

## Town of Dorset Planning Commission December 1, 2009 Minutes

Members Present: B. Breed (Chairman), M. Canavan (Vice Chairperson), G. Squire, D. Pinsonault, T. Dee  
 Members Absent: C. Ferguson, B. Herrmann  
 Also Present: Chris Schmelzenbach (Zoning Administrator), Diana Green, Bob Escher (DRB), Joan Menson, Robert Menson, W. M. Nawrath (Tim Burns), Luanne Hardy, Stig Albertsson

B. Breed, Chairman, opened the Public Hearing at 7:03 p.m.

### **Public Meeting – William Burns – 2 Lot Subdivision – 1148 Route 30 – Preliminary/Final Plat Review**

W. M. Nawrath, representative for W. Burns, informed the Board that there was a failure to notify abutting property owners and asked to have the meeting continued. It was the consensus of the PC members to continue the W. Burns public hearing until January 5, 2009.

### **Approve Minutes of November 3, 2009**

B. Escher corrected the October 26, 2009 DRB minutes noting that N. Hersom seconded the sign motion; not S. Childs. On page 2, last paragraph, a typographical error in G. Squire's name needs to be corrected. G. Squire moved and D. Pinsonault seconded to approve the November 3, 2009 minutes as amended. Motion carried 5-0.

### **Report from the Zoning Administrator**

C. Schmelzenbach reviewed the ZA report:

1. McGovern – single family home application was approved, but proposed access was not recommended by ZA.
2. Chinn – shed application was approved.
3. U S Cellular – permit issued for generator installation.
4. Thompson – single family home application was approved.
5. Alberttson – relocation of manufacturing operations to Hills Court; site development review – to be discussed under Other Business
6. Gawlik – application for renovations/additions approved by DRB and PC
7. Burns – previously approved subdivision; to be re-addressed in January
8. Martin - appellant is claiming deemed approval and appealed to Environmental Court
9. Allard – 2868 West Road – use of property for special events/weddings. Conditional uses permitted in the A & RR district do not exactly cover the proposed use, but it may fit under Tourist Home or Rooming House, as the definition of accessory use is customarily incidental and subordinate to the principal use on the same lot.
10. Dorr – certified letter sent to owner requesting verification of current use of property which is not zoned for commercial use

cc: PC Minutes, Conservation Commission & File, Design Review Board & File, Town Manager, Town Clerk, Listers, Select Board

11. Transtar LLC – (Bear Paw) complaint received from resident re: change in use associated with present activities. Presently under Act 250 review.

Permits issued from October 23 through November 18: 2007 – 5, 2008 – 5 and 2009 – 4.

**Report from the Bennington Country Regional Commission Report from the Bennington Country Regional Commission**

No report submitted.

**Report from the Design Review Board (DRB)**

B. Escher reported one item on their agenda for November 20, 2009 which was a new sign for Millstone Antiques. All criteria were met and the sign was approved unanimously. B. Escher noted that the Board was still working on a sign ordinance which would include more detailed criteria and flexibility. M. Canavan moved and T. Dee seconded to approve the DRB minutes of November 20, 2009 as presented. Motion carried 5-0.

B. Escher asked if there would be any relevant updates to the Town Plan for sign criteria or marble sidewalks. B. Breed responded that the Town Plan was an ongoing process and suggested B. Escher compile a list of items the DRB considers important to the Town Plan for future discussion. B. Escher noted that it would be good to include a paragraph about preserving the historic integrity of the marble sidewalks. C. Schmelzenbach stated that hopefully the Town Plan would be approved at the next Select Board meeting and that he is keeping a list of suggested topics for consideration by the PC for next year. B. Breed commented that the original intent was to have a Town Plan in place for State funding and considers the Town Plan an ongoing process which they will try to change more often. He further noted that the Town Plan is a guidance document as opposed to the ZBL which covers zoning laws. B. Escher felt that preserving the history of the marble sidewalks was appropriate to be included in the Town Plan.

**Other Business**

- C. Schmelzenbach explained that the SB minutes of November 17, 2009 contained a consensus of the SB not to include the Stone Valley Scenic Byway section in the Town Plan, but to include it in the Town report. G. Squire asked if not including this section had any affect on receiving grant monies and C. Schmelzenbach responded that it should not and that R. Gaiotti had commented that there was no requirement to have it included. B. Breed conjectured that the SB might have felt that having the Byway section in the Town Plan may cause problems in terms of development along the corridor, but the inclusion should not be restrictive. He asked if everyone on the Board was in agreement to leave it out. D. Green felt including the Stone Valley Scenic Byway section was a civic honor and important to include in the Town Plan. She felt that development was not the only consideration, as the Byway promotes tourism. B. Breed explained that it was his goal to get an approved Town Plan for now and changes can be addressed in the future. J. Menson noted that it seemed like only two members on the SB did not want to have it included and would like to know why. B. Breed speculated that their concern might have been that the properties along the Byway might be restricted or curtailed as emphasis might be placed on a certain type of development along the corridor. He suggested the Menson's discuss the issue with the SB. Discussion continued about this section's inclusion with D. Pinsonault, T. Dee and B. Breed in favor of omitting it and G.

Squire and M. Canavan in favor of its inclusion. It was the consensus of the PC to notify the SB that they would prefer to leave Section 7.1.4 - Stone Valley Scenic Byway in the Town Plan, but if the inclusion causes the Plan not to be approved, then they all agree to leave it out.

- One acre split off – B. Breed explained that original zoning had a provision for a one acre “knock-off” in any zoning district which was intended to allow for giving children one acre of property, but with today’s LLC’s and ownership changes – how many one acre splits would be allowed. Today this provision would increase density where zoning is trying to keep it less and ruin the integrity of planning. Eventually everything would be a one and two acre lots. G. Squire is opposed to instituting something that erodes zoning. D. Pinsonault noted that it’s an admirable reason, but people would find loopholes to use. B. Breed invited T. Tyler to the next PC meeting to discuss the issue with the PC. M. Canavan felt that this felt exclusive as it only serves a minority of the population of Dorset.
- J. Menson noted that there is nothing in the Town Plan pertaining to ground water except the original information which is obsolete. She noted that L. Becker is willing to talk and explain to the PC about the new maps, possibly in February at a regular meeting and it was suggested that the SB members be invited. B. Breed suggested planning ahead for the February agenda so that L. Becker would be listed first. J. Menson asked about having the maps at the Town Meeting in March and B. Breed suggested J. Menson talk to S. Pinsonault. J. Menson asked if the PC could discuss at their January meeting the document that J. Groveman gave out at the November meeting and B. Breed replied that he would prefer to meet with L. Becker and discuss the maps in context with the document provided by Groveman. J. Menson is to verify with L. Becker and then contact C. Schmelzenbach about the agenda for the February 2010 meeting.
- Alpine Products (Stig Albertsson) – C. Schmelzenbach explained that this company wants to relocate to 154 Tennis Way for its manufacturing facility and office space. This is a CI-1 district and would be permitted with a site development review; there are time restraints as the owner wants to relocate by the beginning of the year. B. Breed questioned whether this was a site development plan or a change of use. C. Schmelzenbach read ZBL, page 29, Section 6.22 ~ Permitted uses in the Commercial-Industrial One (CI-1) District noting that he could not find anything on past uses of the building. B. Breed stated that a new use requires a site development plan. S. Albertsson noted that there is no map information (septic, well, etc.) and it would take a while to create it for the PC. He asked the PC to accommodate a new business employing ten people by approving them without a site development plan. He also noted that it would cost several thousand dollars to do what is already allowed in the district to create the documentation. B. Breed stated that this would be against the ZBL’s and they needed the criteria provided. S. Albertsson then asked if there was an appeal process as he will need to move into the building soon and would like to ask for time to create the paperwork necessary. B. Breed commented that C. Schmelzenbach can deny the application which could then be appealed to the ZBA. B. Breed noted that there was no criteria for a change of use and it should be done as a new use. C. Schmelzenbach noted that there are no specifics for Change of Use in the CI-1 district; only in the VC district

(page 34, Section 6.3.1 ~ Change of Use (VC District). B. Breed concurred with C. Schmelzenbach's opinion that a site development plan is required and suggested that the application be denied and referred to the ZBA. S. Albertsson noted that he could not submit a site development plan within four days and B. Breed commented that they would do everything they could to expedite the application, but could not circumvent the process.

M. Canavan moved and T. Dee seconded to adjourn the meeting at 8:35 p.m. Motion carried 5-0.

Respectfully submitted,

Nancy Aversano