

Agenda  
Warren Selectboard  
Tuesday, 3/14/2023  
Warren Municipal Building or VIA Zoom  
6:30 PM

Note: this meeting will be IN-PERSON at the Warren Municipal Building. Those who cannot attend in-person can join via the Zoom instructions below.

6: 30 PM – Nomination of Selectboard Chair & Vice Chair

6:35 PM – Agenda Changes

6:36 PM – Public Comments

6:40 PM – Town Meeting Post Wrap Up

6:50 PM – Select Board & Planning Commission continued discussion re: the LUDRs, **proposed Sugarbush Changes**

8:45 PM – New/Other Business

Approval of Minutes for 2/14/2023 and 2/28/2023 & 3/7/2023.

Approval of Payroll Warrants and Accounts Payable

\$78,700.42    \$110,668.50

Join Zoom Meeting

<https://us06web.zoom.us/j/87458919627?pwd=bkNiQ0xiWnRDMjc5RjJiNUxZeXRLZz09>

Meeting ID: 874 5891 9627

Passcode: 757179

One tap mobile

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+16468769923,,87458919627#,,,,\*757179# US (New York)

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+1 309 205 3325 US

+1 669 900 6833 US (San Jose)

+1 689 278 1000 US

+1 719 359 4580 US

+1 253 205 0468 US

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 360 209 5623 US

+1 386 347 5053 US

+1 408 638 0968 US (San Jose)

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Meeting ID: 874 5891 9627

Passcode: 757179

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**Minutes of 3/14/2023**  
Warren Selectboard  
Warren Municipal Building or VIA Zoom  
6:30 PM

**Members Present:** Luke Youmell, Chair, Andrew Cunningham, Vice Chair, Robert Ackland (6:45pm), Camilla Behn & Devin Klein Corrigan.

**Others Present:** Margo Wade, Gene Bifano, Mark Connell, Brandy Saxton, Dayna Lisaius, Jennifer Faillace, Chuck Buss, Tony Panos, Kathy Palmer, Rob TV 44/45, Macon Phillips, John's Phone, Dan Raddock, John Hammond, Jim Sanford, Liz Raddock, Brook Dingedine, Ruth Robbins, J Westhelle, Win Smith, Lisa Loomis, VR.

**6:30 PM** – Nomination of Chair and Vice Chair Warren Selectboard – Motion by Mr. Cunningham to nominate Mr. Youmell as Chair, seconded by Ms. Behn. All in Favor: VOTE: 4-0.

**6:31 PM** – Motion by Mr. Youmell to nominate Mr. Cunningham as Vice Chair, seconded by Ms. Klein Corrigan. All in Favor: VOTE: 4-0.

Public Comment – None

Agenda Changes: Executive Session to discuss legal matters.

**6:45 PM – Select Board & Planning Commission continued discussion re: the LUDRs, proposed Sugarbush Changes –**

Sugarbush had sent on February 28, 2023 a letter of response to the Warren Selectboard on items they have concerns about that could not come to a resolution with the Planning Commission.

Sugarbush is concerned about the transition and implementation of the draft regulations. The draft LUDR is not just an update of the current LUDR. It is a comprehensive rewrite with redrawn and renamed zoning districts, new sections/reorganized sections in a new format, new terms and new definitions with more regulation over more uses and activities than the current LUDR. The difference between the two sets of regulations is so significant it is difficult to conduct a point-by-point comparison. Sugarbush believes the burdens of the draft LUDR, if adopted as is, will place on town staff, boards and the regulated community a significant burden and will not be truly realized for months, and likely years, and after many projects have undergone review. Sugarbush believes that the town will need to hire more planning and zoning staff to implement and oversee compliance with the draft LUDRs. New applications forms, worksheets and fee schedules need to be created. Sugarbush does not support the adoption of the draft LUDR as submitted to the Selectboard. Attached are concerns and points that are under discussion with the Selectboard from the letter of February 28, 2023.

Non-conforming Structures - There seems to be some misinterpretation on this as an applicant can construct, just not make it larger if encroachment already exists. Ms. Wade commented that it seems more restrictive as if an applicant can't convert a deck or porch. Mr. Sanford commented that the Planning Commission was trying to not to add any more non-conforming structures to what the Town currently already has. The Planning Commission had changed the zone requirements in the Sugarbush Area.

Ms. Wade commented that there is one area that the resort owns that total restricts the landowner with the new changes. Mr. Ackland commented that the Town should not restrict Sugarbush so that it allows more density. Mr. Sanford commented that we could change the requirements to a mixed use for that area. Ms. Saxton commented that the PC could change the dimensional underlying of those standards for that district.

Worker Housing – Ms. Wade commented that individual structures should not be limited to 36 people. If the permits with the state allows for Wastewater/potable water allows for more people than it should not be limited. Ms. Wade commented that the goal is to encourage workforce house. Originally Sugarbush had requested a 36 people limit, but the standards are more for a new “Fit & Finish” building. Mr. Raddock commented to be careful that these need to apply to all the of Town and not just the resort. Mr. Ackland asked about why is there a standard set for specific height limit? Ms. Saxton commented that an applicant can get a waiver from the DRB if it is over the height limit set. Mr. Raddock commented if the Selectboard is open to a higher development like 6 stores that what is proposed it can be change, however, there is a cap because of fire safety issues. Ms. Saxton commented that if the limit is changed from 4-5, it becomes more costly with building codes of today’s standards. She did comment that the legislature is contemplating adding 7 stories in the priority housings issues focus area. However, it is still under discussion.

Master Planning Requirement – Sugarbush feels that this is a burden on the resort. Sugarbush has put in significant amounts of financial money into the development of the resort area. They do not want to lose their previous permits on things that are not constructed yet. Ms. Saxton commented that partial approvals line up to the current regulations if the resort doesn’t go with the master plan. The new regulations would reset the clock. However, the town will need a new system with the new regulations. She pointed out that partial & conceptional are not actually approvals and a new mechanism would need to be in place to convert to the present. There is some legal interpretation needed on the partials and conceptional permits issue. Mr. Cunningham commented that there have been a few master plan updates at Sugarbush. One was completed in 1983, then 9 years later another, then in 2005 another update and there have been significant changes in each plan. He asked when are you doing a new masterplan. Ms. Wade commented that they are working with the forest service on a master plan for the forest land that will have all the documentation, detail lifts, trail caps, snowmaking etc., There is no ground proofing to hold what the resort wants in the future. It is all in progress with the Forest Service and Sugarbush presently. Once completed, the Town will receive a copy.

On the Lincoln Peak Development Plan most has been rebuilt and creates a burden to go back for the middle of the donut project. What is the definition of Conceptional Plan Vs. Master plan? Mr. Smith commented that a master plan is a plan that is being accountable, where a conceptional plan changes due to environmental issues. We need to be flexible and understand what makes sense for what the community wants. Ms. Saxton commented that the PC and SB need to spend more time on what is needed for a master plan for a submittal. Document what is there and the unclear items in a memo to make it work with the new regulations. She did comment that the new LUDARs has more opportunities, makes it a simpler process over time, more uses, more administrative depth in granting applications and creates less of a gray area for the DRB, and is a much more of a clearer process for applicants.

In any case of a master plan, the applicant would have to go to the DRB to amend. Sugarbush in general believes that these draft regulations do not take into consideration the larger existing developments surrounding the Lincoln Peak/ Sugarbush Village and how these exiting, predominately residential development contribute the whole. Sugarbush should not be singled out and made more compliant because it is the only larger employer that currently exists in Warren.

Mr. Cunningham commented that it is getting late and that the board had other items to discuss on their agenda. The board agree to hold another continuation of the LUDRS to resume with Sugarbush's other comments on their February 28, 2023 letter and concerns to the Selectboard. Both boards agreed on March 23, 2023 at 6:45PM to hear and finish Sugarbush's concerns to the LUDRS.

**8:46 PM – Town Meeting Wrap Up** – The Selectboard all agreed that Town Meeting went very well. All agreed that the budget and Conservation Articles were all very short discussions. Mr. Bergstein did a great job as the Town Moderator. There was an average turnout of people around 85. Ms. Klein Corrigan asked about making the election votes public as there seem to be no communication on these results. Ms. Klein Corrigan requested that all tallies be put on the Town website. She also commented that the structure should be more procedural. She thought that the presenter should present the item, sit back down and let the moderator take over. She wanted it presented that way, so that it came from all the Selectboard Members and not just one with participation and support from all the board. Another item that was noted is that proposed organizations should present their financials with their budget such as the Mad River Valley Recreation District and that all organizations asking for an appropriation should have a link on their reports going to their financial pages.

**9:00 PM – Other Business**

Park Forestry Tax Bill – There was some confusion on the taxes when this property was sold to the Green Mountain National Forest last year in 2022. The Forest Service does not pay taxes on Forest Lands as the Town receives a small amount of money for all the Forest Service Lands in Warren in the form of Payment in Lieu of Taxes. After consulting legal advice, a motion was made as follows for the money received from the previous owner of this property.

Motion by Mr. Cunningham to accept the Park Forestry Check for \$2,540.75, \$728.22 will be applied to taxes and to accept the remainder as a donation, seconded by Ms. Behn. All in Favor: VOTE: 5-0.

**9:06 PM – Approval of Minutes for 2/14/2023** – Motion by Mr. Ackland to approve the Minutes of 2/14/2023, seconded by Ms. Behn. All in Favor: VOTE: 5-0.

**9:07 PM – Approval of Minutes for 2/28/2023** – Motion by Mr. Ackland to approve the Minutes of 2/28/2023, seconded by Ms. Behn. All in Favor: VOTE: 5-0.

**9:08 PM – Approval of Accounts Payable Warrants** – Motion by Mr. Ackland to approve the Accounts Payable Warrants as presented for \$110,668.50, seconded by Mr. Cunningham. All in Favor: VOTE: 5-0.

**9:00 PM – Approval of Payroll Warrants** – Motion by Mr. Ackland to approve the Payroll Warrants as presented for \$ 78,700.42, seconded by Ms. Behn. All in Favor: VOTE: 5-0.

**9:10 PM** – Motion to go into Executives Session to discuss personnel inviting Ms. Lisaius seconded by Mr. Ackland. All in Favor: VOTE: 5-0.


**9:26 PM** – Motion by Mr. Ackland to come out of executive session, seconded by Mr. Cunningham. All In Favor: VOTE: 5-0.


No Action Taken

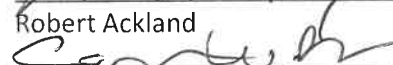
**9:30 PM** – Motion by Mr. Ackland to adjourn, seconded by Mr. Cunningham. All In Favor: VOTE: 5-0.

Minutes Respectfully Submitted by,  
Cindi Jones, Warren Town Administrator

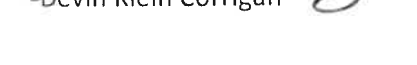
The Warren Selectboard

  
\_\_\_\_\_  
Luke Youmell, Chair

  
\_\_\_\_\_  
Andrew Cunningham, Vice Chair

  
\_\_\_\_\_  
Robert Ackland

  
\_\_\_\_\_  
Camilla Behn

  
\_\_\_\_\_  
Devin Klein Corrigan



~ Electronically Submitted ~

February 28, 2023

Warren Selectboard  
42 Cemetery Road  
Warren, VT 05674

RE: Draft Warren Land Use & Development Regulations

Dear Selectboard Members,

We wish to applaud and thank the Warren Planning Commission (PC) on their work over the last few years rewriting the town's Land Use and Development Regulations (LUDR). The amount of time and effort each member and staff has contributed to this effort can not be understated. It has been herculean. As the largest and most regulated business in the town, however, we do have concerns about the draft regulations, which we will outline our most significant below. Attached to this letter is also a document containing additional Resort comments, which we discussed with the PC over that several months and prior to the Planning Commission submitting the final draft LUDR to the Selectboard. Some items were resolved. Some were not.

Sugarbush is concerned about the transition and implementation of the draft regulations. The draft LUDR is not just an update of the current LUDR. It is a comprehensive rewrite with redrawn and renamed zoning districts, new sections/reorganized sections, a new format, new terms and new definitions with more regulation over more uses and activities than the current LUDR. The difference between the two sets of regulations is so significant it is difficult to conduct a point-by-point comparison. We believe the burdens the draft LUDR, if adopted as is, will place on town staff, boards and the regulated community are significant and will not be truly realized for months, and likely years, and after many projects have undergone review. The town will need to hire more planning and zoning staff to implement and oversee compliance with the draft LUDR. New application forms, worksheets and fee schedules need to be created. Sugarbush Resort does not support the adoption of the draft LUDR as submitted to the Selectboard.

Nonconforming Structures (§1301) – this rewritten section removes all flexibility to improve an existing nonconforming structure, requiring the structure to remain the same size and height if renovated/rebuilt. What is the purpose of limiting functional redevelopment of pre-existing nonconforming structures?

Worker Housing (§3203)

(6)(b) – Individual structures should not be limited to 36 people.

Sugarbush had initially considered 36 people to be a reasonable number of employees to house in one use and still do for a boarding house situation. But in an apartment or dorm style building higher

occupancies should be considered. Our current Rosita's projects contemplate housing 192 people in the proposed mixed residential use building housing studio apartments and multiple boarding houses. To this end, we recommend removing the occupancy cap for Worker Housing to better support creation of compact and efficient workforce housing projects.

#### Resort (§3215)

§3215.D Master Plan Required – this will be a burden. A resort wide masterplan incorporating this level of detail will be a significant undertaking. Sugarbush has significant land holdings in Warren and Fayston and lesser land holdings in Waitsfield. The draft LUDR effectively negate any prior land use approvals not associated with an approved subdivision Plat. This could have significant impact prior Lincoln Peak Village permits potentially allowing the town to rehear components of prior approvals as they apply to this and other approved development plans.

§3215.E Allowed Uses (4) - worker housing accommodations at these thresholds and percentages (30% for year-round and 50% for seasonal) are too high and arbitrary. The number of year-round and seasonal employees working at Sugarbush changes from year to year and season to season in any given year or season is variable. Sugarbush is actively pursuing development of workforce housing at a capacity we believe will meet our needs today and in the future:

Sugarbush respectfully requests §3215.E (4) be struck from the draft LUDR.

#### §3215.F Master Plan Requirements

— §3215.F(2) – requiring the applicant to enter into an agreement with the town Department of Public Safety concerning the fair share contribution the resort will make to the cost associated with any added public safety facilities, equipment and staffing required to serve the proposed development gives too much power to one department. The selectboard should be part of these negotiations and increased tax revenue associated with the new development should be taking into consideration.

— §3215.F(3) – requiring the applicant to improve impacted roads to the applicable (town or state) standards as a condition of approval is penalizing the “last project in” and should be a shared cost with the town.

In general, these draft regulations do not take into consideration the larger existing developments surrounding the Lincoln Peak/Sugarbush villages and how these existing, predominantly residential, developments contribute to the whole.

#### Resort or Campus PUD (§3403)

3403.G Master Plan – As noted above, these requirements will place significant burdens on larger existing and proposed developments.

#### Zoning Fees

Town of Warren zoning fees are out of pace with Fayston and Waitsfield and are beginning to approach those charged by Act 250 and VT Department of Fire Safety. A few examples:

In 2021 Sugarbush applied for permits from the towns of Fayston and Warren for installation of small warming cabins for use by resort guests at both the Lincoln Peak and Mt. Ellen base areas. Fayston charged \$75 for two cabins while Warren charged \$1,200 for four cabins, which is a \$262.50 per cabin fee difference.

Sugarbush is in the process planning and permitting reconstruction of the Glen House at Mt. Ellen. A mid-mountain lodge located at the top of the GMX lift. Fayston's estimated permit fee is \$1,212 plus \$100 Conditional Use review fee before the DRB. For the same project, Warren's permit fee would be \$3,732 plus \$500 Conditional Use review before the DRB. Waitsfield permit fee would be the same as Fayston (\$1,212) plus \$200 Conditional Use review before the DRB. Warren would charge 67% more for the zoning fee compared to Fayston and Waitsfield.

In 2014 Sugarbush permitted the Gadd Brook Slope Side Residences, a 16-unit residential condominium building. The Warren zoning fee for the project was \$16,816 (w/out DRB fees), Act 250 was \$39,417 and DFS was \$38,863. Were the project in Fayston or Waitsfield the zoning fee would have been \$6,511. Warren charged 61% more for the zoning fee compared to Fayston or Waitsfield.

Sugarbush is in the planning and permitting phase of a workforce housing project at the former Rosita's Restaurant site. Estimated zoning fees for the Town of Warren are \$27,759, while Fayston or Waitsfield zoning fees would be \$10,222.

Comparing the three towns on the above projects, Warren charges roughly 61% to 67% higher zoning fees than do Fayston or Waitsfield. As the town moves through the LURD adoption process, we respectfully request the Warren Selectboard reduce rather than increase zoning fee schedule.

### Sugarbush Resort Master Planning

The following documents have guided development at Sugarbush Resort over the last forty years.

- Final Environmental Impact Statement for the Sugarbush Valley Winter Sports Area Master Plan (1983),
- Final Environmental and Impact Statement for the Mad River Water Withdrawal and Sugarbush South Snowmaking and Trail Improvement Project (1995),
- Slide Brook Transportation Lift and Associated Facilities Improvement Assessment (1995),
- Natural Resources in the Sugarbush Resort Master Planning Area (1996),
- Sugarbush Resort Master Plan Update (1996),
- Final Environmental and Impact Statement for the Proposed Improvements and Development at Sugarbush Resort (1998),
- Sugarbush Resort Master Development Plan (2005), and
- Draft Sugarbush Resort Master Development Plan update, which will be finalized in 2023.

All of the documents listed above have been developed in accordance with the resort's Special Use Permit issued by the US Forest Service and have been extensively discussed and filed with the Mad River Valley towns and the Mad River Valley Planning District. From the resort's perspective, it appears the draft LURD have been written with little consideration to prior resort planning and permitting efforts and is asking Sugarbush to redrawn development plans that have been extensively drawn, permitted

and built in many cases, received significant resource investment and input from local, state and federal regulatory agencies.

We continue to have concerns about adoption of the draft LUDRs as presented to the Selectboard. The burdens the draft LUDR, if adopted, will place on the regulated community are significant and we do not believe the town is prepared to implement and administer the draft regulations at this time. Based on our above input and continued concerns, Sugarbush Resort cannot support the adoption of the draft LUDR in its current form.

Sincerely,



Margo B. Wade

Director of Planning & Regulatory Compliance

cc: John Hammond, SMR  
Jim Westhelle, SMR  
Kevin Babic, SMR  
Alterra legal team  
Jim Sanford, Warren PC Chair  
Ruth Robbins, Warren ZA

From: Margo Wade, Director of Planning & Regulatory Compliance  
To: Warren Planning Commission  
Date: October 24, 2022  
RE: Sugarbush Comments on the Town of Warren 2022 Land Use & Development Regulation Rewrite

**General Comments:**

Sugarbush reiterates our concern with the implementation of these proposed regulations and the burdens it will place on town staff, boards and the regulated public.

The town of Warren has not exercised jurisdiction on projects located on Forest Service land. Will this continue to be the case under the proposed LUDRs? (PlaceSense to add language to S1101 to exempt FS lands from town LUR jurisdiction.)

What is the planned schedule for submitting the DRAFT LUDR to the Selectboard? (PC wishes to submit draft LUDRs to Selectboard as soon as possible.)

**Section Comments:**

**3203 Worker Housing**

3203.A(3)(b) Residential Density - Sugarbush Resort owned parcels are not all contiguous. Sugarbush recommends the contiguous requirement be removed. Also, could a business contract out provision of worker housing to meet this requirement?

The regulations have several sections regarding requirements for contiguous and noncontiguous parcels under common ownership, especially as they pertain to workforce housing. Given the difficulty and high cost to develop, Sugarbush recommend allowing flexibility of this provision by allowing the DRB to review each project on a case-by-case basis. If the goal is encouraging creation of workforce housing, requiring the WFH parcel to be contiguous to the primary use will limit creation of WFH.

Sugarbush recommends removing this restriction. (PC to remove contiguous requirement. Lower WFH density will only be allowed on contiguous parcels though.)

3203.A(4)(a) Use Limitations – Why so restrictive? What about leasing the worker housing to another business whose seasonal WFH needs are opposite of the primary business' needs? Or allow other rental use opportunities opposite of the primary WFH need season?

Sugarbush recommends removing this restriction. (Use would need to comply with underlying district standards. Project would require multiple approvals if multiple uses are planned (ie WFH for Sugarbush, WFH to rent out to other businesses, short term rentals for guest stays).)

3203.A(5) and (6) Seasonal Housing and General Standard – these two sections seem to contradict each other. Also, what about RA/manager of seasonal housing facility? These employees at Sugarbush typically stay in their residences for longer and are potentially year-round.

Seasonal employment duration at Sugarbush is typically closer to 6 months (180 days), especially in the winter. The ski season runs from mid-November through the month of April; the golf season runs from May through October, and summer mountain operations run from June to mid-October.

Sugarbush recommends duration be increased to 180 days (6 month). (PC increased duration to 180 days.)

3203.A(6)(b) “not more than 2 unrelated adult per bedroom” – Sugarbush recommends this be removed. Based on our employee housing experience there are some employees who are looking for the least cost housing option and are willing to bunk with more than 1 other person. Also, how are bunk rooms accommodated? If the goal is to support and encourage worker housing, flexibility is needed.

Average room SF needed for single, double, triple, quad. (SF info was no longer needed with the increased residential duration to 180 days.)

Sugarbush recommends removing this restriction. (180 days removes concern and RA will likely not be sharing a room with unrelated residents.)

3203.A(7)(b) Dormitories “storage” - why within? Sugarbush recommends storage for bulkier items (bicycles, skis, etc) be allowed with an outbuilding located on the same lot.

Sugarbush recommends clarification for smaller personal items requiring in room secure storage. (Language changed to indicate secure storage within room for small personal items.)

### **3215 Resort – New Section/Use**

3215.D Master Plan Required - How does this impact the Lincoln Peak Base Area Development Project for which the Master Plan is approved and Phases IA and IB, and Phases IIA and IIB are complete? Phases IIC through IIE require final permitting and construction, but the subdivision plat is approved, and water/wastewater services are reserved.

What would this master plan require/how encompassing would it need to be? Sugarbush holds extensive land holdings, many contiguous and noncontiguous parcels across three towns. Would the master plan be focused by area? Example: Lincoln Peak base area, Sugarbush Inn, Sugarbush Golf Club, etc. When is the effective date?

This is another example of contradictory requirements. In this provision noncontiguous resort owned land are included in the overall resort, while in other provisions resort lands are required to be continuous.

Sugarbush recommends changing the wording to “A pre-existing resort may be required to submit a master plan for approval under this section and Section 3403 prior to obtaining a zoning permit for any of the following that are not shown on a previously approved master plan:” from “A pre-existing resort must submit a master plan for approval under this section and Section 3403 prior to obtaining a zoning permit for any of the following that are not shown on a previously approved master plan:” (PC did not agree, and further is adamant that the existing permits for the LP Base Area Redevelopment Project/Lincoln Peak Village are currently problematic and unenforceable should these new regs get adopted.)

3215.E Allowed Uses – “A resort must offer ... lodging...” – Sugarbush recommends clarification that lodging may be by contracted (by a non-resort entities)? (contracted out lodging is allowed and will be clarified.)

3215.E(1) 60% recreation, 80% minimal development

- this is another example where contiguous and non-contiguous requirement contradict.
- what is the rationale for this? Why is leased land not included in percent calculations?
- Sugarbush leases 1,745 acres from the Forest Service.
- This is too restrictive if it only allows passive recreation.
- How does this impact other resorts (The Bridges, The Seasons)? Have these been evaluated?

Sugarbush Resort	Acres	Percent
Total in TOW	1,553.6	100%
60% of total for recreation use	932.2	60%
80% of the 60% for minimal development/passive recreation	745.7	80%
40% of total for non-recreation use	621.4	40%
Total Developed (footprint only)	304.2	19.6%
Non-Recreation of total (current)	104.5	6.7%
Non-Recreation of total (future)	263.4	17%
Active & Passive Recreation of total (footprint only)	199.7	12.9%
Active & Passive Recreation of total (full parcel)	1,038.5	66.8%

Sugarbush recommends removing this provision as it is very complicated and too restrictive. Or allow leased land to be counted. (PC will consider looking at the resort as a whole vs just Warren lands when calculating developable vs minimally developable lands.)

3215.E(2) – What are “snowlifts”? If this is a chair lift it should be changed to “aerial and surface lifts” (modification to updated language was accepted)

3215.E(4) Retail and service businesses - Does this include skier services (ski school, rental shop, guest services, ticket/season pass office)? If so, this is problematic as the occupancy and SF numbers may be too restrictive. (PlaceSense to edit language)

3215.E(5) – Worker Housing – 30% year-round and 50% seasonal percentages are unrealistic, is inconsistent with our experience housing employees and is not supported by our employee residence survey data. Please see below tables.

Sugarbush Resort is located in three MRV towns. Not all employees are based in Warren though the main resort headquarters are in Warren. The proposed provisions over burden Warren operations vs resort operations in Fayston and Waitsfield. How can our concerns be addressed?

**Sugarbush Resort - Employee Housing Data**

2021-22 Year Round	Rent	Own	Other	Total
Fayston, Waitsfield, Warren (FWW)	28	71	19	118
Non FWW	26	53	8	87
Total	54	124	27	205
FWW % of Total	0.14	0.35	0.09	0.58

2019-20 Year Round	Rent	Own	Other	Total
FWW	24	45	5	74
Non FWW	11	25	8	44
Total	35	70	13	118
FWW % of Total	0.20	0.38	0.04	0.63

2018-19 Year Round	Rent	Own	Other	Total
FWW	26	62	8	96
Non FWW	20	34	6	60
Total	46	96	14	156
FWW % of Total	0.17	0.40	0.05	0.63

2021-22 Seasonal	Rent	Own	Other	Total
Fayston, Waitsfield, Warren (FWW)	18	90	48	156
Non FWW	40	98	44	182
Total	58	188	92	338
FWW % of Total	0.05	0.27	0.14	0.46

2019-20 Seasonal	Rent	Own	Other	Total
FWW	90	128	74	292
Non FWW	93	105	147	345
Total	183	233	221	637
FWW % of Total	0.14	0.20	0.17	0.46

2018-19 Seasonal	Rent	Own	Other	Total
FWW	95	138	85	318
Non FWW	133	137	108	378
Total	228	275	193	696
FWW % of Total	0.14	0.20	0.17	0.46

2021-22 All Employees	Rent	Own	Other	Total
Fayston, Waitsfield, Warren (FWW)	46	161	67	274
Non FWW	66	151	52	269
Total	112	312	119	543
FWW % of Total	0.08	0.30	0.12	0.50

2019-20 All Employees	Rent	Own	Other	Total
FWW	114	173	79	366
Non FWW	104	130	155	389
Total	218	303	234	755
FWW % of Total	0.15	0.23	0.10	0.48

2018-19 All Employees	Rent	Own	Other	Total
FWW	121	200	93	414
Non FWW	153	171	114	438
Total	274	371	207	852
FWW % of Total	0.14	0.23	0.11	0.48

Sugarbush Employees Housed (winter)  
(SMR owned, rented and T4T) 152

118

124

Sugarbush has significant concerns with this section of the LUDR, believes this provision is targeted at Sugarbush, has not been fully researched and should be removed from the LUDRs. (PC requested peak number of employees over that last 5 to 10 years in order to set a base line. We did not furnish this information. The intent of this section is to address growth in employee numbers and not set WFH percentage requirements for existing employees. PC is concerned that WFH and affordable housing is at a crisis point in the MRV with much interested from the community and if they do not include requirements in the new regs it would implicate them as complicit on the crisis.)

3215.F(2) Public Safety – why is this not covered by property taxes? This requirement poses additional barriers on projects and places excessive burdens on the “last project in”. The town should be planning and budgeting for its public safety needs based on existing needs and approved/future projects through its operating and budgeting processes. The town should not be penalizing current and future projects.

Sugarbush recommends changing the language to “the applicant may enter into an agreement with the TOW DPS...” instead of “the applicant must enter into an agreement with the TOW DPS...” (PC disagrees and believed precedence has been set and will be determined at the DRB and Selectboard levels.)

3215.E(3) – Transportation Impacts – Sugarbush recommends this cost should be shared with the town. The cumulative impacts should not be borne by the development that tips the

balance. The project's fair share, yes, but covering cumulative costs of prior developments, no. (PC disagrees and believed precedence has been set and will be determined at the DRB and Selectboard levels.)

3215.E(5) Visual Impacts – the Rural Resource Protection plan was written in 1988 and is 34 years old. (MRVPD believes the 1988 plan is still relevant.)

### **340 Planned Unit Development (PUD) Standards**

3403.D Multiple Parcels - "must be contiguous" Sugarbush recommends "may be contiguous with DRB approval." As stated previously, Sugarbush Resort encompasses many parcels of land within the towns of Warren, Waitsfield and Fayston. Some are not contiguous. (This has been changed to "under common ownership.")

3403.G(1)(a)-(f) Master Plan - These requirements are significant burdens for larger existing developments, especially (b). (PC was not willing to adjust on this point.)

(e) "National Forestry Service" name should be correct and changed to U.S. Forest Service. (this has been corrected)

3403.G(3) Plan Renewal and Amendments – Sugarbush recommends renewal period should be 10 years. This is a common time frame for master plan updating. (This has been changed to 10 years.)

Will 3403.G be retroactive to existing permitted master plans? Does this reset with each amendment? (PC response - yes and yes)

### **410 Fees and Filing Requirements**

4101.A Permit Fees - The current Town of Warren fee schedule is out of sync with Waitsfield and Fayston. The current fees far exceed administering the regulation on a project-by-project basis. Sugarbush recommends decreasing amount of individual fees in the current fee schedule. (Selectboard controls fee schedule not the PC.)

4102 Impact Fees - Is the PC considering proposing an Impact Fee Ordinance? (Not at this time but may in the future, therefore included in the regs.)

### **420 Zoning Permits**

4202.A Time to Act – Combining the 4201.D(1) 15 days with the 30 days under this provision results in a duration of 45 days before an application has been referred to the DRB, to which add another three weeks to accommodate the 3 weeks needed for the public notice to be published in the Valley Reporter. Sugarbush recommends the 15 and 30 day periods should be combined. (time allowance based on state statute.)

4202.B Deemed Approval – why is the burden placed on the applicant for a failure on the town’s part? Why is the applicant responsible for filing with VT Superior Court? Is this VT law? Why is the application not automatically deemed approved if the AO fails to act within the 30 days? (process based on state statute.)

4202.D Amended Regs under Consideration - What if the adopted and proposed regs are in opposition and/or conflict with each other? (application is denied without prejudice.)

4202.E(1)(b) Approvals - Why no start? If the applicant chooses to do so at their cost and risk if there is little chance of appeal? (process based on state statute.)

4202.F(2) – Temp Permits – this is a good addition to the regs.

4202.F(3) – Notification Prior to Use of Occupancy – Sugarbush recommends adding “notification must be in writing (electronic or paper).” (MW withdrew request.)

### **4203 Obtaining a Zoning Permit**

4203.C(3) Extensions – Sugarbush recommends the extensions should be allowed for 2-years, not 12 months (1 year). (Increase to 2 years accepted.)

### **4206 Obtaining a Certificate of Compliance**

4206 - There should be no separate fee for a Certificate of Compliance. Sugarbush recommends this fee should be part of the original application fee. (Selectboard controls fee schedule not the PC.)

4206.C Time to Act - this should be 15 days not 30 days. If a CO is required for a project the AO should be monitoring the project during implementation and be monitoring its compliance within the confines of the permit(s). Therefore, 15 days is sufficient to inspect the project and process the CO. (time allowance based on state statute.)

4206.D Deemed Approval - This burden should not be placed on the applicant and should be 15 not 30 days. (process and time allowance based on state statute.)

### **430 Development Approvals**

4304.A Applicability (Sign Review) - What about signs within a project? eg - Gate House or Valley House lodges, directional signs w/in a campus setting (i.e., not on a public roadway). (Yes, non-wayfinding/directional signs w/in a project require permitting. This includes name changes of the business (ie Timbers to Rumbles, Sunrise Café to NoMad Coffee, etc.))

### **4311 Subdivision Review**

4311.A(1)(a) Subdivision Review, Applicability – limited clearing to conduct and access septic test pits and stormwater infiltration testing must be allowed and exempt from this provision. (This type of limited scope investigative work is allowed under 3302.)

4311.C(1) Application – a complete application and sketch plan are in conflict with each other. A project at the point of sketch plan tends to be in draft form and it may be difficult to have a complete application at this point in project design development. If the goal is to have the AO and applicant work together to best bring the project into conformance with the regulations a draft application, with limited submittals, may be more appropriate at this point.

4311.C(2) Notification – Sugarbush recommends removing notification requirement under sketch plan. Warning sketch plan review with AO, when a proposed project is conceptual, could be problematic for the applicant and very confusing/concerning for abutters. (PlaceSense to add cross reference as abutters do not need to be notified during sketch plan review and narrow sketch plan submittal requirements.)

4311.F(4) Filing Requirements – this is good as it does not necessarily need to take place at a DRB meeting.

4313.C Amending Approved Site Plans - this is good. This is not necessarily what happens under the current regs.

#### **450 Notices, Hearings and Decisions**

4501.A & B Notice of Hearing - does this include hearing continuances? (Not if the hearing has been continued.)

4503.B DRB must hold hearing within 60 days once application is deemed complete by AO? Sugarbush recommends this be reduced to 30 days: (time allowance based on statute.)

4505.A Deliberations – this is a change. Why close deliberative sessions to the public? This is not how the Warren DRB currently deliberates. (DRB can still deliberate in open session if they so choose.)

#### **500 Definitions/General**

5003.O Outdoor Recreation, Passive – Sugarbush recommends including ski & ride terrain parks in this definition since these features are non-permanent and some are made entirely of snow. (PlaceSense to refine language)



## **Sugarbush**

The engine that drives the Valley's economy and pays a large share of Warrens' taxes. They are in the process of improving firefighting capabilities in the resort area with a snowmaking/fire pond up on the "hill." With proper planning, coordination and cost sharing it could serve firefighting needs on the Access Road, Inferno Rd, parts of West Hill etc.

They are also vastly improving housing in the Warren and surrounding towns by building employee housing to relieve the strain of housing during the ski season. It would seem to me that the employee housing should be used year-round, not just the ski season to house employees.

And, it seems, all we can think to do is place impediment and, in my view, unconstitutional regulations on them.

I would think that sitting down with Sugarbush and discussing their needs and Warren's in cooperative, and mutually respectful sessions would reap benefits for both the town and Sugarbush, rather than the adversarial approach displayed in the new land use regs.

- Sugarbush's special tax on New Projects 3215F. 2 – if approved, SB will have to pay ransom, as it would seem, to the town to proceed with their new proposed projects that will benefit the town, it's guest and the Valley in general.

The Reg uses the nebulous term "Public Safety Impact." 1<sup>st</sup> of all, what public safety impact? The WFD cannot prove SB has, or will have an impact on Public Safety relative to the developments specifically called out in the Regs.

NFIRS, the nationwide system WFD uses to track responses, I believe will clearly show that SB has not caused any more of an impact as other properties in Warren or the Valley.

WFD already has more fire equipment than any town near our size or even larger, like the State Capital, Barre, Williston and almost as much as Burlington. It already has buildings to accommodate the equipment.

And I ask, who would sign a contract that says, I can ask you for anything and you must pay.

Also, other than possibly PUDs there are no requirements for anyone else to anti-up money for public safety.

I would suggest the biggest impact on Fire, Ems and police is the 30 or more new homes built in Warren over the last 3 years that did not have to meet the rigorous life safety requirements that SB's new buildings had and must meet.

When Clay Brook was built, SB bought "High Rise" packs WFD needed. All it required was a simple written request, coupled with a well-reasoned justification and cost estimate.

## Agenda

TOWN OF WARREN

### JOINT MEETING OF THE PLANNING COMMISSION & SELECTBOARD

Monday March 13, 2023

**NOTE: this meeting will be IN-PERSON at the Municipal Building. Those who cannot attend in-person can join via the Zoom instructions below.**

Call the meeting to order **6:45 pm** **PLEASE NOTE EARLIER TIME**

#### **Regular Meeting:**

- 1. Public comments – 15 min max.**
- 2. Select Board continued discussion re: the LUDRs, proposed Communication Towers changes**
- 3. New/Other Business**

For those of the Public who would like to join, here are the instructions:

**Town Of Warren is inviting you to a scheduled Zoom meeting.**

#### **Join Zoom Meeting**

**<https://us06web.zoom.us/j/89078399046?pwd=bVhPaHRONm9rVDIEKzVmeEhmc094QT09>**

**Meeting ID: 890 7839 9046**

**Passcode: 811928**

#### **One tap mobile**

**+13017158592,,89078399046#,,,,\*811928# US (Washington DC)**

**+13052241968,,89078399046#,,,,\*811928# US**

#### **Dial by your location**

**+1 305 224 1968 US**

**+1 309 205 3325 US**

**+1 312 626 6799 US (Chicago)**

**+1 646 876 9923 US (New York)**

**Meeting ID: 890 7839 9046**

**Passcode: 811928**

**Find your local number: <https://us06web.zoom.us/j/kdph163cJs>**

#### **Future meeting dates:**

**March 14, 2023 – PC members to join with the Select Board re: the LUDRs with Margo Wade, Sugarbush Resort.**

March 27, 2023

April 10, 2023

April 24, 2023

May 8, 2023

May 22, 2023