

## **031213 Planning Commission Meeting**

Follow Up on 020513 Public Hearing: Articles II, III, and Appendix 1

Meeting opened at 5:02 PM, adjourned at 7:07 PM

Next meeting: March 19 , 2013 5:00 PM

### Planning Commission Members Present:

Karen Grinold  
Wendy Manners  
Lynne Matthews  
Vincent Rice  
John Lebron

### Others Present:

John Bennett, Windham Regional Commission  
Ben Joyce, Surveyor, Representing The Hermitage  
Bob Rubin, Hermitage Corp  
Jim Barnes, Hermitage Corp  
Bob Harrington, Hermitage Corp  
Lenny & Diane Chapman  
Andy Schindel, Vice Chair DRB  
Lilias Hart, Wilmington Village Association  
Heidi Taylor, Staib Property Owners  
Becky Paige Morris, Resident  
Gretchen Haverlack, Staib Property Owners  
Tom Consolino, Budget Committee  
Scott Murphy, Town Manager  
Brattleboro Reformer Reporter  
Deerfield Valley News Reporter

### Following up on requests from:

- **The Chapmans to maintain Medburyville as a Commercial District.**
- **The Hermitage Corporations to:**
  - o **create a resort district, keeping the resort within a single district, and**
  - o **have the ability to convey small parcels of land within an existing PUD while remaining subject to reduced lot size and density of the PUD, so as not to be treated as a “non-conforming property requiring DRB review.**
  - o **have flexibility in making minor adjustments to original PUD plans without going back to the DRB**
  - o **have fewer Conditional Uses and more Permitted Uses, to facilitate development and not inhibit property sales.**

## **MEDBURYVILLE**

Diane and Lenny Chapman reviewed the history of Medburyville, having historically been zoned Commercial, almost up to their barn. They petitioned to expand the Commercial District to encompass the barn and it was granted. That decision was appealed. The court decision supported the town, granting the extended Commercial zoning. The Chapman's would like to see the area not revert to being Residential. PC members noted the Chapman's antique business would be grandfathered and allowed to be continued as a business, so long as they stayed in business. Commercial uses would pass to any new owners in the event the property is sold. It would cease to be grandfathered as Commercial if the business were to cease to operate for over a year. PC indicated we will reconsider the Medburyville districting. Diane Chapman submitted a letter for consideration. (Attachment I).

## **THE ROLE OF THE DEVELOPMENT REVIEW BOARD**

Andy Schindel read Nicki Steel's comments. (Attachment II). To summarize some of the key points made in Nicki's note to the Planning Commission:

- Density was covered by 1970s PUD and is, thus, pre-defined and cannot be reduced.
- There is value in having multiple eyes on a proposed changes, to the benefit of the town
- Restaurants and retail permitted in the area of Coldbrook Rd. and Mann Rd. would create commercial uses in an area that is now residential.
- Permitted development is not warned and abutters not notified of changes that impact them
- DRB feels their role is justified and adds value to the town and its residents.
- Minor things could go to directly to a ZA, but they would have to be very minor

Regarding timeliness of DRB decisions, Andy Schindel noted that to achieve due process, abutters have to be notified, meetings warned, etc. Their opinions are generally rendered within 7 – 10 days of the hearing. They feel this process is valuable, bringing in a wider range of people for input and engaging abutters.

While it does take some time, circumventing the process is not recommended by the DRB. Andy Schindel shared the concern in allowing more Permitted Uses which would result in little oversight by the town.

### **HERMITAGE CORP DEVELOPMENT - RESORT DISTRICT**

Jim Barnes and Bob Harrington noted that it is not their intention to circumvent the DRB. He feels they have worked well with the DRB and they have been a valuable partnership. They are not seeking to change that by circumventing the DRB process. Bob Rubin noted that nearly everything they do requires an Act 250 permit and that will be the case indefinitely. Act 250 will continue to have oversight as well.

Ben Joyce reviewed the proposed Resort District. The Haystack PUD from 1970 allows 2 dwelling units per acre. In his proposal the East Track and Golf Course areas would stay residential at that density. Only the base of the ski area would be developed commercially. Attachment III "Benefits of the Resort District" submitted by Ben Joyce.

Jim Barnes indicated he would like to build about 50 farmhouse style homes, barns, and sugarhouses on the lower mountain, allowing for more open spaces. He is seeking lower density, not greater density. Current density approvals of the PUD are not a problem for them.

Jerry Osler commented on the desirability of lower density. ¼ acre lots and houses that have been developed in the past are very tight and provide very little green space.

Jim Barnes noted it is the lower area of the ski area which is zoned residential that is difficult for them. Bob Rubin noted that the Hermitage seeks to add ski lifts, snowmaking capabilities, and ponds/weirs for snowmaking. They would also like to develop the airport up to 5000 feet (including the land in the town of Dover.) Jim Barnes noted that their members do not want attractions such as a waterslide.

When noted that the proposed Resort District requested is broader than the ski area needs he had discussed, Jim Barnes noted that just the ski area as a Resort District would be an acceptable compromise position to them. Bob Harrington noted that having the ski area in one district would make the act 250 process simpler. Ben Joyce noted that the proposed Resort District had followed the old PUD approval, with the exception of the Glebe Land owned by the town and one other parcel. Jim Barnes noted that he supports the Conservation nature of the Glebe land.

### **HERMITAGE DEVELOPMENT vs. WILMINGTON ECONOMIC DEVELOPMENT**

Jim Barnes shared his appreciation for the need for an economically viable downtown. He feels his clientele want retail and restaurant options beyond what would be available in the ski area. People want more than just a ski village to eat in, shop in.

Bob Harrington, Hermitage Corp, noted that plans to develop the ski area, the airport, and the golf area have existed for as long as he can remember. It has had false starts in the past, but he feels it has a good opportunity to succeed with this owner, whom he believes is committed for the long haul. Bob shared his view that the more the ski area booms, the more the village booms; the more the town and the ski area work together collaboratively, the better the outcome.

Adam Grinold, Chair of the Chamber of Commerce, commended Jim Barnes and The Hermitage on the success of the development. He noted that visitors do not differentiate the village of Wilmington/Dover. They are seeking viability of the entire valley. He expressed that balancing the development needs of the Hermitage Corporation and the town is an important discussion. He expressed his best wishes to the Planning Commission but noted that he does not have any further suggestions or comments.

PC noted that zoning must suit not this owner's plans and intentions, but any owner that could potentially own that property in the future. Liliias Hart stated you grant permissions "to the property, not the owner". Jim Barnes noted there are equity partners buying in at a level that provides them a seat on The Hermitage Board of Directors. Those equity partners will have long term input into resort development; it will not be directed by just himself. He noted 14 months ago there were 0 memberships and there are 150 now.

When asked what protections he feels the town should have in the event he were not the owner, Jim Barnes indicated he is not an advocate of government controls over commerce. He would not recommend limits on number of restaurants, hotels, retail.

Larry and Diane Chapman noted that, as a business owner, they have no concerns over limiting development at the Hermitage. They noted Hermitage owners come into their business as customers. Liliias Hart, as a business owner, shares the feeling there should be no restrictions on their commercial development.

The Planning Commission thanked all for comments, noting that they want to support the success of Hermitage Corporation and view it as an asset to the community, but seek to approach the development in a thoughtful fashion.

#### **ABUTTER NOTIFICATIONS**

Heidi Taylor and Gretchen Haverlack asked to be put on distribution for abutter notifications. There are 4 owners on 1 property (The Ralph Staib property). The ZA has refused to put all 4 owners on distribution, indicating they will provide only 1 property owner notice. The PC suggested they take this up with the ZA or town manager.

#### **PLANNING COMMISSION DISCUSSION**

Based on Jim Barnes and Bob Harrington's advocacy for continuing to work with the DRB, stating that this is a partnership that is working for them, and comments from the DRB that there is town advantage to retaining oversight, the Planning Commission does not feel Conditional Uses should be made Permitted. We will discuss and vote at the next regularly scheduled meeting.

Suggestion was made by the PC that we recreate a recreation/resort district and reassess Uses. We will discuss whether to have the new proposed district follow the PUD, or start with just the ski area and airport runway area. If this approach is taken, further expansion of the Resort district could be considered down the road. Uses to address Snowmaking/ponds/weirs and lifts will be discussed. A copy of the PUD will be reviewed at the next meeting.

Karen Grinold reviewed an old version of a draft map which had a recreation district. It was eliminated when the Selectboard indicated the prior bylaws were cumbersome and overly complex. The removal of a district was an attempt to simplify. However, the language revisions made may have been sufficient reduction of complexity.

Language addressing grandfathering existing Uses and properties changing hands will be reviewed for clarity – addressing confusions raised by the Chapmans.

The PC discussed whether there is interest in allowing commercial development of Medburyville. This topic will be taken up again at the next meeting.

Lynne Matthews will obtain rules of procedures, a copy of the Haystack PUD, and 7 copies of Town View. Karen will rethink her Chair position. All members agree to take delegated tasks to make the role less of a burden.

Respectfully Submitted  
Wendy Manners, Clerk

ACCEPTED

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Karen Grinold, Chair