



# Town of Mount Holly Planning Commission

## **Town Office & Remote Electronic – Regular Meeting**

Wednesday August 16, 2023

7:00 P.M.

Commission members present: Jon McCann (Chair), Andrew Schulz (Secretary), Brigid Sullivan.

Also present: Faith Tempest (Clerk), Joe DiGiovanni (via zoom)

1. Chair called the meeting to order at 7.16pm
2. **Changes to agenda:** None
3. **Approval of minutes:** For the minutes of the Special meeting held on August 2<sup>nd</sup>, Commissioner Sullivan asked for a correction of the minimum parcel size for eligibility for the current use program, and with that correction the minutes were approved unanimously For the minutes of the Regular meeting held on July 19<sup>th</sup> minutes were approved unanimously.
4. **Reports & Announcements**
  - a. **Administrative Officer:**
    - i. BCR has been received from:
      - Schaeffer 4163 VT Rte 155 for a 30'x30' barn. The AO sought further information on the location within the parcel; the initial proposed location was in the Flood Hazard Area/River Corridor. Following discussion with the property owner the location was changed, although preliminary work had already been completed. The AO proposed that the BCR form should be revised to ensure that property owners are aware of the need for compliance with the Town's FHA/RC bylaw; there is already a statement on the form that property owners should ensure they are in compliance with State requirements, including for FHAs. Commissioner Schulz proposed that the guide to property owners is also handed out with the BCR form. Chair noted that it would be the responsibility of the applicant to declare that the construction is not within the FHA/RC. Commissioner Schulz noted three issues to be considered: whether the BCR should state that there are other laws to be complied with; whether to include a question in the BCR as to whether the construction is within a FHA/RC; and lastly if there is a need for a permit how this should be clarified to the property owner. The Commission agreed to discuss this issue further at the next meeting.
    - ii. AO met with Stephen Michel (a member of the Board of Adjustment) who was concerned that FHA/RC permit application asks for

## Town of Mount Holly Planning Commission

information which was difficult to find, specifically the names and addresses of neighboring properties. The AO suggested adding hyperlinks to this form and noting that the information is available in the land records kiosk in the Town Office. Commissioner Schulz asked what hyperlinks. AO proposed ANR records. Chair noted that ANR maps are out of date and since the Town does not make public online the tax maps or Grand List, the only way to get the information is at the Town Office. Commissioner Schulz asked why this information is needed in connection with the FHA/RC permit application. Chair clarified that if there is a public hearing then all interested parties need to be notified, and that, in our case, the notifications must be sent by the AO, not by the applicant. As such, Chair noted that, at the time of the initial application, permit applicants should provide all information that will be required in the event that a hearing is necessary. Commissioner Schulz asked about a two-stage process - with the information on abutters provided later only if there is a need for a hearing. Chair explained that once an application is deemed to be complete, the Town has a limited time to ensure the permitting process is followed fully and correctly, so if the applicant has not already provided the neighboring property owners information, and then is tardy in supplying the information when it is needed, the Town could be rendered unable to follow the correct process. Commissioner Sullivan noted that there is a perception that since there is no zoning there are no rules to comply with and so it is difficult to get people to consider this. Commissioner Schulz noted that applicants can come into the town office for this information. Chair noted that other towns, including Ludlow, have this information online (<https://next.axisgis.com/LudlowVT/>). With one click you can generate mailing labels for abutters. For now, someone will have to ask the listers to help them.

### **b. Planning Commission Chair**

- i. The Chair noted that there had been a positive community meeting earlier in the evening with Michael Allen regarding the proposed Belmont Village plan. There is potentially good support for a community wastewater system.

## **5. Correspondence**

- a. Subdivision proposals: none
- b. Email / Other: none

## **6. New business**

- a. Resolution in support of Municipal Planning Grant: this was discussed at the Select Board meeting of August 8<sup>th</sup>, with proposals being sought for fiscal year 24. Chair noted that the proposed Belmont Village Plan and associated work were funded through an MPG, which has proved useful. The Chair suggested that an MPG could be utilized to undertake a housing needs assessment: there are concerns regarding availability of housing in the Town; the Select Board appears to be considering the

## Town of Mount Holly Planning Commission

potential for regulation of Short-Term Rentals which would require a housing study. Chair proposed to the Select Board that this could be the focus of an MPG. It is important for the PC to support the application. Commissioner Schulz noted that more information is useful for making decisions in the future. Commissioner Schulz moved that the PC resolves to support the Select Board's application for an MPG to support a Housing Needs assessment. Commissioner Sullivan seconded the motion, which passed unanimously.

- b. Camper ordinance discussion: This was referred by the Select Board to the PC. Chair asked VLCT for an opinion on what authority the Town has to regulate this issue. There is a distinction between bylaws (which refer to land use) and ordinances (which refer to police powers of the municipality including public safety and health). VLCT advised that there is no authority for making a bylaw in relation to campgrounds unless it is derived from zoning laws. The only option is to use the Town's police powers. In relation to campgrounds, VLCT said the only ordinance authority that appears to be applicable in this situation is the town's nuisance authority – see [24V.S.A. § 2291\(14\)](#). – e.g. noise, or to health and safety issues, and that there would need to be a clear demonstration of the harm to be addressed. Commissioner Schulz noted that any ordinance could be crafted to prevent harm – e.g., health, lighting, etc.; Commissioner Sullivan also suggested setbacks but Chair and Commissioner Schulz suggested that would come under the auspices of zoning, unless it could be shown that setback was necessary for health and safety reasons. Chair noted that policies related to driveways and access to town roads and state highways may be part of the rationale, but that there is no such policy in the Town and so this could not be used. Clerk noted that the Select Board's main concern seemed to be taxation questions related to year-round occupation of campers. Commissioner Schulz noted that there is a tax system in place with the property owner being the taxable entity. He proposed that the Select Board consult with the Town attorney on the Issue. Chair agreed that he might make one more inquiry with VLCT and prepare a response to the Select Board.
- c. Update “Information for Homeowners” guide. Chair and Commissioner Schulz have proposed updates, including how to address issues raised in item 4.a.i above. Discussion on this item is tabled until the next meeting. Chair will share a draft before the next meeting.

### **7. Unfinished business**

- a. Town Plan: the main updates are to the maps. The Transportation map has been updated for clarity. The Wildlife Habitat and Connectors map has been updated to show a more understandable legend. Commissioner Schulz asked if maps should show the source of the data. Chair noted that he has seen some do that, but it would be clearer as an appendix to the plan rather than on the maps themselves. The Facilities and Utilities map has been updated. Chair noted that the data

## Town of Mount Holly Planning Commission

for this comes from E911 data. The Current Land Use map has been updated to show which land is in the state's use value program as of this year, and structures have been added. Chair shared a first draft of the Future Land Use map, based on Arrowwood report data and recent orthographic maps, with a base of river corridors and flood hazard areas, and additional layers added (e.g., farms, mixed use, etc.). The legend has a number of categories which will require explanation in the text. One land use type that was intentionally left out is commercial, in part because commercial uses are so dispersed and also because most areas are actually mixed use. There are some areas marked which show land which could be important to the town in the future (e.g., sandy soils with potential for community wastewater). Chair will circulate the maps to PC members for further discussion at the working meeting. The Future Land Use map (and associated text) is one of the last outstanding issues.

8. Public comments: None
9. Upcoming meetings: Next special meeting September 6th 2023, 7.00pm. Next regular meeting September 20th 2023, 7.00pm.
10. Chair adjourned the meeting at 9:25pm

For the Commission,

Faith Tempest, Planning Commission Clerk

In draft form until approved on 16<sup>th</sup> August, 2023