

Zoning Board of Adjustment

January 24, 2023

Meeting Minutes

1. Introductions

Board members present at the meeting were Todd Hindinger and David Gulbrandsen. Willis Wood and deForest Bearse participated via zoom. Ryan Gumbart, land use administrator, was also in attendance.

There were no audience members.

2. Call to order

Todd Hindinger called the meeting to order at 6:35 PM.

3. Agenda Review

There were no changes.

4. Comments from Citizens regarding items not on the agenda

There were none.

5. Approval of Meeting Minutes – January 10, 2023

Willis Wood made a motion to approve the minutes of January 10, 2023 as corrected. Todd Hindinger seconded it. David Gulbrandsen abstained. The motion passed.

6. Regular meeting date change

The Board discussed moving the day of their meetings to possibly the first and third Tuesday of each month. Todd Hindinger will email members not present at the meeting to see if that would work.

7. Recruitment of Board members

The Board discussed how to recruit new members and why each one of them joined the Board. Todd Hinderger stated that soon some Board members' terms will be up. They might want to leave to pursue other things. Willis Wood stated that he is fine being an alternate. If enough new members joined, he would be fine stepping down.. He does not want to have the whole Board resign and have all new Board members though. Todd Hinderger read a document that he had written in regards to expectations for being on the Board and added some humor to it. The Board members made comments/suggestions about the document. Todd Hinderger will take everyone's comments/suggestions and make a clean copy. He will send it out to the Board members. Ryan Gumbart stated that according to the Town manager, no community members have expressed interest in joining the Board. Once this document is completed, he could post it on the Town's website.

Each Board member will try and recruit some people. Todd Hinderger stated that it would be great to have a technical person to write decisions. The Board would do the deliberative session and come up with the decision, but another person would type it up. The person needs to be knowledgeable. deForest Bearse mentioned that when she was the Administrator, she wrote the decisions for the Board. Previous Zoning Administrators wrote them too. Maybe Ryan Gumbart could write the decisions. Ryan Gumbart stated that he might be getting some extra hours in the future. He knows that zoning needs more hours, but not sure if the Select Board knows that.

8. Past projects and lessons learned

The Board discussed different challenges that they have faced in the past. They agreed that the applicant needs to have a complete application prior to a hearing. Todd Hinderger mentioned how in the past some applications have been missing pertinent information. Once, there was a hearing where there was a language barrier with the applicant and the Board.

Willis Wood wanted to know if the Board should offer the applicant ways for it to fit, or how it could fit. David Gulbrandsen disagrees that the Board should offer advice to the applicant. The Zoning Administrator should know what the application is missing and needs. At a Planning Commission meeting that he attended, there were some people there about a subdivision. He offered some suggestions to them as part of the public. When the application came before the Zoning Board, he recused himself. He mentioned how there have been a couple of times when previous Zoning Administrators have offered advice that went against the Bylaws. Todd Hinderger agreed that the Zoning Administrator should educate and inform the applicant when he/she is completing the application. deForest Bearse referred to the Zoning Administrator as the gatekeeper to go over the application. The application can come to the Board even if it is not complete. It is not up to the Board to build the application. The Board needs to remain objective.

Willis Wood stated that the Board needs to be careful with exparte communication. Board members agreed with this. Todd Hinderger stated that the Board needs to know how to manage conflict during hearings. Board members should let the Chair know when the meeting gets to be too much. Willis Wood stated that the meeting then could be continued. The Board discussed time limits for interested/non-interested parties. In the Rules of Procedure, there is a time limit mentioned which is 3 minutes. The Board members could agree to more time. David Gulbrandsen mentioned that when he ran a meeting, he read the Rules of Procedure prior to each meeting.

deForest Bearse wanted to know if there was a copy of the updated Bylaws. Ryan Gumbart stated that the website has the most updated one (April 5, 2021). He will make copies of the Bylaws for any Board member that would like one. The Zoning Map was last updated April 1, 2011. Todd Hinderger stated that the Board received the most updated ones (July 1, 2022).

9. Compliance with existing permits and process for suspected violations

The Board wanted to know what resources the Zoning Administrator can bring. Ryan Gumbart stated that there is no set process, other than a certificate of occupancy. He is trying to complete the old enforcement issues, but there are a lot of enforcement projects. He only has so much time available in his day. The Board mentioned how most of Ryan's time has been spent on the Bylaws for the Planning Commission. They would like more time spent on the enforcement part. Ryan Gumbart stated that he is trying to straighten up last year's and establish procedures for the future. He would like to provide more time. He mentioned that one issue that has come up is cleaning up of abandoned/collapsed buildings. This is not mentioned in the Bylaws. The Town's attorney said that it needs to be an ordinance.

David Gulbrandsen wanted to know what to do for people that have done things without a permit. Ryan Gumbart stated that he is new, so he does not know what is new or not. He has a running list that has not decreased. There needs to be a procedure for this and it has not been a top priority. deForest Bearse stated that it is brought to the Zoning Administrator, or he notices it. Then he checks on it. He tries to contact the person/person to voluntarily fix it. If he can't, then there is a violation. The Board writes conditions that can be enforced. Ryan Gumbart follows up on the conditions. deForest Bearse recommended to him that he put it on a calendar for follow up (6 months, 1 year, etc.).

10. Land use projects update

a. Bylaws - PUD review

The Planning Commission has not met yet. Ryan Gumbart did some research on PUD's. He gave the Board members copies of it. It could be a site plan review, or a subdivision review. They discussed how the Planning Commission could review it and the Zoning Board could do the approval for it. The Planning Commission could say how many units,

but the Board looks at the rules and site plan. The Board mentioned how the PUD could happen in one meeting with Zoning and Planning.

b. Bylaws - Table of Districts and Uses

Ryan Gumbart received the comments from the Board members. He stated that red means remove, black is same, green is additions, and yellow means new since last review. The Planning Commission will see the Board's comments at their meeting on February 13, 2023. The Board discussed that cemeteries are a permitted use in highway residential areas and how they have not seen a new cemetery for quite a few years. The Board discussed the language for residents at campgrounds. They would not like to see permanent residents, but language to allow traveling nurses, immigrant workers, and short term housing.

Todd Hindinger stated that inn/small hotel has up to 6 temporary guest rooms and large motel/hotel has 7 or more guest rooms. It should specify highway commercial.

The Board went over a few recommendations for this section.

c. Town Plan - Energy section

The Board went over a few recommendations for this section.

11. Discussion of Items for Future Agendas

The Board's next meeting is February 28, 2023 at 6:30 PM.

12. Adjournment

Willis Wood made a motion to adjourn at 9:15PM. David Gulbrandsen seconded it. All were in favor.

Respectfully submitted,

Diana Stillson