

Selectboard Special Meeting
7:00 PM
Tuesday, June 10, 2014

Members Present: Tim Scoggins, Mitch Race, Ken Harrington, Art Whitman, Margy Becker

Members Absent: Tony Krulikowski

Others Present: David Kiernan, Zoning Administrator; David Mance, Trevor Mance, Cheryl Mance, Carl Korman, Doris Korman, Joann Race, Mr. Doggett, Michael Foley, Oliver Durand, Bob Moffitt, Tom Dailey, Jay Palmer, Mary Gronning, Constable Paul McGann, Walt Klinger (Pownal) Planning Commission members: Chris Williams, Bill Pennebaker, Abigail

7:00 PM Special Meeting

1. **Call to Order** at 7:05 by Tim Scoggins
2. **Conflict of Interest Statement**—none
3. **Approval of Check Warrant**— CHECK WARRANT #33 for \$51,234.90 dated 6/1/0/14. **Mitch Race motioned to approve, Ken Harrington 2nd. The motion carried 4-0-0. (Tony Krulikowski absent)**
4. **7:00PM Public Hearing: Proposed Town Plan**

Tim Scoggins summarized comments from Hearing #1 and that, in general, people commented the Plan needs to be more business friendly. He opened the floor for additional comments.

Oliver Durand: His issue is with map page 48 regarding zoning of Village Residential versus Rural Residential zones. His property would be rezoned. He feels threatened by the proposed zoning.

Chris Williams stated the new village zone has to be done with on-site septic.

Oliver Durand commented that new Village Residential zone doesn't make available more land available.

Tim Scoggins noted that this is a chance to bring "affordable" housing back to Village.

Walt Klinger (Pownal resident and Shaftsbury Historical Society Member) spoke to historic districts. It was difficult to get a historic district in place in Pownal. It involves the Village Center. But now the District is a tourist drawing card. Other neighborhood

areas in Pownal are looking to do the same. The historic district imposes no restriction of property rights. Separate by-laws have to be adopted to create a regulatory district.

Bob Moffit discussed page 32 of Chapter 5 Natural Resources, Section 7 “Agricultural Land”. He referred to “Timber Harvesting in Vermont.” He suggests to incorporate the document by reference.

David Mance: mentioned Best Management Practices and Current Use Logging Standards, which are enforced by the County Forester. He then stated the vision of the proposed Plan is different than what he likes to think of as Shaftsbury. In 1984 there were approximately 400–500 employees in Town. There was an active village with a central business area. The original school playground equipment was donated by Stanley Tool employees. This proposed plan does not create a village center. Cell services and broadband encourages businesses throughout the town, not in the village. Village revitalization is more important than having broadband everywhere.

Dave Mance made a series of comments on various sections of the Plan, some of which are summarized below as follows:

Re: Map 7-1. Historic Resources. The Mance land identified as part of historic district is NOT in historic district. Both the Ludwig and Mance parcels north of West Mountain should be taken out of the ‘Historic District’.

Re: Page 5, section 2.3 “Maintain the Rural and Historical Character.” Where is North Shaftsbury, he asked? He suggested deletion of the reference and that the Plan focus on the Village Center.

Re: Page 5, section 2.6 regarding affordable housing and suggested replacing existing language with “a wide range of housing opportunities”.

Re: Page 10, section 2 “Density.” He is not optimistic about the scenario of development. Chris Williams and Tim Scoggins spoke in favor of existing language.

Re: Page 11, section 3.3 “Economy.” Dave Mance asked that figures relating to employment be checked. The Plan should be checked for conflicting data statements throughout.

Re: Page 24 regarding shoreline buffers. Dave Mance stated all lots now require designed septic systems. (New shoreline buffer standards will supercede local)

Carl Korman: Pointed out policies and recommendations in the Plan ‘control’ not data. Selectboard should be looking at these. He further suggested the Board pay attention only to facts on which specific policies and recommendations are based.

David Mance: Section 6.3, #3, last sentence on page 54 regarding Industrial Districts. Delete “existing or planned”. Delete “maximum”.

Re: Page 55, First sentence needs re-wording. Insert “with chemical or composting toilets;” Delete “without septic systems”.

Discussions occurred relative to Page 56, Section 6.5 “Land Use and Development Policies and Recommendations”. Dave Mance asked how to quantify the standard “not to diminish the value of” important natural, scenic and historic resources. He suggested substituting language in 6.5(f) with “provisions to mitigate impacts on important natural, scenic, and historic resources”.

Carl Korman stated agreement that the phrase “not to diminish the value of” is too vague a statement. He suggested a common practice used to avoid impacting important resources is to a. avoid; b. seek alternative locations; c. then mitigate.

Bob Moffitt comments on page 56 (j) that new private roads have to be better-constructed than town highways. He asked “Why?” Mr. Moffitt commented on provisions concerning ‘scenic road’. He then asked where Murphy Hill Road ends, noting incorrect placement of road signs.

Michael Foley spoke in favor of acquiring broadband service in North Shaftsbury and on Timber Trail Road.

Trevor Mance says the Plan is heavy on environmental and historic areas. He said he wants the Plan to attract and retain businesses. He stated language concerning industrial zones is too stringent.

Tom Dailey discussed Page 32, Section 5.2.6 on Air Quality: provisions could be interpreted too broadly. He suggested using “should comply with State Air Quality standards” in place of existing language.

Tom Dailey expressed concern re: Page 33, Section 5.2.8 on “Agricultural Land”: Language at the top of page 33, sentence beginning “Conversely, zoning in important agricultural areas....” Such language could open the door to a possible bylaw that only

farming is acceptable use. This would mean that people could not sell land for other uses.

Tom Dailey expressed concern that Page 52 discussions of rural residential area zones would open up all developed areas to the “open space bylaw provisions.” He will suggest substitute language relative to “maintaining substantial buffer zones” in Section 6.5(f) on Page 56.

Re: Page 80, number 7, delete “should” and take out directive for landfill.

Mr. Dailey stated the Town should look at sewer service in Village.

Oliver Durand suggests to adopt the Town Plan by vote at Town Meeting

Mitch Race and **Tim Scoggins** stated the current process is to adopt by majority of Selectboard. Tim Scoggins argued for the current process.

Carl Korman: Stated the world has changed. The clock cannot be turned back to 1984. The Town Plan must encourage and work with small businesses.

David Mance. Commented that village-centered employment brought services with it. He said business should not be encouraged to scatter throughout town.

Re: Page 97, paragraph 7, regarding Garage. Town should “consider” construction of new garage at that the landfill site.

Art Whitman remarked re: page 89 regarding Parks that developers will not maintain parks once subdivisions are complete.

He then asked Tom Dailey whether the Act 250 hearing process would look at the whole Plan? And if mandatory or suggested language is used?

Tom Dailey remarks the “Whole Town Plan is fair game in Act 250 cases.” There is a distinction been “shall” and “should”. He advised the proposed Plan, as written, is “advisory”.

David Mance: in the first Development Review Board meeting on the Second Chance Animal Shelter. Most comments quoted Town Plan, not zoning bylaws.

Chair Tim Scoggins inquired whether or not to close the public hearing. The Board agreed to leave the hearing 'open', while it held discussions on whether or not to adopt the Plan.

5. Consideration of Action to Adopt Proposed Plan

Art Whitman said he wants to delete the Historical Asset listing. More discussion followed regarding same.

Margy Becker read 24 V.S.A. §4385 regarding procedures to adopt the Plan, inclusive of making changes to the Town Plan:

“The legislative body may change the proposed plan or amendment, but shall not do so less than 15 days prior to the final public hearing. If any part of proposal is changed, the legislative body...shall warn a new public hearing or hearings...If any part of the proposal is changed, the legislative body, at least 15 days prior...shall file a copy of changed proposal with the clerk of the municipality...”

Bill Pennebaker cautioned proposed language changes to Historic Resources affect proposed and prior Plan.

Tim Scoggins questioned the Board members opinions of the suggested VR2 zone. Bill Pennebaker states there is no change in zoning unless municipal water or sewer is supplied.

Ken Coonradt and David Mance commented that development east of school will warrant village sewer, because soils are so poor for septic. Dave Mance said half-acre lots could never be created. Oliver Durand confirms prevalence of bedrock.

Tim Scoggins stated the Board should presume some septic systems could be sited.

Mitch Race commented that if sewer is feasible, then he is in favor of more half-acre lots close to town.

More discussions ensued about the proposed Plan's historic asset listing. Tim Scoggins noted the Board's consensus that the reference to national historic standards will be taken out.

Mary Gronning stated that Norm Gronning had taken pictures of historic sites and sent a letter to every landowner of same. They were asked if they objected to having their property cited in the Town Plan. She stated not one person objected.

Art Whitman: Stated it is the Board's prerogative to remove the list of historic sites from the Town Plan.

Tim Scoggins suggested Board members to think further about VR2 district. Dave Mance noted the VR2 zone is possible with creative septic.

Ken Harrington requested the Plan have more language friendly to small and large businesses. He stated he would be in favor of a new industrial zone (off Tunic Road).

It was noted that Brian Lent had spoken in the first hearing about concern for more industrial lands.

Chris Williams: The gravel pit on Cider Mill is rural residential and the Waite Pit off Airport Road is in the industrial zone.

Tim Scoggins announced the Town Plan would be further discussed at the June 16 Selectboard meeting.

Tim Scoggins made the motion to CLOSE the public hearing on the proposed Town Plan. Ken Harrington seconded. The motion carried 4-0-0.

6. Other business:

None.

7. Review of Action Items:

David Mance and Tom Dailey to send comments

Bill Pennebaker to send comments to Tim Scoggins and Board

8. Adjournment: Tim Scoggins made the motion to adjourn the meeting at 9:25 pm. Mitch Race 2nd. The motion carried 4-0-0.

Submitted by,
Margy Becker