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Planning Commission
Town of Sunderland, Vermont

March 22, 2017

A meeting of the Planning Commission (Commission) of the Town of Sunderland (Town) was held on Wednesday, March 22, 2017, at the Sunderland Town Offices pursuant to the Warning fixing the time and place of the meeting.

The members present in person were Ed Bove, Peter Luca, Lily Van Haverbeke and Scott York constituting a quorum of the Commission.

Also present at the meeting were Missy Bell Johnson, Zoning Administrator, Catherine Bryars of the Bennington County Regional Commission (BCRC), Dan Barber, Elliott Nachwalter, Fred Blackmer, Jack Kelliher of S & R Construction, Karin Marshall of S & R Construction, Dale Baker of Casella Waste Management, Inc. and Ronald Lemaire of the Vermont Department of Transportation.

Mr. Bove, Chair of the Commission, called the meeting to order at 6:05 p.m. Ms. Van Haverbeke recorded the minutes of the meeting.

The first order of business to come before the Commission was the approval of the draft minutes of the February 22, 2017 meeting of the Commission. Upon motion made by Mr. York, seconded by Mr. Bove, the minutes were unanimously approved.

The next item on the agenda was the discussion with Catherine Bryars of the BCRC on updating the Sunderland Town Plan to incorporate energy siting provisions. Ms. Bryars explained that the BCRC has obtained funds to assist three towns in Bennington County with updating their town plans to incorporate energy siting provisions. Sunderland is participating voluntarily in this program with BCRC and was one of the three towns BCRC selected for this program. The other two towns are Bennington and Dorset. She further explained that she anticipates a four-month timeline for the project and that the goal of this project is to meet the new energy planning standards set by the passage of Act 174 by the Vermont legislature during the 2016 legislative session. She further stated that regional and town energy plans that meet the standards of Act 174 will receive substantial deference during the Public Service Board's review of developer applications for Certificates of Public Good for energy projects. She also noted that the BCRC's energy plan is currently going through the state review process. She stated that there are three main components to the energy planning process. First is the assessment of current energy use and the setting of future targets so the town will be in compliance with the State of Vermont's goal of meeting ninety percent of energy requirements through renewable sources by 2050. The second stage is identifying pathways for achieving these targets and the final stage is energy mapping within the town. Ms. Bryars also provided the Commission with background information on Act 174, the preparation of energy plans, and

the approval process for these energy plans. After discussion with the Commission, Ms. Bryars was scheduled on the agenda for the April 26, 2017 meeting of the Commission to continue work on updating Sunderland's energy plan.

The next item on the agenda was the public hearing on the change of use application by Janet Schaeenlank, Trustee of the Lillian A. Pollack Trust, and Elliot Nachwalter of BLD Designs, Inc., for property located at 6354 Route 7A. Mr. Bove opened the hearing at 6:35 p.m. and noted that the hearing was for a change of use from a previously permitted ice cream stand to retail, office and storage space for the building located on the westerly side of this property. Mr. Nachwalter presented the Commission with an explanation of his use of the property for his business and stated that he will be using the building for his office, storage and shipping activities. He will also be allocating approximately 100 square feet of the space to retail sales and he anticipated that there will be one UPS truck per day accessing the property. The Commission then reviewed the application against Sections 2.12, 3.6.12 and 4.12 of the town's zoning bylaws. The Commission discussed the criteria with Mr. Nachwalter and noted that any dumpsters placed outdoors will have to be screened from view, that the existing driveway must be used, and that no cars will be permitted to back out onto Route 7A. Ms. Van Haverbeke noted that John Haugrud, an adjoining property owner submitted a letter to the Commission stating that Mr. Hausgrud had no objections to this application. After review of the individual criteria under Section 4.12 of the bylaws, Mr. Bove noted that the Commission will issue its Findings of Fact and Conclusions of Law within 45 days of the hearing. Mr. Bove then moved to close the hearing, Ms. Van Haverbeke seconded and the hearing was closed.

The next item on the agenda was the public hearing on the application by Casella Waste Management and S&R Construction for two trailers to be used as business offices by S&R Construction and the Vermont Department of Transportation during the reconstruction of two railroad bridges located in Sunderland. Mr. Kelliher explained that S&R has been hired by the Vermont Department of Transportation to reconstruct two railroad bridges in Sunderland and reviewed the anticipated timeline for construction. Ms. Van Haverbeke asked whether Act 250 matters have been addressed and asked about the ownership of the trailers. After discussion with Messrs. Lemaire and Kelliher the hearing was closed.

The next item of business was the Zoning Administrator's Report. Ms. Bell Johnson reported that the only new zoning permit applications received since the February Commission meeting were the permits from S&R Construction for two trailers to be installed on the Casella Waste Management property. She also reported on zoning and junk ordinance violations investigations and noted that she is continuing to update the zoning permit application template and is working on the protocol for processing zoning violations.

The next item on the agenda was new business. Ms. Van Haverbeke discussed the proposal received from Michael Bailey to consider a change in zoning for the Arcady Motel property on Route 7A. The Commission then discussed the fact that it is not good policy to enact "spot" zoning for an individual parcel, that it sets a bad precedence for the future, and conflicts with the policies of good planning. Mr. Bove also noted that the subject property is in the Rural Commercial Residential zoning district where Planned Residential Developments (PRD) are allowed on parcels of land between 8 to 16 acres. The subject property, according to the town tax map, is 15.2 acres and appears to be eligible for PRD development. Mr. Bove reported that he informed Mr. Bailey of the PRD option for this property. The Commission then unanimously resolved that it does not support a zoning change for this parcel of land.

The next item on the agenda was old business and the Commission then discussed the issues presented by short-term rental properties in the town. The Commission discussed various options available to the Town to regulate these properties and unanimously concluded that a two ordinance protocol would be the best approach for these issues. One ordinance would provide for an annual filing with the town notifying the town that the subject property was being used for short-term rentals and the second ordinance would be a noise ordinance. Provisions would be included in these ordinances to customize the ordinances to Sunderland's needs. The Commission then unanimously resolved to recommend the two ordinance approach to the Selectboard. Ms. Van Haverbeke then said that she would notify Mark Hyde, Chair of the Selectboard, of the Commissions decisions on the Arcady property and the short-term rental issues.

The next item of business was the work session on updating the Town Zoning Bylaws. Mr. Bove distributed an updated draft of the zoning bylaws and stated that he has now incorporated all statutory provisions into this draft. He reviewed changes and the members comments since the last draft. He stated that the next draft will incorporate the Table of Permitted Uses for all zoning districts.

The next meeting of the Commission will take place on Wednesday, April 26, 2017, at 6:30 p.m. at the Town Offices.

There being no further business to come before the Commission, and upon motion duly made and seconded, the meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Lily Van Haverbeke