

Town of Lincoln
Planning Commission Regular Meeting Minutes
February 8, 2023 • 6:30pm

6:33pm Barbara Murphy-Warrington (Vice-Chair) called the Meeting to Order
Attending: Ken Pohlman (Board member, Steve Kotowski (Lincoln ZA), Spencer Prescott (Board Member), and Jim DuMont
Zoom: Community members Marilyn Gahnal and Sarah Laird, Board members Serena Fox (Secretary) and Barbara Murphy-Warrington (Vice-Chair, Planning Commission)
Absent: Matt Atkins (Chair, Planning Commission)

Barbara requested a motion to approve the January, 2024 minutes. Ken motioned. Serena seconded. All in favor.

Barbara made a motion to amend the current agenda to include Jim Dumont. Serena seconded. All in favor. Amended to 6:45pm with Barbara following.

6:36pm Public Comment. Marilyn Gahnal, observing.
Sarah Laird would like to contribute the roadmap.

6:35 Jim DuMont:
Jim began by asking if anyone has or had taken the Planning Commission Test or the Queechee Test. Emphasized that Conditional Use depends on the Queechee Test—and assumes all board members have taken this. Emphasized the importance of a clear written community standard. Starksboro ordinance does a good job at clear written standards—And the environmental court will enforce that. **His point: we need to finesse our language so it holds up in environmental court.** Cannot have ambiguous standards. He added that any ordinance will be given to the landowner if the standards are vague. (Ken confirmed that we need to be as specific as possible when re-writing our standards.) Starksboro used a small company that helps small towns with planning and regulations (Barbara will let us know who that is.) Jim used Conditional Use as an example of vague language. Transitional and Outlying as well. Anything above 1800 sq feet is Conditional Use. (Steve noted that agricultural buildings are exempt... like a Sugar House. Under State Statues we can't regulate that.)

Spencer asked for clarification on parking. Jim responded that we should think of residential separately. Parking spaces should be defined (including square footage). Spencer does not want to restrict residential parking availability. Again, we are advised to review Starksboro's regs which are the best Jim has seen/ approved. Warren has good "steep slope" regulations/definitions.

Barbara asked for Steve's comments. He suggested we look at Ferrisburg's regulations and language. Steve brought up the complications with deed and property rights and restrictions. Jim responded that those are paramount. However, if reg's are adhered to by the DRB, the town is not liable re: deed findings.

Jim will continue to share with us findings within the regs of other towns.

7:06pm Barbara Murphy-Warrington.
Suggested revisions of Town Plan by 2025. She shared her Draft PC Roadmap document.
Town Plan and Regulations are suggested to be handled separately. **Phase 1:** Bob Hall's suggestions to be addressed. Conservation Commission will supply support and draft regs re: natural preserves, etc... Sarah said we have a state planning grant opportunity July 204 to June 2025 (money to help develop the plan). **Phase 2:** Consulting, legal help, community input for developing and approving the Plan in 2025 so that we are in compliance. Regs done by July of 2024 and then we move into the Town Plan. Survey to town is suggested. Direct meeting with town. Document on Website along with minutes. Town Plan complete by May of 2025. This is a suggested roadmap. Emphasized the importance of hiring a consultant because the

Regional Planning Commission is unable.

Reaction: Ken thanked Barbara. Suggested we don't get hung up on the minutia. Serena thanked as well and suggested we review over the next month: what help do we need? Who might be our lawyer/counsel? Sarah spoke about Rebecca Elder (Starksboro connect). They had counsel AND needed legal advice: Warren, Ferrisburg, Starksboro. She suggested we get people in to help.

Spencer spoke regarding the Grant Sarah mentioned and the Planning Commission's budget request to the Select Board: we put in for \$10K and was approved. So...we have some money coming our way if the town budget is approved in March.

Marylin: League of Cities has a pool of lawyers they work with.

Meetings with other towns as available.

Roadmap to go on the March agenda. Jim's presentation. Bob Hall's List.

7:30pm Bob Hall's list.

Ken is suggesting we continue to go through it. Jim DuMont suggests we stick with the roadmap. Spencer suggested this discussion is helpful, but suggests we review the roadmap more fully between now and our March meeting.

7:40pm Steve has no comment on discussions with Matt. He did say he will attend our meetings.

7:45pm Budget Update from Spencer: \$10K approved. We'll see if the budget is approved by the town.

7:45pm Bay would like to know who will continue on the board. Matt will be stepping down in July. Barbara has decided to stay on. Ken is staying on. Spencer is staying on.

8:00pm Adjourn.

Barbara made a motion. Serena seconded. All approved.

The Planning Commission would like to thank all who participated and encourage community members to attend our meetings which occur on the first Thursday of each month at 6:30pm at the Town Offices.

DISCUSSION DRAFT
Roadmap for Updating Town Plan & Zoning Regs. (020824

Outline of a Proposed Work Plan on Zoning Reg. Revisions (re: Bob Hall, Steve, Jim Dumont and DRB/SB observations) and Town Plan Update (+ regs affected by new plan for 2025 adoption)

Inputs:

First Phase Focus -Zoning Regulations Revisions:: February-July 2024

- Bob Hall bylaw revisions with current ZA input
- Jim Dumont January 2024 recommendations
- DRB/SB input on issues from zoning applications/permitting process
- Interim Regulations adopted by the SB in 12/2022 (they expire at the end of November 2024)
- Gathering lessons learned, resources used, and regulation samples from surrounding towns, eg., Starksboro, Ripton, Bristol, on zoning/plan updates.
- Legal review and analysis of state and county laws affecting zoning and bylaws Lincoln Conservation Commission
- Preparation to apply for Municipal State Planning Grant for FY2025-application period opens July 1, www.accd.vermont.gov)
- Consultant and Legal Support for phases

Second Phase Focus-Town Plan Revision Update and Update Affected Zoning Regulations

- State Planning Manual Lincoln Conservation Commission observations
- Legal review and analysis of state and county laws affecting town plan and zoning Lincoln Conservation Commission - mapping, districts, suggested plan re:conservation & natural resource provisions
- Starksboro & Ripton Zoning/Plan Update Experience
- State Municipal Planning Grant Application Completed and Submitted
- Consultant identification (based upon recommendations from other towns), and Support on Plan Development and Pursuing State Planning Grant Application

FEBRUARY 2024

- Jim Dumont presentation on legal issues in reg and plan update
- Review Roadmap and agree on overall process
- Continued work on Bob Hall bylaw update list with Steve G's/DRB input
- Steve G meets with Ellen of Starksboro to learn about its reg update experience and bring back observations to the PC at its March meeting

MARCH 2024

- Continued work on Bob Hall bylaw update list with Steve G's/DRB input, and add to this monthly agenda item review of uses and definitions, and all districts (look at Ripton, Starksboro, and Bristol regs)
- Consideration of Jim Dumont recommendations & how to proceed
- Confirm intention to incorporate interim regulation language into the full regulations (they expire in November 2024)
- Discuss with SB need for consultant and legal support and need to engage ASAP
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APRIL 2024

- Continued work on Bob Hall bylaw update list with Steve G's/DRB input, and consideration of Jim Dumont recommendations
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- Public communication in Front Porch of PC focus on reg and town updates and intent to survey community and hold town meetings to provide opportunity for community feedback
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- Conservation Foundation presentation & discussion
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- Discussion of town plan and conservation observations/recommendations (Conservation Foundation) and how to proceed
- Send out town survey seeking town input on vision for town over next Town Plan Term and collect results to be review

MAY 2024

- Continued work on Bob Hall bylaw update list with Steve G's/DRB input, and decisions on Jim Dumont & Conservation Foundation recommendations
- Review Survey Results
- A review of action steps in Town Plan to ensure they are in the regulations - look at Ripton, Starksboro and Bristol regs

MAY-JUNE 2024

- Consultant & legal resource decision/selection completed
- Continued work on reg updates
- Begin drafting reg update package and agree upon approval process steps [eg., public hearings and SB approvals)
- Develop & review a town survey related to plan update (find templates used by other towns—Starksboro has samples to share) and administer electronically/paper
- Begin drafting reg update package
- Consultant & legal selection completed and engaged in work

JULY–AUGUST 2024

- Implement regulation revision package approval process (public & SB meetings)
- Review town survey results
- Drafting & Review of Proposed own Plan Update/Revision and reg updates
- Conservation Commission Inputs & Observation
- Planning grant application submitted with grant administration team identified

SEPTEMBER -NOVEMBER 2024

- First information town meeting on Town Plan update & regs adopted (late September) and Survey results (late September to early October)
- Ensure Adoption of Interim Regs completed

DECEMBER 2024 - MAY 2025

- Drafting & Review Plan Update/Revision and reg updates
- Complete adoption & approval process for Plan and related Regs

Roadmap Resources

- Seek ZA Steve G's participation in all PC meetings this year as an advisor
- Consultant selected to oversee process and counsel for drafting/reviewing reg and Plan changes (from Sarah L: "Starksboro hired a consultant, which was extremely helpful - this is a lot of work, and the state grant can cover the costs of a lot of it. They used Brandy Saxton of Place Sense in 2017-18.)
<https://accd.vermont.gov/community-development/town-future/municipal-planning-manual> - there is a link to a list of planning consultants on this page.
 The regional planning commission is helpful, but very busy, they play more of a

supporting role/resource for the consultant. (Apparently, Aldam at ACRPC endorsed the idea of hiring a consultant.)

- Legal counsel to revise the regs and plan to submit to ACRPC for review
- Administrative staff (temp.) to develop documents, etc., schedule public meetings and post town warning notices
- Budget to support resources