

**Special Select Board Meeting:  
TOWN PLAN LEGISLATIVE HEARING**

Mount Holly Town Office  
50 School St  
Mount Holly, VT

**January 16, 2024  
6:30 pm**

**MINUTES**

*The following minutes capture Select Board and citizen comments regarding the proposed Mount Holly Town Plan, which can be found at <https://www.mounthollyvt.org/planning-commission/town-plan/>*

**Attendees:** In person: Mark Turco, Diana Garrow, Caitlin Boyle, Dennis Devereux, Susan Covalla, James Seward, Jon McCann, Stephen Michel, Barbara Hazelton, Steve Hazelton, Tracie Burns, Joe Galbraith, Bill Greene, Marcy Tanger, Andy Tanger, Francis DeVine, Abe Leber, Peter B. Smith, Kathleen Leber, David Johnson, Amy Turco. Via Zoom: Ted Crawford, Nancy Connor, Dan Connor, Lisa Kelley, Brett Wright, Jennifer Burrows, Phil Leonard, Mary Leonard, Alison Weintraub, Dottie Stanley, Andy Schulz, Faith Tempest, Brigid Sullivan, Katy Crane, Philippe Crane, Donna DeAngelis, Dotty Finnerty, Ron Unterman, Peg Glezen, June Capron, Craig Fortier, Maria Fortier, Nancy McKeegan.

**1. Call to Order**

**2. Citizen Comments Regarding Proposed Town Plan**

- Brigid Sullivan noted that at the planning commission's public hearing on the proposed Town Plan, it was suggested that the Town's successful block of the Wildlife Wonderland development in 1975 indicates that the Town does not need a strengthened plan. She noted that laws and conditions have changed greatly in the intervening 50 years, and that the State has told the planning commission that the current plan is inadequate to support the renewal of the Belmont Village Center designation, and that its weak language diminishes the Town's priority in securing grants.
- Kathleen Leber noted that the Town Plan needs to address needs that cannot be met by market forces; these needs include child care and affordable housing, which attract families, and volunteer services, which provide support to residents. She noted that private enterprise has not yet provided solutions for these needs and that government incentives are more likely to address them.
- Peter Smith noted that there seem to be misconceptions about what a Town Plan is. He noted that it is not zoning and does not prohibit property owners from doing what they want on their land, as long as it is not big commercial development, which triggers the state's Act 250 proceedings.
- Mr. DeVine reiterated that the Plan expresses policy preferences and does not establish zoning laws. He noted that none of the items in the plan are enforceable against property owners, and none carry the force of law, but that if the Town does not adopt a revised plan, it will be subject only to the state's Act 250 proceedings regarding development, and not to its own policies.
- David Martin thanked the Planning Commission for the hard work in presenting the plan. He reiterated that the plan is not zoning, nor is it an ordinance, and that the revised plan's policies would attract families to the Town.
- Stephen Michel offered the suggestion that phrases that indicated "the Town shall" should be amended to read "the Town shall consider."

- Steve Hazelton noted that despite prior concerns to this effect, there was not an overuse of the word “shall” to indicate action items in the plan; he said he presumed that the word “shall” was used only when there was a good reason from the Planning Commission.
- Mr. DeVine noted that the Planning Commission’s process to draft the proposed plan was a three-year process, which included opportunities for public comment and a community survey.
- Dennis Devereux noted that he had concerns about the language in the Plan that indicates that the Town “shall,” do certain items. He said this language seemed to reflect language from other nearby towns that have zoning laws in place. By way of example, he expressed concern about language re: “stone walls shall be maintained.”
- Ted Crawford noted a number of concerns with the plan, including that the Town Plan is not zoning, but that it foreshadows zoning; that the plan puts forth dozens of actions that the Town cannot implement; that there is too much emphasis on grant funding, which can place burdens on the town; that the 18% response rate to the community survey that informed the plan was not a significant response; that the plan aspires to do too much, and that the plan is not tangible and specific enough. He also wondered whether it was accurate to say that Mount Holly Elementary school teachers do not live in the town due to housing affordability, as opposed to preference.
- Mr. Smith noted that “shall” language regarding stone walls does not affect personal property owners.
- Jon McCann clarified that plan language is not considered in Act 250 cases unless it includes “mandatory language”, i.e. “shall.” This is why some action items are phrased with the word “shall.”
- Barbara Hazelton noted that the plan’s proposals do not compel the Town to take these actions.
- Alison Weintraub said she supports the Town Plan and respectfully disagrees with others’ comments. She said the plan’s adoption is a question of whether the town will make its own decisions, or have the state make decisions for the town. She is concerned about losing the Belmont Historic Village Designation.
- Steve Hazelton asked a question re: how the plan was written. He asked whether items that were indented and italicized indicate action items, e.g. the item regarding stone walls on page 40. Jon McCann noted that action items are italicized and indented. If an item is not italicized and indented, it would be relevant only in the case of an Act 250 proceeding.
- Ted Crawford noted that there is a one-year extension available for the historic village designation; if the Town Plan adoption is delayed, the designation would only be delayed, not permanently lost.
- Andy Schulz noted that outside of Act 250 proceedings, none of what is stated in the plan as “shalls” happens unless the Select Board decides to pursue it. Likewise, the Plan is only a precursor to zoning if the Select Board decides to pursue zoning. By changing “shall” to “should” or “shall consider,” he noted that the plan would give the state freedom to disregard the Plan in Act 250 proceedings involving commercial development. If “shall” is changed to “should,” the Town is less likely to receive grants.
- Phil Leonard noted that he lived in Arizona for many years, and that the Town would do better if there were a culture of planning in place.
- Mr. DeVine clarified that the community survey was available to everyone in town via paper or electronic entry. He noted that getting a response rate over 10% is considered good; 18% of residents responding is very good, and responses from 38% of households is exceptional.
- Ron Unterman commented that softening language from “shall” to “shall consider” will weaken the action items; he emphasized that the town plan gives the Town “standing” in Act 250 situations, and that he looks forward to the Town being able to control its own destiny and prevent an out-of-state developer from “moving in and bulldozing us”.

- Dennis Devereux was wondering about correcting small errors; Mark Turco noted that any typos or factual errors should be reported to the Select Board.
- The Clerk noted that additional comments were submitted by several residents and town entities. Copies of all public comments received would be kept at the Town Office for review.
- Christine Pratt asked where the historic stone walls are considered to be in Town. Dennis Devereux noted that these are the stone walls aligning the Town's early roads.
- Abe Leber noted that if we are looking at 100% consensus on everything, we're not going to get that. In the interest of time, he urged the Select Board to "get it done" and approve the Plan.
- Mr. Smith commented that stone walls are distinct to Mount Holly.
- Jennifer Burrows asked whether the Town has an opportunity to adjust the plan in the future; Mark Tuco answered yes. She noted that she supported the plan's approval.
- Dick Tilton noted that the need for a Town Plan is real, and that he knows Mount Holly's needs to be updated. He noted that at 91 pages, it is too long. He is afraid that too many people in town who are not as involved in municipal affairs will not be able to absorb a document of this length. He applauded the Planning Commission's efforts, but said he feels the length is excessive.
- Diana Garrow read a letter from Evelyn Tully Costa, which included comments regarding the posting of public land. Ms. Tully's letter noted that posting property is not about "access" to the land for everyone, but rather reflects landowners' preferences about use of the land. She urged the Select Board to amend the section of the plan regarding posting of land to "reflect that posting property...is the highest level of conservation."
- Dennis Devereux asked whether the figure on page 80 needed to be corrected; David Johnson noted that the figure should be changed to 55% and "state grants" clarified to "state highway grants." Mark Turco noted again that any typos can be sent in to the Select Board.

**3. Select Board Comments Regarding Proposed Town Plan.** Mr. Turco thanked the Planning Commission and said the Plan represents a lot of hard work. He noted that he does not think the Town can afford to implement many of the proposals indicated in the Plan.

**4. Town Plan Adoption Process and Next Steps.** The Clerk noted the legal process for adoption of the Plan. Mr. Turco asked residents to submit any final comments or corrections by Friday and said the Board would decide to adopt or revise the plan at its next regular meeting in February.

**5. Adjourned at 7:37 pm.**