

Responses to Questions from Public Hearing

Public Comments/Questions:

- 1. Question:** How can I replace an existing house while living in the old one which I intend to tear down after the new one is built?

Response: The Administrative Officer will add a condition to the permit that would allow occupancy of an existing house until the new house is built on the same lot. This condition would require the old house to be demolished within 6 months of completion. No change is needed to the proposed bylaws to accommodate this.

- 2. Comment:** Define subdivision

Response: A subdivision is the division of any parcel of land. A landowner can complete one subdivision of a parcel of land as an exempt subdivision (1 lot into 2 lots); after the first subdivision, the application review must include a public hearing process.

“Subdivision” is defined on page 43, Definitions of Bylaws

- 3. Question:** Why do you need a public hearing to subdivide your land?

Response: You don't need a public hearing for an exempt subdivision. A public hearing has been required in previous town bylaws and is required by Vermont statute (Title 24, Chapter 117, Subsection 4464(a):

“All development review applications before an appropriate municipal panel...shall require notice as follows.

- (1) A warned public hearing shall be required for conditional use review, variances, administrative officer appeals, and final plat review for subdivisions. Any public notice shall be given not less than 15 days prior to the date of the public hearing by all the following:
 - a. Publication...in a newspaper of general circulation.
 - b. Posting ...in three or more public places within the municipality...
 - c. Written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to any public right-of-way...”

4. Question: What benefit does the town get for opening up a hearing to the public? Who is considered an interested party?

Response: A public hearing is an opportunity for the Commission to gather information germane to the project including information from the abutters; community has right to know what is happening. The Commission has been asked by the town to decide on issues regarding development; a public hearing is an opportunity to gather information to protect public good and is required by State law.

The definition of interested party includes abutters; under the State's rules of procedure only interested parties can appeal a subdivision decision. A definition for interested party has been added to the proposed bylaw. Under the State's rules of procedure Title 24 GSA Chapter 117, Subchapter 11, Section 4465b: "An interested person may appeal any decision or act taken by the administrative officer...". For purposes of this chapter of the act, "...an interested person is any one of the following:

- 1) A person owning title to property...affected by a bylaw, who alleges that the bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use...;
- 2) The municipality that has a plan or a bylaw at issue in an appeal...or any municipality that adjoins that municipality;
- 3) A person owning or occupying property in the immediate neighborhood of a property that is the subject of any decision or act taken...who can demonstrate a physical or environmental impact on the person's interest...and who alleges that the decision or act...will not be in accord with the policies, purposes, or terms of the plan or bylaw...;
- 4) Any ten persons who may by any combination of voters or real property owners within a municipality...who, by signed petition...allege that any relief requested by a person under this title, if granted, will not be in accord with the policies, purposes, or terms of the plan or bylaw of the municipality."

5. Question: What interest is it of the town in home occupations?

Response: The town's interest in home occupations is based on the size and potential growth of the home occupation. At some point a home occupation may turn into a larger business that could impact neighbors through increased traffic, noise, etc. Home occupations are defined in Article VII, Definitions of the proposed bylaws.

6. Question: If I have a 25 acre hayfield (to subdivide), why do I have to have a public hearing?

Response: A public hearing is required by State law (see responses to Questions #3 and 4 above).

7. Question: What constitutes disturbance of one (1) acre under 5.1.17?

Response: The Vermont Agency of Natural Resources requires a Construction General Permit if more than one (1) acre disturbance is anticipated for any project; the one acre includes the total disturbance within a project area (see ANR Stormwater Permit Worksheet for criteria). Under the National Pollutant Discharge Elimination System (NPDES) and the Clean Water Act, construction projects involving one (1) or more acres of land disturbance require a permit for the discharge of stormwater from the construction activities. The final draft by law will add to 5.1.17: per State requirement for Construction General Permit, 3-9020 (10 VSA 1264 and federal Clean Water Act).

8. Question: Sections 5.1.5 – 5.1.7: Are these standards in the current bylaws?

Response: Under the current subdivision bylaws (Section 3.1), there is a general requirement to protect natural resources including forest, pastures, agricultural lands, etc. The new bylaws are more specific on how to protect these resources. In response to comments received at the public hearing, Section 5.1.7 has been deleted and Sections 5.1.5 and 5.1.6 of the proposed bylaws have been modified and combined as follows:

“5.1.5 Conservation of Natural Resources

Subdivisions of all lots 25 acres or larger shall be designed to conserve to the maximum extent possible the following resources:

- a. Primary Agricultural Soils, that have a potential for growing food, feed, and forage crops, and an average slope that does not exceed 15 percent (as defined by the State of Vermont in 10 V.S.A Chapter 151, Section 6001).
- b. Productive Forest Soils, which have a reasonable potential for commercial forestry (as defined by the State of Vermont in 10 V.S.A Chapter 151, Section 6001).”

9. Comment: Section 5.1.7 is a taking of private land

Response: Section 5.1.7 has been deleted.

10. Question: Much of our land falls in the floodplain and the rest is prime agricultural land; what happens when my father needs to sell some of his land?

Response: The requirements for prime agricultural land have been modified (see response to Question 8 above); floodplain requirements will not change. Parcels over 25 acres will comply with the modified Section 5.1.5; smaller parcels are not subject to this guideline.

11. Question: The 80% that is required to be left open [for parcels greater than 100 acres]; does the town pay the taxes on this land?

Response: Section 5.1.7 (for parcels greater than 100 acres) was deleted.

12. Comment: I don't want the State to tell me how I can farm.

Response: Enrollment in the Current Use Program is strictly optional, but is a way for landowners of properties greater than 25 acres who farm or harvest timber to save on property taxes.

13. Comment: The performance security and bond should be paid to the Town of Corinth, not to the Select Board.

Response: This has been corrected in the revised draft (Section 5.1.15).

14. Question: Section 5.1.3, Intended Use – is there a need to return for additional permit for a use other than stated use?

Response: Yes, an applicant needs to reapply if he changes the intended use stated on the original permit.

15. Question: Section 5.5 - Why is "Building Permit" used if no building is desired? Can building permit be changed to permit?

Response: All references to "building permit" have been changed to "permit" or "development permit".

16. Comment: A long time resident commented that she was sorry to see the town need to have all these regulations. Her family has been here since 1870's. Don't need any more fees; need less red tape; we should all be good neighbors.

Response: Like it or not, the world has changed; most towns around us have some form of zoning because their world has changed as well. The new bylaws provide the town with the ability to deal with changes as they happen rather than after they occur.

17. Question: Section 5.5.3, Lot line adjustment – why is there a ½ acre limit?

Response: This section is trying to clarify the difference between a lot line adjustment and an annexation. Lot line adjustments are for up to ½ acre; annexations can be greater than ½ acre.

18. Comment: Comment on the need to regulate home occupations. Some time ago there was a home business in town that used a metal stamping machine that ran 24/7 – the vibrations were felt by the neighbors; people put up with it but they didn't like it.

19. Question: Section 5.1.13, Access: Does the landowner have to allow access across their land or through their driveway [for new lots that he creates]?

Response: Yes. Driveway permits determine whether new curb cuts can be made or whether access must be permitted through existing driveways. For subdivisions, one access point is required unless public safety is better served by two accesses or topography precludes single access.

20. Comment: People don't want to pay fees for every action; Bradford fees started low and have increased over time.

Response: Corinth's intent is to keep fees at the minimum level needed to cover the costs of administering permits.

21. Question: Section 5.6.6 states that a final plat must be the Mylar copy of the survey: Is a survey a requirement for any subdivision?

Response: A survey is required for all subdivisions except for exempt subdivisions.

22. Question: What is the cost for the Administrative Officer, including costs for additional expertise that may be needed to evaluate projects?

Response: The town will likely pay the current pay rate for non-salaried town employees of \$12/hour for the Administrative Officer, for an estimated 4-8 hours per week. The applicant will be responsible to pay for any additional expertise, if it is needed.

23. Question: How will changes be made to the final document?

Response: The same process will be used to change the final document as is being used for this document: public hearings by the Planning Commission and Select Board, followed by a Select Board decision or public vote by Australian ballot.

24. Question: Corinth has had floodplain guidelines since 1977; subdivision guidelines since 1995 (amended in 2002); what happens if these new bylaws fail to pass?

Response: The town will revert to the existing guidelines for flood hazard zones and subdivisions.

25. Question: What is happening in similar towns to Corinth?

Response: Several towns around Corinth have some form of zoning; every town's version is different based on the needs of each town. Bradford has zoning regulations; Vershire has a development ordinance that combines zoning and subdivision regulations; Newbury has both zoning and subdivision regulations; Topsham, West Fairlee, Orange, and Washington have flood ordinances but no land use regulations.

26. Question: Who wrote this document?

Response: Staff from the Two Rivers Ottauquechee Regional Commission assisted in the writing; but this is a Corinth Planning Commission document. The Planning Commission reviewed and discussed every item in the document.

27. Comment: Section 6.3.9: requires the expiration of a building permit after 2 years; this landowner has been working on his house for a longer time than that.

Response: After two years, an applicant can extend or continue his project by applying for an extension of his development permit.

28. Question: Has there been any attempt to estimate the effect of increased taxes on small land owners by restricting development values on larger properties?

Response: The town does not assess development value; assessments are based on assuming one 2-acre homesite at residential value; all the rest of the land is assessed as bulk land; other values such as scenic values, etc. would come into account for large parcels with development restrictions.

29. Question: What is the Vermont Planning and Development Act?

Response: The Vermont Municipal and Regional Planning and Development Act (Title 24 V.S.A. Chapter 117) is a guide that allows any town to develop development regulations.

30. Comment: Corinth's current floodplain bylaw is not functioning properly; there is presently no enforcement and no Zoning Administrator to enforce. That needs to change to maintain residents' qualification for flood insurance.

31. Question: What happened to the former Zoning Administrator?

Response: He resigned.

32. Question: Section 6.9, Discontinuance and Abandonment – why is this section needed?

Response: In order to bring non-conforming uses into compliance with the new bylaws over time.

33. Question: How do we get these bylaws voted down?

Response: The process for passing or voting down the proposed bylaws is as follows: The Planning Commission will make changes to the draft bylaws based on input from this hearing. The Commission's final draft will be passed on to the Corinth Select Board who will hold an additional public hearing. After considering comments from the public and making additional changes, the final bylaws will be approved by the Select Board, either through an Australian ballot vote by the town or by passing the bylaws themselves.

34. Question: How much of the town is within a mapped floodplain?

Response: Approximately 5% or so of the town's area is within a mapped floodplain.

35. Comment: Need to address abandoned autos.

Response: The State Department of Transportation has the authority to regulate abandoned autos.

36. Comment: There are some good things in these bylaws that should be implemented.

37. Question: Are the maps for floodplains current?

Response: Yes.

38. Comment: Everything should be kept simple so everyone can understand it; don't like being told what to do with my land; should be able to develop entire 100 acres.

39. Question: Would definition of junkyard encompass private homes not just commercial junkyards?

Response: Yes. The definition of junkyard is based upon state regulation for salvage yards (24 V.S.A. 2241) and requires a permit from the Vermont Agency of Transportation, Department of Motor Vehicles:

- Any place of outdoor storage or deposit of junk/junk motor vehicles in connection with a business must be licensed by AOT/DMV.
- Any place of outdoor storage or deposit of four (4) or more junk vehicles not in connection with a business that are visible to any portion of a public highway must be licensed by AOT/DMV.
- "Junk motor vehicle" means a discarded, dismantled, wrecked, scrapped or ruined motor vehicle or parts thereof, or one other than on-premise utility vehicle which is allowed to remain unregistered for a period of ninety days from the date of discovery.

40. Question: If you have a farm, would old vehicles stockpiled on the farm come under junkyard?

Response: The Vermont Agency of Transportation, Department of Motor Vehicles defines and regulates junkyards and abandoned vehicles.

41. Comment: Use examples to demonstrate size limits of ponds.

Response: Examples have been included in sections 3.1 and 4.6 (i.e. a pond that averages 10 feet wide x 100 feet long x 10 feet deep = 10,000 cubic feet).

42. Question: Can the bylaw specify that individual landowners be exempt from posting bonds?

Response: This is an option for the Planning Commission – the Commission “may” require a bond. Bonds may only be required to ensure issues of public safety or public good.