



Town of Jericho
Planning Commission

**Jericho Planning Commission Minutes
Public Hearing and Meeting
March 12, 2019 7:00PM
Draft**

Present: Jason Cheney, Susan Bresee, Sarah MacLeod, Wendy Verrei Berenback, Chris Brown, Erik Glitman
Absent: Conor Lahiff
Public: Stuart Alexander, Bob Robbins, Tom Baribault, Julia Marks, Kris Hartlin, David Villeneuve
Guests: Katherine Sonnick, Nancy Hasson

1. Call to Order

Jason called the meeting to order at 7:00 pm.

2. Public Comment

None

Jason made a motion to add to the agenda an item to review comments received from the Planning staff on the working draft of zoning amendments. Erik second the motion. None abstained. Motion passed 5-0-0.

3. Land Use Regulations – review of Planning Staff comments

Jason opened the discussion about the comments from the Zoning Administrator regarding the language drafted under 4.7.3.3(b). Mr. Flinn (Zoning Administrator) noted the language as written would be difficult and problematic to administer and he requested to have paragraph (b) deleted from the draft of section 4.7.3.3.

The Planning Commission (PC) discussed Mr. Flinn's suggestion.

Jason made a motion to delete Section 4.7.3.3(b) as recommended by the ZA. Wendy seconded the motion. Motion passed by 4 yes, 2 abstained and 0 no's.

Katherine continued to review the Zoning Summary Report, suggesting additional edits to sections 3, 4.7.3.6 and 4.7.3.8.

Jason asked for any comments from the committee members. Susan commented that she was glad that Chris read the report in detail and thanked him for his comments.

Jason asked for a motion to approve the suggested edits to draft of the zoning amendments. Erik made a motion to approve the edits, seconded by Jason. Motion was approved 6-0-0.

4. Land Use Regulations – Public Hearing

Jason made a motion to open the public hearing, Chris seconded the motion. Motion was approved 6-0-0.

Katherine presented a brief power point presentation of the changes to the zoning regulations the PC has drafted, and they are as follows:

- Accessory Apartments-Section 2 the definition was changed, Section 4.7.3, sizes were clarified, requirements were added when an apartment is located in a structure that is separate from the primary residence.
- Cemeteries-Section 2 the definition was changed, Section 4 Table of Uses – table 4.4- the Rural Agricultural Residential District was added as a district where cemeteries could be allowed.
- PUD's- Section 10 Permit and Review Procedures, Section 10.13.8 (b), to update the energy standard to replace an obsolete standard with a current standard.
- Character Based Zoning-Multiple technical amendments to reflect existing character of the neighborhood. Changes include: ceiling heights, better defined building types and several changes in the architectural standards.
- What's next – Katherine noted that a sub-group of PC members had worked with outside architects during the drafting process to recommend the specific CBZ changes, and that task group will continue to work to identify additional future changes to the CBZ for the PC to consider. She explained that after this hearing, the PC's recommendations are forwarded to the Selectboard who would hold an additional public hearing on these amendments and would vote to adopt them.

Jason then asked for public comment on the proposed changes, on each of the four topics in sequence.

Accessory Apartments public comments and questions:

Bob Robbins brought up the issue of renting the units under a short term rental Airbnb model.

Julia Marks wanted to know the reasoning to require accessory apartments to locate not more than 200 feet from the single-family dwelling. Julia perceived the 200 feet cutoff as arbitrary and the location of a separate structure should depend on the land. Susan explained the limit was not arbitrary but was selected after looking at setbacks and other dimensional issues. The language intends to clarify when subdivision requirements would be more appropriate when a separate structure will be used for a separate dwelling, and to ensure development for new structures is as compact as possible in order to minimize land disruption, and that compact development is a state and general planning goal. Sarah added the PC also considered safety concerns.

Stuart Alexander asked if “family” is defined in the regulations and Katherine said yes and read the definition of family in the Land Use Regulations.

David Villeneuve commented on the 200 feet language and brought up lands that have different types of topography and that the 200 feet should not be in the regulations but did comment that we should use our land properly and with compact development as much as possible. Mr. Villeneuve also mentioned that he does not feel you should have to have a common driveway or common curb cut, and where do we end with the regulations. Mr. Villeneuve mentioned looking at the State regulations and encouraged using some common sense. Jason replied that the PC did ensure compliance with state statute.

Cemeteries public comments and questions:

Stuart Alexander made a comment the cemeteries definition contained a typo error with a sentence repeated.

Tom Baribault commented on the green burial movement and how different regulations come into play and asked if Jericho is forging its own frontier on this subject. Susan pointed out the proposed language means Jericho would defer to state law even as state law changes over time.

PUD's public comments and questions:

Tom Baribault asked if the proposed change to the energy efficient standard would override other criteria for the Density Bonus.

Jason replied that the energy efficient standard used in the current regulations was now obsolete, and the Development Review Board requested the energy standard to be updated. Jason clarified that this is only a change to the precise energy standard and doesn't affect how the density bonus works. He added the PC does intend to review at some point in the future how PUD density bonuses work, and has already done some preliminary work on possible changes to the PUD section.

Character Based Zoning public comments and questions:

None

Discussion:

The PC continued to discuss the public comments and questions and considered additional edits to the draft.

David Villeneuve asked where the regulations stipulate that you can only have one accessory apartment per residence. Katherine showed 4.7.3 states one apartment. Instead, multiple apartments should be developed under regulations for duplex or multi-family housing.

The PC proceeded to edit the draft in order to define additional circumstances where the DRB could provide additional flexibility for the 200' distance limit. The PC considered the underground utilities language as a guideline. The PC affirmed the interests are to maintain compact development and to protect natural resources, and to make sure subdivision regulations are properly applied, while at the same time to encourage Accessory Apartments to create new dwellings that are typically more affordable and/or to make existing dwellings more affordable by providing owners with income opportunities.

Jason asked for any additional public input. Julia Marks thanked the PC for their support for giving the DRB more flexibility while maintaining the intention of the requirements which she supports.

Jason made a motion to close the public hearing, seconded by Wendy. None abstained. Motion passed 6-0-0.

Erik made the motion for the PC to recommend this most current version of the draft amendments to the Selectboard. seconded by Sarah. None abstained. Motion passed 6-0-0.

5. Approve Minutes of February 19 ,2019

The Planning Commission (PC) reviewed the meeting minutes from their February 19, 2019, meeting. Sarah made a motion to approve the minutes, seconded by Wendy. None abstained. Motion passed 6-0-0.

6. Liaison Updates

None

7. Commercial District Project

The Planning Commission discussed the goals and possible formats for the public workshop planned for March 26th. The PC agreed their instructions to the consultant are to structure the workshop to give the public the chance to share their visions for the area. The PC does not prefer to ask the public to react directly to the draft vision the landowners have already created with the consultant. Instead, the public should be able to consider the area from their point of view. The PC commented the CD landowners have had their turn to work with the consultant for several months, and now it's the public's turn to be heard, and the workshop must be structured with this in mind. The PC believes the consultant's introduction should include educating the public on the big picture of the village centers already zoned for dense mixed-use growth to make sure we received well-informed input.

Erik commented that we need many people to attend and suggested an online survey before the meeting. Jason asked Erik to send his suggestions for a survey to Katherine for review.

Jason commented we need to publicize the workshop and encourage participation.

8. Wrap up and Planning for Next Meeting

Jason, Wendy and Sarah volunteered to work closely with the consultant to plan the March 26th workshop.

9. Adjourn

Chris made a motion to adjourn, seconded by Susan. The motion passed 6-0-0. Meeting adjourned at 9:15pm.