

WEST WINDSOR PLANNING COMMISSION

Draft Minutes
December 14, 2010

Present: Hal Pyke, Elvin Kaplan, Barbara Truex, Mark Isenberg, John Broker-Campbell, Martha Harrison

1. Call to Order – Chair Hal Pyke called the meeting to order at 10:35 AM.
2. Changes or Additions – Municipal Planning Grant: Hal said five towns in Windsor County are requesting a total of \$47,000 and there are only \$21,000 available, so we'll have to wait and see if our application is approved.
3. All Hazards Mitigation Plan (revised) – John Broker-Campbell reviewed the process for ranking and prioritizing mitigation projects. Mapping the location of new and existing culverts received a priority ranking of 36, which is the highest possible ranking. Coordinating with the Agency of Natural Resources on debris removal received a priority ranking of 30, which is high. Installing catch basins was removed from the list of priority mitigation projects. The PC talked about continued training. John said Selectboards don't always realize how much authority they have in emergency situations. Hal said he doesn't think the Selectboard has had any particular training in disaster mitigation but normally in situations like that the Selectboard Chair is the key person. Elvin asked about the Emergency Operations Plan. John said Jim Kenyon keeps a "green book" that has all kinds of emergency information. John said it's important to stay current with training and gave some examples. Hal said the town has mutual aid agreements for fire and public works. Mark said while they were updating the Town Plan, the PC talked about updating the town emergency plan. Martha said we update the "green book" every year but mainly it's to correct phone numbers and that sort of thing, although Jim adds things that he thinks should be added. Barbara said the emergency plan should have protocols for particular types of events, e.g. a shooting or a fire at the school. Barbara said training often leads to protocol. John agreed that training and protocol go hand in hand. Hal asked what West Windsor is going to do for police protection after our constable retires. There was brief discussion of the options. John said there will probably be a regionalized approach to emergency services in the future. The PC agreed to keep a priority ranking of 24 for "continued training opportunities." John said there will be additional opportunities for the town to review the hazard mitigation plan over the next year as the state and FEMA are reviewing it.
4. Continue revising zoning regulations – Ridgelines: The PC reviewed a map, provided by the Regional Planning Commission, showing elevations over 1,100 feet. The PC agreed that it would not make sense to have a ridgeline overlay district that covers half the town. Hal suggested that an actual physical inspection of prominent ridgelines may be necessary. Barbara read the definition of ridgeline from the subdivision regulations and suggested that the definition be included in the zoning regulations. Martha said she would like a map that clearly shows whether a property is in the ridgeline district or not. Barbara noted that the visibility of a particular ridge doesn't necessarily correspond with its elevation. Everyone agreed. Mark asked how other towns address ridgelines. Martha said many towns don't regulate ridgelines, but the PC could look at Woodstock's regulations as an example. Mark suggested finding out if any other towns address ridgelines in a cogent fashion and, if not, just get rid of the whole thing entirely. Barbara and Hal said they would like to define

ridgelines in the zoning regulations. Elvin pointed out that the Town Plan includes a recommendation that the town identify locally significant scenic resources, including ridgelines. Martha said she doesn't think it would be too difficult for the Conservation Commission to identify prominent ridgelines on a map. Barbara said visibility might not be the only factor; some ridgelines might be important wildlife corridors, for example. Barbara said we really don't want someone to establish a quarry on one of the ridgelines. Elvin said we also don't want someone to put a lot of light into the night sky. Martha noted that the Town Plan recommends beefing up the lighting regulations. The PC agreed to ask Regional Planning to produce a map showing elevations over 1,200 feet, to see what other towns are doing with regard to ridgelines, and to include the ridgeline definition in the zoning regulations. Barbara asked about getting a map showing elevations over 1,500 feet. There was discussion about the various maps that might be used. Martha suggested finding out what the Conservation Commission discussed at their meeting last night because ridgelines were on their agenda. Barbara said we need to clarify the objective of ridgeline regulations. Elvin suggested different ordinances to address different problems. Accessory Dwellings: Martha said state statute requires towns to allow accessory dwelling units that are not more than 30% of the size of the existing single-family house so if we set a size limit of 750 sq. feet for accessory dwellings, someone with a 4,000 sq. ft. house would not be getting the 30% that the state requires us to allow. Martha said that's why she suggested allowing an accessory dwelling of 40% for those with existing houses of 2,500 sq. feet or less. **Mark made a motion to modify the zoning regulations to allow accessory dwellings up to 40% of the size of the existing dwelling for single-family houses that are 2,500 sq. feet or less. Barbara seconded the motion.** Mark asked if the state precludes towns from allowing that. Martha said no; towns are allowed to be less restrictive than the statute, but not more restrictive. There was discussion about whether to specify that a single-family home 2,500 sq. feet or less may have an accessory dwelling up to 750 sq. ft in size and not specify a percentage. Martha said folks who want a larger accessory dwelling have the option of converting their single-family home into a duplex. The PC agreed to keep the "one bedroom" restriction on accessory dwellings. Martha said the statute specifies that the accessory dwelling be subordinate to an owner-occupied single-family dwelling but there might be situations in which it would make sense for the owner to live in the accessory dwelling and someone else to live in the house. Barbara suggested specifying that the owner occupy one of the structures. Hal asked if state law precludes that. Martha said no. Mark said he thinks the existing language covers that. The PC looked at the language of Section 4.1 of the zoning regulations. Elvin said he doesn't think "owner occupied" means that the person has to be living in it. Mark agreed that the regulations could specify that the owner has to inhabit one of the dwellings. Martha said there is a sample bylaw on accessory dwellings, which the PC could review. Hal said that's a good idea. The PC agreed, in concept, that they like the 750 sq. ft. limit and the requirement that the owner of the property occupy one of the dwellings. **The motion was withdrawn.** Elvin said the only time the town will ever look at the standard is when someone is applying for an accessory dwelling. Elvin asked what the town could do if, after it's built, the owner decides to rent it out. Martha said zoning applies to both construction and use so she could issue a Notice of Violation if neither dwelling is owner-occupied. Elvin said he doesn't think we're going to have that kind of policing of homes. Mark said he doesn't think we can place that kind of limitation on it. Mark asked what difference it would make if both the house and the apartment were rented out. If the owner-

occupant dies, for example, Mark said, the accessory dwelling wouldn't have to be eliminated. Martha said if both the house and the apartment end up being rented and the town discovers that, the town can issue a notice of violation. Mark said he doesn't think anyone would ever build an accessory dwelling unit knowing that they might not be able to use it as such if circumstances change and they can no longer occupy one of the units. Martha said in that case the owner could convert the property to a multi-family home, which would involve having the state look at it from a public safety perspective. Hal said he thinks the owner would have to get conditional use approval for a rooming house. There was brief discussion about state requirements for single-family homes, multi-family homes and apartments. Elvin said he is resistant to creating regulations which are subject to being abused. Elvin said he thinks requiring owner occupancy is an infringement. Martha said it's the state statute that requires owner-occupancy but they do allow towns to be less restrictive. Hal said if the owner-occupant dies, the law says that the new owner of the property has to occupy either the house or the apartment. Mark said he thinks the requirement that the owner occupy one of the units only applies at the time the accessory dwelling is created. Barbara said you're putting two structures on one lot and you're not subdividing the lot so maybe that's why there is a requirement that the owner occupy one of the units. Mark asked if the property could be converted to a condominium. Martha said that's what happened with the old Mt. Ascutney School. Martha agreed with Barbara that you're only allowed to have one principal structure on a lot so if you're renting both of them out, then maybe you have two principal structures. Mark said he would like to know the intent of the accessory dwelling statute. Martha said she thinks some towns were being too restrictive of accessory dwellings so the state stepped in and required towns to allow them. Mark said he thinks that, in general, you want to avoid investor owned rental properties in small towns. Martha said you could do it but you'd have to get a permit for a multi-family home. Hal said a multi-family home is three units. Martha said then you could convert it to a duplex. Barbara asked if you can have a duplex and an accessory dwelling unit. Martha said no because the accessory dwelling has to be subordinate to a single-family home. Barbara asked if a single-family home could be converted to a multi-family home. Hal said you can do it if it's a rooming house. Hal said you can put in two or three apartments, plus an owner's unit. Martha said that would have to go through conditional use review and would have to have adequate parking and such. Barbara said there are a number of houses where it appears that there are multiple families living in the main house and then an apartment in the barn. Martha said some of those might be pre-existing grandfathered uses. The PC agreed that they need to resolve the owner-occupancy issue.

5. Minutes – November 29: **Barbara made a motion to approve the minutes of November 29, 2010. Mark seconded the motion, which passed unanimously.**
6. Other Business – The next meeting is tentatively scheduled for Wed., Jan. 19th at 6:30 PM.
7. Adjourn – **The Planning Commission adjourned by unanimous consent at 12:05 PM.**

Respectfully submitted,

Martha Harrison