

SELECTBOARD MEETING
March 25, 2010

Present:	David Tilton John Quinn Robert Bancroft	Melissa Manka Gary Estus
Guests:	Conrad Racine Dave Brisson Michelle Pelkey	Eric Henshaw Ted Pelkey

The meeting was called to order by Chairman Dave Tilton at 7:02 p.m.

PUBLIC COMMENT

Conrad asked whether the ambulance issue had been corrected. John stated Fletcher Allen Hospital was the designated hospital for the Town now. Conrad thanked the Board.

Eric and Dave Brisson asked the Board to explain the procedure for bringing town issues to their attention. John explained that there was time allotted at the beginning of each meeting for public comment. John added that larger issues could be discussed with Nanette or submitted via the Town Website email to the Selectboard. Then, the Board could decide whether the issue warrants being placed on the agenda as a separate item.

Conrad asked if the minutes of the meeting were on the Town Website. John said that some of the minutes were on the site, but it should be a priority to get them posted as soon as possible. He suggested a goal of having the minutes posted within 60 days of the meeting.

Eric said the Board could record the meeting and post an audio version of each meeting on the site directly after the meeting. Conrad said agendas should also be placed on the website. John said the agendas can and often change at the last minute which could make posting them on the website difficult. He added that the Town could also look into recording the meetings via a web cam. John said he would discuss these options with Ted Horton. Eric mentioned the issue of residents having a different internet access and many individuals cannot download large files. He suggested audio or video recordings also be available for purchase on CD at the Town Office. Conrad said the Town Clerk is already very busy and making CDs of meetings available could be a lot of extra work. The Selectboard agreed.

Dave Tilton said that the Board needed to decide whether to approve Comcast's public access option, which would make meetings available for view by cable users. He also stated residents who responded to a questionnaire were not in favor of the Board approving the option, because all Comcast users would be charged a flat rate whether they wanted the public access channel or not. Dave and John invited Eric to help them determine the cost of setting up a web cam and maintaining it.

Ted Pelkey explained to the Board that he constructed a hoop barn, not thinking it would need a zoning permit, because there are many in Town that do not have permits. Ted further explained he wanted to construct a building in his front yard to move his business to Westford, but after his initial meeting with the DRB did not feel it would be approved. He said he applied for a zoning permit when he was informed by Maurice one was required. However, the permit was denied based on the fact that Maurice felt a home occupation permit was also necessary.

He stated that he did not realize that the zoning permit was denied for a number of days because he did not read the permit when it was mailed to him. Ted said he does not run a home occupation out of his home and his place of business is located in Swanton. He said he has had large equipment at his home for approximately 7 years.

Dave told the Pelkeys the Board would like to help them comply with the regulations, but the regulations cannot be waived. Ted asked why a home occupation was being required. Dave said it was part of the administrative process to require a home occupation permit for structures used for commercial purposes. Ted said he felt the zoning permit and home occupation permit were two separate issues. John said they could not comment on the issue at this time because they were not prepared for this discussion and did not have information on the interpretation of the regulations before them. Ted said he feels only a zoning permit is necessary.

Maurice said the Pelkey's lot was permitted as a single family dwelling and he believes the equipment on site is associated with their commercial business. He further stated that commercial equipment stored within a structure on site requires a commercial use permit. Ted said the equipment was stored in his other shed for 7 years without issue and the dump truck has been on site for at least 6 years. He went on to say the equipment is not owned by a corporation and it is located off site during much of the summer months. He said he's willing to fight the Town's decision and he will use the legal expenses as a tax deduction because the litigation involves the dump truck and excavator. Ted said he applied for the zoning permit and paid the fee and asked the Town to drop the violation and fines.

Dave said he would like to give the Administrative Officer time to prepare an interpretation of the regulations for their review. John explained the violation process. He stated the Administrative Officer brings violations before the Selectboard and the Selectboard approves or denies expenditures to pursue those violations, but the Administrative Officer ultimately acts on his own.

Maurice reiterated that the home occupation permit was necessary because the new structure will house business equipment. Ted said it was not a business.

Bob informed the Pelkeys that they could request amendments be made to the Zoning Regulations, but currently a home occupation permit is required for structures to be used in connection with a business. Ted asked why Robert Mannings did not have a home occupation permit for his business. Maurice said it was a grandfathered business.

John told the Pelkeys the Administrative Officer sent a number of letters to them over the past several months and they did not respond to those letters. This is the reason fines were being assessed and legal action taken.

Maurice informed the Board that the Pelkeys need only to apply for a home occupation permit which cost \$35 prior to the recent rate changes.

Ted said the recent letter he was sent stated he must respond to the violation by today and his appearance at the meeting was in response to said letter. He added he would like a letter from the Board outlining what is required of him at this point. Ted also stated he will not pay the \$726 fine.

Dave asked Ted to submit a home occupation permit. Ted said he would take this issue to court. He said he believes commercial equipment can be at his at his home if it's for his personal use. Dave asked if Ted would be willing to get the home occupation permit if the fines were waived. Ted said yes. David said the Board would discuss that option at a later date.

Bob asked that this item be placed on the April 8th agenda and asked Maurice to provide the Board with the applicable zoning regulations and a history of the alleged offense. He said the discussion should be conducted in executive session. He added that he would like the information requested of the Administrative Officer as soon as possible. A letter will be drafted to the Pelkeys stating that the Board has "stopped the clock" on any further accrual of fine costs as of March 25th until further discussion at our meeting on April 8th.

TOWN PLAN

The Selectboard went through the draft Town Plan and made revisions. Dave will submit typos to Melissa for correction. Dave asked that all policy statements to be standardized. John said he would meet with Dennis Angiono to discuss the Fire Ordinance. The Board agreed that updating the Ordinance was high priority. The Selectboard asked that 1 hour of their April 22nd meeting be dedicated to discussing the draft Town Plan. The Selectboard will hold their Town Plan public hearing on May 13, 2010. Conrad said the Town was micro-managing its residents.

FEE SCHEDULE

Maurice asked the Board to reconsider the fee for certificates of occupation. He said other towns may charge a fee for certificates of occupancy, but he does not believe they require them for accessory structures. He believes that the zoning permit fee for porches, barn, sheds, etc. more than cover the Town's expenses and charging an additional compliance fee was excessive.

The Board agreed to revise the fee schedule and charge the certificate of occupancy fee for principle structures and accessory structures only. They agreed to amend the fee schedule at their next meeting.

APAS LETTER

The Board discussed the draft APAS letter and made revisions. The Board also discussed the fact that when the Lister cards are sent with the tax bills and residents conduct a self audit there may be more issues and the Town may have to reimburse residents for mistakes with interest. The Board agreed APAS should at least help pay the interest the Town is liable for.

Eric asked whether the Town could grant a tax credit for submissions of private appraisals. Conrad explained outside firms develop appraisals for bank amounts. Furthermore, most appraisers use comparables from outside Chittenden County and do not know the Town's land values. Also, the use of private appraisals would cause inconsistency. The Board would like the Listers to comment on the letter once it is revised.

LIQUOR & TOBACCO LICENSES

John Quinn moved to approve the Westford Market liquor license. Dave Tilton seconded the motion. The motion passed: 3 - 0.

Bob Bancroft moved to approve the Westford Market tobacco license. John Quinn seconded the motion. The motion passed: 3 – 0.

BILLS

John Quinn moved to approve the bond anticipation note. Dave Tilton seconded the motion. The motion passed: 3 – 0.

ROAD SCHEDULE

Bob Bancroft moved to approve the road schedule. Dave Tilton seconded the motion. The motion passed: 3 - 0.

OTHER BUSINESS

Melissa explained the Adams' front yard has been experiencing more water inundation than usual since the T intersection has been constructed at the corner of Route 128 and Common Road. The Adams would like the Town to install stormwater infrastructure to move runoff off of their property, because water is currently pooling in their driveway. Gary said he would install a swale to move the stormwater to the ditch located on the west side of the Adams' property.

David mentioned there was a complaint by a State Fish & Wildlife warden that the contractor the Town hired to lower the beaver pond off Woods Hollow Road to protect the road from water damage incorrectly lowered the pond. He said the pond is not to be lowered more than 1 foot per day pursuant to state law. Gary said he would oversee further work and ensure the proper rules were followed.

John said the Town received a grant to conduct work on Pettingill Road. He asked that the October 15, 2010 deadline to complete road work and October 29, 2010 deadline to submit the final grant paperwork be placed on the Pending Agenda List.

John asked that the Pending Agenda List be revised and submitted to the Board for discussion at their April 8th meeting.

The Board discussed placing trail closed during mud season signs at all trail heads. They said simple signs could be purchased or made by the Conservation Commission. Melissa said she would contact Sarah Pinto about posting the signage.

The Board agreed to release the Gauthier trash hauling contract to Chittenden Solid Waste.

Melissa briefly explained the proposed parking area on lands owned by the Town of Milton that abut lands in Westford which are also owned by the Town of Milton. She stated that there was some concern by residents about granting unregulated access to the lands in Westford, because the Westford parcel contains state classified significant natural communities and rare and/or threatened species.

SEYMOUR TRAIL

The Board reviewed a letter from residents living off Seymour Road. These individuals stated their concerns about the use and degradation of the trail portion of Seymour that they use to access their homes and the newly adopted Trail Ordinance that prohibits their maintenance of the portion they use to access their homes.

The Board decided to conduct a site visit of the area in question on May 27th at 6 pm with a

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regular Selectboard meeting to follow at 7 pm. They asked that the residents who signed the letter be notified of the site visit.

The Board would like the date the road was discontinued, the date the road was returned and the date the homes were constructed verified. Bob said the Board's options are to 1) reclassify the road 2) grant the residents using the trail for residential access a maintenance licensing agreement 3) divert the flow of water down the trail and construct a turnaround at the end of Seymour Road.

EXCESS WEIGHT PERMITS

The Chair signed excess weight permits for L.W. Young Excavating, R.G. Rugg Construction, McLure Moving & Storage, Ernest Krusch, Harrison Concrete Construction, Barrett's Tree Service, Reggie Smith & Son Trucking, Harrison Redi-Mix Corp., John G. French & Sons Trucking, Alan Mossey & Sons Excavating, GRD, Inc., Don Weston Excavating, J.A. Bedell Excavating, Rice Lumber Company, Cardinal Logistics Management Corp., Gauthier Trucking, Blair's Trucking and Leo Lefevre.

ADJOURN

John Quinn moved to adjourn. Bob Bancroft seconded the motion. The motion passed: 3 - 0.

The meeting adjourned at approximately 10:00 p.m.

Respectfully Submitted,

David A. Tilton, Chair
Selectboard

Melissa Manka
Secretary