

**MINUTES OF THE SHAFTSBURY PLANNING BOARD
SEPTEMBER 30, 2008
COLE HALL
SHAFTSBURY, VERMONT**

Board Present: **Bill Pennebaker, Chris Williams, Norm St. Onge, Craig Bruder (Chairman), Bob Carter,**

Others Present: **Lon McClintock (Select Board), Brian Lent (Peckham), Ken Harrington, Cinda Morse (EDC & Select Board), Karen Mellinger (Select Board), Tony Zazzaro (Zoning Administrator), Aaron Chrostowsky (Town Administrator), Susan Swasta (Recording Secretary)**

1. Call Meeting to Order:

Chairman Craig Bruder called the meeting to order at 7:00 PM.

2. Minutes:

September 16, 2008 Minutes

Bob Carter made motion to approve minutes. Chris Williams seconded.

Motion carried 5-0-0.

3. Old Business:

There was no old business.

4. New Business:

A. First Reading of Proposed Town Plan

Chairman Bruder stated that the Town Plan must be renewed every five years, and the deadline for this renewal is March, 2009. The Planning Commission began to work in earnest on a revision several months ago, and now has a draft with proposed changes ready for feedback. He asked for questions or comments.

Brian Lent of Peckham asked about item 11 on page 15, under sand and gravel resources, concerning policies enacted to facilitate rehabilitation. Mr. Lent asked if such a policy has been approved by the Select Board and Development Review Board (DRB). Lon McClintock, Select Board Chairman, replied that the Select Board has not taken any action on a rehabilitation policy. The Planning Commission's gravel study has been reviewed, but no acted upon.

Chris Williams stated that the Town Plan has always recommended that the most visible of the nonworking pits be reclaimed, but this has never happened. He added that this does not mean it is not good policy. Mr. Williams said there are about 100 acres of highly visible non-working pits in Shaftsbury. He noted that this is a highly active industry that is good for the Town, but said that they need to take a long-term view of the landscape.

Mr. Williams said that they also need to determine which pits are abandoned. Currently no activity for two years means that a pit may be considered abandoned, but there is also the issue over possible planned expansion of currently inactive pits. Mr. Williams stated that the Planning Commission made recommendations for reclamation because they think it is time for action.

Chairman Bruder noted that the gravel study does not have the force of law. He said that Peckham and the Town need to work together on long term plans so that pits are ultimately reclaimed.

Mr. Lent stated that he disagrees that the pits are highly visible, naming the Tunic, Waite, and Green pits as examples. He said they are not eyesores, and are maintained in their own way, and some are still active. Mr. Lent said he does not know what the rehabilitation policy really is.

Mr. McClintock recommended not using the term "plan" with reference to rehabilitation. He suggested that instead of just recommending reclamation that they recommend reclamation in collaboration with the companies owning the pits. Mr. McClintock stated that there is nothing on the books requiring reclamation. He added that the Town wants to encourage economic activity, and does not want reclamation to be so burdensome that it hinders economic activity.

Mr. Williams said that the gravel study does recommend collaboration. Mr. Lent noted that Peckham has reclaimed old pits in the past, and gave examples of pits that are now housing developments. He said that it takes time, and they don't know what they'll be doing with pits at this point. Mr. Williams said that the Planning Commission had no punitive intention in the gravel pit study.

Ken Harrington asked what is considered abandoned, noting that there may be activity in one area of a pit but not another, based on current needs. He added that some old gravel pits were never reclaimed, but are not visible because there was a natural reclamation. Mr. Harrington said that it is expensive to close a pit. Chairman Bruder stated that the Harrington pit and most of the Peckham pits are grandfathered in because they predate zoning. The gravel study recommends that the Town and landowners put together a plan so land is reclaimed when activity is done. He thanked them for their input.

Mr. McClintock went over his suggested changes to the Town Plan draft. On page one, he disagreed that the zoning bylaws constitute enabling legislation, saying that the Town Plan is the enabling legislation for the zoning bylaws. He suggested defining zoning bylaws as "regulations that implement the Town Plan."

Continuing on page one, Mr. McClintock stated that there will never be consensus as to what Shaftsbury is because it is a mix of village, commercial, industrial, agricultural, and forest land. He said that one of the Town's major values is this diversity, and he would like to emphasize balance rather than pitting different groups against one another. Mr. McClintock said it might be good to introduce that concept here, and repeat it in section 2.2, about managing growth.

Mr. McClintock stated that agricultural lands are not specifically mentioned in 2.4, and should be. In the fifth paragraph of 2.4, on reclamation, he suggested changing "every effort should be made" to "effort should be made." Mr. Williams disagreed, stating that the Planning Commission had seen no reclamation efforts, even when a pit with a reclamation plan on file was closed. He sees this as a problem. There was further discussion of this issue. All agreed that it benefits both Town and landowner when abandoned pits are reclaimed, but Mr. Lent and Mr. McClintock felt that it needs to be clear that there is no reclamation plan for pre-existing pits.

Mr. McClintock stated that section 2.10, on energy, seems incomplete and should be expanded upon. He said that he will propose some added language. Mr. McClintock felt that the wording "high quality" in 2.11 is vague, and he will come up with suggestions for a change. Skipping ahead to page 8 in the section on history, Mr. McClintock said that it is worth mentioning the expansion of Peckham's precast plant.

Mr. McClintock said that the term "prime agricultural land" in section 5.1 was taken from soil studies from the 1990's and reflects recognition of a unique resource. On page 12, Mr. McClintock recommended adding more information on the reason for needed water system improvements, giving details on the danger from contamination during low-pressure situations.

There was discussion of wording of the numbered list on pages 16-17, and Planning Commission members

explained the word choices. On items 20-21, Mr. McClintock suggested adding wording specifying "in collaboration with companies." In section 6.1.1, Mr. McClintock said that wording should be added to the effect that the village center designation only helps businesses. On page 23, under residential districts, he suggested changes in wording regarding conditions when open space designs are desirable.

On page 35, in recommendations for 7.4, Mr. McClintock suggested stronger language on preserving historic districts. Chairman Bruder said that the Planning Commission will discuss this section. In section 9.2, Mr. McClintock noted that wording should be changed to reflect that a remediation system has been installed, and he thanked Mr. Pennebaker for a great job.

On page 48, just above municipal finance, Mr. McClintock suggested incorporating a broader statement on alternative energy forms, including wind, solar hot water, and other specifics. There was discussion of promotion of alternative energy. Mr. Williams stated that much of the popular conversation lacks informed opinion, and that traditional conservation methods such as full insulation are as important as new technology. Mr. McClintock repeated that he would like a broad policy statement promoting alternative energy.

Cinda Morse, representing the Economic Development Committee (EDC), said that she wanted to make sure the Committee is represented, but does not have their notes with her. She wants to make sure the new village centers and their benefits are included. Ms. Morse said the EDC has not gone over the Plan in detail, and would like to do so, and then come back with comments. They will email comments and attend the meeting in two weeks.

There was discussion of how to get more Town residents involved in commenting on the Town Plan. Aaron Chrostowsky suggested advertising meetings more widely. Karen Mellinger asked if they should have copies of the draft available at the discussion of the water project that is scheduled for the night before the election.

Mr. Williams thought this was a good idea, and noted that the water issue was pertinent to the Planning Commission's discussion of limiting factors in village center development, which is emphasized in the Town Plan. Chairman Bruder stated that they had found that this emphasis on concentrated development has no reality in either the zoning bylaws or in the scattered rural development that is actually taking place.

Mr. Williams explained the survey of the village center that he and Chairman Bruder had done. He went over their conclusions that there are about fourteen vacant lots in the village center, of which probably seven or eight are buildable. To be able to concentrate growth in the absence of buildable land, the Planning Commission concluded that it would be necessary to expand village residential zoning. They found that expansion up Buck Hill Road, where there is public water, seems most logical. Mr. Williams said that the water system has a capacity for about thirty more houses.

There was discussion of possible expansion of the village residential area, and of current development patterns. Scattered subdivisions are now permitted by the zoning bylaws, so the DRB must allow this kind of development.. Ms. Morse stated that there are software programs available to show the effect of buildouts, and using this might be an effective way to address future zoning.

She mentioned the sewer study that was done, and noted that the fact that the community had said no at the time does not mean this will always be the case. There may be grant money available in the future, and the technology will change and may affect costs. Ms. Morse felt it is important to maintain the vision of concentrated development.

Mr. Williams pointed out that there is a conflict between this Town Plan emphasis on concentrated development and the reality of rural residential (RR 40) zoning, which permits lots of less than an acre and covers a large part of Town. Ms. Morse said that if more people are involved in the Town Plan process they

would get more input on this issue. Mr. McClintock stated that right now the Plan does not favor diversity, and there needs to be identification of areas to protect.

Ms. Morse agreed that emphasizing diversity is a good way to create a vision statement. Mr. Chrostowsky suggested getting people involved in a community charette with a facilitator. Mr. McClintock said they will get people out when they take a stand on something, and that people won't react to a vision statement.

There was further discussion of the current development pattern and the opportunity to make a stronger statement in the Town Plan for maintaining balance in growth. Chairman Bruder thanked everyone for their participation and said that they will look for input from the EDC and from Mr. McClintock.

Planning Commission members discussed the issue of how to alter the Town Plan to fit the desired vision. Chairman Bruder suggested incorporating language related to Mr. McClintock's diversity concept as a way to lay the ground for the next steps. In the future they would look at things like upzoning, definition of prime agricultural land, and expansion of the village residential district. He said it will be easy to incorporate tonight's suggested changes into the Plan. Changes in the zoning bylaw will be for the future. Planning Commission members agreed that it is important to finish the revision and get it off the table.

Chairman Bruder said he has invited Jim Sullivan and Josh Gorman to attend the next meeting. They will post the meeting to make it more visible. Mr. Pennebaker suggested a letter to the editor to publicize the discussion. Mr. Williams said he will get the piece on schools done. Mr. Pennebaker said that he wants to discuss broadband more.

It was agreed that at the next meeting they will review updates, discuss broadband, and get input from Mr. Sullivan and Mr. Gorman. Mr. Williams suggested inviting the Recreation Committee, Fire Department, and other groups the the meeting after the next one, on October 28. This will draw more people into the process.

Meeting adjourned at 9:12 PM.

Respectfully submitted,

Susan Swasta