

Approved Minutes  
MAIDSTONE PLANNING COMMISSION MEETING  
Tuesday, September 13, 2022, 6.30pm  
Held by Zoom Video Conference

Members present (via Zoom): Bruce Barker, Bob Champagne-Willis, Chris von Alt

Other members of Town Government present (via Zoom): Brad McVetty, Selectboard; Mary von Alt, Administrative Assistant to the Zoning Board

Also present: Ray Lovell, James Bennett, Mark Vander-Heyden

At 6.30 pm, the meeting was called to order by Chris von Alt, Acting Chairman. Bob Champagne-Willis identified each person from the Town for the benefit of new attendees.

**ELECT A CHAIR, VICE CHAIR, AND CLERK:**

Bob made a motion to elect Chris von Alt as Chair; Bruce seconded the motion. Chris recused himself from voting. The motion passed. Chris made a motion to elect Bob as Vice Chair; Bruce seconded the motion. Bob recused himself from voting. The motion passed. Chris made a motion to elect Bruce as the Clerk; Bob seconded the motion. Bruce recused himself from voting. The motion passed.

**APPOINT AN ADMINISTRATIVE ASSISTANT:**

Bob made a motion to appoint Mary von Alt as Administrative Assistant; Bruce seconded the motion. Chris recused himself from voting. The motion passed.

**APPROVE THE MINUTES:**

Bob made a motion that we accept the minutes from the 6/14/2022 meeting; Bruce seconded the motion. Jim Bennett asked why we do not read the minutes at the meeting, so that people who were not at the previous meeting can understand what is being talked about. Mary told him that the minutes are on the Town website and that if he emails a request to her, she will put him on an email distribution list for notices, agendas, and draft minutes. Chris pointed out that reading a two page document, which is posted on the website and has been emailed to the members, consumes a lot of time. Bob said that reading the minutes is not customary operating procedure at the Town's public meetings; he could make a motion to waive reading of the minutes, if necessary. Jim said that he had just wanted to ask the question and indicated that he was satisfied that it had been answered. The motion then was voted on and passed. Bob made a motion to approve the minutes from the 8/30/2022 meeting; Bruce seconded. The motion passed.

**REVIEW SUBMITTED SITE PLANS, SUBDIVISIONS, OR LOTS WITHOUT FRONTAGE:**

The permit application for a minor subdivision submitted by Diane Daley for location Map 8 Lot 102-20 was discussed, with Chris pointing out that this discussion was for fact-finding only, not for any action. The Commission discussed the fact that the proposed subdivided lot would not meet the bylaw requirements for size (25 acres) or road frontage (800 feet). Mark Vander-Heyer, the Land Surveyor working with Ms. Daley and the only person present who was associated with the application, was questioned about whether abutters had been notified, about the lot size, about consideration of other approaches such as subdividing into a larger lot size that met the bylaw criteria, and about doing a right-of-way rather than a subdivision. Mark answered to the extent that he felt able to, making it clear that he was the Land Surveyor and not the decision-maker behind the application. He stated his belief that the intention of the landowners involved is to gain/provide access to the road, not to create a new

buildable lot. Chris asked Mark if it would be possible to submit a map on which the numbers were legible, as the dimensions could not all be read, even when the pdf was viewed large scale. It was also pointed out that the condition of being land-locked is clearly stated in the relevant deed.

Ray Lovell voiced his concerns about whether or not the lot had already been sold; about current tree clearing activity on the lot; about the presence of wetlands, a brook, etc.; about 4 wheeler activity that was possibly polluting the brook; about the presence of a camp on the land-locked property adjacent to Ms. Daley's that might have been constructed without a zoning permit and might not be properly taxed; and about the importance of honoring established precedents as well as being careful about setting new precedents.

The Commission members and Brad discussed which of the Zoning Bylaws applied, which entities had authority over such applications, the apparent lack of established procedures to follow in reviewing subdivision applications, and how to approach this whole issue. As the discussion wound down, Mark Vander-Heyer said that he would let Ms. Daley know that she is responsible for notifying abutters through certified letters. He will ensure that copies of the receipts for the certified letters are given to the Planning Commission. A new, more legible map is needed as well. The Commission members agreed that more research was needed. Mary will contact VLCT to ask about which Town officials have the authority to approve such permit applications and to inquire about a process or procedure that the Planning Commission should follow when reviewing such applications. Consideration was given to setting a date for a hearing. However, the Commission decided that this was not practical, given that the current permit application was not complete, as there was no indication that abutters had been notified. Furthermore, the issue of who has authority and what procedure(s) to follow needs further legal clarification.

#### **REVIEW DRAFT AMENDMENTS TO RULES OF PROCEDURE AND CONFLICT OF INTEREST POLICY:**

Bob made a motion that we adopt the Planning Commission Rules of Procedure and Conflict of Interest modifications, replacing what we had previously approved; Bruce seconded the motion. The motion carried.

#### **ESTABLISH A TIMELINE FOR REVIEW OF TOWN PLAN AND BYLAWS:**

The legislature extended the length of time for which Town Plans are valid from five years to eight. The Maidstone Town Plan was approved in 2016, so must be renewed/revised as needed by 2024. The Zoning Bylaws reflect the Town Plan. All agreed that a great deal of hard work was put into updating the Zoning Bylaws in 2016, giving the current Commission the foundation and framework for necessary updates now. Bob pointed out that we need to clarify and expand the Bylaws, correcting errors in the current document and updating as needed, while making the document easier to use. A big problem is that our Bylaws are not as helpful nor as easy to work with as they should be so that people understand what the Town requires without having to do excessive research. The Commission discussed how best to approach the project. Bob asked for Brad's input; Brad responded that the Town Plan should be done first, then the Bylaws should be updated to go with the Plan. NVDA helped in the past. Bob suggested that we reach out to NVDA to find out if they can help. Chris will look into this.

The meeting's business concluded, Bob made a motion to adjourn the meeting; Bruce seconded it. The meeting was adjourned at 8.03pm.

Respectfully submitted,  
Mary von Alt