

Town of Moretown Selectboard Minutes

03/18/2019

Board members present: Tom Martin, Rae Washburn, John Hoogenboom, Jason Aronowitz and Callie Streeter

Guest Present: Catrina Brackett, Cheryl Brown, Martin Cameron, Carl Wimble, Ray Daigle, Mandy Couturier, Chuck Burt, David Specht and John Martin.

Tom called the meeting to order at 6:00pm

General Public Comment: None at this time

Zoning Administrator- John said based on a good interview and JB Weirs recommendation, John made a **MOTION** to hire David Specht as Zoning Administrator and e911 coordinator at \$20.50 an hour, seconded by Jason. All agreed.

Town Administrators Report:

- Ecosystem Restoration Grant (ERG) for a total project cost of \$48,991 was applied for to prepare a final design for the parking lot renovations. The school has committed to paying 50% (4,798) of the Towns 10% share. The Town share will be paid via employee labor/equipment. If awarded CVRPC will prepare the bid documents and administer the grant.

Reports and Communications:

John spoke about timber on the lots the Town owns. He spoke to Johnny Summers who believes there would be marketable trees. John will look into the Towns land management policy to then put an RFP together.

Jason commented and the whole Board agreed the road crew did a tremendous job at maintaining the roads during the warm weekend. Jason also spoke about one of the Casella drivers driving too fast for the conditions and causing more of a mess in the mud than necessary.

An email was received from Cherilyn Brown letting the Board know Moretown would be hosting a regional meeting for a listening/meet and greet sessions concerning new Grand List Software on April 17, 2019.

John noted the next Road Round Table meeting would be in Waitsfield on either the 10th or 17th of April.

John Martin/Septic line involving Stevens Brook Rd- John Martin was present to discuss and present a preliminary drawing for a proposed leech field and septic line for his property on the corner of rt 100b and Stevens Brook Rd.

Ned Swanberg the Central Vermont Flood Plain Manager, conducted an audit for town permits issued in the flood plain. John Martin's property has not received a permit from the town. Cheryl encouraged John Martin to reach out to Ned to work with him on next steps for floodplain permitting, if John's house renovations cost more than 50% of the house value. The Zoning Administrator will keep in the loop to be sure the town/Martin follows proper floodplain development practices for this property.

New Town truck- Martin was present to speak about a truck Stefan and Shawn had gone to see at St Jay Auto. A 5500 Dodge, 4x4 with a tailgate sander and 8'6" plow that expands up to 11'6". The whole road crew believes this is the truck they should go with to replace the pickup as it would have more versatile to cover any plow route when needs and possibly tow the chloride tank. Rae would like this to be a sealed bid process as defined in the Towns purchase policy. Martin will get bids for a large and small option truck to be opened at the next Selectboard Meeting.

Chuck Burt/Town Website- Tom had spoken briefly with Chuck at Town meeting concerning the Town website and asked him to come into the meeting. Chuck noted there was a new version of WordPress it needed to be upgraded to which included higher security. Chuck is willing to organize the website pro-bono and then train the permanent replacement. Chuck will come up with a plan but for the time being items to be posted on the website will still go to JB Weir.

Zoning Bylaws/Interim Subdivision- Cheryl explained the interim bylaw process as; the Planning Commission, at a warned meeting, would present a letter asking the Board to adopt the Subdivision Standards dated March 11, 2019, as interim bylaws. The Selectboard, as a warned hearing for that purpose, would have a public hearing for comments, and to adopt them as interim bylaws. The question would go on the voters as regular bylaws at the next election.

Carl Wimble was present to relay his dismay about how the whole process has been handled. At the time of the meeting the final draft was not posted on the Town Website . He also noted during the last public hearing John Riley said he was going to research the benefits/disadvantages for remaining a 1 ac. town vs a 10 ac town. Catrina will reach out to John Riley and Cheryl will make sure the clean draft is public. (*clean draft attached to minutes*).

Parking lot maintenance- Ray Daigle, MES Principal Mandy Couturier and members of the Moretown Methodist Church, Bob Holden and Mary Murphy, as well as Martin Cameron were all present to discuss the present condition of the parking lot. The discussion was concerning a temporary fix on the parking lot bus loop. Martin suggests removing the remaining asphalt and replacing it with aggregate to roll out to a hard surface. He estimated the project cost as \$8-\$10k estimate, and 2-3-day timeline to do the work, most likely done this summer. Everyone agreed this is the best option.

Ray Daigle agreed this would be a separate project versus being charged to the Maintenance Agreement (MOU), and billed to HUUSD as a separate project.

Mary Murphy noted the church plans to do an exterior painting project. Catrina and her will get together to possibly do a joint bid for the Church and Town Hall.

New Business: None at this time

Old Business:

- **Library to Town Hall Study:** Rae asked what the next steps were. Catrina will request the raw survey data as well as invite the Library Trustees in for the 4/15/19 meeting.

- **Petitions:** The need of petitions for non-profits was discussed. **MOTION:** Jason made a motion stating any non-for profit requesting an article/allocation on the Town Meeting Ballot shall obtain signatures (5% of registered voters) for the first request, as well as any change in dollar amount. Organizations that have submitted petitions for their first request, then must send a request via formal letter for subsequent years (provided the dollar amount hasn't changed). Seconded by John. All agreed.

Minutes: Rae made a motion to approve 2/19/19, 3/4/19 and 3/11/19 minutes. Seconded by Callie. All agreed.

Executive Session: MOTION: John made a motion to go in to Executive Session at 7:41pm for the appointment or employment or evaluation of a public officer or employee, provided the public body shall make a final decision to hire or appoint a public officer or employee in an open meeting and shall explain the reasons for its final decision in an open meeting, seconded by Callie, all agreed. **MOTION:** Tom made a motion to end executive session at 8:04, seconded by Callie, all agreed.

Next Meetings: April 1st, 2019 and April 15th, 2019.

Warrants: AP# 19015; 20385-20412. PR# 19014; e3008-e3017.

Documents Approved: Overloads - United Natural Foods. Rice Lumbar Co. Goin Owens Little Digger Service, Structural Wood Corp, Jack F Course, Demag Riggers and

Crane Service, Blue Flame Gas, Weston Pulpwood Sales, McCullough Crushing Inc.
P&P Septic Service, SD Ireland Construction and SD Ireland Brothers Corp.

Amendment (#2) from Lamoureaux & Dickinson for additional time and work beyond what was previously anticipated to revise the catch basin plans for \$3,100.

Final draft of Town office sign from Wood & Wood.

Motion to Adjourn: Tom made a motion to adjourn at 8:04, seconded by Rae. All agreed.

Article 6. Subdivision Standards

Section 6.0 Definitions

For the purposes of this chapter, all definitions in Article 7, Definitions shall apply.

Subdivision: Division of any parcel of land for the purposes of conveyance, transfer of ownership, lease, improvement, building, development or sale which results in a total of two or more lots, blocks or parcels. The term subdivision includes re-subdivision.

Section 6.1 Application of Standards

(A) Whenever any subdivision of land is proposed, the subdivider shall apply for and secure approval of such proposed subdivision in accordance with the procedures set forth in these regulations prior to:

- (1) Commencing any construction or land development (excluding forestry or agricultural activities);
- (2) The issuance of any municipal permit for any land development involving land to be subdivided;
- (3) The sale or lease of any subdivided portion of a property; or
- (4) Filing a subdivision plat in the land records of the Town.

Such approval shall be granted by the Zoning Administrator or the Development Review Board in accordance with the procedures and standards set forth below.

(B) **Exemptions.** The following are specifically exempted from subdivision review under this article:

- (1) Parcels leased for agricultural or forestry purposes where no permanent roads or structures are established;
- (2) Rights-of-way or easements which do not result in the subdivision of land, and
- (3) Boundary adjustments between existing parcels which do not create new or non-conforming lots.

(C) **Classification of Minor and Major Subdivisions.** For the purposes of these regulations, the following two categories of subdivisions are established:

- (1) **Minor Subdivisions**, to be reviewed by the Zoning Administrator under Section 6.2 include:
 - (a) the subdivision of land which results in a total of three (3) or fewer lots within any five-year period; or

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(b) an amendment to an approved subdivision which does not substantially alter the subdivision, nor result in the creation of a major subdivision.

(2) **Major Subdivisions**, to be reviewed by the Development Review Board under Section 6.2 include:

- (a) the subdivision of land which results in a total of four or more lots within any five-year period, or involves the construction of a new road;
- (b) an amendment to an approved subdivision which substantially alters the subdivision or conditions of approval, or which results in the creation of a major subdivision or a new road; or
- (c) a planned unit development.

(D) **Coordination with Planned Unit Development Review.** Applications for Planned Unit Developments (PUDs) shall be reviewed concurrently by the Development Review Board as subdivisions in accordance with Section 6.2 and under Section 5.3.

Section 6.2 Subdivision Review

(A) **Subdivision Approval Requirement.** The Zoning Administrator or Development Review Board shall review all subdivisions in accordance with the Act [24 VSA § 4418] and these regulations.

(B) **Waiver Authority.** Pursuant to the Act [24 V.S.A. § 4418], the Development Review Board may waive application requirements as specified in Table 6.1, or subdivision standards under Section 6.3 which, in their judgment:

- (1) are not requisite in the interest of public health, safety and general welfare;
- (2) are inappropriate due to the inadequacy or lack of connecting facilities adjacent to or in proximity to the subdivision.

The request for a waiver shall be submitted in writing by the applicant with the subdivision application. It shall be the responsibility of the applicant to provide sufficient information to justify the waiver, and enable the Development Review Board to reach a decision. In granting waivers, the Development Review Board may require such conditions that will, in their judgment, substantially meet the objectives of the requirements so waived. No such waiver may be granted if it would have the effect of nullifying the intent and purpose of these regulations or other municipal ordinances or regulations currently in effect.

(C) **Application Requirements.** An application for subdivision approval, including applicable fees, shall be made on forms provided by and filed with the Zoning Administrator.

(D) **Sketch Plan Review.** Prior to the submission of an application for a major subdivision review, the applicant may submit a sketch plan to the Zoning Administrator for consideration

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by the Development Review Board at a regularly scheduled Development Review Board meeting.

(1) **Purpose.** The purpose of sketch plan review is to acquaint the Development Review Board with the proposed subdivision at an early stage in the design process, prior to the applicant incurring significant expense.

(2) **Submission Requirements.** One original and two copies of the sketch plan, to include information specified in Table 6.1, should be submitted to the Development Review Board at least 15 days prior to a regularly scheduled meeting.

(3) **Effect.** The Development Review Board may offer comments and recommendations at the meeting or, within thirty (30) days of the date of the meeting, provide comments and recommendations to the applicant in writing. Such comments are advisory and as such shall not constitute an appealable decision or action of the Development Review Board, and shall not be binding on subsequent major subdivision review.

(E) **Minor Subdivision Review.** The application for minor subdivision review shall include one original of the information for subdivision plan approval specified in Table 6.1, and any required fees. The application must also include, in writing, any requested waivers to be considered under subsection (B) and the reason for such waivers. The Zoning Administrator shall consider the application in accordance with his or her review for a zoning permit without the need for a public hearing, but may in his or her judgment forward any application to the Development Review Board for its review following a public hearing.

(F) **Major Subdivision Review.** The application for major subdivision review shall include one original and six copies of the information for subdivision plan approval specified in Table 6.1, and any required fees. The application must also include, in writing, any requested waivers to be considered under subsection (B) and the reason for such waivers. The Development Review Board shall consider the application in accordance with the following:

(1) **Public Hearing.** As required by the Act [§ 4464], upon submission of a complete application, the Development Review Board shall schedule a public hearing on the application, warned in accordance with subsection 6.5 and the Act [24 VSA § 4464]. After the hearing is convened, the Development Review Board may continue the hearing as needed to request and allow for the submission of additional information or studies to determine conformance with these regulations.

(2) **Final Approval.** The Development Review Board shall act to approve, approve with conditions, or deny an application for subdivision approval within forty-five (45) days of adjournment of the final public hearing, and issue a written decision. The written decision shall include a statement of the factual bases on which the Development Review Board made its conclusions, a statement of those conclusions, any conditions,

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and shall specify the period of time within which the decision may be appealed to the Environmental Court. Failure to act within the forty-five (45) day period shall be deemed approval. The decision shall be mailed, via certified mail, to the applicant within the forty-five (45) day period. Copies of the decision shall also be mailed to every person or body appearing and having been heard at the hearing, and a copy of the decision shall be recorded in accordance with Subsection 6.5.

(3) **Performance Bonding.** For any subdivision that includes the construction of roads or other physical improvements, the Development Review Board may require the subdivider to post a performance bond or other comparable surety to ensure completion of the improvements in accordance with the approved specifications. In accordance with the Act [24 VSA § 4464], the term of the performance bond shall be fixed by the Development Review Board for a period not to exceed three years, unless with the consent of the owner it is extended for an additional period not to exceed three years. If any required improvements have not been installed or maintained as provided, the bond shall be forfeited to the municipality, which shall then use the proceeds to install and maintain the required improvements.

(4) **Effect.** Approval by the Development Review Board of a subdivision shall not be construed to constitute acceptance by the town of any street, easement, utility, park, recreation area or other open space shown on the final plat. Such acceptance may be accomplished only by an act of the Moretown Selectboard, in accordance with state law for the laying out of public rights-of-way.

(5) **Deferral of Subdivision Standard(s).** The Zoning Administrator may, at the request of the applicant under subsection 6.2(B), defer review of a proposed minor subdivision's compliance with the standards set forth in Section 6.4 in the event the proposed subdivision involves the creation of a lot(s) that is solely intended for forestry, agriculture or other use not involving land development. Both the Zoning Administrator's decision and the plat recorded in the Town Land records shall clearly indicate the intended use of the lot(s), and shall require that any change in the use of the deferred lot be approved by the Development Review Board only upon a determination that the proposed use and associated development complies with the standards set forth in Section 6.4. All lots, however, shall meet the minimum lot size for the district in which the parcel is located, including any density requirement related to the creation of new lots set forth in subsection 6.4(D).

(G) Recording and Amendment Requirements.

(1) In accordance with the Act [24 V.S.A §4463], within 180 days of the date of receipt of final subdivision approval under Subsection (F)(2), the subdivider shall file three copies of the plan and final plat (one Mylar, two paper), signed by an authorized representative of the Development Review Board, for recording in the land records of the town in conformance with the requirements of 27 V.S.A. Chapter 17. The Approval

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of subdivision plats not filed within 180 days shall expire. The Zoning Administrator may, however, grant one 90 day extension for plat filing in the event the applicant documents that other required local and/or state permits are still pending.

(2) The municipality shall meet all recording requirements for subdivision approvals as specified for municipal land use permits under Section 6.9.

(3) No changes, modifications, or other revisions that alter the final plat or the conditions attached to subdivision approval shall be made unless the proposed revisions are first submitted for review by the Zoning Administrator pursuant to section 6.1(C) (1)(b) or the Development Review Board under Section 6.2 as a subdivision amendment. In the event that revisions are recorded without complying with this requirement, the revisions shall constitute a violation of these regulations, and be considered null and void.

Section 6.3 Roads and Access (Minor and Major Subdivision)

(A) **Access.** Access to the subdivision and to individual lots shall be provided in accordance with Section 4.1. All access onto town highways shall be subject to the approval of the Moretown Selectboard, or for state routes, the Vermont Agency of Transportation. Such approval shall be required prior to final subdivision plan approval. To better manage traffic flow and safety, to avoid congestion, and to preserve the capacity of local roads, the Development Review Board may also:

- (1) limit the number of access points onto public highways;
- (2) require shared access, driveways, and/or roads to serve multiple lots; or
- (3) require access from secondary roads, if a proposed subdivision has frontage on both primary and secondary roads.

Section 6.4 Application of Subdivision Standards (Major Subdivision)

(A) The Development Review Board shall evaluate subdivisions under the standards set forth in this article. Development Review Board, to assist in evaluation, may require:

(1) an independent technical review of the proposed subdivision under one or more standards, prepared by a qualified professional and paid for by the subdivider; provided such technical review is commensurate with the scale and scope of the proposed subdivision, and

(2) the phasing of development, and/or additional measures to avoid or mitigate any adverse impacts likely to result from the proposed subdivision.

Section 6.5 General Regulations (Major Subdivision)

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(A) **Stormwater Management and Erosion Control.** Subdivisions shall incorporate temporary and permanent stormwater management and erosion control practices appropriate for the type and density of proposed development (See Section 4.15).

(B) **Landscaping and Screening.** Subdivisions shall incorporate landscaping and screening measures appropriate to the type and density of the proposed development. These measures should include measures to address:

- (1) critical wildlife habitat areas (as defined by the Vermont Agency of Natural Resources – Natural Resources Atlas);
- (2) water quality; and
- (3) screening to increase privacy, reduce noise or glare, or to establish a barrier between incompatible land uses.

Section 6.6 Facilities and Utilities (Major Subdivision)

(A) **Public Facilities.** The proposed subdivision shall not create an undue burden on existing and planned public facilities. The Development Review Board should consult with appropriate municipal and school officials to determine whether adequate capacity exists to serve the subdivision.

Section 6.7 Legal Requirements (Major Subdivision)

(A) Land reserved for the protection of significant natural, cultural or scenic features, or other open space areas, may be held in common, or in separate ownership from contiguous parcels. Such land may be dedicated, either in fee or through a conservation easement approved by the Development Review Board, to the municipality, an owners' association comprised of all present or future owners of subdivided lots, or a nonprofit conservation organization. At minimum, land designated for protection shall be indicated with appropriate notation on the final subdivision plat.

(B) The subdivider shall provide documentation and assurances that all required improvements, associated rights-of-way and easements, and other common lands or facilities will be maintained either by the subdivider, an owners' association, or through other legal means acceptable to the Development Review Board. Such documentation, as approved by the Development Review Board, shall be filed in the Moretown land records.