

WEST WINDSOR PLANNING COMMISSION

Draft Minutes
January 21, 2009

Present: Hal Pyke, Bruce Boedtke, Glenn Seward, Barbara Truex, Joe D'Anna, Martha Harrison, Paul Dunkel

1. Call to Order – Co-Chair Hal Pyke called the meeting to order at 6:30 PM.
2. Changes or Additions – None
3. Public Hearing (continued from December 17, 2008): Hal reconvened the public hearing on application #2282 by Paul Dunkel for a 2-lot subdivision of parcel #6-40 at 228 Coon Club Road. The application is subject to review by the Planning Commission (PC) under sections 2.3-2, 3.2, and 3.16-2 of the proposed West Windsor Zoning Regulations (Draft for Selectboard February 7, 2008). Hal asked Martha to give the Planning Commission an overview of the proceedings over the past nine months. Martha said the majority of the testimony that has been given so far was given on April 8, 2008. Martha said Paul initially applied for a 2-lot subdivision, but the zoning regulations in effect at the time required three 1.5-acre lots, so Paul was asked to amend his survey accordingly, which he did a couple months later. Barbara asked if the regulations in effect at the time were interim proposed regulations. Martha said yes, there is a state law that requires proposed regulations to be effective for a certain period of time. Martha said there had also been discussion about the B-71 standards and the requirement that the road be 24 feet wide. Paul said the road has been widened and stumped, gravel has been put at the top of the road and it has all been graded off. Paul said it's hard to measure right now with the snow banks, but it is 24 feet wide. Martha said there was discussion last April about including the 50' right-of-way in the deed. Paul said the right-of-way has already been defined so it can be added to the deed from the survey. Glenn asked if that happens at the time of property transfer. Paul said yes; he has a right-of-way through the Bejarano's property so he will extend that right-of-way through his retained parcel to the parcel that he is selling to the couple currently renting the house. Martha said a topographic map was requested and subsequently provided. Paul said along with the topographic map, he also provided a grade study of the driveway. Glenn noted that the grade study shows that all the driveway grades are within 15%, except for one small section, which is 15.02%. Martha said, at the April 8th hearing, Chris told Paul that he would need septic permits for both lots. Martha said the state subdivision permit is basically a wastewater permit and we did finally get that. Paul said that, so far, he has spent \$12,000. Martha said there had also been discussion about the need for a 50' buffer along the stream. Paul said he believes he has that. Paul gave the Planning Commission an overview of the history of the pine lot through which he has a right-of-way. Paul noted that the pine lot is due to be cut down this winter. Barbara noted that the replacement wastewater areas have been marked on the map. Paul said he would also deed perpetual right to have the backup wastewater system in the area indicated on the map. Martha said that, at some point, Paul had provided the PC with a "Property site plan subdivision" from Calkins Septic Design, but she does not have a copy. Paul said he would email Martha a pdf of the document. Bruce asked Glenn if he is familiar with the driveway grade study. Glenn said yes – there were some stumps that had to be removed, some additional gravel that had to be put down, and

some widening here and there, but the main thing was to make sure that the grade did not exceed 15%. Bruce said the Driveway Standards section of the regulations that were in effect at the time says that the grade shall not exceed 10%, but maybe we are not calling it a driveway. Bruce said the B-71 standard is 15%. Martha said that once it crosses over the stream it only serves one house, so it's a driveway at that point. Glenn added that the driveway section is relatively flat. Bruce asked if culverts are installed. Glenn said yes. Bruce asked if the Selectboard has looked at the access. Martha said they looked at it and they didn't see any issues, but they tabled consideration pending the PC's decision on the subdivision. Martha said she put the access on the agenda for the Selectboard's next meeting. Bruce suggested conditioning the PC's approval on the Selectboard's approval of the access. Hal asked Paul if he intends to sell the three lots in bulk. Paul said he has always intended to sell them as one lot and was told that as soon as the three lots are sold to the same person, they would automatically merge and become one lot. Barbara noted that she walked the property recently. Martha said Section 3.16-2 lists all the resources that the subdivision should protect. Martha said she checked the maps and there are no floodplains, ridgelines, or steep slopes, but there is a Class 2 wetland and a deeryard. Martha said there is already a house in the deeryard and no new construction is planned, so maybe that doesn't make any difference. Martha said the wetland should be included on the final plan. Barbara asked if the deeryard information is from a map. Martha said yes. Barbara said she thinks some of the deeryard information is changing. Martha agreed and said that Tom Kennedy has indicated that deeryards tend to shift and the maps are not very reliable. Paul said the deer come through on a trail, but he wouldn't call it a deeryard. Martha said Section 3.16-2 also talks about the deed restriction on the parent parcel, which would be Paul's parcel. Martha said she thinks Paul is aware that he can't further subdivide. Paul said yes. Glenn asked if the sewer easement should be delineated. Bruce said yes, that would have to be a condition of the permit. Paul said he has it defined on the Calkins Septic Design survey. Martha said the regulations say that the applicant must present a final plat that meets the requirements of Section 3.16-4. Glenn said the survey shows the replacement area, but shouldn't it also show an easement to access the replacement area. Paul said the replacement area and the subdivided lot are already attached and, by definition, the purchaser of the lot has to be given access to replace the septic system if it fails. Bruce said there does need to be an easement and the deed has to address that. Bruce said the purchaser has to have the right to construct, operate, and maintain a septic system in the replacement area. Paul said he was told that the lawyer for the purchasers would refer to the Calkins Septic Design plat, which would be recorded. Bruce agreed that the buyer's lawyer should take care of it. Paul said he will also make sure that it's done. Hal gave Paul a copy of Section 3.16-4 of the regulations that were in effect at the time of his application, which specify what is required on the final plat before it is recorded. Barbara asked if the regulations specify that the property can't be re-subdivided. Hal said yes. Hal closed the public hearing. Paul left his information with the PC. **Barbara made a motion to go into deliberative session. Joe seconded the motion, which passed unanimously.** After deliberations, **Glenn Seward made a motion to approve application #2282 by Paul Dunkel for a 4-lot subdivision of parcel # 6-40, subject to the conditions discussed. Barbara Truex seconded the motion, which passed unanimously.**

4. Consider zoning regulation amendment – Hal said the proposed amendment is to Section 4.12, Light Industry, which is on page 29 of the Zoning Regulations. Hal said Glenn Bowman would like to convert the talc mill to a pellet plant. Hal suggested that Section 4.12 should be called “Light Industry/Commercial.” Hal noted that Glenn Bowman is asking for more than 10 on-premise employees and, if that plant is going to be used, needing more than 10 employees is not unreasonable because it’s a large facility. Hal read the suggested language, which is noted in red on the handout. Martha said in a discussion on the zoning administrator’s list serve, several of the participants felt strongly that the number of employees should not be limited and that the Development Review Board (DRB) should focus on the use of the property to ensure that performance standards are met. Martha noted that there are only five parcels in the Light Industrial/Commercial district. Joe said he sees no problem with eliminating the restriction on the number of employees; it would be good for the economy if the pellet plant hired 15 or 20 people. Bruce agreed that the number of employees has nothing to do with the impacts on the site, so it’s not relevant. Bruce asked about screening the parking area. Hal said the DRB did a site visit and the whole parking area is pretty well screened with trees. Bruce asked what is happening with the brick house. Hal said Glenn Bowman is keeping that as an office space. Bruce asked if there’s parking near the house. Hal said the parking for the brick house is behind it and you can’t see it from the road. Barbara said the parking for Lucy MacKenzie is well off the road, but it’s in front of the building and not screened. Martha said the regulations require the screening of supplies and equipment, not parking. Bruce asked about Glenn Bowman’s timetable. Martha said Glenn Bowman said he expects it to take 6 months to get Act 250 approval. Martha added that Glenn said he could start operations with fewer than 10 employees. Bruce said he thinks the proposed bylaw amendment makes sense. **Glenn Seward moved to approve the proposed amendment to Section 4.12 of the West Windsor Zoning Regulations. Barbara seconded the motion, which passed unanimously.** After brief discussion, **Glenn Seward made a motion to approve the Planning Commission report on the proposed amendment. Joe seconded the motion, which passed unanimously.**
5. Correspondence: Glenn Bowman - Hal said the town received a letter from Glenn Bowman asking for confirmation that his proposal is in accordance with the West Windsor Town Plan. Bruce asked if the Planning Commission is the proper authority to render an opinion. Martha said the DRB asked the PC to make a recommendation and she thinks they could choose to accept the recommendation or not. Hal directed the PC’s attention to the Economic Development Policies on page 59 of the Town Plan and said that the first two policies are relevant to Glenn Bowman’s proposal. Martha said the PC could use the information in their report on the proposed bylaw amendment as support for Glenn Bowman’s proposal. Hal read the Economic Development Recommendations from the Town Plan and said that it doesn’t appear that there are going to be any infrastructure needs related to the pellet plant. Barbara noted that the bridge on Route 44 near the intersection with Route 106 has just been replaced. Hal said the number of trucks might be bothersome, but there is plenty of space between the plant and the nearest residence. Hal said all the work will be done indoors. Joe asked if there is a smoke issue. Glenn said Mr. Bowman has applied for a state air quality permit, so that will be monitored. Hal said that Mr. Bowman has said that there will be no ash. Barbara said she wonders if the pellet

plant could use some of the current use timber coming out of this area. Glenn said he doesn't know what the timber quality requirements are. Bruce said he thinks the proposal conforms to the town plan as long as the majority of the truck traffic uses Route 106, which is a truck route. There was discussion about whether or not Mr. Bowman can control incoming and/or outgoing truck traffic. Glenn read a paragraph from the Town Plan, under Existing Traffic Conditions, which states that, "Vehicular traffic speed and increasing truck traffic on VT Route 44 are problems, especially in the village and resort area..." All agreed to include that section in the letter. Martha agreed to draft a letter to Mr. Bowman and email it to the PC for approval at their meeting on January 28th. Bruce volunteered to have more copies of the Town Plan made.

6. Nominate Zoning Administrator – **Glenn Seward nominated Martha Harrison as Zoning Administrator. Bruce seconded the motion, which passed unanimously.**
7. Other Business – None
8. Adjourn – **Barbara moved to adjourn at 8:20 PM. Bruce seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison