**DRAFT These Minutes are subject**

 **to change and are not final**

**until approved.**

**Planning Commission Town of Sunderland, Vermont, July 11, 2018**

 A meeting of the Planning Commission (Commission) of the Town of Sunderland was called on Wednesday, July 11, 2018 at the Sunderland Town Offices pursuant to the Warning fixing the time and place of the meeting.

The members present in person were: Ed Bove, Tucker Kimball, Scott Magrath and Lewis Hebert. The Commissioners present constituted a quorum of the Commission. Also present at the meeting was Missy Bell-Johnson, Zoning Administrator.

Members of the public in attendance were: Carl Graves, Marlyn Couture, Lily Van Haverbeke, Peter Van Haverbeke, Peter Luca, Mike Feron (GNAT)

The meeting was video recorded by GNAT.

Chairperson, Ed Bove called the meeting to order at 6:02 pm. Ms. Bell-Johnson recorded the minutes from the meeting. Introductions were made.

Ms. Van Haverbeke requested that the minutes reflect that the agenda for this meeting was not posted on the Town of Sunderland website and therefore the meeting was not in compliance with state law.

Mr. Hebert motioned to approve the minutes of the May 30, 2018 meeting of the Planning Commission. Mr. Kimball seconded the motion and all voted in favor.

Mr. Bove proceeded to open the Public Hearing on the re-adoption of the Municipal Plan (Plan). At Ms. Van Haverbeke’s request, Mr. Bove provided a briefing of the Plan.

Questions were posted regarding the change in zoning districts of an area previously zoned as “Commercial Industrial” to “Forest”. Mr. Bove explained that the reasoning behind the decision was based on the lack of access to the area, natural resource considerations including wetlands in the area and slope. He continued by saying that building a road in this area would be difficult and essentially the change would reflect the characteristics of the land.

Ms. Van Haverbeke asked that the land continue to be zoned “Commercial Industrial” and not “Forest”. She cited a Vermont Supreme Court case that, in her opinion, set precedent which could be detrimental to the Town of Sunderland in that it allowed commercial industrial development in other zoned areas in town when there was not adequate commercial industrial area available.

Mr. Luca questioned the effect the change in district would have on taxes and asked if anyone from the public had asked for the change. He then asked if the change in zoning should be done in the Town of Sunderland Bylaws instead. Mr. Bove reiterated his previous statement regarding the characteristics of the land, said that the Commission had determined to make the change in district, and explained that the Bylaws would be rewritten and would be in conformance with the Municipal Plan.

Mr. Bove continued by make a point that with ACT 250 development in this area would not be possible.

Mr. Bove asked Ms. Bell-Johnson to work with the Town Clerk to assess what the loss in tax revenue might be due to the proposed zoning changes.

Mr. Luca asked if there was access to this area through Shaftsbury or Glastonbury. Mr. Bove responded that there was not due to steepness of the terrain.

Mr. Robinson commented that there is a road leading into the area that was maintained by the Town of Sunderland for some time.

Comments were made that the maps in the draft Plan were not legible and that no maps were made available for discussion during this meeting.

It was asked that the minutes reflect that most of the residents present were against the change in zoning district from “Commercial Industrial” to “Forest.”

Ms. Van Haverbeke then questioned why the “newspaper of record” was not used for warning the public hearing. Ms. Bell-Johnson answered by saying she was not aware there was a “newspaper of record” and stated that the warning was published in the June 22nd *Manchester Journal*. Mr. Bove mentioned that the warning through the *Manchester Journal* was in compliance with state law. Ms. Van Haverbeke disagreed.

Ms. Van Haverbeke asked why the Energy Plan (page 45) does not state that screening of solar panels is mandatory. There was brief discussion on this question. Mr. Bove agreed to add the wording to the Plan.

A question was posed regarding a map on page 47 of the Plan and why certain properties were identified as alternative energy sites. Mr. Bove clarified that the map in question was a statewide resource map.

Additional questions were posed about the maps provided in the draft document.

Mr. Luca asked a question regarding the continued work of the Bennington County Regional Commission (BCRC) on the energy plan and cited minutes from the June, 2017 meeting. As these minutes were not timely, the question was withdrawn.

Ms. Van Haverbeke questioned the length of time it took to finalize the draft energy plan. Mr. Bove mentioned that despite challenges in forming and training a Commission to complete the project that Sunderland is the second town in the region to finish the process.

Mr. Luca had questions regarding the need for a second public hearing on the Plan and cited a manual. Mr. Bove reviewed the manual provided and corroborated that the town was under compliance having one Planning Commission public hearing and one Selectboard public hearing.

Mr. Bove then provided the timeline for having the Plan approved and certified by the BCRC.

Mr. Bove asked the attendees for additional questions and comments. There being none, he closed the hearing and mentioned that the input provided would be provided to the Selectboard.

The public hearing for site plan review at 6342 Vermont Route 7A, property known as Moo Canoe commenced. David Mooney presented for Ondawa, LLC. Mr. Mooney reviewed a couple of changes prompted by Act 250 review of the plan. He mentioned that the building was made slightly smaller and 6 trees would be planted along Route 7A. Ms. Bell-Johnson voiced a concern a resident had regarding the tree placement. Mr. Mooney answered by saying the placement of the trees had been approved by VTrans.

Ms. Van Haverbeke asked if the plan was still within the original footprint. Mr. Mooney said the plan being presented showed development that was pulled back from the floodplain.

Mr. Luca asked about access to the Battenkill for the fire department. Mr. Mooney said that while there has been discussion about access nothing had been finalized

Mr. Mooney then continued on with updates to the Battenkill Inn plan. After a conversation with the state Agency of Natural Resources the owner is removing the plan for a restaurant and some parking at the site. The one car garage will remain unchanged and the deck on back of the building is being expanded while two other decks have been removed.

There being no additional questions or comments the public hearing was closed.

The zoning administrator provided a brief update.

There was a question posted regarding solar panel installation which Mr. Bove answered.

There being no further business, Mr. Hebert motioned to end the meeting and Mr. Magrath seconded the motion and all voted in favor. The meeting ended at 6:48 pm.

The next meeting of the Planning Commission is scheduled for Wednesday, August 22, 2018.