

Shaftsbury Planning Commission Meeting

October 27, 2020

Call to order

The meeting came to order remotely via the Zoom platform at 6:04 p.m. Present were commissioners Chris Williams (chair), Mike Cichanowski, Martha Cornwell, Mike Foley, and Naomi Miller. Also present was zoning administrator Shelly Stiles and citizens David Rosner and Jeri Schoof.

The commissioners *welcomed Martha Cornwell*, a new member of the PC.

Outstanding minutes

Mr. Foley moved to approve the 9/22/20 minutes. Ms. Cornwell seconded the motion, which passed 4-0-1.

Public comments

There were none. Mr. Foley asked about a digital folder that was to have been placed on the town's website, in which documents related to Commission matters could be shared. Ms. Stiles will follow up with the website manager.

Bylaw amendment: Kennels

Mr. Williams noted that should the draft amendment be approved, a public hearing process would kick off, ending in a vote on the proposed language by the citizens at Town Meeting 2021.

The draft was discussed. Ms. Miller moved to change the number of dogs from four to three. Mr. Foley seconded the motion, which passed 4-1-0.

Mr. Foley moved to approve the bylaw as amended. Ms. Miller seconded the motion, which passed 5-0-0.

The PC will host a public hearing on the amendment on November 24. Ms. Stiles will prepare and distribute the necessary materials in preparation for the hearing.

Boundary line adjustment, bylaw language

The commission discussed Ms. Stiles's draft changes to parts of section 5 of the subdivision regulations. Some commission members found them hard to digest. They will be revisited at the next PC meeting.

Amending a permit, how and who?

Mr. Williams described the recent case of Shires Housing wanting to amend its permit for Lake Paran Village to add a picnic deck. The bylaw has no provision for amending permits. In the end Shires Housing had to file a new application.

The group discussed whether in certain cases the zoning administrator might sign off on minor changes. Mr. Williams suggested, for discussion purposes, that the threshold might be any project costing less than 2% of the total project budget. Mr. Foley and Ms. Miller noted that it could happen that an amendment would result in changes in the original conditions of the permit. (This was the case with Lake Paran Village, where it would have been necessary to remove a tree shown on the approved site plan to construct the picnic deck.) A suggestion was made to add to the provision for ZA review that no subtraction but only addition of elements would be allowed. The PC will continue the discussion of amending permits at a later meeting.

Other business

Mr. Williams reminded those present that the Select Board had asked the PC to review the **grandfathering provision** for nonconforming uses, to consider whether it might be made longer than one year. Ms. Cornwell said she had heard selectmen suggest a three-year grandfathering period. Ms. Cornwell checked the state statutes on line and found that governing nonconformities was left to municipalities; there is no state-required grandfathering period, for example.

The group discovered a difference of opinion regarding the meaning of “use.” Some thought it referred to an abstraction such as “commercial use” or “residential use.” In this reading of the bylaw, any commercial use could be replaced with another commercial use. Others thought it referred to the specific enterprise under discussion. A nonconforming pet care facility, for example, could be replaced only with another pet care facility during the grandfathering period.

Ms. Stiles will ask Jim Sullivan and her ZA colleagues around the state for their thoughts. Ms. Cornwell suggested the PC could change the bylaw to remove any ambiguity.

Adjournment

Mr. Foley moved to adjourn at 7:26 p.m. All agreed it was time.

Notes by ZA Stiles