

## WEST WINDSOR PLANNING COMMISSION

Draft Minutes

December 3, 2014

Present: Barbara Truex, Mark Isenberg, Al Keiller, Glenn Seward, Martha Harrison

1. Call to Order - Planning Commission Chair Barbara Truex called the meeting to order at 11:40 AM.
2. Changes or Additions – None
3. Public Comment – None
4. Review and discuss revisions to West Windsor Zoning Bylaws – The Planning Commission reviewed a draft revision of Sections 2.3-5 and 5.4-1. Al asked about the context in which the revisions are being proposed. Barbara said the bylaws would need to be changed regardless of the town's ongoing negotiations with the current owner of the resort property because the zoning regulations don't recognize that there's no ski resort anymore. Mark said, according to the most recent Selectboard minutes, the deal (the town's acquisition of resort property) is off. Glenn updated the PC on the Selectboard's discussions with resort property owner Dan Purjes. Basically, Glenn said, contingencies were put on the sale that were not acceptable to the town and, when that was communicated to Dan, he suggested an alternative approach. Glenn said the alternative approach recognizes both the town's interest in recreational development and an improved Grand List and Dan's interest in some consideration for development in the Mile Long Field area. Martha noted that the default designation for the district is still "Conservation" if the proposed development does not make a demonstrable contribution to the town's recreational goals. Glenn said it is the Selectboard's opinion that permanent trail easements would make a demonstrable contribution. Al asked if there is an agreement and what the status of that agreement is. Glenn said the town is hoping that MFW Associates and the Trust for Public Land (TPL) will sign an option agreement on Friday, but the town is not a party to that agreement. Meanwhile, Glenn said, MFW Associates has requested some indication that the town is willing to consider revising the zoning regulations. There was discussion about the process for revising the regulations, which includes reviewing and approving the draft and warning a public hearing on the changes. Al asked if there are other documents that need to be signed, in addition to the option agreement. Glenn said other documents related to the water system, the base lodge, and Hotel Road are being drafted and will need to be signed. Those documents include an agreement with regard to the management of the water system during the option period, and an agreement by the town to lease the 469 acres during the option period. There was discussion about a possible agreement by the town to lease the land in the Mile Long Field area but the Selectboard feels that it would be a conflict of interest for the town to review a proposal for development on land that the town is leasing. There was discussion about the state and local tax implications of the various possible lease agreements. With regard to a requested tax abatement, Glenn said the Selectboard has no authority to abate taxes; that's up to the Board of Abatement. Glenn said there has been discussion about the acquisition of the remaining chairlift but the Selectboard would prefer to have the as-yet-unformed co-op, or some other entity, buy the lift. Glenn said MFW also asked the town to waive utility fees for the Cunningham Building, which is disconnected from water and sewer, as of August 15, 2014. Glenn said an alternative approach to the zoning issues for MFW would be litigation, which would bypass the whole public hearing process. The PC agreed that anyone can litigate just about anything. The PC discussed the proposed changes to the Resort/Conservation district in Section 2.3-5. The scope of the discussion included density, open space, lot size, setbacks, building envelopes, and the master plan. The PC discussed Section 5.4 and the proposed changes to Section 5.4-1. The PC removed the reference to the existing Master Plan, which has expired and changed the name of the Resort/Conservation district to Recreation/Conservation. After discussing the 150' setback at the periphery of the PUD, the PC left the language as is since it allows flexibility on the part of the PC and the DRB. **Al moved to approve for public hearing Sections 2.3-5 and 5.4, as revised. Mark seconded the motion, which passed unanimously.** The PC agreed that the reasons for changing the

zoning regulations are: to accurately reflect the current situation (i.e. no ski resort); to bring the regulations into conformance with the Town Plan; to improve the development potential of the district; and to further the town's recreational goals by potentially securing permanent trail easements in the Mile Long Field area. Glenn noted that the property owner will still have to develop a Master Plan, go through PUD and subdivision review, and get an Act 250 permit. The PC agreed to schedule a public hearing on the changes on Monday, December 29, at 6:30 PM. Martha said the PC needs to produce a report explaining the reasons for the changes. The PC asked Martha to draft a report based on today's discussion. Barbara suggested sharing the proposed changes with DRB Chair Shannon Harrington.

5. Other Business - None

6. Adjourn – **Barbara moved to adjourn. Mark seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison