



# Town of Mount Holly Planning Commission

## **Town Office & Remote Electronic – Public Hearing Minutes**

Wednesday, November 15<sup>th</sup> 2023

6.00 P.M.

Commission Members Present: Jon McCann (Chair), Jim Seward (Vice Chair), Andrew Seward, Andrew Schulz, Brigid Sullivan  
Also present: Faith Tempest (Clerk) [see list at end of minutes for members of the public in attendance]

1. Chair called the hearing to order at 6.00 pm
2. The Chair introduced the draft Town Plan prepared by the Planning Commission at the request of the Select Board over the last three years. He outlined the rationale for updating the Plan, including ensuring that the language is robust enough (for example using the term shall rather than should) to set out clearly the views of the Town in any Act 250 proceedings – this is especially important for Towns with no zoning, such as Mount Holly. The Chair outlined the next steps in the process: any additional public comments should be provided to the Planning Commission either by email or in writing by the end of the week. The PC may then update the plan based on comments received and submit it to the Select Board which will then also hold a public hearing. Any revisions proposed by the Select Board will need to be addressed by the Planning Commission, after which the Select Board may approve the Plan. Review and approval by the Regional Planning Commission is also required. The Chair noted that the deadline for renewal of the Belmont Village Designation is April 1<sup>st</sup>, and that requires an approved updated Town Plan, so that gives a hard deadline.

3. The Chair then opened up the hearing to public comments:

Dennis Devereux:

- Reference is made to Okemo Mountain but the correct name is Ludlow Mountain
- References to the early use of Star Lake for water power should make clear that at that time the water body was called Jackson Pond
- The Town Plan has too many “shall” statements for a Town with no zoning e.g. there shall be no development over 2500’. Only if there is local opposition will development be stopped – two examples show this, a proposed quarry in Cavendish, and a proposed “game farm” on Rte 155
- The proposed local options tax on rooms and meals would provide little benefit because 70% of the revenue would revert to the State.

Chair responded that the two cases referred to were both Act 250 proceedings, with the Town Plan giving the Town standing to challenge the developments. In fact, they were both important cases decided by the Vermont Supreme Court and helped establish how Act 250 is applied in towns without zoning regulations. [Ed. note: The Cavendish example, known as “[Snowstone](#)”, reaffirmed how Act 250 is applied to certain kinds of development in “one-acre towns” such as ours. And demonstrates

the importance of a town plan when there is no local control via zoning]. Regarding the options tax, the town would retain 70% of any revenue not 30%.

Peter Smith:

- I was on the Planning Commission in the 1970s when the “game farm” was proposed. Residents were concerned about traffic through the village. The Town Plan was critical to rejecting the proposal – the State Board and District Commission used the Town Plan in making their decision to reject the plan, and without a Plan we may have been unable to prevent it. This Town Plan would be used in a similar way in the future.
- The Town Plan is not a zoning ordinance.

Kathy Leber:

- We should learn from the fact that the 2018 Plan was too ambiguous and be more specific.
- I would like to thank the members of the Planning Commission for their tremendous work on the Plan.

Francis Devine:

- I would also like to thank the Planning Commission, and support the comments made by Kathy
- The term “should” is more frequently used than “shall” in the plan – “shall” could be used even more, it barely meets the minimum requirements to stand up to Act 250.

Don Eatmon

- There is a lot of good in this Town Plan, including standing up to Act 250, providing housing, preserving character and so on.
- The Plan states that Summit Lodge is within the Town – this is not the case and begs the question of whether there are other mistakes.
- The Plan states that there shall be no additional development of Okemo but perhaps we should be more amenable to expansion, and encouraging housing development. There is too much restriction on sub-division.
- There is too much emphasis on seeking grants, and this also means more staff. We do not need a town manager or a bigger Select Board. I propose trimming down rather than bigger government. [Ed. note: the town plan does not mention a town manager]
- A grant writer could be hired part-time, as needed, instead of full-time.
- The Plan “shall” fund the Mount Holly Historical Society – we should not fund private organizations.

Chair responded that the Mount Holly–Ludlow boundary is based on the one used in the Mount Holly and Ludlow tax maps. The Town Plan is intended to facilitate development, particularly housing. Grants are required to run the Town effectively;

we cannot do so solely on the basis of property taxes, we need grants to do things such as pave the roads and repair bridges and culverts.

Alison Weintraub:

- I am in favor of the Town Plan and note that “shall” sounds binding but it is not, and we should use language that gives the Town’s people a voice in State decisions.
- We need to attract investments in housing and businesses in the Town while retaining our rural character.
- Towns now are very different to the past and we need to be able to have a say in our future.

Philip Blyskal

- I like the plan. We should be looking to the next generation – how do we make a plan to attract young people. This Plan shows that we are taking clear actions for the future of the Town and that we care about its future.

Abe Leber

- It is good to think of future generations but we should also consider current residents, including older ones who want to stay here and remain in place. The Town Plan supports that.

Stephen Michel

- Page 12: Reference to subdivision review to encourage cluster housing is an over-reach of the PC’s authority
- Page 13: Notes that subdivision regulations are out of date but does not give any detail of what is out of date or rationale for why they should be re-written.
- The Belmont Village Plan is noted as being adopted, but this is aspirational and is only focused on Belmont Village, not the whole community.
- Page 18: notes that new development is not allowed in FHA/RCS but this is inconsistent with the language on page 51 which says that some types of development are allowed in these areas.
- Page 24: there is a reference to impact fees which oversteps the authority of the Planning Commission. There is no clarification of why we need one. There is a reference to impacts on Town land but there is very little of this.

Chair: There is an implementation section in the Plan that details ways a plan can be put into effect. There is no overreach. The Select Board would need to adopt the implementation measures such as impact fees, revision of bylaws, etc., and only then would any of the actions be undertaken.

Elizabeth Karle:

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- Asked whether, besides Act 250, does the Plan have any other legal standing?  
As I /

### Dave Venter:

- Please include a glossary of terms - including of “should” and “shall”.
- Reliance on grants is precarious - you live by the grant and die by it. If grant money runs out it becomes a tax burden.

### David Johnson:

- Page 26: Notes the Belmont Village Plan is incorporated by reference. The Plan was not “adopted” so the language needs to be revised.
- Page 11: Reference to the legal responsibility of the Town to maintain Class 4 roads. This is not the case.
- The plan has many should and shall statements which suggests that there is much to do and that does not seem to be the case.
- Page 42: the Mount Holly Newsflash has now been incorporated into the Chit Chat
- Page 43: Refers to Town records, it is good that it says the “Town shall continue to preserve and restore town records”
- Page 62: This document includes issues which are not important to me, for example on the Night Sky. This is part of our rural character but is not essential. I propose deleting that section.

Chair: Yes Belmont Village Plan was not formally adopted by the Select Board. On Class 4 roads, the legal status is unclear; this should only be referred to in the transportation section and I would recommend to the PC that the plan recommends the Select Board develop a policy on this. Regarding the night sky section, this is useful for Act 250 proceedings. There are several astro-photographers in town who are supportive and dark sky tourism is to be encouraged.

### Diana Garrow:

- The Mount Holly Newsflash is incorporated into the Chit Chat and now has the finances to ensure it can reach as many people as wish to receive it.

### Stephen Michel:

- A correction – the Oddfellows does have heat but is turned it off in winter.
- It is good to maintain the Mechanicsville Aqueduct since it could be used as emergency water supply.
- Page 11 reference to energy and 180 days. There is no Town ordinance on this and the Plan should be clear where things come from, i.e., whether State or Town regulation.
- Page 10: Increase the commentary/ description of current conditions in Star Lake to be consistent with that detail on Lake Ninevah.

Chair: energy siting is a complex issue and requires an “enhanced energy plan” to be able to give more specific details. This proposed plan does not include an enhanced energy plan.

Philip Leonard:

- The visibility of stars and the night sky is highly valued by residents and visitors.

David Johnson:

- Reference to Grand List should note the value is “assessed”.
- Reference to the Town budget of \$1.1M of which \$732,600 is for Roads - but the actual number is \$603,700 because of the amount of grants etc received.
- The reference to an option tax should state “The Town should consider adopting a local option tax”.

Bob Herbst:

- I presume the section on Mount Holly rescue will be revised.
- Page 16 has a typo The Town owns 6 acres Star Lake not State Lake

Francis Devine:

- What happens if we don’t meet the deadline for the Village designation? What other grants will be lost? What is required for renewing the Village designation?

Chair: If we lost the designation property owners would also lose any tax breaks related to it, and we would also lose status for State grants related to other things such as highway grants (even if they are not in the Village). We would lose the special treatment we get for the Village designation. It is much easier to renew through re-filing rather than start from scratch and the State only reviews applications in Spring.

Commissioner Sullivan: David Hoeh did the application originally and it required a lot of detailed data collection and public hearings; it was an arduous process.

Caitlyn Boyle:

- The Child Care section should clarify that Mount Holly does not have any full-time childcare options for children under 4. There are only part-time options and the times are inconsistent.
- The reference to the Town website as unofficial - the VLCT attorney has clarified that since the municipality owns, operates, and pays for the site and domain it is effectively an official website where we are obliged to post minutes etc.

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### Dennis Devereux:

- Pages 19 and 55: the Mechanicsville Aqueduct spring box has cracked and so it seems that no houses are still on the aqueduct.

### David Martin:

- Speaking as a member of the Conservation Commission I would like to support the work of the Planning Commission and the provisions and feeling behind them. The Plan does a great job of bringing ideas for the future of the Town.

### Philip Blyskal

- What has to happen to meet the April 1<sup>st</sup> deadline for the Village Center Designation?

Chair responded that we hope to have a final Town Plan draft in two weeks to submit to the Select Board who will schedule a public hearing. If there are substantial changes there are likely to be other public hearings, but ultimately it is up to the Select Board to adopt the plan in time.

### Phil Crane:

- All comments have been important and relevant, but no plan is going to satisfy everybody. It is more important to have a good plan rather than a perfect one. That message should be shared with the community.

Chair agreed that there has been 3 years of work to develop a vision which most people would agree with, especially maintaining our Town's rural character. And we do need this Plan to allow our vision to carry weight in State proceedings.

### Ron Unterman:

- There have been a lot of comments about how often the word shall is used - but some of us agree with some and not with others. We shouldn't focus on the number of "shalls" but rather should review and find those which we agree or do not agree with.

Chair clarified that the number of "shalls" is based on the number of topics that we expect the state to heed. When reviewing, we should look at the substance of the recommendation rather than the word on its own.

4. Hearing adjourned at 7.30pm.

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For the Commission,  
Faith Tempest, Planning Commission Clerk

In draft form until approved on November 29<sup>th</sup>, 2023

**Attendees**

**In person:**

Dennis Devereux  
Peter Smith  
Craig Fortier  
David Martin  
Don Eatmon  
Christine Pratt  
Diana Garrow  
Phil Crane  
Elizabeth Karle  
Kathy Leber  
Abe Leber  
Stephen Michel  
David Johnson  
Francis Devine  
Bob Herbst  
Philip Blyskal  
Glenn Davis  
Laura Davis  
Dave Venter  
June Capron

**Via zoom:**

Kelly Beerman  
Caitlin Boyle  
Suzy Hamilton  
Peg Gleason  
Mauri Small  
Alison Weintraub  
Ron Unterman  
Alex Yuster  
Jennifer Burrows  
Glenn Krieg  
Megan Litwhiler  
Linda Miller  
Pam Myers