

## WEST WINDSOR SELECTBOARD

Draft Minutes

November 22, 2011

Present: Glenn Seward, Tom Kenyon, Bruce Boedtke, Hal Pyke, Martha Harrison, Laura Stillson, Cathy Boedtke

- 1) Call to Order – Selectboard Chair Glenn Seward called the meeting to order at 7:30 AM.
- 2) Changes/Additions – None
- 3) Review proposed zoning regulations – Glenn suggested increasing the number of bedrooms allowed in an accessory structure to two. Bruce said that would be okay as long as the septic system can handle it.
- 4) Listers – Tom asked Hal the status of finding a reappraisal firm. Hal said the Listers are interviewing a fourth candidate this morning and expect to make a recommendation by the end of this month. Hal said the reappraisal will take place between April 1, 2012 and April 1, 2013. Tom asked when people would be notified of a change of appraisal. Hal said that would not happen until summer of 2013. Tom said the Governor is allowing people with flood damage to appeal their assessments to the Board of Abatement. According to Tom, someone who is granted a change of assessment would be eligible for reimbursement.
- 5) Town Forest Committee – Glenn said there was no quorum at the last Town Forest Committee (TFC) meeting. Glenn said it's very difficult to move things along when there are not enough committee members present. Glenn said he has considered eliminating the committee, reducing the number of members, or combining the committee with the Conservation Commission, but he is open to other ideas. Cathy Boedtke said she thinks the expectations for committee members should be clarified. Cathy said she would like to continue serving on the TFC and would not like the committee to be eliminated. Cathy said she thinks TFC members should be familiar with the town forest. Cathy agreed that an eight-member committee is too large. Cathy said once a regular meeting date is established, the members should attend unless there's an emergency. Cathy recommended that the TFC have no more than five members. Cathy does not think that the TFC should be combined with the Conservation Commission. Glenn noted that, in some cases, the attendance issues are out of the committee member's control. Laura said committee members should not just show up when there is a vote for chair and then never come to another meeting. Laura said she does not think the TFC should be combined with the Conservation Commission. Bruce said the preferences of the townspeople and the Forest Ecologist's report should take precedence over any one committee member's personal agenda. Bruce said he thinks the TFC is too important to be dissolved or combined with another committee. Laura said we can't just focus on recreational trails; we also need to consider wildlife corridors and the Glebe lot. Laura added that the Bicentennial trail may need to be moved. Bruce said he thinks the TFC should be involved in the Act 250 permit application. Glenn agreed that the environmental aspects are very important. Tom suggested reducing the number of members who serve on the TFC to three and appointing them all for a one-year term. Bruce suggested a five-member board. Tom and Glenn agreed. **Tom moved to make the Town Forest Committee a five-member board, with each member appointed annually, beginning on January 1, 2012. Glenn seconded the motion.** Cathy noted that no other committees have one-year appointments. Glenn said the other committees have not had the issues that the TFC has had and those issues need to be corrected. Laura asked about committee members who are already serving longer terms. Glenn said we'll explain that the current arrangement is not working out and if they would like to be considered for reappointment they should let the Selectboard know that they would like to continue serving on the committee. Cathy said the next TFC meeting is December 5<sup>th</sup>. Glenn said he will let the TFC members know that changes are being made and if they want to be involved they need to

come to the December 5<sup>th</sup> meeting. Tom said the Selectboard can make appointments at their December 12<sup>th</sup> meeting. **Glenn called for a vote on the motion, which passed unanimously.**

- 6) Covered bridge insurance – Glenn said the Vermont League of Cities and Towns (VLCT) is offering to pay \$62,550 for West Windsor’s insurance claim on the covered bridge. Glenn said the balance should be covered by FEMA, less ten percent, but they will not commit. Tom asked about the total project cost. Glenn said the successful bid was \$165,000 but we have to armor the north abutment, we want to raise the abutments, and we have to have guardrail installed so the total is \$182,000. Glenn said the town’s share would be \$12,000. **Tom made a motion to accept VLCT’s settlement offer of \$62,550 for the Bowers covered bridge. Bruce seconded the motion, which passed unanimously.** Glenn noted that Steve Bodley has all the materials and has started cutting the frame but there is some hold-up on Miller Construction getting started with the abutments and it may have something to do with Stream Alteration Engineer Todd Menees. Glenn said he has been unable to talk to Todd.
- 7) Continue reviewing proposed zoning regulations – Tom said “Certificate of Occupancy” and “Certificate of Compliance” should be defined. There was discussion about the wording of Section 6.4. Regarding Section 6.6, Tom was concerned about violations being recorded without the Zoning Administrator consulting with the Town Attorney. Bruce said if a violation were issued in error, there would be an appeal, which would also be recorded in the land records. Martha said she does not issue violations lightly. Tom said Martha should notify the property owner, the DRB, the Selectboard and the Town Agent when she issues a notice of violation. Bruce said he does not have a problem with notification but does not think Martha should seek concurrence. Glenn agreed. Tom had questions about the variance language in Section 6.8. Bruce said the variance language is the same in every town. All agreed that the language comes from state statute. There was discussion about variances but no changes were made to Section 6.8. Tom had suggestions for minor changes to Section 6.9, which Bruce and Glenn accepted. There was discussion about district boundaries that follow a river or stream, in Section 6.10(4), but no changes were made to the language. There was discussion about public notice for erosion control review hearings in Section 6.14 but no changes were made. Tom said the town doesn’t regulate water and septic so why do we regulate wetlands if the state is already regulating them. Bruce said having that in our regulations makes people aware that they have to comply. Martha said the law now allows towns to require applicants to obtain a water and septic permit before applying for a zoning permit and maybe our regulations should include that requirement. Bruce said they should. There was discussion about the fact that engineers are supposed to file a certification with the town stating that the system was installed in conformance with the plans. Martha noted that many people come to the Town Hall looking for a copy of their septic plans. Bruce suggested requiring that a reduced-size copy of the plans be filed in the town records. Tom asked if someone who has a wetland permit from the state and/or the Army Corps still has to go to the Zoning Administrator. Martha said they would go to the DRB for work in a wetland or a wetland buffer. Glenn said it is reviewed locally even if the applicant has a state permit. Bruce said many towns just require the applicant to file their state or federal permit with the town but they don’t review the project locally. Glenn said he doesn’t have an issue with that but it would change the way we do things. The Selectboard agreed that the DRB should not review any work in a stream buffer if there is a state and/or federal permit on file with the town. Martha noted that the DRB disagreed with the state on the Bieling application. There was discussion about the Bieling application. Martha noted that there were other issues with that application that would have brought it before the DRB anyway. Tom said the definition of basement needs to be revised. Bruce agreed. Tom suggested defining “brook” by referencing the definition for “stream.” Bruce said the state’s definition of “stream” is much more comprehensive. Bruce suggested that we modify our definition to include “or as defined by the State of Vermont” so we’re not superseding state regulations. Bruce said there are a lot of streams and wetlands that are not on the USGS map or the state wetland map. Bruce said we ought to have language informing applicants of their

obligation to meet state water quality regulations. Martha said this is a case where having language in our regulations helps to inform people that there are state and federal regulations that have to be considered. Bruce asked if there is language that would allow the DRB to require an applicant to get a written determination from the state. Martha said the state requires the town to put a statement on our applications and our permits notifying property owners of their obligation to get required state permits. Martha said if we add language to the zoning regulations, we can require applicants to get state water and wastewater permits before they get local approval, but she didn't know if the town can require applicants to get all necessary state permits before they get local approval. Glenn suggested adding a sentence indicating that the DRB may make permit approval contingent on state review. Bruce and Tom agreed. Tom suggested defining "change of use." Bruce said the permitted and conditional uses are listed for each district; if someone is changing from one listed use to another listed use, that's a "change of use." Tom and Glenn agreed. Martha said Section 3.3 is pretty clear. Tom suggested that the definition refer to Section 3.3. Tom asked why the definition of fence specifies a 30" width. Glenn suggested removing the reference to width from the definition. Bruce and Tom agreed. Tom suggested defining "floodplain." Tom had a question about the definition of "floodway." Martha said West Windsor has no designated floodway. Glenn suggested removing the term from the definitions if it's not used in the regulations. Tom suggested including "height" in the definitions section and referencing "structure height." Tom asked if the minimum lot size in the Conservation district is now 27 acres. Martha said Barbara Truex suggested making the minimum lot size 30 acres because some of the land may not be eligible for current use. The Selectboard agreed that Barbara's suggestion makes sense and agreed to change the minimum lot size in the Conservation district to 30 acres. Tom suggested defining "municipal" as "the Town of West Windsor." Tom suggested adding a sentence to the definition of "wetland" indicating that man-made ponds are not wetlands. Bruce said the state considers many man-made ponds to be wetlands. Tom said he thinks people should be encouraged to install ponds. Glenn suggested including a note in the regulations informing people that ponds are considered wetlands and require a 50' buffer.

- 8) Other Business – Cemetery deed: Cathy had a cemetery deed for the Selectboard to sign. Orders: **Tom made a motion to sign the Town Clerk's orders. Bruce seconded the motion, which passed unanimously.** Budget meeting: The Selectboard agreed to meet on November 29<sup>th</sup> at 7:30 AM for preliminary budget discussions.
- 9) Adjourn – **Bruce made a motion to adjourn the meeting at 9:40 AM. Tom seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison