

Westfield Planning Commission
Public Hearing Minutes
Tuesday, February 20, 2024, 5:30 pm
Westfield Community Center, 59 North Hill Rd., Westfield, VT

Planning Commission Members In attendance: Brian Dunn, Kitty Edwards, Ellen Fox, Pat Sagui, and Loren Petzoldt arrived at 6:10 pm

1. Call Meeting to Order

Pat called the hearing to order at 5:35 pm

2. Public hearing procedures

Pat reviewed the procedures for a public hearing

3. Process / Timeline for Bylaw amendment and adoption

Ellen explained the next steps in the process for adoption of the revised Zoning Bylaw including a public hearing by the Selectboard, adoption by the Selectboard. After adoption, the revisions become effective in 21 days, and the end of the public appeal period ends after 45 days. The Zoning Administrator will begin accepting zoning applications under the revisions starting 22 days after it is adopted and can issue permits 45 days after adoption. Once the permit is issued, there is a 15 day appeal period.

4. Changes made based on comments received

- 1) Refer to high elevation areas as the Mountain District (instead of "Conservation")
- 2) Residential uses in the Mountain District can be permitted through Conditional Use Approval
- 3) The current Recreational-Residential District will remain unchanged, regardless of elevation
- 4) Camps - increase the height to 35', allow camp to be moved when the new location meets setbacks, 900 sq ft is the footprint
- 5) Allow habitat and wetland restoration activities in the Mountain District
- 6) Increase side setbacks in the Village District to 20 feet, and may be reduced to no fewer than 10 feet with Conditional Use Review
- 7) Make it clear that to get a permit for a subdivision, a survey of the parcel must be recorded in the Town Land Records. For a boundary line adjustment, only the affected area requires a survey.
- 8) List of specific uses in alphabetical order
- 9) Include small scale hydro power as use
- 10) Accessory dwelling unit is single household dwelling
- 11) Removal of a building in the flood hazard area requires a permit (FEMA)

5. Questions / clarifications on changes

-LaDonna asked a question to clarify that the recreational/residential district exists along North Hill Rd in addition to around Alpine Haven. Will Young, the ZA, confirmed yes, and also

mentioned that the recreational/residential district also extends along Rt 100 to the border with Troy.

-Bruce Johnson asked if there would be a limit on the size of a single household dwelling approved through Conditional Use in the Mountain District. Ellen responded that there is no size limit on a dwelling and that there can be a principal dwelling with no size limit and the accessory dwelling is limited to 1200 sq ft. The size limit is only for a camp and that has been increased to a height of 35 feet maximum and clarified that the structure footprint cannot exceed 900 square feet.

-Tom Tremonte asked about short-term rentals in the mountain district for a non-resident is not allowed. Ellen confirmed that the option would be a rental of at least a month at a time. There would not be any permit at all required for a long term rental.

6. Comment

-Gary Sloan raised a question about 20% slope used as a standard for building and expressed that 20% angle is hard to understand and is not a big slope. Ellen described that the 20% slope as a standard exists in the current Bylaw. Discussion ensued that the state also has a standard around 20% slope, though that isn't the source of the standard in our Bylaw. The current regulation is that 80% of the buildable area needs to have slopes less than 20%.

Dennis asked to confirm that 20% grades are already in the Bylaw and nothing has been changed. Ellen explained that it already exists in the current Bylaw. If were to make no changes at all with the Bylaw and someone wants to subdivide a lot where there are grades more than 20% there would have to be evidence that 80% of the lot is not at grades steeper than 20%. It was an extension of that thinking to identify places that are mostly steeper than 20% and that it doesn't make sense to provide for or promote building lots in those areas at all.

Gary- If I sell my property, the lawyers are going to have to say the property is in compliance with zoning. You don't know if it is and don't have an inspection. Who is going to decide? Ellen described the process for determination of zoning compliance including that the Zoning Administrator will look through the listers file and town records to see if there are permits for the existing structures there, and will look at orthophotos to determine if there are additional structures. The structures that exist on the property are listed on the application by the realtor or attorney for the certification of compliance. For structures that exist and do not have permits, the Zoning Administrator will need to determine if those structures have been there for more than 15 years. If they have, then even if they are non conforming, they are beyond the statute of limitations for zoning and are compliant.

Ellen mentioned that attorneys may not be able to get title insurance on transactions where they do not get this certification.

Bruce asked if the Town maintains a list of non conforming structures. Ellen responded that the list would large and hard to manage, so no. Non conforming structures are recognized on a case by case basis as permit applications come up. Usually there is some photographic evidence to establish the date the structure was built.

Gary made comments about Town of Pawlet and the conflict for the town and the potential for the Town to have legal expenses costing the taxpayers money. Ellen responded that if the

question is, will the town have increased exposure to be wrapped up in litigation because of these revisions, the answer is the opposite is true and that the revisions have created a more permissive regulation decreasing the likelihood of litigation.

Bruce commented that he appreciates providing conditional use as a path for approval in the Conservation District. Pat asked about using the term Mountain District instead and most agreed that is a more descriptive and accurate term. Bruce also read a prepared statement articulating his ideas about the conservation district and the efforts of the town to promote healthy forests and thoughtful development, expressing that efforts might be more effective to focus on the activities of large forestry operations and the physical characteristics and composition of the forest rather than on landowners and structures at high elevations. A copy of the statement is attached to these minutes.

The Planning Commission invited Bruce to be more involved to develop meaningful ways to address forest health.

Dennis expressed gratitude to the Planning Commission for time invested in this work.

Tom asked why a rental less than 30 days at his property would not be permitted. He mentioned that issues with traffic, trash, erosion are not issues at his place. He mentioned that hiring a local person to maintain the rental would be a local job. He described that his driveway has been excavated to prevent runoff into the road installing rip rap and crushed asphalt. Ellen responded that perhaps Tom has acted responsibly with his driveway, and the questions that come up for her are that the property is in an area where driveways are prone to dump water into the roadway, that installing riprap and a surface to drive on is creating impermeable surface, when you channel and ditch and drain it speeds up water velocities. The term erosion is describing all these situations. The trash issue is that if somebody is there short term, they leave the garbage behind. If someone is there longer term, there needs to be something systemic in place for them to deal with it because they need to deal with consequences of their own actions. The consequences of short-term renter behavior falls on the people who live here. Ellen expressed appreciation for the importance of creating a local job, though the more substantial need is for housing. She added that it would be great to encourage longer stays for people to become seasonal members of our community, rather than transient guests. Ellen recognized that it is not as profitable to rent for long term compared to short term.

Tom mentioned it isn't about the money. It would be a great place for the Long Trail. In regards to trash and general maintenance, Ellen mentioned that a landowner has a different set of standards than a caretaker who has a job to care for the property.

Pat mentioned there are towns that may have rentals for hikers on trails. The Planning Commission expressed that they will take up this topic to find a solution for a rental that is a walk in kind of rental. Pat confirmed that the 30 day minimum to qualify as a long term rental is a state standard.

7. Adjourn

Ellen made a motion to adjourn. Kitty 2nd the motion, and the hearing adjourned at 6:25 pm.

Minutes respectfully submitted by Ellen Fox

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