arguing that one size does not fit all. Shaftsbury needs to allow businesses of various sizes to make their presence known.

Chris noted that there is an existing ordinance, which will continue in force if it is not revised. PH proposed that the meeting consider each of the Economic Development Committee's concerns one in turn.

Jennifer Viereck noted that she agrees with the concerns expressed by the ECD.

ECD item 3.1.2. "ownership vs. advertising.

Chris Williams asked if the primary purpose of the sign ordinance is to control advertising. If so, "drop boxes" ought not to be regarded as signs and would not be covered by the ordinance.

Brian Lent noted that signs tend to be in a fixed location, whereas drop boxes may be movable, which are labeled (e.g., FedEx).

Bill Pennebaker reminded the committee asked if there was general agreement as to its purpose of the sign ordinance as expressed in the Town Plan. Is it acceptable as it stands, or does it need revision?

3.1.5. ECD objects to the proposed exclusion of illuminated signs (which is part of the current ordinance, and has been carried over in the proposed version). Brian Lent and Art Whitman noted that technology changes, and it may no longer be appropriate to exclude all such signs. It was also mentioned that even externally lit signs (as currently permitted) sometimes impede drivers' views.

The group reached no decision on how to handle this item.

3.1.9 The idea of revising the text as suggested by the ECD was accepted ("Appear to direct the movement of general traffic...")

3.1.11. The PC rejected the suggestion of adding the phrase "on a pole" at the end of the sentence, since such signs might well impede drivers' view of an intersection.

3.2.2 In order to deal with this item, the PC will need to clarify (elsewhere in document) the description of "directional" signs innocent of advertising.

3.3.2. Adding "per side" as suggested by the ECD requires a revision of the opening definition of "sign area" (2.2)

3.3.3 Here again, if "per side" is added as suggested by the ECD, the opening description (2.2) needs revision. Bill Pennebaker argued that limiting such signs to thirty-two feet per side makes sense, although there were also suggestions that a one-sided 8x8 sign might be acceptable. To incorporate the "per side" phrase, the PC may wish to add verbiage such as "unless otherwise specified" to item 2.2 of the document, as suggested by Jennifer Viereck.

3.4. ECD suggests included VC 1 in this section (along with VR and RR). Since VC1 seems to have a less commercial flavor than VC2, the PC agrees to add VC1 to this section.

3.4.1. The PC agreed to accept the suggestion to retain the original six square feet limitation.

3.4.2 The PC agreed to accept ECD suggestion to reword the item.

3.4.4 Bill Pennebaker argued in favor of retaining the “no more than twenty (20) square feet per side” here, as ECD suggests. The PC agrees, implying again that 2.2 needs a qualifier phrase at the end.

3.5. The PC agrees to include only VC2 (along with RC and CI) in this section.

3.6. The PC agrees with the ECD suggestion for rewording.

3.7. There was substantial discussion of this suggestion (to add “and be not less than six (6) feet above the natural grade”). Chris Williams plans to CW to examine the “universal sign code” on this question. The idea is to regulate signage in order not to obstruct driver’s view.

3.9. Art Whitman noted that items (especially c and d) in this section are not strictly speaking “signs.” If there is a desire to regulate them, it ought to be accomplished within another ordinance. Chris Williams suggested that the group think further about this item before adopting revised language.

The proposed sign ordinance will be on next agenda as well, after the members have had an opportunity to consider William Jakubowski’s comments.

4. Continue discussion of zoning district changes in Shaftsbury Hollow.

Chris Williams reported on his investigation of existing structures on the east side of town and of how zoning is configured there. He noted that the relevant zoning boundary (RR vs. FR) is established based on set back from the road, and does not follow contour lines as it does on the west side.

He found sixteen year-round residences and consulted with David Mance about the likely history of those structures. Many camps seem to have been converted into year-round houses, with much notice from the zoning administrator. Non-conformity to zoning regulation is higher on the east side, but the situation is not comparable to that on the west side (where zoning boundaries are contour related.)

Much of the area under discussion is in the Green Mountain National Forest, and therefore discussion of zoning changes is moot.

The ultimate PC decision (as per Mr. Moffit’s request) will not consider the handling of the original zoning change twelve years ago; the question is merely

whether or not there is any logic behind rezoning the area again, to return to situation before the 12-year old rezoning or to effect some compromise.

There is anecdotal evidence that some persons are unhappy with that twelve-year-old rezoning and want it returned to the prior zoning situation.

The PC was in agreement that they see no compelling reason to return to the prior zoning, which might lead to further development in the area, which could be costly to the town and in conflict with the town plan.

Motion. The PC does not plan to rezone any areas in the western part of town. Moved by Bill Pennebaker; seconded by David Spurr. Carried, 5-0-0.

Chris Williams will draft a decision, and bring it to the PC for review at the next meeting.

5. Discussion with Zoning Administrator Tyler Yandow.

The chairman asked the new zoning administrator how the PC might be helpful to him. Tyler Yandow summarized his experience in the position and his concerns for the future of zoning and zoning enforcement in Shaftsbury. He noted that the permitting forms need revision, since some information is missing from them and some is not particularly helpful. Moreover the forms are difficult for applicants to fill out, in part because rather confusing bylaws are not easily consulted, due to the many cross-references.

Tyler Yandow asked the PC what aspects of zoning they see as in need of improvement? What changes would make Shaftsbury a better place to live? How should the ZA best spend his very limited time?

Chris Williams responded that selective enforcement is the biggest problem.

He noted that the current bylaws need to be re-issued in hard copy, incorporating recently approved changes – composting, flood hazard, redevelopment of motel properties.

Tyler is to receive a Word file of existing bylaws and recently approved amendments.

6. Discussion of timetable of Planning Commission activities in coming months.

In view of the hour, discussion of this item was deferred.

7. Other business as required

There was none.

8. Adjournment

Motion: To adjourn the meeting. Moved by Bill Pennebaker; seconded by Norm Gronning. Carried, 5-0-0.

The meeting was adjourned at 10:05 p.m.

Respectfully submitted,

Sandra Mangsen
Recording Clerk