

TOWN OF STAMFORD
PLANNING COMMISSION
PUBLIC HEARING ON REVISION OF ZONING BYLAWS
July 27, 2020
(UNAPPROVED)

Present: Planning Commission: Aaron Malachuk, Chair, Daniel J. Potvin, Helen Fields, Jenifer Hughs, Debra Burchard, Kurt Gamari, David Saldo, John Dupras, and Annemarie Potvin (alternate). Sheila Lawrence was not present.

Visitors: Jim Sullivan, Bennington County Regional Commission.
James Stimpson, Administrative Officer.
Nancy Bushika, William Levine, Denise Rondeau
Lori Shepard, Planning Commission Secretary.

Aaron Malachuk opened the public hearing at 7:10 p.m. and opened with the Pledge of Allegiance. He explained that most of the changes were made to update the Bylaws in conformity with state law and to make them more user-friendly and easier to understand. Copies of the proposed Bylaws with the revisions highlighted were available along with copies of the zoning district map.

Jim Sullivan from the Bennington County Regional Commission was introduced. He highlighted the main changes.

Section 2.1 was updated to include the new language required by law. Section 2.2 is a new section. It allows for a small structure to be built without a permit. Nancy Bushika asked how listers would be notified and how to prevent a building being placed too close to the abutter's property line. Discussion ensued as to allowing a building that size without a permit. Ultimately, Jim Sullivan said this language is now part of state statute and the town cannot change or regulate it. He said two-thirds of this new section is required by law which is why Jim Sullivan added it when he made the updates to the Bylaws. The building permit application will be amended to reflect this.

MOTION by Dan Potvin to add the same language from section 8.6.4 into section 2.2.1 requiring the applicant to notify the Zoning Administrator in writing. SECONDED by Aaron Malachuk. All in favor. Motion APPROVED.

Nancy Bushika asked about pools. Above ground pools that are taken down for winter storage do not need a permit. Any other pool requires a permit. Jim Stimpson asked that the building permit application be revised to include pools.

Jim Sullivan noted that each district now has its own table which clearly states lot sizes, setbacks and other pertinent information. He reviewed some of the changes between each district. The rules surrounding home occupations were vague in the prior Bylaws and now home occupations have been added as a permitted use in all districts.

Section 7.2 concerning right-of-ways was debated at length at previous Planning Commission meetings. Bill Levine suggested that the consideration for access by emergency vehicles contained in section 7.2.2 be added to 7.2.1 also. John Dupras agreed with Bill Levine about long, steep driveways and also reminded the board of the prior discourse that a driveway serving two residences is fine but adding a third house would trigger a closer look at the road where public health and safety should be considered. The group discussed driveways and right of-ways.

MOTION by Aaron Malachuk to add wording similar to 7.2.2 that the Zoning Administrator should recommend that access for emergency vehicles be considered. SECONDED by Kurt Gamari. All in favor. Motion APPROVED.

Section 7.15 on Planned Unit Development is a new addition to the Bylaws. It allows landowners to cluster buildings together on land and be flexible with setback requirements within the lot, to allow for more creative and efficient development of the lot.

Nancy Bushika asked if this Bylaw includes the civil designation for enforcement. Jim Sullivan stated that Bylaws have their own provisions for enforcement and that is not necessary.

The forestry and agricultural section 8.6 is a newly added section to bring the Bylaws into conformity with state law. The definition of what constitutes farming and agriculture was discussed and whether the definition should be added to the definitions section at the beginning. Jim Stimpson said he has done a lot of research and if you have several beehives you can be considered a farmer of honey; if you are maple sugaring, your sugar house would be considered agricultural. Dan Potvin said the public should educate themselves on what is considered farming and agriculture and what structures will be allowed; it is not up to the town to babysit people.

Variations should be extremely rare and only granted when the owner cannot make any reasonable use of the property without the variance. Towns often grant variances when a building cannot meet the setback requirements, but they should be granting waivers instead. Section 8.8 is a new section that would allow the Administrative Officer the ability to grant a waiver for structures that meet the dimensional requirements in the section. Jim Stimpson felt the difference between variances and waivers is important.

Nancy Bushika asked about whether the notice requirements for hearings were the same as posting under the open meeting law or if they required publication in the newspaper. Jim Sullivan said we would have to check the statute for proper notice requirements.

Our prior Bylaws had a section outlining the duties of the Administrative Officer and the Zoning Board of Adjustment but did not have information on the role of the Planning Commission so Jim Sullivan added Section 9.5 to describe the Planning Commission's duties.

MOTION by Dan Potvin to accept the Zoning Bylaws as written with the minor changes made at tonight's public hearing. SECONDED by Jenifer Hughs. All in favor. Motion APPROVED.

Dan Potvin stated that the board has received accusations that they are not operating under the open meeting laws and asked Jim Sullivan if he felt tonight's meeting met the rules of the law. Jim Sullivan said the terms have been liberalized under the declared state of emergency and he felt tonight's meeting met the requirements of the open meeting law.

MOTION by Aaron Malachuk to adjourn the public hearing. SECONDED by Dan Potvin. All in favor. Motion APPROVED. The public hearing was adjourned at 8:57 p.m.

Helen Fields,
Planning Commission Clerk

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