

Minutes – 10/4 Planning Commission Meeting

PC members in attendance:

Geo Honigford, Nell Gwin, Patrick Dakin, Roni Johnson, David Brandau, Peter Anderson

Guests: Kathy Hassey, resident; John Dettwiler, resident; Hoyt Bingham, resident; Kevin Geiger, TRORC

Notes:

Meeting called to order at 7:00 PM

Peter Anderson motions to approve September minutes as posted. Minutes approved.

Members of the Planning Commission discussed the current status of the Aubuchon's Act 250 permit

- Noted recent 7 days article
- Noted that in that article, even Dollar General admits that it the application is for a Dollar General, although Aubuchon's still refuses to officially name a business.
- Deadline for getting materials to Act 250 Commission has been pushed out 30 more days – Aubuchon lawyers needed an extension to respond to the opposition.

Members of the Planning Commission discussed updates to the Land Use section of the Town Plan.

- Reminder that at the last meeting the Planning Commission had discussed revisiting the land use section of the Town Plan to strengthen and add clarity around its intent for the future.
- Patrick Dakin prepared proposed edits which he shared.
- The PC noted that all the edits could be side stepped if we just strike the limited additional development area completely. Then all the other development that would be allowed in the rest of the plan would be allowed there, but primary retail would not.
 - The PC briefly discussed this idea and will continue to keep it on the table in discussion in the next meeting but also continued to discuss proposed edits should the section be kept.
- The PC discussed the question of what counts as "mixed use" under Act 250
 - Patrick Dakin clarified: It means there can be a retail component but it's not the primary use. For example the doctors offices that also have a pharmacy in them – has a retail component but is not primary retail. Retail with some housing could be allowed in mixed use as well. Note that a mixed use could still be a big development.
 - Elsewhere in the plan we say that primary retail should only be in the village center and hamlets... except for this location. So if we remove the special terms for this location, primary retail is what is removed, whereas mixed use would still be allowed, as it is elsewhere
- The PC also discussed the discrepancies between the town plan and the regional plan regarding permissible uses in this particular location.
- Brief discussion on the extent to which the Selectboard knows and supports the PC revisiting the language of the Town Plan. There were two SB members at the last PC meeting when we discussed this and they did not object. But, Geo will follow up by officially informing the SB.

- The PC then discussed Patrick's proposed edits and discussed additional minor edits for consistency.
- The PC members then discussed their preliminary feelings on Patrick's proposed edits and on the option of removing this separate land use section entirely. Many members of the PC wanted additional time to think through the implications of these edits, and to review the full town plan to better understand these edits in the bigger context. The PC decided to revisit this issue at the following meeting to give all members time to thoroughly consider the options.

Discussion with members of the public on the Act 250 permit and the Town Plan's land use section more generally:

- The PC and members of the public then revisited the conversation around the Act 250 permit.
- Several members of the PC commented that as a commission it is our task to look at the permit application in the context of the Plan, notwithstanding personal feelings about the proposed business. The PC noted that the potential conflict with the town plan is if the proposed business will harm the economic viability of the village centers.
- Brief discussion on some research that members of the public have found around the negative impact of Dollar General on local businesses. This is potentially relevant to the Act 250 review once it is officially known that the site is for a Dollar General, as the Town Plan does not allow retail at this site that would negatively impact the economic viability of the village centers. Hoyt Bingham will email resources to Geo to share with the rest of the planning commission.
- Brief discussion clarifying the comment by Tim Murphy in 7 Days vis-à-vis the official Selectboard stance. The SB *has* submitted a letter to the district commission, saying that they do not support the application due to the lack of information cited by PC.
- Answered a clarifying question from the public about the idea of mixed use, especially in the Foxville Hamlet area

Bike Kiosk Proposal

- Geo and Nell have been exchanging emails with Michael Sacca (Tunbridge resident and chair of the recreation committee for the 4-town coalition) who would like to coordinate the creation of informational kiosks in each of the 4 towns with recreational/biking information. He wants someone from Royalton to be point person for the Royalton kiosk, such as leading the design process and figuring out what information should be included.
- PC members are supportive of this idea, but feel like it is not the role of the planning commission to lead this type of project (rather to lead planning projects like the Act 250, town plan, zoning bylaw, and subdivision projects that are all on the docket.)
- PC suggests that the Royalton Recreation Committee and/or Conservation Commission might be a better partner for coordinating on this.
- Geo will follow up with Michael.

Conversation with Kevin Geiger, TRORC, on flood hazard bylaws, zoning, and subdivision regulations

- Flood Hazard Ordinance:

- Kevin provided update that we will be getting a new flood map at some point in 1-3 years from FEMA. They probably won't change the theoretical rainstorm that's going to come into that model. If they were to change the curve, the 100 yr storm (1%) would become the 10 year storm (10% chance.) But we have very good ground data now from the statewide LiDAR – 1 ft contour map of the entire state. With the new topography we will have a very good flood map. A lot of small streams currently don't have FEMA zones on them. They will expand the zones to everything with at least a 1 sq mile watershed so we will have a lot more small streams mapped. Some people will get into the floodplain – others will get out since this is improving accuracy instead of changing the storm model. TRORC is waiting for the word that the data is coming and then will start talking to towns about updating flood bylaws.
- Kevin provided summary of the differences between several relevant terms:
 - River corridor – where the river could move to in the future.
 - An area that could get flooded is the special flood hazard area – the flooded area during the 1% flood.
 - You also have the 500 yr flood. Some towns have that mapped, some do not. Unsure whether FEMA will be generating a consistent 500 yr map. Town could choose to use that for their regulations if we get a reliable one.
 - Floodway – is where the current is really going to be in a flood. You can also expect flooding there relatively frequently.
- Discussion on whether to revisit our flood regulations *before* the new maps come out.
 - If we wait, we can see what the new maps will show before deciding on a course of action.
 - But, that could be three years out.
 - Note that we have had three houses get built in areas that were flooded by Irene. They are in 500 yr rather than 100 yr.
 - Kevin noted that the town could make regs based on our own map as long as it's not protecting *less* than the FEMA map. So we could use the 500 yr one. Or we could require other things like backflow preventers, which prevents backflow in septic systems when they are underwater, or not allowing electric panels to be put in the basement.
 - Another suggestion from Kevin: without a river corridor map/reg in place one can build up to the edge of where the bank goes down into the stream. His top recommended regulation would be a 50 ft no build from the top edge of stream banks.
 - If people want to build in these areas they could always get a letter of map amendmend. Or, a freeboard provision; FEMA map gives elevation of base flood and we can say how many feet higher than that, the building has to be. But landowner has to pay for a surveyor for a LOMA. It does make it difficult to do a buyout if there is a LOMA if it does end up flooding.
- Zoning and Subdivision:
 - Kevin provided an overview of the differences:

- Subdivision is about cutting up the land and zoning is about how it is used. The zoning is more important in the villages and the subdivision is more important outside of the villages when it comes to forest fragmentation, etc. Typically would have larger lots in the forest areas and then smaller into town.
 - Discussion to understand more about subdivision regulations and what they could potentially include:
 - Where the roadway is, the placement of the lot lines, etc – you can do cut lines during subdivision review and you can also do building envelopes. Whereas under zoning – you have a lot and maybe some setbacks and do whatever you want in the middle.
 - Subdivision also gets the listers more information bc you can require a surveyed plat prior to subdivision.
 - Density provisions are an alternative to traditional lot size. Having a 10 acre zone doesn't mean every parcel has to be 10 acres. Some towns don't even *let* developers choose to divide parcels equally but rather require looking at the landscape.
 - You could include things like you have to minimize intrusion into ag land. You could talk about utilities, sidewalks, paths, shared driveways, etc.
 - Most subdivision bylaws have a “freebie provision” – carving off one new lot does not require a permit – allows people to always carve off one portion e.g. for a family member.
 - Most communities in VT that have tried to create zoning from scratch recently have been unsuccessful. The one in the area that tried just subdivision was successful (15 years ago, Sharon.)
 - Discussion on our goals around forest preservation, landscape preservation, etc.
 - Perspective from Kevin: In general in VT we have been lulled into thinking that the land use we have out there is the result of our regulatory scheme. The reason we have the forests and farms that we do is because nobody has come here and land has stayed in the same hands forever. That's going to change with climate change. We could see a lot of pressure coming out in the far flung corners of town and there is absolutely nothing stopping that from happening unless the town has good regulations. And most zoning wont stop that either.
 - Septic regulations play into this too – but built systems as opposed to in ground systems are becoming more common which removes the need for a backup and allows for more construction flexibility.
 - Kevin recommends that If our goals are more about forest preservation, landscape preservation, subdivision is the better tool – zoning is about nitty gritty uses especially commercial uses.
 - Kevin notes that if we have both zoning and subdivision we potentially become a 10 acre town instead of a 1 acre town under Act 250. But the town can also pass an ordinance to choose to stay a 1 acre town even if you have both zoning and subdivision if you want to also keep those act 250 protections.

- Grants:

- There is a MPG round coming up. You can only do one project under a MPG but it could be either a zoning or a subdivision project, or a unified project. You could roll floodplain regs into the zoning bylaws and have that be one project, but you could not roll floodplain regulations into subdivision bylaws as one project under the MPG.
 - MPG applications are due Dec 1. Selectboard and PC both have to sign off. TRORC can pull together the draft application.
 - Combined bylaw (zoning and subdivision) probably costs about 15K, one alone 10K. Town has to pay 10% of the cost under MPG.
- Discussion on what to apply for:
 - PC members discussed the question of pursuing zoning vs subdivision regulation. All members were more interested in considering subdivision.
 - PC members and Kevin discussed that the PC could likely strengthen our flood hazard bylaws by ourselves by using templated language and a minor amount of help from TRORC.
 - Patrick Dakin moved that we go forward with applying for a MPG to explore subdivision regulations, David Brandau seconded. All in favor.

Adjourned 8:59 pm.