

WEST WINDSOR DEVELOPMENT REVIEW BOARD

Draft Minutes
March 10, 2015

Present: Shannon Harrington, Barbara Truex, Genevieve Lemire, Jay Van Brunt, Connie May, Andy Kuhta, Glenn Seward, Martha Harrison

1. Call to Order – DRB Chair Shannon Harrington called the meeting to order at 6:30 PM.
2. Changes or Additions to Agenda – None
3. Virtual Site Visit – Glenn Seward, representing the Town of West Windsor (applicant) provided a map entitled “Ascutney Trails Concept Plan March 2015” and pointed out the 63.7-acre area that is the subject of this evening’s hearing, which includes a number of recreational trails. In 1984, Glenn said, the area was a spray irrigation site with effluent pumped from the resort’s sewage treatment plant.
4. Minutes – August 25, 2014: **Genevieve moved to approve the minutes of August 25, 2014 as written. Barbara seconded the motion, which passed unanimously.**
5. Elect Officers – Chair: **Barbara nominated Shannon Harrington as Chair. Genevieve seconded the motion, which passed with Shannon abstaining.** Vice Chair: **Shannon nominated Genevieve Lemire as Vice Chair. Barbara seconded the motion, which passed with Genevieve abstaining.**
6. Public Hearing – Shannon opened the public hearing on application #2579 by the Town of West Windsor and MFW Associates to change the use of 63.7 acres of resort property (a portion of parcel #3-3) that were designated as “spray areas” for a sewage treatment facility that no longer exists and to remove the permit condition that restricts its use for that purpose. The proposed new uses for the property include conservation, forestry, and non-commercial recreation. The proposed change of use will be reviewed under Sections 1.7(11), 2.3-7, 3.3(B), 4.3 and 6.3 of the West Windsor Zoning Regulations. Board members reported no conflicts of interest or ex parte communication. Shannon swore in Andy Kuhta, Connie May and Glenn Seward. Shannon noted the evidence presented so far includes the application, the town’s 1984 conditional use decision with attached map, and the Ascutney Trails Concept Plan dated March 2015. Applicant representative Glenn Seward said that, in 1984, the 63.7-acre area was used as a spray irrigation area to dispose of effluent produced by the now absent sewage treatment plant. Glenn said in 1984, there was a condition placed on this property that there could be no other uses for it. Glenn said since the town is developing a mountain bike trail network in that area, they are asking that the condition placed on the 1984 permit, which restrict the use of the property, be removed. Glenn said the future uses would be recreational trails, forestry, and conservation, which are all permitted uses. Barbara asked Martha if the property is in the Conservation district. Martha said yes. Shannon asked Glenn if the boundary of the 63.7 acres goes down to the stream. Glenn said no; in order to avoid spraying effluent into a water body, the boundary did not go down to the stream. Genevieve asked when the resort stopped using the acreage as a spray area. Glenn said in 1985 or 1986 it was no longer used and the infrastructure has been decommissioned. Glenn said the field across from his house is a giant leach field so, when the effluent couldn’t be sprayed on the irrigation area, it would go into the leach field. Shannon noted that Section 1.7(11) of the West Windsor Zoning Regulations says that outdoor recreational trails are exempt from

zoning. Glenn said all the trails illustrated on the map are under Act 250 jurisdiction and there is a state permit in place. In reference to Section 2.3-7, Shannon said the town is not really applying for any of the listed permitted or conditional uses but the property is in the Conservation District. Section 3.3(B), Conversions and Changes of Use, says “A conversion or change from one permitted use to another permitted use, or from a conditional use to a permitted use, shall require a zoning permit issued by the Administrative Officer.” Shannon said the property was under a conditional use permit but the three proposed uses – forestry, conservation and non-commercial recreation – are ~~permitted uses~~ [correction: exempt uses]. Regarding Section 6.3, Martha said the section on “Administrative Review” authorizes her to “review and approve minor amendments to previously approved development” but also allows her to refer the application to the DRB. Since it was a condition put in place by a previous board, Martha said she didn’t feel comfortable removing it without board-level review and the Town Attorney agreed. Genevieve asked if there is any parking on the 63.7 acres. Glenn said no. Glenn asked the DRB to remove the condition from the 1984 permit and authorize Martha to issue a permit for non-commercial recreation, conservation, and forestry. Shannon read part of the 1984 condition into the record, “These [spray] areas may not be dedicated or used for any other purpose...” Shannon asked if an amendment to an Act 250 permit is needed relative to the removal of this condition. Martha said no; this was a local permit condition, not an Act 250 permit condition. Shannon asked if any other state permits are being applied for. Glenn said no; the trails are already permitted. Glenn said he met with April Hensel and she said this is purely a local issue. Barbara asked if the 63.7 acres will be part of the Town Forest Management Plan, after the property is acquired. Glenn said yes. Shannon asked if there were any other questions or comments. There were none. **Barbara moved to close the public hearing. Genevieve seconded the motion, which passed unanimously.**

7. Other Business – None
8. Adjourn - After deliberating, **the board adjourned by consensus at approximately 7:15 PM.**

Respectfully submitted,

Martha Harrison