

**DRAFT
Minutes
Planning Commission
January 9, 2018**

Present: Bruce Riddle, John Reid, Peter Merrill, Quinn Colgan, Toby Dayman, Jacques Harlow, and Jo-Ann Ells, Zoning Administrative Officer

Absent: Robin Adair Logan and Mike Morris, Selectboard Liaison

Administrative Matters

1. Potential Zoning Change, Old River Road

Jo-Ann Ells explained that a resident on Old River Road was interested in changing her zoning district from IC to RC-2. She noted that the lot is developed with a dwelling that formerly included a business. She stated that dwellings are not allowed in the IC zoning district and the dwelling is grandfathered and this hinders selling the property. She reviewed a map showing the location of the property and zoning districts. The Commission was generally supportive of the change.

2 Minutes of December 4, 2017

Quinn Colgan moved to approve the minutes noting one formatting change. John Reid seconded, and the motion passed unanimously.

3. Projects Receiving Administrative Approval

Bruce Riddle explained that two permits were issued to the Town for the storage of snow at the Quechee Treatment Plant and Landfill.

4. Availability for the next Public Hearing

All Commissioners anticipated being available for the February 12th hearing.

5. Public Comment

None

Public Hearing

Bruce Riddle opened the Public Hearing, introduced the Zoning Administrator and Commissioners, asked that anyone who intended to speak to sign in, explained the interested party rule, and administered the oath.

1. Application #17-23 by Quechee Main, LLC (owner/applicant) for Site Development

Plan Approval under section 260-45 of the Hartford Zoning Regulations and compliance with the Quechee Lakes Master Plan to convert an existing structure into four dwelling units, lot 12-0049-000, 176 Waterman Hill, Quechee, in the Quechee Lakes Planned Development. (Continued from December 4, 2017)

Art Garges and Steve Saunders were present.

Jo-Ann Ells distributed a letter from the Quechee Landowners Association Board of Trustees and a map of Quechee Village.

Jo-Ann Ells noted two changes to the draft Findings of Fact.

Steve Saunders reminded the Commission that he had submitted a memo dated December 28, 2017 in support of the application and offered to answer any questions.

Peter Merrill expressed concern approving multi-tenant occupancy in a single owner building. Jo-Ann Ells reminded the Commission that they are authorized to review use not ownership. Steve Saunders added that the Quechee Lakes Master Plan (QLMP) allows multi-dwelling units.

Quinn Colgan stated that section 4-5B of the QLMP allows dwellings as accessory uses to commercial uses. He noted that because accessory use is not defined in the QLMP the Commission must look to the Zonings Regulations. He read the definition of accessory use from the Zonings Regulations. He concluded that the multi-family dwelling was not accessory to a commercial use and therefore, could not be approved under the QLMP.

Jo-Ann Ells stated that section 4-5B of the QLMP has historically been interpreted to allow residential use of a commercial lot where there is no commercial use on the lot as long as the dwelling do not detract from the commercial character of the area. She added that this was the intent of the QLMP when it was drafted which is demonstrated by the fact that numerous lots were designated as commercial when the QLMP was drafted even though they were developed residentially.

Quinn Colgan stated that he interpreted section 4-5B of the QLMP to require that dwellings be accessory to a commercial use on the lot particularly given the definition of accessory use.

Bruce Riddle stated that historically dwellings have been allowed where there is no commercial use on the lot. He added that the QLMP needs a major update.

Bruce Riddle stated that he would like to see the building occupied noting it has been vacant for over a year.

It was noted that the Commission was generally in favor of the project, but an amendment to the QLMP might be needed for the Commission to approve it.

Steve Saunders stated that section 4-5B of the QLMP should be interpreted to allow dwellings on a lot that do not have a commercial use as long as they do not detract from the commercial character of the area. Quinn Colgan stated that section 4-5B requires a commercial use to be on the same lot because section 4-5B states that dwelling units may be permitted as accessory uses to commercial uses and without a commercial use there is nothing to be accessory to.

Jacques Harlow stated that the application changes the character of the property and is not in concert with the principle of the QLMP.

Paul Streeter from the QLLA Board of Trustees stated that the Board wants to see consistent application of the QLMP and Covenants. He added that they do not have a real objection to the application, but want consistent application of the governing documents.

Peter Merrill stated that he was conflicted as he wanted to make the area a place people wanted to live, but cannot see how the application can be approved given the language in the QLMP and the perceived intent of the QLMP where ownership and residency are tied closely.

Michael Shankman stated that the initial concern of the Quechee Lakes Review Board was setting a precedent.

Bruce Riddle stated that he was inclined to deny the application.

David Courtney asked who has the ability to amend the QLMP. Jo-Ann Ells stated that the Corporation or anyone seeking a zoning permit on lands they own or control can apply for an amendment.

Quinn Colgan stated that he was sensitive to the predicament of the applicant and was struggling to find a way to approve the application. Peter Merrill agreed.

Peter Merrill moved to close the Public Hearing. Quinn Colgan seconded and the motion passed.

Peter Merrill moved to approve the application. Quinn Colgan seconded and the motion failed 0-6. The application was denied.

Bruce Riddle stated that he voted in opposite because of the lack of authority in the QLMP to approve. Quinn Colgan stated that his reasons to oppose were stated during the Public Hearing. Jacques Harlow stated that he opposed because of discussions during the Public Hearing and the fundamental aspects of the application. John Reid concurred with Bruce Riddle's and Quinn Colgan's reasons. Peter Merrill stated that he opposed because the dwelling units would not be an "accessory use" and the application is not consistent with the intent of the QLMP. Toby Dayman stated that he agreed with Bruce Riddle.

4. 01-09-18

Adjournment

At 7:28 PM Quinn Colgan moved to close the Hearing. Jacques Harlow seconded, and the Hearing was adjourned.

Respectively Submitted,

Peter Merrill, Clerk