

WEST WINDSOR PLANNING COMMISSION

Draft Minutes

May 25, 2011

Present: Hal Pyke, Barbara Truex, Elvin Kaplan, Mark Isenberg, Al Keiller, Andy Wyatt & Barbara Cain, Arthur Steinberg, Tom Kenyon, Glenn Seward, Martha Harrison

1. Call to Order – Planning Commission Chair Hal Pyke called the meeting to order at 6:30 PM.
2. Changes or Additions – Mile Long Field
3. Public Comment – None
4. Pools – Elvin said Bruce Boedtger sent the Planning Commission (PC) an email expressing his preference for a suggestion that fences be used around swimming pools rather than a mandate. Elvin said most other towns have ordinances requiring fences around pools. Elvin speculated that Brownsville might be considered negligent for not having such an ordinance. Hal said most state and federal regulations require some sort of fencing. Martha said she just got an email from another planner indicating that federal legislation on pool safety was passed in 2008. Martha has not had time to read the legislation or the model regulations yet. Mark said a pool cover is only effective if the people who operate it are vigilant, whereas a fence is a fixed barrier. Mark said the town's responsibility is to protect pets, wildlife and the general public; it's the homeowners' responsibility to protect their own family. Tom was concerned that firemen might fall through the pool cover in the winter when it's covered with snow, and said he hopes the town will require fences. Arthur said he has had a pool for 35 years and it has never been fenced. Barbara Cain said they are planning to install a \$10,000 pool cover that would support the weight of firemen or anyone else who might stand on it. Andy said there are other Vermont towns that do not require fences around pools. Arthur asked why ponds don't have to be fenced. Mark said ponds have exit points on all sides. Mark said he thinks requiring a fence is good common sense. There was discussion about the need to be more specific about what is required. Al noted that West Windsor's regulations require a 4' barrier, not a fence, which implies that you can't get through it. Al said he would like to see what the state rules say and take it up at the next meeting. Martha said she will forward the email she received about the federal regulations. Barbara said a fence is not going to keep teenagers out. Elvin said the regulation isn't aimed at teenagers, it's aimed at toddlers. Al asked when the next meeting is. Martha said the next meeting is on June 8th but any changes in the regulations won't be adopted until September.
5. Clarify objectives for ridgelines – Al said the Town Plan refers to ridgelines as something that should be protected and there is consensus in this group not to eliminate development on ridgelines but to control it with additional restrictions. Al said the question is: how do you define ridgelines? Hal noted that Glenn Seward volunteered to visually inspect the ridgelines. Mark said he likes some of the language used by other towns, but he can't visualize the location of the district or the application of the regulations. There was discussion about the problem presented by the flatter ridgelines; it would be difficult to get the peak of the roof below the ridgeline. Barbara said she thinks the town should only protect the prominent ridges. Glenn reported on his inspection of the ridgelines and gave an example of a prominent ridge and another ridge that really can't be seen from public roads. Glenn said he does not think development on ridgelines should be prohibited; he thinks there should be some mitigation of the visual impacts, as viewed from public roads. Al asked Glenn if he

identified 10 prominent ridges or 30. Glenn said the number is somewhere between 10 and 30. Martha said Jason is going to draft a map based on contours, using Glenn's input, and then each member of the PC can drive around and confirm whether the prominent ridges have been accurately identified. Martha said Jason is also looking for basic criteria on which the PC agrees. For example, Martha asked, does everyone agree that the peak of the roof should be below the ridgeline? Martha suggested that the PC come to consensus on their concerns with regard to ridgelines. Al said he likes Landgrove's language and read a portion of it. Hal noted the illustration in Westminster's regulations. **Elvin moved to establish guidelines, similar to those adopted by Landgrove, for lands in the ridgeline overlay district. Mark amended the motion to make it subject to defining the areas within the ridgeline district. Al said if the motion is to adopt Landgrove's language for restrictions on ridgelines that will be defined through the process of specific identification, he will second the motion. Hal called for a vote on the motion, which passed with Mark and Barbara abstaining.**

6. Mile Long Field – Glenn said he was approached by a representative for the owner of the ski area regarding the possibility of discussing the rezoning of Mile Long Field with the PC to come up with a mutually agreeable alternative that would allow some development on the field. Glenn noted the statutory process for amending the town plan. There was discussion about how the 40-acre conservation district came into existence and whether or not it would stand up in court. There was also discussion about the recent vote not to support the purchase of Mile Long Field by the town, and how that vote might be interpreted. Al noted the importance of determining whether or not the stipulation agreement on the Resort's master plan is still in effect. Glenn said he forwarded the process for amending the town plan and the zoning regulations to the resort owner's representative today. Hal asked to have a copy forwarded to the Planning Commission. **Hal made a motion to agree to meet with the Resort owner's representatives, find out what they're interested in doing and proceed from there. Mark seconded the motion.** Elvin said the PC's first priority should be completing the revision of the zoning regulations. Hal agreed. Barbara said perhaps the Selectboard could extend the PC's deadline for completing the revision. Glenn said the PC should take the time they need. Martha said there is a statutory requirement that town zoning regulations have to be in compliance with the town plan by September of 2011. Glenn said there must be an avenue for an extension. Hal said he would prefer to have a separate meeting with the Resort owners. Martha noted that anyone can petition for an amendment to the town plan or the zoning regulations at any time, and then time limits for considering the amendment kick in. **Hal called for a vote on the motion, which passed with Elvin abstaining.**
7. Review Home Business and Home Occupation standards – Barbara asked if the performance standards apply to home occupations. Elvin asked if there is a deficiency in the standards. Martha described a specific situation in which a local resident was disturbed regularly by an immediate neighbor who runs a contracting business. Barbara suggested that the performance standards should apply in this situation. Martha said a home occupation is an occupation that someone does inside his house; a contractor doesn't do his work inside his house so it's not covered under "home occupation." Elvin said the performance standards apply to all uses. Martha agreed. Al said the resident could complain that the neighbor is violating Section 3.12. Hal said people should not be allowed to operate a contractor's yard in a residential area. Martha said most of the existing contractors in town live in residential areas and asked

where else they could be located in West Windsor given that the Commercial/Industrial district only includes five lots. Martha noted that some towns require conditional use approval for contracting businesses. Elvin said he would not be in favor of that. Al asked if a nuisance situation could be resolved satisfactorily using Section 3.12. Martha said Section 3.12 might be a little vague. Hal said Hartford's regulations do not allow home businesses to "have an adverse effect on the residential nature of the neighborhood." Hal said home occupations don't require a permit. Martha disagreed. Barbara asked if there are any local ordinances that require heavy equipment to be operated during daylight hours. Martha said those conditions are sometimes included in conditional use decisions. Hal said home occupations are a permitted use. Martha said "permitted use" doesn't mean you don't need a permit. Barbara suggested including as one of the standards in Section 4.10 that home occupations shall meet all performance standards specified in Section 3.12. Hal suggested that, in a nuisance situation, the neighbor can call the Constable. Martha said that, as far as she knows, the town does not have a noise ordinance. Martha said the problem with sending a notice of violation in a situation like this is that, with a notice of violation, the person making the noise has seven days to stop. Hal suggested proposing to the Selectboard that they pass a noise ordinance. Martha said the Vermont League of Cities and Towns (VLCT) probably has a model ordinance. **Elvin moved to add #4 from the Home Business section to the Home Occupation section. Barbara seconded the motion, which passed unanimously. Elvin moved to recommend to the Selectboard that they adopt a noise ordinance. Al seconded the motion, which passed unanimously.**

8. Minutes – April 11th: **Barbara made a motion to approve the minutes of April 11, 2011 as written. Al seconded the motion, which passed with Elvin abstaining. April 27th: Barbara made a motion to approve the minutes of April 27, 2011 as written. Elvin seconded the motion, which passed with Al abstaining. May 4th: The minutes of May 4th were tabled.**
9. Adjourn – **Elvin made a motion to adjourn at 8:33 PM. Barbara seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison