

**TOWN OF NORTHFIELD, VERMONT
PUBLIC HEARING OF THE
PLANNING COMMISSION
Minutes of December 6, 2023**

**6:30 pm at Brown Public Library Community Room
(also available remotely via Town GoToMeeting Account)**

The meeting was called to order at 6:30 pm by Chair Steve Fitzhugh.

Roll Call: Present for the meeting were Planning Commission members Steve Fitzhugh, Steve Davis, Royal DeLegge, and Julie Lappin. Blake Pierson was absent. Clerk Mitch Osiecki was also present.

Others in attendance were Tom Davis, Economic Development Director; Wally McLean, resident; Lydia Petty, Select Board; Carolyn Stevens, NCDN; Colin Bright, resident; John Stevens, Select Board; Phil Sussman, resident; Julie Sussman, resident; Merry Shernock, Select Board; Danielle Pelczarski, Norwich University; and JuliBeth Hinds, Birchline Planning.

Julie Lappin, Merry Shernock, Danielle Pelczarski, and JuliBeth Hinds joined the meeting remotely via GoToMeeting; all others attended in person at the Community Room.

Welcome of Guests

Steve Fitzhugh made introductions and welcomed guests to the meeting. Steve made some brief remarks explaining the purpose for this Public Hearing, which is to accept comments on the current draft of revisions to the Northfield Zoning Regulations.

JuliBeth Hinds of Birchline Planning also made some introductory remarks on the current draft of the Zoning Regulation document. The focus of the work to this point has been to reorganize the document for better readability; add several tables to make it clear what types of review are required for various projects and what types of development are appropriate in various zoning districts around town; clean up deficient language where needed to conform with state statutes; and to greatly revamp the definitions section of the document.

JuliBeth stated her hope that the current draft is a modernized document that lays the groundwork for future amendments to the Zoning Regulations that support goals articulated in the Town Plan.

The goal of the Planning Commission is to offer a set of regulations that are consistent and workable. The expectation is that there will be outreach from the Planning Commission about further adjustments to various aspects of the Zoning Regulations.

Mitch noted that in advance of tonight's Public Hearing, the PC received written comments from four individuals. Printed copies of those comments have been made available to attendees of this Public Hearing. Copies of comments ahead of tonight's Public Hearing will be attached to the meeting minutes.

Question from Carolyn Stevens: Are additional hearings planned?

Response: Not necessarily. At some point, the PC will vote to approve a final draft of the Zoning Regulations. From there, the Select Board will be required to warn a Public Hearing of the Zoning Regulations. Based on feedback from that hearing, the Select Board may revise the Zoning Regulations. If those revisions are deemed "substantial," the Regulations will be returned to the PC, which will be required to repeat the Public Hearing process. If revisions made by the Select Board are not substantial, the Select Board will formally vote to approve the Zoning Regulations at a subsequent, warned meeting of the Select Board.

Question from Lydia Petty: Are there any open items the PC plans to address?

Response: Yes, the PC anticipates having further discussions about things like setbacks, lot sizes, etc. in various districts.

Mitch added that the PC is aware of support from several groups concerned with adding protection of the Town Forest. The PC expects to revisit this issue and examine the pros and cons of various solutions. The PC hopes to recommend a solution that the Select Board will also support.

Comment from Wally McLean: Wally stated that he supports the idea of a Low-Density Zoning District but believes that there are rural areas in the town that can adequately support greater housing density than the current minimum lot size of 5-acres. He supports the idea of greater housing density (smaller lot sizes) where appropriate.

Comments from Colin Bright: Expressed some general concerns about several sections of the draft regulations, including:

Section 2.7 – Conceptual Discussion

Section 2.15.12 – Planned Unit Development (PUD)

Table C – Table of Uses

Would like to ensure clarity regarding short term rentals and regulatory review of such use.

Section 6.0 – Sign Regulations

- Would like to see better guidance on lighting standards.
- Additional Conditions – suggests greater specificity would be useful.

- Prohibition of intermittent lighting – believes newer technology might make this difficult to enforce.

Response: There have been no substantial changes to specific language on sign regulations.

Comment from John Stevens: Supports protection of the Town Forest. Likes the idea of making the Town Forest a separate Zoning District.

Comment from Mery Shernock: Would like to give some additional thought to changing minimum lot sizes if there is no need to enact changes in a hurry.

Comment from Tom Davis: As part of ongoing revitalization efforts, Northfield has applied for a Downtown Designation from the Vermont Department of Housing and Community Development. Revised, modernized zoning regulations are an important element of this application, so Tom would prefer to see zoning regulations completed as soon as is practical.

Question from Carolyn Stevens: What is the process for amending regulations?

Response: The process is much like the current process for updating regulations: a) the PC holds a Public Hearing on the proposed amendments; b) the PC votes to approve the amendments; c) the Select Board holds its own Public Hearing on the proposed amendments; d) the Select Board then votes to approve the amendments.

Mitch added that the floodplain regulations in the current draft of the Zoning Regulations are identical to the current floodplain regulations. The reason for this is that the Department of Environmental Conservation (DEC) is currently updating floodplain maps of the Central Vermont watershed. On the advice of the Central Vermont Regional Planning Commission, we are leaving the existing floodplain regulations in place pending completion of the watershed mapping process. The PC anticipates proposing an amendment of the Zoning Regulations some time in 2024 to update the floodplain regulations.

It's certainly possible that the PC could propose additional amendments at the same time as the floodplain regulations are amended.

Mitch noted that JuliBeth Hinds is available only until about 7:00 pm and invited her to make any final comments before departing.

JuliBeth confirmed that the process for amending bylaws is essentially the same process as the one we're currently undertaking.

Steve thanked JuliBeth for taking the time to join the hearing and for her work on this project.

JuliBeth left the hearing at 7:00.

Steve Fitzhugh asked if there were any further comments. None were offered.

Motion: Steve Davis moved to close the Public Hearing. Royal DeLegge seconded.

Vote to approve: 4-0.

The Hearing was closed at 7:03 pm.

Note: The posted agenda for this Public Hearing included notice of the Planning Commission's regular monthly meeting to follow shortly after the conclusion of the Public Hearing.

Unfortunately, there was confusion whether the announced meeting should be open to the public, or a closed "deliberative session" of the Planning Commission.

After some brief discussion to consider alternatives, the PC decided to re-warn the follow-up meeting as a public meeting of the Planning Commission.

Respectfully submitted,

Mitch Osiecki
Planning Commission Clerk

Comments: PC Draft of Northfield Zoning Bylaws for 2023

L. Hill-Eubanks 12 4 2023

Note: I live in the Low Density Residential District in a very old farmhouse.

1. The Draft Bylaws Are Generally an Improvement over the Previous Bylaws

Overall, the draft bylaws are an improvement over the former version. The draft is clearer and easier to read, and incorporates those things now required by law, such as allowing 2-unit dwellings in any zones where 1-unit dwelling units are allowed, and allowing Accessory Dwelling Units (dwellings smaller than the primary house on the lot) on all lots that have a 1-unit (single-family) dwelling. It also now includes some protections for water bodies (river corridors, wetlands, etc.) which are sorely needed to protect water quality, wildlife habitat, and to mitigate flooding and destruction of property. The bylaws further add criteria that could lessen the impacts of development on natural resources through new site plan standards, and by adding standards to protect surrounding areas from the potential impacts caused by more intense uses such as gravel pits. I was also happy to see the current (2016) Flood Hazard Area regulations still included in this draft. If the FHA regulations are ultimately changed, and as flooding becomes more common and more destructive, my hope is that the new regulations will continue to offer at least the robust protections that they do now.

2. But the Bylaws Should Not Encourage Increased Development in the Town's Rural Areas

What the bylaws do not do well is something that the Town Plan (which is the basis for the bylaws) had called for: 1) to guide future growth and development in such a way as to concentrate it in the areas that have traditionally been developed--such as the areas in and around the villages that have the infrastructure to support that growth (public sewer and water, utilities, paved roads, sidewalks, etc.); and 2) to protect the natural resources and special character of the town's more rural areas. (Policies generally referred to as "smart growth.") Currently, the town's significant rural areas are all included in one zone: the Low Density Residential (LDR) district. This district includes open space, agricultural fields, large forest blocks, mountainsides and ridgelines, rivers and streams, important wildlife habitat, and many other natural features that make up the great and varied rural landscape that we all enjoy and rely on in many ways.

But the draft bylaws seem to encourage "not so smart growth," by changing the current zoning to allow for smaller lots, and with more housing units per lot than would seem appropriate for the rural area that makes up the LDR district. I understand the need for more housing, but increased levels of development should take place where there is infrastructure to support it, and not where it will have the greatest adverse impacts on the rural areas and their resources, while also costing more to provide services there. In addition, as a former chair/member of the Planning Commission, the one thing we heard loud and clear as we wrote the Town Plan, was that Northfield wanted to keep the village areas alive and thriving. And to accomplish that, more development was desired in those village areas, and not in the more rural areas.

As the Town Plan states (excerpts at p. 46):

Northfield is seeking to encourage a greater diversity of housing options (apartments, townhouse/condo units, cottage/small homes, accessory dwellings, etc.) in and between Northfield Village and Northfield Falls in order to make it possible for households of various sizes, ages and income levels to live in town.

This plan calls for most new housing to be located in and between Northfield Village and Northfield Falls where it can be supported by existing infrastructure and further other objectives and policies of this plan.

Dispersed, low-density, rural housing costs more to service than compact, centrally located housing and increases the amount of infrastructure that must be maintained. Often such residential properties pay less in taxes than it costs to provide them with municipal and educational services, increasing the tax burden on all property owners in town. Northfield is seeking to discourage the continued expansion of housing into remote areas of town, particularly those not currently served by public roads and utilities.

The current (2016) bylaws require a 5-acre minimum lot size for 1-unit and 2-unit dwellings. But the new bylaws change that standard to allow for smaller (2-acre minimum) building lots, and would add a new allowance for larger (3-unit and 4-unit) dwellings. This seems to encourage more development in the rural areas, something the town had sought to discourage. These areas have no public sewer or water and are largely served by unpaved dirt roads. Conditions there make development in this area more expensive, with more detrimental impacts, and with higher costs to the town to provide services. By changing the entire district to a 2-acre lot minimum, it seems as if not much thought was given as to where increased development should and should not take place, even within this district.

Increased development in the LDR district will create more traffic on unpaved roads, whose maintenance and quality the town can barely keep up with or afford as it is now. Services in general (such as emergency and law enforcement), will be more difficult to provide in remote areas. And utilities must sometimes be upgraded to serve new housing. This all costs more money, which the town's residents have thus far not always been so happy to provide.

The LDR district should be given much more attention before such a drastic change, if any, is made to such a large rural area. My suggestion would be to leave the LDR as it is for now: 5-acre minimum building lot that allows for 1- and 2-unit dwellings and Accessory Dwelling Units. I understand the zoning is taking a great deal of time and effort and there is a push to get it done, but the draft bylaws may reflect a rush to finish that could result in unnecessary impacts. A more thoughtful approach would be to take the time to look at the different areas and conditions around the LDR (and other districts) to see where new development, and types of development, might occur before making further zoning changes. Any changes that are ultimately deemed desirable, could be made now or by subsequent amendments to the bylaws.

For example: The current LDR area could include added districts for forestry, conservation, and/or recreation in those areas with important natural resources that should be protected, and that are not so appropriate for development, (such as ridgelines and steep slopes, large intact forest blocks that provide forest resources and wildlife habitat, and important town resources, such as the Town Forest). There may be areas that could support more housing, such as along paved roads with utilities in place and soils that would support water and septic, and that would lessen impacts to natural resources and rural esthetics. These areas could be zoned separately within the current LDR district area. But the rural areas need more consideration, and potentially protections, than they are being given in the draft bylaws.

This is a time to think more seriously about zoning that balances the need for people to have a place to live well, while also protecting the natural resources that we need to sustain life. This can be a difficult balance to achieve. But climate change and loss of open and natural spaces is already causing impacts we can see and experience, such as flooding, deadly and drying heat, species extinctions, and more. Before deciding on changes to zoning for our land use areas, we should be looking closely at new development and the impacts, both good and bad, that it can have on people and their environment.

3. Protections for the Town Forest: A Special Plea

Several years ago, and as a former member of the Conservation Commission, I worked on a project to purchase and add the summit of Paine Mountain to the Northfield Town Forest. At the time, the summit had been owned by TDS Telecom. The summit and the entire Town Forest offer great benefits to the people (and wildlife) of Northfield and beyond. It's part of a large continuous forest block that provides important wildlife habitat, watershed protections, climate change mitigation (trees), nature-based recreational opportunities, and beautiful scenery.

As the summit project progressed, more and more community members got involved to see it through. Some of the people that worked on it are current and former town Conservation Commission and Select Board members. More than two years and countless volunteer hours were spent on the project, which was finally completed in 2018 after a successful Town Meeting Day vote and lots of fundraising. And the addition of the summit had a snowball effect, as even more community members have put in additional time and effort (and love) into making the Town Forest one of Northfield's most valued resources.

But the one thing we have not yet accomplished is to provide long-term protections for the Town Forest. Considering all the investment of money, time, and energy (and love) that has gone into the Town Forest up until now, it's time to ensure that it remains intact for all of us, now and into the future. There are two ways to do this: Place a Conservation Easement on the land, which will conserve it forever; or create a new zoning district that would allow for only forestry, conservation, and recreational uses--as it is currently used. As it stands, the Town Forest is now included in the Low Density Residential district, which leaves its fate open.

Ultimately, the Town Forest should be placed under a Conservation Easement. This would forever protect the land and its natural resources--and all the other things we love about it. Some of us tried to get this type of protection in place previously, but were unsuccessful, mostly due to the opposition of some former members of the Select Board (as is their prerogative). I'm hopeful that the new iteration of the Board will see the need for this step and finally get it done (for which many of us would be eternally grateful).

In the meantime, the Planning Commission and Select Board could start protecting the Town Forest by zoning it as a separate district for conservation/forestry/recreation. This would prevent (for now) any types of development that are not in keeping with the purposes of a Town Forest. Until a conservation easement is put in place, a zoning district for the Town Forest would go a long way toward giving it some of the protections (and love) that it deserves.

Comments on Draft Zoning Regulations – Charlie Morse, Select Board Member

From: cassie and charlie <clmorse@tds.net>

Date: December 4, 2023 at 5:21:54 PM EST

To: stephen fitzhugh <sfitzhugh@northfield.vt.us>

Subject: A few thoughts about the proposed zoning regs

Forwarding comments by a former member of the Planning Commission

Would like the document tracked changes.

2.6.1 Certificate of Occupancy requires the ZA to issue a C.O. prior to use. We have a part time ZA who also acts as Health Officer, I believe a working day time stamp should be included or C.O. is provisionally granted until the ZA can act.

2.3.1. Needs to include electric (unlanded mobiles homes need a permit issued by the electric department)

15.8. Mobiles home nonporous pads plus an outdoor hose bib. Nonporous would mean cement when many have crushed stone which is porous. Hose connections require a frost-free hydrant when most mobile homes use the underside of the mobile home for the hose connection.

Retaining walls -- I hope I can steer Northfield from getting into retaining walls. I will read this again.

Page 79 5.19. A carboy holds 300 gallons; 55-gallon drums exist and easily void this requirement. Suggest any amount of oil stored on the property in excess of 500 gallons be stored with state federal guidelines to protect against spillage.

Page 71 Site plan is going to require permanently installed bike racks in all non-residential and multifamily residences. Winter will kill those. And what of charging stations, why not include charging stations?

Comments on Draft Zoning Regulations – Ruth Ruttenberg

Forwarding comments by a former member of the Planning Commission

On Dec 1, 2023, at 12:44 PM, Ruth <rruttenberg@tds.net> wrote:

Hi Charlie. Below are just a few major concerns.

1. I think it's wrong to reduce low density residential from 5-acre minimum lot sizes to 2. The state guidelines are to put new housing where there is already infrastructure. Extra traffic on our dirt roads in mud season? Rural nature of the environment?

2. Why does the town forest persist in low density residential with no protections. While an easement would be preferable, so would a special zone.

3. There should be language about providing pervious surfaces in any development -- like trees planted in parking lots and along sidewalks or other environmental considerations. At the time of permitting, land owners should be provided with information about flood plains and wildlife corridors, so that they can build with better information.

4. I think the town should consider a registry for short-term rentals. They are increasing quickly by many estimates and we should decide our policy on them as we work to increase long-term rentals and sale properties.

Thanks for considering.

Ruth

MEMO

To: Northfield Select Board
Northfield Planning Commission

Received 12/6/2023

From: Deborah Zuaro, Chair, Northfield VOREC Implementation
Committee, Conservation Commission member and former
Chair

Subject: Proposed Change in Zoning Bylaws

I would like to express my support for the creation of a separate zoning district to support forestry, conservation, and recreation so that our town forest does not simply languish unprotected in the Low-Density Residential district.

We had hoped that the Planning Commission would acknowledge the Conservation Commission's request to place the Town Forest in a separate district. At minimum, we hoped to discuss this with the Planning Commission.

Over the past five years I have championed the town forest to secure grant support for stewardship and wayfinding. Our townspeople value this recreational asset. People travel to Northfield for the skiing and biking in our town forest backyard.

If we take the small step of zoning this precious resource appropriately, then my grandson may someday be able to ski the same trails that my son and I have enjoyed.

Thank you for your consideration of this request.