

Town of Corinth
Planning Commission
Notes from Public Hearing
Review of Proposed Unified Development Bylaws
February 16, 2010

Commission Members: Kevin Kinerson, Allen Locke, Chris Jauhola, Mark Nielsen

Public Attendees: See attached list

Note: The following is not a transcript, but captures the main content of the comments made, questions asked, and responses given at the February 16, 2010 public hearing. Members of the public were asked to identify themselves before commenting; their names are included when they did so.

- A. Kevin Kinerson, Planning Commission Chair, opened meeting at 7:02 pm
- B. Agenda review:
 - a. 7:05 – 7:30 pm
 - i. Process to get to vote on bylaw
 - ii. Review why we created the bylaw
 - iii. Review what has changed
 - iv. Review how the bylaw will affect you as a citizen
 - b. 7:30 – 9:00 pm: Open to public comment
- C. Introduction of Planning Commission members: Kevin Kinerson, Mark Nielsen, Allen Locke, Chris Jauhola
- D. Kevin described the process to get to a vote on the proposed bylaws:
 - a. The Planning Commission has produced a draft document of proposed unified development bylaws.
 - b. The Commission held one previous public hearing on October 27, 2009
 - c. Changes were made to the draft bylaws based on feedback from that hearing
 - d. Tonight's hearing is an opportunity to get additional feedback from the public
 - e. The Commission will make additional changes based on input received tonight

- f. The Commission will hand off the new draft to the town Select Board
 - g. The Select Board may make further revision if they so desire
 - h. The Select Board will hold another public hearing
 - i. Additional changes may be made as a result of this additional hearing
 - j. The final document will either be voted on by the town voters using an Australian ballot or the Select Board has the option to pass the bylaws without holding a town vote.
- E. Kevin explained the background for the new bylaws:
- a. There was a need to revise and update the town subdivision bylaws and flood hazard bylaws due to changes in State law
 - b. The new Town Plan indicated a need for some type of development regulations
 - c. Both town surveys (2005, 2007) indicated a desire for more development controls
 - d. The draft bylaws include: revised subdivision bylaws, revised floodplain bylaws, and some limited zoning focused primarily on commercial and large residential development – not individual homes
- F. What has changed in the draft bylaws from current:
- a. Current subdivision bylaws – are subjective; these draft bylaws attempt to make them more objective
 - b. Town Plan Goals – need to maintain rural character (setbacks from waterways and wetlands, and to protect prime agricultural soils and pastureland, forest resources, drainage and erosion control)
 - c. Clarify the application process for subdivisions and other development
- G. Flood Hazard Area regulations – an update of the existing 30 year old bylaws
- a. Required by FEMA for flood insurance; mapped zone still the same (FEMA maps available in the Town Hall)
 - b. Allowed uses: subdivision
 - c. Conditional uses: improvements to existing structures
 - d. Prohibited uses: new construction
 - e. Added provision to include protection for fluvial flood zones when the State approves new maps

H. Zoning regulations

- a. One zone for entire town
- b. Allowed and conditional uses
 - i. Allowed: new house, pond, home occupation, medium pond
 - ii. Conditional: small and large enterprise, multi-family units
 - iii. No permit required: small additions, renovations, small ponds
 - iv. General standards for all new buildings: setbacks, waterway buffer, parking, 1 primary structure/lot, access for all lots
 - v. Special items: telecommunications, large ponds, mining

I. Adds new Administrative Officer position (replaces Zoning Administrator – currently vacant)

- a. 1st point of contact for all permits
- b. Issue permits that don't require a public hearing
- c. Administer new permits (including site visits where needed)
- d. Currently the town has 6-7 subdivisions per year

J. Guide to Bylaws (4 pages) – see attached handout

- a. Subdivision standards – same as current process
- b. Special permits: sand & gravel, mine, telecommunication facility, install windmill, large pond

Public Comments: Kevin Kinerson requested that comments be specific to the proposed bylaw.

1. (Question) Richard Kendell: 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) Kevin Kinerson: Need to consider a standard to cover this situation since the bylaws only allow one house per lot.

2. (Comment) Forbes Morrell: Define subdivision

(Response) Kevin Kinerson: Subdivision is division of any parcel of land; can do one subdivision as an exempt subdivision (1 lot into 2 lots); after the first subdivision, need public hearing process

3. (Question) Robert Fortunati: Why do you need a public hearing to subdivide your land?

(Response) Kevin Kinerson: All property abutters are notified. This provides them with notification so they can comment, if they wish.

4. (Comment/question) Kristen Hale: No criteria for yes or no decisions on subdivisions; what benefit does the town get for opening up hearing to public?

(Response) Kevin Kinerson: The definition of interested party includes abutters; under the State's rules of procedure – only interested parties can comment on subdivision; need to add definition for interested party to new bylaw

5. (Question) Kristen Hale: What interest is it of the town in home occupations?

(Response) Allen Locke: Based on the size of the home occupation; it may turn into a larger business that could impact neighbors (traffic, noise, etc.)

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

Comment from the audience: Don't get too excited about public hearings; only abutters ever attend

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

Response: This is based upon State regulation; will clarify in the final draft.

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

(Response) Kevin Kinerson: Under the current subdivision bylaws (Section 3.1), there is a general requirement to protect resources including forest, pastures, agricultural lands, etc. – the new bylaws are more specific on how to protect these resources.

9. (Comment) Kristen Hale: Section 5.1.7 is a taking of private land

(Response) Allen Locke: There is an obvious tension – in responses to the first survey for the Town Plan, people felt strongly that the quality of the town and their enjoyment of it had been harmed by the way development had occurred in town; land had been carved up in 10 acre lots. How does the town balance the rights of the individual with the rights of the public?

10. (Question) Richard Devin: 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?

11. (Question) Steve Bailey: 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) Kevin Kinerson: Open land probably would be owned jointly by the owners of individual lots; the owners would pay taxes

(Response) Allen Locke: There exists the opportunity for enrollment in the current use program to reduce the tax burden on larger, undeveloped properties.

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

(Response) Allen Locke: My property is under current use; the State has never interfered with how it is managed.

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

(Response) This will be corrected in the revised draft.

14. (Questions) Forbes Morrell: Section 5.1.3, Intended Use – need to return for additional permit for a use other than stated use; Section 5.5 - Why is "Building Permit" used if no building is desired? Can building permit be changed to permit?

(Response) Allen Locke: This will be reviewed by the Planning Commission.

15. (Comment) Lorraine Houle: She is 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.

16. (Question) Forbes Morrell: Section 5.5.3, Lot line adjustment – why ½ acre limit?

(Response) Kevin Kinerson: This section is trying to clarify the difference between a lot line adjustment and an annexation

17. (Comment) Jen Brooks-Wooding: Wished to 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.

18. (Question) Nancy Ertle: Section 5.1.13, Access: Does the landowner have to allow access across their land or through their driveway [for new lots]? (Comment) People don't want to pay fees for every action; Bradford fees started low and have increased over time.

(Response) Kevin Kinerson: Driveway permits determine whether new curb cuts can be made or whether access must be permitted through existing driveways.

19. (Question) Forbes Morrell: Section 5.6.6 – Final plat must be the Mylar copy of the survey: Is a survey a requirement for any subdivision?

(Response) Kevin Kinerson: A survey is required for all subdivisions except for exempt subdivisions.

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

(Response) Kevin Kinerson: Expect to pay \$12/hour for the Administrative Officer. It will be up to the landowner to pay for additional expertise, if it is needed.

21. (Question) Forbes Morrell: How will changes be made to the final document?

(Response) Kevin Kinerson: The same process will be used to change the final document as is being used for this document; public hearings; Select Board decision or public vote.

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

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

23. (Question) Susanne Smith: What is happening in similar towns to Corinth?

(Response) Kevin Kinerson: All towns around Corinth except Topsham have some form of zoning; every town's version is different based on the needs of each town.

24. (Question) Skip Craven: Who wrote this document?

(Response) Kevin Kinerson: 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.

25. (Comment) Forbes Morrell: p. 29, Section 6.3.9: requires the expiration of a building permit after 2 years; he has been working on his house for a longer time than that.

(Response) Kevin Kinerson: We are open to suggestions on this item – we want some time limit to not leave permits open-ended. The Town no longer issues Certificates of Occupancy since the State took over responsibility for septic permits.

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

(Response) Allen Locke: 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.

27. (Question) Forbes Morrell: What is the Vermont Planning and Development Act?

(Response) Kevin Kinerson: The Vermont Planning and Development Act is a guide that allows any town to develop development regulations.

28. (Comment) Russ Pazdro, Select Board chair: 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.

29. (Question) Susan Fortunati: What happened to the Zoning Administrator?

(Response) Russ Pazdro: He resigned

30. (Question) Susan Fortunati: Section 6.9, Discontinuance and Abandonment – why is this section needed?

(Response) Allen Locke: In order to bring non-conforming uses into compliance with the new bylaws.

31. (Question) William Devins: How do we get these bylaws voted down?

(Response) Kevin Kinerson: Explained the process for passing or voting down the proposed bylaws: 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.

32. (Question) Forbes Morrell: How much of the town is within a mapped floodplain?

(Response) Kevin Kinerson: 5% or so

33. (Comment) Jen Brooks-Wooding: Need to address abandoned autos.

34. (Comment) Nancy Ertle: There are some good things in these bylaws that should be implemented.

35. (Question) Susan Fortunati: Are the maps for floodplains current?

(Response) Allen Locke: Yes

36. (Comment) Robert Fortunati: 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.

37. (Question) Forbes Morrell: Would definition of junkyard encompass private homes not just commercial junkyards?

(Response) Allen Locke: The definition of junkyard is from state regulation.

38. (Question) Susan Fortunati: If you have a farm, would old vehicles stockpiled on the farm come under junkyard?

(Response) Kevin Kinerson: Farm vehicles are exempt; don't know whether cars and trucks are exempt as well but will find out.

39. (Comment): Use examples to demonstrate size limits of ponds (10 feet x 100 feet x 10 feet = 10,000 cubic feet).

40. (Question) Nancy Ertle: Can the bylaw specify that individual landowners be exempt from posting bonds?

(Response) Kevin Kinerson: We will take that suggestion into consideration.

Kevin Kinerson: Next Planning Commission meeting will be held at 7 pm, March 16, 2010 at the Town Hall. The public is invited to attend if they wish to continue to be involved in this process. The Planning Commission will make changes to the draft bylaws based on input tonight, then send the revised document to the Select Board who will hold another public hearing and make additional changes, if needed, before either putting the bylaws to a town vote (Australian ballot) or deciding whether to adopt the bylaws, or not, themselves.

Kevin Kinerson adjourned the hearing at 9:00 pm.

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