

Glastenbury Planning/Zoning Board Minutes

August 19, 2020

Attending: Board Members Cinda Morse, Chair; Michael White; Mike Gardner; and Jerry Mattison. Also attending Jim Henderson ZA BCRC; Catherine Bryars, BCRC; Ricky Harrington, Glastenbury Town Supervisor; and Members of the Public Travis Buttle, Andrew Hunt, and Robert Scott.

Due to the Coronavirus Emergency Order in effect in Vermont, this meeting was held by ZOOM. The meeting was called to order at 5:05 pm by Chair Cinda Morse

The agenda was reviewed including the process for approving the proposed Zoning Bylaw updates.

At 5:15 the Public Hearing for the Glastenbury Zoning Bylaw Amendment was opened. Jim Henderson reviewed the Vermont Land Use Bylaw Adoption Tool which details the process for updating Zoning Bylaws. Jim also reviewed the Hearing Notice process for this hearing. Catherine Bryars provided a summary of changes to the Bylaw to be considered at this hearing. Substantive changes include:

- The old section 8 on Telecommunications was removed as this is now covered by the State
- A new section 4.3.6 Non-commercial third party use of private property has been added
- Uses not specifically allowed in the Bylaw are not permitted.

“Housekeeping” changes include:

- Changing the name of the Zoning Board to the Development Review Board (DRB)
- Changing all references to the Zoning Administrator to Administrative Officer

The Hearing then shifted to public comments as follows:

- Request for clarification of how the permit process would work related to the new section 4.3.6
- Concerns that the permit process would be lengthy and make it difficult for more spontaneous third-party use. Example: a Veterans support group that uses getting veterans outside hunting and fishing as a mental health support lowering the risk of veteran suicide.
- The definition of “non-commercial third-party” use was challenged suggesting that as written anyone going to Fayeville or walking their dog would need a permit.
- Permit process would be burdensome and lengthy.
- Enforcement of 4.3.6 would be difficult and it is unclear who would do it.

- The constitutionality of Section 4.3.6 was challenged noting that hunting and fishing on lands not legally posted is allowed and that such activity cannot be regulated. It was noted by Catherine that 4.3.6 does not prohibit or regulate hunting and/or fishing.
- It was suggested that 4.3.6 constituted spot zoning and was designed to target one property owner. Jim clarified the definition of spot zoning and noted that 4.3.6 applies to all of Glastenbury not a particular property.
- Two participants strongly recommended deleting section 4.3.6.
- Questions regarding the use of legal counsel in the bylaw update process were responded to stating the Board had used counsel and that the final draft of the Bylaw being presented had been reviewed.
- The board was questioned as to the process of appointing members to the Planning/Zoning noting that because Glastenbury is an unincorporated town, the process is a bit different. BCRC is designated the Planning/Zoning body. Names suggested are reviewed then presented to the Glastenbury Town Supervisor (currently Rickey Harrington) for approval.
- No written comments were received

The public Hearing was closed at 6:30 pm.

A meeting to discuss the public comments will be set for the soonest possible date and all present for this meeting will be notified as well as posting appropriate notice of the meeting.

Cinda reviewed the Town Plan renewal process that will be followed. The current Town Plan has an expiration date of mid-November 2020. Because of the State's Emergency Order still in effect, the current Town Plan will remain in effect for the foreseeable future. We will have the length of the Emergency Order after it is discontinued to get the Town Plan updated. The initial internal review process at BCRC has already been completed and needed updates are known. The Planning/Zoning/DRB expects to start their review once the Zoning Bylaw is approved. We are anticipating October 2020 at this time.

Meeting adjourned at 6:46 with a motion made by Jerry M. seconded by Mike W.

Submitted by Cinda Morse, Chair