

**East Montpelier Selectboard Hearing APPROVED (12/07/15) MINUTES
November 30, 2015 at the East Montpelier Emergency Services Facility**

Public Hearing on Proposed Amendments to the East Montpelier Land Use & Development Regulations

SB Members Present: Seth Gardner (Chair), Carl Etnier, Casey Northrup, Gene Troia; Bruce Johnson (Town Administrator)

Others Present: Planning Commission Members Julie Potter, Kim Watson, Norman Hill, and Jack Pauly; Community Groundwater Study Committee Members Carolyn Shapiro and Paul Erlbaum

Chair Gardner opened the hearing at 7:05 p.m. and explained the purpose of the hearing: to consider possible amendments to the East Montpelier Land Use & Development Regulations.

Chair Gardner gave a brief synopsis of the over two year amendment development process, highlighted the significant changes, and then commenced an article-by-article examination of the proposed revisions.

Article 1: No concerns raised; no discussion

Article 2: No concerns raised. Discussion centered on the revised Conservation Overlay Districts. The old conservation overlay areas been replaced with a wetlands overlay district that prohibits most uses. A new high elevation overlay district restricts uses in areas over 1,500 feet in elevation.

Article 3: No concerns raised; no discussion

Article 4: No concerns raised. Discussion centered on Section 4.7 Withdrawal of Ground Water Resources, which has new language for the conditional use permit threshold for groundwater withdrawal. The Community Groundwater Study Committee members expressed satisfaction with the new wording.

Article 5: No concerns raised. Discussion centered on the new administrative amendment provisions which allow minor amendments to existing permits in situations that previously would have required a full hearing process before the Development Review Board.

Article 6: No concerns raised. Discussion centered on the town's first ever formal process for merging previously subdivided lots. Applicants will follow the boundary adjustment process, which requires Zoning Administrator approval and the recording of a formal plat depicting the new property lines.

Article 7: Section 7.4 Certificate of Compliance revisions elicited significant discussion, both on the specific requirements and on the general concept of whether the town needs/wants to have a certificate of compliance requirement at all. The changes to this section make the certificate of compliance process more of a compliance self-certification as the burden is on the applicant to detail the final construction results, including conformance with setback requirements. The Zoning Administrator simply serves a clerical function and is not expected to ensure the veracity of the information. Concern was expressed regarding the need to have an approved certificate of compliance prior to any use or

occupation of a structure. This could, in theory, prevent the use of a completed structure or portion thereof while continuing construction of the rest of the allowed elements under the zoning permit.

Article 8: No concerns raised. Discussion centered on the process necessary to alter certain definitions that proved confusing in a recent Development Review Board hearing on an accessory dwelling application. Any proposed changes would have to go through the standard statutory amendment process and could not simply be tweaked as part of this hearing.

Article 9: No concerns raised. Mr. Troia explained the comprehensive revision to this article, the Flood Hazard Area Regulations, which now include a river corridor protection zone in addition to the standard National Flood Insurance Program flood zones.

Chair Gardner closed the hearing at 7:47 p.m.

**East Montpelier Selectboard Meeting DRAFT MINUTES
November 30, 2015 at the East Montpelier Emergency Services Facility**

Selectboard members present: Carl Etnier (recording secretary), Seth Gardner, Casey Northrup, Gene Troia; Bruce Johnson (town and zoning administrator)..

Others present: None.

A. CALL TO ORDER

Chair Seth Gardner called the meeting to order at 7:48 pm.

B. ADDITIONS TO THE AGENDA

None.

C. PUBLIC COMMENT

None.

D. CONSIDERATION OF BIDS FOR RECREATION FIELD TREE AND BRUSH TRIMMING

After putting the job out to bid, no further bids were received since the last SB meeting. The Recreation Board recommends accepting the bid from Sylvan Tree Service.

Motion: I move to accept the bid of \$3,350 from Sylvan Tree Service for Recreation Field tree and brush clearing. Made: Mr. Etnier. Second: Mr. Northrup. 4-0.

E. DISCUSSION ON USE OF CAPITAL RESERVE FUND FOR WINSTON/SILBERBERG PROPERTY PURCHASE

The town closed on the purchase November 17.

Motion: I move that the town fund the entire cost of the purchase 3035 US Rte. 2 parcel, \$239,975, through the use of the Capital Reserve Fund. Made: Mr. Troia. Second: Mr. Northrup. 4-0.

F. DISCUSSION ON TAX ABATEMENT REQUEST FOR WINSTON/SILBERBERG PROPERTY

The town technically owes over \$16,000 in current and delinquent taxes on its newly purchased Winston/Silberberg parcel. The town, of course, is exempt from paying property taxes, and the property will be tax exempt for the upcoming tax year. To clean up the books, however, the town should request an abatement of all owed taxes.

Motion: I move to authorize chair Seth Gardner to sign the letter to the town's Board of Tax Abatement requesting abatement on the taxes for the Winston/Silberberg property. Made: Mr. Etnier. Second: Mr. Troia. 4-0.

G. REVIEW OF PUBLIC HEARING AND DISCUSSION ON POTENTIAL AMENDMENTS TO EAST MONTPELIER LAND USE AND DEVELOPMENT REGULATIONS

The Board considered the small turnout at the hearing and the general satisfaction with the amendments expressed by those in attendance.

Mr. Etnier spoke for removal of the certificate of compliance program, either in whole or from everything but Article 9.

Motion: I move to accept the amendments to the land use and development regulations as submitted by the Planning Commission. Made: Mr. Troia. Second: Mr. Northrup. 3-1 (Mr. Etnier).

H. TAX SALE FOR LAND ON COUNTY ROAD

Caldwell Delinquent Tax Sale: The land is one-third mile north of Powder Horn Glen Road on the west side of County Road. Sale is set for Tuesday, December 1st, 10 a.m. at the town office.

The town has the option of being a "last resort" bidder; the bid would cost approximately \$5,100. If no one buys it, the land falls back on the delinquent tax rolls and would need to go through the tax sale process again. Attorney fees would be paid again. If the town buys the property, it can actively try to sell it to recoup more than the cost of purchase.

Mr. Troia objected to the purchase on the grounds the town is not a real estate developer.

Motion: I move that the town place a last resort bid on the Caldwell Delinquent Tax Sale on December 1. Made: Mr. Northrup. Second: Mr. Etnier. 3-1 (Mr. Troia).

I. OTHER BUSINESS

Laundry tax sale (2726 Horn of the Moon Road) is still on hold as our attorney deals with the estate and probate aspects of the ownership interests

J. ADJOURNMENT

Motion: I move to adjourn. Made: Mr. Troia. Second: Mr. Etnier. 4-0. 8:49 pm.