

# Draft Minutes

## Meeting of the Middlesex Planning Commission

Wednesday, November 18, 2020  
6:00 PM

**Due to restrictions on public gatherings as a result of the COVID-19 pandemic, these hearings were held remotely via the town's Zoom account and telephone.**

### Planning Commission Members Present

Sandy Levine  
Elias Gardner  
Theo Kennedy  
Mitch Osiecki

Dick Alderman – absent

### Guests:

Clare Rock – CVRPC  
TJ Kingsbury  
Michael Levine  
Lisa Parrish  
Jane Tucker  
Kevin Thompson – joined in-progress  
Dave Smith – joined in-progress

Sandy Levine called the meeting to order at 6:03 pm.

Introductions were made and guests were welcomed to the meeting.

### **Old Business**

#### *Zoning Updates*

Sandy briefly explained to guests that the current focus of updates to the zoning regulations is to consider updates to usages in three areas: the Middlesex Village, Mixed-Use, and Industrial-West (Industrial District just west of the Village/Interstate Interchange. Future work will focus on three other

areas: clarifying vague language, administrative updates (ZBA or DRB, site plan & conditional use review), and updates to protection of natural resources.

TJ Kingsbury: Would like governing bodies to have the latitude to allow a use that is not specifically identified as a permitted or conditional use. He feels that the authorizing body should have the ability to consider emerging uses that have not yet been explicitly identified as permitted or conditional uses. He cited a grocery store or a gas station as potential uses that might be considered.

He would also like the town to consider what uses might be possible given the somewhat limited septic capacity in the area. For example, single-family dwellings typically have septic capacity of (350?) gallons per day. Professional offices and business use far less.

Theo: Asked if there is potential language that might address TJ's concern about the authorizing board's ability to consider non-specified uses.

Mitch: Other municipalities in the area have included such language in their regulations. Can provide sample language if we're interested in considering this change.

Clare Rock: Presented a brief summary of a survey results that the PC put together last month seeking feedback from the community regarding usage concerns in these three areas of town. The following summary of the discussion is brief. Full survey results will be attached to these minutes.

The survey received responses from 95 individuals; 83 respondents completed the entire survey.

Many of the questions were supported by 60% or more respondents. Positive responses sometimes reached 80% or so, which seems to indicate fairly broad support for some of the revisions we are considering.

A question about limiting retail and restaurants in the Industrial-West district is one questions where respondents were decidedly ambivalent (38% agree; 34% disagree; 28% not sure).

As envisioned in the recently updated Town Plan, we should be careful to not let uses spread too much. For example, the Town Plan expresses that the Industrial District is not intended to "compete" with the Village or Mixed-Use Districts by permitting the same types of uses. Allowing all three districts to allow the same uses would encourage sprawl.

Theo: Commented that he supports the vision of the Town Plan, but expresses that he'd be uneasy turning down potential projects if, for example, a developer strongly believes that one district in particular offers the most viable location for the project. He wants to make sure that if we limit types of development in certain districts that we do so thoughtfully and can articulate that we are limiting development for a particular reason.

Clare presented proposed changes to permitted/conditional uses in the Village, Mixed-Use and Industrial-West Districts. Clare's presentation will also be attached to these minutes.

Gas stations: might want to change to "fueling station." There seems to be the sense that the community is not strongly supportive of a gas station/convenience store near the interstate exit. Such a use could be considered as a conditional use in the Village.

Michael Levine: Commented that sales of gas really a minor part of the commercial appeal of a gas station. It's probably outdated to think of these facilities as "gas stations."

Theo: Current sense is that he'd prefer to retain the regulatory framework that would allow such a facility to be considered in the area.

Sandy: Commented that Putnamville is also currently designated as a Village District. Any use identified as a permitted or conditional use in the Middlesex Village would be subject to the same usage in Putnamville.

We should consider adding a waiver provision to dimensional standards. Should we apply that provision in the Village only? Or all districts?

Mitch: Likes the option of allowing for authorization of a waiver, but would prefer that the waiver can be considered in a public hearing by the authorizing body (ZBA or DRB, for example). Doesn't like granting the Zoning Administrator the latitude to grant waivers; this should be done openly, with interested parties granted notice and the opportunity to comment.

Also, if we allow for the provision of a waiver, we should consider limitations on such. Mitch commented that where waivers are allowed to be sought, the language usually specifies that:

- the applicant must request the smallest waiver that will allow for the requested relief; and
- there is a maximum on the waiver that can be granted.

Mitch has seen a limit as low as 10%, which is rarely helpful. For example, one town has setback of 40 feet, with the ability to request a waiver of 10%. That permits a maximum waiver of four feet. Towns sometimes allow a waiver as much as 50%. 25% might be better.

### *Industrial-West*

Should dwellings be allowed as a permitted or conditional use? Future discussion.

We might also want to consider smaller lots sizes and changes to dimensional standards. Future discussion.

### *Mixed Use*

Consideration of some newer uses. For example, a kennel (or doggy-day care) might be considered. Location near the interstate might make such a use desirable.

We might also consider senior housing. We should consider the appropriate language that might be allow desired development, but prevent unintended development.

TJ Kingsbury: Asked for clarification of the timeline for the process of updating the zoning regulations.

We'll draft proposed changes to language we're currently considering. We'll then move on to the other three sections we wish to review. Once all revisions have been incorporated into a final draft, the proposed changes will be voted on by the town.

Temporary suspension of discussion of zoning updates ...

At 7:15, Kevin Thompson joined the meeting to discuss ZA position.

Kevin described his background and qualification for the position.

Also offered some thoughts senior living facilities. Mentioned that there are a broad range of models employed, both licensed and unlicensed facilities.

Asked about availability. Offered that he currently works about 20 hours per week, so should have time to devote to the job.

Has worked a tax preparer in recent years, but is not intending to continue that practice. Works primarily as a contractor these days, so has some familiarity with zoning regulations. Comfortable doing research and finding appropriate resources.

Kevin thanked the PC for the opportunity and departed at 7:30.

At 7:30, Dave Smith joined the meeting to discuss the ZA position.

Dave described his background and qualifications for the position.

Dave has a background in journalism. In recent years, he's operated a videography service and has recently been appointed to the part-time role of assistant Town Clerk. That work typically takes up some 15 hours a week. Regular availability in the office could be an advantage. Would have to be careful about the potential for the appearance of a conflict of interest. Should not present an issue.

Dave thanked the PC and departed the meeting at 7:45.

Sandy mentioned that two other candidates had submitted letters of interest; one subsequently withdrew. The other candidate did not commit to making an appearance at tonight's meeting.

After a discussion of the candidates and a poll of members, consensus was expressed that both candidates appear well-qualified.

**Motion.** Elias moved to recommend Kevin Thompson as ZA. Mitch seconded.

Discussion: Mitch commented that the town's previous assistant Town Clerk, Maryke Gillis, was also an assistant ZA. While we have not been charged with recommending an assistant ZA, there could be some merit to once again having an assistant ZA. We may wish to revisit at a later date.

**Motion passed, 4-0.**

Back to discussion of zoning regulations ...

#### *Mixed-Use*

TJ Kingsbury: commented that he supports the possibility of expanding either permitted or conditional uses in the Mixed-Use district. He cited a self-storage facility as one such use he'd like to see allowed.

Sandy: Commented that she feels that self-storage is not an optimal use of what could be valuable space. Also feels that a dog kennel is less attractive than a boarding facility such as a doggy daycare operation.

Mixed-Use District does not explicitly state a minimum lot size. There's an implicit minimum (one structure per two acres), but there seems no harm in clarifying. We'll revisit when we address language of Article 5.4 (D).

For now, we'll hold off on addressing the ZBA having the flexibility to allow non-specified conditional uses.

Discussion of Home Occupations and/or Home Child Care. There's some ambiguity as to whether certain uses exempt from permitting and how explicitly we wish to define Home Occupations.

Mitch: Northfield has more detailed language covering Home Occupations. Will share with members in the event more discussion is useful.

Clare will put together a draft of the changes we have proposed thus far.

### *Budget Request*

The Select Board has approved our budget request.

Expectation is that the PC will pursue a MPG next fall.

In other grant news, Sandy reported that our grant request from VTrans for a pedestrian scoping study has been approved.

Mitch is finalizing the closeout of our recently-completed Municipal Planning Grant.

### **Upcoming Schedule:**

Next Meeting: Wednesday, Dec 16

Mitch advised that he has received a subdivision application that he will be referring to the Planning Commission. Do we wish to take this up at our regular December meeting, or warn a special meeting? Regular December meeting. Details to follow soon. Sandy is familiar with this application as it involves nearby property. Will likely recuse herself. Does that present an issue regarding a quorum? No, Mitch commented that in his capacity as ZA, he is only referring the matter to the PC. He will still be able to consider the application as a PC member with no conflict of interest.

Discussion of possible work on a sidewalk design.

### **Approval of Minutes:**

Minutes of Meeting of October 21. Theo moved to approve; Elias seconded. **Motion passed, 4-0.**

The PC also held a joint meeting with the Select Board on October 20. Sarah took minutes, but we should still approve them. Theo moved to approve; Elias seconded. **Motion passed, 4-0.**

### **Adjournment**

Sandy adjourned the meeting at 8:55 pm.