

Planning Commission
Martin Memorial Hall
5459 Rte 5 Ascutney, VT
Planning Commission Meeting
Joint Meeting with ZBA
DRAFT Monday, June 26, 2023 6:30 PM

Planning Commission Members Present:

Paul Tillman
Howard Beach
Michael Todd
David (Hank) Ainley
Joseph Bublat

Ryan Gumbart, Land Use Administrator

ZBA Committee: Todd Hindinger, Grace Knight

Attendees: Patti and John Arrison, Andrew Grimson, Brian Clancy, Michael Supranowitz, Eva Loomis, Beth Gorton, Kelly O'Brien, Beth Hunton, Jeff Slade, Lisa Slade, Deborah Hellickson, Mike Holmes

Online Attendees:

1. Call to Order made by Paul Tillman, Chair 6:33 pm.
2. Agenda Review
No Changes
3. Comments from the Chair and Land Use Administrator
4. Comments from Citizens regarding items not on the agenda.
None
5. Approval of Meeting Minutes – June 12, 2023

Paul Tillman made a motion to approve the minutes from June 12, 2023 with corrections as needed.

Michael Todd – 2nd

Discussion – none

Vote – unanimous

6. Public Hearing – Combined Hearing: Habitat for Humanity PUD Project

PUBLIC HEARING

Upper Valley Habitat for Humanity – Planned Unit Development

April 26, 2023

Item 1: Public Hearing Notice

Item 2: Certification of Posting and Distribution

Item 3: Memo from LUA to Planning Commission and Zoning Board, June 22, 2023

Item 4: Habitat for Humanity Cover Letter – June 26, 2023

Item 5: PUD Application – 2023.03.08.PUD

Item 6: Preliminary Site Plans - June 22, 2023

Item 7: Administrative Review Checklist

Item 8: Community Facilities Sign-Off Sheet

Item 9: Permit Navigator Results

Item 10: Water/Wastewater Permit - July 2, 2018

Item 11: PowerPoint Presentation for Selectboard – December 19, 2022

Item 12: Sketch Plan Review Findings of Fact – May 8, 2023

Paul Tillman read the warning for the hearing:

Planning Commission & Zoning Board of Adjustment
NOTICE OF PUBLIC HEARING
Martin Memorial Hall – 5259 Route 5
Ascutney, Vermont 05030
Remote option – Zoom details below
Monday, June 26, 2023 – 6:30 PM (6:00 Site Visit)

A public hearing before the Weathersfield Planning Commission and Zoning Board of Adjustment will be held at the Town Office in Ascutney on Monday, June 26, at 6:30 PM (6:00 site visit) to consider the following application:

Application 2023.03.08.PUD by Upper Valley Habitat for Humanity, Inc. for the combined review of a proposed planned unit development at 5771/5803/5805 US Route 5, Ascutney, VT 05030 (Parcel: 5A-02-03). The combined review will include 1) Site Plan Review, 2) Request for Variance, 3) PUD Review, and 4) Conditional Use Review. The parcel is located in the Village zoning district.

The above application is available for inspection at the Town Office in Ascutney. Persons wishing to appeal and be heard may do so in person or be represented by an agent or attorney. Participation in this proceeding is required in order to ensure your ability to appeal the Zoning Board's decision. Communications about the above application may be filed in writing with the Zoning Board of Adjustment or at the hearing.

Remote option – Zoom link and instructions: <https://www.weathersfieldvt.org/home/news/public-meetings-zoom> To join any public meeting via phone, dial (929) 205-6099. When prompted, enter meeting ID 542-595-4364. You will not have a participant ID. Please press # when prompted to skip this section. The passcode for all meetings is 8021.

Todd Hindinger, Chair of the ZBA took over the hearing for the site plan review.

*Please see ZBA meeting minutes for the hearing minutes attached *

Michael Todd made a motion to continue the hearing to Monday July 10, 2023 at 6:30 pm.

Joseph Bublat – 2nd

No discussion

Vote – unanimous

Joseph Bublat made a motion to table the remainder of the agenda to the next meeting.

Michael Todd – 2nd

Discussion –

Paul Tillman made note that this included the following:

- Zoning Bylaw Discussion – Mixed Use Apartments in commercial buildings
- Planning Projects – Status Updates
- Discussion of items for future agendas
- Any other business

7. Zoning Bylaw Discussion – “Mixed Use” Apartments in commercial buildings – tabled

8. Planning Projects: Status Update - tabled

9. Discussion of items for future agendas - tabled

10. Any other business that can be legally discussed - tabled

11. Adjourn

Michael Todd made a motion to adjourn at 9:29 pm

Joseph Bublat – 2nd

No discussion

Vote – unanimous

Next Planning Commission Meeting is scheduled for Monday, July 10, 2023 at 6:30 pm at Martin Memorial Hall.

Respectfully,
Chauncie Tillman
Recording Secretary

Planning Commission

Howard Beach, Vice - Chair

Joseph Bublat, Clerk

Tyler Harwell, Chairperson

Paul Tillman, Chair

Michael Todd, Chairperson

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Zoning Board of Adjustment &

Planning Commission

June 26, 2023

Draft Meeting Minutes

1. Introductions

Zoning Board members present at the meeting were Todd Hindinger, Joseph Bublat, and Grace Knight. Ryan Gumbart, land use administrator, was also in attendance.

Planning Commission members present at the meeting were Howard Beach, Paul Tillman, Joseph Bublat, Mike Todd, and David Ainley.

The audience members were John and Patti Arrison, Brian Clancy, Eva Loomis, Andrew Grimson, Deborah Hellickson, Jeff and Lisa Slade, Beth Gorton, Kelly O'Brien, Mike Holmes, Beth Hunton, and Michael Supranowitz.

Prior to the meeting, there was a site visit at 6:00 PM. Todd Hindinger, John & Patti Arrison, Andrew Grimson, Eva Loomis, Jeff & Lisa Slade, Deborah Hellickson, Brian Clancy, Grace Knight, Mike Todd, Mike Holmes, Ryan Gumbart, and Joseph Bublat were present.

2. Call to order

Paul Tillman called the meeting to order at 6:33 PM.

3. Agenda Review

There were no changes.

4. Comments from the Chair and Land Use Administrator

There were none.

5. Comment from citizens regarding items not on the agenda

There were none.

6. Approval of Planning Commission Meeting Minutes – June 12, 2023

Paul Tillman made a motion to approve the minutes of June 12, 2023 as written. Mike Todd seconded it. The motion passed.

7. Public Hearing: Combined Hearing: Habitat for Humanity PUD Project

Paul Tillman opened the hearing at 6:37 PM by Reading the Hearing Notice. Ryan Gumbart stated that this is a combined hearing due to a series of reviews. The Zoning Board will be doing a site plan review and possibly a variance. The Planning Commission would be doing a conditional use review. Habitat for Humanity has met with the Planning Commission and the Select Board a few times in regards to this project. It is a planned unit in the village district. There will be four units (one triplex, two duplexes, and one single family home). There are three lots that have been adjusted in part to conform. The site plans have been updated. The Board & Commission were presented with a copy of the updated site plans. Andrew Grimson stated that the new plans are more detailed and show the septic/water systems. The plans are still preliminary. They will be hiring an engineer to finalize the site plans.

Todd Hindinger made a motion for Lisa Slade, Deborah Hellickson, Carl Wyman, Brandon Gulnick, and Andrew Grimson to have interested party status. Grace Knight seconded it.

Andrew Grimson, Brian Clancy, Mike Holmes, Brandon Gulnick, Carl Wyman, Eva Loomis, Kelly O'Brien, Beth Gorton, Jeff & Lisa Slade, Michael Supranowitz, and Deborah Hellickson affirmed.

Exhibit #1 is the Public Hearing Notice. Exhibit #2 is the Certification of Posting and Distribution. Exhibit #3 is the memo from LUA to the Planning Commission and Zoning Board dated June 22, 2023 (2 pages). Exhibit #4 is Habitat for Humanity cover letter dated June 26, 2023 (2 pages). Exhibit #5 is PUD application - 2023.03..08.PUD (12 pages). Exhibit #6 is preliminary site plans dated June 22, 2023 (4 pages). Exhibit #6R is the revised preliminary site plan dated June 26, 2023 (6 pages). Exhibit #7 is the administrative review checklist (6 pages). Exhibit #8 is the community facilities sign-off sheet (3 pages). Exhibit #9 is the permit navigator results (15 pages). Exhibit #10 is the water/wastewater permit dated July 2, 2018 (6 pages). Exhibit #11 is the powerpoint presentation for the Select Board dated December 19, 2022 (10 pages). Exhibit #12 is the sketch plan review findings of fact dated May 8, 2023 (33 pages).

Andrew Grimson stated that there will be multi-family units and a single family house. There will be up to eight families living there. It will be a condo development with HOA fees. There will be no rental units. The single family homes will be located in the front of the lot with the two story home in the back. This is affordable housing based on HUD income. It will fit in with the character of the neighborhood. It will not look like apartment buildings. The home owners are required to volunteer at least 300 hours. They will be working with an organization in Windsor to find families. This is a good location with the interstate and park & ride close by. There will be a vegetation buffer along Route 5. The buildings will have efficiency standards and

heat pumps. There could be up to twenty residents (8 families) living there. This would transform the property into something more desirable.

Grace Knight stated that the application says that there are 2.45 acres on this one lot. Now you are saying that it is three lots. She wondered if it was going to be one lot or three lots. She stated that in the zoning regulations that three to six units are allowed in the village. This will be eight units. Andrew Grimson stated that it is going to be one lot. Ryan Gumbart stated that this is a multi-family dwelling with the triplex, two duplexes, and one single family home. The density question will be discussed under PUD Bylaws.

Andrew Grimson reviewed with the Board and the Commission the demolition plan. They have not decided what is going to happen to the cottage closest to the road on the north side. They could move it back with a crane. He went over the proposed plan; four buildings with a total of 8 units, fenced in, and two parking spots per building with three visitor parking spaces. They will keep the vegetation pretty much the same. They will cut down any dead trees. They have made an offer on the grange. If they don't get the grange, there will be a buffer between this lot and the grange. The lighting will be low profile and along the driveways. There will be no high overhead lighting. He has done the preliminary site plan himself, but an engineer will be hired soon to do the formal site plan. They will connect to the water line along Route 5 which is on the other side of the road with a 6 inch main for the water. Each unit will have its own meter with a meter on the street. The septic is located in the back. The septic design was done in 2018 with a 5000 gallons per day system. The grange is going to do 1000 gallons per day of that. They plan on using the tanks that they can that are already there. They might need to add one more tank. There will be a catch basin along the road. The land is very sandy on this lot. The foundation drains would go into the dry wells. They do not see any drainage issues.

Joseph Bublat wanted to know what the back up plan was for power. Andrew Grimson stated that they are hoping to have some solar panels there. The houses will be well insulated and there will be no stand by generators that would be a safety issue. The solar panels could be on the roof or a structure. Lisa Slade stated that the owner could use a generator and wanted to know where the current septic is located. Andrew Grimson stated that the septic system is located on this lot. The grange would use it. The water meter would monitor the usage. The grange currently has a one inch line for the water system. They would not sell the four bedroom to a single person. They could sell a two bedroom to a single person. There will be a common line for the septic, but each unit has their own tank. He stated that each unit would be responsible for their own septic tank.

Jeff Slade asked what happens if there are less acres on this lot. Andrew Grimson stated that they have a deed which states the acres. They might have it surveyed again. Deborah Hellickson stated that the former owners did not know the property lines. Mike Holmes stated that they will make sure that the pins are set. Todd Hindinger stated that the Board and Commission need to know the property lines. He also asked about the utility easement. Andrew Grimson stated that it

shows up on the deed, but doesn't know anything about it. There will be walking paths in the garden/playground area, but no concrete.

Todd Hindinger stated that the power lines need to be shown on the site plan as does the proposed water/sewer/stormwater runoff. Also, elevation, play structure, berms, and landscaping need to be shown on the site plan. Andrew Grimson stated that they will do the planting for the development, but the HOA will maintain them. Lisa Slade wanted to know where the solar stand would be located. She wanted to know if it would be a stand alone or on a pavilion. Andrew Grimson stated that they might put some on the houses. He does not know for sure. Ryan Gumbart stated that if it is going to be in the future, they would need to get a permit. Todd Hindinger stated that if the Board approves this project, they have up to five years to get things completed on the site plan. After five years, they could do a site plan review.

Joseph Bublat stated that they need a variance for the cottage on the south side (left setback). Andrew Grimson stated that the cottage would be demolished. They would like a larger foundation. They might not be able to do it with the current site plan. Mike Holmes stated that if a variance is not granted it would be a hardship. The existing lot is non conforming. It won't be made more nonconforming. They did want to increase the footprint, but not on the setback. The variance would be needed for the grange property. If they purchase the grange, the variance might not be needed.

Todd Hindinger wanted to know if the application was to merge all of these parcels into one parcel. He stated that with three lots and the buildings with a maximum of 3.75 acres. Now though, it is four buildings. Grace Knight mentioned that in the Town Plan, this lot could have a maximum of six units. Mike Todd stated that the Town Plan has ideas. The Zoning Bylaws have laws. The State has a PUD which we have to follow. There are four structures, not eight units. Andrew Grimson stated that it is one lot on a deed with three lots. We would merge it into one lot. Ryan Gumbart stated that they are applying for a PUD as a single lot. Lisa Slade asked about the lighting for the playground/pavilion. Andrew Grimson stated that it depends on the abutters. He would not want to see bright lights bothering the neighbors.

Todd Hindinger reviewed the community facilities sign off sheet. The Board and Commission agreed that if a department states that it will have adverse effects, they should come to the meeting to discuss it. The fire department would like a 10,000 gallon water tank. Andrew Grimson stated that he was told a 5,000 gallon water tank was needed which costs around \$45,000. He will talk with the fire chief again. Carl Wyman stated that he has property in highway commercial, but is on the water system for the village. Therefore, he wanted interested person status which was approved.

Paul Tillman stated that for fire storage the State has requirements. The fire chief would be included in the discussion with the State. It would also be nice to have a representative here to present why there is a need for a 10,000 gallon water tank for this project. Mike Todd mentioned

that in another subdivision in Town, this topic came up too. The fire safety in Springfield will be involved.

Todd Hindinger stated that Exhibit #10 (wastewater permit) would need to be amended. If the Zoning Board does not have a copy of the amended application, it could be a condition. Also, the allocation letter from the Ascutney Fire District #2 is from 2018. It would be good to have a new letter from them. Mike Todd stated that the State highway department might need a letter for sign off on the curb cut. Andrew Grimson stated that he has talked with the Vermont Transportation agency.

Andrew Grimson stated that the variance would be for Unit 2. They would like to increase the footprint. It is not encroaching on the setback. They would keep the current setback and set it back another 10 feet. The setback is now 6 feet and it should be 20 feet. They are violating it now. He stated that if they are able to purchase the grange, they would combine all lots. Carl Wyman stated that the previous variance request was not created by this applicant. Todd Hindinger stated that if they are able to purchase the grange, then the variance is not going to be needed. If they stayed within the footprint, that would be better. If they increase the footprint, then the variance criteria needs to be discussed.

Paul Tillman stated that for the PUD review (Bylaw 210.4), it follows the same as a subdivision. The Planning Commission reviewed 5.54 and 5.56. Carl Wyman stated that the Planning Commission could adjust lot lines for PUDs. Ryan Gumbart stated that the Commission could adjust the setback lines. Mike Todd stated that the variance would not go away because the property line is there. According to 5.56E four lots could be created. Currently, there are three nonconforming lots with three buildings. Grace Knight referred to page 7 of the Town Plan because there would be more than three to four buildings. She wanted to know if the Commission can modify it to allow eight buildings vs. 6 buildings. Ryan Gumbart stated that a multi-family dwelling would be the principal use. The triplex would be a multi-family dwelling. Carl Wyman stated that each building could be sold individually and that would be more units per lot. Ryan Gumbart stated that in the village district there is one principal use per lot. They would need to request a modification for that. Howard Beach stated that it says one acre lot per unit (5.54). This project would have four buildings. Ryan Gumbart stated that it could have multiple units. The two lots could have two multi-family units. Howard Beach stated that then it exceeds the number of units.

Grace Knight stated that on one acre lot there could be a triplex. She wanted to know what the Commission is going to do about this ambiguous language. Carl Wyman wanted to know what this is going to do to the Town going forward. Paul Tillman stated that the applicant wants this as a PUD review. The Commission needs to use the current Bylaws. Mike Todd stated again that it currently has three buildings on three lots. Lisa Slade stated that they could tear down those three buildings and put up three new buildings. There is more to this than this lot already has three

buildings. The floor plans for the cottages are going to change and that should matter. It says one structure per one acre lot.

Paul Tillman stated that the Commission needs to figure out what we can do with what is in front of us. Mike Todd stated that he would like a legal opinion on this. Ryan Gumbart stated that Planned Residential Use Development is in the use table. There is a conflict within PUD requirements (5.54B & 5.56). He does not know if the Commission can modify the Bylaws for this. Howard Beach stated that if the Commission modifies this it would be throughout the Village District. Ryan Gumbart stated that the State statute does not mandate this. The Statue layed out the recommendations. It is to prevent fragmentation. PUD's in the village are different. It is increasing housing. The changes would have to be specific to each district for PUD's. Some Town's have PUD sections in their Bylaws. Carl Wyman stated that this could have a long term effect. It really needs to be considered carefully.

Mike Todd wondered if the PUD would be the single principal use. The Commission could go back to the Bylaws and change the density. Ryan Gumbart will contact the Town's attorney in regards to this. Grace Knight stated that on page 58, 5.54B there is the density requirement. This being a condo or coop is different. Ryan Gumbart stated that there could be an option of having three separate lots with three developments. Andrew Grimson stated that two buildings with 6 units in each would have twelve families. It would look like apartments and we don't want that. We want to fit in with the neighborhood which is why eight would be a good number. Six would be a financial burden. Mike Todd stated that PUD's allow for flexibility and the language has been documented. The State statute is what the Board and Commission has. If the Town's attorney says we can, we have the latitude. Mike Todd stated that on page 127 of the packet, the second paragraph has the questions that should be asked to the Town's lawyer. Howard Beach stated that the State's goal is for affordable housing.

Todd Hinderger went over the conditional use criteria. The fire chief would like a 10,000 gallon water tank and the police chief said there would be an adverse effect. Both Lisa Slade and Deborah Hellickson expressed concerns about the playground and pavilion. They wondered about lighting and music happening there. Andrew Grimson stated that they will work with the neighbors and it could be in the HOA regulations. The pavilion would be large enough for a couple of picnic tables.

Mike Todd made a motion to continue this Zoning Board and Planning Commission hearing to July 10, 2023 at 6:30 PM. Joseph Bublat seconded it. All were unanimous to continue this hearing.

Respectfully submitted,

Diana Stillson