

**Town of Warren
Planning Commission
Minutes of Meeting
Monday, August 8, 2022**

Members Present: Camilla Behn, Mike Bridgewater, Jenny Faillace, Dan Raddock, Jim Sanford, Chair.

Others Present: Ruth Robbins, Zoning Administrator, Monica Cahilly, Alice Cheney, Jito Coleman, Mary Gow, Cindi Jones, Dayna Lisaius, Alex Maclay, Brandy Saxton (PlaceSense, online), Marie Schmukal, Margo Wade (Sugarbush), Carol Chamberlin (Recording Secretary, online).

Agenda:

1. Public Comment
2. Proposed Town Green Pavilion – Dayna/Cindi
3. Mary Gow and Monica Cahilly re: Zoning District Uses
4. Sugarbush Resort and TDRs – Margo
5. Other LUDR Issues
6. New & Other Business

The meeting was called to order at 6:30 pm.

Public Comment

Alice Cheney expressed concern about proposed changes in Warren Village. The minimum lot size is currently a quarter acre [10,890 sf] and is now being reduced to only 10,000 sf. With smaller minimum lot sizes comes more potential for housing that also brings with it more people and more cars. There are already issues with parking which would only become more of a problem. She was very concerned about the village losing its character.

Proposed Town Green Pavilion

Dayna presented updated information regarding the proposed pavilion. She explained that she and Marie have visited several similar structures in the area to determine what characteristics would work best for the Town Green installation. They believe that a Staymat base is the best alternative, and presented rough plans for a 14 x 30 foot structure, noting that the size could be adjusted if necessary. These plans are for a pre-manufactured structure, which would be delivered and placed on site. Currently, the tent that is in place does not host many performances, but with a covered structure with better infrastructure, more musical and other performances may be hosted there. The plan is to include electrical wiring and wi-fi booster access in the pavilion. It will be ADA accessible, and there will be benches installed within the structure.

Dayna, Marie, and Cindi explained that they are seeking approval from the PC to proceed with an application for grant funding to cover the cost of the structure. They indicated that the final details of the design may be adjusted once funding is in place.

PC members expressed their support for the pavilion, noting that there needs to be more planning regarding the exact location of its placement on the town green. The preference expressed was for the structure to be somewhat off to the side, and to not take up a majority of the central green space. There was also some indication that a slightly smaller structure would be preferred.

In response to questions from attendees, it was explained that the Selectboard will have the final say on whether to proceed with this project and an outline of how frequently performances might be hosted. Some concerns regarding lighting were expressed.

PC members indicated their approval for moving forward with the grant application process.

Zoning District Uses

Monica Cahilly questioned the lack of specifically providing for uses such as artist studios in the districts designated as residential, indicating that these types of home businesses should be allowed in order to provide income potential for residents. Brandy explained that home-based occupations are allowed in all districts, but that commercial, non-residential spaces set up specifically for business use have not been designated as uses in residential districts.

Monica also asked for clarification regarding uses vs use standards, and it was explained that certain uses, while allowed either by statute or by Warren's regulations, have been set to require standards compliance for potential nuisance issues such as noise, odor, etc.

Brandy and members of the PC agreed to look at sections in the LUDRs pointed out by Monica in order to determine if the language might be clarified and made easier to understand.

Mary Gow was present to follow up on her previous request to adjust the zoning district line on her property. She explained that there is a 19-acre section that is not in the current use program, and indicated that this acreage is appropriate for more uses and so asked that it be moved from the Resource Protection to the Rural District. Jito Coleman noted that the upper portion of the parcel is part of a large forest habitat area, but that removal of the lower acreage being discussed would not be detrimental to the remaining 80 acres continuing to serve as habitat protection. Camilla also indicated that this piece is close to the village area, and the adjacent parcels are considered Rural. Brandy advised that if a change is made, that a regular shape be drawn between the Districts; she will provide a suggestion for a dividing line to the PC.

Sugarbush – TDRs and Other Items

Margo Wade provided information regarding impacts to Sugarbush created by the proposed LUDRs.

District Change Request

Margo pointed out that three District change requests had been made, and that only two had been adjusted by the PC. The remaining piece of land that is being requested to be included in the Resort Mixed Use District is between Snow Creek and South Village, the resort would potentially use that for further infill development or as a vehicle maintenance area. As the area requested to be changed is contiguous to other RMU areas, most of the PC members agreed to make the change.

A motion to approve adding the triangle of land indicated by Margo to the RMU District, subject to Brandy's providing a definitive demarcation, was passed with Camilla and Mike abstaining.

TDRs

Brandy outlined that she had communicated with Margo and Ruth regarding TDRs (transfers of development rights) that had been part of two Sugarbush projects. She outlined the factors of each transaction. In the first, from 1984-85, involved the rezoning of a parcel and conservation measures in exchange for development rights on another portion of the parcel. The plans for this (York Farm) parcel fell through, and now there is a private residence on the parcel, with the Vermont Land Trust having ownership of a portion. Brandy suggested that this TDR has become moot, due to it being an agreement between Sugarbush and the Town for something that was never developed.

The second situation is related to the land that was/is a farm near the East Warren Road/Plunkton Road intersection. This was meant to be a mobile home park, but the project never materialized. Currently this is 21 acres of agricultural land, with development rights removed. The rights were 'land banked' through the TDR, and the property has since been sold. Brandy provided documentation of this, indicating the removal of the rights, but there

has been no further action transferring those rights to another parcel of land. There was a 25-year time limit on this, which has been surpassed; Brandy indicated that these rights have now terminated.

There was some discussion regarding the land record information that is available to document these transactions; the PC suggested that any further action would require that Margo/Sugarbush provide an alternative determination for interpreting the available documentation.

Workforce Housing

Margo explained that the 120-day limit for occupancy of dormitories creates some difficulty, as the ski season is 5-6 months long. Sugarbush is requesting that the limit be set at 180 days. There was some discussion to clarify what was intended with the limit regarding unsafe/unpleasant housing.

A motion to amend Section 3203.5 of the draft LUDRs to read 180 days rather than 120 was made by Jenny. Jim seconded, and the motion passed with Camilla abstaining.

Margo pointed out that under Section 3203.6B, referring to congregate housing, the limit is designated as 150 days for two unrelated adults sharing a bedroom. Brandy noted that the numbers for these limits were out of synch, and it was agreed by the PC members that this will also be changed to 180 days.

Referring to Section 3203.7B, Margo asked for guidance related to the requirement for secured storage within a residential structure, explaining that including large items such as skis and bicycles in this requirement would be onerous. Brandy explained that the intent was for security of smaller items, and will provide a suggestion for a change to this language for PC review.

Master Plan Requirements

Margo expressed concerns regarding the proposed Master Plan requirements in the draft LUDRs, noting that much has previously been reviewed and approved through the current plan, but not all approved development has been completed. She indicated that the new requirements made it uncertain whether it was okay to proceed with the prior plans. Ruth and Brandy explained that some of these projects are only partially approved, and that this is an opportunity to reset the clock and ensure that all work to be completed moving forward is in alignment with the new regulations. They pointed out that the new language will make it possible to go before the DRB with an overall plan, approval of which may provide for more latitude for administrative approval or simple site plan review. Margo pointed out some specific items, such as setback considerations, that might need to be addressed, and Brandy assured her that these would still be possible under the new rules.

Miscellaneous

Margo indicated that there were several other points that she would like to clarify or suggest edits regarding, and she was asked to outline these in writing for the PC to consider.

New & Other Business

The minutes of July 25 were signed.

There was a brief discussion of the schedule for LUDR adoption moving forward, and the potential for establishing a deadline for submitting comments was raised.

The meeting adjourned at 9:38 pm.

Respectfully Submitted,

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Carol Chamberlin, Recording Secretary

Planning Commission

Jim Sanford date

Camilla Behn date

Jenny Faillace date

Dan Raddock date