



**PLANNING COMMISSION MEETING**  
**Wednesday, June 6, 2018**  
**Minutes**

**Present:** Walter Wallace (presiding), Char Osterlund, Nathan Wardwell, Jerry Farnum, Chuck Gregory, Walter Martone (ex officio)

**Absent:** Michael Knoras, Sabrina Smith, Michael Martin (ex officio)

**Also present:** Town Planner Renee Vondle, Judith Stein, David Fraczek, Ellen Fraczek, Robert Blair, Jayson Webster, Bailey Beebe, Beth Webster, Jesse Webster, Rev. Peter Williams, Alyssa Matulonis, Dennis Pine

1. **Call to Order:** Chair Wallace called the meeting to order at 7:00 p.m.

2. **Pledge of Allegiance**

3. **Roll Call of Commissions**

4. **Requests by commissioners for additions to agenda:**

- A. Property owner, Jesse Webster of 328 Brockway Mills Road presented a request that the Planning Commission consider allowing motor vehicle repair service as a permitted Conditional Use in Residential Agriculture 2-acre zone. Mr. Webster presented a narrative and pictures of his garage. He stated he built his garage originally for his own use, but would now like to have a business, but discovered it is not a permitted or a conditional use for his zoning district. Mr. Webster stated that there are many other home businesses on his road including a 7-bay auto repair shop, an excavating business, gravel pit and a shooting range. He stated that he was told that these businesses are allowed because they are "grandfathered in". If he was allowed to open a motor vehicle repair shop there would be no noise as he conducts his repairs in the building and he has plenty of room to keep the cars inside the building. He asked the Commission to reconsider line G of Section 3.18 of the Zoning Bylaws.

Walter Wallace thanked Mr. Webster for coming to the meeting and stated that it is not in the Planning Commission's power to grant a permit, but that this was a good time to hear such a request because the Planning Commission is currently rewriting the Zoning Bylaws.

Char Osterlund asked Mr. Webster how long he had been using the garage as a business. Mr. Webster answered he had been working there for two years.

Robert Blair, Ellen Fraczek, Alyssa Matulonis, Beth Webster and Mr. Webster's father testified in support of the request. Mr. Wallace asked the assembled neighbors if they could foresee a problem in the future. All replied that they did not foresee any problems.

Discussion followed about the definition of a home business and district requirements. The Committee asked what would be the consequences of changing the definition of a home business to include Motor Vehicle Repair as a Conditional Use. Town Planner, Renee Vondle stated that changing the definition would open up the door to motor vehicle repair home businesses in all districts where home businesses are allowed as a Conditional Use. This change would not just

affect the zoning in Mr. Webster's Residential Agriculture 2-acre district, but all districts. Character of the neighborhood is a big factor in the Conditional Use permit process.

Chuck Gregory asked the Commission about a similar circumstance with a body shop that had ended up growing considerably larger and how this might affect the granting of a conditional use permit as a home business. Mr. Webster suggested that limiting the size of the building could safeguard against excessive growth.

Dennis Pine asked what would be the time frame for a zoning change. Walter Wallace stated that it could not happen until the end of the calendar year. Mr. Wallace explained the legal process and time frame for amending a zoning bylaw. The Commission agreed that they should research what other Vermont town zoning bylaws have to say about "Repair Services."

**5. Announcements:**

- A. Walter Wallace announced that Walter Clark had resigned from the Planning Commission and thanked him for his contributions.
- B. Town Planner, Renee Vondle announced that the Southern Windsor Regional Planning Commission will be doing a training for planning commissioners on June 25<sup>th</sup>. at their office in Ascutney. More information will be forwarded to the Commission as soon as the Town Planner receives it. Ms. Vondle encouraged all to attend.

**6. Approve Minutes of May 2, 2018 –**

**Chuck Gregory moved to accept the minutes as presented and Lori Claffee seconded.**

**Discussion followed.**

Corrections:

Lori Claffee was in attendance, but not recorded. Omitted was the motion to wait for more Commissioners to arrive before voting at the Special Meeting. Also omitted was the passed motion to adopt the Rules of Procedure (time allotted for adopting the draft Rules of Procedures to be taken out) and a vote to follow the town's conflict of interest policies. Walter Wallace said there is no need for the commission to have to sign off on the adopted Rules of Procedure, hence no need for a signature page. The minutes should reflect that the Planning Commission follows the Modified Robert's Rules of Order. A few spelling errors were pointed out and it was noted that the motion to adjourn stated that Walter Wallace moved to adjourn when it was Walter Clark. It was noted that Nathan Wardwell was recorded as being a non-voting member in error and the acronym for the Trails, Greenways, By-ways, and Rural Economy Committee should be TGBREC throughout the document.

**Chuck Gregory moved to accept the minutes as amended. Lori Claffee seconded. Motion passed.**

**7. Town Zoning Administrator's Report**

**A. Code Enforcement Activity** Renee Vondle submitted a written report on both Code Enforcement of the Town Ordinance (Chapter 7 - Health, Sanitation & Nuisance) and Zoning Enforcement (attached as Addendum)

Ms. Vondle reported that a small farm has grown from a few guinea hens and goats in a residential area into a small farm with a catering service and minor food production. She stated that although it is an allowed use in the zone it is in (Residential Agriculture 2-acre), she has some zoning and health concerns. There was question regarding manure management, excessive odor and if the animals were pastured too close to a neighbor's well. After doing a site visit, the Town Planner noted that the smell was not that offensive (early May) and there was some vegetation, trees between the animals and the neighboring property line.

Ms. Vondle reported that she did communicate with the State Agriculture Department about manure management and stormwater concerns. The State has a small agricultural farm team that does do site visits to identify such issues, but it was determined that this was not necessary for this situation. Manure management could easily fix the odor issue should this become a nuisance in the future.

Ms. Vondle handed out a report entitled “Vermont New Farmer Project” from the University of Vermont. The document includes an overview of The Nuisance Laws, Vermont’s Right to Farm Law, and Accepted Agricultural Practices. The Nuisance Law protects community members from nuisances or activities that interfere with their ability to use and enjoy their property.

The report notes that beginning farmers hoping to set up a new operation in a previously non-farmed area should be cautious – the Right to Farm Law will not grant the farmer protection in nuisance disputes when the non-agricultural activity was there first.

Nathan Wardwell stated that it is his understanding that agriculture is exempt from town zoning regulations. Ms. Vondle noted that although an established farm does not need a zoning permit to build farm structures, they must meet setbacks including boundary line setbacks and setbacks from wetlands, streams and rivers. A farming enterprise needs to be considered a farm in the State’s eyes and must conform to the mandatory guidelines of Accepted Agricultural Practices. Regardless of the farm size, the farm owner needs to file a site plan with the Zoning Department, but they do not need a building permit for farm structures.

Discussion followed. Jerry Farnum noted that this could cause problems of possibly stifling small business and that too much regulation might be harmful. Ms. Vondle cautioned that the business of the Planning Commission is to plan for land use and not to function as an Economic Development Commission. The Commission is charged with finding a balance for land uses and protecting Natural Resources.

Walter Martone referred to the impact of agricultural practices on a town’s aquifer and that apparently people can have farm animals in their household without a permit. Walter Wallace reminded the group of “Vermonters’ right to use and enjoy their property.” Nathan asked who defines “use and enjoy.”

Ms. Vondle noted that this may not be an isolated incident with the new locavore culture and the advent of many new small businesses that produce healthy foods, etc. Ms. Vondle encouraged the Commission to consider rewriting Section 3.4 and 3.5 to include legal language from the State Required Agricultural Practices (RAP), and local zoning requirements including setbacks to water sources as well as nuisance regulations addressing odor and manure management to protect the entire neighborhood.

Ms. Vondle reported that she and her assistant Paul Stagner will be meeting with the Town Manager and Police Chief soon to discuss a game plan for dealing with the use of Recreational Vehicles being used for permanent living structures. Ms. Vondle stated she would like to see tighter regulations to enable enforcement and to protect the character and wellbeing of the neighborhoods in which these vehicles are being used as secondary residences. Currently there are two references in the bylaws that mention recreational vehicles. In the Flood Bylaws it states that RV’s must be fully licensed and ready for highway use and be on the site fewer than 180 days. In Section 3.7 B – Campers on non-Campground Parcels; Limitations; Nothing in this section shall prevent a property owner in any district from parking his/her own, or a guest’s travel trailer or motor home on the property to be used as temporary living quarters by non-paying guests for up to two weeks. Ms. Vondle stated that she will report back to the Planning Commission after the meeting.

8. **Old Business:**

A. Review Trails, Greenways, By-Ways, and Rural Economy Committee (TGBREC) Input regarding definition of “heavy cut”. The Committee agreed to continue this discussion until the next meeting in order to concentrate on the Zoning Bylaws Rewrite (**continued**)

B. Certificates of Occupancy – (**continued**)

C. **Zoning Regulations Rewrite including “parking lot” items.**

Walter Wallace asked how to proceed. Char Osterlund suggested looking at the list item by item.

1. Update Table of Contents – this will take place further in the process with all the Formatting issues addressed at the same time.

2. Section 2.6 Prohibited Uses

Char Osterlund stated that she would like to see Medical Marijuana Dispensary removed from the Prohibited Uses section. She explained the need for patients to have access to cannabis medication and how far they currently have to travel to obtain it. Nathan Wardwell asked how it would be regulated if permitted. Town Planner Renee Vondle stated that it would have to be included in the Conditional Uses for whichever zoning districts the Planning Commission and the community finds acceptable. Judith Stern, a member from the public commented that some people might object to having it in their neighborhood. Ms. Vondle stated that there would be a public hearing process for the community to weigh in on. Lori Claffee stated that there is a difference between growing marijuana and operating a medical marijuana dispensary.

**Char Osterlund moved to delete medical marijuana dispensaries from the prohibited list. Chuck Gregory seconded. Motion passed unanimously.**

Ms. Vondle stated that the Commission will have to look at what districts they would propose to allow a Medical Marijuana Dispensary as a Conditional Use.

3. Family Child Care

The Commission discussed if family child care should be allowed in Central Business and General Business districts. Walter Martone pointed out that the limit is no more than ten children. Nathan Wardwell explained the difference between licensed and registered day care. He recommended there be more research done on the differences. Mr. Wardwell volunteered to do this research.

4. Finalization of Definitions – Continued.

5. Hotel/Motel/Country Inn definition

Walter Martone said that we have no definition for a country inn and a bed and breakfast. Lori Claffee stated that country inns can serve dinner and can have weddings and outdoor events. Bed and Breakfast can only serve breakfast. Renee Vondle stated that other towns define a bed and breakfast by a limit to the number of rooms because bed and breakfast establishments are usually in small neighborhoods so the impact of traffic and noise and character of the area needs to be taken into consideration. Walter Wallace asked about defining Airbnb’s. Lori Claffee stated that

these are classified as “short-term rentals.” Walter Wallace stated that the State of Vermont regulates them, but there are no Springfield zoning regulations. Walter Martone recalled reading guidelines about them. Discussion followed regarding what makes a building a “public building”. Ms. Vondle stated that once you invite someone into your home it becomes a public building and the State Fire Marshall will require that the property be built to safety codes. Also noted, is that fire, ambulance and police need to know that short term renters are in residence. Renee Vondle stated that she helped create the Short Term Rental zoning bylaws in her previous job and has a lot of information to share with the Commission on this subject. Ms. Vondle will provide the research to the Commission in the future.

The Commission discussed the term “country inn”. Nathan Wardwell introduced the internet definition of country inn is: a) an establishment or building providing lodging and, usually food and drink for travelers; hotel or motel, especially one along a highway; b) a restaurant or tavern. Jerry Furman asked if we wanted to get that specific. It was recommended to remove the work “country” and just categorize the term “Inn”.

6. Define Repair Service, excluding automobile

It was proposed to change “automotive” to “motor vehicle.” Discussion followed. Walter Martone reminded the group about how the definition allows or disallows usage that affects the neighborhood. Nathan Wardwell suggested finding out how other towns handle it. He asked if abutters are warned about a request for a condition use permit (answer: yes). Renee Vondle will report on how other towns handle it. Jerry Furman asked if the permittee fails to comply with permitted conditions will the permit get pulled (answer: technically yes, but hard to enforce). Renee will report on the checklist used for granting conditional permits.

9. **New Business – There was no New Business**

10. **Identify agenda items for June 13 meeting: Zoning Bylaws Rewrite**

Walter Wallace stated that we will continue with the rest of the parking lot items and hear from the commissioners and the Town Planner on the results of their research.

The Commission discussed the timeline and progress.

**Lori Claffee moved to hold one extra meeting a month to handle the present workload. Chuck Gregory seconded. Motion passed unanimously.**

The Commission agreed to warn for two special meetings to work on only Zoning Bylaws Rewrite for 6:00 p.m. on Wednesday, June 13 and Wednesday, July 11<sup>th</sup>.

Walter Wardwell noted that the Commission needed to change the regularly scheduled July meeting date due to the holiday. The Commission agreed to meet on Thursday, July 5<sup>th</sup> at 7:00 p.m.

Char Osterlund will present the Energy Chapter for review at the August 1, 2018 meeting.

Town Planner, Renee Vondle will warn the meetings.

11. **Adjournment**

**Char Osterlund moved to adjourn at 9:50 p.m. Nathan Wardwell seconded. Motion passed.**

Respectfully submitted,

Renee L. Vondle  
Recording Secretary/Town Planner