

WEST WINDSOR SELECTBOARD

Draft Minutes
September 3, 2014

Present: Glenn Seward, Tom Kenyon, Bruce Boedtke, Martha Harrison

- 1) Call to Order – Selectboard Chair Glenn Seward called the meeting to order at 8:00 AM.
- 2) Changes or Additions -
- 3) Announcements – Tom said he has arranged to meet with the Town Attorney every day at 7:30 AM as needed. Tom said the Selectboard will also meet at 8:00 AM every day as needed.
- 4) Meet with Town Attorney concerning resort acquisition and related matters – Glenn noted that Tom had discussions with the Town Attorney this morning. Tom said he would like to approve the minutes before they're released and within five days of the meeting.
- 5) Discuss and act on matters concerning resort acquisition – Regarding the meeting last night, Glenn said he thinks those present agreed that the Selectboard is acting appropriately. The Selectboard discussed the need for frequent meetings between now and September 15th to come up with a Memorandum of Understanding (MOU). Tom shared his thoughts about the town taking over Hotel Road and the resort water system. Tom also expressed concern about increased traffic using the Coaching Lane-Route 44 intersection. Tom said he doesn't think a zoning change is necessary for development in the Mile Long Field area but the number of lots could trip Act 250. Tom also noted that the accesses to the old base lodge do not comply with B-71 standards. Bruce said we can promise our best efforts but we can't guarantee zoning changes or Act 250 permits. Bruce asked if the deal can go forward, as far as Trust for Public Land (TPL) is concerned, if the property owner wants to retain the property around the old base lodge. Glenn said he thinks the Selectboard needs to agree on how to approach this. Glenn said there's a lot to do between now and September 15th when we need to have an option in place through TPL. In order to arrive at an MOU, Glenn said he thinks we need a final determination on the trail easement situation, which will provide critical economic benefits. Glenn said we can't stop the process with the MOU. Glenn said it's his impression, after the meeting last night, that the Selectboard will need to hold a town vote on this issue. In that case, Glenn said, we need to establish a timeline for informational meetings and a vote. Glenn said TPL is putting money on the table on September 15th and has grant deadlines in October so we need to move forward as quickly as possible. Glenn suggested wording for a warning with five articles asking the voters to authorize the acquisition of the property, the base lodge, the water system, and Hotel Road. The Selectboard agreed that they need to discuss all this with the Town Attorney. Glenn said if we do sign an MOU on September 15th, we're going to need to start sending out letters and press releases immediately afterwards. The Selectboard discussed plans to meet with the property owner on Sunday, September 7th at 10:00 AM. Glenn noted the need to be organized and focused, with each Selectboard member having clear responsibilities. Glenn said he is willing to continue taking the lead on this project if Bruce and Tom are willing to assist with some of the other matters that are going on in town. Bruce agreed to help out and also spoke in favor of daily meetings so everyone has the same information and can work together on crafting an MOU. The Selectboard agreed that, in general, Bruce will take care of highway projects and will work with the Town Forest Committee on the Act 250 application. Highway projects include the Brownsville-Hartland Road culvert replacement and the proposed logging operation using Queen Victoria Road. Tom agreed to take care of Town Hall projects and to assist Glenn with the village sewer project and the resort acquisition. Glenn asked Bruce and Tom, as Tree Warden, to touch base with Mike Spackman about the issues associated with the use of Queen Victoria Road prior to Monday's meeting. Glenn said Jay Van Brunt is also interested in rebuilding his stonewall, which is in the right-of-way. Glenn asked Bruce to look into it and touch base with Mike. Glenn asked Tom and Bruce if they are willing to bring the buildings, the road and the water system into

the negotiations. Tom and Bruce said they are willing to consider including them, subject to voter approval. Glenn asked Tom to work with Cathy Archibald to develop a timeline for a special Town Meeting and a vote. Tom agreed to consult with the Town Attorney about whether the vote needs to be by Australian ballot. Glenn said he would like to email the local boards with an update on the situation. Tom said we should include information on the upcoming special meeting and vote. Glenn said we should also bring the Property Owners Association (POA) into the conversation and let them know that the town is considering acquiring the water system as part of the deal. Glenn said he would like to have a conference call with the chairs of the various associations. Tom asked Glenn to wait until tomorrow so he can also provide them with information about the special town meeting and vote. Glenn agreed. Glenn asked about doing a press release. Tom and Bruce agreed that we should, once we have the meeting and vote scheduled. Glenn said the press release will have to be general in nature due to the fluidity of the situation. Glenn said we need to inform TPL today that we're scheduling a town vote. Glenn said we also need to determine the effect of existing local permits on the appraisal. Glenn said he will discuss this issue with TPL. Tom asked if we have a legal determination on permit conditions. Glenn said he is waiting for an opinion from Matt. Glenn said we need to see the property owner's land use plan quickly and if we're not comfortable with it, we should state that now. Bruce said the property owner is going to have to go through Act 250. Glenn asked about the number of houses that trigger a PUD review. Martha said she thinks it's five for a PUD, and ten lots would trigger Act 250. Martha said Act 250 will look at our Town Plan, which indicates the town's intention to protect Mile Long Field. Bruce said there are ways in which Mile Long Field could be developed appropriately while maintaining the integrity of the existing trails and natural resources. Glenn said there are approximately 147 acres in the Mile Long Field area, including the acreage to the west along Coaching Lane. Glenn said if 24 houses were proposed for that area, each lot would have about 6.1 acres, and the current zoning allows five-acre lots with on-site water and sewer. Martha noted that all development in that district has to be reviewed by the DRB and is supposed to be related to the ski area. There was discussion about whether permanent trail easements could be considered a contribution to the viability of the resort. Glenn proposed expressing the Selectboard's concern about the number of houses proposed and asking the property owner to provide his rationale for the number of homes based on current zoning, before Sunday. Bruce and Tom said they would like to have the plans by Friday to give the Selectboard an opportunity to review them before Sunday's meeting. Glenn said we're going to have to determine the costs associated with this project, which could include legal fees, an environmental assessment, survey work, engineering costs, and property tax agreements. Glenn said we also need to figure out how to deal with zoning issues and permit requirements. Glenn asked about the process for making zoning changes. The Selectboard agreed to consult with Matt tomorrow and ask him to put his opinion in writing. Martha said the zoning regulations can be amended according to the procedures established in 24 V.S.A. §4441. Glenn said he has a call into April Hensel regarding Act 250 issues. Glenn said he would also like to continue the effort to find a conservation buyer. Glenn said he will touch base with Orange Lake and he thinks we should also get in touch with the Department of Forests, Parks and Recreation. Glenn said the warning for the special town meeting should also include an article authorizing the Selectboard to place conservation easements on the existing town forest. Tom suggested including an article authorizing the Selectboard to transfer ownership of the water system to an appropriate entity.

- 6) Continue meeting – **Glenn moved to continue this meeting until September 4th at 7:30 AM. Tom seconded the motion, which passed unanimously.** Glenn asked Martha to allow the Selectboard to review the minutes before they're posted.
- 7) Reconvene – At 7:30 AM on September 4th, Glenn reconvened the meeting that began yesterday, September 3rd, and was continued until this morning. Glenn said he spoke with property owner Dan Purjes yesterday and the plans prepared by his land planner include 21 houses. Glenn said Dan intends to send the plans along as soon as he has had a chance to look at them. Glenn said he sent the Resort/Conservation zoning bylaws to Dan, along with the definition of Mile Long Field, and

Dan will explain how the proposed development contributes to the viability of the resort. Tom had questions about how the houses would be accessed but the Selectboard agreed not to get into that level of detail at this point. According to Glenn, Dan would prefer to sell Mile Long Field as one parcel, and is also considering municipal sewer in that area to make the lots more marketable. Glenn said Chris Dugan and Matt Birmingham will be present on Sunday to work out any legal issues that arise. Glenn said Dan has requested his presence at a site visit on Saturday. Bruce and Tom agreed that Glenn should attend the site visit. Tom asked about the trails above the base lodge. Glenn said we don't know yet how much property Dan would like to retain in that area. Tom asked how far up the slopes from Ski Tow Road the Resort/Residential district extends. Glenn estimated about 1,000 feet. Tom and Bruce were concerned about removing the acreage around the base lodge from the deal. Glenn said he encouraged Dan to discuss the issue with Kate Wanner from Trust for Public Land (TPL). Glenn said he informed Dan about the town vote on October 14th and the rationale behind it. According to Glenn, Dan does not want any development in the base lodge area to affect the existing trail system. Glenn said Matt is comfortable with the vote and would like the Selectboard to inform Dan that they can assist in the permitting process but cannot assure the results. Regarding the permit condition on the spray site acreage, Glenn said the Vermont League of Cities and Towns (VLCT) suggested that the town and the property owner file an application with the Development Review Board (DRB) requesting that the existing permit be amended to allow recreational trails on the property. Tom asked if there is a definition for "resort." Glenn said he does not think "resort" is defined in the zoning regulations. Bruce said the intent was to acknowledge that ski areas need development to survive and if development in the Mile Long Field area would help keep the ski area in town, then the town would compromise. Glenn said he thinks the term "resort" was used, rather than "ski area," because there was no ski area at the time the most recent zoning regulations were adopted and because we should not lose sight of the economic contribution the trail system and other activities can generate. Glenn said he met with P2 Environmental (Patricia Beavers), the current water system operator, yesterday. Glenn said there was excessive water use at one time but those issues have been addressed and everything is working fine. Glenn said Patricia is encouraging the town to acquire the system. Tom asked about issues associated with the water system – chlorination, operational stability, and financial stability. Glenn said, according to Patricia, the system is in good shape but it's in trouble financially. Glenn said he spoke with April Hensel who is concerned about prime agricultural soils in the area and the potential fragmentation of the property. Glenn said April is going to check existing permits and any associated violations. According to April, Glenn said, the town doesn't need to be concerned about permit conditions associated with activities that are no longer occurring on the property. Glenn said he asked particularly about stormwater permits. Bruce expressed concern about the town applying for an Act 250 permit on Dan's behalf. Glenn said the town is not going to do that but we will need to cover the costs associated with acquiring the portion of the property that we're interested in acquiring. Glenn said TPL cannot be involved with property that has buildings on it so we'll have to subdivide it anyway. Glenn said Kate Wanner from TPL is aware of the plan to put this project to a town vote. Glenn added that the grant application will be into Vermont Housing and Conservation Board (VHCB) by the time of the vote but it will not yet be in the Board's hands. Glenn said Kate feels that a cash match of \$50,000 from the town will greatly enhance the prospects for a successful grant application. Glenn said a match could come from surplus funds. Glenn said the town has verbally committed to a services agreement with TPL in the amount of \$30,000, which will be due at closing. Glenn said the town has also agreed to pay for half the appraisal cost. Bruce asked if the cash match would be on the warning for the special town meeting. Glenn said we need to decide that and give Kate an answer by September 15th. Glenn asked Tom and Bruce if they are comfortable using Conservation Funds. Tom and Bruce said yes. The Selectboard discussed options related to the temporary acquisition of the property by a conservation buyer. Glenn said, according to Kate, a conservation easement on the town forest would be worth \$600,000. Glenn said Kate is going to speak with Dan about the base lodge. Glenn said we need to keep in mind that a portion of

the area is developable under current zoning, although it is in a PUD. Glenn said Kate is willing to provide materials for the town's informational effort. Glenn said Kate asked permission for a group of UVM students to access the resort property in order to study sensitive areas and natural features for the grant application. Glenn said Kate also asked permission for the students to camp on the property. Glenn said he will certainly ask Dan if the Selectboard is okay with that. Tom said they cannot have any fires. Bruce said if we make an exception to the rules, we should specify the parameters. Glenn said Kate estimated the cost for an environmental assessment related to the acquisition of the base lodge and the maintenance shed at \$5,000 to \$10,000. Glenn said there is an underground storage tank on the maintenance shed property that has been evaluated and is fine. Glenn said Kate asked to review the draft warning for the special town meeting. Glenn said he will send it to her and Matt Birmingham today. Glenn said he would also like to contact Orange Lake today with a status update. Bruce expressed concern about one of the beginner trails at the top of Mile Long Field. Glenn expressed doubt about the property owner's willingness to grant an easement there. Tom asked about the connector trail to the state park. Glenn said he expressed concern about the importance of that trail to Dan.

- 8) Adjourn – **Glenn moved to adjourn at 8:25 AM. Bruce seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison