

Elmore Planning Commission Meeting

Meeting Date: January 23, 2013

Meeting Commencement Time: 6:00 pm

Meeting Participants: Steffany Mosley, Shelia Rysz, Sue Cano, Len Plant, Whit Hartt and Meghan Rodier.

Guests: Matt Marble, Steve Broyhill, John Stuart, Roy Marble, Ted Barnett,

Agenda Items:

Minutes Approval of December 2012

Item #1: Ted Barnett Presentation

Item #2: Welcome Len Plant

Item #3: Town Plan revisions

Item #4: Mail

Approval of Minutes:

Motion by Sue to accept the minutes, second by Steffany. All in favor

Meeting Minutes:

Item #1 : Ted Barnett Presentation

John Stuart was introduced by Ted Barnett. He is from Maine and has done research that would be relevant for us to consider with regards to updating the Town Plan.

John shared plans of an Elmore Study conducted for Roy Marble. "In 1990 the Town commissioned the FLESA Study. To this day I do not assume anything has changed so the Planning Commission would have relied on soils maps to advise the Town Plan and Zoning By-laws development. 120+ parcels of land were evaluated for forestry, scenic or development. Many high numerical value properties were on the Elmore Mt. Road. The FLESA information is not correct. I know it to not be correct because I have been doing soil testing above 1,300 feet for 30 years. We know there are suitable soils above 1,300 feet. I think it should be corrected to give the Town access to more property for tax revenues without negatively impacting the Town."

“There is about 130 acres in a land area where the land values are of the highest value in Elmore. They are marked in red on the map provided. Berkshire and Tunbridge soils were noted in the report as not being appropriate for development. I know that to be incorrect. We have found 35-40 acres with enough capacity for 14-15 houses.”

“Everyone is interested in the preservation of the Worcester Range. Planned Residential Developments (PRD) in the forest district were not addressed in the Town Plan. Covenants and easements can be used. The Town Plan is subject to change every 5 years or so. Deed restrictions, covenants are for ever. We would like to see PRD’s used in Elmore in the forest district to preserve as much land as possible.”

“There is the visual aspect. Ted has a lot of experience in Sterling View and Worcester Ridge. There are houses that preserve the screening and offer minimum impact to the property. There is very little that can be seen from the Town roads. They can be seen from outside the Town. Photos of the homes and views from the homes were reviewed. The homes in the photos were all below 1,500 feet. These are all private roads. The owners are retired, do not have children in the school system. You are adding tax dollars without creating much need for services.”

Ted added information about covenants. “Planning Commissions do not seem to make use of covenants even though they could be. I got my permit in 1970 from the Agency of Natural Resources. I was advised by a landscape artist to use covenants.” He provided a copy of what a covenant looks like. He thinks it is a much more protective way to allow for development. He confirmed they would be part of the deed. They would be included in a title search.

Ted had two letters dated 7/9/1970 from the Agency of Conservation that the subdivision included in the plot plan dated 12/15/67 was “exempt after June 15, 1970 from the requirements of a permit under the Health Department regulations or a permit under Act No. 250.” These letters addressed the Demar-Bohannon Property and the Peterson/Draper Tract.

Ted also handed out a two page summary of the FLESA Report. Categories were set up to grade 138 parcels. The scores are in the report. Seven of 138 parcels got the best rating for two areas, only one was on the Elmore

Mt. Road.

“I feel the integrity of our Town Government hangs on how things are done. The FLESA study was an example of this. Evidence that is admissible is information that is convincing beyond a reasonable doubt.” The Soil Conservation created maps. I ask, “Is that the word of what can be done?” I say, “No. Soil tests need to be done by digging the holes. Did anyone ask what holes or pits were dug to evaluate this? John has dug holes and has the results to show this. “

“Development was frozen in Stowe Hollow. I lived through that. There were many meetings, testimony collected, etc. In the end they decided if there were good conditional use by-laws you could get a permit. They have hill side zoning that works. Elmore could get revenue if more development was allowed. Some of the homes would be very expensive homes so the revenue return would be high.”

Ted concluded by stating, “There is a lot more material that is relevant we will provide you in writing. There is a lot to protect here. There is a lot riding on this for the whole Town of Elmore.”

John added, “FLESA does not have an elevation restriction. Jericho uses it and there is no elevation restriction. Waitsfield has 1,700 feet. We are looking for 1,800 or 1,900 feet in a few small areas, not wholesale for everywhere in Elmore. Along the Elmore Mt. Rd., along the east side, the properties in that area total about 13% of the land area of the entire town, but the tax assessment of those properties is roughly about 36% of the total. It is an area with potential revenue to the Town.”

The Worcester Range spine has had modest improvements made. The thought is to have it available for hikers. That takes some money. Ted is hoping if he can get some additional development he could make a significant contribution through the properties that he owns or agreements reached with adjacent land owners.

Ted shared he is a Veteran of WWII and he spent eight years as the State’s Attorney. “I am interested at helping you understand what is really at play here. It is more than to just to line my pockets. We found out the soils were good because a road worker on my property told me the soils were good at the upper elevations. Steve Broyhill and I own about 580 acres of

the ridge line. He shares the responsibility with me. You need to get the people like us to work with you. No one has ever contacted us.”

Ted has never kept any hiker from walking on his property. Ted also allows people who ask to hunt on his land. Steve also allows hikers to walk along the ridge line. Ted is worried about people not being able to hike on the ridge line. It could turn into an issue of domains. I would like to help the Town have public access to the ridge line. It would be possible to do this using ancient roads and our properties. A few other property owners would likely cooperate. Ted stated, “It requires all of us working together. We have different things we can bring to you if we all work together. “

Whit requests reports of the soil work. Copies of the information presented will be given to the EPC.

Ted reported that his lawyer has done a study of what other towns have done regarding hill development. There is nothing that is in place in other zoning bylaws. There is information in Stowe about hillside development. They will also provide us with a Quechee Lakes Decision that addresses this issue. This decision addresses mitigation of impact.

Whit stated, “When you are creating the Town Plan we have to predict what will happen in the future. The information you shared tonight is very helpful to help us with planning.

Our Questions:

1. PRD in the forest reserve district- will this be a positive option for Elmore?
2. Covenant - How do these really work? Do they really have a long term life?
3. What does the “exempt” in T. Barnett’s July 9, 1970 letters mean?
4. Should we have our own soil tests done in the proposed development within the forest reserve district above 1,500? We need to check with the Select Board on their thoughts for this.
5. We need to revisit the 1,500 foot decision. What was it really based on? Steffany will contact Stu Wheppler and Sue will contact Linda Leahy for their information that advised this decision.
6. Sheila will ask Whit if we should survey the town residents on this development issue in the public meeting of the town plan. We will add this as a recommendation in our Town Plan.

Item #2: Welcome Len Plant!

We are very excited to announce that Len Plant will be joining the Planning Commission. His background in the Financial Industry and his interest in maintaining the character and natural resources in Elmore will be a great asset to our work and the Town. Len will officially be added to the Planning Commission at Town Meeting.

Item #3: Town Plan Revisions

Define commercial wind towers vs. private wind turbine. See page 59, Energy Chapter, third paragraph.

Education Chapter - Initial edits were made.

Item #4: Town Plan Recommendations List

The list was reviewed carefully and adjustments were made as necessary. This will be forwarded to the Select Board along with the entire Town Plan for their final review to take place before our next meeting. We will address their input and questions at the February meeting.

Item #5: Mail

Tabled until next meeting.

Topics for Next Agenda:

Town Plan Revisions from the Select Board - Action taken as needed

Mail

Follow up on additional items from the January Meeting.

Next Meeting: Date: February 27, 2013 Time: 6pm

Meeting Adjourned: Motion: Steffany, Second: Sue, Time: 9:40pm