



TOWN OF WILLISTON
Planning Commission Minutes
June 3, 2014 - 7:00 P.M.

Williston Planning Conference Room

MEMBERS PRESENT: Jake Mathon, Kevin Batson, Paul Laska, Shannon Hiltner, Tom Walsh, Michael Alvanos, Meghan Cope, Planning Commission Members; Ken Belliveau and Matt Boulanger, planning staff.

1) CALL TO ORDER

Jake Mathon called the meeting to order at 7:03 PM.

2) DISCUSSION OF PROPOSED LAKE IROQUOIS LAKESHORE PROTECTION STANDARDS

Ken Belliveau updated the group on the progress of the state shoreline protection legislation, which has passed and will go into effect on July 1. Belliveau summarized the town's progress toward adopting local requirements as a part of the Williston Development Bylaw (WDB). Belliveau distributed proposed language amending several WDB chapters, including chapters related to nonconforming structures, watershed protection, and standards for development within the Agricultural Rural/Residential Zoning District (ARZD), which completely contains Williston's portion of Lake Iroquois. Belliveau distributed a map of the lake showing the 250-foot "shoreland protection area" adopted by the state as well as the 100-foot state-mandated setback for new structures. Belliveau explained the state standards related to clearing, impervious surfaces, and new development. Existing structures will be allowed to be expanded, with some limitations, under the new state law.

Belliveau clarified the definition of "impervious," as it relates to the state law limitations on new and expanded impervious surfaces.

Jackie Washburn asked if a state permit would be required before the town issues a permit. Belliveau said that the town would require a state permit or a letter from the state saying that the project is exempt.

Belliveau explained that the proposal at the town level would be to reduce the town's 150-foot setback for new structures to 100 feet, in alignment with the new state standards.

Belliveau explained that the new state rules allow particular nonconforming structures to be modified, but that state law uses the modifier "habitable," which suggests that expanding an existing garage within the 100-foot setback would not be allowable under state law.

Belliveau reviewed the proposed changes to the WDB. In Chapter 2, the language relating to the expansion of nonconforming structures would be modified to allow nonconforming structures, even those that are completely within the lakeshore setback, to expand. The

change to Chapter 2 will point to specific standards for expansion in Chapter 31, the ARZD zone chapter.

Chapter 29, Watershed Health, is proposed to be edited to describe a new area called the Lake Iroquois Shoreland Protection Area (LISPA) containing all lands within 250 feet of the lake and describing the 100-foot setback for new structures and pointing to the language in WDB 31 related to the modification of existing nonconforming structures.

Chapter 31 would be amended to include specific standards for development proposed within the LISPA.

31.3.1 would establish a reduced height limit of 30 feet above average finished grade for all new structures. 31.3.4.1 would require submission of a state permit, 31.3.4.2 would require a 100-foot setback for new structures.

31.3.4.3 would require the expansion of nonconforming structures to meet state standards.

31.3.4.4 would limit the expansion of the footprint of existing structures by 20%. Meghan Cope asked if the standard would include decks. Belliveau said that adding a deck would constitute an expansion, but a patio would not (even though a patio might have to get a state permit to expand impervious surface).

31.3.4.5 would require applications for expansions (size or number of bedrooms) to include evidence that the septic system on the property is in compliance with current state standards (i.e., the system could be permitted under current standards if it was proposed at the time of the application for the Administrative Permit. This is stricter than what is or will be required by the state.

Chris Conant asked how it would work if there was an older system that did meet current standards. Belliveau said he would accept a letter from DEC to that effect.

Susan Donnis asked if adding a deck to a nonconforming structure would trigger the requirement to upgrade the septic system.

Meghan Cope recommended changing “floor area” to “footprint” throughout the proposed changes for consistency. Belliveau said that he would make those edits.

Chris Conant asked about the relinquishment of local control over the process to the state. Conant asked why the town would or would not want to take on local administration of the state shoreline protection standards. Belliveau said that there is a parallel to septic system permitting, which municipalities can take over from the state if they decide to. Meghan Cope said that state regulations should be more fair over time as they are applied by a larger organization. Conant said that he was concerned about adding another level of process, time, and expense to permitting on the lake. Conant said that he appreciates being able to walk in the door at town hall in Williston and have direct access to staff locally. Ken Belliveau said that once the rules are promulgated by the state, it may be easier for the staff to determine what it would take for the town to administer the state program locally.

Chris Conant asked what the town's timeframe for adopting the LISPA is. Belliveau said that it was his hope that the next meeting on the LISPA would be a public hearing of the planning commission, to be followed by a hearing of the Selectboard and adoption.

31.3.4.6 would allow the relocation of nonconforming structures away from the lake, but only if best practices for stormwater are employed on the property.

Henri DeMarne said that he would like to see the town retain local control of the state permitting process. There was general agreement among the Lake Iroquois property owners to encourage the town to take on the state permitting program.

The group discussed how building height and average finished grade are calculated. The group discussed the height restriction for the LISPA. Belliveau said that he wasn't sure that even the 30-foot limit as proposed would limit building scale. David Horn proposed 32 feet as a limit. The group consensus was to stay with the proposed 30-foot limit.

Jackie Washburn asked how the "20% footprint expansion" rule would impact a "raze and rebuild" project. Belliveau said that you would be able to raze the structure and build a new structure with a footprint up to 20% larger. Tom Walsh asked about subsequent 20% additions. Belliveau said that he would look at language that would limit subsequent additions to nonconforming structures, for example, limiting additions to 20% of the footprint of the nonconforming structure as it was at the time of the adoption of the requirements.

Jake Mathon asked if there was further comment or if the board wished to vote to set the proposed changes to a public hearing of the commission, with revisions as discussed. On a motion made by Meghan Cope and seconded Shannon Hiltner by the commission voted 7-0 to set the proposed changes to the WDB related to shoreline protection on Lake Iroquois to a public hearing.

3) MAY 20, 2014 MINUTES

On a motion made by Meghan Cope and seconded by Shannon Hiltner, the commission members voted XXX to approve the minutes of May 20, 2014 with the following changes:

- Add Tom Walsh to the list of members in attendance.
- Add a question mark after "market rate units" in paragraph 3

The meeting adjourned at 8:50 PM.