

Planning Commission Public Hearing  
Articles II, III, and Appendix 1  
February 5, 2013  
Hearing opened at 5:09 PM, adjourned at 6:30PM

	Planning Commission Members Present:	Community Members Present:
Bob	Karen Grinold	Tom Consolino
	Wendy Manners	Bob Fisher
	Lynne Matthews	Susan Haughwout
	Vincent Rice	Bob Rubin
		Andy Schindel
		Nicki Steel

Fisher clarified his attendance was in representation of the Hermitage and personal interests, that he was not acting in the capacity of attorney for the town of Wilmington.

#### THE MAP

Bob Fisher requests that the Haystack ski area not be divided into three districts. He would like to see the prior and existing commercial ski area remain solely in the Commercial/Residential district. He would also like to ensure that the following enhancements be in the Commercial/Residential area:

- 1) the "top of the lower mountain" (where an additional 450 units are planned),
- 2) anything over 2500 feet,
- 3) a ski lift from the ski trail "Oh No" to the top of the mountain, and
- 4) a possible expansion of the summit warming hut.

Bob Fisher does support watershed protection and keeping that area Conservation, following the lines of the watershed.

Bob Fisher also requests the section of the prior Mt Snow airport extending into Wilmington be zoned Commercial/Residential, to support the reopening of the airport for regional economic growth and development.

Bob Fisher would like all of the Uses discussed to be Permitted, without having to go through DRB Conditional Use review. Bob expressed generalized support for more Uses being Permitted and fewer requiring DRB review.

As an aside, Bob Fisher suggested that the town connect Gallup Pitch Road and Coldbrook Road, opening up further land for development. He understands this is not a Planning Commission issue.

#### DISTRICT NAMING

Bob Fisher questioned why the Commercial district was renamed Commercial/Residential. Karen Grinold explained there had been reported instances of difficulty in getting residential mortgages in Commercial Districts. Peoples Bank has confirmed that underwriting guidelines often now require Zoning district information to support the loan. No changes were requested of the proposed renaming.

## DEFINITIONS

### Dwelling, Seasonal:

Nicki Steel questioned the restriction of indoor plumbing, citing composting toilets allowed by the state. Bob Fisher noted that incinerating toilets are allowed by the state in both dwellings and camps. Nicki suggested what we might intend is no septic hook-up. Karen Grinold noted the current definition aligned with state definitions, which may be outdated.

### Frontage:

Nicki Steel pointed out that Frontage referred to only Public Roads, inferring that Private Roads did not require frontage if accessed by a right-of-way. It was suggested that this definition be expanded to include Private Roads. Bob Fisher suggested Town road specifications be reviewed as well.

### Home Business:

Bob Fisher requests that Home Businesses be allowed as a Permitted Use, meeting all performance standards but not requiring DRB review. Karen Grinold noted all Secondary Uses currently require DRB approval and that we would review that requirement.

### Parking Structure:

Nicki Steel noted Definitions references Garage, which is not defined. Garage was removed as a definition. It appears this definition could be removed as well.

### Recreation, Outdoor:

Bob Fisher questioned the scope of the Permitted Use Recreation, Outdoor. He does not feel a Permit should be required for allowing someone to snowshoe or for establishing trails, citing VAST trails as an example of non-permitted trails. He would like ski areas exempted in the same way that VAST is. He also felt that there was no clear definition of what "substantial changes" require a permit, referencing tree removal and water bars on VAST trails. Further he felt the reference to "primitive" trails is too vague and should be removed. Nicki Steel suggested Recreation, Outdoor might be limited to commercial enterprises.

### Service Business:

Nicki Steel pointed out that "laundry mat" should be "laundromat" and extra ... after etc.

### Steep Slopes:

Tom Consolino suggested slopes are usually expressed in degrees rather than percentages.

### Street:

Nicki Steel noted this references only Public Roads, not Private, and questioned whether a separate definition is needed. The word street is used in PUD's. It was suggested that the definition of Street be eliminated and replaced with Public Road and Private Road.

### Storage Facility:

Nicki Steel questioned what type of facility was intended by this definition; a storage building constructed for self-use or an existing structure used for storage of things like snowmobiles. Further, if someone is converting a barn for storage, is it covered by Agricultural uses if it is not currently in use for agriculture just prior to the conversion? Karen indicated a barn had to have a current certificate from the state to be considered an agricultural conversion, It was suggested that this definition be revisited and clarified.

## DEFINITIONS (Continued)

### Structure, Large

Nicki Steel suggests exempting signs AND “their supporting structure.”

### Structure Height:

Nicki Steel noted some structures do not have eaves or drip line, such as fences. Therefore, some alternate means of height measure would be required for those structures. She also noted the difficulty of calculating average height on multi-level roofs. She suggests we alternately using “to the tallest point” or peak.

Bob Fisher noted that Haystack and other ski area developments are built into the mountain and is seeking clarification on how Structure Height would be measured. He noted that structure height was generally a consideration of firefighting access capability, which he suggests should be considered in height allowance.

### Temporary Uses and Structures:

Nicki Steel is seeking clarification on who defines a “designated time frame.” Karen Grinold suggested deleting as it is not currently referenced in these articles.

## ARTICLE II

### Historic Review District:

Nicki Steel expressed again her concern, noted previously to the Planning Commission, over a zero setback. She noted the frequent lack of clarity around exact boundary lines, creating opportunity for boundary conflicts if an owner builds right up to an ill-defined line. Examples given were stonewalls and non-surveyed lands. Further she felt that free-standing houses in the Historic Review area have issues with snow falling off of the roof onto neighboring property (an example of this kind of structure was the Incurable Romantic). Nicki suggests a 2 foot setback.

Lynne Matthews noted that many of the building fronts in this district are already on highway property. Nicki Steel suggested at minimum side setbacks if front setbacks could not be achieved.

### Reduced Setbacks:

Article II page 9 and page 12, item 6a; allows for reduced setback of Commercial properties only. Nicki noted the potential for a non-compliance issue if a Commercial property with reduced setback reverts back to Residential Use. The Residential Use would then be in non-compliance. She suggests that any setback reduction be applied to all Uses so as to not create potential violations as noted above.

## ARTICLE I

Landscaping and screening requirements: (Section 320, Item F, Page 4)

Nicki Steel would like the first line of F to read “may” be required, not shall, to give the DRB the option of requiring only when needed.

Amendments to Conditional Uses:

Nicki Steel would like the intent of this section clarified. She cannot make decisions on behalf of the DRB. Karen Grinold suggested the intention is to make the DRB aware of modifications so they may determine if the case should go back to the DRB.

Respectfully Submitted  
Wendy Manners, Clerk

ACCEPTED

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Lynne Matthews, Vice-Chair