

TOWN OF PLYMOUTH PLANNING COMMISSION

MINUTES

September 3, 2013

The meeting of the Planning Commission (collectively, the "Commission") opened at 7:00PM.

- Members of the Planning Commission: Wendell Beckman (Chairman), Karen Bruyn, Judy Michael, Betsy Tonkin, Tom Derlinga, Michael Coleman, Lee Kafer, and Bill Cherico.
- Others: Jay Kullman and Pieter Bohlen from Farm & Wilderness Foundation and Michael Coleman as an applicant.
- Jim Allen, Zoning Administrator was present in audience.

The Commission unanimously approved the minutes of the August 6, 2013 meeting with the commentary that in the title Board of Adjustment should be removed.

PUBLIC HEARING

The Commission opened the public hearing for Application #2013-0008 for Farm & Wilderness Foundation. The Commission made a note that they are returning from a previous July 2013 meeting where the application information was deemed incomplete. Jay Kullman (Resource Director) and Pieter Bohlen (President and Acting Executive Director) were present to speak to the details in the revised application.

The applicant's previously included sugarhouse and greenhouse do not need a permit because their use is agricultural in nature.

List of property abutters were attached to the application and all were notified:

- Vermont State Department of Forest & Parks
- Susan Webb
- Roger & Anne Marie Michel
- Eugene & Amelia Schlosser
- Robert Webb
- Michael & Melissa Lynds
- Todd Parkins
- Lee Crawford
- Black Pond Trust
- John & Eileen Baecher

All criteria of 4.14.1, 4.14.2, and 4.14.3 have all been met and the Commission agreed a map showing locations and identifying proposed work has been added to the application from the last visit. This application is for one new seasonal cabin, while the original application was for a sugarhouse, boiler building, and seasonal cabin.

Commission had a question about the boiler building. The applicants explained it is used to heat the barn and green house. The use of the farmhouse was also explained: it houses people in dormitory style and then has fire separation between the kitchen on the other side. Previously discussed fire safety paperwork was brought to demonstrate its evaluation by the Fire Marshall.

Applicants intend to replace an existing cabin and replace boiler building. The new cabin will be in same footprint as the existing cabin. A wood shed, which will feed the boiler, will be a separate building (has not been applied for yet). The boiler is 60 feet from farmhouse and will be a new building.

A question came from the Commission about whether it meets the road setbacks? Jim Allen says the setbacks are fine.

Other questions followed about how high are the proposed buildings? Can they be seen from lake? What is the elevation? Applicants mentioned the lake elevation is at 13.30 and building is at 14.10. The setback from the lake is 70 or 80 feet and does not exceed flood lines established before the Irene flood, nor is it's proximity close enough for concern.

Jay and Pieter presented a map and pictures of the proposed buildings. The farmhouse will look like other buildings and the cabin will also be the typical style like other buildings. Siding is rough sawn boards that they will produce on site to match existing campus buildings.

They intend to build before snowfall and will have completed buildings before December 2013. They are especially interested in starting construction on the boiler building. 47,000 gallons of fossil fuel were used last year in their existing boiler. They did a greenhouse gas outpost study 4 years ago. They want to use wood in the new boiler this winter. They mentioned they have had a lot growth and they have installed insulation as well. The new boiler is 4,000 gallons and will have 2,000 gallons of propane. They will use wood from their site and not market their wood as to compete with the local market. At camp, they teach the campers to split the wood. Boiler has catalytic converter and they are primary stage burners. Two boilers will serve two 800 gallon water tanks with underground lines. The new boiler will just burn for an hour at a hot temperature and then heat up tanks for use at the camp. There are two heat-exchanging tanks for each boiler, however usually they will only use one burner.

Betsy had a question about the map with the landscaping. To clarify, they are not removing the trees as indicated.

All developed land is located within the shoreland buffer. They are in the process of developing master plans and base land maps for each process moving forward. Two Rivers Ottawaquechee Regional Commission sent an email or letter with Bill H.526 rules and regulations for lakeshore protection. Their next meeting will be September 12 at Lake Morey Inn detailing the proposed legislation. At Farm & Wilderness the cabins by lake are 50-60 years old and rustic. The time to replace them might be soon, however they fall within the proposed shore land regulations area, although most the cabins are not visible. In fact, most buildings at Farm & Wilderness are not visible and the impact of built landscape is thereby reduced. They noted that there are 219 buildings all together on their site. They recently build an art barn with spruce, white pine, and ash from their campus using local wood, mills, and loggers.

4.14 Conditional Use Approval

4.14.1: Application for Conditional Use Permit was received on August 1st, 2013.

4.14.1.1: Map showing the general location of the property within the Town and its relationship to existing roads. Six maps showing the size and scale of proposed development were including in the application.

4.14.1.2: Statement including the uses of adjacent property, and the names and current addresses of all abutting owners of land and those directly across from all roads to the property at issue. A list of 10 abutters was received and is included in the application.

4.14.1.3: A statement and/or map sufficient to demonstrate the relationship of the proposed development to adjacent land uses, both existing and proposed. Both a detailed letter and maps were received in the application indicating proposed development.

4.14.1.4: A proposed site plan, drawn to appropriate scale, showing the location, height, spacing uses, and architectural relationships of all existing and proposed buildings, open spaces, landscaping, utility lines, street, drive-ways, off-street parking facilities, unique or manmade features and the physical conditions of the site. Several maps indicating proposed uses were included in the application.

4.14.1.5: Quantitative data indicating the number and types of dwelling units and or other uses, parcel size, proposed coverage of buildings, structures, roads, driveways, and parking areas; area of proposed open space not to include roads, utilities, rights of way, parking and loading areas or small inter-structural yards. All dwelling units are indicated in application maps and are attached to application.

4.14.1.6: Development schedule indicating the approximate dates when construction of the project or stages of the project is expected to begin and be completed. Applicant indicated in the application that all construction will begin in the fall and be completed by December 2013.

4.14.1.7: Existing and proposed future ownership of the property involved. No change in ownership is anticipated.

4.14.1.8: In the event land development is proposed involving the condominium form of ownership, proposed Declaration of Condominium and Condominium Association Bylaws. No condominiums will be developed on site.

4.14.1.9: Notwithstanding the above, the Planning Commission may require additional documentation or information to assist in the review and evaluation of the proposal. Additional documentation was not requested.

4.12.1.10: Plat sketch for subdivision. Sketch was included in application.

4.14.2 Conditional Use Review

4.14.2.1: Adequacy and safety of parking and loading facilities. There is no impact on the criteria because no change in parking use is proposed.

4.14.2.2: Access for fire equipment, and on-site pedestrian safety. There is no impact on the criteria because the fire safety has been reviewed.

4.14.2.3: Adequacy of landscaping, screening and setbacks to achieve maximum compatibility with, and protection of other properties in the area. There is no impact on the criteria because there is no change to existing landscaping.

4.14.2.4: The protection and utilization of renewable energy resources. There will be a positive change in energy resources with the use of plentiful wood from land for new energy efficient wood boiler.

4.14.2.5: The capacity of existing or planned community facilities. There will be a replacement of an existing cabin and the addition of a boiler, but there will be no significant capacity changes.

4.14.2.6: The character of the area affected as defined by the purposes of the zoning district and specific policies of the Plymouth Town Plan. There is no impact on the criteria because the proposed work will not be a significant alteration to the Farm & Wilderness campus.

4.14.2.7: Traffic on roads in the vicinity. There is no impact on the criteria because there will not be an increase in traffic due to proposed development.

4.14.2.8: Utilization of renewable energy sources. There will be a positive impact on renewable resources because the project will include the installation of an energy efficient boiler.

4.14.2.9: Other bylaws and ordinances in effect. There are no other applicable impacts due to implementation of the project.

Michael Coleman stepped down from Commission to assume a position as an applicant.

The Commission opened the public hearing for Application #2013-0009 for Michael Coleman. Application for new 32X64 pole barn/carport and extend existing shed roof. The shed roof will be extended over the existing building resulting in a new measurement of 7x16 feet long. Building will be for storage of all accessories and recreational vehicles. Applicant will also be relocating some of his business as fire protection contractor to Vermont. One such item is a tank to test water after a fire that is generally used yearly.

The Commission further discussed the planned construction and discovered that there will be one covered bay, one closed bay, and three open bays. For the construction that faces street, he'll gable the roof to maximize architectural appeal. The applicant provided pictures of the site and noted that you probably can't see any buildings from road during the summer. The elevation is 24 feet higher grade than road because the road happens to be in a low spot. Because the subdivision is awkward, the applicant is having a survey to be precise about his property footprint and plans to push building as far back as possible away from pond and road. Applicant mentioned that a lot of land has been returned to pastures. The property has apple trees, contains two small ponds, and backs up to state forest. Applicant mentioned that it took about 20 hours to prepare the application for the

Commission. Existing driveway access is within 600 feet and all accesses were preexisting before zoning access. There will be plenty of leeway for setbacks on the property.

Question from the Commission about if it is one and half stories? Applicant responded that the attic trusses are 6 to 8 feet x 30 feet. There will not be living quarters, nor water, sewer, or heat. However, there will be electricity for outdoor lighting. There will not be floodlights, but there might be a 2-way switch.

The shed modification to the roof is so a snowmobile can park under in back. Overhang will be 7x16 feet. The setbacks are as far back as can go because you will be able to see the new roof extension from pond located on the property.

Commission received and reviewed:

4.14 Conditional Use Approval

4.14.1: Application for Conditional Use Permit was received on August 10th, 2013.

4.14.1.1: Map showing the general location of the property within the Town and its relationship to existing roads. Several maps showing the size and scale of proposed development were including in the application. See Locus map attached in the application.

4.14.1.2: Statement including the uses of adjacent property, and the names and current addresses of all abutting owners of land and those directly across from all roads to the property at issue. A list of 7 abutters was received and is included in the application.

4.14.1.3: A statement and/or map sufficient to demonstrate the relationship of the proposed development to adjacent land uses, both existing and proposed. Both a detailed maps and photos were received in the application showing proposed development.

4.14.1.4: A proposed site plan, drawn to appropriate scale, showing the location, height, spacing uses, and architectural relationships of all existing and proposed buildings, open spaces, landscaping, utility lines, street, drive-ways, off-street parking facilities, unique or manmade features and the physical conditions of the site. Several photos and maps were provided in the application demonstrating the proposed development. See Google site plan attached in the application.

4.14.1.5: Quantitative data indicating the number and types of dwelling units and or other uses, parcel size, proposed coverage of buildings, structures, roads, driveways, and parking areas; area of proposed open space not to include roads, utilities, rights of way, parking and loading areas or small inter-structural yards. All proposed development is indicated in application and maps attached to application.

4.14.1.6: Development schedule indicating the approximate dates when construction of the project or stages of the project is expected to begin and be completed. Applicant indicated in the application that all construction will in the fall and be complete by spring 2014.

4.14.1.7: Existing and proposed future ownership of the property involved. No change in ownership is anticipated.

4.14.1.8: In the event land development is proposed involving the condominium form of ownership, proposed Declaration of Condominium and Condominium Association Bylaws. No condominiums will be developed on site.

4.14.1.9: Notwithstanding the above, the Planning Commission may require additional documentation or information to assist in the review and evaluation of the proposal. Additional documentation was not requested.

4.12.1.10: Plat sketch for subdivision. Sketch was included in application.

4.14.2 Conditional Use Review

4.14.2.1: Adequacy and safety of parking and loading facilities. There is no impact on the criteria because no change in parking use is proposed.

4.14.2.2: Access for fire equipment, and on-site pedestrian safety. There is no impact on the criteria because no change fire safety will occur and existing fire security is adequate.

4.14.2.3: Adequacy of landscaping, screening and setbacks to achieve maximum compatibility with, and protection of other properties in the area. There is no impact on the criteria because no change landscaping is proposed. In fact, the applicant plans to maximize existing landscaping and supplement with more landscaping.

4.14.2.4: The protection and utilization of renewable energy resources. There is no impact on the criteria because no significant change in utility utilization.

4.14.2.5: The capacity of existing or planned community facilities. There is no impact on the criteria because no community facilities exist for this private use development.

4.14.2.6: The character of the area affected as defined by the purposes of the zoning district and specific policies of the Plymouth Town Plan. There is no impact on the criteria because no significant changes will occur in the context of zoning and town planning.

4.14.2.7: Traffic on roads in the vicinity. There is no impact on the criteria because no change in traffic will occur with the proposed project.

4.14.2.8: Utilization of renewable energy sources. There is no impact on the criteria because only a simple exterior light will be added to the carport.

4.14.2.9: Other bylaws and ordinances in effect. There are no other bylaws affected with the proposed building.

3.15 Outdoor Lighting – Conditional Use Standard

3.15.1: All lights are to be shielded so light is directed downward and not into the night sky; lighting is directed towards the property and not towards neighboring properties;

3.15.2: Lighting is placed on the lot so as to avoid glare nor create a traffic hazard;

3.15.3: Pole heights for lights are compatible with the scale of surrounding buildings and the site;

3.15.4: Light levels and distribution are appropriate to the use and do not exceed IESNA recommended minimum standards and other light levels in the immediate vicinity; and

3.15.5: Lighting plans include timers, dimmers and similar devices to eliminate unneeded lighting and reduce overall energy consumption.

No other comments or questions were forthcoming. A motion to close the public hearing was made, seconded, and unanimously passed. 7:36PM

DELIBERATIONS AND OTHER BUSINESS

The upcoming Two Rivers meeting announcement was made and discussed. Commission members are encouraged to attend the meetings happening in various locales.

The Commission turned to discussion of the Arthur Lynds decision and they reviewed Arthur Lynds Findings and Decision documentation. There was agreement that there were two parcels made, but discussed what provisioning was to apply to each parcel. At hearing, only the new parcel was considered. The old parcel was only considered in terms of replanting the 2007 application landscaping and adhering to original conditions of the original approval. It was noted that the original landscaping plan was not in the master file. The Commission discussed that Act 250 allows for 36 trips, currently Lynds is approved for 20 round trips which is 40. Also, the Commission noted that dumpsters are often found visibly in yard, not in storage area built for the dumpsters. There was mention that Casella has problems accessing the dumpsters if they are in the storage area. Currently, Casella hauls the waste and Lynds does the collection. At this time, the Commission does not enforce these issues, but noted that full compliance is not being met. The Commission also noted that most, if not all, of the trees are dead in terms of upholding the landscaping requirement.

Commission turned to a terminology discussion. Michael talked about the use of variances as ways to tailor the Conditional Use(s). It was noted that some special conditions needed to be reviewed against the application. There is definitely not a waiver option but suggested to look at the aggregate application and can cherry pick and discuss conditions that must be met.

Jim Allen explained that Arthur Lynds did what he had to meet the first Act 250 requirements. However, the ongoing maintenance has been neglected. Jim Allen will follow up after and he gets a certificate of compliance. If there is not adherence, then Jim Allen will follow up and violations could ensue. Any violation notices would come in from the Select Board. Jim Allen explained that it's difficult to enforce violations because someone would have to call to report a violation. Jim Allen handles the violations, many of which are minor. Then enforcement can go to the Environmental Court.

Discussion turned to what is an 'interested party' appeal. The Commission noted that you are only interested if you were an interested party prior to Act 250, but any townsperson can appeal a decision. The Commission has to document they want to send someone to Act 250 in minutes. However, it was noted that in the new regulations, the case would go directly to Environmental Court instead of to the Select Board.

The Commission then commenced deliberations on the two applications determining as follows:

Discussion turned to the Farm & Wilderness deliberations. Commission noted that they clearly set up and met submission standard 14.1, 2, & 3. The adequacy of safety was met. And the proposed development does not change parking and loading. The fire equipment and pedestrian safety will not result in an adverse effect.

Existing plans will meet adequacy of landscaping. The new wood boiler will fall under renewable energy. There will be no change in capacity or character of the area affected. There will be no impact to traffic on roads, renewable energy, nor ordinances. The Commission noted that the application for shed is issue, not boiler that goes in the shed

although it was discussed. Therefore, there are no conditions for 14.4.or 2. All submission standards have been met.

Motion to approve made by Tom Derlinga. Karen Bruyn seconded the motion. The motion was approved unanimously.

For the Michael Coleman application, the application/submission standards were all met. Commission went through the 14.2 conditional use review and determined all the conditions are not applicable because there is no proposed change. The safety and parking are pre-existing. For fire equipment and pedestrian safety there is no impact and road already exists. The landscaping setback will be oriented to achieve the maximum coverage of buildings. New lighting will be part of landscaping. There will be no capacity or traffic impact. There will be no change to character; everything will remain consistent with neighborhood. There will be no change in utilities nor renewable energy.

Motion to approve by Betsy Tonkin with condition to adhere to the 3.15 lighting standard. Karen Bruyn seconded the motion. The motion was approved unanimously.

Wendell addressed Jim Allen about Jodi and the addition of a signature line as discussed at the August 6th meeting. Further discussion was had about getting people on agenda in a timely manner and the signature line should be added before applications are publicized.

October 1st is next meeting.

The meeting **ADJOURNED**, without opposition, at 8:58 pm.