



Town of Jericho
Planning Commission

**Jericho Planning Commission Minutes
Regular Meeting
August 18, 2020
7:00pm**

Adopted September 22, 2020

Present: Jason Cheney, Susan Bresee, Sarah MacLeod, Sabina Ernst, Erik Glitman, Chris Brown
Absent: Wendy Verreri-Berenback
Public: Ned Dubois, Jim Carroll, David Villeneuve, Wayne Howe, Glenn Martin, Kevin Sweeney, Erin Wagg
Guests: Katherine Sonnick, Nancy Hasson

1. Call to Order

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

2. COVID-19 Meeting Procedures, enabled by H.681

Jason asked Katherine to give us an update relative to the governor's statement and what H.681 means to the Planning Commission's (PC) meetings. Katherine mentioned the state is still in a state of emergency which means we are instructed to hold meetings remotely. She reminded everyone about the remote meeting procedures: calling on everyone in the public to make sure they can hear and be heard, and using the raise hand function for questions as opposed to the chat or question functions.

Jason asked Katherine to check in with each member of the public to make sure we have good communications. Katherine verified that there was a two-way communication with Ned Dubois, Glenn Martin, David Villeneuve, Jim Carroll, and Wayne Howe.

3. Public Comment

Jason asked if there are any public comments.

Glenn Martin said that he is assuming that the Commercial District zoning is on the agenda and the PC will be talking about that later.

Jason responded by saying yes, that is item #7.

4. Approve Minutes of July 21, 2020

The PC reviewed the meeting minutes from their July 21, 2020 meeting. Chris made a motion to approve the minutes, seconded by Erik. Jason asked each member individually, yea, nay or abstained to the motion. Chris voted yea, Erik voted yea, Sabina voted yea, Sarah voted yea, Susan voted yea, and Jason voted yea. Motion passed 6-0-0.

5. Liaison Updates

Jason asked the Planning Commission members if there were any updates. There were none.

6. Discussion-Official Map, Next Steps

[\(Vermont Official Map background information\)](#)

Jason asked Katherine to give a brief update on the Official Map project and next steps.

Katherine shared that Jason, Ned Dubois and she met on Monday, August 17, 2020 with Melanie Needle from the Regional Planning Commission (CCRPC), who is the assigned staff person for Jericho's Official Map project.

The purpose of the meeting was to lay out the scope and approach as well as scheduling some initial meeting dates. She mentioned that Melanie is excited to help and her role will be to assist us in the process, as opposed to acting as the decision maker. Katherine said they agreed that the project doesn't need to start from scratch, since much preliminary work was already done through the Commercial District Master Plan and Jericho's adopted Bike/Ped Plan. The Official Map project will start with that foundation, and it will include a public process to gain further input and refinement, to develop a draft Official Map.

Jason commented we would want to meet with CD landowners before trying to produce a first draft. At the meeting with Melanie they discussed they would like to form a task force to work on the Official Map project. The task force would likely consist of one or two PC members, other Town committee members, a couple of Commercial district property owners and potentially others. In the next couple of week Jason said he would draft a charter for the Official Map task force, and request volunteers.

Jason mentioned he thought the task force would be assembled by the middle of September, and sometime in late September would likely be the first discussion with Melanie and the task force. Then in early November the initial findings would be presented to the Planning Commission.

Jason asked Ned Dubois to add any comments about the meeting with Melanie. Ned commented he was not sure or understood if anyone other than Melanie from the CCRPC was going to work on Jericho's Official Map project. Ned also commented he did not realize this was going to be handled like a paid project where Jericho is paying the CCRPC. He asked if the Town has a contract with the CCRPC for this project?

Katherine answered Ned's question by stating this project is part of the CCRPC annual work plan. Much of the work plan is funded through federal grants. The annual work plan consists of

two different sorts of projects. The first type of projects uses paid consultants, and a town and the Regional Planning share the costs. The second type of projects uses CCRPC staff time and a town does not pay directly for project hours. The Official Map project falls under this category. Jericho does pay annual dues to the Regional Planning Commission, but there will be no additional funds the town will pay to CCRPC for this project.

Susan asked if the Regional Planning Commission will be paid for this project to work with us by a federal grant that we applied for and were approved for.

Katherine replied this project is not directly tied to a specific federal grant. As part of the CCRPC annual work plan they do get some money from the federal government that they allocate to different town projects.

Jason asked Planning Commission for questions or comments. Hearing none, he opened the discussion to public comment.

Jim Carroll commented he hopes the essential things that have been talked about in terms of true land planning can be included on the mapping. For example, if superior soils can be identified for sewage treatment, an infrastructure plan for sewage could be designated on the map.

Jason told Jim that was a good comment and reminded everyone that the official map is not just for the Commercial district, this will be a town wide map, including connections and trails.

Jason closed item #6.

7. Discussion-Draft Commercial District Zoning Language

a. Review Revised Draft

Katherine showed the Land Use and Development Regulations draft version 8-14-20 and said there are a few small changes from the previous draft. She said she posted this draft on the website under The Future of the Commercial District page.

Katherine proceeded to highlight the most recent changes to the draft. She said based on input from Chuck Lacy, definitions for encourage, should, must, and shall were added. Encourage and should mean strongly recommended and not mandatory. Jason commented that going back to Mr. Lacy's comments his question was "does not mandatory mean entirely voluntarily" and Jason's statement to him was yes.

Katherine said shall and must are defined to indicate mandatory and required and not optional or discretionary.

Katherine mentioned the other change in this draft is under Planting Specifications, based on the discussion from the last meeting about tree planting. Katherine explained the new text ties Jericho's requirement to the Vermont regulation which prohibits planting invasive species. The draft text also encourages developers to use native plants.

Jason opened the discussion to the PC and asked if there are any further comments, questions. Erik noted that he thought that the change was acceptable.

Jason opened the discussion up to the public.

Jim Carroll pointed out some language in the zoning and commented that he thought that bureaucrats with unknown skills shouldn't make the final call on plantings. Sabina clarified that Mr. Carroll is referring to the tree warden. Katherine displayed paragraph 11.8.7 of the regulations.

Erik asked if the Jericho Tree Warden was an active position. Sabina answered yes and Don Toby is Jericho's Tree Warden and has been the tree warden for quite some time and has forestry credentials.

The Planning Commission members continued to discuss paragraph 11.8.7. They interpreted the text to say the tree warden's role is advisory.

Glenn Martin commented that he spent about three hours reading the latest version and his first comment is that PC has come a long way with these regulations from where we were two years ago. The proposed regulations allow for more dense growth, multi-use and there is some flexibility. Mr. Martin commented that he does have a few objections and one is the extreme complexity and the micro-managing on what people can do. Mr. Martin commented that he does appreciate that you have clarified must, shall, and may but did notice that you have liberally applied the word must.

Mr. Martin commented that he has a few housekeeping items and asked Katherine to pull up 5.6 Density and mentioned that he finds it very awkward to begin the sentence using the word no and also commented that 1300 square feet is too small and thinks the 1300 should be at least 1500 square feet. Mr. Martin continued with a comment on section 7.3.2.1, which refers to Enlargement alteration and moving. He asked how are you going to enlarge? He reads it that the only option for enlargement is to build up – to add floors.

Susan replied that in reading the full sentence and section, this is talking about buildings that are nonconforming, so this text says that an addition that covers additional ground but that does not go closer to the road or to the property line will not increase the degree of nonconformity, which means it is a good thing, not a bad thing.

Jason asked Katherine to display section 7.3.2 Nonconforming Structures, and review that paragraph. She stated that as long as the non-conformity was not increased, expansion could happen in any direction on the structure. Katherine mentioned additionally that there is always an opportunity to always get a variance or a waiver from the board.

Katherine mentioned this language was suggested by the consultant, and the zoning administrator reviewed it as well.

Jason thanked Glenn very much for his constructive review.

Ned Dubois asked if the definition of must and shall would apply to every regulation. Katherine said yes.

Susan asked to go back to Glenn's comment about square footage, which is under section 5.6 Density. She clarified this section gives developers the option to use Lot Coverage instead of # of dwellings per acre, if they choose to develop a subdivision as a Planned Unit Development. If the PUD includes affordable housing or senior housing, the # of units can be increased and the square footage limit applies only in this case. This is not new language; this is existing language that currently applies to the Village Centers because it provides more flexibility to encourage smaller housing units in the Village Centers that are not subject to acreage density limits. This change is to grant that same privilege and flexibility to development in the Commercial District.

Glenn Martin commented that he does not agree with the interpretation and says the text is confusing.

Jim Carroll commented that he has been working on affordable housing since 2009 and would encourage no restriction the size. He noted that many of the people that need affordable housing are relatively large families.

David Villeneuve said he would like to comment on this issue and make a suggestion that someone should get to a lawyer or somebody that can put this into the right language. Jason thanked David for the comment and Katherine said that was a good suggestion.

David Villeneuve commented that he knows the PC is trying to move on and go to public hearing and there is resistance from some. David mentioned that he has sat through quite a few of these meetings lately and started in this process with a committee that was going to work in conjunction with the DRB. David mentioned that his personal feeling is that it did not happen and he joined that committee and they were going to look at things as far as representing the people that live in the Commercial District and they would then talk among themselves.

Mr. Villeneuve commented that part of the planning and the agreement was they would look at infrastructure and we would look at other things and not just try to pass a set of regulations. Another example of what the PC could have been working on is the road system. He commented that he cannot believe that the PC has not come to him to have a discussion with Glenn and him. He noted that they have both said that we are willing to talk and sit down. David said he would want everyone on the Planning Commission tonight to give him a comment as to why that road has not been discussed with Glenn and him or the committee about moving forward. He stated that the only things they can move on are these regulations. These regulations are not really ready and he agrees with the others. He demanded that they give him one answer on the road why they have not been contacted.

Jason told Mr. Villeneuve that he had been contacted and Mr. Villeneuve disagreed. Jason reminded David that Chris Sargent met with you to discuss your property. Jason told him that Chris Sargent sat in the conference room with Wayne Howe and Jason for an advisory committee meeting that David was specifically requested to be there to discuss roads and that he declined to attend. Jason added that other people have reached out to him.

David said he has never declined and said he will either get a yes or a no tonight.

Kevin Sweeney commented that he appreciates all the hard work that the Planning Commission is doing.

Wayne Howe commented he wanted to clarify what he thought he heard Jason say and that he understands David's frustration and he does recall that meeting that we tried to set up to talk about roads. Wayne added he is still willing to meet with David.

Mr. Villeneuve commented that he would like to see if anyone else has something to say on this subject. He would like to hear what have to say first then he could comment at the end.

Glenn Martin commented that he wanted to address the issue of (extending) North Main St (to connect to the Dollar General driveway and to Route 15). He said there are only four property owners involved - the (Jericho East) homeowners association, JD (Bugbee), himself and David (Villeneuve). Mr. Martin said he has drawn up four or five different slight variations of alignment that work and volunteers to call the other three people together and settle on an alignment for the road and present it to the town and he is still willing to do that.

Jason thanked Glenn and agreed that his proposal was very valuable.

Jim Carroll commented that one of things he is hearing and encouraging the PC to consider is doing a site walk.

b. Possible Approval of Draft and Warning for Public Hearing

Jason asked the PC members if they are prepared to make a motion to accept tonight's draft of amendments to the zoning regulations as the final draft.

Susan made the motion approving the draft that was reviewed and that the draft should be warned for a public hearing, seconded by Erik. Jason asked each member individually yea, nay or abstain to the motion. Susan voted yea, Erik voted yea, Sabina voted yea, Chris voted yea, Sarah voted yea, and Jason voted yea. Motion passed 6-0-0.

Jason asked for a separate motion for a public hearing.

Erik made a motion to hold a public hearing on the drafted zoning amendments, seconded by Sabina, Jason asked each member individually yea, nay or abstain to move to a public hearing. Erik voted yea, Sabina voted yea, Chris voted yea, Sarah voted yea, Susan voted yea and Jason voted yea. Motion passed 6-0-0.

Katherine mentioned that the next PC meeting is scheduled for September 1st but she has spoken to Jason earlier about moving their first meeting to September 8th due to a scheduling conflict.

Jason asked for a motion to move the next meeting date from September 1st to September 8th.

Sabina made a motion to move the next meeting date from September 1st to September 8th, seconded by Chris. Jason asked each member individually yea, nay or abstain to move the next meeting date. Sabina voted yea, Chris voted yea, Sarah voted yea, Erik voted yea, Susan voted yea and Jason voted yea. Motion passed 6-0-0.

Katherine mentioned Mr. Villeneuve has raised his hand to speak again.

David commented that he had asked to speak on the last subject after everyone else had spoken regarding the road issue and he was not recognized. David commented that he gave every single PC member a chance to speak and say they were willing to have a meeting with him. No one has said they would have a meeting with him.

Katherine said that she heard Wayne and Jason say they were willing to have a meeting with David. Jason commented that there have been previous opportunities to meet and there will be future opportunities to meet. Erik, Susan, and Sarah all commented that they would be willing to meet. Sarah commented that the offer to walk the property was a great idea.

Erik asked if we could put a full PC site walk meeting on the schedule.

The Planning Commission members agreed on August 29, 2020 at 8:00 am for an on-site meeting.

Jason asked Mr. Villeneuve if August 29 works with his schedule. David commented that no it would not and said the PC did not listen to his last comments. He gave the PC a chance in the last agenda time to make comments to meet with him and he claimed they did not do that. Now he is not interested in meeting with any of the PC members.

8. Other Business

Katherine mentioned this past week that she took part in an online housing conference and she hoped that the chair of Jericho's Affordable Housing committee attended as well. She attended through the Regional Planning Commission's all access pass which she believes will allow long term access and she could share some of sessions with the PC and Affordable Housing Committee. Erik asked Katherine to forward the information to him and he would be sure the chair receives it.

Katherine mentioned that Jim Carroll would like to speak.

Jim Carroll mentioned that he would encourage the PC to have that on-site meeting still. It is still a good idea.

Jason mentioned to Katherine to mark August 29th on the calendar and warn that as a PC meeting.

9. Wrap up and Planning for Next Meeting

Jason mentioned the August 29th at 8:00 am special meeting to do a site visit to the Commercial District.

10. Executive Session (possible)

None

11. Adjourn

Erik made a motion to adjourn, seconded by Susan. Jason asked each member individually yea, nay or abstain to the motion should we adjourn. Erik voted yea, Susan voted yea, Sarah voted yea, Chris voted yea, Sabina voted yea and Jason voted yea. The motion passed 6-0-0. Meeting adjourned at 9:04 pm.