

JOHNSON PLANNING COMMISSION MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
WEDNESDAY, AUGUST 10, 2016

Present:

Planning Commission Members: David Butler, Charles Gallanter, Ben Waterman, Phil Wilson, Rob Rodriguez

Note: All votes taken are unanimous unless otherwise noted.

1. Call to Order

David Butler called the meeting to order at 7:00.

2. Minutes from Previous Meeting

A couple of corrections were suggested to the minutes. On p. 2, the typo “MBC” needs to be corrected to “FBC.” Ben suggested adding “because” to link two sentences to clarify that when he said “we have to keep all the language addressing uses” it was in the context of explaining that if we want to regulate some uses then we have to keep all the language addressing uses, which makes the document more complicated. He isn’t advocating keeping all the language addressing uses.

David said Duncan and Meredith had implied it would be good for us to ask for party status at the Act 250 hearing for the Maplefields project even though we have no objections to the plan. They want us to participate just in case. The village trustees would like to see a crosswalk at that intersection. David questions whether that is Vallee’s responsibility or the Agency of Transportation’s. It seems to him that putting a crosswalk from Maplefields to the cold spring could be dangerous as it is a busy intersection. He thinks it would be better to have the crosswalk at the crest of the hill west of there, but that is an AOT decision. He believes the village has requested party status to pursue the crosswalk. He informed the selectboard and the trustees that as far as he was concerned Vallee’s plan met what the Planning Commission had asked for, though the Planning Commission has not had a meeting with a quorum to approve it. He and Paul went through it and looked at the site plan. Vallee is putting in green space. He has reduced the number of pumps. There will be 2 small canopies, not one huge one. He thinks Vallee has done all the Planning Commission asked for. The only thing that does not meet the form based code criteria is that it is not a 2-story structure, but he is going to make a higher roof. It is also a little too far back from the road for the form based code criteria.

It was moved and seconded to approve the minutes with the suggested corrections and the motion was passed with Charles and Phil abstaining.

3. Form Based Code: Next Steps

The group discussed how best to work on revising the administrative portion of form based code. It was agreed to clarify whether everything from statute needs to be in the code. It was agreed to schedule a special meeting for August 31. Each Planning Commission member will get a copy of the Word document Paul and Ben came up with. Each person will send David a revised document with suggested changes to the administrative portion. David asked to receive them no later than August 24. He will figure out how to combine the 7 documents into one. At the August 31 meeting the commission will review the suggested changes and finalize the administrative portion. Final edits of the rest of the code will be done at the September 13 meeting.

4. Other Business

David said he, Phil and Paul went through RL Vallee's application last month and they believe the changes the Planning Commission wanted have been adopted. His only comment was that there could be more of a green screen. There are 4 parking spots for semis or buses but no showers or hookups. The plan says the project will not cause changes in traffic or congestion. David thinks it is a good plan and he doesn't see the Planning Commission taking any action.

David said the Planning Commission had a couple of applications for net metered solar sites. Today he picked up one for a two-bay commercial garage on Gould Hill. There is nothing out of the ordinary or in conflict with the town plan. The group decided there was no need to review the applications.

Charles suggested talking more about the development review board (DRB). David said the selectboard will need to look into whether the DRB can be all volunteer. He believes it can. He also believes members of the Planning Commission could form a DRB.

Charles said he did some research about DRB's. He talked to the head of the Planning Commission in Stowe and to some people in Morristown. Chuck Baraw from Stowe said the first DRB probably should have people from the Planning Commission. Charles got the impression from Paul Dreher that would be a conflict because members of the Planning Commission would be writing the code and then enforcing it. He agrees that is something of a conflict, but we are in a small town. And after spending time developing the code, the Planning Commission has the necessary understanding of it.

David said no one knows how many applications we will have and no one knows how many of those will end up in front of the DRB. It is the hope that none of them do. He thinks the first DRB should probably be at least a 3-member body from the Planning Commission. He doesn't think we will have to deal with many applications. But he doesn't know the legal definition of a DRB. Constituting and creating it may be the purview of the selectboard. Charles feels we should at least give the selectboard some guidance on creating a DRB. David would assume it would be an appointed position. Charles said he thinks we could make it elected. If it is appointed it would be appointed by the selectboard. David said in order to be protected by the town's liability policy DRB members will have to be either appointed or elected by the selectboard. There was general agreement that members of the DRB should be appointed by the selectboard.

Charles looked up the statute related to DRB's. He read that it may consist of members of the Planning Commission or may include one or more members of the Planning Commission. He read that it must have not fewer than 3 or more than 9 members but then he read that if the legislative body creates a DRB it shall consist of not fewer than 5 or more than 9. A municipality may not have a board of adjustment and a DRB at the same time.

Ben found a section in the draft FBC stating, among other things, that the DRB consists of 5 members and 2 alternates appointed by the selectboard for a 3 year term. All that language was highlighted as being statutory.

5. Adjourn

It was moved and seconded to adjourn at 8:33.

Minutes submitted by Donna Griffiths