

**WEST WINDSOR DEVELOPMENT REVIEW BOARD**  
**Draft Minutes**  
**July 14, 2015**

This meeting was preceded by a site visit that began at 6:15 PM at the Holiday Inn (Windham Building) at 485 Hotel Road. No minutes were taken of the site visit.

Members Present: Shannon Harrington; Barbara Truex, Genevieve Lemire; Jay Van Brunt and Jane Hoisington

Others Present: Dick Beatty, Howard Jerles, Lou Page, Leslie Levesque, Lucille Plausteiner, John Plausteiner, Thomas Kenyon, Mary Whiting, Arthur Whiting, Edson Pierce, Heather Smith, Shawn Williams, Melisa Williams, Laura Page, Martha Harrison, Preston Bristow

1. Call to Order – DRB chair Shannon Harrington called the meeting to order at 7:00 PM.
2. Changes or Additions to Agenda – None
3. Public Comment – None
4. Approve Minutes – as a copy of the minutes of the last meeting of March 10, 2015 was not readily available this item was tabled.
5. Public Hearings:

Shannon Harrington read the hearing notice for both application #2593 and #2594. No DRB member disclosed any ex parte communications or conflicts of interest. Shannon Harrington explained that those seeking status as interested person must enter their names on the interested persons record and service list and must participate in the hearing. Those intending to provide testimony were sworn in.

The **public hearing on application #2593 by the Town of West Windsor and MFW Associates** to subdivide a 510-acre parcel into four lots of 460 acres, 3.38 acres, 2.19 acres and 44 acres was then opened. John and Lucille Plausteiner, Thomas Kenyon, Arthur and Mary Whiting, and Shawn and Melisa Williams indicated that they desired status as interested persons. Glenn Seward requested status as an interested person by letter dated July 14, 2015. Shannon Harrington disclosed that Glenn Seward is her brother-in-law.

Dick Beatty presented the application on behalf of the Town of West Windsor. The former ski area property of 510 acres, now owned by MFW Associates, will be divided into four parcels. Lot #1, the big lot of 460 acres, will be purchased by The Trust for Public Land and conveyed to the town subject to a conservation easement. The 460 acre Lot #1 will be combined with the adjacent 1,112 acre town forest and both properties will be made subject to the same conservation easement. This property will never be developed for residential use and recreational uses will be provided at a smaller scale by a non-for-profit organization.

Lot #2 of 3.38 acres will be acquired by the town and will not be encumbered by the conservation easement. This parcel includes the very original ski area base lodge (which may be razed and replaced for recreational use), a maintenance shed (which may be used by the town to store equipment), and a sugar shack (for which there currently are no plans). This

parcel will be encumbered by a telecommunications easement held by AT&T. Efforts are underway to confine AT&T's telecommunication uses to a 50 by 75 foot square of the property. Lot #3 is the burned out base-lodge on 2.19 acres and will be retained by MFW Associates and may be conveyed to Snowdance LLC. The town would like to see the building demolished. The last parcel is Lot #4 of 44 acres known as Mile Long Field to be retained by MFW Associates and presumably to be developed as a residential area. The town will also be acquiring the parking area of 9.9 acres but it is not included in this application because it is a stand-alone parcel. It will also be subject to the conservation easement. Finally, Dick Beatty alerted the DRB that some aspects of this proposal may hinge on securing a Memorandum of Understanding with the Mountainside Condominiums regarding Deer Run Road Access.

In response to questions, Dick Beatty stated the town hopes to apply for a Phase II environmental study and funds to help with cleanup of the burned-out base lodge on Lot #2. The town may be able to acquire Lot #2 at a later time but not until the burned-out base lodge is removed and the site cleaned. Tom Kenyon stated that all of the proposed subdivision boundaries have been surveyed. Martha Harrison stated that the state Wastewater and Water Supply permit had been applied for as well as the state Act 250 permit.

Shannon Harrington expressed her concern that a parcel without road frontage cannot be created without a 50 foot wide right-of-way that is reviewed by the DRB to determine that it is suitable for ingress and egress by all vehicles including emergency vehicles. She felt the application lacks sufficient information for the DRB to make this review with regard to Mile Long Field (Lot #4).

In response to further questions, Dick Beatty stated that the conservation easement will be held by the Upper Valley Land Trust and Vermont Housing and Conservation Board, not the Trust for Public Lands. The last remaining chairlift may be bought by the non-profit recreation group, taken down and refurbished, and then re-installed at a different location. The town will strive to ensure that the AT&T easement on Lot #3 will be extinguished and the antenna pole removed once the AT&T tower on Lot #2 is constructed.

The DRB voted unanimously to recess this hearing until Thursday, August 20, 2015 at 6:30 PM at the town hall. The intent is that the reconvened hearing will be the Final Plan Review and that a decision can be made at the close of that hearing. The DRB will provide a list of the additional information necessary to make this decision.

The **public hearing on application #2594 by OLCC Vermont LLC and Snowdance LLC** to install light posts and illuminate building signs in accordance with a lighting plan was then opened. John and Lucille Plausteiner, Thomas Kenyon, Arthur and Mary Whiting, and Shawn and Melisa Williams indicated that they desired status as interested persons. David Leavitt, President of Ascutney Mountainside Condominiums, requested status as an interested person by letter dated July 13, 2015, and expressed in his letter the concern that the proposed lighting plan will create a "halo effect" over the hotel complex and make it difficult to see the night sky.

Howard Jerles presented the application on behalf of OLCC Vermont LLC and Snowdance LLC. The lighting plan is in response to the experience of some patrons that they have to use a flashlight to get from a building to their car or to walk along Hotel Road because it is so dark. The applicant is acutely aware of the concern not to over-light the premises. The original lighting plan with 25 proposed 10 foot poles has been reduced to 21 proposed 10 foot poles and the proposed 20 foot tall post in the Holliday Inn parking lot has been eliminated. All fixtures will be full cut-off, night-sky rated 5290 lumen LED lights in Columbia style fixtures that will direct their light straight down. The existing lampposts will also be converted to full cut-off, night-sky rated LED lights which will reduce existing light pollution. Further, the existing lights for the 5 building signs currently shine up whereas the new sign lights will shine down. All light fixtures and posts will be painted white.

Shannon Harrington read section 3.12(4) from the zoning regulations which states: “No use shall cause, create or result in ... excess lighting beyond the minimum amount required for safety and security and/or lighting which is inconsistent with the character of the neighborhood. No excessive direct light shall be visible from the property line. The use of motion-activated, infra-red controlled, timer-controlled, and down lighting is encouraged. Shielded up lighting or down lighting of the American flag, in accordance with federal regulations, is allowed.” Howard Jerles stated for the record that the lighting plan as presented will meet these conditions, that all lights will be down-lighted and on photo-voltaic cells.

Shannon Harrington reviewed the five general conditional use review standards under section 5.3:

- (1) The capacity of existing or planned community facilities or services: no undue adverse impact now that all lampposts are out of the road right-of-way.
- (2) The character of the neighborhood, area, or district affected: no undue adverse impact as lampposts are spaced 100s of feet apart and existing fixtures will be upgraded.
- (3) Traffic on roads and highways in the vicinity: no adverse impact.
- (4) Bylaws now in effect: the application complies with the bylaws in effect.
- (5) The utilization of renewable energy resources: no undue adverse impact as the overall effect of the upgrades will be to reduce energy consumption.

The DRB voted unanimously to close the hearing.

6. Other Business – None
7. Adjourn – After deliberating, the Board adjourned at approximately 9:00 PM.

Respectfully submitted,  
Preston Bristow