



# Town of Mount Holly Planning Commission

## Town Office & Remote Electronic – Regular Meeting

Wednesday 20<sup>th</sup> September, 2023

7:00 P.M.

Commission members present: Jon McCann (Chair), Andrew Seward, Brigid Sullivan, Jim Seward.

Also present: Faith Tempest (Clerk), Dave Tilly, Kevin Plew, Patti Plew, Stephen Michel, Craig Fortier, Maria Fortier

1. Chair called the meeting to order at 7.01pm
2. **Changes to agenda:** Chair proposed moving public comments to item 5. Approved unanimously.
3. **Approval of minutes:** the minutes of the Special meeting held on Sept 6th and of the Regular meeting of August 16th were approved unanimously.
4. **Reports & Announcements**
  - a. **Administrative Officer:**
    - i. BCRs were received from:
      1. Siegordner, Jack Frost Lane (Rte 155), Chair noted adjoining landowner concerns regarding use of the lot for commercial purposes. He also noted that there were certain conditions on the approved subdivision. The AO proposed a site visit.
      2. Anderson 3492 Rte 155: construction of a 20x24' shed
    - ii. Wastewater permits issued for:
      1. Belmont General Store: permit provides for the same activities as that issued in 2001 (store with 4 seats, post office, a one bedroom apt and 2 bedroom apt), plus cider washing facilities with wastewater to be disposed of off-site.
  - b. **Planning Commission Chair:**

Chair had provided a response from VLCT to the Select Board regarding the question of how (semi-permanent or permanent) campers might be regulated. Chair noted that all the known examples are rooted in zoning regulations and since Mount Holly does not have zoning this would not be a possible option at this time. Other ordinances relating to nuisance or noise may be applicable if adopted, but would not have specific reference to campers. The main concern of the Select Board seems to be taxation; they gave no clear direction on next steps, but they will need to take the issue forward. Chair shared with the Select Board the PC's resolution on a municipal planning grant for a housing study but the Select Board opted not to take action yet.; VLCT has confirmed that any regulation of Short Term Rentals would need a housing needs study as a starting point (the Select Board has shown interest in such regulation). Ludlow has a housing

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needs study underway, and the RRPC just completed one at a regional level. Chair will gather more information and will make another proposal at the next SB meeting in the hopes of meeting the deadline for this year's grants. The Belmont Village Plan is proceeding, with some comments already made; it should be finalized within the next two weeks. Chair reported that the Select Board has given approval for a VEM flood buyout for one property in town.

## 5. **Public comments:**

- a. Maria Fortier spoke about the pavilion on Okemo View Lane adjacent to her property. It had been proposed to hold a fundraiser concert on the property which raised concerns because she and other neighbors thought it was to be used only for family weddings. Although the fundraiser was moved, neighbors wanted to express concerns about the future use of the land, specifically that it should not become a commercial venture. A statement prepared by Mary Leonard on behalf of neighbours was submitted to the PC (see attached).

Maria Fortier asked to be informed by the Tilly family of the future plans for the site.

Since Dave Tilly was present, Chair asked him if it would be possible to meet that request; Mr Tilly agreed. Chair also noted that neighbors are not discussing their concerns with the Tillys before raising them at public meetings.

Kevin Plew asked at what point there would be a change from private to commercial venue. Commissioner Andrew Seward noted that since there is no zoning, the State would need to determine this. Kevin Plew then asked how does the state know? The AO reported that following an email from Kevin Plew raising concerns about the concert she had sought opinions from the NRB District Coordinator (Act 250 questions), the DEC (wastewater issues), and the Fire Marshall (State Permit issues).

Chair noted that there is little the PC can do if there are no conditions attached to land use regulations within the purview of the Town, specifically subdivision regulations, since there is no other regulation of land use. He noted the State may act based on the facts. Commissioner Sullivan noted that any member of the public can call the State. Chair noted that if there are local laws or ordinances these may require landowners to meet State requirements, but there are no relevant ones in this case. Commissioner Jim Seward noted that there is a requirement for a permit for fireworks. Stephen Michel noted that there may be a public health issue if there are insufficient wastewater facilities and thus the Public Health Officer could limit participation.

Maria Fortier also noted access issues on the private road which provides a

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limited right of way to the pavilion. Dave Tilly responded that there is no commercial use of the site, and that all landowners had rights of way.

- b. Following discussions at the Special meeting of 6<sup>th</sup> September, Dave Tilly presented plans and details of proposals for the Belmont General Store and post office, identifying Store property boundaries. The proposals for the building include ensuring ADA access to both the Store and the Post Office, providing better access for post office vehicles to the building, and installing a diesel tank in the Store basement. There would be some adjustment to the footprint of the building but it would still be within the Store property boundaries. Mr. Tilly said the proposals would also allow the installation of a stop sign at the corner of Belmont Road and Tarbellville Road should the town agree to that. Mr. Tilly asked who he should discuss these proposals with beyond the PC.

Chair proposed sharing the drawings with Michael Allen who is putting the Belmont Village Plan together. He also suggested that the Select Board may also be interested in seeing the proposals, given the transportation and possible parking issues. Mr. Tilly was asked to submit a new BCR since the footprint of the building would be changed. The AO noted that it was the property owner's responsibility to ensure that all State permit requirements were met.

## **6. Correspondence**

- a. Subdivision proposals: none
- b. Email / Other: none

## **7. New business**

- a. Update BCR form: the Chair had circulated proposed changes to the BCR form which make clearer the property owner's responsibility to meet state requirements. Commissioner Sullivan moved to approve the updated form, seconded by the Chair, approved unanimously.

## **8. Unfinished business**

- a. Update "Information for Homeowners" guide. Chair had circulated an updated draft. Members of the Select Board had asked for clearer guidance on the local ordinances. Commissioner Andrew Seward suggested it could be further improved, but it was agreed that it could be used as is for the time being.
- b. Town Plan:
  - i. Approve draft for public hearing: given further comments received from RRPC, this item was postponed.
  - ii. Schedule public hearing: this is not yet possible given the need for further changes to the draft Plan.
  - iii. Revisions to Town Plan: Chair had made changes in response to comments and guidance from RRPC. Commissioner Schulz had

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proposed revisions via email. An outstanding issue is the scale and type of economic growth and where such activity is expected to happen or not happen. Chair asked PC members for thoughts on how this could be defined and in the meantime will propose text. Chair noted that one issue not mentioned in the Town Plan is the reappraisal being undertaken now; Commissioner Sullivan said that this is not appropriate for the Town Plan. Chair stated that the effects of the reappraisal on economic development are significant and thus it should be included. Chair noted that more information is required on housing. There is some information on long term rentals. A discussion on how to address issues of affordable housing followed, including how to address long term housing needs through regulation of short-term rentals. Chair noted that the need to address comments and the requirements for review and approval mean that it will not complete as soon as hoped, and an additional special meeting will be needed next month.

iv. Chair proposed that the PC should aim to have a public hearing by 15<sup>th</sup> November (regular meeting)

9. **Upcoming meetings:** Next special meeting October 4<sup>th</sup> 2023, 7.00pm next regular meeting October 18<sup>th</sup> 2023, 7.00pm.

10. Chair adjourned the meeting at 9.31pm

For the Commission,

Faith Tempest, Planning Commission Clerk

In draft form until approved on 18<sup>th</sup> October, 2023

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## ***Attachment 1***

***The following statement reflects the concerns of the Healdville neighbors.***

***It was prepared by Mary Leonard and requested to be read at the PC Meeting on September 20th, 2023***

We have no idea how that Mountainside might develop since no word has been shared with the Community. Surely we would not want to see that lovely mountain side developed into an extended venue with weekly weddings and noisy evening concerts.

We have concerns about the increased traffic. Healdville Road sustained considerable damage during the recent flood. More traffic and a shift in land use would put more strain on the road especially if campers are coming in for weekends.

We have serious concerns about increased noise. Already one camper at the Hip Camp on the Crowley Farm complained about the noise made from residents using ATV's/motor bikes. If concerts are scheduled at the Pavilion, noise will drift down through the valley. We do not favor noise coming from that hillside nor the noise caused by weekend people traveling on Healdville Road.

We also have concerns about the meadow being used for vehicles driving about disturbing the land. During the recent flood we saw water like a river flowing into the pond by the cheese factory. The pond over flowed and caused serious road damage. Another few hours of rain the water would have crossed the road.

We are among the members on Healdville Road who treasure the beauty of silence in Mount Holly. It is one of the treasures of our town!  
We would like to be informed by the Tilly family as a neighborhood approach regarding future plans for the development of the Crowley lands.

Respectfully submitted.

Healdville Road homeowners.