

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 the draft of 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. 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