

**PLANNING COMMISSION**  
**August 11, 2021 Meeting Minutes**

**Planning Commissioners:** Ken Mason, Curtis Carpenter, Tammy Martel, Nedah Warstler (via Zoom)

**Public Official(s):** Nicole Gratton

**Press:** None

**Public:** Nate Sicard, Ruggles Engineering; Caleb Temple, Gerard Riendeau, Larry Willey, Pauline Harris(zoom)

Ken Mason chaired the meeting, which was called to order at 6:01 p.m.

No agenda changes.

Mr. Mason sought approval for the July 28<sup>th</sup> minutes with grammatical change as suggested by Jacqui Friend. Tammy Martel made **a motion to approve the July 28, 2021, minutes as amended**. Curtis Carpenter **seconded the motion**. The Commission **voted 4-0**.

**Infill Industrial Development:** Nate Sicard is representing Caleb Temple and Gerard Riendeau in their project on an industrial site to the east of Church Street in Lyndon. The zoning administrator let the applicant know that there could not be any structures within 25' of the lot lines. Mr. Sicard notes that the area has been used for intense industrial activity in the past and that the main parcel has been subdivided over the years making many small lots. With many smaller lots, there are more lot lines to have to work with. Mr. Sicard proposes language to add to Section 8 of the Bylaws that provides infill development within the industrial zone to not have to meet the same setbacks as long as the lot line abuts the same use. If the industrial lot abuts a different district, the existing setback of 25' would be in effect. The goal is to keep development compact. Mr. Mason asks about what a "structure" is. If concrete "cribs" are set on the land, is that a permanent structure? Ms. Gratton reminds the Planning Commission that the proposal concerns a language change and that this is not a determination of Mr. Temple's project. Mr. Carpenter asks if this proposal would apply to the other industrial areas of town. Mr. Sicard thinks that this infill industrial development is most appropriate to the downtown located Industrial zone, but there are scenarios where it may make sense in the other industrial districts. Mr. Sicard also shares that other towns make minor bylaw changes frequently. Ms. Martel asks about traffic, and Mr. Sicard notes that that would be a DRB consideration. Mr. Sicard set the infill industrial development setback at 10' to echo other buffer requirements in the Lyndon Bylaws. Mr. Sicard also shared the protocols for Bylaw changes and hopes that the process can move along quickly.

Ms. Martel makes a motion to move New Business ahead of Updates. Seconded by Mr. Carpenter. All in favor. Motion Carries.

**New Business:** Mr. Carpenter begins the fee adjustment discussion. He notes that the "after-the-fact" permit fee of \$15 is quite low. Ms. Martel asks for clarification if this is \$15 a unit or \$15 flat. Mr. Carpenter shares that it is \$15. Ms. Gratton shares a table of what other neighboring towns have for permit fees. Most towns have a DRB fee of \$100 or more, other than St. Johnsbury. Mr. Mason wants to know if there is justification for the fee increase. Ms. Martel asks when the last time the fees were

adjusted. Mr. Carpenter thinks it has been a very long time. Mr. Carpenter asks how much zoning work is involved in the job of the Planning and Zoning Administrator. The price increase could be justified for the work that it covers. Ms. Martel wonders if increases the permitting fees would deter people from seeking permits at all.

Mr. Willey speaks about how enforcement is a crucial part of permit fee adjustments. If there is no one to enforce zoning, then upping the fees may not be a good strategy for the Town to take. The Lister's office and the Planning and Zoning office have a lot of work to do and there is little time left for code and zoning enforcement. Mr. Willey also notes that with a code enforcement officer, there would be fewer "after the fact" permits- the officer could require work to cease, the person would need to seek a permit before work continued, and then there would need to be follow through of violations at the fee collection point. Ms. Martel shares that the theory around town is "its easier to ask for forgiveness than ask for permission". Mr. Willey notes that agricultural buildings are another area where there is no follow through. Agricultural building applicants must report to the town that new buildings go up. They do not need a permit, but there should be something that holds the person to completing the required notification to the Town. Mr. Mason suggests putting forth a subcommittee to put together a suggested fee schedule and bring it back to the rest of the Planning Commission and then submit it to the Selectboard. **The subcommittee will consist of Mr. Carpenter, Mr. Mason, and Ms. Martel.**

Pauline Harris suggests that other states require a letter of exemption and that maybe the Town can request a letter for agricultural entities to ensure that no permit is needed but that the party has met the State requirements. This would require the Zoning Administrator to go out and ensure that the party followed through with the State requirements.

Pauline Harris also suggests a sliding scale or percentage of the project for setting the permit fees.

#### **Updates:**

The Better Connections steering committee is interviewing two consultant teams on Thursday August 12, 2021.

The Park and Ride grant application with VTrans has been submitted. VTrans will reach out in October to do a site visit if the project is selected.

The Design Overlay project is on hold until the zoning districts have been amended.

Tap and Die demolition permit is on hold until the application provides documentation that VTDEC approves a partial demolition.

**Adjustments to the Bylaw Land Use Matrix:** The Planning Commission members walk through the suggested changes to the Land Use Matrix. Please see attached Proposed Land Use Matrix to see suggested changes.

**Adjustments to the Zoning Map:** The Planning commission members share where there could be changes of currently mapped "commercial" districts to change to rural residential or residential neighborhood. The areas of concern include Route 5 North of the intersection of 122/114/5, changes at Abenaki Loop and the large lots off of Brown Farm Road, Calkins Rock as Rural Residential (which permits earth extraction), and the Industrial-Commercial Zone off of the north I-91 exist.

Mr. Carpenter asks if we map the number of residential lots with no structure on it. **Nicole will explore this.** Ms. Gratton shares that the definition of commercial includes the access to municipal water and

sewer and that this is not in existence beyond the 122/114/5 intersection. **Ms. Gratton will create maps that will be shared to the Planning Commission at the next meeting.**

**Mr. Carpenter suggests discussion at the next meeting to include the definition of structure.**

**Ms. Warstler** notes Bylaw 4.4.3 and how it provides for setbacks at distances other than what is required when there are other neighboring structures that are nonconforming. The Planning Commission thinks this would meet the needs of Mr. Temple and there would not need to be a Bylaw change. Ms. Gratton will inform Mr. Sicard of this bylaw.

Next meeting is scheduled for Wednesday August 25, 2021 and will be held both in-person and on Zoom.

Ms. Martel made **a motion to adjourn**. Mr. Carpenter **seconded the motion**.

The Commission **voted 4-0**.

The meeting adjourned at 7:47 p.m.

*Respectfully submitted by Nicole Gratton*

Appendix A: Proposed Changes to Lyndon Land Use Matrix (1 of 2 pages)

TOWN OF LYNDON ALLOWED LAND USE MATRIX						
	DISTRICT					
LAND USE	P=PERMITTED USE; C=CONDITIONAL USE					
	RURAL	RESIDENTIAL	VILLAGE &	PARK	INDUSTRIAL	COMMERCIAL
	RESIDENTIAL	NEIGHBORHOOD	MAIN			
ACCESSORY DWELLING UNIT VSA 24 § 4412 (1) (E)	P	P	P	P		P
ADULT CARE FACILITY			C			
AGRICULTURE	P	C*	C*	C*	C*	C*
ASPHALT, CEMENT, AGGREGATE PLANT					C	
BANK/FINANCIAL INSTITUTION			C			P
BAR/COCKTAIL LOUNGE/TAVERN/BREWERY			P			P
BED AND BREAKFAST	C			C		
CAMPGROUND	C					
CAR WASH			C			C
CEMETERY	C					
CHILDCARE FACILITY	C	C	C	C*		C
CHURCH	C*	C*	C*	C*	C*	C*
EXTRACTION OF EARTH RESOURCES	C				C	C
FAIRGROUNDS	C					
FORESTRY	P	C*	C*	C*	C*	C*
FUEL DISTRIBUTION/GAS STATION			C		C	C
FUNERAL HOME			C			C
HOME OCCUPATION	P	P	P	P		P
INDOOR RECREATION/ARTS/COMMUNITY FACILITY			P			P
LIGHT INDUSTRY	C				P	C
LODGING ESTABLISHMENT			P			P
LUMBER YARD					C	C
MANUFACTURING, FABRICATING, RESEARCH/TESTING LAB					C	
MEDICAL CLINIC	C		C			C
MOBILE HOME PARK	C	C				C
MOTOR VEHICLE REPAIR					C	C

MULTI-HOUSEHOLD DWELLINGS	C	C	C	C		P
OFFICE			P	C	P	P
OUTDOOR RECREATION	C					
PERSONAL WIRELESS SERVICE FACILITIES	C	C	C	C	C	C
PLANNED UNIT DEVELOPMENT	C	C	C			
PRIVATE CLUB	C		C			C
PUBLIC BUILDING OR FACILITY	C*	C*	C*	C*	C*	C*
RECREATIONAL CAMPS	P					
RESTAURANT			P			P
RETAIL STORE OR SERVICE			P			P
SALVAGE YARD					C	
SCHOOL	C*	C*	C*	C*	C*	C*
SINGLE HOUSEHOLD DWELLINGS	P	P	C	P		P
SLAUGHTERHOUSE					C	
SELF STORAGE FACILITY					P	C
TELECOMMUNICATIONS & TELEPROCESSING FAC					C	C
TRUCK TERMINAL					C	C
TWO HOUSEHOLD DWELLINGS	P	P	C	P		P
WS. STORAGE/DISTRIBUTION (NON-HAZARDOUS MATERIALS)					P	C
WS. STORAGE/DISTRIBUTION (HAZARDOUS MATERIALS)					C	
<b>* In accordance with 24 VSA Section 4413</b>						