

**Westfield Planning Commission**  
**Public Hearing Minutes**  
**December 5, 2023, 5:30-7:30 pm**  
**Westfield Community Center, 59 North Hill Rd., Westfield, VT**

Planning Commission members in attendance: Brian Dunn, Ellen Fox, Kitty Edwards, Loren Petzoldt, Pat Sagui

**1. Call the hearing to order**

Pat called the hearing to order at 5:32 pm

Pat welcomed everyone to the hearing.

**2. Public Hearing Procedures**

Pat went over the agenda for the hearing stating that there would be presenters and opportunity for comment.

Pat provided an overview of the process and who has participated in formulating the proposed revisions to the Zoning Bylaw up to this point including the Selectboard, Town Attorney, Regional Planning Commission, adjoining towns, and reiterated that this public hearing is one part of the process for any member of the public to contribute comments.

Pat went over the hearing procedures including introduce yourself, speak loudly, no side conversations, no cross talk, and that anyone can request a point of order.

Planning Commission members introduced themselves.

**3. Process of Bylaw Amendment and Adoption**

Ellen presented introduced herself and presented information on the process for amending the Zoning Bylaw and specific information about the proposed changes.

Ellen displayed the flowchart posted on the town website describing the steps and timeline for amendment of the Zoning Bylaw. The flow chart is also part of a handout on the resource table. Over the past two and a half years, the Planning Commission has looked at every part of the current Zoning Bylaw to identify sections that are unclear or cause confusion. The current Bylaw was adopted in 2010. 13 years ago.

This information was posted on the town website and the Town Clerks office on November 16. The Planning Commission is seeking public comment until January 5. We are having a public hearing this evening. Following the comment period, revisions based on public comment will be made and the proposal will be submitted to the Selectboard. The Selectboard will have a public hearing and vote on adoption of the revised Zoning Bylaw. If adopted, the revision become effective 21 days after adoption.

The adoption process is certified by the Town Clerk with submission of a document known as the Clerk's Certificate and it is a record of all the dates and actions in the process. A draft of this document is available in print on the resource table with the information for the steps that have been completed so far. After the planning commission hears and incorporates changes based on public comments, the proposed revisions will be submitted to the Selectboard. The Selectboard will then have a public hearing and vote on adoption.

Ellen invited questions about the adoption process? There were none and so, she moved on to the proposed revisions to the Zoning Bylaw.

**4. Information about proposed revisions**

Ellen explained that she is going to present information about the revisions, and it will take about 15 minutes. Then Alison Lowe from the Northeastern Vermont Development Association, our regional planning commission is joining us remotely, and she will share a regional perspective on the revisions for about 5 minutes. If you have questions during that time, please hold on to them, or write them down. At the end of the presentations, we will have the rest of the time for public comment and everyone will have a chance to speak.

One purpose of the revisions is to make the Bylaw more user friendly.

The goal is to make it easier for an applicant to understand if they need a zoning permit, how to apply, and how the application will be reviewed and issued. The revisions also provide instructions for the Zoning Administrator about their responsibilities, and for the citizen boards that make zoning decisions. It provides clear and consistent guidelines for hearings and decisions. The proposed version spells out standards for review that do not exist in the current Bylaw, and the conditions the board may place on a permit, so that decisions are fair and transparent for applicants.

A second purpose of the revision is to make the Bylaw consistent with other regulations. Several Vermont Statutes have passed since the adoption of the current Bylaw and federal regulations have changed, particularly FEMA standards. The proposed revisions make our town Zoning Bylaw consistent with these changes.

And third, the Westfield Town Plan was updated in 2019 with recommendations for the Zoning Bylaw. These recommendations are included in the proposed revisions.

Ellen displayed the document that is posted on the town website and describes the changes to format. It is also available in print on the resource table. The first column lists the current Bylaw, in the second column it shows where that section appears in the proposed Bylaw and the third column lists the proposed Bylaw. The proposed Bylaw groups topics according to the perspective and needs of the user whether is it the Zoning Administrator, the applicant, or a citizen board.

In addition to format, some other revisions make the Bylaw easier to use including consistent terminology. For example, consistently using the term Zoning Administrator rather than sometimes Zoning Administrator and sometimes Administrative Officer makes the role of the Zoning Administrator more clear. We made the expiration date for zoning permits consistent throughout the Bylaw.

The permitted uses and dimensional standards (such as lot size and required setbacks) in each zoning district currently appear as separate lists. The revised Bylaw uses tables to summarize dimensional standards and uses. Site plan review is also now included in the table of uses. In reality, site plan review has been happening whenever applicants have conditional use review. The proposed bylaw makes this clear and provides the applicant a way to submit the necessary materials and anticipate the standards the board will use to evaluate the application.

The definitions have been moved to the end.

Another purpose of the revision is to comply with other regulations.

This includes allowing an accessory dwelling units wherever there is a permitted single household dwelling, and clear permitting for accessory on-farm businesses in all Zoning Districts. Site plan review will provide the town with greater input through site plan review of public facilities. A public facility may include public and private schools, hospitals, and waste management facilities.

The proposed revisions have been reviewed by the state floodplain manager to be sure it meets FEMA requirements for participation in the National Flood Insurance Program

And adding river corridor protections maximizes the amount of money the town is reimbursed following a disaster through the Emergency Relief Assistance Fund

Much of the Bylaw revision is to carry out the goals of the town plan which was updated in 2019. The exact language from the town plan making these recommendations and the section of the proposed bylaw which addresses the recommendations is contained in the document "Planning Commission Report Form" and is available on the town website and in print on the resource table.

To manage stormwater and prevent erosion, the proposed Bylaw includes standards for stormwater management and erosion control as part of conditional use review and establishes a conservation district on steep slopes and headwater areas. To prevent flood hazards and establish setbacks from waterways based on topography, the proposed Bylaw uses the Agency of Natural Resources Atlas to identify river corridors.

A goal emphasized in the town plan is to protect and preserve Westfield's forests.

In the survey for town planning, one of the most important issues to residents is to "preserve connected forest areas for wildlife travel and habitat, and to protect agricultural and forest lands." The proposed Bylaw establishes a conservation zoning district at and above 1600 feet in elevation. All land in Westfield above this elevation is listed as Priority Interior Forest and Connectivity Blocks by the Agency of Natural Resources. A conservation district to protect the integrity of forest-land will limit new residential development in this area and at the same time there will be continued uses of silviculture, sugaring, recreation, and camps. All of these recommended in the Town Plan.

To share the information used by the Planning Commission when considering a conservation district, Ellen displayed maps to show the priority interior forest blocks, highest priority connectivity forest blocks, and the proposed conservation district. Additional maps displayed show areas with slopes exceeding 20% noting that the proposed conservation district encompasses much of the area with steep slopes. Areas with slopes up to 15% are the headwater basins of Mill Brook, Taft Brook, and the Trout River on the other side of Jay Peak.

Ellen displayed a map showing existing easements such as conservation or agricultural easements with the Vermont Land Trust, and also state forest lands. From these maps, the Planning Commission estimates that around 2000 acres are dispersed within the proposed conservation district that are not currently subject to some existing form of limited development.

Ellen displayed a map showing parcels throughout Westfield and the conservation district at 1600' and areas at and above 2500' which require an Act 250 permit for any development.

An elevation was chosen as a boundary because it is a constant physical characteristic in the landscape that can be measured, even without consulting a map.

At and above 1600', as displayed in the earlier map, the land in Westfield is classified as priority interior forest and high priority connectivity blocks. There are areas classified as high priority forest outside of the proposed conservation district, however these are areas that have existing roads and smaller lot development. Also above 1600', the conservation district encompasses most areas where the slope exceeds 20%. Limited development here will prevent erosion from these areas and protect the headwater basins of our major tributaries that flow in the Missisquoi and the Trout.

Several parcels along the edge of the proposed district are partially above 1600 feet. Nearly all of them have already been developed with residences at less than 1600 feet, close to an existing road with steep slopes on the back of the parcel. Existing structures above 1600' would not be impacted by the revisions. These parcels will still have all the permitted uses for the portion of the property below 1600 feet, as well as the permitted uses of a camp, recreation, and agricultural and silvicultural on the portion above 1600'.

Specific uses that were identified in the town plan are included in the revised Bylaw including helipads, junk car storage, siting of telecommunication facilities, tiny houses, and repurposed shipping containers and small portable sheds. The Town Plan also emphasizes that tourism activities are an increasing part of our economy and so the planning commission created definitions and guidelines for activities associated with tourism including food trucks, large events, short term rentals, indoor recreation, and more permissive provisions for outdoor recreation.

Another important issue is safe and affordable housing. This comes up in the Town Plan in several places. The proposed Bylaw allow a smaller parcel size in the Village Zoning District. And in all districts, it increases permitted uses from one to two single household dwellings.

Planned Unit Development, a new section in the Bylaw, is included in the proposed Bylaw which creates a pathway to develop village like clusters of houses that can reduce cost, and reduce impact on natural resources, while maintaining prime agricultural land. With a planned unit development, there is flexibility to allow smaller lots along with open space. For example, a parcel in the rural agricultural district with 10 acres could under traditional zoning, subdivide into 5 2-acre lots spread evenly across the parcel. Under review as a Planned Unit Development, more than 5 smaller, building lots could be configured with houses clustered together in exchange for conserved farmland or forest. The current bylaw does not allow for this kind of flexible residential development.

Ellen thanked everyone for their attention and described the detailed information on the town website, pointing out the web address for the information. The information was also in print on the resource table and at the town clerks office and at the library.

Ellen expressed gratitude to those who have diligently read earlier drafts and offered extensive suggestions. The Planning Commission will continue to accept public comment through Jan 5. Comment made this evening and written comment by email or provided to any Planning Commission member will become part of the public record and will be addressed with a written response.

Ellen turned the presentation over to Alison Lowe of the Northeastern Vermont Development Association for a regional perspective on the Zoning Bylaw.

## **5. Alison Lowe NVDA comments on perspective from regional planning**

Alison described her review of the Bylaw and was impressed by the level of detail and clarity in the proposed Bylaw and encouraged everyone to review the information available online.

Alison pointed out the benefit of creating a Development Review Board with responsibility for all land use review processes. Formation of the Development Review Board gives a heightened consideration for due process and transparency. Additionally, the process of administration is laid out in a specific and linear manner. Rather than referencing other statutes with obscure notation, this Bylaw lays out the process in its entirety and provides a consistent process for all review processes.

Alison commented on housing opportunities and economic opportunities. The proposed Bylaw eliminates one principle use per lot. This limitation exists in many town Bylaws and was taken from a suburban model in the 1970s and 80s and is burdensome. In our area, home based and farm enterprises are particularly important in rural areas without large employers. This change protects and expands opportunity to home based businesses, and pursue value added processing.

Alison commented how the changes does a good job to carries out Act 47, the Home Act, which eliminates barriers to affordable housing. The proposed revisions comply with the standards for permitting duplexes and goes further to

provide permitting for accessory dwelling units where there are single household dwellings and also businesses with more than one floor. The proposed Bylaw protects home occupations supported by a clear definition and exempts them from zoning regulations, along with clear definitions for home businesses and performance standards for those businesses.

Alison commented on the Conservation District. The priority habitat forest blocks are important at the regional level on a landscape scale as corridors for wildlife to travel and migrate not just in Westfield, but to other areas including Jay, Richford, and Montgomery. That is very meaningful to allow species to adapt particularly as the climate changes. The regional plan prioritizes these corridors to insure genetic variability, and insures migration. Also, the conservation district includes headwater areas which are important upland forests to attenuate increased precipitation event.

Alison stated support for flexible site design around the conservation district. The parcels that straddle the conservation and other districts, the Bylaw allows for development to build from the least restrictive area and extend 30 feet into the more restrictive area. This provides opportunities for those property owners. This combined with planned unit development that would allow for smaller lot sizes is recommended as an important strategy for protecting forest assets.

Alison commented on the universal performance standards for the conservation district. In 2019, Westfield adopted a Town Plan with substantial deference. This means that for development that requires a Certificate of Public Good (which would include large renewable energy projects,) the Public Utility Commission would provide more consideration to the Town Plan and Zoning Bylaw. One of the considerations will be that utility scale energy development is not singled out for regulation. The proposed Bylaw demonstrates that the Town is not singling out energy development and is concerned about all kinds of fragmentation. This will provide more standing when these developments come before the Public Utility Commission.

Alison mentioned that she has made some additional comments and clarifications in a written response.

## **6. Public Comment (comments transcribed from the recorded meeting)**

Pat invited comments from attendees. She asked people to state their name and explained that each person will have 2 minutes to speak. Kitty will keep time. After each round of comment, people will have the opportunity to speak again after everyone has had a chance to speak if desired.

Gary Sloan 2849 Balance Rock Road: My house is at 1500 feet and rises to over 1700 feet. For 37 years I have owned this home and for 37 years the Town has taken his tax money with no problem. Now they want to place restrictions on land above 1600 feet. I have a serious problem with this. How about I go put restrictions on your property where you live. Now I have another question. Since you want to restrict my land and all the people who own property above 1600 feet, does that mean its not taxable, are you going to exempt it from town taxes, and that I won't pay taxes on it anymore? Now, you want to control my land and say what I can and can't do above 1600 feet. This is wrong. I don't care what you say. (2 seconds comment not discernable on recording) You don't go changing (1 second comment not discernable on recording) I am dead set against it and I will fight this to the end.

Dana Stringer 131 Park Drive: I have a house there. I am not local to the US. I'm a Canadian, but I grew up coming here and I own this property. My question is related to a developed homeowners association. We pay property tax. We pay coop water and when I bought the place which according to the maps we just reviewed is at 1700' there is my own house and there is a second piece of land that I bought at the same time and have paid property tax on that. There is the infrastructure of roads already in the development of Alpine Haven. Its probably the structure is all there and the wells and water system and electricity. It's all set up and the road leads to across from my property where I have a second parcel that is part of my property. And I guess my question is with the infrastructure already there already laid on the property you purchased awhile ago, again paying taxes on both of them, is that considered not that you can build a second house yourself on the same property. Again against not being able to do nothing. The infrastructure is already there and the purpose of buying the land in the first place was to put the second place (not understandable comment)

Ellen: You could potentially have a permitted structure under the current rule before any changes become effective. That would be one option. The other option thinking about existing small lots, there is some merit in looking at places that already have water, wastewater, public roads. Those places have been excluded on this side of the mountain. Maybe we need to look at this again. Alpine Haven was invited into discussion.

Dana Stringer commented that she would bring this information back to the Alpine Haven Homeowners' Association as well.

Bruce Johnson: Probably I am one of the people most affected by this. So I have three separate parcels that are all affected by this. 240 acres up on Corliss that fall above 2000'. We have an existing camp that's already up there and I guess my biggest thing is what's the effect on the town grand list once this does go into effect. My idea would be that there would have to be a new land schedule created for conservation land above 1600 feet versus the land schedule below 1600 feet because the fair market value of land above 1600 feet will no longer be the same as it was before. So come April 1<sup>st</sup>, it seems like this will go into effect before April 1<sup>st</sup>, then it would open the flood gates for tax grievances or BCA hearing grievances as well. You know it affects I counted probably 30 parcels or landowners, not including Alpine Haven development, so from Fisher Road, (1 second comment not discernable on recording), Corliss, North Hill Partners, Alpine Haven, other small parcels. So there is roughly 30 different parcels that are affected by this. I guess my biggest thing is like the Bunting Family Trust they sold their conservation development rights for a profit. But here we are being tricked where we're not getting compensation, right. So I guess that is one of my biggest complaints. When you mention that there is about 2000 acres that don't have conservation easements, I roughly estimate it is closer to 6000 between (2 seconds comment not discernable on recording) Christopher Mata with access to 242, Hollengreen, North Hill partners, myself and you add all that up, that's close to 6000 acres. Of the contiguous block we're all concerned about, there is only four landowners that own 13000 acres (2 seconds comment not discernable on recording) Hill Trust, State of Vermont, Christopher Mata, and here we are imposing this conservation district on the remaining landowners that are affected by it. My biggest thing is we want to move our camp, we are restricted by 900 square foot size. We can build a pond. We can't do anything with that property really. And that's an existing field and all that slope at roughly 2000 feet is flat there, you know 5%. I saw there is 15 year grandfather clause was put in there, so if I come back to the Fisher Road that built a new log cabin, if that burned down, would he be able to rebuild it, you know, that's less than a few years old.

Ellen: About development rights and other land owners who have sold their developments rights. This would not impact anyone's ability to sell their development rights. You would still have full volition, you could still sell development rights and for the same amount. The land trust or another organization does not account for this, but I hear your point.

Bruce stated further: And you know, in ten years from now when we do the Bylaws again, is it more restrictive in ten years from now. We are opening the flood gates of (2 seconds comment not discernable on recording). There was no mention also in the Bylaws of Jay Peak so tramway or any development they built up there.

Ellen: All of that is above 2500 feet and the municipality doesn't have permitting jurisdiction there so there's that. The 15 year grandfather clause, the 15 years is that zoning statute of limitations is only for 15 years so if someone builds a structure that doesn't, that is in violation of the zoning bylaw, if 15 years goes by and the town doesn't come and knock on the door and say this is a violation then it can no longer enforce a zoning violation there after 15 years, so that's the 15 year piece that's in there. But it exists, and it exists right now like Alison mentioned as a reference to state law. It doesn't actually spell it out, so we just spelled it out.

Bruce: I guess my biggest thing is the size of what we can develop which is fine. I have no intentions to develop my property, but to say I can't build anything more than 900 square foot and 20 feet high, I don't agree with that.

Ellen: Do you have a suggestion of what you think it should be?

Bruce: It might be possible that our current camp is larger than 900 square feet and it's 13 in peak elevation height. That's where I have some concerns. The biggest concern is what's the effect on the town grand list, because there would

have to be some affect there which is similar to what Gary was mentioning as well. There would be a land schedule that recalls the properties like Huang Equity, Christopher Mata, North Hill Partners, Hollegreens, myself. That's over 4000,5000 acres of property.

Ellen: So that's a question for a consultant, the listers or town assessors that do this work in adjacent communities.

Bruce: Going back to what Gary said about how we bought at fair market value and now there are restrictions.

Tom Tremonte 1269 Hazen's Notch Road: I had also shared the other sentiments that have been brought up. Just a couple of points of items I can't quite wrap my head around. How would existing structures above 1600 feet maybe above 1700 feet in different areas of town. And I know Alison partially addressed some of those were exempt, would be ok and I just personally don't understand how some could be and some could not be. Another I don't know if it's a question or just a comment, but one of the mentions is that we are looking for businesses in town that go along with the character in town. In the conservation district, short term rentals and other types of transient properties are no longer being permitted. I just feel like, speaking for myself and my property, the camp is on a beautiful snowmobile trail. Granted it's not fully a snowmobile trail, but still it's widely used as a snowmobile trail, it would be an excellent destination and an excellent small business for somebody to come by or for a couple guys or a family for a weekend to have a place to rent in the mountains in a beautiful location, to use that infrastructure that's already in place and be not permitted.

Pat: I'm not sure about that because recreation is permitted.

Tom: Recreation is permitted, but the short term rentals.

Ellen: So just a clarifying question, when you were talking about existing structures and some would be exempt and some wouldn't be exempt and you didn't understand why, I am not sure if you could talk a little more about that. I am not sure what the question was.

Tom: There's all told 12 units in Alpine Haven currently well above 1600 feet, in fact I believe above 1700 feet. And there looks to be a lot of properties on the other side of town that are above 1600 feet as well.

Ellen: And so is your thought that things that exist now should not be exempt? Or that because these things exist, all things should exist?

Tom: I feel like if it was ok to build it at one point, then it is not completely detrimental to the landscape and it's done within a conservation practice where it's not allowing excess runoff and other certain laws are followed, I don't understand how it would be harmful to the land or harmful to anybody downstream if it is properly.

Ellen: So then it is that if somebody else got to do it, then I should be able to do it too.

Tom: Sure.

Ellen: I am not discounting that, it's valid.

Dana: I just need a little bit more clarification as well for structures that are above the allowable elevation. If you have an existing structure and you're renovating and you want to do an addition, you want to make your place bigger, how does that fit into this?

Ellen: So there is a section that covers maintenance of non-conforming structures, essentially anything that was permitted when it was built, and was permitted under the previous bylaw, then that structure can continue. For expansion, it would depend on the size of the expansion. I don't remember what it is. Again I don't think I can answer every question, but I can find an answer. And also maybe there's not a good answer right now.

Dana: So let's just say for example you buy a structure above elevation right now and you want to renovate that?

When a bylaw is adopted, when somebody purchases a structure it's up to the essentially the buyers attorney asking for a letter of zoning certification. In that letter it will say, these are the current uses for the property, this is how it's currently permitted, xyz. And so it's full disclosure to the buyer. Usually it's a function of title insurance. The attorney needs to get this for title insurance before it goes to closing. I don't know if that answers your question.

Dana: Yes, I guess that does from a legal perspective. So my last question I guess is your comment about tiny houses. How does that fit into putting a tiny house on property that's where you already have a dwelling at your elevation. Would that be allowable or not allowable?

Ellen: It is, and the tiny house reference is that right now there is no definition of a tiny house or something like that so people might think Oh, a tiny house is something I have to move, or it's a mobile home. Essentially, if it's used as dwelling, then it's a dwelling. So a tiny house is a dwelling. And in the new Bylaw, you would be able to put two principle dwellings plus two accessory dwellings on a lot.

Dana: At 1700'?

Ellen: At 1700' no. You could have a camp at 1700' which is permitted right now. Again, I think Alpine Haven is different.

Will Young: The current language says for non-conforming structures: Nothing in this section shall be deemed to prevent normal maintenance and repair of a non-conforming structure provided that such actions do not increase the degree of non-conformity. So to your question about making an addition to a building that is above 1600 feet, I would look to the Board to see if that is increasing the non-conformity? You're not putting a new building, just increasing the size of one that is already there. That might need to be clarified.

LaDonna Dunn: I just have a question based on her question. When you say dwelling, does it matter what the property is in the grand list? There's seasonal, there's residential, you know like a primary dwelling. How does this work with seasonal homes?

Ellen: There's not a seasonal zoning permit. So everything that is permitted as a structure is permitted as a dwelling or one of the uses. None of the uses are seasonal or not seasonal. The interaction between those two things is based on the listers and the listers have a different rate for a seasonal dwelling versus a year round dwelling.

Dana: If there is a dwelling that you want to renovate above 1600 and you're not particularly changing the footprint, but you're going to tear it down and rebuild, is that allowed?

Bruce: The current system isn't clear. Can you relocate it? Because it doesn't say that.

Ellen: That specific situation isn't regulated.

Bruce: That's the same for our deer camp. What I see if that if we were to relocate and move our deer camp into the field, that would be non conforming.

Ellen: But that doesn't increase the non-conformity. That increased non-conformity is something like I am supposed to have 25 feet setback from the boundary, and I can expand my house laterally, but I can't build something that puts me 10 feet next to it. So moving your camp wouldn't in my impression...again my opinion doesn't matter, it is a much more collaborative process to come to these kinds of recommendations. But, my initial thought is that that doesn't increase the non-conformity. In the same way that the question of if somebody's house burns down, they can rebuild their house. They can rebuild their house. Actually, even if it's a conditional use or was originally conditioned, we created a provision that somebody can rebuild their house with just a zoning permit. With an administrative form and posted for 15 days, and it's valid. We tried to make that very, very easy if somebody experiences something like that they can always rebuild their house, even if it's nonconforming.



Gary: I went online and read the draft, lot of restriction. Who going to do all these inspections? How many people are you going to hire to do all the inspections in the town. I'm sure someone isn't going to want to just run out and do them on a part time basis. You're going to have to hire more employees and that's going to mean more taxes.

Ellen: I want to hear what you have to say, but I want to respond as well. The town right now supports a Zoning Administrator through the permit applications and there is not an enforcement. We don't do, like a lot of towns do a Certificate of Occupancy. So to come back after the fact and say ok this is what the permit said, but there is no inspection process.

Gary: I was saying the other day about needing a Certificate of Occupancy. I thought I read that at the library.

Ellen: There is one section in the special flood hazard area that FEMA requires that we do a Certificate of Occupancy that is rebuilt in a flood zone and that's the only case where we would do it. And I don't think we've ever done it.

Gary: I know they never did one at my place. What about an inspection? Just build what you say and that's it.

Ellen: Right. Do what you say you're going to do.

Bruce: I guess the thing was going back to why no ponds above 1600 foot. Our camp they were farming that up there and they just ditched it to drain out all the land. Eventually we were thinking of building a pond there which would in truth improve sedimentation and if anything it would improve water quality. I'm not sure why, you know I'd be more concerned about all the logging. For instance, the little bit of development above 1600, that's one of the things. We would eventually like to move our camp into the field on the existing parcel up there which is at 2000 foot in elevation. With that part, my biggest concern is that down the road there would be restrictions every ten years or every time we review these Bylaws, how much more restrictions are there? But I think the biggest thing still is how much effect on the town grand list. That needs to be valued. Because I was talking to a forester that manages Huang Equity, that's the 3400 and they would definitely want it. Even though they are all in current use. My question is, is current use and Act 250 not enough for the Town of Westfield for development? To me it should already be more than enough. Most of these parcels are in current use.

Tom: Is the camp stipulation dictating only one camp per lot or multiple camps per lot?

Ellen: It isn't clear. It doesn't say. That is something that has come up in this conversation. Because two structures are allowed on other lots, and it says camp for conservation district so that's something that seems appropriate to have two camps if that were the case. If the goal, though, is to reduce fragmentation through other roads and things like that it still fits because there is one road going to that parcel. It's not going to propagate a bunch of new infrastructure to that parcel. These are initial thoughts. It is up to the Planning Commission and we will consult with other towns who have similar situations and what they've done for a better process.

Tom: One other question. I love forestry. I love agriculture. I think it's appropriate where just about anywhere you could put it. I just find it a little bit hypocritical that we're saying that above 1600 we can still cut trees. I'm not familiar with all of it, but if I had 80 head of bison on a mountainside, then raise them for meat or milk or whatever, then is that appropriate animal for that type of terrain? They are all running around crapping on the shallow soils of the headwaters. It just seems that for permitting two of the more enterprises that could, and then we're excluding other items, that in my mind doesn't match up.

Ellen: In Vermont, agriculture and silviculture are governed by the State legislature so local zoning doesn't have any bearing on that. We are lucky here in Westfield, the folks that work off the land are great stewards and so there's that. But even if we did see a problem our Bylaw can't be used to do anything about it.

Loren: That is under the Secretary of Ag

Bruce: I saw in the new Bylaws there is something about connex boxes and shipping containers, storage trailers. Obviously agriculture will be exempt. I'm thinking of Mike's Electric and stuff like, I'll speak on his behalf, that would be a huge tax, an additional tax to the few businesses of Westfield. That's the scenario.

Ellen: So, the shipping container or repurposed school bus or whatever it is, the goal there was to ...it's like you know it when you see it. Somebody might say this isn't my house, this isn't my dwelling and you go inside and someone is definitely living there, you know what I mean. Well if it's an accessory structure for storage, then let's call it storage and then just permit it as storage. There's no additional use or anything like that. We just mean accessory structure. It's just to make a clear record so that when the landowner goes to convey their property, that it's all certified as meeting the zoning requirements. Because if there is no record of that structure then they are going to run into title insurance problems and all that stuff I was talking about. If there is some sense that it is something other than that, then we should look at the wording of that section.

Bruce: It's just two sentences. It's very brief.

Will: Can I make a comment around taxes and structures? Going back, and we mentioned it once already that the tax end of things and the zoning end of things are very different. Whether it's permitted or grandfathered or not conforming and in violation and you're in court over it, doesn't change whether the listers are going to come and tax it. They are going to come look at it and say how is this used and tax it accordingly. They are not going to look and see if it is permitted or not. So, just to be clear that the two are almost completely separate.

Dana: What is an accessory dwelling?

Ellen: It's a dwelling that is subordinate to the principle structure. I think it would be better if I read the definition. An accessory dwelling is an attached or detached dwelling located within or appurtenant to a single or two household dwelling. It is clearly subordinate to the single or two household dwelling. It has facilities and provisions for independent living includes sleeping, food preparation and sanitation. The owner or a permanent resident shall occupy either dwelling. So for example I know folks who may live in a 3600 square foot house and then they want to build an accessory dwelling so they build a 1000 square foot structure. They, the owner can move into that one and someone else can live in the big house. So there is a lot of flexibility around it.

Dana: And is that permitted above 1600?

Ellen: In the current proposal it is not. Again, I do think from hearing tonight that in spots where there is already existing infrastructure it seems more equitable since it has happened at the bottom of Corrow Basin and School Street and Ballground Road, that maybe in Alpine Haven that's the case.

Pat: We have a timeline to get comments and responses onto the Town website, and it will be after January 5. We will start addressing them and will posted after January 5. It's not so many days for us to get this to the Selectboard. It is flexible and so we will see what kinds of comments we get and how much time we need.

Ellen: I think it might be a couple weeks before we have those things digested and work them into a new proposal that will go to the Selectboard. At least questions and responses to the questions that have come up would be posted around January 12.

Dennis: Hearing from everyone has clarified a lot to hear your voices.

Richard: I've got a question about if this lady has a 1500 foot (2 seconds comment not discernable on recording) and she wants to rebuild it to 2500 foot (20 seconds comment not discernable on recording)

Pat: If you are going to speak, you need to speak up so everybody can hear.

Jacques: Can you refresh our memory a little bit about where the idea of the conservation district came from. So, it's clear in my mind that anything over 2500 feet is regulated by the state.

Pat: And also anything over 20% slope is regulated by the state. Anything that's more than a 20% slope. Remember when she had the pictures and all that red, that's all. The state controls that also regardless of the elevation.

Ellen: In our current Zoning Bylaw also, it says that building lots can't have more than half their slope above 20% so there are a couple of things that exist. So the conservation district, though, came from the Town Plan. That it said over and over and over, the exact language is in the report of the planning commission document that is on the table looking through the statements that were made about maintaining forest, forest habitat, connectivity blocks, no fragmentation. All of those things come from the Town Plan. So looking at what those areas were, that it closely mimicked 1600. And it's actually a lower elevation that would contain that whole block. But the 1600 feet made sense because it allows the places that are already developed to be outside the conservation area. Places where there's infrastructure, roads and things like that already exist it seemed kind of mute to try to make a conservation district where it is an already developed area that could be housing for folks. The 1600 feet has worked in other towns as well so we looked around for that kind of thing.

Pat: I can add a little bit to that. Just for backstory for folks. In the Town Plan process, which happens every so many years, a survey was part of that and it was sent to everyone. Some of the feedback that we got was to protect those higher elevations. I think protecting forest land statewide is like 75% of people want this happening. The state has a 30 by 30 and 50 by 50 goal that is maybe not statute yet.

Ellen: It is statute.

Pat: That 30 % of forest land, or is just land?

Ellen: That 30% of land in Vermont will be under some type of conservation by 2030, and 50% would be by 2050.

Pat: And that would be paying people. The state would pay you. Ellen you were on that, could we direct people to that? It was the Vermont Housing and Conservation Board. There was like 200 people on this zoom call just last week. And it's just the beginnings of this conversation and so that was in the back of our mind. In terms of going back to the Town Plan, there were two pieces that had us thinking about this. One was the response from people who took the survey and the other was a workshop with Jans Hilke with the Department of Forests and he came and we have all these beautiful maps and he explained why this is so important and we incorporated a lot of that. It was also aligned with what the regional plan said, and Montgomery's conservation district also protects these forest blocks. And elevation is an important part of adaptation a lot of four legged creatures.

Jacques: There is probably a pretty good argument to be made that because most of this land is in some kind of land use or conservation protection, fragmentation is already there regardless.

Bruce: I think that's my concern that there's already the four landowners own 50% of (2 seconds comment not discernable on recording)

Jacques: (Other conversation happening...) Does that land be developed.

Ellen: It very much could be and it would be for the right price. So, to come back to this. The idea that there are flat spots in here tucked in between other slopes, that if you could get to it, would be appropriate for development. But you have to build a road to that spot over very steep slopes and I think that the thing with the conservation district was that it fulfills so many of the goals set out in the Town Plan in terms of flood resilience, the wildlife habitat, and water quality, that for all of those things the district would reinforce all of those goals. I think actually that there might be increased possibility for fragmentation because the lands that aren't conserved right now, there might be impetus to get to the ones that aren't. Do you see what I mean? I'm not able to articulate my thinking but I will think about it a little bit more.

Bruce: Are you saying that the area of slope would be sufficient enough that they can't even be subdividing this property?

Loren: Well, let me say current use. You can develop your property under current use. There is a cost to it but current use does not technically protect because you can pull your land out of current use at any time. From that standpoint, it's protected as long as it's in but you can bring it out. I don't know why you would.

Ellen: The penalty is 10% of the fair market value and given the change in land prices we've experienced in the past few years, 10% would be nothing for someone to take a parcel out of current use and sell it for building lots for example.

Loren: It's only on the parcel you take out. So you could bring out additional pieces. Going back, you mentioned land trust, I would have to look at some agreements. Some of those old land trust agreements do have parcels labeled out for development. Within the parcel, where somebody can develop. I don't know what the agreements say but I have seen several land trust agreement like that.

Bruce: I just want to think about permanent dwellings. (2 seconds comment not discernable on recording) about several hermits actually live above 1600 feet. Down the road if my son wanted to make a permanent residence there, he can't.

Pat: If people want to mill and chat

Ellen: I think if people want to mill and chat, they can do so out there. Anything that people say in here is still part of the public hearing until 7:30.

## **7. Adjourn the hearing**

Pat adjourned the hearing at 7:30 pm.

Minutes respectfully submitted by Ellen Fox