



March 5th, 2025

Members Present: Richard Heilemann (Co-Chair), Craig Powers (Co-Chair), Nick Parks, Claudia Burns, Orland Campbell, Andrew Cairns

Members Absent:

Others Present: Curan VanDerWielen (Zoning Administrator), Tom Deck (President of the Board of Trustees)

Call to Order: 10:01AM by Powers.

Changes to Agenda

No changes to the agenda were noted.

Review of the New Draft Land Use Regulations as Prepared by BCRC Focused on Minor Permit and Administrative Review Procedures

Heilemann introduced the topic of discussion, noting the history of how the Commission had arrived at the present draft and the importance of the ongoing review. Powers noted that the two bodies had met jointly the past November to discuss a similar subject, and asked what differentiated this meeting. VanDerWielen noted a series of issue-specific items which the Commission thought it needed further DRB input on, specifically with regard to the minor permitting process, as BCRC had firmly recommended institution a different administrative review process. The current minor permit review process was then discussed, with Campbell explaining the purpose and procedures of the process and Powers noting how well it had worked for the Village in previous years. Also of note was members' interest in retaining committee review of all permits, where possible, so as to avoid scenarios where one person (in this case, the Administrative Officer) could unilaterally act.

The joint-body then discussed the applicability of any minor review system, noting that the existing system set a \$20,000 cap on what qualified a minor permit, while the proposed system categorized certain types of projects as qualifying. After a lengthy discussion, it was resolved to retain the valuation cap but to raise it to \$50,000. This was to be added as it's own subsection (i.e. 4.1.1(6)).

Also discussed was the role of the DRB within any future minor permitting process. The existing process afforded the DRB notification and review-authority over minor permits, while still allowing them to be expedited for applicants by not requiring a full meeting. It was resolved to allow the Administrative Officer some authority to approve permits (and to approve permits where statutorily required) while requiring the officer to provide notice to the DRB of each intended approval. DRB would then retain the right to review any permit but would not be required to respond to the Administrative Officer. This process would need to allow for a reasonable period of time for the DRB to respond, if necessary.



Parks noted a concern about Section 9 which was discussed by the Commission in its meeting of February 17th, specifically about the review process under which Planned Unit Developments (PUDs) and Planned Residential Developments (PRDs) were handled. The concern was that an unelected body -the DRB- was given broad latitude to offer flexibility for developers of large-enough scale projects, with little public representation in the process. Cairns and Burns expressed their belief in the importance of public input on such matters, and Campbell recited historical examples of public involvement in these forms of development.

Powers expressed concern over the idea of integrating a public vote into the process, noting that the DRB exists as a quasi-judicial, public body with members appointed by an elected public body, the Board of Trustees. The DRB already held public meetings with public warnings and all decisions could be appealed by interested parties to Vermont Environmental Court. Powers expressed concern that introducing another element such as a vote could allow a small minority of individuals to hamstring permitting. Campbell disagreed with Powers, stating that he believed that large-enough projects impacting the community should be decided on by the public, wherever possible. A conversation was then engaged in at length about the appropriateness/importance of democratic engagement in judicial decisions, the procedure to be adopted should a public vote be integrated into the process, whether lobbying or campaigning might become an issue with public voting on such a matter, and what the appeal process would look like. It was eventually resolved to implement a public vote into the review process for PUDs and PRDs, with VanDerWielen noting that he would perform some follow-up research to determine how the new mechanism should be drafted.

New Business

No new business was brought before the Commission.

Other Business

No other business was brought before the Commission.

Motion: To adjourn.

Motion made by Cairns. Motion seconded by Burns.

Motion unanimously approved at 11:33am.

Respectfully submitted,

Curan VanDerWielen,
Zoning Administrative Officer