

JOHNSON PLANNING COMMISSION MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
WEDNESDAY, AUGUST 31, 2016

Present:

Planning Commission Members: David Butler, Paul Warden, Rob Rodriguez, Phil Wilson, Charles Gallanter, Ben Waterman, Kim Dunkley, Eben Patch

Note: All votes taken are unanimous unless otherwise noted.

1. Call to Order

David Butler called the meeting to order at 7:05.

2. Minutes from Previous Meeting

Ben moved and Eben seconded to approve the minutes of August 10, 2016 and the motion was passed with 2 committee members abstaining.

3. Amendment to the Unified Town and Village Plan

David said the village trustees and the selectboard approved the village center designation map change the Planning Commission had already approved. Both boards also approved adding a paragraph to the discussion of the lower village district that will help the village the next time they try to expand the village center designation boundary to the bridge on Railroad Street. He read the paragraph:

The Railroad Street neighborhood located within this district is the Village's primary connection to the Lamoille Valley Rail Trail. More pedestrians and cyclists are anticipated on Railroad Street as use of the trail increases. As a result, new commercial, cultural and service uses, especially those related to the rail trail, are expected to locate in this area. Improvements to the streetscape that enhance Railroad Street's appearance as a village gateway and incorporate the neighborhood into the cohesive built environment of traditional village center are also encouraged.

It was moved and seconded to approve amending the Unified Municipal Plan by adding the suggested paragraph immediately prior to the discussion of the upper village district and the motion was passed.

4. Form Based Code – Editing and Rewriting the Administration Section of the Code

Charles said he would like to see “form based zoning code” or “form based code zoning” instead of just “form based code.” He said people understand what zoning is; they don't know what form based code is. After some discussion, it was agreed not to change the name of the code but to add “Form based code is a type of zoning which primarily regulates the physical form and appearance of buildings.”

David said the selectboard is mildly in favor of having no uses defined by code. They are of the opinion that in the first information meetings we indicated we would not dictate use. They feel we have changed the game by dictating a few uses. One committee member asked if we could encourage the village to tackle these uses in a separate ordinance. David said he doesn't think they are allowed to have an ordinance disallowing a use. Ben brought up the difficulty of enforcing use restrictions. There was discussion about allowing residential use on the ground floor as long as there is commercial use on the street front side of the building. After further discussion, it was decided to eliminate any use restriction.

David said he thinks the FAQ Paul Dreher wrote is too wordy but the one Lea wrote is a little too simplified. Can we say we'll find something in the middle? The rest of the group agreed to that.

It was agreed to make some changes to the flow chart.

Since the discussion of grandfathering for existing buildings comes after Section 1.02, it was agreed to add to 1.02 "unless grandfathered as per Section 6.02 (1)."

Some other small edits of Section 1 were agreed upon. Then the committee started reviewing Section 2.

There was discussion about whether alterations and repairs require a permit. It was agreed to state that interior and exterior alterations, maintenance or repair to a structure which conforms to the Building Envelope Standards do not need a permit, except for exterior alterations or repairs that alter the exterior by more than 35%.

There was discussion about porches, decks, landings, etc. and whether they should be exempt as long as they conform to standards. They are allowed and encouraged in the Building Envelope Standards. There was discussion about the definition of façade and whether a deck or porch is part of the façade. The Building Envelope Standards have no specifications for decks, porches, etc. David suggested we might need to add specifications for decks, porches, etc. to the Building Envelope Standards. Other committee members agreed.

The group agreed on some small changes to Section 2.

Charles suggested adding an exemption from form based code for anyone who owns property at the time a district is established and for their descendants. He said his intent is that when the districts are expanded in the future, he will not have to conform to form based code and neither will his kids, no matter what changes they make to the property. He feels it would eliminate a lot of potential for litigation because imposition of form based code could be considered a taking. He thinks we will save money with this clause. He thinks it is a fairness issue. He feels that many people will not object to form based code if their family is given an exemption.

David said no court will recognize imposition of zoning as a taking that requires compensation. Zoning is an accepted practice that has been supported by courts in Vermont. Others commented that if Charles' wording were approved, very few properties would have to comply. Form based code would have little effect for 30 or 35 years. David said he feels if we exempt present day owners, form based code is a worthless document. It was pointed out that an owner who was exempt could lease the property and then the property would not have to comply. It was pointed out that zoning protects people from what their neighbors might do. David said he can't support addition of the suggested paragraph.

Charles moved to table discussion on his suggested paragraph until the next meeting. The motion failed.

After further discussion, David said Charles' paragraph will not be included. If someone wants to bring it to a vote later, they can.

There was discussion about whether to require developers to submit information about covenants or other restrictions on use of their property. Charles said he feels covenants are none of our business. Once we start taking on responsibility for things that are none of our business then we take on liability for them. One committee member said they would prefer that developers not have to submit a large stack of information. David said another way to look at it is that if we require it, it makes the owner do the research. Committee members agreed they would prefer to remove this requirement unless the lawyer says it needs to be kept in. David said the selectboard wants attorney review of the document before it is presented to the public.

It was agreed to schedule another meeting to finish reviewing the document on September 6.

5. Adjourn

The meeting was adjourned by consent at 10:10.

Minutes submitted by Donna Griffiths

UNAPPROVED