

# MINUTES FROM 12/12/2017

## SELECTBOARD MEETING

**PRESENT:** Chairman, Lee Kimball at 6:45pm, Alton Brusio, Cheryl Moomey, Ken Millman, Clerk, Donna L. Bohannon

**GUESTS:** Taylor Newton via phone, Terry Tatro, Jr. Cameron, Carol Behrman

### **6:30pm – Taylor Newton – Zoning questions answered / set date and time for hearing?**

- Chairman, Lee Kimball called this portion of the meeting to order at 6:45pm.
- Taylor Newton began the process of answering the questions from the Selectboard that he had received earlier in the week. He answered each question page by page.

Pg. 5: The Selectboard thought that it should be mentioned that although a permit is not needed from the Town for a retaining wall on the lake, the State does require a permit – Taylor will make this change.

Pg. # 6 – Taylor will change the word “Island” to be “Peninsula” to be true to what Alburgh is.

Pg. 7: Taylor will add the words “property line” for clarity, to the chart for minimum side yard setback.

Pg. # 8 – Taylor will add language to this section to indicate the existence of the Abandoned Structure Ordinance.

Pg. 10: - This cannot be changed per statute.

Pg. # 11 – There was a question about seasonal vs. year-round mobile home parks – Taylor answered that this section pertains to mobile home parks, not mobile homes in general. Taylor will draft language to include standards for all mobile home parks and for all seasonal vs. year-round dwellings. The Board also questioned if Act 250 had a role in this. Taylor relied that it does not.

Pg. #12 – The Board questioned who determines “residential character”? – Taylor relied that generally it would be the zoning administrator. The language is vague – Taylor will change the language to make

Pg. 13: What does de-minimum mean? – Term is actually “*de minimus*.” And is used in Statute. Taylor will add the definition to the definition section.

Pg. # 15 - B. Add “be” Table 4.1 may (be) approved. – Taylor will make this change.

Pg. # 16 – A 5) – The Selectboard had a question about the renewable energy part of this – Taylor said that this piece is governed by Statute and recommends leaving it as is.

Pg. # 18 – The Board questioned whether “considered” should be added at \* “No such permit shall be (\* ) issued unless... - Taylor will make this change.

Pg. # 21 – D top of page. “must be made.” Added at the end of the sentence. – Taylor will make this change.

Pg. # 21 – 503 D. – The Board questioned if “appellant” should be “applicant”. – Taylor said that yes, the decision would be in favor of the applicant NOT the appellant. – Taylor will make this change.

Pg. # 22 – A. 3) – The original read that the Town Clerks Office issued new E-911 numbers. It is the E-911 coordinator that would issue them. – Taylor will make this change.

Pg. # 23 – The Board asked if this means that lots less than 1/8<sup>th</sup> of an acre are grandfathered. – Taylor replied that they are Grandfathered as far as existing. The regulation here is if can be developed or not. -

Pg. # 23 – 603 C. The Board asked for clarification on nonconforming uses – Taylor could not provide clarification but recommended that the language be removed – Taylor will remove bullets C & D.

Pg. # 25 – 701 A The Selectboard questioned who appoints the ZA? – Taylor replied that per Title 24 of State statute, the Planning Commission makes a recommendation but the Selectboard appoints

Pg. # 26 - 704 – The Board asked if we have flood plain maps. – Taylor replied yes, that they are 25-30-year-old maps, but they are the most current and have not been changed.

The Board questioned why solar did not have any regulations mentioned although wind did? – Taylor replied that these have to be approved by the Public Utilities Commission.

#### CHANGES TO MAKE:

PAGE # 10 – Table 4.1 – changes to 5 Industrial standards – 1. – P to. X – 3a – C to X – 3b. – C to X –

5. – P to X – 6. P to C. – There were several changes that the Selectboard suggested making to the chart on this page. – Taylor will make the changes that he can and still conform to statute.

PAGE # 20 – F. – “Municipal” Clerk changed to “Town” Clerk for consistency. Taylor will make the change.

- Once the changes are made, Taylor will email a “red-line” version to the Town Clerk who will forward to the Selectboard for review.

- The Planning Commission will be presented with the changes before they become final.
- Taylor left the meeting. (Call ended)
- Alton Brusco asked that the Clerk contact Taylor to include one more change if possible.

The overall thought was that a 200-foot frontage requirement on lake front was too much. The Board would like this changed to 100 feet if frontage is lake.

- Clerk will contact Taylor about this request.
- A full copy of the questions and responses are available at the Town Clerks Office

- **7:00pm - OPEN REGULAR MEETING:**

- Chairman, Lee Kimball called this portion of the meeting to order at 7:30pm.

**ADJUST AGENDA (if needed):**

- One adjustment needed.
- Lee Kimball – update on the dog on Winters Lane

**NEW BUSINESS:**

- No new business

**OLD BUSINESS / UPDATES / TABLED TOPICS AND / OR WAITING RESULTS:**

- **Carol Behrman, enforcement officer – update on Richard’s property** ○ Mr. Richards received the registered letter that was sent and has responded by boarding a couple of the windows and placing caution tape on the other openings. ○ This will remain on the agenda.
  - **Request Richard’s insurance information for Pine Manor**
    - The Selectboard members agree that this is not a Town issue therefore no action or response will be taken.
- **Florio Property – update** ○ Lee reported that this property has been cleaned up a great deal. ○ He will ask Joan Whitesell, the original complainant if she agrees.
  - The original complaint of a sewer leak has been taken care of.
    - There is no longer a health issue at this property.

- **Adjustment added here -**
  - Lee Kimball – update on the dog on Winters Lane
  - Lee reported that he spoke with Michael Savage, the landlord of the property who agreed to talk to the tenant and request that she call either the Town Office or Lee Kimball in order to come to a resolution.
  - This will remain on the agenda.

**VISITOR INPUT:**

- Terry Tatro reminded the Board that the Planning Grant they applied for was granted and the next step is that the Municipal Authorizing Official (M.A.O) needs to accept the Grant.
  - He pointed out that the M.A.O. is currently Tyler Gotshall and that Tyler cannot assume that role as he is no longer a Selectboard member.
  - The Board will need to appoint a new M.A.O. ○ *Cheryl Moomey motioned that Alton Brusco assume the role of Municipal Authorizing Official – seconded by Ken Millman – all in favor – motion carried.*
- The Selectboard will hold a public hearing on January 23<sup>rd</sup>, 2018 to begin at 8pm.
  - The regular Selectboard meeting will begin at 7pm as scheduled, if necessary they will recess at 8 to hold the hearing and reconvene at the close of the hearing.

**APPROVE THE FOLLOWING MEETING MINUTES:**

- **11/14/2017 - SELECTBOARD MEETING - (with indicated modifications)**
  - *Cheryl Moomey motioned to approve the minutes from the 11/14/2017 with modifications where indicated – Lee Kimball seconded – all in favor – motion carried.*
- **11/28/2017 - SELECTBOARD MEETING**
  - *Lee Kimball motioned to approve the minutes from the 11/28/2017 meeting as written – seconded by Cheryl Moomey – all in favor – motion carried.*
- **12/06/2017 BUDGET MEEEEITNG**

- *Alton Bruso motioned to approve the minutes from the 12/06/2017 budget meeting as written – seconded by Cheryl Moomey – all in favor – motion carried.*

**APPROVE INVOICES AND / OR OVERWEIGHT PERMITS:**

- 1 liquor license renewal approved by the four present Selectboard members.
- All invoices approved and signed.
- *Cheryl Moomey motioned to cancel the regular Selectboard meeting on 12/26/2017 due to the holiday season – seconded by Ken Millman – all in favor – motion carried – 12/26/2017 meeting canceled.*
- Next regular Selectboard meeting will be held on 01/09/2018.

**ADJOURN:**

- *Cheryl Moomey motioned to adjourn at 8:40pm – seconded by Alton Bruso – all in favor - motion carried*

Respectfully submitted, Donna L. Bohannon Alburgh Town Clerk

Please note the above minutes HAVE NOT been approved. Approval or changes to the minutes will be addressed at the next regular meeting, currently scheduled for 01/09/2018