

WEST WINDSOR SELECTBOARD

Minutes

August 10, 2009

Present: Phil Arvidson, Bruce Boedtger, Tom Kenyon, Martha Harrison, Cathy Archibald, Ralph Johnson, Mike Spackman, Hal Pyke, Jim Kenyon, Dennis Lemire, Susan White, Gareth Henderson, Barbara Truex, Mark Nowlan, Dennis Conley, Rudy Gross, Steve Majeski, Cathy Boedtger, Jim Lyall

- 1) Call to Order – Selectboard Chair Phil Arvidson called the meeting to order at 6:30 PM
- 2) Changes or additions to the agenda – Sheddsville Cemetery gate, Lucy MacKenzie Humane Society, Executive Session to discuss litigation, Municipal Planning Grant requisition
- 3) Public Comment – Susan White: Susan asked the Selectboard to sign a letter of support for a Coordinated Healthy Activity Motivation and Prevention Programs (CHAMPPS) grant from the Vermont Department of Health to make West Windsor and surrounding towns more “walk-able” and “bike-able.” Tom asked about the dollar amount of the grant. Susan said there’s no dollar amount yet. Tom asked if the grant is to do work or for planning. Susan said the grant would probably be for work, but they’d have to go through the planning process. Susan said it could help the various trail organizations to do a larger project than they could otherwise do. Susan read the letter of support that she would like the Selectboard to sign. Susan said there were 70 responses to a survey done on this subject by the Windsor Area Community Partnership (WACP) on voting day. Mark asked if any of the WACP board members live in West Windsor. Susan said Mary Bell is on the WACP board. **Tom made a motion to authorize the Chair to sign on behalf of the Selectboard. Bruce seconded the motion, which passed unanimously.** Steve Majeski: Steve said he was present on behalf of his neighbor, William Burch, who recently had some work done on the end of Bald Hill Road; he put a cul-de-sac in and brought it up to Class III specifications and intends to apply to have it incorporated as a town road. Phil said Mike Spackman is the first person that Steve should speak with. Phil said in this economy there’s going to have to be a very good reason to extend the road whether it’s brought up to town specs or not. Steve said Bald Hill Road is a dead-end road and Mr. Burch widened about 500’ of it and put a cul-de-sac at the end. Steve said he’s not sure why Mr. Burch improved the road but maybe he doesn’t want the snowplows turning around in his driveway. Steve said he will let Mr. Burch know that he needs to contact Mike. Sheddsville Cemetery gate: Tom said Dave Silvester noticed that the gate was falling apart and has volunteered to put in a new gate at his expense.
- 4) Public Hearing: Subdivision Regulations – Phil opened the public hearing on the Subdivision Regulations, which have been recommended for approval by the Planning Commission. Hal said any subdivision of one acre or more requires Act 250 action but if we pass subdivision regulations, West Windsor will become a 10-acre town. Hal said the subdivision regulations are pretty straightforward and there are provisions for the DRB to bypass some of the steps if it’s a simple application. Hal said the regulations include a provision for an informal review with the Development Review Board (DRB) to get feedback on plans without incurring the major costs that are entailed in the formal process of getting a permit. Hal said nothing that is agreed to during the informal process affects the formal process. Hal said the applicant has to sign a release that whatever is

said in the informal meetings will not necessarily hold up in the final process which the DRB conducts under oath. Hal said the informal process gives the applicant some guidance. Hal said the design standards in the subdivision regulations are consistent with the standards in the zoning bylaws. Rudy asked what constitutes a large subdivision. Hal said the Planning Commission talked about distinguishing between minor and major subdivisions but the process is virtually the same so the only distinction is between lot-line adjustments and subdivisions. Rudy asked if a 40-unit condo on a 10-acre lot would be the same as one house on a 10-acre lot. Hal said yes. Rudy said even though the impact of the 40-unit condo is far greater, it's still the same process. Hal said yes the process is the same. Hal talked about the need for affordable housing in town to attract younger people to the community. Jim Lyall said the subdivision regulations appear to give the town more local control and asked if that was one of the reasons for creating them. Hal said that was one reason and the other reason is that the zoning bylaws were confusing as to whether an applicant should go to the ZBA or the PC so by having a DRB it's pretty clear who you go to if you want to talk about technical issues. Tom asked how many other towns in the Upper Valley have subdivision regulations. Hal said there are a lot of them, but we got the most help from Norwich and Manchester. Tom said he doesn't think the town has budgeted anything to cover the cost of administering the subdivision regulations. Tom asked who is going to do all this administration and what's the expense. Hal said there's no expense other than the time of the volunteers working on the DRB. Phil said he thinks the subdivision regulations are a codification and formalization of processes that existed before. Phil said Martha is the Administrative Officer and he doesn't think this adds any major workload. Phil said we have two major entities with significant reasons to want to develop and we had better be prepared for that. Tom said his understanding is that Weathersfield has a full-time person who handles nothing but subdivisions and that Hartford has two full-time people. Tom said he suspects that we're going to have to budget time and money in the future so there are going to be tax implications. Tom said he doesn't think fees will totally cover the costs. Hal agreed that the town runs lean on administrative help and if we do get into a lot of development, the town may need to hire additional help for Cathy or Martha. Tom said he supports the informal review which is a freebie so it may save everyone money. Barbara said the checklists at the end of the subdivision regulations may expedite the process. Tom agreed. Phil said the town runs lean deliberately. Bruce said most towns adopt subdivision regulations because it takes them out of Act 250 jurisdiction for most types of development. Bruce said, in his opinion, there is nothing more onerous in the subdivision regulations than what is already in the zoning regulations. Phil closed the public hearing.

Bruce made a motion to adopt the Subdivision Regulations as proposed by the Planning Commission. Tom seconded the motion, which passed unanimously.

- 5) Town Forest – Phil said at the last meeting, there was a request to cut firewood in the Town Forest. Phil said, at the time, he was under the impression that the Town Forest committee had not acted on the request but since then he has received a copy of the minutes of a Town Forest committee meeting at which the committee voted 5 to 0 against the request. Phil said at the last Selectboard meeting there was also mention of a Forest Management Plan that no one was able to find and, since then, the plan has been found. Tom said he has confirmed that the town has a right-of-way to the town forest off Kimball Farm Road, but the mylar was missing so he ordered another one on behalf of

the town. Tom asked if the Town Forest Committee is planning to update the Management Plan. Mark said they have not been able to find a Forester to do it. Phil offered to put the request over the Selectboard's signature. Bruce said he thinks the plan should be updated. Mark said the committee has the money to pay for it. Dennis said the plan says that most of the stands could use some cutting between 1991 and 2005; we're now in 2009. Mark said the committee is concerned about the impact of machinery on the land. Phil said a lot of the issues raised in the plan, over things like steepness and wildlife habitat, still apply. Phil said controlling what takes place up there is also complex. Phil said the Town is taking down some trees that are threatening power lines and Tom suggested that the Town consider allowing a responsible person to take it as firewood in exchange for cutting it up and removing it. Steve Majeski said the state has a process for allowing people to cut firewood on state land and suggested that the committee contact Tim Wharton in the Springfield office. Dennis said the plan calls for management and the committee has done nothing for years so it seems strange that when a request comes in there has to be further study. Dennis asked how long he will have to wait to get an answer. Phil said he would have to have some awfully good reasons to override the 5-0 vote of the Town Forest Committee. Bruce said a lot has changed since 1986 so the plan should be updated. Phil said the Selectboard has drafted a letter to the county forester which they would like the Committee to look at. Tom said he would hate to see a "no cut" policy in the town forest. Phil said the plan does recommend some harvesting and he thinks the town should find out how best to do that to preserve the assets we have up there. Jim Lyall said he thinks one person should do the cutting and then bring the logs to a central location where people can come and cut firewood. Phil said there are safety and clean up issues to consider. Rudy asked who would assume the responsibility for any injuries that might occur. Tom said since the state is allowing people to cut firewood, there must be some answers. Dennis asked if everything is on hold until the management plan is updated. Phil said yes, except for the program that Tom suggested.

- 6) CVPS easement – Tom said everything is proceeding on schedule.
- 7) Town Constable's Report – Ralph asked Phil what he found out from the Lucy MacKenzie Humane Society. Phil said if the town runs into an animal problem, Ralph should call them and they will work with him and the town may have to pick up some reasonable portion of the cost. Ralph asked for the contact number. Phil said he will try to get a 24-hour contact number. Tom asked Ralph if all went well with the music festival at the Resort on Sunday. Ralph said yes.
- 8) Town Clerk/Treasurer's Report – Cathy had orders and another item for the Selectboard to sign.
- 9) Highway Foreman's Report – Mike said the mowing is finished and he would like to get a contract now for next year. Mike said the highway department is working on ditching and replacing culverts now and plans to start the next phase of the Sheddsville Road bank stabilization project the week after next.
- 10) Status of Route 44 Bridge #7 – Mike said Gary Austin discovered the hole in the bridge. Tom said the blacktop and the decking fell out. Tom said it's sufficiently deficient to be eligible for federal funds for replacement and he's going to take it up with the Transportation Advisory Committee (TAC).
- 11) Tree Warden: Dead Tree Removal – Tom said he and Mike have taken down a bunch of trees. Tom said there is a large maple near the Sheddsville stabilization project that needs

to come down. Tom said Knox needs the highway department's help when he takes down the trees on the Brownsville-Hartland Road. Phil said the town is taking down trees that might come down on power lines. Tom said there is an ash tree near Hales field that is split from the crotch to the ground and needs to come down.

- 12) Vermont Council on Rural Development: Community Visit Program – **Tom made a motion to table consideration of participating in the Community Visit Program. Bruce seconded the motion, which passed unanimously.**
- 13) Grange Hall accessibility project update – Tom said the Historical Society has a quote from Kevin Weeks, which may need to be revised slightly but is well within the budget.
- 14) Correspondence: U.S. Census Bureau – Phil said the Census Bureau erroneously believes that West Windsor has a homeless shelter and he has asked Martha to correct them on the subject.
- 15) Other Business - None
- 16) Schedule September meeting – **Tom made a motion to defer the next regular meeting of the Selectboard from September 14th to September 21st at 6:30 PM at the Town Hall. Bruce seconded the motion, which passed unanimously.** Cathy asked if Tom can sign anything that she needs signed in Phil's absence. Phil said yes.
- 17) Minutes: July 6, 2009 – **Tom made a motion to approve the minutes of July 6, 2009 as amended. Bruce seconded the motion, which passed unanimously.** July 13, 2009 (site visit) - **Tom made a motion to approve the minutes of the July 13, 2009 site visit as written. Bruce seconded the motion, which passed unanimously.** July 13, 2009 (regular meeting) – **Tom made a motion to approve the minutes of the July 13, 2009 regular meeting as written. Bruce seconded the motion, which passed unanimously.**
- 18) Executive Session – **Tom made a motion to go into Executive Session to discuss litigation and to invite Cathy, Martha and Mike to join them. Bruce seconded the motion, which passed unanimously.** After the discussion, **Tom made a motion to come out of Executive Session and noted that no action was taken. Bruce seconded the motion, which passed unanimously.**
- 19) Adjourn/ Sign Town Clerk's Orders – Phil noted that the Town Clerk has orders and there are some other documents to sign. **Bruce made a motion to adjourn at 7:55 PM, subject to signing the orders and documents. Tom seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison