

## WEST WINDSOR PLANNING COMMISSION

Draft Minutes  
February 10, 2010

Present: Hal Pyke, Glenn Seward, Mark Isenberg, Joe D'Anna, Jason Rasmussen, Martha Harrison, Sharon Murray, Phil Arvidson, Bruce & Cathy Boedtke, Tom Kennedy, Barbara Gerstner, Paul Belaski, Laura Stillson, Audrey Halpert, Al & Joanne Keiller, Len Clough, Ken Parrot, David Jaacks, Elvin Kaplan, Lee Monro, Mike Skalla, Joe Bonanno, Elna Kuhlmann, Jane Osgood, and Ted Hilles

1. Call to Order – Chair Hal Pyke called the meeting to order at 6:30 PM, welcomed those present, and introduced Sharon Murray and Tom Kennedy. Tom made a few remarks about the town planning process and Sharon's experience as a Planner. Sharon talked about some of the primary characteristics of West Windsor as described in the 2005 Town Plan. Sharon said as the Planning Commission (PC) is updating the Land Use Plan, they should either inventory and map important resources or recommend that an inventory be done. The state is analyzing core wildlife habitat areas and some communities are incorporating this information into resource maps, although "on the ground" investigation is still necessary. Sharon said scenic resource inventories that include view sheds and roads and identify specific elements (e.g. stonewalls) are important. Sharon cautioned the PC not to get too far out ahead of the community and to respect landowners' rights. Sharon said there are both regulatory and non-regulatory ways to protect resources. Sharon said all communities are required to consider development patterns in their town plans. Sharon noted that the village of Brownsville and the Ascutney Mountain Resort base area are the growth centers in West Windsor and the rest of the town is rural. Sharon said, historically, the density in Vermont villages was 5 units per acre. To qualify for "Vermont neighborhood" designation requires at least 4 units per acre. Some studies in Maine have suggested that on-site water and septic can be accommodated on half acre lots. Sharon said West Windsor's secondary growth area has a 5-acre lot requirement, which is pretty low density. Sharon noted that multi-family dwellings are allowed in the primary and secondary growth districts, which she felt was positive. Sharon suggested measuring historic densities and lot sizes in West Windsor. Sharon said the PC should consider whether West Windsor's lot requirements are exclusionary; a five-acre lot in a growth area may not be affordable. Sharon said the Town of Charlotte had five-acre zoning throughout the town, to protect rural character, until they were warned that it was considered exclusionary and they would no longer qualify for certain types of grant funding. Charlotte is now working to address their affordable housing issue. Sharon said clustering in Planned Unit Developments (PUDs) does not necessarily make a project affordable. Sharon said West Windsor may need larger lots sizes for civic buildings. Sharon encouraged the PC to continue considering infrastructure options. Sharon said Warren is a ski resort town and the resort has its own infrastructure but the village does not. Warren went through a five year process of engineering studies and securing funding, including special earmarks through Senator Leahy, for a giant, clustered septic system, which serves the whole village. Sharon said some towns, like Middlesex, are focusing more on public water because they can't afford a public sewer system. Sharon said a public water supply can enable a town to reduce lot sizes by eliminating well isolation distances. Sharon said historic design review can be simple and cover issues like parking and the orientation of new structures to the street. Sharon said there are state programs for village and neighborhood designation that provide

financial incentives to help maintain village character. In rural areas, Sharon said, the PC should consider agriculture, forestry, wildlife habitat and other uses that need a land base to function and survive. Sharon said the average farm size in Windsor County is 125 acres; the median size is 65 acres. Sharon said foresters say that commercial wood lots need 50 to 100 acres. Core habitat areas require at least 1500 unfragmented acres. Sharon said West Windsor's Conservation district requires 40-acre lots which is "up there" for Vermont, although she knows of one community with a 50-acre district. Sharon suggested that the PC consider whether five-acre zoning is accomplishing what they want it to accomplish. Sharon showed a slide of a subdivision with sixteen 10-acre spaghetti lots with the houses all close to the road and prime agricultural land in back. The agricultural land can no longer be farmed unless the farmer negotiates with 16 different landowners. Sharon said that, after getting a lot of flack for allowing a ridgeline development visible from the interstate, Williston adopted ridgeline zoning. Sharon said there are many issues associated with ski area development but the relationship between the ski area and the town can be mutually beneficial. Sharon said communities cannot regulate net-metered wind towers but the PSB is supposed to consider a town's policies and recommendations so some towns are putting very specific wind policies in their town plans. Sharon said there are some good guidance documents on the PSB's website with information on wind issues, including how to site small-scale wind projects sensitively. Sharon said the town plan is the basis for both regulatory and non-regulatory programs. Sharon said the Conservation Commission can do a lot of the inventory work and can participate in the development review process if the town gives them that ability. Some towns have local land acquisition programs. Some towns have formed local land trusts. Sharon said the town might want to consider creating a conservation fund, which can help leverage other funding sources. Sharon said Bolton bought a 440-acre parcel through their conservation fund, in association with the land trust and the housing conservation board. Sharon said West Windsor could also consider a local tax stabilization program. Other possibilities include stewardship programs and landowner assistance programs. Density-based zoning is becoming more popular because it separates density from minimum lot size. For example, Sharon said the density could be one unit per 25 acres with a maximum lot size of two acres. For a 100-acre parcel, that would translate into an eight-acre developed area and a 92-acre resource area that could be used for agriculture, forestry, wildlife habitat or open space. Sharon said density-based zoning can be associated with clustering but it doesn't have to be. Sharon said Starksboro uses incentives to encourage landowners to participate in density-based zoning. Resource overlay districts can be used to protect important resources. Towns can adopt siting standards that require houses to be sited below ridgelines, out of the center of fields and not in the middle of a scenic view shed. Building envelopes are traditionally defined by setbacks but regulations can also require building envelopes to exclude important resources. On large lots, instead of lot size or coverage, you can look at maximum building envelopes which are often one-acre in size. Conservation subdivision design was developed as an alternative to traditional "cookie cutter" design, to prevent the fragmentation of farm and forest land. The regulations associated with conservation subdivisions are a little more complicated and require negotiation between the town and the landowner/developer. The Town of Warren has conservation subdivision regulations and has also developed what they call a "cross roads hamlet," with specific standards to replicate historic development patterns. Sharon said Stowe was very inclusive during their two-year master planning process and, as a result, were able to do a major expansion without a lot of flack. Sharon said Bolton doesn't allow any development other than alpine ski facilities (i.e.

trails and lifts) on slopes over 25%. Ski areas need to be four-season in order to survive. The ski area in Bolton is now seeking permits for a four-wheel drive school, which presents issues with erosion, drainage, and the like and is challenging to accommodate under existing zoning regulations. What uses does a ski area need to survive? How can a town accommodate those uses and where should the town draw the line? If the town is comfortable with what the resort is doing, they can allow smaller things to go through administrative review. Transfer of development rights (TDR) from a sending area (outside the resort) to a receiving area (inside the resort) can help protect rural lands and allow increased density at the resort. Sharon said TDRs are complicated and market-driven. Stowe has a land banking system. The more restrictive the regulations, the more controversial they are and the more likely they are to be voted down. Tax base and staffing levels are limitations for small towns. The plan is important because it provides direction. All these issues should be taken into consideration while the plan is being developed, before any changes to the regulations are considered. David Jaacks asked if the controlling interest in the 92-acre resource area that Sharon cited in her example of density-based zoning resides with the residents of the 8-acre developed area. Sharon said there are several possibilities but, in this case, the 92-acre parent parcel is a separate resource lot possibly due to tax policies which regard housing development as the "highest and best use." Resource lots can be preserved through the subdivision process by putting on the plat that they are for open space and there can be no more subdivision. Sharon said it can be complicated to track such restrictions and density allocations over time. David said if the parent parcel were put into current use that would reduce the valuation. Sharon said often, if there is an open space lot next to a residential development, the value of the residential lots goes up. Sharon said in Bolton, through the PUD process, they set aside separate, undeveloped lots either as common land or resource areas. David said historic development patterns were often based on the farm economy in which ridgelines were not very valuable and, even though economics have changed, people still refer to the historic pattern as desirable. David said he thinks it's fascinating that everyone wants to keep things the way they were but nobody rides a horse anymore for work. Sharon agreed that changes in the desirability of ridgeline development are particularly telling. Sharon said some towns don't allow any ridgeline development and some allow it subject to strict regulations. Where there is no reasonable access, it's easier to prohibit development. If there is access and the owner can find a level area to build then it may be allowed with specific conditions on clearing, screening, non-glare glass, etc. Sharon said there are different ways to accommodate ridgeline and/or historic village development depending on what the community wants. Tom Kennedy said the trend in West Windsor is to build very large homes and asked how the community can address that. Sharon said there are no Vermont towns, to date, that regulate house size although there are towns elsewhere in the country that do so. Woodstock proposed conditional use review for houses over 5,000 square feet and that proposal went down in flames. Most towns address house size with siting and screening standards. To compensate for that kind of development, the town should consider how to accommodate more affordable housing. Sharon said some ski areas have a problem with employee housing, which tends to make rental housing less affordable. Hal Pyke said town officials have already been accused of being too bureaucratic so, in developing subdivision regulations, the PC tried to be common-sense oriented. Sharon said it's tough because recent court decisions discourage flexibility as "too ambiguous." Sharon said simple, clear, enforceable standards are important, especially in rural communities with limited staff. Sharon said Bolton's steep slope regulation is very clear and easy to enforce but it offers no

flexibility. In addition to the standards, a town can develop guidelines and recommendations. Elna Kuhlmann (?) asked how the town can come to consensus on what it means to preserve the rural quality. Sharon said it's important to get as much community participation as possible through surveys and forums. Sharon said it is hard to define rural character and translate it into regulations. Sharon said she thinks the 2005 Town Plan makes a good start at it by mentioning the resources that are important to the community, including scenic roads. There is a lot of inventory work involved in identifying and protecting scenic resources. Scenic roads can be protected through a road ordinance with specific regulations regarding tree canopies and stonewalls. Scenic views need to be protected in the land use regulations, which involves mapping and GIS. Some towns want to preserve everything and some towns just want to protect ridgelines and preserve 3 or 4 important scenic views. Barbara Gerstner asked if you can protect a view by prohibiting development. Sharon said you can but it's usually done through siting and screening. Barbara asked how someone purchasing property would know about development restrictions. Sharon said purchasers should always look at the regulations before they buy. Sharon said courts presume that buyers are aware of regulations. Ken Parrot asked if the town plan is the place to address lighting issues. Sharon said it can be. Ken said he thinks lighting is an important factor in preserving rural character. Sharon said the Town Plan can recommend that lighting standards be considered. Sharon said Bolton has basic lighting standards that have served them well. Barbara asked if West Windsor has any wind turbine regulations. Hal said the town can regulate turbines of a certain height and blade size but, beyond that, turbines are state regulated. Sharon said the town can regulate them as long as they are not hooked into the grid; anything hooked into the grid is regulated by the Public Service Board. Sharon said most towns, because they can't regulate them, don't really address them at all. Barbara said, with the possible closing of Vermont Yankee, we may be seeing a lot more wind turbines. According to Sharon, Governor Douglas has said no new utility turbines will be allowed on state land. There is a bill being considered that would allow towns to regulate wind turbines. There is also a renewable energy bill that would allow more high elevation wind turbine development. This kind of development has been controversial but has gone through in communities where the state has been behind the project and worked with companies on siting. David asked if the town would see any revenue from commercial wind development as some towns do with wireless transmission towers. Sharon said there is strong sentiment that towns should benefit from having wind turbines. Sharon said West Windsor already owns a lot of land on the mountain, which puts them in a good position. Sharon said if the town doesn't want wind turbines in certain areas, that should be stated in the Town Plan. Tom said the PSB has to consider both regional and town plans when reviewing wind turbine proposals. Conversely, David said, the Town Plan could indicate that the town supports such proposals. Tom and Sharon agreed. Audrey Halpert asked if regulations can be developed to protect wildlife corridors. Sharon said some towns are going out in the field and inventorying core habitat areas and connecting corridors. Sharon said it's easier to regulate if the inventory work has been done. Tom said overlay districts can be used to protect habitat areas and corridors. Tom said forest fragmentation is a huge issue in our region and added that the Regional Planning Commission is working with Reading to try to keep wildlife corridors open using an overlay district and limits on driveway length. Jason said there is good data on the location of rare, threatened and endangered species so there can be specific regulations prohibiting development in those areas, but wildlife suitability data is not as reliable so a local inventory would help. Tom said that, in Weathersfield, the Conservation Commission used to give

written testimony during subdivision hearings, which was really helpful. Laura Stillson asked if the inventory has to be done by professionals. Tom said there are wildlife biologists who can help but generally towns do the work themselves. Laura asked if it's critical to have actual mapping or just language in the town plan. Tom said it's pretty easy to map resource areas and then bring the map to the PC for a public hearing. Tom said Hartland has a scenic road standard. Jason said the amount of research required may depend on the type of resource being inventoried. With wetlands, for example, you may need to involve a Wetland Ecologist. Sharon said where there is a lot of high-end development, there is a lot more antagonism towards traditional rural uses such as gravel pits. Sharon suggested looking at rural residential districts more carefully and considering overlays or subcategories that acknowledge the presence of important resources. David said historically there was a quarry on Mt. Ascutney but if someone wanted to re-establish that use, they would probably meet with antagonism. Likewise, there used to be a couple of lumber mills in town and, David said, he doesn't know if they would be welcome now. Tom said he thinks the issue is scale; how big is it going to be. Tom said historically, when they were mining on Mt. Ascutney, they were using horses. These days, Tom said, truck traffic is a concern in West Windsor. Hal said the DRB considered some of these issues with the proposal to convert the talc plant to a pellet plant. There were no more questions so Hal thanked Sharon, Tom and Jason.

2. Minutes: December 16, 2009; January 6, 2010; January 25, 2010 – The PC agreed to defer consideration of the minutes until their next meeting.
3. Adjourn – **The PC adjourned by consensus at 8:15 PM.**

Respectfully submitted,

Martha Harrison