

Selectboard Minutes

5/1/18

DRAFT

Selectboard Present: Jared Cadwell, (Jared), Chuck Martel (Chuck), and Michael Jordan (Mike)

Selectboard Assistant: Patti Lewis

Guests: Vincent Yasi (C44), Stuart Hallstrom (Stuart), Bill McDonnell (Bill), Carol Chamberlin (Carol), Don Simonini (Don), Liz Levey (Liz), Jill Ellis (Jill), Wendy Bridgewater (Wendy), Ben Bridgewater (Ben), Margo Wade (Margo), David Dzuryachko (David), Theresa Membrino (Theresa), and Polly McMurtry (Polly),

Jared called meeting to order at 6:00 p.m.

1. Chuck made a motion to approve the Selectboard (SB) minutes of April 24, 2018. Mike seconded. No further discussion, all in favor, motion carried.
2. Jill, as a HUUSD Director, told the SB that she had been on the Fayston School Board, participated in the merger process, and been on the HUUSD since the beginning. She noted two successful school budgets that have passed since the inception of the HUUSD. She was previously part of the Policy Work Group and is currently on the Community Engagement Committee. She mentioned Rob Williams who is head of the Communications Work Group and went over the highlights of his most recent communication. See attached. Jill talked about school choice and her interest in finding out how many people apply to other schools, redesign and the fact no school can be closed before 2021 without a town vote to do so, her perspective on the redesign being an opportunity to talk about economic viability, school budgets and relationship with Montpelier, and how to grow community engagement and participation. Theresa, also a HUUSD Director, spoke about budgets and tax savings (cutting a million dollars = \$150.00 savings on a \$300,000 dollar home), and the overwhelming dynamic of having 14 people and central office doing the work of 40 people, district and central offices. Jill asked the SB their thoughts on the Fayston School and what they are hearing from residents about the school they have put so much money in to. Chuck responded that he has not had any feedback from constituents so could not speak for them. Jared responded that this is an economic issue and is not sure what role our modest local government can play. All agreed that the SB should become more engaged in the discussion and that the HUUSD representatives should check in with them if not once a month then every couple.
3. Jared opened the continuation of the public hearing for the proposed Land Use Regulations (LURs) changes. He said the SB intention was to hear final comment and then close public comment period and go in to the SB deliberation this evening. He noted further written communication that had been received since the last meeting and that all those communications were up on the website. This was the last opportunity to speak before the public comment period was closed.

Bill objects to the proposed LURs in two areas. One; the building envelope of 25,000 sq. feet is too small. A cape cod house w/garage and setbacks would need a larger envelope. Second; cluster housing. He does not feel people want to be that close to neighbors.

Jared asked if 25,000 sq. ft. is in the current regulations and answer was yes, in one district, the change would be 25,000 sq. ft. would be in two districts.

Margo stated that in rural residential a provision was added that allows the DRB to make it larger if they choose. (Page 14). Carol said that "approved by DRB" implies conditional use review.

Liz said she had nothing particular to add to what was in her letter but thought she would put a face to it. She does hope the SB recognizes that they may not see people at these meetings if they do not think input is needed and are satisfied with the proposals. She is in favor of the changes.

David asked if the town's people were going to get to vote on the changes. Jared explained that if the voters are not satisfied with the SB decision(s) they can petition for an Australian ballot process.

Don has concern with the word "shall" and believes it takes away the abilities of the DRB, and adds cost to applicants re: wildlife impact statements. Carol noted that the DRB can waive the requirement. Don has concern with contour lines adding more restrictions on the landowner and has seen nothing to justify this. He spoke about clustering and his opinion that people don't want to be in the backyard of a neighbor and wish for privacy. Ben asked if clustering was just in subdivisions or throughout the NROD zone. Answer was on all land. Discussion was had about Act 250 requirements and the fact that their regulations no longer kick in at parcels over 10.1 acres but rather subdivision with five lots or more regardless of size.

Liz asked and Carol clarified again that applicants can apply to the DRB for a waiver of conditions.

Ben believes that having "shall" or "will" allows the Town to legally defend its decision. Wendy added she has seen the DRB be confronted with a bank of lawyers wasting client and Town money arguing "may" and that "shall" will make decisions defensible.

Chuck questioned again that only a variance is a way out for applicants. Carol said the DRB can waive any review standard and that that language is scattered throughout the LURs. Polly noted it is not unusual to have the word shall in LURs.

Question was asked if we have specifications about what is required for a wildlife impact statement and the answer was that there is a definition in the definition section of the LURS.

Question was asked what the reviewing attorney thought about the "adverse impact" language and was it defensible. Polly stated that he was fine with that.

Wendy asked if someone needed to do a wildlife impact statement could they use the Arrowwood information and the answer was yes. And that the Zoning Administrator (ZA) could assist people in pulling this information together.

Discussion followed about no driveways over 500 ft. Margo recommends adding the term "work roads" to the definitions within limited ski area and limited ski area operations.

Various formatting and editing were discussed.

Margo asked a procedural question about if the SB was down to the wire on making this decision and that public input was at an end.

Jared responded that the scope of work is so extensive that he feels a careful review is really important. The SB has picked upon the general trend of the public comments. He complimented the PC for taking on this major amount of work.

Chuck responded that procedurally the public comment period has to end and a decision has to be made with the SB & PC. If public comment period is not closed then the process will never end.

Liz asked that if you close public comment and make changes could a redline document be available to the public. Answer yes.

Chuck said the intent tonight was to close the public comment period and go in to the SB deliberative session.

Don noted that the proposed LURs are the rule/law right now during this process and that anything that comes before the DRB is reviewed under these. SB said yes but that if a proposed application is denied under these regulations, they could be reviewed under the old for free.

SB explained that anything they decide goes back to the PC for their review and edit. This may or may not start the public hearing process all over again beginning with the PC.

7:15 p.m. – Chuck made a motion to close public comment period on the proposed LURs changes. Mike seconded. No further discussion, all in favor, motion carried.

4. Committee for Town Garage Study – SB revisited appointing a committee to study the Town Garage needs as the Town is under the gun for space. Chuck will reach Kevin Wry, Jared will reach out to Doug Day and Jim Despres. All have expressed an interest in the project.
5. Chuck made a motion to accept the loan contract from Community National Bank to purchase the roadside mower/tractor for 2.25% interest with a three year term. Mike seconded. He noted that the Town had checked rates and repayment options with three different institutions and that Community had come out as the best that works with the Town budget. No further discussion, all in favor, motion carried.
6. Other Business:

SB and Stuart discussed road projects for this summer including replacement of 14 culverts on Bragg Hill Road, the fact it will need to go out to bid, when paving would fit into the project,

what to include in an RFP, seeking help from Doug Newton, S.T. Paving quotes, traffic control, etc.

SB and Stuart discussed when Mike Quenneville will begin work. Stuart said they had talked about June – September. Stuart told of road crew vacations slated for May but said that May was a manageable month and that Mike starting in June would work and that he would be on the grader and doing roadside mowing. Jared said the SB was thinking around \$20.00/hour salary.

SB gave Patti permission to sign the request to cater for the Hyde Away for a GMVS reception.

7. 7:37 p.m. – SB returned to LUR deliberations. They began going line by line and page by page looking at each redlined/highlighted change. Chuck began the list of changes that will be returned to the PC for consideration.

8. SB reviewed and signed order of 4/25/18 – 5/1/18.

8:40 p.m. – Chuck made a motion to adjourn. Mike seconded. No further discussion, all in favor, motion carried.

The next SB meeting is **May 8, 2018 at 6:30 p.m.** This meeting to only approve minutes and work on the LURs. The next regular SB meeting will be **MAY 14, 2018 at 6:00 p.m.** (Note this is changed from a Tuesday to a Monday). Both to be held at the Fayston Municipal Building.

Respectfully Submitted:

Patti Lewis and Chuck Martel

Approved: Jared Cadwell