

WEST WINDSOR PLANNING COMMISSION

Draft Minutes
February 7, 2011

Conservation Commission members present: Sue Greenall, Win Johnson, Ted Siegler, Cathy Boedtke, Barbara Gerstner, Laura Stillson

Planning Commission members present: Hal Pyke, Elvin Kaplan, Barbara Truex, Al Keiller

Others present: Martha Harrison, Jason Rasmussen, Bruce Boedtke, Ashley Pakenham, Merle Bushkin, Glenn Seward

This was a meeting of the Conservation Commission. The Planning Commission attended to participate in the discussion on ridgeline zoning regulations. These minutes reflect that discussion only and are not intended to serve as minutes for the entire meeting.

1. Call to Order – Conservation Commission Chair Ted Siegler called the meeting to order at 7:05 PM.
2. Changes or Additions – Mile Long Field, Town Meeting
3. Minutes of December 13, 2010 Conservation Commission meeting – **Barbara Gerstner made a motion to approve the minutes of the December 13th meeting. Cathy Boedtke seconded the motion, which passed unanimously.**
4. Continued discussion, ridgeline protection – Ted explained that Glenn had asked the Conservation Commission (CC) to make a recommendation regarding ridgeline regulations. Ted said the CC has looked at what other towns have done and has looked at some draft maps. Ted said the CC feels that precise criteria for inclusion or exclusion of specific ridgelines should be developed. Ted asked for guidance from the Planning Commission (PC). Jason Rasmussen from the Southern Windsor County Regional Planning Commission (SWCRPC) presented a draft map highlighting all the ridgelines in town, along with a 500' buffer. Jason said the map was done on a computer and should be followed up with some field work to verify its accuracy. Jason said the PC will have to work on regulatory language to go along with the map. Al said that, with a 500' buffer, the map could include troughs that aren't visible from any public roads. Jason said the precision of the map depends on the amount of time and effort the Commissions are willing and able to invest. Win said being in the ridgeline overlay district would trigger a site visit and one of the possible results of the site visit would be a determination that the building site isn't visible and no restrictions are necessary. Elvin said the visibility of a ridgeline varies depending on the location from which it is being viewed. Elvin added that the concept of identifying ridgelines from the top down seems flawed. Jason said the method used depends on the town. The town may decide that they only want to protect the view as seen from the main roads. Jason said there is a level of subjectivity in the process. Ted said another option is to have design review of all development to make sure that it's not offensive from a lighting or visual point of view, but that's more onerous. Ted asked if we're just trying to protect ridgelines or if this is a broader issue. Bruce described Woodstock's process and handed out copies of Woodstock's ridgeline map. Bruce said he thinks it makes sense to drive around and look at the ridgelines and refine the map. Glenn agreed that it's a good idea to field check the map. Win said he is worried about subjectivity if a group of people adjust what is currently shown as a uniform buffer. Glenn said he thinks defining the ridgeline boundaries is discretionary to some extent. Win said zoning based on subjectivity tends to fail when it's challenged. Hal agreed with Win and suggested uniform buffers with a pre-hearing site visit to determine whether the building envelope meets the criteria for additional restrictions. Hal noted that there are some very visible houses that are not on ridgelines. Win said it sounds like Hal is suggesting that we look at sight lines as well as ridgelines. Hal said yes, the DRB will have to look at sight lines when they do the site visit. Win asked about houses that are

in the sight line but not in the ridgeline district. Hal said all houses have to adhere to the existing zoning bylaws. Ted asked if the PC is planning to modify the zoning bylaws to address these issues, with or without a ridgeline district. Hal said there are regulations on lighting and landscaping in the bylaws and they may have to be “beefed up.” Sue talked about a windmill project in Woodstock. Al suggested focusing on ridgelines and not trying to address too many issues at once. Al added that he thinks a 500’ buffer on each side of a ridgeline is pretty big and he’d like to see if it could be smaller. Al asked about the size of Woodstock’s buffers. Jason said Woodstock’s are 500’. Sue said she thinks they recently changed them to 350’. Jason said the commissions should think about what size buffer makes sense for West Windsor. Al agreed that having a uniform buffer takes away the subjectivity. Win said the subjectivity would come in during the review so there would have to be clear standards. Hal noted that the Town Plan does have a specific recommendation regarding the identification and protection of ridgelines. Jason said it doesn’t make sense to apply the ridgeline regulations to a large topographic feature like Mt. Ascutney. Barbara asked how the ridgeline district would affect property assessments and whether it would be considered a “taking” of land. Jason said the intent is not to prohibit development but to minimize the impacts of development. Win suggested that the CC hand this project over to the PC. Hal said the PC has enough information and sample ridgeline regulations to draft something but they would appreciate it if the CC would review the draft. Win said it could be as simple as requiring site plan review for development in the ridgeline district. Merle asked about the economic consequences in communities that already have ridgeline regulations and wondered specifically if the regulations are a barrier to the transfer of property or if they reduce land values. Jason said adding another layer of review will increase the expense of the permitting process. Laura said by preserving the view, ridgeline regulations could have positive economic consequences for neighboring properties. Glenn said he had envisioned the CC using the map to verify those areas that are of importance and the PC drafting the language to go with the map. Win said if the ridgeline buffer is not going to be of a uniform width then the CC needs to know the specific criteria for adjusting the buffer. Ted agreed. Win suggested an iterative process. Win asked if there are things that the PC would like the CC to do before it comes back to them. Hal said he thinks the PC is prepared to draft some language. Win suggested joint site visits to evaluate proposed ridgeline development. Hal noted that existing development is grandfathered but new construction would have to comply with the new bylaw. Al asked who should articulate the objectives of the ridgeline regulations – the Conservation Commission or the Planning Commission. Hal said it’s the PC’s job to articulate the objectives as outlined in the Town Plan. Glenn said he thinks it would be fairly easy to draft some language based on similar regulations in Woodstock, Westminster and Reading. Ted asked Jason if he could provide a map showing a smaller (e.g. 250’) buffer. Jason asked if the map shows too many ridgelines and if they extend out too far. Ted said the CC could drive some of the roads and compare a 500’ buffer with a 250’ buffer, while the PC is working on language. Win said he thinks it would be helpful if the CC and the PC did the field work together. Win asked if deer wintering areas and ridgelines overlap in places. Jason said the data on deer wintering areas are old and not very accurate. Win said evidence of deer wintering could add power to the argument for ridgeline protection. Sue noted that deer yards have changed due to the increased logging in town. Win asked Hal if the PC is going to start working directly with Jason on this now. Hal said yes.

5. Planning Commission Adjourns – Following the ridgeline discussion, the PC adjourned by consensus.

Respectfully submitted,

Martha Harrison