

**WEST WINDSOR PLANNING COMMISSION  
WEST WINDSOR DEVELOPMENT REVIEW BOARD**

Minutes  
April 14, 2009

Present: Glenn Seward, Hal Pyke, John McNamara, Phil Arvidson, Genevieve Lemire, Barbara Truex,  
Joe D'Anna, Bruce Boedtger, Martha Harrison

Absent: Shannon Harrington, Pete Ladd

1. Call to Order – DRB Chair Glenn Seward called the joint meeting to order at 7:00 PM.
2. Changes/Additions – none
3. Discuss density land allocation in Planned Unit Developments – Glenn said that traditionally with a PUD a specific amount of acreage is dedicated and shown on a survey map. Glenn suggested that the DRB consider the concept of dedicating acreage on a spreadsheet rather than on a map, so there is no specific acreage allocated to a PUD. Glenn said if you consider the Resort, for example, the total acreage would be on a chart and as it is developed the amount of density land required would be deducted from the total acreage. Once that acreage is depleted, there can be no more development. Glenn said initially it sounds straightforward but it may require changes to the zoning bylaws. Glenn said Martha has inquired about this type of allocation with Stowe, Killington and Ludlow, but has only heard back from Stowe. Glenn said Stowe uses this method of allocation and, apparently, it works fine. Glenn said the fact that there are two owners at the Resort could complicate matters. Glenn said he wanted to get a sense of the two boards' comfort level with this concept, which was brought up a while ago but not pursued. Phil agreed that it was discussed but was never enacted. Hal said the requirement that acreage be allocated on a survey map has resulted in spaghetti lots and awkward easements. Hal commented that Stowe's regulations put the burden on the property owner of maintaining accurate figures, which the DRB monitors. Hal explained the concept in more detail. Glenn said that Steve Plaustein has indicated that the existing density land requirements prevent Snowdance from clustering development as the boards have requested. Glenn added that Orange Lake currently owns the land around some of the hotel buildings and it's not clear how that land would revert to Snowdance and come off the chart somewhere else. Genevieve agreed that the fact that the land has two different owners is the first big hurdle. Phil said Steve Plaustein has proposed this type of approach in the past and the minutes show that the boards, at the time, were receptive to the proposal, but that Steve was advised to have counsel draft a specific proposal, which he never did, so the ball's in his court. Barbara asked if the land now owned by Orange Lake contains acreage that Steve needs for additional development. Glenn said Steve's reasoning is that the town boards want him to cluster development in that area and, because the land is unavailable, he is unable to cluster. Phil noted that the board should make sure that the town's ideas on clustering and Steve's ideas on clustering are consistent. John asked if there is an agreement between the town and the resort on Mile Long Field. Phil said yes. John wondered if Steve would say that Mile Long Field is the development land for the buildings. Genevieve said Mile Long Field has not been considered part of the Resort development. Phil and Glenn agreed. Hal said we need to get a handle on the acreage and location of the land that comprises the PUD. Phil agreed. Phil said he thinks the PUD precedes Steve Plaustein and then it went through a bankruptcy. Glenn said there are apparently two PUDs, one for Phase I (all the gray buildings) and one for Phase II (the Mts. Edge condos), and there is dedicated acreage for those depicted on a survey. Glenn said in 1994, the PC and the ZBA gave the Plaustein family a "to do" list which included submitting an updated survey showing dedicated acreage for the phases. Glenn said there are also 60+ acres set aside for the sewage treatment plant spray site in the original permit, which says it shall never be used or dedicated for any other purpose. Phil said his recollection is that Steve was told that any

change to the current PUD would have to be through a modification of the PUD and he has never come in with that. John asked if Steve has talked with Orange Lake about this. Glenn said he and Hal met with Steve about a week ago and Steve did not mention any discussions with Orange Lake. Glenn said at the meeting he broached the subject of dedicated acreage with different ownership, but that issue was skirted around. Genevieve asked Glenn if he had mentioned the two PUDs and the sixty acres to Steve. Glenn said no, they just did a lot of listening. Genevieve suggested that the information might give Steve a different perspective. Glenn said he would like to see it on a survey. Glenn added that the sixty acres are mentioned in the original permit, but not in the synopsis that Andrea Sullivan did in 1994. Glenn said the Plausteiners did submit a survey showing the two PUDs. Barbara said it appears that Orange Lake bought a piece of one of the PUDs. Phil noted the importance of keeping Orange Lake apprised of what's going on. Barbara asked if Orange Lake has any plans for development. Phil said only in the sense of remodeling. Martha said that, apparently, Orange Lake did not want the land that came with the buildings they purchased, but they had to take it. Martha explained what she discovered in the deeds. Phil said he doesn't have a problem with the concept, but Steve should clearly represent what he owns and does not own and what he proposes to do, and he should have an attorney with him. Glenn said he thinks having a clear concise way of handling dedicated acreage would be in the town's best interest. Bruce asked what happens when a building is sold and the dedicated acreage is just "out there in space" how do you transfer the PUD portion of that acreage with the building. Glenn said that's the messy part of it. Bruce said this is done all the time with one owner, but playing this game with two owners makes him a little bit nervous. Bruce said he thinks it's a great idea, but the devil is in the details. Phil suggested conveying to Steve that the boards are receptive to the concept but that they need to see the details, along with an attorney's representation that it can be done consistent with existing deeds. Hal said he and Glenn asked Steve who is going to pay the taxes on the dedicated acreage but didn't come to a resolution. Glenn said the Timber Ridge subdivision will be coming up again. Phil said when Timber Ridge was first proposed in 2006, the neighbors said that there were restrictive covenants prohibiting the proposed development and there were. Phil said it's his understanding that Steve has represented that he has resolved his problems with the neighbors. Hal said that's correct. Phil said if the neighbors agree, that would come out in whatever public hearings we have on the proposal. Glenn said he thinks Steve is planning to submit his application for the subdivision. Phil asked if the Timber Ridge proposal is tied to the density land proposal. Glenn said his sense is that Timber Ridge would have to be treated as a separate PUD, not tied into the others, but he doesn't know. Barbara asked if PUDs are defined by the boundaries of the land being considered for the PUD. Glenn said he doesn't think the Timber Ridge site is included in either the Phase I or the Phase II PUD. Phil asked Glenn if he feels he has found the PUDs in our records. Glenn said yes. Barbara asked if the ski slopes are part of the density land. Hal said the ski area/conservation district is a 318-acre set aside on the draft list that Steve provided. Barbara said if they sold the ski area, nothing could be built on it. Hal said correct. Hal said Steve provided a list showing density land last week. Martha suggested looking at the list as a concept. Hal agreed. Glenn showed the boards the map associated with the August 3, 1994 planning board document. Martha noted that the map does not include the 60+ acres set aside for the spray field. Genevieve asked where the Timber Ridge subdivision would be. Glenn pointed out the 3.17-acre parcel, which says "restricted area." Phil said that the existing PUDs are so ill defined that an updated PUD is in order. Glenn said when Steve and Susan took over, that's what the planning board asked them to do, which is documented in this 1994 decision. Glenn said it seems to him that the 1994 document is a reasonably good starting point. Barbara suggested a complete inventory of the land and the units that currently exist as well as the dedicated acreage. Genevieve asked if Snowdance is required to apply for a new PUD. Hal said they can amend the existing PUDs. Genevieve asked if the existing PUDs can be disregarded. Hal said they run with the land. Hal said he thinks it would be reasonable to apply to subsume the existing PUDs into one larger PUD. Martha pointed out that

the PUDs have two different owners. Phil said that's their problem. Phil added that Snowdance ought to represent what was involved in the transaction and the other party ought to agree. Martha noted that the 1988 map that Glenn found doesn't reflect the Phase I permit accurately because it doesn't include the spray fields. Glenn agreed. Bruce said the Resort really needs to present a surveyor's map because a surveyor will do the deed research and note on the map who owns what. Hal read the portion of Stowe's zoning regulations that refers to the allocation of density land. Barbara said it sounds like the land remains in the PUD regardless of who owns it. Genevieve said the allocated land would stay with the building regardless of who owns it. Martha said if they're not allocating land to a specific building, how would they do that? Phil said that's where they have to come back to us with specifics. Hal agreed that the burden is on the Resort to present an application with a detailed description and survey map. Bruce asked if the board can act on the Timber Ridge subdivision application when it comes in or if the density land issue has to be straightened out first. Glenn said the board has to act based on the regulations in effect now. Hal said if it's in a ¼-acre district and the land is not restricted, the board would consider it under the present zoning bylaws, not as an amendment to a PUD because it's not in one of the existing PUDs. Phil said in 2006, before they discovered the restrictive covenants, the main issue was with one of the accesses for the proposed subdivision. Phil added that he doesn't recall discussion about whether the proposed lots were going to be connected to the sewer system or not. Glenn said he thinks Steve intends to connect to the sewer system. Phil said he'd like to see a statement from Windsor that their treatment plant has adequate capacity. Hal agreed that there should be documentation. Phil said he doesn't recall any discussion about water supply either. Glenn said there is a shared water supply. Phil noted that there has been litigation involving the water supply. Phil mentioned the Resort's failure to plow Coaching Lane Extension. Bruce said Steve Plaustein owns Coaching Lane Extension, but the problem is that there's no property owner's association. Bruce (who lives on Coaching Lane Extension) said the deeds indicate that Steve has the right to charge for maintaining the road and has told those who own property along the road that it would be cheaper for them to get together and hire someone to do it. Bruce said the water and sewer would both have to comply with state requirements and would require an Act 250 amendment. Glenn asked if the board would like Martha to draft a letter indicating that the board is receptive to the idea but needs a detailed proposal. Phil agreed and suggested that the letter be circulated for comment. Martha asked the board if they are asking Steve to come in with a complete application for a PUD. The board members said yes. There was discussion about the expense of hiring lawyers, engineers, and surveyors and agreement that the information provided by those professionals is necessary. Barbara said some of that must have been done in order to sell property to Orange Lake. Martha said the deeds and surveys associated with that transaction are recorded. There was discussion about what Orange Lake actually purchased. **Phil made a motion that Glenn and Martha draft a letter to Steve Plaustein indicating that the board is receptive to the density land allocation concept but needs specific details on how that would be structured and administered. Joe seconded the motion.** Hal said he thinks what Steve is talking about would require either an amendment to the existing PUDs or a new PUD. Glenn said that's for Steve to figure out. Phil said he thinks Steve needs a new PUD. There was discussion about which comes first, the PUD or the Master Plan. Martha said the Master Plan comes first. Hal said the town is prohibited from asking for another Master Plan. Phil said he's not sure he agrees with that. Glenn said the existing Master Plan is the initial conceptual vision of what Steve wants to do up there, but when he wants to do something specific, then he comes in with a PUD application. Glenn said it would make sense for the existing PUDs to be combined if this density land allocation concept is to proceed any further. Phil said it also has to represent the transaction that has taken place, which the present documents do not. Bruce said the board needs a present ownership map prepared by a licensed surveyor. There was discussion about the existing PUDs for Phase I and Phase II of the old Master Plan. Glenn said the Phase I and Phase II PUDs are clearly defined in existing permits. Glenn said he thinks the base lodge alterations

and the skier bridge are also amendments to a PUD. Martha read Condition #20 from the June 12, 1984 joint decision of the Planning Commission and Zoning Board on Summit Venture's application for conditional use approval for Phase I. Glenn said the dedicated acreage for Phase I was reduced in 1994 because of the dismantling of the sewage treatment plant. Phil suggested having Matt Birmingham review the letter that Glenn and Martha draft. **Glenn offered an amendment to Phil's motion suggesting that Steve's density land allocation proposal should take into consideration the two existing PUDs. Phil agreed. Barbara suggested that the proposal should also reflect the dual ownership. Phil agreed.** Martha asked again if the board wants Steve to submit a PUD application. Phil said yes. Glenn asked if it's premature to ask for a PUD application. Phil said he thinks the board should tell him that he needs to submit a PUD application and, if he wants to discuss it, he can come in. Bruce said any discussion should be predicated on an accurate ownership map. Phil agreed, but said the board should be willing to hear Steve if he disagrees. **Glenn called for a vote on the motion, which passed unanimously.**

4. DRB Minutes: March 10, 2009 – **Hal made a motion to approve the minutes of March 10, 2009 as written. John seconded the motion, which passed unanimously. February 2, 2009 – Phil made a motion to approve the minutes of February 2, 2009 as amended. Hal seconded the motion, which passed unanimously.**
5. Other Business - None
6. Adjourn – **Phil made a motion to adjourn at 8:25 PM. John seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison