

WEST WINDSOR PLANNING COMMISSION

Notice of Public Hearing

The West Windsor Planning Commission will hold a public hearing on Monday, December 29, 2014 at 6:30 PM at the Town Hall to consider, and send to the Selectboard for their adoption, amendments to the West Windsor Zoning Regulations. All those interested in commenting on the proposed amendments are invited to attend.

Statement of Purpose: These amendments are being proposed to ensure that the zoning regulations and the zoning map are relevant to the town's current circumstances and are in conformance with the 2014 Town Plan. For example, Section 2.3-5 and Section 5.4-1 of the West Windsor Zoning Regulations reference a "ski resort" that no longer exists. As amended, these sections of the Zoning Regulations reference "the recreational development of the area" rather than "the viability of the Ascutney Mountain Resort, or a successor ski resort." The proposed amendments also include: changing the name of the Resort/Conservation district to the Recreation/Conservation district; increasing the minimum lot size and decreasing the maximum density in the re-named district; and relaxing development restrictions in the re-named district to allow building envelopes and above-ground utility lines on the periphery of Mile Long Field, and to allow multiple access points to future development.

Geographic Areas Affected:

The Geographic Areas affected include the Conservation district, the Resort/Conservation district, and the Resort/Residential district.

Sections of Regulations Amended:

Section 2.3-5 and Section 5.4-1 of the Zoning Regulations would be amended. The zoning map would also be amended.

The full text of the proposed amendments may be examined at:
Town Hall (Story Memorial Hall)
22 Brownsville-Hartland Road
West Windsor, VT

Martha Harrison
Town Administrator
West Windsor

Planning Commission Reporting Form for Municipal Bylaw Amendments

This report is in accordance with 24 V.S.A. §4441(c) which states:

“When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal. The report must provide:

- 1. a brief explanation of the proposal,*
- 2. a purpose statement,*

Section 2.3-5 and Section 5.4-1 of the West Windsor Zoning Regulations reference a “ski resort” that no longer exists. This bylaw amendment is being proposed to ensure that the zoning regulations are relevant to the current circumstances and are in conformance with the 2014 Town Plan. As amended, these sections of the Zoning Regulations reference “the recreational development of the area” rather than “the viability of the Ascutney Mountain Resort, or a successor ski resort.” The changes proposed by the Planning Commission include the following:

- The new name of the district would be “Recreation/Conservation PUD District”
- Rather than prohibiting all development, other than infrastructure, on Mile Long Field, the amended regulations would restrict development to designated building envelopes on the periphery of the field.
- Rather than a minimum lot size of one acre, the amended regulations would require a maximum density of one unit per five acres.
- Rather than requiring all development to be accessed through the resort, the amended regulations would allow access via Coaching Lane and/or Route 44.
- Rather than requiring all utility lines to be underground, the amended regulations would prohibit above-ground utility lines in Mile Long Field, except on the periphery or in designated building envelopes.
- The amended regulations would require proposed development to be in conformance with a Master Plan for the property, rather than the Resort Master Plan.

In addition, the 2012 zoning map does not accurately portray the “Resort/Conservation” district. The “Future Land Use Map” (Map #2) in the 2014 West Windsor Town Plan corrected the southern and eastern boundaries of the “Resort/Conservation” district. The Planning Commission proposes to correct the zoning map so that it portrays the boundaries of the “Resort/Conservation” district accurately as well. Once amended, the zoning map will be identical to the “Future Land Use Map” in the Town Plan.

3. Findings on how the proposal:

(a) Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing;

- The Future Land Use chapter of the West Windsor Town Plan requires residential development in the Resort/Conservation PUD district to make “a demonstrable contribution to the recreational development of the area in accordance with the goals of the Recreation and Economic Development chapters of the Town Plan.” The proposed change to the purpose statement for the Recreation/Conservation PUD District (formerly called the Resort/Conservation PUD District) would bring it into compliance with this requirement.

2.3-5 Resort ~~Recreation~~/Conservation PUD District (R/C PUD)

The purpose of the ~~Resort~~ **Recreation**/Conservation PUD District is to provide for the orderly growth of single-family residences that make a demonstrable contribution to the ~~viability of the Ascutney Mountain Resort, or a successor ski resort ("the Resort")~~ **recreational development of the area in accordance with the goals of the Recreation and Economic Development chapters of the Town Plan**, in such a manner as to preserve, to the maximum extent possible, the important open space, scenic, agricultural/forestry and natural resource characteristics of the district. The preservation of Mile Long Field is of particular importance to the Town of West Windsor.

Permitted Uses	Conditional Uses
Agricultural Use Structure	Public facility†
Forestry Use Structure	Outdoor recreation facility
Single or two-family dwelling*	Bridge
Accessory use or structure*	
Accessory dwelling unit	
Home occupation	
Child care home	
Group Home (serving 8 or fewer)	

* permitted when part of an approved PUD

No land development or land use, other than for forestry or agriculture, may be issued a zoning permit by the Administrative Officer until the Development Review Board has reviewed the application.

Supplemental Development Standards for PUD in the ~~Resort~~ **Recreation/Conservation PUD District:**

In addition to complying with the requirements of Section 5.4, ~~there shall be no development, other than infrastructure, in Mile Long Field shall be restricted to designated building envelopes on the periphery of Mile Long field.~~ and All development in the ~~remainder of the Resort~~ **Recreation**/Conservation PUD District must:

- Minimize the disruption of the scenic and agricultural qualities of Mile Long Field;
- Retain the fields, to the maximum extent possible, through the use of Planned Unit Development;
- Utilize, where possible, the least productive land and protect primary agricultural and forestry soils;
- Have a ~~minimum~~ **maximum density** lot size of one **unit per five acres**;
- ~~Be served by a sewer and water system if the lot size is less than five acres;~~
- Maintain as open space at least 50% of the total ~~Resort~~ **Recreation**/Conservation PUD district acreage;
- Be accessed through the Resort, **Coaching Lane and/or Route 44**;
- ~~Be served by underground utility lines~~ **Have no above-ground utility lines within Mile Long Field, except in designated building envelopes on the periphery of the Field (i.e. all above-ground utilities shall be placed on the periphery of the field or in wooded areas);**
- Be in conformance with ~~a the Resort's~~ **the property** and West Windsor's Town Plan.

Dimensional Standards for Planned Unit Development

Minimum Lot Size/Family Unit	5 acres w/on-site septic & water or connection to municipal water/sewer
	1 acre w/connection to a state approved sewage treatment plant & PUD approval
Minimum Frontage	100 Ft. or per approved PUD
Minimum Yards: Front/Side/Rear	30 ft./30 ft./30 ft. or per approved PUD
Maximum Structure Height	40 ft.

All development that does not make a demonstrable contribution to the ~~viability of the Resort~~ recreational development of the area in accordance with the goals of the Recreation and Economic Development chapters of the Town Plan shall follow the standards set forth in the Conservation District.

† See §4413 Limitations on Municipal Bylaws

5.4 PLANNED UNIT DEVELOPMENT

Purpose. In accordance with the Act [§4417], Planned Unit Developments (PUDs) are allowed in the Town of West Windsor, subject to review and approval by the Development Review Board (DRB), to permit flexibility in the application of land development regulations for the purposes of §4302 of this title and in conformance with the Town Plan. The purposes of Planned Unit Development in West Windsor are:

- 1) To encourage compact, pedestrian-oriented development and redevelopment, and to promote a mix of residential and nonresidential uses, especially in the Primary Growth, Resort/Residential, and Secondary Growth districts.
- 2) To implement the policies of the West Windsor Town Plan.
- 3) To encourage any development in the countryside to be compatible with the use and character of surrounding rural lands.
- 4) To provide for flexibility in site and lot layout, building design, placement and clustering of buildings, use of open areas, provision of circulation facilities, including pedestrian facilities and parking, and related site and design considerations that will best achieve the goals for the area as articulated in the Town Plan and the Zoning Bylaws.
- 5) To conserve open space features recognized as worthy of conservation in the Town Plan and the Zoning Bylaws, such as agricultural land, forest land, trails and other recreational resources, critical and sensitive natural areas, and scenic resources.
- 6) To provide protection from hazardous conditions.
- 7) To provide for efficient use of public facilities and infrastructure.
- 8) To encourage energy-efficient development and redevelopment.

Review Procedure.

The Development Review Board (DRB) shall review PUD applications concurrently with conditional use and site plan review. In addition to the conditional use and site plan application requirements, an application for PUD approval shall include a statement describing all proposed modifications to existing bylaw requirements. Modifications of this bylaw approved by the DRB shall be noted in writing and appended to a plat depicting the project to be recorded in the West Windsor Land Records. All other provisions of this bylaw not specifically modified shall remain in effect and be applicable to the project.

Review Procedure for PUDs with Multiple Conditional Uses

If a PUD application proposes more than one conditional use, the DRB may review the uses separately or concurrently.

General Standards.

The modification of zoning regulations by the DRB may be permitted in accordance with the following standards:

- 1) The PUD shall meet all applicable conditional use standards, and shall be consistent with the West Windsor Town Plan, the Master Plan for the project (if applicable), and all other applicable municipal regulations and ordinances currently in effect, including all local and state regulations for sewage disposal and the protection of water quality.

- 2) The PUD shall include provisions for the preservation or protection of open space including surface and ground waters; wetland, stream bank, and floodplain areas; significant topographic features, including hilltops and ridgelines; areas of steep slope; significant resource lands, including agricultural and forest land; historic or archaeological sites and structures; critical wildlife habitat; and open spaces, including scenic views and vistas. Provisions shall be made to enable lands designated for agriculture and forestry to be used for these purposes. The DRB may require management plans for forests and/or wildlife habitat.
- 3) As a minimum requirement, each residential dwelling unit and each commercial building shall be connected to a communal water and wastewater system at the applicant's expense. Bonds may be required by the DRB to ensure the future viability of the communal system. If the DRB finds that this communal system requirement is not reasonable for the proposed PUD, the DRB may require that each residential dwelling or individual business unit have its own individual well and septic system, which may be located in the common area. Each such individual system shall be the responsibility of the owner of the individual unit or commercial building. A PUD with a communal water, wastewater, or stormwater system must have an incorporated homeowners association.
- 4) The DRB may allow for greater concentration of development in some section(s) of the PUD, on individual lots which are smaller than the minimum lot size for the district, provided that the greater concentration is offset by a lesser concentration in other sections, and provided that no less than 50% of the land is preserved as open space.
- 5) The minimum front, side and rear yard setbacks at the periphery of the PUD shall be as required for the particular district unless otherwise specified by the DRB. Other than on the periphery, the DRB may allow other setback standards, such as zero lot lines, as part of PUD approval.
- 6) Preserved open space shall be:
 - (a) dedicated, either in fee or through a surveyed and deeded conservation easement, to the Town, a community association comprising all of the present and future owners of lots or dwellings in the project, or a non-profit land conservation organization. The fee or easement is subject to DRB approval or approval with conditions.
 - (b) subject to appropriate deed restrictions stipulating permitted and restricted uses, establishing suitable maintenance requirements, and designating the person or entity responsible for maintenance and long term stewardship.
 - (c) located so as to conform with and extend existing and potential open space lands on adjacent parcels.
- 7) Where a district boundary line divides a parcel, the DRB may allow the development of a single PUD with a total density based on the combined allowable density of each district.
- 8) Two (2) or more contiguous parcels under the ownership or control of the applicant may be combined for review as a PUD. The permitted density on one parcel may be increased as long as the overall density for the combined parcels does not exceed that which could be permitted, in the DRB's judgment, if the land were subdivided into lots in conformance with district regulations.

Town of West Windsor, Vermont

MAP 2 - Future Land Use Map

2014 Town Plan - Adopted May 27, 2014

