

## Zoning Board of Adjustment

February 10, 2022

### Meeting Minutes

1. Introductions

Board members present at the meeting were Todd Hindinger, deForest Bearse, Willis Wood, and John Broker Campbell. Ryan Gumbart, land use administrator, was also in attendance.

The audience member was Kevin Rumrill.

2. Call to order

John Broker Campbell called the meeting to order at 7:00 PM

3. Agenda Review

There were no changes proposed.

4. Comments from Citizens regarding items not on the agenda

Kevin Rumrill is here for Zoning By-laws update.

5. Approval of Meeting Minutes – March 16, 2021 & January 13, 2022

Willis Wood made a motion to approve the minutes of March 16, 2021 as written. John Broker Campbell stated that he received an email from James Cahill in regards to the minutes of March 16, 2021. James Cahill stated that he had no additions to those minutes. Todd Hindinger seconded it. All were unanimous.

Todd Hindinger made a motion to approve the minutes of January 13, 2022 as corrected. John Broker Campbell seconded it. All were unanimous.

6. Procedural checklists/hearing preparation

Ryan Gumbart sent the Board members draft copies of these checklists. deForest Bearse stated that the Rule of Procedure & Ethics Policy happens in March following the Town Meeting. The Board agreed that Ryan Gumbart will make sure that the applicant has the necessary documentation. He will provide the Board with the Bylaws related to the application. The Board reviewed the Conditional Use worksheet, Community Facility Sign off sheet, and the Notice of Site Plan review. Willis Wood mentioned that there should be a time limit for people at a hearing to talk. Ryan Gumbart stated that in one of the documents provided tonight it states that there could be a limit of three minutes. John Broker Campbell

stated that the Board could limit everyone who speaks at the beginning of the meeting if there is a large crowd. The Chair could set the rule. Todd Hinderger stated that it could be entered into the Rules and Procedures.

deForest Bearse stated how she liked the Appeal Guidelines document. Ryan Gumbart stated that the Public Hearing script is for the chair, if needed. The Board feels that the Conditions for Obtaining a Variance should be part of the application process. The applicant would know what is needed. deForest Bearse stated that the Community Facility Sign off sheet does that. John Broker Campbell stated that a checklist would note Ryan Gumbart's role and he would know what the applicant needed.

Willis Wood stated that some people do not know the meaning of exparte communication or conflict of interest. Also, people need to know that if they would like to appeal they have to have interested party status, or participate in the hearing. Todd Hinderger stated that the oath is in the Public Hearing script.

Todd Hinderger stated that the Site Plan should have a checklist, so the applicant is aware of the necessary documentation and information. He stated that the site plan that is provided to the Board by the applicant needs to have the necessary information, such as setbacks, location of buildings, etc. John Broker Campbell stated that it should be clear in the Bylaws what the applicant should do.

Ryan Gumbart will update the checklists and forms as noted by the Board.

#### 7. Zoning By-laws update

Ryan Gumbart and deForest Bearse have been organizing the Town Bylaws. They found a draft from 2017 with changes that had been adopted by the Select Board and the Planning Commission. The redline copy shared with the Board contains all approved Bylaws. Some changes were adopted by the Planning Commission, but not the Select Board. John Broker Campbell stated that as soon as a Bylaw has been adopted by the Planning Commission and the Select Board, the Zoning Board should be notified. It is critical for the Zoning Board to have the adopted Bylaws for future meetings. Ryan Gumbart stated that they still have to look between 2013 and 2017 to see if any new Bylaws were adopted during that time period. deForest Bearse stated that the Select Board adopted some Bylaws, but no one put them into the Town's Bylaws. The redline is the approved one as of right now. They need to confirm with the Town Clerk in regards to any Bylaws adopted between 2013 and 2017. deForest Bearse will look at the Select Board minutes during that time period to see if there were any hearings on new Bylaws. Ryan Gumbart said that the Planning Commission would adopt the Bylaw, but when it went to the Select Board, they tabled it due to lack of information.

Kevin Rumrill, Townline Towing, has an upstairs office that is not being used (1600 sq ft). It has an interior fire stairwell and it is in highway commercial zone. He understands that this

zone could be changing to village zone. He wanted to know when the Board will be seeing those changes. John Broker Campbell stated that the Planning Commission is the one who would be making the zone changes. He stated that the Planning Commission is the one who proposes any Bylaw changes. Kevin Rumrill stated that he was told by the previous zoning administrator that those changes were made and just waiting for Select Board approval. John Broker Campbell stated that the Planning Commission writes them. The Select Board will hold public hearings on the proposed Bylaws and then they get adopted. Todd Hinderling stated that there were some Bylaws that were adopted. deForest Bearse stated that a multi-use is not allowed under the current changes. There can only be one primary use on a property. Kevin Rumrill stated that the gas station has a Subway and the other one has Dunkin Donuts. deForest Bearse stated that those are the same uses. Both of them are commercial. There can't be a residential and commercial. Kevin Rumrill stated that his property would be Ascutney Village with conditional use. Ryan Gumbart stated that it would have to be changed from highway commercial to village district. If it was changed, there is an accessory usage. The Board stated that he should look at the notices for a Planning Commission meeting and go to their meeting.

Willis Wood wanted to know if Ryan Gumbart and deForest Bearse have time to do the necessary research from 2013 to 2017, or should the Zoning Board go to the Select Board for more hours for them. Both deForest Bearse and Ryan Gumbart stated that they could do it. The hardest part has already been done. They will keep the Board informed.

8. Post-approval project follow up- Past projects

The Board would like to table #8 & #9 to their next meeting.

9. Deliberative session following meetings

10. Determine regular meeting dates and times

The Board would like to meet again on March 10, 2022 at 7:00 PM.

11. Discussion of Items for Future Agendas

12. New Business

Brandon Gulnick, the Town Manager, has spoken with the Town Council, Nate Stearns, about the Reed case. Nate Stearns would like to come to a Zoning Board meeting to discuss the status and how to proceed. Ryan Gumbart will check with Nate Stearns about attending the March 10<sup>th</sup> meeting.

deForest Bearse stated that when Ryan Gumbart gets an application and a check from the applicant, the hearing is held within 30 days and warned within 15 days.

Ryan Gumbart stated that Jiffy Mart did not start the construction of their canopy on time. The decision stated that it was suppose to start within a year. Todd Hindinger stated that construction cannot commence without having another application and coming to the Board. They have to make an application to amend. There were specific conditions from the Zoning Board decisions that were to be completed prior to construction and within a year.

deForest Bearse stated that the permit is good for a year. She wondered why it couldn't be completed. If it was because Jiffy Mart was trying to meet the conditions by the Zoning Board, then the Board should renew it. If it isn't for that reason, then the Board should ask the Vermont League of Cities and Towns for free advice.

### 13. Adjournment

Todd Hindinger made a motion to adjourn at 9:06 PM. Willis Wood seconded it. All were in favor.

Respectfully submitted,

Diana Stillson