

**DRAF MINUTES**  
**Town of Peacham Planning Commission**  
**Tues, Feb 20, 2024 07:00 PM**

**Via Zoom**

Present

Planning Commission members: Adam Dobson, William Kempton, Marilyn Magnus, Bob Hansen, Anna Rubin, Alfred Dedam

Public: James Barber, John Reyes

Anna R. called the meeting to order at 7:03 PM,

Adam D. moved to approve the minutes from January 2024; Marilyn M. seconded. Minutes were approved.

Anna R. asked if Planning Commission members would serve another term. All present agreed. Katherine Siner indicated by email that she is willing to stay on the PC.

John R. asked if documents had been submitted to the Selectboard by the Planning Commission. Anna R. replied that no formal amendments to the zoning regulations had been submitted to the Selectboard.

Anna R. described the process to amend zoning regulations, which includes a formal vote by the PC on the final language before it is submitted to the Selectboard. PlaceSense consultants had provided a document that details bylaw adoption tools.

**Bylaw Modernization Discussion**

We reviewed the points that had been made during the public discussion in January. William K. brought up the issue of whether Peacham's Zoning Regulations could allow for a more permissive ADU regulation

Anna R. had circulated the response she received from the VT League of Cities and Towns regarding this question:

*We do not perform legal reviews of partial bylaw language for the reason that doing so would be rendering an opinion on language that is quite literally taken out of context. I can tell you that the HOME Act defines an "accessory dwelling unit" as, "a distinct unit that is clearly subordinate to a single-family dwelling and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all the following: (A) the property has sufficient wastewater capacity; and (B) the unit does not exceed 30 percent of the total habitable floor area of the single-family dwelling or 900 square feet, whichever is greater." If there is a discrepancy between that definition and what your consultants are proposing, then you will need to raise that question with them.*

*I'll again direct you to your consultants if you have any questions about their proposed language, but I will point out that the law does allow, "a bylaw that is less restrictive of accessory dwelling units", i.e. in other words a zoning regulation can be more permissive with respect to ADU's than what the law lays out.*

Bob H. confirmed this understanding after a similar exchange with the legal counsel at VLCT.

PC members agreed that the language proposed by our consultants would be allowable, based on this understanding of the law.

Rusty B. asked why the PC was inclined to be more permissive regarding the size of ADUs.

A discussion followed about the PC's intent to be more permissive so that property owners could have the flexibility to accommodate more people. Change was designed to permit secondary building to have enough space to host a family. The intention is to align with the Town Plan to attract more people to Peacham, especially young families with school-age children. PC members recognize that the most difficult obstacles to building new homes are wastewater permitting and the rising costs of construction. The point was made that A47 encourages residents to consider ways to accommodate more people within a single dwelling by subdividing to create apartments or other accommodations within an existing structure.

After several exchanges, PC members agreed to check with the Selectboard before formally submitting the amendments. The proposed changes include:

1. Replace 'family' with household (neutral language)
2. Change dimensional standards in the Village District: Min. Area per primary dwelling unit from 1 unit per 0.5 to 1 unit per 0.2 acre
3. Setbacks adjustments:
  - a. Front from 45 ft to 40 ft
  - b. Side from 25 ft to 10 ft
  - c. Rear from 25 ft to 10 ft
4. ADU Provisions (following A47, PC deliberations)
  - Replace: The unit does not exceed 50% of the total habitable floor area of the single-family dwelling
  - With: Does not exceed 1200 square feet or 30% of the habitable floor area of the primary dwelling (prior to the creation of the ADU), whichever is greater
  - Has a minimum of three off-street parking spaces (total for both the primary dwelling and ADU);

There was discussion about the changes in A47 regarding the review process, particularly the involvement of the DRB and Zoning Administrator. ADU construction would require conditional use review.

Anna R. will bring this discussion to the Selectboard for their reactions before submitting the formal amendments to the zoning regulations.