

Planning Commission Meeting

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

Meeting opened at 5:10 PM, adjourned at 7:05 PM

Planning Commission Members Present:

Karen Grinold
Wendy Manners
Lynne Matthews
Vincent Rice
Susan Haughwout, Selectboard liaison

Others Present:

John Bennett, Windham Regional Commission
Ben Joyce, The Hermitage
Chris, Brattleboro Reformer

MINUTES TO PUBLIC HEARING

Planning Commission members agreed to incorporate minor typo correction to the minutes.

THE MAP

Ben Joyce, of The Hermitage Corp, requests that all Haystack Ski area be placed in the Commercial/Residential Area. While Ben agrees that the current Conservation, Commercial/Residential, and Residential District Uses allow for the types of Uses Hermitage Corporation envisions, he believes the split districts would create greater administrative burden through extra permitting. Further, he feels the Act 250 requirements imposed on the ski area development provide sufficient protections to ensure appropriate conservation. He would like to see the intended Uses be allowed as Permitted Use in a single district, to simplify the permitting process and eliminate the need for DRB review.

Changes proposed by Ben Joyce would move all Haystack town "Glebe Land" with the exception of the Haystack Watershed, currently leased by the water district, to the Commercial/Residential district from the Conservation District, and would move the Haystack lower mountain ski area to the Commercial/Residential area vs. the Residential area.

Ben proposed that the Commercial/Residential area be extended all the way to Coldbrook Road including current residences in that area. Ben indicated that he felt there was very little likelihood those areas would develop commercially. Wendy Manners expressed that those residences could be turned into Commercial operations for a ski village commercial area similar to Stratton, and that it was our intention to not allow that. Karen Grinold noted the Planning Commission is seeking to preserve the Wilmington downtown as the key commercial area, consistent with the Town Plan.

The Planning Commission discussed the need to promote and support commercial development while protecting the development rights of the town. Karen Grinold expressed the need to examine whether we believe the state approvals required by The Hermitage Corporation are sufficient to protect the interests of the town or whether town interests must be separately represented and preserved.

TRAILS

Ben Joyce discussed the interest of The Hermitage Corp. to not obtain a Permit for developing trails. Karen Grinold noted that no town Permit is currently required to develop a trail. Recent trail development stop orders were from the Forest Service, unrelated to town requirements.

DEFINITION: RECREATION, OUTDOOR

The Planning Commission reviewed comments provided in writing to Karen Grinold by Nicki Steel and relevant minutes from the Public Hearing on issues raised by Bob Fisher. The Planning Commission agreed it had not been their intention to limit this definition to only Commercial Enterprises in that the goal is promote Commercial development. The goal is to provide protections to natural resources. John Bennett will investigate sample wording to address definitions of what is meant by “substantial change,” extent of tree clearing, water bars, and other physical changes which would require a Permit.

MINIMUM LOTS SIZE & DENSITY – COMMERCIAL / RESIDENTIAL DISTRICT

Ben Joyce expressed concern for the current definition of density (25% of Lot Coverage) and minimum lot size (5 acres) for commercial uses in the Commercial / Residential district. He felt this was a confusing way of calculating density and would put hardship on Commercial developers who would have to recalculate their Lot Coverage percentage as they modified development plans to meet buyer demands. He felt “units per acre” is more familiar and easier to adapt as plans expand.

The Planning Commission will review the requirements for clarity and ease of administration. John Bennett noted that total Lot Coverage should be a fairly simple calculation, easily adapting to plan changes throughout development. Planning Commission members also reminded that 30% of Lot Coverage is allowed for 2 or more units.

Ben felt units per acre would require less re-permitting for plan changes during the course of the development. The Planning Commission noted that regardless of the formula utilized, substantial change would require re-Permitting.

Ben expressed concern for small (1/4 acre) lots permitted in the past, feeling they would be non-compliant with the proposed Bylaws. Planning Commission members clarified that any property previously Permitted would not lose their Permitted status through the passing of these Bylaws.

Ben expressed further concern that these small lots would be prevented from making substantial changes as they would be non-compliant. Planning Commission members clarified that the Small Lot Provision allowed for reduced setbacks and waivers on properties existing prior to the adoption of the Bylaws.

Ben Joyce would like to know how many current properties have less than the proposed lot size – density, that would require waiver if they were to make substantial changes.

SMALL LOT PROVISION

It was noted that current bylaw drafts reflect an “as of” date of 1968 for pre-existing structures eligible for the Small Lot Provision with waivers and reduced setbacks. That date will become the date of the new bylaw adoption. This section should be revised to note that the date will be assigned consistent with the revised bylaw adoption.

MT SNOW AIRPORT:

John Bennett suggested adding a Conditional Use for Airport Runway expansion as opposed to carving out a district change for the runway in the zoning map. The group cautioned against opening the door to other abandoned air runways in town or inviting new runways. The Planning Commission will further discuss.

PROPOSED DISTRICT:

Ben Joyce asked if the Planning Commission would be open to adding a “Resort District” specifically addressing language specific to the types of Uses you would find in a resort. He would like that to cover the Haystack ski, golf, airport, and “east tract”. The Planning Commission noted the sizable effort that would have to go into adding a whole new district and the desire to simplify the zoning regulations as much as possible, to make it fair, equitable, and easily understood.

DISTRICT BOUNDARY DEFINITION:

Ben Joyce requested that district boundaries be tangible, measurable, and identifiable. He noted that maps are often not exact and that specific measures or landmarks would clarify where boundaries lie. Examples are “600 feet to either side of the road”, or following very specific pre-existing boundary lines.

Susan Haughwout suggested we could look at adding language similar to what has been used in the past. Properties with more than X% of the land within a district would be considered to be fully within that district.

ATTACHMENTS:

- A. Haystack Map 2005 Concept Map,
Submitted by Ben Joyce

- B. Glebe Land Map and Watershed District/Water District Leased Land Map,
Submitted by Susan Haughwout

- C. Proposed “Resort District” Map
Submitted by Ben Joyce

- D. Hermitage Inn Holding Company Land Map
Submitted by Susan Haughwout

Respectfully Submitted
Wendy Manners, Clerk

ACCEPTED

Lynne Matthews, Vice-Chair