

Agenda  
Warren Selectboard  
Thursday, March 23, 2023  
Warren Municipal Building or VIA Zoom  
6:45 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.

6:45 PM – Public Comment

6:50 PM – Agenda Changes

6:51 PM – Select Board & Planning Commission continued discussion from the 3/14/2023 meeting re: the LUDRs, proposed Sugarbush Changes.

8:30 PM – New/Other Business

Liquor License Request for West Hill B&B

Join Zoom Meeting

<https://us06web.zoom.us/j/86034731762?pwd=aXJld083a3NjVkJORW0zcEZQT1NNdz09>

Meeting ID: 860 3473 1762

Passcode: 221392

One tap mobile

+16468769923,,86034731762#,,,,\*221392# US (New York)

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Dial by your location

+1 646 876 9923 US (New York)

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+1 312 626 6799 US (Chicago)

+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)

+1 507 473 4847 US

+1 564 217 2000 US

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**Minutes of 03/23/2023**  
Warren Selectboard  
6:45 PM  
Warren Municipal Building  
VIA Zoom or In Person

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

**Others Present:** Macon Phillips, Ruth Robbins, Gene Bifano, Jim Westhelle, Jim Sanford, Jennifer Faillace, Dan Raddock, Mike Bridgewater, Lisa Loomis (VR), Liz Raddock, Margo Wade.

**6:47 PM** – Public Comment – None

**6:48 PM – Agenda Changes:** Sign/Vote on Contract for L&D Line Striping & Sugarbush Sugar Cubes Project Road Accesses.

**6:50 PM** – Mr. Sanford commented about a letter received from Harvey Alexander regarding the Burling Parcel. The property was mis-categorized as the Planning Commission thought that the whole parcel was in conservation. It did not show that the parcel had been subdivided. Mr. Sanford commented that Zeb’s Parcel would remain in the Resource Protection Zone and that the Alexander Parcel would be removed and would be in the residential zone.

**6:50 PM** – Selectboard & Planning Commission Continuation discussion from the 3/14/2023 meeting re: The LUDR’s proposed Sugarbush Changes – The board and Sugarbush left off from the letter provided by Sugarbush on 3215.F(2). – Public Safety

Ms. Wade commented that this has been a challenging conversation in the past with the Warren Fire Department. She commented that the process needs to have the Selectboard involved upfront as in the past there has been significant “asks” of the resort that could have stopped projects from proceeding. Ms. Wade commented that the resort feels that the Fire Dept is getting their needs met. Mr. Cunningham commented that there is more to it than just build it. He commented that the section is not worded correctly and that working groups in public safety need to be codified. There should be a draft agreement between Sugarbush, Fire Dept, Public Safety and the Selectboard. Mr. Sanford commented that Sugarbush, Public Safety and the Selectboard should work together to change the wording and define this section for clarity. Ms. Wade also commented that word “Must” should be removed or changed as the word “Must” puts undue burden on the resort to comply. Mr. Youmell commented that all applicants should be required to address with the Town any public safety requirements.

There is still a lot of disagreement over What is the requirement for a Master Plan? Mr. Ackland commented that there are different definitions for a Master Plan. Mr. Youmell commented that maybe it could say proposed Master Plan as this needs to be refined for clarity. Mr. Westhelle commented that the plan is an overall view at what will happen in the present. This is to get a broader idea of what the future holds for the resort. Mr. Ackland commented that this section needs to have the language changed to more clarity. Mr. Sanford commented the Master Plan is a plan that Sugarbush shares with community as a whole for their needs as well as the resorts. Ms. Behn commented that that section 3215 and the 3403 PUD language need to be relooked at for clarity.

Section 3403 – Ms. Wade commented that this section requirements present significant challenges for a project to work through the permitting process and the Town or developer will not know the extent until a project is put through the application and review process under the new LUDRs. Ms. Wade commented that this section says that the developer must write a new plan every time there is a change and Sugarbush would like to see a wording change. Mr. Westhille commented that Sugarbush is sticking to the 2005 Master plan as they are just re-adjusting some of the lots due to limited sewer capacity and water. Mr. Cunningham commented that if there is a major change, such as the future snow making pond is changing to the Pavilion Parcel that the plan should be amended, as that is a major change to a pond from the Pavilion. Mr. Youmell commented that there must be a maintained master plan for all major development's town wide. Mr. Youmell also commented that the language needs to represent the Town's intent. The board suggested that Ms. Wade take a copy of that section and come back with specific language and red line what the issue with this section is for the resort. Mr. Bifano commented that any big development plan in the Village applies to all big planned developments and not just to the resort. The Selectboard asked the resort to come back with red lined text as it relates to the sections 3215 and 3403.

Transportation Impacts (3215.F(3)) – The board suggested that Sugarbush red line that section pertaining to the Master Plan. The resort commented that they should not be responsible for the full impacts on the roads that it should be a shared expense. Mr. Cunningham commented in private developments some adopt a ratable cost for the roads. Mr. Ackland disagreed with Ms. Wade on the shared expense for roads. For example: who bears responsibility on the Access Road if the resort grows to 10,000 skiers a day? Currently the town is bearing the full cost of the Access Road. Mr. Youmell commented that the language should be changed on the Roads section as transportation impacts should be global throughout the town for the impacts from larger developments. Mr. Ackland commented that it should be a fair and equitable across the board held to larger scale developments the same as Sugarbush.

Zoning Fees – Ms. Robbins presented to the board a starting point in proposed zoning fee changes. She researched to five other ski towns, Killington, Stowe, Bolton, Fayston that have resorts in an attempt to have an "apple to apples" comparison. She commented that the current fees are a bit out of whack from other resort towns and she came up with some fees as a starting point of the fee structure. This is in the Selectboard purview and will be discussed in the future.

4202B Deemed Approvals – The resort commented that they feel that their partial approvals are at risk on the Lincoln Peak Village C,D & E parcels. They have partial approvals and there seems to be no definition of what partial means. Mr. Ackland asked what approvals does Sugarbush have that they feel are at risk? Ms. Klein Corrigan commented that preliminary approvals have to come back the DRB for final approval. Ms. Wade will come back with a list to the board on the Sugarbush partial approvals they feel are at risk.

Non-Conforming Parcels – Ms. Wade presented to the board the Sugar Tree Parcel and Sugar Cube Parcel as examples that the proposed Development Regulations would not allow minor modifications due to nonconformance. She suggested that there should be more leniency to allow buildings to be expanded in height and footprint. There could be other parcels like this in Alpine Village that would be affected by the New Land Use Development Regulations.

The Sugar Tree and Sugar Cube projects are examples of where development could not happen due to the required setbacks. Mr. Sanford commented that the DRB can give waivers for this, however, they have to be very specific in nature.

As requested by the Selectboard, Ms. Wade will come back with a word document of red lined/proposed wording changes in the Master Plan sections. Ms. Robbins will provide a word document from the consultant that can be distributed to all parties. Mr. Raddock commented that all those who review or change the document must be very careful in editing the document. The Planning Commission would just list the changes and the consultant would change them so that the whole document did not change and that changes were made in the correct sections without altering others.

**9:00 PM** – Ms. Wade presented the Sugar Cubes Project that has two road accesses, one off Golf Course Road and the other off the Sugarbush Access Road. Sugarbush is asking if they need Curb Cut permits for both of these accesses. Ms. Wade commented that they are both pretty old accesses that were developed in the 1960's. She also commented that both are not the best for safety, but in the best places for the redevelopment of the property. Mr. Cunningham commented that it would be in the best interest of Sugarbush to apply for both road accesses and pay the \$200.00 fee (\$100 for the access off Sugarbush Access and \$100.00 for one off the Golf Course Road). The question was raised if Sugarbush could be exempt from paying these fees for road accesses. Mr. Cunningham did not want to set a precedent if the board gave an exemption for Sugarbush from getting road access permits.

**Other Business:**

L&D Line Striping Contract – Mr. Ackland requested if the board would sign the contract of \$19,600 with L&D Line Striping for the Village Project.

Motion by Mr. Youmell to approve the L&D Contract as authored by Mr. Ackland and to authorized Mr. Ackland to sign the contract for the board, seconded by Mr. Cunningham. All in Favor: VOTE: 5-0.

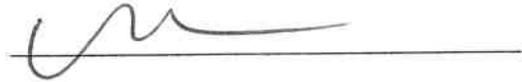
**9:10 PM** – Motion by Mr. Cunningham to approve the 1<sup>st</sup>, 3<sup>rd</sup>, and Outside Consumption Liquor License Renewals for the West Hill House B&B, seconded by Ms. Klein Corrigan. All in Favor: VOTE: 5-0.

**9:12 PM** – Paradise Deli is asking for a 1<sup>st</sup> Class License Liquor License Permit and Ms. Jones asked the board if they wanted to do a site visit at 6:00PM prior to the 6:30PM, March 28, 2023 meeting. The board agreed as it is a new request by Paradise Deli.

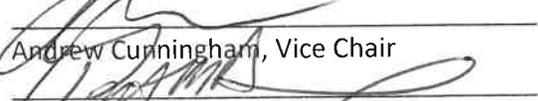
**9:13 PM** – Motion by Mr. Ackland to adjourn, seconded by Mr. Cunningham. All in Favor: VOTE: 5-0.

Minutes Respectfully Submitted By,  
Cindi Jones, Warren Town Administrator

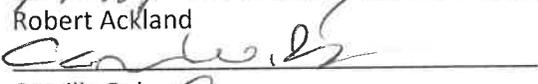
The Warren Selectboard



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 non-conforming 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 LUDR 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?

<b>Sugarbush Resort</b>	<b>Acres</b>	<b>Percent</b>
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	3	91
Non FWW	20	34	6	60
Total	46	96	14	156
FWW % of Total	0.17	0.40	0.05	0.62

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	0.12	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	0.12	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	0.49

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 currency 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)

# TOWN OF WARREN

MUNICIPAL BUILDING

PO BOX 337

Warren, Vermont

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Office of Planning & Zoning

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March 23, 2023

## **Proposed changes in Zoning Fees**

I utilized the zoning fees from 5 other towns: Waitsfield, Fayston, Killington, Bolton and Stowe. All but Waitsfield have a ski mountain. Waitsfield however does have a significant number of commercial entities.

In an attempt to have an "apple to apples" comparison as a sample I calculated what the fee would be for a 2,000 sf home (residential), a 3,000 sf commercial building, and I took an average figure of the six towns for what I believe will be viewed as a fairer and more reasonable fee schedule for the construction fees. The DRB Review fees for Conditional Use/Variance & Subdivision/PUD applications were done to fall somewhat in the middle of the high and lows of the other towns. The Subdivision and PUD fees varied as to how the fees were applied in each of the Towns.

### **Residential Construction**

Warren currently for a 2,000 sf dwelling: \$550

The highest was Stowe at \$600, lowest was Fayston at \$200

Suggested **change to \$450** which puts us below not only Stowe but Bolton and only \$50 more than Waitsfield.

### **Commercial Construction**

Warren currently for a 3,000 sf structure: \$1700

We were the highest with Stowe at \$1200 and Bolton at \$900. The lowest was Fayston & Waitsfield at \$450.

Suggested **change to \$850**.

### **DRB Reviews – Conditional Use [CU], Subdivisions/PUD [SD/PUD]**

**Conditional Use** Residential (R) or Commercial (C)

Warren \$250 (R) \$500 (C) **Change to \$200 (R) and \$350 (C)**

High of \$400 - Killington both (R) & (C). Low of \$75 (R) and \$100 (C) - Fayston

### **Subdivision [SD]/PUD Review**

Warren - Minor SD (2-4 lots) \$400/lot Major SD (5+ lots) \$800/lot

**Change to \$300/lot Minor \$450/lot Major [Fayston is \$500/lot]**

PUD review - \$800 **Change to \$400** [same as Waitsfield and Killington]

***Needless to say, there are numerous other fees that will either stay the same or be reduced if they seem out of line with these other towns.***

