

TOWN OF VERMONT PLAN COMMISSION MEETING
Monday, October 8, 2018 – 6:00 P.M.

The meeting was called to order at 6:00 p.m. by Doug Meier. The meeting was properly noticed; posted at the front door of Town Hall, on the town website, emailed to the online subscribers and published in the Mt. Horeb Mail and Star News.

Present: Dean Bossenbroek, Todd Culliton, Alex McKenzie, Scott Moe, Jim Elleson, Judy Robb, Doug Meier, Diane Anderson,

Approval of agenda

Jim moved and Judy seconded approval of the agenda. Motion carried 7-0.

Tyrol Properties, LLC – CUP application

Doug presented the minutes from the Vermont town board meeting dated August 8, 1999, a Tyrol Basin site map from 1999, and the Covenant of Deeds (COD) approved in 2000 showing approval of a conditional use permit (CUP) applicable to the entire contiguous property now owned by the corporation which is zoned RE-1. Todd asked if we have proof of Dane County approval. Karen Carlock said town documents approve one description, Dane County does not, Register of Deeds does. Jim explained that the document requested that the CUP should include all property rezoned to RE-1. Dane County used the old description which did not include the top 1/4. Roger Lane from Dane County said they are not interested in revisiting the 2000 CUP. Alex asked why are they not willing to redo the legal description? We need to know what to do with the Dane County discrepancy. Judy mentioned that with multiple people looking over the documents, why did someone not catch the discrepancy. Jim asked about the current COD that is in force. Tyrol may want to change the document but nothing is on the table. Scott said that the minutes we have show that the CUP was to be applicable to the entire contiguous property now owned by the Corporation which is zoned RE-1.

Citizen input:

David Lorenz has worked at Tyrol since November 1979. Tyrol has been a respectful and responsible neighbor. Tyrol has spent thousands and thousands of dollars to address the lighting situation and plans to put in LED lights to further reduce the lighting pollution. Tyrol has around 153 employees and they pay a healthy property tax.

Brian Patrick is one of 4 people that make up the ownership team that purchased Tyrol. Brian shared a little about the group and wanted to reassure the town that they plan to be good stewards. They have many employees and volunteers that help to address the safety issue. They are local owners who wish to share Tyrol Basin with many people and wish to keep it safe. They are willing to listen to all neighbors. Hoping for a chance to show they will be good stewards.

Ross Reinhold said the May 23 CUP application signed by Jonathan Barry omits the section 28 sw1/4 of se 1/4. Final approval was December 12, 1999. He finds it ridiculous to call it an error. All documents had the original description. The proposed tubing hill is in the most onerous location. He would like to see an alternate site for the tubing hill.

Joann Reinhold says the tubing bill is so close to our property line and wants to know why they are not looking at other locations for the tubing hill. The location of the tubing hill is the most offensive.

Andy Grimmer bought 60 acres 270 ft from the bottom of the tubing hill. He worries about drainage from the tubing hill, light pollution, and noise pollution. He is creeped out by people milling around and is afraid it will affect wildlife activity that they are trying to maintain. He says his property will lose market value. He will provide a petition to deny approval of the CUP. Andy says COD and CUP are not linked. It is imperative that the Planning Commission determine if that is not true.

Marc Brody wants to commend Don McKay for way original COD was handled. He has a conflict with Doug about the Dane County error. He wants us to critically examine facts so that we aren't yelling at each other but working together. He suggests there is better tubing on the far east hill. He has questions about present COD. Roger Lane said the COD is the most important document. It is important to be transparent and share information in a timely manner.

Don McKay was the general manager and shareholder for 25 yrs. Spent many months in meetings with a concerned citizens committee for the CUP and COD for slope lighting. Tyrol clearly bought 80 from Sandy Stephenson with intent for parking, cross country ski trails, snow tubing. Wanted CUP to be applied to all RE of Tyrol Basin. Pretty clear objective at that time. The town board did pass a motion which intended that CUP apply to the entire contiguous property. Clearly the intent was to develop that land and include tubing. He said you cannot do tubing on the ski slope. You need 1.5 times more flat land for runout at the end of the tubing hill.

Caren Sutterlin wants to encourage us to be good stewards for environmental protection and wetlands. She is worried about moving the earth 12 feet above the current level and then adding 25 feet of lights without a DNR plan. We need to have an environmental survey to prevent damage to the wetlands.

Jon Norris questioned the status of DNR paperwork with the DNR.

Jamie Hansen said his parents bought a farm in 1977. With every farm sold there is no more farming. Vermont is not a gated community. His kids work at Tyrol Basin and his family basically lives at Tyrol in the skiing season. The tubing hill opens opportunities to people who can't afford skiing. I bought my farm and will not gate it off. Bikers have a right to be on the road. Tyrol has a right to have a business that works. Families in Vermont have kids that need a place to work. If they are taking the steps to address the light pollution they should be allowed to have a lighted hill.

Kevin Gunderson lives across from Tyrol and from his bay window can see the whole of Tyrol and all the people. Nebulous thing is land depreciation. We must deal with bikers, car rides, animals, farmers and Tyrol Basin. He is in support of the ski hill.

Nicole Schram presented the 5-23-2000 CUP application which was approved by the planning commission 7-0. The CUP says all contiguous property to be rezoned and included in the CUP. Map showed property and legal description. The original area was part of the COD. Revision map should be used instead of the legal description. Tyrol currently has 139 lights and they are looking to add 5 more. They will plant a bank of trees and are willing to put up an 8-foot privacy fence to shield the Reinhold property. They request that the Town move forward with the current CUP or they can start the process for a new CUP.

Kay Milanzi, Town of Vermont attorney, said there were 2 parcels included in the CUP for a total of 121.5 acres.

John Coffin was part of the citizen's committee and worked with Don McKay. He agrees that the whole area was to be covered by the CUP. He looks forward to a new citizen's committee for any future changes.

Todd could agree with some of the people with the concerns, but the evidence points to an approved CUP. Judy would like to see a committee formed. Dean agreed with Todd and can see that Tyrol has a reasonable right to put in a tubing hill. They agree with Jamie Hansen. Alex said there are more references to allow lighting in the application than the legal description. Seems like Nathan is willing to make adaptations.

Scott suggesting reading all the verbiage and go back up into the minutes. Lori Thien Brody stated that all things point to the intent of putting in a tubing hill. Contiguous property was to be included in the CUP.

Jim said it is obvious what the intention was. He agrees with Don and that they wanted everything to be zoned the same and have the CUP apply to all RE property. Wonders what the difference is now from the citizen's committee that met in 2000 to come up with the COD. Nathan is willing to put up an 8 ft wall and plant trees.

Doug is trying to stay moot because he is a volunteer ski patrol and works with the medical staff.

Marc Brody referred to page 6 of 31. He wants our town attorney to be more diligent. County is very clear on their position. Parcel number is confusing, but not all parcels were included in the CUP.

Nicole Schram said Tyrol needs to have the tubing hill to be successful. It would be a waste of resources to have Nathan sue Dane County or Town of Vermont.

Kay Milanzi said we have two choices:

1. start new CUP
2. recommend to the board to take a stronger position with Dane County

Jim said 3rd option is we can approve the current application. Todd said most of the evidence says that the lighting was intended for the entire property, if you believe the old CUP was valid. Karen suggested that we wait until the next planning commission meeting to digest the information that we have. Doug state that the COD is still binding on the CUP that is in place and will apply to a new CUP.

Jim moved to table 9-24-18 CUP application until the next planning commission meeting. Alex seconded. Discussion followed:

Nathan wanted to know if this was purpose of this meeting.

Todd asked if we had specific items we still needed.

Jim feels that we have the information. If we want to take another 1 hr. and a half to discuss and there is a board meeting scheduled after this meeting.

Motion to table was called to a vote. Motion carried with 4 yes, 2 no votes and 1 abstention.

Todd's recommendation to the board is that most of the evidence points to the fact that the intent was to light the entire property. Have the board take that into consideration when they review the CUP.

Scott made a motion to have Dane County answer in writing why they will not enforce the CUP from 2000 when looking at the verbiage, it all points to approval. Todd seconded. Motion carried 6-0. 1 Abstention.

Doug asked if we want to be clearer on what our position is with Dane County, Scott said how we ask the question is very important.

Scott moved and Alex seconded motion to adjourn. Motion carried 7-0.