

Hardwick Planning Commission

December 1, 2015

Public Hearing regarding Petitioned Bylaw Amendments

Hardwick Memorial Building

MINUTES

Members Present: Dave Gross (Chair), Jim Lewis, Joyce Mandeville, Ken Davis.

Absent: Diane Grenkow, Shawn Ainsworth

Also Present: Kristen Leahy, Hardwick Zoning Administrator (ZA), Michael Bielawski, *Hardwick Gazette* Reporter, Cheryl Michaels, Gary Michaels, Nancy Nottermann, Helm Nottermann, and Ruth Gaillard.

Chair Dave Gross opened the public hearing at 6:31 pm and explained the process for the petitioned bylaw amendment. Mr. Gross informed the public that the proposed bylaw amendment would be forwarded to the Hardwick Select Board with no changes other than those required for technical discrepancies. The HPC will discuss and formulate an opinion about the petition at their December 8, 2015 meeting. This opinion will be forwarded to the Select Board. The Select Board will hold an additional public hearing on the petition.

Mr. Gross solicited testimony from the attending public. Cheryl Michaels, who serves as the Chair of the Development Review Board (DRB), spoke regarding the merits of the petition. She stated that the DRB has reviewed two appeals. During the DRB process in both cases, she felt that the current zoning bylaws were difficult to interpret. However, Mrs. Michaels feels that the petitioned changes to the zoning bylaw are worse. She indicated that the performance standards should be tied to actual use. Mrs. Michaels' suggested that the performance standards should be expanded and altered to match the definition of each zoning district. Essentially, different sets of performance standards would be created. In addition, she disliked the language regarding measuring decibels (in the performance standards). In Mrs. Michaels' opinion, the new language set forth by the petition does not provide guidelines as to what is acceptable. Furthermore, who would pay to regulate or measure the decibels and how would they be measured? The same questions were rendered regarding the vibration standards. Overall, Mrs. Michaels believes that the petitioned bylaw amendments would take common sense away from the DRB and would make their job more difficult.

Nancy Nottermann asked if the Planning Commission was already reviewing and updating the current zoning bylaw. Mr. Gross responded in the affirmative with an in-depth analysis of how the HPC is identifying the potential future zoning bylaw changes and how the process will unfold in the next few months.

Gary Michaels inquired about the petitioned bylaw amendment process. He wished to know if the petition can be altered by the Select Board. Discussion about the public hearings associated with the process and citizen involvement followed.

Kristen Leahy (ZA) stated that a municipal planning grant has been sought from the State of Vermont and that this particular grant will provide funds to update the Zoning Bylaws.

Ruth Gaillard expressed surprise with the process for a petitioned bylaw amendment. She endorsed a process with more citizen participation.

Cheryl Michaels spoke once more. She focused on the definition change to “Home Occupation.” Her opinion is that this particular change would remove from the DRB’s decision-making process. An already ambiguous definition would become worse. In particular, she objected to the removal of the words “which does not have an undue adverse impact upon the residential character of the neighborhood.” She also stated concern about the inclusion of “family members” in the definition, and felt that this would be difficult to quantify.

The motion to close the meeting at 7:07pm was made by Ken Davis and seconded by Jim Lewis. All members were in favor.

The next HPC meeting will be held on December 8, 2015.

Respectfully submitted,
Kristen Leahy, ZA