

**Town of Cavendish Planning Commission**  
**Meeting Minutes June 7, 2023**  
**Cavendish Town Office, 37 High Street, Cavendish, VT and Zoom**

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**Members Present:** Tim Calabrese, Shirley Clark, Bruce McEnaney, Noah Schmidt, Miguel Seville, and Jeffrey Strange (Zoom)

**Members Absent:** N/A

**Select Board Liaison Present:** Stephen Plunkard

**Members of the Public Present:** Okemo Valley TV, Rick Chambers (Town Manager)

**1. Call to Order**

Tim Calabrese called the meeting to order at 6:34 p.m.

**2. Adjust Agenda**

There were no adjustments to the agenda. Tim noted that last month's meeting was not legal because there was not a quorum. Therefore the board would need to approve April minutes at this meeting.

**3. Approve Meeting Minutes**

Shirley made a motion to approve the meeting minutes from April 5, 2023. Bruce seconded. The motion was passed unanimously.

**4. Hear Citizens**

Tim welcomed Rick Chambers as the new Town Manager.

**5. New Business**

**a. Initiate a discussion regarding Subdivision Regulations**

Tim noted that he has been made aware of some developments going on in town

He believes we should look at creating some very basic subdivision regulations. He noted that this is not zoning it. It is not as controversial as zoning because it doesn't tell you what you can or cannot do on your property; it simply develops guidelines for driveway grades, setbacks, lot configurations, and drainage.

Noah asked what the concerns are currently that has led to this issue being raised again?

Tim mentioned a couple projects on Heald Rd where driveways are draining right onto the main road are concerning and the lack of knowledge of what development is being done. Bruce mentioned other projects in the Knapp Pond area that are also concerning. Shirley added that having guidelines will help folks know how they should approach these projects which could eliminate problems. Specifically on Heald road runoff is a major concern, Bruce mentioned regulation could require them to establish a swale before water hits the main road. There can be hazards that arise from subdivision driveways that affect the public negatively regarding runoff specifically in the winter months. Tim added that drainage from individual lots is also a concern where it can affect neighbors' lots.

Noah asked if this would beef up the current access permits that property owners need before accessing town roads. Tim said it would but thinks access permits should be looked at as well. Tim said that his regulation would also ensure that the fire department and ambulance can access every property adequately. Tim said if you wanted to get more restrictive you could even influence lot configurations. Bruce mentioned this would not affect septic and well locations but the state controls all of that. Noah asked how many development projects involve subdivisions versus unsubdivided properties. Tim said we can achieve a lot by being proactive, before all the development occurs. Bruce said that there are some properties that don't make sense to develop due to certain natural features like slopes, grade etc.

Noah asked if there was a way to beef up access permits or building permits that could address properties that are not involved with subdivisions. Tim said that road cut permits only address where the driveway meets the road and doesn't address anything past that point. Stephan said that you can start out very simple and see what works and then you can always add to it if necessary. Shirley thinks starting out very simple with safety would be a good way to begin. Stephan said that being proactive can also educate the public who might be thinking about future development. Tim mentioned that the fact that Cavendish doesn't have subdivision regulations could open the town up to future litigation For instance if emergency services can't access properties. As Stephan understands it now developers do not consult with the fire department which might be a good thing to consider.

Noah asked if this could ever limit the town's goal to promote housing in the community. Tim doesn't think it would restrict it but may actually increase it because funding typically likes to see some regulations regarding development.

Tim asked if we have a consensus to move forward this conversation. Bruce made a motion that the planning commission move forward with drafting preliminary subdivision regulations. Migeul seconded. The motion passed unanimously.

Tim asked Rick to add the Planning commission to the Select Board agenda to run this idea by them. Tim said we will invite regional planning to next month's meeting to help with this process and then public hearings would follow. He reiterated we want to keep it simple and feasible with administration. Stephan added that the board should identify where there will be paths of resistance within the community. For example last time the town visited subdivision regulations folks had a hard time with making it difficult for family members to deed land to their relatives.

Tim said a simple subdivision of 2 lots would be easy and not expensive. Stephan thinks this will quickly get connected to zoning which this is not. The board could have regional planning help in defining what zoning is compared to subdivision regulations. Tim asked if having something ready for the annual Town Meeting was too soon and Stephan said that if there's support he thinks it isn't too soon. Rick said that it makes his job easier when there are regulations.

Tim asked Jeff if he had any thoughts via Zoom. Jeff said he is in favor of continued conversation and brought up his concern for enforcement of these regulations. Similar to the junkyard ordinance, how does the town ensure proper enforcement of the regulations?

Noah asked about existing properties that would potentially be out of compliance and potential issues that could arise. Stephan said that safety issues should take president, once you subdivide you need to make sure you are up to the standards. Stephen said it is an environmental issue but first it is a public safety issue. If someone has 100 acres where there is a logging road but you don't actually have a road you have a logging road and this could allow the planning commission to help developers meet their goals.

Noah mentioned that there could be pushback when owners would want to subdivide for family members and are faced with expensive requirements to do so. Tim said that small subdivisions (1-2 lots) would face much less scrutiny and potentially not even need a hearing. Noah asked about subdividing multiple times to gain a larger subdivision. Stephan said that would be considered one large subdivision.

#### **b. Continue discussion on affordable housing**

Tim said that regional planning has issued a housing study for our region but is unsure how much time they will be spending in Cavendish and our needs. He said at this point it might be helpful to identify plots that might be suitable for housing. He noted that we need to be careful and ask if property owners would be interested before anything else.

Bruce mentioned the old town garage site would be a good place for housing because the town owns it and it is on town water and sewer. The Fire Department building is also a potential candidate. Shirley asked about the fact that the building is not to be used for any other purpose. Bruce agreed but thinks it might still be an option. Bruce said there is another location close to where Stephan lives.

Stephan thinks we may be helpful in identifying buildings that may be suited for smaller scale housing such as mother in law apartments or work live spaces. Stephan also mentioned that their have been plans for a park at the old town garage but there is already public space around the town hall that could be enhanced if the garage site went into housing. Bruce thinks four units could be located in that lot. Stephan thinks having something for the firm conducting the study would be helpful. It is a \$50,000 study for the region so when you split it up they won't be spending much time in Cavendish. So it would help us get the most out of their time. Tim identified a couple lots on depot street after the bridge that have potential. Behind the Catholic Church may also have potential. Stephan also mentioned existing housing density is

actually very small lots and there may be a way of subdividing lots in the village which already have access to town water and sewer.

Noah asked if there were any ways to incentivize the building of smaller units by individuals or even move existing short term rental units into long term residential housing? Bruce mentioned he has a property that has two rental units along with a house that has the potential for another two. He would be willing to sell that to be converted into long term housing or have someone like Stewart Property Management. They take care of the properties and any problems, you never hear of any issues. Bruce thinks you could come up with a dozen units with relative ease with this approach. Tim mentioned another property in Proctorsville, the old sand pit. Bruce said it is very close to town water and sewer. Stephan mentioned that an incentive could be providing public sewer and water instead of having to build a septic system. Bruce asked about water and sewer capacity, Rick said there wouldn't be an issue with what we are talking about.

Stephan mentioned that the Windham Housing Trust has a requirement of 20 units with access to public water and sewer to make their projects feasible. The Rockside building, owned by Fletcher Farms was mentioned as a potential site but it didn't meet the requirements for Windham Housing Trust, but it could be a potential site for this study. The old Hotel and the barns behind Peter Vanschaik's place are also potential sites in the village with parking. Stephan thinks there are probably more opportunities than we are aware of and it would be great if we were plan ready for the consultants. Stephan asked that we find out when they are coming and can present to them 10 things we would like them to look at. Tim asked if we should go to the owners of private land first. Stephan said it's a tricky subject and one way would be to say that the regional planning commission is doing a study and ask private owners if they are willing to be contacted.

Stephan said there are some good examples of housing developments around to point to like the Cavendish Green. Stephan also recommended that Stewart Property Management might be a good group to work with to see what works and what doesn't. Stephan said that this board may be interested in meeting with property owners in a less formal setting than a public forum to discuss potential housing projects. Tim said that we can color in the town survey to identify specific properties we can present to the firm. Shirley asked if we should include smaller plots or apartments in the survey. Tim said the old sand pit had been proposed for a 40 unit apartment complex. Tim will mark these plans and then will send it to Jason from Regional Development and then the ball will be in their court.

Stephan said the other thing that will come into play is the school. Bruce said that is up in the air right now. If the school were to close it has a major impact in future planning. Stephan asked if there was a mechanism for school boards to meet on issues like this. Rick believes they are completely separated, you could have a school board liaison. Bruce said there is a lot of support to keep the school open and separate from the TRSU. Tim asked if the TRSU owns the building, Bruce believes it does but the town owns the library. Bruce said that the TRSU took over the school but didn't pay the town for it but worries about the TRSU's desire to use the school for their offices.

Noah asked if there was an appetite in the town to put up a 20-40 unit apartment complex. Stephan said that the sand pit is one location where it would be buffered well and is a good spot. The Castle Apartments is an example of a development that was approved with adequate screening from the public. Shirley mentioned the Gill apartments is another good example of the type of units we would be looking to create.

## **6. Old Business: Review final edits of Enhanced Energy Plan Chapter.**

### **Action Item: Vote on whether or not to accept the final draft and begin the hearing Process.**

Tim reiterated that because there was not a quorum last month we need to revote on the Enhanced Energy Plan Chapter and begin the hearing process. Bruce made a motion to accept the Final Draft of the Enhanced Energy Plan Chapter. Shirley seconded the motion. It was passed unanimously. Tim said we will have the hearing at next month's meeting before the scheduled monthly meeting. Bruce nominated Tim to be chair of the Planning commission. Shirley Seconded the motion. The motion passed unanimously.

## **7. Election Of Officers For 1 Yr. Term**

### **a. Chair**

Bruce nominated Tim to be chair of the Planning commission. Shirley Seconded the motion. The motion passed unanimously.

### **b. Vice Chair**

Shirley nominated Bruce to be Vice Chair of the Planning commission. Noah Seconded the motion. The motion passed unanimously.

### **c. Secretary**

Shirley nominated Noah to be Secretary of the Planning commission. Migeul Seconded the motion. The motion passed unanimously.

### **d. MARC Representative**

Migeul nominated Shirley to be MARC Representative of the Planning commission. Noah Seconded the motion. The motion passed unanimously.

### **e. Alternate MARC Representative**

Shirley nominated Migeul to be Alternate MARC Representative of the Planning commission. Noah Seconded the motion. The motion passed unanimously.

## **8. Review Correspondence**

There were no correspondences.

Stephan wanted to keep two things on the agenda: 1. Speed signs for the town and 2. junkyards. Migeul asked what they are looking for from the planning commission regarding signs. Stephan said that it should be good to go but wants to keep it top of mind for all members. Migeul said he is in support of this, especially leaving the village

of Cavendish toward downers. Rick mentioned that the state tells you where you can put them on sign roads. Stephan reiterated junkyards should be kept on the agenda. Noah asked with no zoning why can't you have a junkyard. Bruce said the state issues licenses for junkyards. Noah asked if you could update junkyard ordinances to help with equal enforcement. Stephan asked if junkyards can be added into subdivision regulations. Bruce said most junkyards are generational properties. Stephan emphasized that junkyards devalue neighboring property values by 10s of thousands of dollars. They can make their neighbors' properties unsaleable. Noah asked if there are ways to get the state involved with environmental issues? It could be an opportune time to crack down on the existing ordinance with a new town manager. Rick said that it would be good to look at the ordinance and ensure that the ordinance is legal since it was written in the 70s. Noah asked if this was the Planning Commission's jurisdiction, Bruce said it was the Select Board's.

### **9. Adjourn**

Bruce made a motion to Adjourn at 7:59 Shirley seconded. The motion passed unanimously.

Respectfully submitted  
Noah Schmidt