

Royalton Planning Commission

APPROVED – Minutes

Monday, September 22, 2008

Members Attending:

Beguin, Boles, Brandau, Goldstein, Gravel, Judge, Levasseur

Guests Attending:

Lorraine Atwood of Vermont Law School, Students from Professor Duane's Land Use Regulation Class at Vermont Law School, Kira Bryers (Note Taker)

Meeting came to order at 7:03 PM.

1. Discussion of news at Vermont Law School

- Lorraine Atwood briefed the RPC on Vermont Law School events/plans
- Current plan is renovating the “Old Schoolhouse”
 - Renovations have been done to the building and Vermont Law School has tried to respect the historical nature of the building
 - Final phases of the project include: landscaping and the possible addition of a cupola to the top of the building (original 1845 building had a cupola. After the building was moved, the cupola came down, was then replaced and removed again)
 - Elevator was installed in the building and the project is all up to code
 - RPC had a late input to the process and wishes to be informed earlier of plans at the law school. Atwood assured the RPC it would be made aware at an earlier stage for future projects
- Atwood then discussed Vermont Law School's next proposed project: South Royalton Legal Clinic Building (“Pierce House”)
 - Needs renovation and the law school has decided to designate it its priority project for the next few years
 - School has had structural, historical, and concept design reports done for feasibility of the project
 - Most of the building is in “very poor shape” and will need to be renovated completely. Older portion of the building (“footprint”) can be preserved “if the cost is not too high”
 - Levasseur asked about Act 250 permitting. It has not yet been done – target start date is May 2010 and Act 250 approval will be acquired “the sooner, the better”

2. Times and Seasons

- Levasseur discussed that the Hearing has been decided upon and scheduled for Monday, October 27, 2008 at 8:30 AM at District 3 Environmental Court
- Hearing will be a site visit at Dairy Hill Road, then finished at the Academy Building in the Village of Royalton. Will be open to the public
- Levasseur spoke with the Select Board about the Hearing and the issue was discussed at the Select Board meeting
 - Select Board would not take any action until they found out whether or not there would be a hearing
 - Issue was discussed at the Select Board Meeting of September 18, 2008
 - Select Board's stance on the issue is still unknown at this point
- Brandau briefed Goldstein about the Times and Seasons updates
- The purpose for the hearing seems to be to ascertain everyone's point of view on the heels of the Motion for Reconsideration after Times and Seasons' permit was denied
- Select Board budget for legal matters has been overstretched and the outcome of further legal action here being authorized is unknown

3. Minutes from September 8, 2008 Meeting

- Edits to Draft Minutes from the September 8, 2008 Meeting were discussed
- "Town Plan" needs to be capitalized
- Page 2: "Two Rivers is going to be conducting..."
- "Town of Royalton"
- "District Commission will hold a meeting to decide"
- Third item under new business: "Alison" spelled with one L
- Geoff Hand's name is spelled with a "G" instead of a "J"
- Linda Matteson's last name spelled as such instead of "Madison"
- "Meeting"
- Brandau moves to accept the minutes, Gravel seconds. Boles, Levasseur, and Judge in favor. Beguin and Goldstein abstained.
- Motion carries as accepted.

4. Act 250 Items

- I. County Animal Hospital
 - CAH is finishing their kennel at the back of their facility and must go back to Act 250
 - Simply an expansion of the "stabling capacity" and possibly adding a few additional parking spaces
 - Project cannot be seen from the road
 - Beguin asked if CAH exceeded the time limit for approval of the project
 - Brandau discussed the approximately three (3) years since approval was given
 - August 29 date – if application is complete, clocks start ticking
 - Goldstein asked about the role that the RPC should play with regard to this project – RPC can call for a hearing if some disapproval with the project is found

- Specifically, the project will add four (4) additional parking spaces and attach a 20' x 36' shed to enclose the dog runs (dog runs are already there)
- Parking is accessible

II. Kevin Rogers – Dairy Hill

- Rogers wants to build a 40' x 60' garage on .66 acres with adjacent area for parking → he already has machinery and sand sheds on that parcel
- Rogers owns two (2) parcels: 1.6 acres (home) and .66 acres (parking/garage across the road) for his trucking company
- Jurisdictional opinion concluded that an Act 250 application was required for the grading needed to complete the project. Together, the two parcels lumped together constitute the 1+ acres needed to have Act 250 qualify
- There have been previous issues with Rogers stemming from landscaping done in the past
- Levasseur and Brandau discussed prior history with Rogers
- Brandau and Boles discussed the practicality of the project – would enclose the trucking equipment in bad weather
- Analogy drawn with Joseph Smith project – neighbors had requested an Act 250 application for a garage for his own business – project cost him \$2,000 for all of the plans and other materials to comply with Act 250
- Garage with a nonpotable well would not require a permit
- Not an expansion of Rogers' business – he wants to put the garage up to maintain equipment and be inside in bad weather
- Rule 51 – treatment under a minor application. It's still an Act 250 permit, but doesn't require a hearing for approval
- Discussion ensued as to “home enterprise,” “small business,” etc. under the proposed Royalton Town Plan
- This project falls in a Residential District – if Rogers is in a Residential District, there are no provisions for Small Enterprise. Such activity is normally supposed to be in an industrial area or the village
- If it's found to be a conditional use, it would require a hearing (it would be noncompliant with a zoning ordinance). Applications would be submitted to the Design Review Board and then to the Select Board per Section 4.2 of the Royalton Town Plan
- The committee expressed concern over the environmental impact of the project
- Brandau seconded these concerns and also about the high costs of environmental cleanup paid and about nuisance issues arising from the type of work Rogers would be doing at this facility
- Discussion ensued

III. Upcoming Workshops

- Vermont League of Cities and Towns: Forest Conservation and Urban Forestry Planning. Tuesday, October 21, 2008 in Randolph
- Managing the Municipal Highway System: October 15, 2008 in Montpelier
- Planning and Zoning Forum: October 30, 2008 in Montpelier

- Municipal Zoning Bylaws after September 1, 2011 – Focuses on 2004 Permit Reform Law
- Town Meeting Tuneup: February 26, 2009
- Levasseur informed RPC about signing up and having the town budget used to pay for it

5. Royalton Town Plan

- Sally Hull is sick and could not attend
- Levasseur discussed that Draft 1 is being reviewed
- Forest and Secondary Soils: Listers need to be asked for the number of acres in the woodland parcels in town (Page 19)
- Scenic Areas: View sheds – more discussion about these? (Page 21 in Draft 1/Page 15 in Draft 3)
- Page 1: Declining population? “The Town and the area surrounding it, bisected by Interstate 89, are experiencing declining population growth.” – Sentence is deleted. “Will” at the end of the second paragraph under Foreword will be changed to “would”
- Page 2: Highlight is what will be fixed after plan is implemented
- Page 3: Funding sources – staying as is. Implementation strategies: removing “that occurs independent of any regulations.” Town Regulations (pp. 3-4): need Sally present to discuss this – road access ordinance should be changed to “Highway access ordinance”
- Other regulatory materials: need to add parking, loitering, open container ordinances? RPC will talk to Sally about the necessity of including all of the town’s ordinances in the Plan
 - Definitions will be taken out and a list given with a direction to visit the Town Administrator to learn about them (proposed language: “The ordinances are available at the Royalton Town Office.”)
 - Telecommunications Ordinance?
- Dog Ordinance will be removed
- Regulatory Methods will retain their definitions?
- Act 250 definition is fine
- Page 5: Current use should be added below Restrictive Covenants
- Pages 6 and 7: Lots of changes made

6. Next Meeting

The next RPC meeting will be held on October 13, 2008.

MEETING ADJOURNMENT:

Beguin moved to adjourn and Gravel seconded the motion. All in favor. Meeting adjourned at 8:42 PM.

Respectfully submitted,
Kira S. Bryers

kira.bryers@gmail.com