

Westfield Planning Commission

June 22, 2020

Minutes

Present: Loren Petzoldt, Yvan LaPlume, Brian Dunn, Kitty Edwards, Pat Sagui

1. Call Meeting to Order

Meeting called to order 6:06 pm, Loren arrived 6:10

2. Additions/Changes to the Agenda

Chair requested taking item #5 after #3 and adding “ and interviews” to #4

3. Approve Minutes:

- **February 24, 2020 PC Meeting**

Motion by Kitty. 2nd Yvan to approve, unanimous

A. Business from the Minutes

To do: River corridor protections include consideration of how many structures and properties would be affected, parcels along the Missisquoi versus tributaries. Next steps will be to determine the number, locations, and type of properties affected. Ellen and Pat to use the ANR atlas to glean this information.

Pat updated timeline to complete this research. Estimated completion: late fall 2020.

4. Scenic View housing assessment survey questions

“and interviewees” added to agenda item

Consultant Camoin Associates was hired to conduct the assessment. To assist them the PC was tasked with identify possible uses for the site and who Camoin should contact to gather potential use data.

PC and Selectboard will review and provide input on draft survey.

Discussion identified the following possible uses for the former Scenic View facility. Survey should seek data for single and mixed use options:

- senior housing
- single occupancy housing for persons with low/moderate income
- modify units to meet housing needs for two person households
- Jay Peak staff housing
- Tourist rentals: air bnb, bike tours, hostel
- commercial kitchen
- day care in former community room
- work share office space
- community outreach health care services
- indoor winter farmer’s market

Discussion identified following persons/businesses for the project consultant to contact to help assess best use of Scenic View facility:

- Realtors: to assess housing market, tourist activity, demand for shared office space (with high speed internet)
 - Century 21/Farm and Forest – Dan MacClure, Nick MacClure
 - RE/MAX/All Season – Brent Shafer, Russ Ingalls
 - Jim Campbell Realty
- NECKA – for housing and child care data
- Rural Edge – current owner of property and low income housing developer
wastewater capacity
- Jay Peak – staff housing, tourism – Steve Wright
- North Country and Copley Hospitals – health care services clinics – foot care, mental health, surgical followup, etc.
- Food processors – Berry Creek Farm – Romy Croizet, Food Venture Center – John Ramsay
- 2020 – 2024 Vermont Housing Data report

5. Hiring consultant to help with Bylaw rewrite

NVDA has offered Westfield some intern hours in July and August to work on the Bylaws.

Top of list is reorganizing the bylaw document using Montgomery's as a template.

Extensive revisions and at least three new sections is beyond the PCs expertise. Chair asked for a recommendation to request the Selectboard hire someone to help with this work. PC specifically recommends Ellen Fox to do the work as she is familiar with Westfield and Montgomery Bylaws.

Questions: Since Ellen is on the PC would it be considered a conflict of interest for her to consult on the Bylaw? Could she be paid from a state planning grant (MPG)? Can the town apply for another MPG with one outstanding the Scenic View Assessment project. Pat will check with NVDA.

5. Review and Edit Bylaw (see discussion attachments)

- **Excavation; Ponds**

Westfield Bylaw currently does not have a section on excavation other than for commercial sand/gravel removal. As next step add an expanded Alteration of Existing Grade section, using Montgomery's as a model and to include a section on ponds.

- **Act 171 – Forests, Natural Resources**

Need more data re: impact to logging, logging roads

how zoning to protect forests and natural resources affects property value

Pat will contact Alison at NVDA, and VT Dept. of Forest and Parks for data

6. Tasks and Timeline for next steps to update ByLaw

Pat will – work with NVDA intern and Alison re sections she is working on

- meet with Selectboard re hiring Ellen or other consultant to revise draft Bylaw
- talk with Alison about MPG to pay consultant to revise Bylaw

7. Other Business

Loren asked for a written confirmation that the PC is aware that he may have a conflict of interest in some permitting cases because of his job at Yankee Farm Credit. Pat will send email confirmation.

8. Next Meeting

July 27th pending workproduct from NVDA intern and availability of draft survey to review

9. Adjourn

Motion by Kitty, 2nd by Yvan to adjourn, 8:15 pm. Unanimous.

Submitted by
Kitty Edwards
June 26, 2020

Below are for purpose of discussion. They are not proposed recommendations

From Montgomery Bylaw

Section 6.2: Alteration of Existing Grade (Excavation, Grading and Filling)

- A) Applicability.** A zoning permit is required for the alteration of existing grade by excavation, grading, removal of earth, and/or depositing of rock, concrete, stone, gravel, sand, cinders, stumps, soil or other material used for the filling of land, unless exempted in Section 4.1. Any excavation or fill involving 100 or more cubic yards of material, or which the ZA determines may cause a change in the rate or direction of drainage to the detriment of neighboring properties shall require conditional use approval from the DRB.
- B) Specific Review Standards.**
- 1) Filling shall only be conducted with clean material such as sod, loam, sand, gravel, or quarried stone. Biodegradable material shall not be considered clean fill.
 - 2) The effect upon the use of adjacent property by reason of noise, dust or vibrations shall be evaluated and no undue adverse effect shall be created.
 - 3) The effect upon traffic hazards in residential areas or excessive congestion or physical damage on public ways shall be evaluated and no undue adverse effect shall be created.
 - 4) The project may be limited in the duration of its permit to any length of time that the DRB deems appropriate.
 - 5) The project may be limited in the hours of operation, routes of transportation or material removed.
 - 6) The DRB may require suitable bond or other security adequate to assure compliance with the provision of this Section for the proper rehabilitation of the site.
- C)** The alteration of an existing grade by excavation, grading, removal of earth, and/or depositing of rock or other material used for filling land shall not be done in a manner that may cause a change in the rate or direction of drainage to the detriment of the neighboring property.

Section 6.9: Ponds

- A) Applicability.** The construction of ponds and other impoundments may be allowed as an accessory use in any district except Conservation II upon receipt of a zoning permit. Very small ponds, under 6,000 cubic feet shall not require a permit but must meet setbacks.
- B) Application Requirements.** In addition to application requirements for a zoning permit, applications for ponds shall include the following mapped information:
- 1) All neighboring property uses;
 - 2) All structures on the adjacent properties – to include, buildings, springs, septic systems, wells, driveways, roads, etc.;
 - 3) Hydrologic connectivity to any stream, wetland, or wet area that may be hydrologically affected by the pond;

- 4) The spillway for the pond; and
- 5) For any pond involving the impoundment of water through the creation of an embankment, berm, or other structure that exceeds the natural grade of the site and contains greater than 200,000 cubic feet of water - a written certification that the pond has been designed by a state licensed professional engineer.

C) Review Standards. In the issuance of a zoning permit the ZA, in consultation with Road Commissioner, shall find that:

- 6) For any pond involving the impoundment of water through the creation of an embankment, berm, or other structure that exceeds the natural grade of the site and contains greater than 200,000 cubic feet of water - a written certification that the pond has been designed by a state licensed professional engineer.

Review Standards. In the issuance of a zoning permit the ZA, in consultation with Road Commissioner, shall find that:

- 1 1) The proposed pond poses no danger to neighboring properties, roads, bridges
- 2 and culverts.
- 3 2) Any pond that will impound, or be capable of impounding in excess of 500,000
- 4 cubic feet of water has applied for a permit from the Vermont Department of
- 5 Environmental Conservation in accordance with the requirements of 10 V.S.A.
- 6 Chapter 43. It shall be a condition of the Zoning Permit that this permit be
- 7 obtained and filed with the Town.
- 8 3) If the project necessitates any work in a stream and if a stream alteration permit
- 9 or other approval is required from the Vermont Department of Environmental
- 10 Conservation in accordance with 10 VSA Chapter 41, such permit or approval
- 11 has been applied for. It shall be a condition of the Zoning Permit that such permit
- 12 or approval be obtained and filed with the Town.

Below are for purpose of discussion. They are not proposed recommendations

Excerpted from: <http://54.172.27.91/naturalresources/Forest/Act171/Act171Guidance.pdf>

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GENERAL SAMPLE POLICIES NOT FROM A SPECIFIC MUNICIPALITY

ENCROACHMENT INTO INTERIOR OF FOREST BLOCKS :

Development that takes place within identified forest blocks shall be located at the edges of the blocks in order to reduce fragmentation of the block by roads, clearing, and development. If there is no land that is physically suitable for development at the edge of the blocks, the development must be located in order to minimize fragmentation of the block.

ENCROACHMENT INTO INTERIOR OF FOREST BLOCKS :

Roads longer than 1,000 feet are prohibited within the forest blocks as identified on [map] unless a longer road reduces impacts on natural resources.

REDUCING IMPACTS OF DEVELOPMENT ON HABITAT CONNECTORS: Where development takes place within a habitat connector as identified [map/definition], development shall be located at the edges of the connector area in order to facilitate wildlife travel through the area. In the event that there is no land that is practical for development outside the wildlife connector, the development's design must minimize impacts on the continued viability and use of the corridor.

MINIMIZING FRAGMENTATION OF FOREST BLOCKS AND HABITAT CONNECTORS :

Roads, driveways, and utilities shall be designed to avoid the fragmentation of identified forest blocks and wildlife connectors.