

**HYDE PARK SELECTBOARD
SPECIAL MEETING MINUTES
PROPOSED ZONING BYLAW**

April 27, 2016

All minutes are draft until approved by the Selectboard; please check future minutes for approval of these minutes.

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Members Present: David Gagnier, Chair; Brian Jones, Vice-Chair; Roger Audet; Roland Boivin; and Lucy Hankinson
Members Absent: None
Others Present: Ron Rodjenski, Town Administrator; Greg Paus & Bob Malbon from the Town Planning Commission; Carolyn Jones; Robert Jones; Eric Williams; Mac Teale; James Wood; Pete Sweeney; Dave Palumbo; GMATV did not videotape this meeting.

David Gagnier called the meeting to order at 7:00 p.m.

1. Welcome and no public comment.
2. 2015 Proposed Zoning Bylaw – Public Hearing – Dave opened the first of two scheduled public hearings noting that the second hearing is on May 11th. Pete Sweeney thanked the planning commission for coming up with the new draft. Pete stated that in general there seems to be new restrictions on small businesses and the table of uses prohibits many uses compared to the existing 2009 regulations. Pete stated that allowing more uses under a conditional use review allows some flexibility, such as allowing landowners to take advantage of "all other uses" and not prohibiting uses. Pete noted that on page one 1.2.2.4 exempts 300 square foot structures but the language should be clear and Greg Paus read the exemption which prohibits expansions beyond 300 square feet. Pete asked if a home business could expand past 25% or 100% and Ron stated it might be reviewed as a conditional use, but wouldn't be a residential use if exceeding the maximum allowed. Greg explained that in residential districts, many residents expect residential uses, not commercial uses. Greg noted that zoning regulations protect residential uses and some people expect zoning to protect them. Eric Williams stated that there are standards in the zoning to meet, such as noise, and the size of the structure shouldn't matter. Greg explained that a residents in one neighborhood had appeared at one of the planning hearings and did not like the idea of "all other uses" being allowed in their residential neighborhood. Ron explained that home occupations are allowed by state law at 25% of the home's size, and the draft allows residential uses with businesses that are up to 100% of the home's size. Ron stated that the Selectboard needs to decide when the conditional use or prohibited use provisions would apply to home businesses. Pete felt that many of the "X's" in the use index, in the RR2 in particular, should be "C's". Pete noted that on page 11, measuring from the mean water level is required, but when that level is controlled by a dam, the mean water level can't be determined. Pete felt that the Green River regulations should not be difficult and Greg stated that the draft regulations are not onerous as currently drafted and had received a planning award in 2006. Greg noted that the overlay map was computer generated and Pete stated that he feels the draft allows a board to tell someone what color the houses can be in this area, which he disagrees with. Pete stated that height and roof designs (page 17) need to clearly define how to measure. Pete stated that on Page 38 the computer generated map has errors which need to be addressed by the town, and the applicant should not be required to define the limits of the overlay area on the town's map. Greg explained that the standards have not changed and the option exists for the DRB to look at specific cases and make the judgement on visibility, referring to pages 39 and 40. Eric asked if the regulations could be amended to show where there was a view of homes from the water surface and Greg noted that the guidelines suggest ways to screen developments. Pete received a copy of the proposed 2015 bylaw. Pete advised that if driveway grades over the 8% maximum could not be used by fire trucks, then we need new fire trucks, suggesting the grade maximum could be

higher. Dave Gagnier suggested that roads that are not to standard may not receive the same level of fire protection, noting that the Selectboard is currently reviewing new road standards. Ron noted that some fire departments will issue opinions on ability to access a structure that are then recording in the town land records. Pete asked that the percent grade of a driveway should be reviewed by the Selectboard. Ron pointed out the definition of Building Height on Page 138 and Pete agreed that the current draft is acceptable. Pete asked about non-conforming structures on Page 80 & 81 and suggested that they be allowed to start rebuilding within 24 months, rather than being required to be completed within 2 years. Eric asked that abandoned uses be allowed to be restarted longer than one year and Pete stated that the uses should always be allowed to be restarted. Robert Jones stated that regulations are discouraging home building; all regulations, not just the town regulations. Brian Jones stated that truck traffic is increasing and some local businesses may not be able to grow if the regulations are too stringent; he has seen some residents wanting to stop or reduce business growth by using the regulations. Eric stated that many residents have given up on trying to change the regulations at these types of public hearings, and he feels they want less regulations. Greg noted that this proposed bylaw is a combination of three prior bylaws, so as one document it is larger than any of the prior bylaws, but it is all in one document now. Eric felt that many residents want to shut down any change or business growth in town. Pete felt that the Selectboard is listening and if anyone has concerns they should be here. Roger noted that it is hard to get interest in coming to meetings but the Selectboard needs to hear from people. Pete noted that the regulations require a highway access permit for a change of use, and suggested that an existing drive should be allowed to be used for changes of use. Ron noted that some changes in use to allow commercial uses would currently require a highway permit to verify any need to upgrade to a commercial drive standard, similar to what the state does on state highways. Dave Palumbo stated that in the C10 district, many uses are prohibited, and he feels that more uses should be allowed, such as solar companies, lodging and conditional uses. Greg stated that it appears that the proposed home business use, which is allowed in all districts, does allow many of those uses, if the residential use is on the same parcel. Discussion occurred on whether or not to increase or remove the 100% size limitation on home businesses. Dave Palumbo suggested that the limit of 3 employees might be increased to 8 or more and Greg offered that more employees could be a conditional use. James asked why some businesses could be located on a house lot but not on a vacant lot. Eric pointed out the description of the RR2 District states that farming and forestry with single-family dwellings are expected and commercial uses if frontage on VT100 or Class 2 town highways are also allowed. Pete asked if "all other uses" should be added back in to RR2 and RR5 to allow the flexibility in the current zoning to continue, to which Mac Teale agreed. Dave reminded everyone the second hearing is scheduled for May 11th at 7:00 p.m.

3. Adjourn – Motion to adjourn by Brian. Seconded by Roger. So voted at 8:40 p.m.