

WEST WINDSOR DEVELOPMENT REVIEW BOARD

Draft Minutes

April 4, 2011

Present: Glenn Seward, Shannon Harrington, Barbara Truex, Hal Pyke, Jane Hoisington (DRB alternate serving in place of recused member Glenn Seward for the Informal Review), Bruce Sahler (DRB alternate serving in place of absent member Genevieve Lemire for the Informal Review), Tom Kenyon, Martha Harrison

- 1) Call to Order – DRB Chair Glenn Seward called the meeting to order at 6:30 PM.
- 2) Changes or Additions: Executive Session – **Hal made a motion to go into Executive Session to discuss pending litigation. Barbara seconded the motion, which passed unanimously.** Following discussion, **Shannon made a motion to reject the settlement proposed by Louis and Bonnie Coakley because it does not include the requirement that the Coakley's work out an agreement with abutting property owners Wyatt & Michelle Kniffin. Hal seconded the motion, which passed with Barbara Truex and Bruce Sahler abstaining because they were not present for the original site visit and public hearing. Glenn then moved to come out of Executive Session. Hal seconded the motion, which passed unanimously.**
- 3) Informal Review: Subdivision of Mile Long Field from Parcel #3-3 by Snowdance LLC (landowner) and the Town of West Windsor (applicant) – Glenn recused himself from the proceedings as DRB Chair because he represents the applicant, the Town of West Windsor. Shannon noted that the landowner is not present. Glenn said the Memorandum of Understanding (MOU) represents the discussions as they relate to the town and not necessarily to the landowner. Glenn said the landowner has seen the MOU and has given him permission to sign it. Glenn said he was also authorized by the Selectboard to sign the MOU. Glenn said the Selectboard has been talking with the Resort owner about purchasing Mile Long Field (MLF) along with some other small lots but, in order to do so, MLF has to be subdivided from the other resort property. Glenn said the landowner has indicated a willingness to erase the property lines of the smaller lots that extend into MLF: T-14, T-17, T-16, and T-11 of the Mountainside Drive subdivision. Glenn provided the DRB with a map showing the area the town may be interested in purchasing. Glenn said the town would merge MLF with the Town Forest. Glenn said he spoke with April Hensel about the state subdivision requirements, which she said are purely administrative since the field is going to merge with another parcel. Glenn said he still has to talk to Jeff Svec about a water and wastewater permit. Glenn noted that the boundary between parcel #2-102 and Mile Long Field would have to be adjusted to allow the eastern half of the snowmaking pond to extend into Mile Long Field. Glenn said the adjusted acreage of parcel #2-102 would be 42.78 acres, which meets the minimum lot size for the Resort/Conservation district. Glenn said the amount of land that the town would consider purchasing is approximately 47 acres. Glenn said the town has asked the landowners if they would consider moving the pond to the west so it would not extend into Mile Long Field, but they do not want to invest in new engineering studies. Shannon asked what easements the Resort would need. Glenn said there would be easements for underground piping and maintenance access. Barbara asked if the reservoir would be fenced if it gets built. Glenn said yes. Glenn said the idea is that when Mill Brook is high, the Resort would pump water out of it into the reservoir and when it is low, they would use the water in the reservoir for snowmaking. Glenn said the snowmaking pond was required by the state to decrease the amount of water the Ski Area was withdrawing from Mill Brook. Glenn said Bruno Associates has done a preliminary sketch plan of the subdivision, based on existing surveys, but an official survey won't be done until after the town votes on the purchase on May 10th. There was discussion about whether or not the DRB can proceed with sketch plan review without a survey. Barbara said if the Resort were to decide that they don't need the reservoir, could someone build on the portion of parcel #2-102 that would extend into MLF after the boundary line adjustment. Martha said the zoning would have to change because the current regulations don't allow development, other than

infrastructure, on the field. Barbara asked about access to parcel #2-102. Glenn said there is access off Lemire Road and Coaching Lane. Glenn said the access to Mile Long Field would be off Mountainside Drive and Route 44. Glenn said Lot T-7 could provide parking for visitors to the field and the adjacent town forest. Hal asked if the town could develop Mile Long Field or sell it off for development. Glenn said if the town bought the property, there would be a conservation easement on it with Upper Valley Land Trust. The DRB asked about funding for the purchase. Glenn said the Selectboard is hoping to get \$150,000 approved by the voters, up to \$100,000 in grant funding through the UVLT, and the balance from private donations. Glenn said \$60,000 in private donations have already been pledged but the purchase won't happen unless the other sources of funding come through. Shannon asked about the time frame. Glenn said the Selectboard plans to sign a 120-day letter of intent, which would expire early in August. By then, Glenn said, the Selectboard would know the outcome of the vote and have a good idea about the fundraising, but would not know about the grant. Glenn said the town will apply for the grant in July. Barbara asked what the Resort's plans are for this parcel if the town doesn't purchase it. Glenn described the "king parcel" concept as outlined in the recent appraisal, which could result in the public being prohibited from using the field. Glenn said the property owner is not interested in selling the town a trail easement because it would reduce the desirability of the parcel for any other prospective buyer. Hal said the property owner could petition for a change in the town plan and the zoning regulations to allow for development. Glenn agreed that if the town truly wants to control the property, the town has to own it. Shannon asked about the tax implications of taking Mile Long Field off the Grand List. Glenn said it would cost 80 cents for a taxpayer with a \$200,000 property. Shannon asked what the taxes are on MLF. Martha said MLF is lumped in with all the other resort property. Shannon asked how the town would manage MLF. Glenn said it would come under the new Town Forest Plan and ultimately be managed by the Selectboard with the advice of the Town Forest committee. Shannon asked who appoints the members of the TFC. Glenn said the Selectboard. Shannon envisioned someone wanting to have a wedding on MLF and wondered where users of the field would park. Glenn said there would have to be guidelines for the use of the property but purchasing it is the first hurdle. Glenn said the current uses are recreational. Glenn said STAB (Sports Trails of the Ascutney Basin) has a number of trails on MLF. Glenn said the Selectboard has begun discussing how the town's economic climate can be improved by increasing awareness of the mountain bike trails. Shannon said if the trails become a commercial venture, Act 250 would come into play. With regard to the question of whether or not a formal survey is required for sketch plan review, Shannon noted that Appendix B of the Subdivision Regulations refers to a sketch drawn on an existing survey map. Tom said if the current landowners sell the Ski Area and just keep the developable land, would any development they propose still be considered "part of the Ascutney Mountain Resort." Shannon said in order to sell just the Ski Area, the property owner would have to present a subdivision plan to the DRB. Referring to the statement at the bottom of page 12 of the zoning regulations, Glenn said the remaining developable land could only be subdivided into 40-acre lots. Glenn said the reasoning behind allowing smaller lots for resort-related development was to ensure the long-term viability of the ski area. There was discussion among the members of the DRB and the zoning administrator about what could be done with MLF and the adjacent acreage to the west. Barbara asked if the town could acquire the area designated for the reservoir if the reservoir is not built. Glenn said he has not looked into obtaining a right of first refusal yet. Shannon asked if any restrictions are being considered for MLF. Glenn said it would be open space combined with the town forest and used for recreational activity. The DRB agreed that a survey is not necessary for Sketch Plan Review but Shannon said it would be nice to have more information such as contours and an ortho photo. Shannon asked if there are existing easements for the piping. Glenn said no, they would be written into the deed. Barbara asked about the T-lots. Glenn said T-7 would remain intact, but T-11, T-14, T-16, and T-17 would disappear. Glenn said the intention is to use the brook as a boundary with the exception of the lot line between T-15 and T-17 which would remain as surveyed. Shannon noted that there are no dimensions on the sketch plan. Barbara

asked if there are any existing structures on any of the T-lots. Glenn said there are no structures other than his house. Glenn pointed out the lots that he currently owns. There was a late-arriving member of the public present who was concerned about the impact that selling off lots would have on the viability of the Ski Area. Shannon said the current owners have not presented any other subdivision plans to the DRB. Glenn repeated his earlier statement about the town's plans for funding the purchase of MLF. Glenn said the current owners have said that they are interested in selling MLF to lower the price of the Ski Area to make it more attractive to a potential buyer. Barbara noted that the current owners want to keep the land proposed for a snowmaking pond, which indicates their intention to help the Ski Resort remain viable. Shannon said someone should be thinking about the Resort's retained property and whether or not they have any unmet conditions on their existing state permits.

- 4) Other Business – Lucy Mackenzie: Tom asked why the Lucy Mackenzie Humane Society had to get a permit for interior renovations. Martha said it was a change of use from agricultural to an education and training space. Tom said he thought that when they were granted a permit for a Humane Society that covers the use of the entire structure. Tom said it really caused a mess because they couldn't start their project on time. Tom said if you're granted a permit for a use does it apply to the entire building. Shannon said it would depend on how the original approval was written up. Tom said he is concerned about applicants having to go through a long process every time there is a slight change of use. Martha said she felt that unused horse stalls were substantially different from education space for a summer camp and, therefore, the renovations constituted a change of use. Hal noted that the applicant could have appealed the Zoning Administrator's decision. Tom said they didn't dare to disagree because that would have taken more time. Martha said she did a site visit on the same day that the applicant called and told the applicant that she needed a permit. The applicant then took a number of days to submit the permit, which Martha said she turned around pretty quickly. Martha said there's only a two-week appeal period on a permit. Tom said that's what messed them up. Shannon said once you have a permit on your property, if you do something different, you have to amend it. Hal noted that the Humane Society is in the Commercial/Industrial district where veterinary/animal care facility is a conditional use. Waivers: Shannon noted that the Planning Commission has asked the DRB for feedback on the waiver language proposed for the zoning regulations. Shannon said she's not sure we need both waivers and variances but she thinks the waiver language indicates that the DRB gives way too many variances. Hal said he thinks waivers are a subjective assessment by the DRB of issues that don't meet the strict variance criteria. Barbara said the waiver language could provide some latitude in unique situations. Shannon said she thinks a waiver option might give the DRB more heartache than help. Hal said he is opposed to the zero tolerance of variances. Shannon said she would like to talk about waivers again at the DRB's next meeting. Tom said the variance criteria are not cut and dried.
- 5) Minutes – March 8, 2011: The minutes of March 8th were tabled until the next meeting.
- 6) Adjourn – **Barbara made a motion to adjourn at 8:00 PM. Hal seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison