

Windham VT Selectboard Meeting Minutes
August 19, 2019
Public Hearings on Zoning Regulations and Enhanced Energy Plan Amendments
And Regular Selectboard Meeting

Present:

Maureen Bell, Selectwoman	Hal Wilkins, Selectman
Kord Scott, Selectman	Vance Bell, Planning Commission, Energy Commission
Bob Bingham	Dawn Bower, Various Commissions
Joyce Cumming, Selectboard Clerk	Russ Cumming, Lister
Barbara Specht-Drewry	Alan B. Drewry
Bill Dunkel, Planning Commission, Energy Commission	
Ernie Friedli	Tom Johnson, Energy Commission
Louise Johnson, Meetinghouse Transition	Richard Paré, Road Commissioner
Kathy Scott, Treasurer	Jeff Wheeler, Planning Commission

Public Hearings for Zoning Regulations and Enhanced Energy Plan Amendments

Maureen announced the public hearings open at 5:30 p.m. Ernie Friedli, whose property is affected by the amendments, asked what prompted the change in the zoning regulations. Other property owners in attendance also affected by the amendments were Barbara Specht-Drewry and Alan Drewry. Bill Dunkel explained the context for the proposed revisions which were suggested by legal counsel to eliminate ambiguity around what constitutes a “ridgeline” and which ridgelines are “prominent”. The current zoning regulations, in keeping with the Town Plan, state that prominent ridgelines above 2000 feet should be left in their natural condition. In the revision process, the Planning Commission tried to adhere to the Town Plan without unduly hindering the rights of landowners whose property is above 2000 feet. The amended regulations call for creating a new zoning district, the high elevation resource protection overlay, which includes all land above 2000 feet in elevation in all Forest Districts. The only permitted use in this district is commercial forestry (maple sugaring included) in compliance with state regulations. Conditional uses include pasturing livestock on existing open land, forestry for research and educational purposes, and private camps. Reference to “ridgelines” was eliminated and “land above 2000 feet in elevation in Forest Districts” was substituted throughout the zoning regulations.

Ernie objected to what he perceived as additional restrictions on the rights of property owners. Members of the Planning Commission countered that the amended regulations were more permissive and less restrictive, considering that the current zoning regulations require that land above 2000 feet be left in its natural condition, which doesn’t allow for commercial forestry or any other use. Bill explained that the amount of land on Ernie’s property was a small portion, located far from any road, rendering it basically unreachable. Bill used a map depicting all parcels of land in town to show Ernie and the Drewrys the small portion of their property affected by the proposed amendments, which helped to alleviate their concerns.

Bill solicited feedback from the Selectboard on whether the proposed revision to the section on Resource Protection Overlay areas (201.5) was acceptable. The section re: purpose and enforcement was vague as written in the current zoning regulations. The purpose of the RPA overlay is clarified in the revised section 201.5, and the revision also provides that the Zoning Board of Adjustment is responsible for reviewing site plans and approving or denying development projects in the RPA overlay district. Maureen explained that the Zoning Board of Adjustment is the membership of the Planning Commission acting as a quasi-judicial branch of the Planning

Commission. Members of the Selectboard agreed that Section 201.5 was more clearly outlined in the proposed revision and supported the amended regulation.

See Summary of Changes to Windham's Zoning Regulations (attached) for complete summary of changes.

Brief discussion followed on how to inform property owners on Zoning regulations. Bill suggested developing a handout to explain the process on activities requiring a permit, allowed and conditional uses, etc. An announcement at Town Meeting and a brief article in News and Notes would also be helpful. The regulations are also posted on the Town website. In response to a comment about the penalty for failure to abide by the regulations, it was explained that the Zoning Regulations have statutory legitimacy and can be enforced in environmental court with monetary penalties.

Bill acknowledged the members of the Planning Commission and commended them for their effort. Bob Bingham expressed appreciation for the Planning Commission's work. Alan Drewry commended the Selectboard and the Planning Commission for the public hearing and opportunity for involvement.

Ernie expressed disappointment with the Planning Commission and how much has been lost in Windham over the last 40 years. Maureen responded saying that it was not the responsibility of the Planning Commission to identify a direction for Windham. Hal explained efforts such as Community Values Mapping process guided by Monica Pryzperhart of Vermont Fish and Wildlife, and Paul Costello of the Vermont Council on Rural Development whose efforts focus on economic development.

Bill briefly reviewed the changes proposed in the Enhanced Energy Plan (summary attached). After approval by the Selectboard, the Plan will be forwarded to the Windham Regional Commission for its approval, which will grant Windham substantial deference status on future energy projects. Brief discussion followed on targets for renewable energy generation, reducing electricity consumption, home energy rebates available through Efficiency Vermont, and federal tax credits. The Energy Commission is planning another Energy Fair at which homeowners will be invited to share personal testimonials.

Maureen thanked the members of the Planning Commission and the Energy Commission and agreed to include the Amended Zoning Regulations and Enhanced Energy Plan for approval at the next Selectboard meeting.

Following a brief recess, the regular Selectboard Meeting commenced at 6:44 p.m. All participants remained with the exception of Barbara Specht-Drewry and Alan Drewry.

Commence regular meeting; Additions to Agenda/Announcements/Reminders

Kathy Scott requested that the Selectboard add an item to authorize changes to the signatories on the bank account to include Gail Wyman and Michael McLaine.

Maureen proposed a revision in the order of the agenda to discuss the Meeting House prior to New Business. There were no objections.

Act on minutes: July 29, 2019 Emergency Selectboard Meeting, and August 5, 2019 Regular Selectboard Meeting

Motion: To accept the minutes of the July 29, 2019 Emergency Selectboard Meeting (2nd draft)—moved by Kord—all in favor.

Motion: To accept the minutes of the August 5, 2019 Regular Selectboard Meeting as presented—moved by Maureen—all in favor.

Public Comment

Bill announced an upcoming Forum on Transportation sponsored by the Windham Regional Commission to be held on September 12, 2019.

The Meeting House

Set date for Maureen and Kathy Scott to discuss Dave Crittenden's memo and Ernie Friedli's concerns

Maureen and Kathy Scott agreed on Tuesday, August 27, 2019 at 9 a.m. Hal may be interested in participating; he will confirm with Maureen if available.

Discuss the vision of a regular Meeting House committee/commission

Kord sent the Transition Committee's recommendation to Atty. Bob Fisher and suggested seeking direction from him regarding how to proceed. Kathy Scott suggested that anyone interested in serving on the commission submit a letter of interest. Kord related Bob Fisher's suggestion on a group of 5 members. Maureen will include mention of this in an article written for News & Notes. Discussion will continue at future meetings regarding a mission statement, budget, management of the facility, relationship to the "Friends of the Meeting House", etc.

New Business:

Open bid(s) and award job for Town Office construction

Maureen opened the bid received from Finn Hill Construction for the Town Office construction project. Maureen began reviewing the terms of the proposal against the specs (attached). Kord offered to review it in detail. Dawn inquired regarding the need for the project and Kord explained the water damage at the door and siding on the south wall of the Town Office.

Listers' Land Schedule

Russ Cumming reported that the Vermont State Tax Department is encouraging a revaluation of land values in Windham. The State has advised that a land schedule needs to be developed and applied uniformly to all properties in Town. A Real Estate Appraisal firm will need to be hired to develop the land schedule. Properties in the current use program are inconsistently valued at present with a wide range in the value per acre of land enrolled and the value per acre of land excluded for home sites. (See attached spreadsheet). Russ explained that the State will be sending the Town a letter regarding this matter and he suggested budgeting funds for revaluation over a two-year tax cycle. This would allow the revaluation to be completed by 2021. Brief discussion followed on the town-wide re-appraisal conducted by Green Mountain Enterprises in 2014-15 at a cost of between \$65,000 and \$83,000 for which no land schedule was developed. In response to a question from Bob Bingham regarding changing Windham's designation as a "gold" or "sending" town on the tax rolls, Russ reported that this must be addressed to the Ways and Means Committee at the State.

“Aging in VT; Exploring solutions to social isolation” conference in Killington on September 27, 2019

Maureen shared notice of the upcoming conference on “Aging in Vermont; Exploring Solutions to Social Isolation” being held in Killington on September 27, 2019. She will share the notice with Ellen for inclusion in the next News & Notes

Animal Welfare Investigation Training Begins September 4, 2019.

Maureen reported on a series of workshops re: animal welfare investigation which begins September 4, 2019. Workshops are offered at different levels. The training is sponsored by the Vermont Criminal Justice Training Council. The cost is \$19 per person. Marcia Clinton is considering attending as the Town Health Officer.

National Register Signage Grant Program

Maureen shared notice of the National Register Signage Grant Program and suggested it may benefit the Meeting House. A suggestion was made to share the information with John and Elizabeth Stephens (sp). Windham currently has areas of town included in the National Registry. Brief discussion followed on restrictions placed upon buildings listed in the National Registry.

Windham County Humane Society Contract

A letter was received from the Windham County Humane Society asking the Town to sign a contract for services. Windham has not contracted with the Humane Society in the past due to lack of need for services, and the cost which includes a flat annual fee of \$350 plus fee per use. The contract covers stray non-vicious animals. As Windham doesn't have an Animal Control Officer, the services were deemed of little benefit. Maureen will send a note explaining that the Town is not interested.

Roads

Paving/culverts update

Richard reported that work on the shoulders of Windham Hill Road is half-completed. Work will resume this weekend. Bob Bingham commented on the composition of the soil being used which has construction debris including red brick in the compacted soil. Richard reported that 17 culverts were originally identified for replacement before another was added bringing the total to 18. Thirteen culverts are in the re-paved section of Windham Hill Road, 4 are in South Windham, and 1 is above the paved section. Brief discussion followed on the age and condition of the culverts removed. Size, length and material of the culverts will be listed in the Road Erosion Inventory. Maureen and Kord served as flaggers during the culvert work which helped stretch the budget for the work.

Kathy Scott shared budget updates on the status of accounts for Bridges and Culverts, and Road Retreatment/Paving (attached). In addition to the balance of \$13,980.19 available in the Road Retreatment/Paving account, an additional \$18,000 is expected from the State in October which will bring the balance to approximately \$31,000. The balance in the Bridges and Culverts account is \$30,894.91. Brief discussion followed on the savings realized by utilizing the Road Crew to replace culverts vs. contracting the work out.

VTel Construction Plan Approval

Kord reported that last week Richard encountered line crew employees from VTel who were planning to dig up a section of Popple Dungeon Road to place fiber optic lines underground. Kord requested that VTel postpone any work until he had a chance to review the matter with Marc Pickering of VTrans. Marc contacted the VTel engineer to discuss the scope of work and requested a sketch and an agreement regarding buried cable in the Town right-of-way. VTel is requesting that it be allowed to bury cable within the Town road right-of-way in order to provide an alternate fiber optic path from Chester to Windham along Popple Dungeon Road. VTel is seeking to close of gap of 1500 feet between their last customer fed from the Windham remote switch on Horsenail Hill Road and their last customer fed from the Chester Central Office. Closing the gap with buried cable will provide a redundant fiber optic path and enable customers to access 911 during emergencies if the main fiber route path is damaged. Marc recommends that the Selectboard sign the Right-of-Way Agreement with stipulations that VTel include roadside underground utility markers at the road crossing, install the Fios line at a depth of 5 feet, and supply a final "as built" drawing. Maureen added the stipulations to the Right-of-Way Agreement and all members of the Selectboard signed the Agreement and initialed the sketch (attached). Joyce will return the fully executed documents to VTel.

Roadside Mowing and Ditching

Kord noted that he has received some push-back from residents regarding the roadside mowing. Marc Pickering of VTrans was consulted and he replied that the Town has the authority to mow roadsides within its right-of-way. At locations such as the intersection at 4 Corners, safety reasons dictate the need to mow back 20 to 50 feet. In other areas, residents are asking that specific areas not be mowed. Marc will come out to Windham on Tuesday to review the matter. Kord is also hearing complaints about the tree limb trimming and the rough cut mower debris. Marc Pickering suggests using a pole saw to neaten cuts as needed. He has also gotten feedback on an elm tree in North Windham which has been the topic of prior discussion. Lastly, the roadside mower equipment being rented from Tenco was supposed to be delivered last week but is delayed until next week.

Apalachee Rock Salt

Maureen shared an email received from Apalachee Salt which was awarded the State contract for rock salt for the 2019-2020 winter season in Cities and Towns in Districts 1 – 8 and AOT Districts 1 – 2 (attached). A signed contract for a minimum or maximum amount is not required and orders can be placed when needed.

Highway Ordinance/Town-wide speed limit

Discussion will continue at upcoming Selectboard meetings. Hal feels it would be helpful to include Sargent Lakin of the Windham County Sheriff's Dept. A suggestion was made to hold off until Kord can follow up with the Windham Regional Commission regarding anomalies in the recent highway traffic study.

Red truck repair update

Kord provided an update on the repair of the red truck. The welding contractor repaired the hitch plate; the frame was okay. Parts needed to complete the repair are now available and the repair should be completed next week.

Correspondence/Payroll/Bills

Payroll and bills were reviewed and approved as necessary. There was no other correspondence to review.

Adjournment

Motion: To adjourn the regular Selectboard meeting at 7:50 p.m.—moved by Hal—all in favor.

Respectfully submitted,

Joyce Cumming
Selectboard Clerk

Attachments:

- Summary of Changes to Windham's Zoning Regulations -7/3/19
- Summary of Changes in the Enhanced Energy Plan Adopted by Planning Commission 6/12/19
- Bid Received and Specs for Town Office Construction Project (South wall door and siding)
- Irregularities in Current Use Valuations for 2020 Tax Year
- Budget Report: Road Retreatment/Paving Account
- Budget Report: Bridges and Culverts Account
- Correspondence from VTel dated 8/14/19, Right-of-Way Agreement and sketch signed/initialed 8/19/19
- Email from Apalachee Salt re: 2019-2020 Winter Season