

Draft Minutes

Meeting of the Middlesex Planning Commission

Wednesday, January 20, 2021
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

Guests:

TJ Kingsbury, landowner
Philip Comen, resident
Kevin Thompson, Zoning Administrator
Clare Rock – CVRPC

Call to Order

Chair Sandy Levine called the meeting to order at 6:05 pm.

Introductions were made and guests were welcomed to the meeting.

CIO

~~At 7:50, the regular meeting of the Planning Commission was called to order.~~

~~Clare Rock of the CVRPC was welcomed to the meeting (and thanked for her patience!)~~

Old Business

Wrap up of proposed changes to zoning regulations (Village, Mixed-Use and Industrial-West) districts.
Review redline edits and flagged issues (highlighted in yellow) in draft completed by Clare in December. Also review memos from Clare with decision points flagged. I

Mixed-Use District

Discussion of the setbacks 25,000 square foot size limit on buildings.commercial structures.
TJ Kingsbury commented that, as a point of reference, 25k sq. ft. is about the size of the village market in Waterbury; the Shaw's store on Route 100 is closer to 50k sq. ft. Keep setbacks and size limit.

Discussion about extraction of earth resources. Some gravel exists in the district. Discussed limit to use in district. Keep as is. Can be valuable for building and septic in the district and likely not be removed from district.

Industrial – West

Clarification that we have designated the Industrial – West district as an area distinct from the Industrial District along Route 2 and Three Mile Bridge Road. We are specifying the Industrial – West as a distinct area because we'd like to see this area developed in harmony with the Mixed Use and Village Districts. We may ultimately decide that there are no significant differences between the two Industrial Districts.

Specific standards a couple of the land-use tables we wish to address:

Table 2.1 – Village

Should we consider a maximum size for commercial structure (retail/store)? Mixed-Use District has a maximum 25,000 sq. ft. floor area (can be up to three stories). As a point of reference, newly approved octagonal building approved for Planetary Matters last year is about 7,500 sq. ft.

Suggestion made that we impose same maximum in Village and Mixed-Use districts. Consensus is to specify a maximum footprint rather than a total building area. Consensus also that 25k sq. ft. maximum is reasonable and make it the same in the Mixed Use district.

Philip Comen asked if this limitation would apply to a structure or to a lot. Answer: per structure. With Site Plan/Condition Use approval, multiple "principal" structures may be permitted on a single lot in Village, Mixed-Use and Industrial Districts.

Change "retail" to "retail store" as this is how it is referred to in definition

Philip Comen asked why Agriculture is deleted. Explained that this is not regulated by zoning at all and the revised regulations will include a section on uses (like agriculture) that do not need a permit.

Discussion as to whether a school should be listed as a permitted or conditional use. ~~If s~~State law allows that a use (school) to be reviewed for site plan standards as noted in Section 4.11 on page 20. ~~can the municipality still review it and apply site plan standards. Yes, see Section 4.11 on page 20. Should be a~~ Keep as conditional use to ensure site plan review. Same for Place of Worship

Finally, reduce setback standards in Village to allow for somewhat more compact development in line with recommendations from Congress for New Urbanism.

Table 2.3 – Industrial/West

Note: for now, a new district (see earlier discussion). If this remains a distinct district from existing Industrial District, current tables will be renumbered.

Under Permitted Uses, the clause “*within an existing single family dwelling” is understood to refer specifically to permitted uses 4. Group Home, 5. Home Industry and 6. Home Occupation.

Role of housing in this district. Not usually in an Industrial district. Not appropriate as a conditional use since it doesn't have negative impacts on other uses. Keep in for now and review again after edits complete for the other industrial area.

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Keep setbacks as listed.

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Memo from Clare Rock dated December 11 lists several proposed clarifications or changes. Discussed and actions described below~~Briefly:~~

1. Agreed to recommended ~~Cleaned up of~~ definitions for Agricultural and Forestry uses.
2. Agreed to Senior Housing (broadened to include care facility, elderly housing and residential care facility). Agreed to r~~Recommendation: to~~ allow all three types of housing in Village, Mixed-Use, Medium Density Residential and Rural Residential Districts (with Conditional Use approval).
3. Gas Station – discussion of need for gas station in these districts at all. How to manage use to avoid highway-oriented sprawl that detracts from Village or draws commercial activity away from Village contrary to Town Plan requirements. Risk to drinking water if allowed in Village. Discussed clarification of definition to manage impact. Perhaps imposing size/pump limits on a facility, but not. For instance, it wouldn't make sense to allow a facility, only to regulate the use to the point that it's no longer a feasible use.. No clear agreement. Requested that Clare do some further research and provide 3 alternatives for the PC to consider including (1) allowed as a conditional use with a clearer but usable definition in the Village; (2) allowed in a limited overlay district near the park & ride; (3) something else but keep out of Mixed Use District. Recommendation: consider as a permitted use (or conditional use?) in the Village District. We'll likely have to research the practicality of imposing size/pump limits on a facility. For instance, it wouldn't make sense to allow a facility, only to regulate the use to the point that it's no longer a feasible use.

4. Gallery/Studio – agreed to recommendation ~~is~~ to clarify the distinction between a gallery/studio and a cultural facility. Allow a Gallery/Studio as a permitted use in Village and Industrial-West; allow a Cultural Facility as a conditional use in Village and Mixed-Use, and as a permitted use in Industrial-West.
5. Waiver. After discussion, agreed that we're proposing to reduce setback standards in the Village, achieve same result so perhaps no need to adjust ment of standards for a waiver at this time. Concern that a waiver that can be granted by the ZA does not allow any input from or notice to neighbors. Better to include in the standards themselves.

Other Business:

VTrans Scoping study.

No news to report – waiting for contract from Vtrans. CVRPC will administer grant for the Town.

Related: VTrans has introduced a program (discussed briefly last month) that allows for establishment of demonstration projects, for example, streetscape or traffic-calming features using “impermanent materials” as a way of helping a community test out potential features. Bump-outs and crosswalks are among the features that could temporarily constructed. Planetary Matters is under active consideration to host an initial demonstration project.

An advantage of a demonstration project is that it allows a community to try out concepts they might wish to implement someday. For example, perhaps a town isn't ready to assume control of highway right-of-way. Or VTrans might eventually modify rules, and allow certain features to be implemented without requiring town to takeover right-of-way.

Ideally, a demonstration project should probably closely approximate the vision being considered by a scoping study. But this project provides some flexibility, which can be particularly useful in helping a community test out various concepts they might wish to evaluate.

Enhanced Energy Plan

Due to the many items competing for attention, the Selectboard did not warn a public hearing in time to get the Enhanced Energy Plan on the ballot in time for Town Meeting. This item will instead be warned for November, most likely. Hopefully, Energy Committee can use the extra time for community outreach to build support for the plan.

Better Places Grant

Planetary Matters has asked the town to pursue a grant opportunity. No match required, with amounts in the \$15k - \$20k range.

Planetary Matters would like to use this grant to build one or two scenic overlooks along the Winooski River, with a longer-term goal of developing a Riverwalk.

The Selectboard is supportive of this grant opportunity. The Trails Committee has also offered support for the project.

Mitch moved that the Planning Commission offer a letter in support of this grant; Elias seconded.

Motion passed, 4-0.

Status of Subdivision Requests

ZA has approved the Payne/Ballard subdivision permit.

Manosh has not submitted a revised permit application.

Discussion of the process for warning hearings, getting official notices published, notifying appropriate parties, including approving body. Kevin and Sarah seem to have a reasonably good understanding of required steps and delegation of duties. Ideally, at least three week notice required to get all the steps completed in a timely fashion.

After the approving body renders a decision, a copy should be promptly forwarded to the Town Clerk and the ZA. The ZA will then act to approve or deny permit in accordance with that decision and notify the applicant of the decision.

Vacancy

Dick Alderman has resigned his seat on the Planning Commission. Philip Comen ~~plans to submit has submitted a the required form for his name to be on the ballot to fill the remaining 1 year of the term, letter of interest for an appointment to fill the vacancy.~~ Not certain if ~~others will seek to run to fill this office. vacancy has been formally advertised or if other residents might have interest.~~

Correspondence

TJ Kingsbury has submitted a letter offering additional thoughts on the current zoning regulation updates. PC has expressed our appreciation of his interest in this work, but will not make a formal reply. We get frequent feedback from Jim Colby, as well. It's not current our practice to formally reply to such letters ~~but to make sure that we address any of the matters raised. (1) Gas station issue addressed above. (2) dwellings in industrial district discussed above; (3) cultural center discussed above; (4) flexible standards were discussed at previous meeting & PC declined to recommend this as It fails to provide a clear standard and can lead to subjective and inconsistent application.~~

Approval of Minutes

Mitch has shared a draft of minutes of our December meeting, which combines both the two public hearings on subdivision requests, as well as our regular monthly meeting. Would be better to separate those into separate minutes. Mitch will do that in the next couple of days and we'll approve at our next meeting.

Next Meetings

Wednesday, February 17 at 6:00 pm

Wednesday, March 17 at 6:00 pm

Adjournment

Sandy adjourned the meeting at 8:50 pm.

