

Minutes for Johnson Planning Commission special session
May 22, 2014

Present: David Grozinski, David Bergh, Ben Waterman, Kim Dunkley, Bob Selby,
Chair

7:00 Bob called the meeting to order to introduce the guest, Paul Dreher of Paul Dreher Associates who agreed to join the commission to answer questions about his response to the Johnson Planning Commission's recent Request for Proposals for a consultant to guide the community in the exploration of Form Based Zoning for Johnson. The Dreher and Associates bid meets the RFP criterion of \$15,000. Dreher is an experienced and well known advocate for Form Based Zoning in Vermont and has successfully implemented, assisted or is assisting various Vermont communities in the matter of Form Based Zoning in addition to guiding the implementation of FBZ for his home town of Newport, Vermont.

Paul began by recounting his experiences with FBZ in others communities including South Burlington, Newport and Huntington. He also described his work with Winooski where the lead consultant is the founder of the FBZ Institute. In Barre, where the town has a municipal planning grant, Paul says that he is careful to let the towns people make their own decisions. As they do, he quickly renders their decisions into code. He will often set up the Barre participants with basic exercises to facilitate the process that, in turn, allows Paul to keep the "tools" in the hands of the people of the town (Barre).

Paul continued by noting that different towns handle things differently. Huntington largely conducted its own facilitation for code development. Paul said that all I'm going to do is "hold your hand" in the beginning. He said that the process is a matter of looking at Johnson's "DNA." This will be Johnson's "Form" and will constitute the most important piece of the final map. Kim asked about maps and boundaries. Paul responded that the development of the map and districts (under the code) is a process that unfolds. In the beginning there are no rules, Paul said He calls it the "messy map" process.

David G. noted that all of the different projects that Paul has worked on vary in scale and scope. How do those projects compare to the Johnson proposal? Paul responded that the process is scalable. He cited the S. Burlington effort as an example of a larger community that required a different approach. David G. followed up by asking can our project be executed within the budget stipulated in our RFP. Paul answered with the example of Huntington. Their budget was also \$15,000. Their money ran out but Dreher and Associates finished the project. Part of it is that the work is fun for him, but Paul added that he is not a martyr. David B. interjected that Paul's experience probably makes him more efficient, and Paul agreed. Paul added that he does not have a lot of overhead.

Bob asked the comparison of Barre's project where the task is largely a matter of implementation and Johnson's project. What can we expect? Paul noted that there are templates for FBZ available, where one just plugs in numbers, but he doesn't think that such an approach would work for Johnson, noting that the Select Board and others are likely to play an important role in the development of any code. Kim expressed concern about successfully involving all parties, including factions in Johnson that are opposed to zoning of any kind. David B. joined with the question: "How can we get people on board without leaving people feeling alienated? How do we get those who are opposed to the table?" Paul answered that the way we approach this is through the process. Whether or not Johnson ultimately adopts FBZ is not his biggest concern. His job is conducting the process. He went on by spelling out the importance of deliberately seeking out important constituent groups within the community i.e. the realtors, the bankers, etc.

Paul said that he would conduct at least two public outreach sessions. Part of that would be selling the idea of FBZ. In Barre, he said, they took walks through the town. The beauty of FBZ is that it is simple. It encourages the market place to be free to make decisions. Paul said that conventional zoning always features things that "screw up" marketplaces. Bob redirected to Kim who asked for more specifics on the point. Paul responded by stating that a steering committee should be set up. There should be weekly meetings. Paul would be on hand to conduct the meetings. He said that after eight or nine meetings, Barre was able to run their own meetings. His job, Paul said, is to help the community create a vision for itself.

Bob and David B. asked for more detail on the identification of the key constituencies in the Johnson community. Paul answered that we would need to have an initial meeting for setting out and reaching the various constituencies. Kim asked to cast ahead to the end of the process. Would there be a need for a Development Review Board? Paul said that a DRB would only be necessary to handle exceptions if the code is well written. Kim pointed out that a DRB would be an expense for Johnson and would be problematic for the village especially if FBZ were confined strictly to the village. Paul delved into details of reviews and challenges as exemplified by Newport. Seventy to seventy five permits a year are issued in Newport on average but no more than two to four hours of time were required of the DRB. He outlined the steps for review in Newport and noted that the Zoning Administrator bills at \$18/hr.

Ben asked Paul to be honest about the negatives of FBZ. Paul said, yes he would be, but added that he doesn't see any negatives. Paul noted that FBZ is always superior to other forms of zoning, because it's simple. Ben asked if he was convinced of that in light of the Maplefield's situation in Newport. Paul said that Maplefield's found language in the code as it was written that gave them an "out." Paul says that he wasn't thinking like a lawyer, and that he will be more careful in future code drafts.

Ben said that his concern is that the attitude that FBZ is ideal means that Paul comes to the project with a clear bias. Ben pointed out that people don't want to be told

the number of windows they can have or the color of their front doors. Paul responded that there will always be give and take, but that he feels strongly that the gains outweigh the negatives. Kim asked if Paul has ever worked with a community that had no zoning. She characterized the attitudes of some in Johnson about ATV's to illustrate the type of opposition that Paul could expect in Johnson to regulations such as FBZ.

David B. countered concerns about local opposition by pointing out that much of the impetus for the RFP was spurred by concerns about Maplefield's in Johnson and infringement to the rights of the community by outside entities. Paul reiterated an earlier point about the FBZ basis in the "forms" of the community. He went on to say it would probably work best in the village areas as opposed to more rural town, as Huntington found. Bob asked about the kind of safety regulations that are covered in detail in conventional zoning. How does a focus on form address these issues? Paul said that FBZ is always less regulatory but does address safety issues and building codes with a general requirement to gain approval for any new building from local authorities.

Kim posed a question on behalf of a Johnson resident: "Will FBZ fix rundown houses?" Paul said no. Non-conforming language is not retroactive and always allows existing things to stay in place. There's no way for FBZ to change run down buildings.

Bob opened the meeting to questions from the floor. Charlie Gallanter asked where would unzoned areas fit into Form Based Code or conventional zoning code? Paul answered by pointing out the virtue of zoning in general. One cannot be sure of what a neighbor might do to impact one's own property values if there is no zoning in place for protection. There are no safeguards. Charlie also wanted to know about the budget for the FBZ process and about costs for drafting architectural drawings. Paul said that he is proposing to do a lot and that he would make a point of working with his associates to accomplish the necessary renderings. Charlie observed that FBZ is concerned with villages and cities. Johnson has a village but needs the town to afford FBZ. Gordon Smith added that zoning might work for the village but said not to mention the "Z" word in the town.

Charlie questioned whether or not the positive vote for the exploration of FBZ at this year's town meeting was, in fact, a truly representative vote because of the low turnout. David G. defended the point by stating that there is a lot of back and forth in Johnson about taking control of our own destiny. Bob pointed out the exploration was not a planning commission initiative. He said that the planning commission was responding to calls from the community at large and cited examples.

Paul commented that communities don't always adopt FBZ at the end of the process and cited Damariscotta, Maine as an example. Kim asked if that community got anything out the process. Paul said yes. They got a better sense of who they are as a community. Some further discussion ensued along these lines. Seth Jensen of the

LCPC recounted his experience as a resident of Huntington and a member of that community's DRB. He was able to give detailed information about DRB costs. He followed up by observing the costs to a community of having no zoning.

Charlie asked about the time required to gain a zoning permit. Paul answered that it could be thirty days legally, but it was not likely to take that long. Also, he said zoning application fees can help to support the costs of a zoning administrator.

The meeting was adjourned at 8:40

Respectfully submitted,

Bob Selby
Chair, JPC