

032613 Planning Commission Meeting
Meeting opened at 5:10 PM, adjourned at 6:30 PM

Planning Commission Members Present:
Karen Grinold
Wendy Manners
Lynne Matthews
Susan Haughwout, Selectboard liaison

Others Present:
Ben Joyce, The Hermitage
Chris Mays, Brattleboro Reformer
Andy Schindel, DRB
Nicki Steel, DRB
Rob Marzelli, West End Antiques

Meeting Minutes from 3/12/13

Nicki Steel, as chair of the DRB, asked that minutes reflect that the relationship between the DRB and Hermitage Corporation is “a respect for each other’s job and what they do”, that it is not a “partnership”.

Rob Marzelli: West End Antiques

Rob inquired about changes in the Commercial District. His property extends back behind the N Main St building housing this West End Antiques business. His family would potentially like to open a commercial operation on the property behind their existing building. He has been advised by the ZA that the property would no longer be in the Commercial District under the proposed map. He is seeking confirmation of this and would like to request that it stay Commercial. It was his understanding the district used to extend back 600 feet from the center of the highway.

Upon review of the proposed map PC members realized the district lines had been moved closer to the highway than they intended. PC discussed their intention to include all of the properties behind the N Main Street businesses. PC will review the map for adjustments. Rob will watch for the revised map when the draft bylaws are released.

Haystack Development Boundaries and Densities

Nicki Steel shared historical information on the Haystack area/town agreement. The agreement was reached in the 1970’s, when zoning was new to the town and they had never done a large-scale development agreement. The agreement was not a formal PUD, but is being treated as a PUD by the DRB. She indicated it is a legally binding agreement and zoning “goes with the land”, as such would apply to different owners of that land.

The 11/09/05 DRB Case #922 covers land known as the Base Tract as described in Book 50, Page 334. (Susan Haughwout will obtain a copy for the PC.). This agreement provides for a maximum density of 450 units with some areas of greater density, and some conservation areas. DRB has allowed some changes in densities to be “put in the bank” to be used at a future date. It was noted that both the DRB and Act 250 staff have been modifying how the densities are distributed; some units may be used for hotel units rather than townhouse.

There was discussion of some of the as yet undeveloped ¼ acre lots in other areas covered by the Haystack Agreement and whether lots owned by the town could be combined to create larger lots. Nicki noted that this would impact density calculations as those lots have been included in overall density calculations by the DRB. Susan Haughwout also noted that any of these properties having boundary changes should be subject to Act 250 review as lot changes impact town water, sewer, and fire district access. In light of the potential

ramifications of boundary line adjustments, it was questioned whether it was appropriate to allow this as a ZA function. PC will review.

Ben Joyce noted that the boundaries of his proposed Resort District would create a single district for the area originally described in the town/Haystack agreement back in the 70's.

Wendy Manners inquired as to the necessity of a Resort District to govern an area that is already covered by a separate agreement with the town. Ben Joyce noted that while the DRB decisions will be based on the town/Haystack Agreement, State approvals are hampered when there are multiple districts involved. A Resort District, while not impacting local development decisions, would simplify the state process for the Hermitage Corporation.

Governance of Selling a Piece of Property within the Haystack Development

Nicki Steel noted that the sale of a piece of property within the Haystack Development would be treated by the DRB as part of the original development plan, subject to the same densities. In the event that Hermitage Corp/Haystack Development wanted to sell a piece of the development to another owner (such as to sell a piece of land to a developer to build a hotel), they would have to petition the DRB for a subdivision, with agreement from other owners of the development on the shifting of allocated densities, to retain the overall development-wide approved densities.

Town Plan Modifications

Ben Joyce questioned whether there is a need to modify the Town Plan prior to adoption of the new by-laws as defined districts do not match those outlined in the Town Plan.

PC Governance Follow-Up Items

Sue Haughwout agreed to follow-up with the Town Manager & Selectboard on issues:

- Will John Bennett be available to assist in Site Plan Review?
- Please clarify, are PC members acting as "Agents" of the town?
- As such would PC members have access to an representation by a town attorney who does not also represent a land owner in land issues
- Does the town have E&O coverage for town employees and their agents
- Can the town provide email addresses for transacting town business
- In light of the absence of any ongoing contact from the ZA with the PC, will the Selectboard be seeking a follow-up recommendation from the PC on the ZA appointment?

Respectfully Submitted
Wendy Manners, Clerk

ACCEPTED

(No Chair appointed at this time)