

Select Board Members

X__ Peter Hood, Chair
 X_ Mary Just Skinner,
Vice Chair
 X_ William Callnan
 X_ Steve Martin
 __ Liz Scharf

MINUTES

MIDDLESEX SELECT BOARD

Tuesday, September 27, 2016

5:00 PM

Middlesex Town Clerk's Office

5 Church Street

Middlesex, Vermont 05602

(802) 223-5915

MINUTES

PRESENT: Chair Peter Hood, Vice Chair Mary Just Skinner, Members Bill Callnan, and Steve Martin. Michael and Sandy Levine. Select Board Assistant Sarah Merriman.

Call to Order/Amendments

Peter welcomed Michael and Sandy and amended Doug Lombard's request on the agenda to include a larger discussion about the future of the old Fire Station.

Land Use Regulations Workshop

The Board addressed the changes to the various zoning districts proposed in the new draft of the Middlesex Land Use Regulations, paying special attention to areas of concern that had been mentioned during public hearings or in letters to the Board. **Highlighted sections** below reflect Select Board changes to the draft.

VILLAGE DISTRICT: Peter suggested limiting the size of the warehouse now permitted in the Village as a Conditional Use. The Board agreed on 25,000 sq. ft. Mary was concerned about allowing up to 10,000 sq. ft. for a retail space and whether that would open the door to big box stores. Peter and Bill noted that would be too small of a space for a big box store. Michael noted that the smallest Dollar Store was 6,000 sq. feet. **Under Conditional Uses, the Board settled on a limit of 25,000 sq. ft. for a Warehouse, up to 10,000 sq. ft. for Retail, and a limit of 4 nozzles for a Gas Station in the Village District.**

MIXED USE DISTRICT: No one objected to the changes in Permitted Uses. However, four Conditional Use changes - allowing Gas Stations, Motor Vehicle Repair Services, Retail Stores up to 2,000 square feet, and Warehouse/Storage Facilities – raised concerns. Mary opposed their additions, arguing that the public had not been sufficiently apprised of the new conditional uses and would be upset if they passed and construction began. Michael and Sandy, reiterating positions they'd expressed in a prior letter to the Board, said the Town risked legal action if the Board adopted regulations with those four conditional uses since they violated the 2013 Town Plan which had been approved by a town-wide vote.

Michael questioned whether this was the appropriate forum to address these issues and said zoning regulations could not supersede or violate the Town Plan.

Referring to the 2013 Town Plan, Sandy noted that under the section entitled Middlesex Village/Exit 9: Land Use and Development Plan (page 59), "That Plan is specifically incorporated by reference into this Town Plan."

Then, referring to the above Exit 9 Plan, she quoted its reference to the Mixed Use District on page 32: “Several categories of use should not be allowed to develop in the I-89 interchange area or north of I-89 Such uses include traveler services, including gas stations, motels, convenience stores, restaurants, large retail stores or complexes, warehouses and personal services.”

Peter suggested eliminating Gas Station, Motor Vehicle Repair Services, Retail Store up to 2,000 square feet, and a Warehouse/Storage Facility from the Conditional Uses section of the Mixed Use District. The Board could then continue with the process of adopting the remainder of the proposed zoning regulations, addressing the larger issues about the Mixed Use District later when the Town turns its attention to updating the Town Plan next year.

Bill noted most of the other changes were noncontroversial and had to do with bringing the local zoning code in compliance with more recent legislation, clarifying language and eliminating technicalities. The Board agreed this was the best approach.

INDUSTRIAL DISTRICT: The Board asked the Planning Commission to confirm whether it intended for Home Child Care have a maximum of 6, 7 or 8 children and whether that jibed with the definition of Home Child Care in Section 4.6.

The Board agreed that, under Conditional Uses, a Gas Station should be limited to 4 nozzles, Light Industry should be no larger than 25,000 feet, and Maximum Height should remain at 35 feet in the Industrial District.

RURAL RESIDENTIAL and CONSERVATION: Under Rural Residential and Conservation Density allotments, it should be Maximum, not Minimum, Overall Density.

SECTION 3.9: Under 3.9 (A) (1) (b) it should read “The building placement will better reflect the historic settlement pattern and character of the surround area **if applicable.**”

Michael noted that because Putnamville is also a Village District any zoning that applied to the Village center (such as a gas station or warehouse) would be allowed in Putnamville and he didn't think that was what residents wanted to have there. Bill said Putnamville would have no space for a gas station or warehouse as the draft regulations propose.

The Board discussed eliminating Putnamville as a Village District and agreed to deal with the issue during the Town Plan updating process.

Michael suggested that either a consultant or lawyer familiar with the latest zoning legislation review the draft before the Select Board adopts it. Peter said there wasn't money in the budget for that kind of legal review.

After the above changes are incorporated into the new regulations – including eliminating the four controversial Conditional Uses in the Mixed Use District and clarifying the number of children permitted in Home Day Care – **the Board agreed to hold another**

hearing on the update Land Use Regulations on October 25, 2016, in Town Hall.
Michael and Sandy left the meeting.

Shady Rill Park Update

The Board reviewed a September 22 email from Mike Fraysier, ANR Lands Director, stating that ANR should meet with the Town Conservation Commission and Recreation Director to develop a restoration plan for the Shady Rill Park site before delivering to the Board an estimate of costs for budgeting purposes. The Board expressed concern about the cost of the restoration process and whether that would have to be absorbed by the Town.

CVRPC Municipal Planning Grant

The Board agreed not to pursue this grant this year.

OTHER BUSINESS

- In light of a request by Doug Lombard that the Town spruce up the Old Fire Station to which his property abuts, Peter reminded the Board of its goal earlier in the year to decide what to do with the Fire Station once and for all. The Board agreed that contractors should be contacted for rough appraisals on the cost of destroying and removing the Fire Station.
- The Board reviewed an email from Town Recreation Director Mitch Osiecki re: a parent/coach purchasing new soccer goals because the ones Mitch bought for the town, in this parent/coach's opinion, were too small. The Board agreed that the ones Mitch bought were only ones for which they approve payment from Town funds. Per request for confirmation from the Town bookkeeper, the Board reiterated that they wanted the monies for those goals to come from the Discretionary Fund.
- **MOTION: Bill moved and Mary seconded approving WEC's request to construct a 7200-volt electric distribution line on East Bear Swam Road. The motion passed unanimously.**
- **MOTION: Bill moved and Mary seconded approving the 9/13/2016 Select Board Minutes. The motion passed unanimously.**
- **MOTION: Mary moved and Steve seconded approving the 9/13/2016 Minutes of the Select Board's Public Hearing on the Proposed Land Use Regulations. The motion passed unanimously.**
- All Orders were signed.
- There was no further correspondence.

- Peter commended Bill Callnan for his many years of service on the Board. Bill anticipates stepping off the Board on October 30th, though this would be his last meeting of physical attendance.

Peter adjourned the meeting at 6:33 PM

Respectfully submitted,
Sarah Merriman,

DRAFT