

WEST WINDSOR SELECTBOARD

Draft Minutes
November 4, 2011

Present: Glenn Seward, Tom Kenyon, Bruce Boedtke, Martha Harrison

- 1) Call to Order – Selectboard Chair Glenn Seward called the meeting to order at 7:30 AM.
- 2) Changes/Additions – Orders: The Selectboard signed the Town Clerk's orders. Letter to Steele: Glenn, Bruce and Tom signed a letter to Mr. Steele regarding his pit bulls attacking a Labrador retriever that wandered onto the Steele property. According to Tom, the Constable discovered that the pit bulls have been in trouble before. Glenn noted that the owner of the Labrador did not have the dog under control. Work overload: Tom said Martha's work load has increased significantly as a result of Irene-related FEMA paperwork and there are not enough hours for her to do everything that she needs to do. Martha agreed that her work load has increased but said that Glenn has asked the regional planning commission to help with a couple of projects, which has helped. Glenn said he's hoping that the work load is going to taper off at some point next year. Tom said he is just suggesting that we make people aware of the situation so they don't make it worse by adding even more to her work load. Glenn said he will send a note to the various boards to make them aware of the situation. Bruce said Martha should feel comfortable saying no if one of the boards asks her to do extra work.
- 3) Review proposed zoning regulations – Regarding Section 1.3(B), Tom asked if it is the town's responsibility to enforce state and federal regulations. Martha said the town is not responsible for enforcing state or federal regulations but we do have to include a notice on our applications and permits telling the applicant that they are obligated to obtain any necessary state permits. Glenn said the town regulations cannot have a lesser standard than state or federal regulations. Tom said some of the page numbers and section numbers listed in the table of contents need to be corrected. Regarding Section 1.1, Tom was concerned about the sentence on mandatory requirements. Glenn suggested adding a sentence indicating that all state and federal requirements, including proof of compliance, are the burden of the applicant. Tom said he is comfortable with that. Regarding Sections 1.7(5) and 1.7(6), Tom suggested adding the word "significant" in front of "exterior alterations." Bruce said adding a word like "significant," which is open to interpretation, would make things more difficult for the Zoning Administrator. Martha agreed. Tom asked how it is determined whether or not something is a change of use. Bruce said there are lists of permitted and conditional uses for each zoning district. If a use changes from one of the listed uses to a different listed use, that's a change of use. Glenn agreed. Martha said it should also depend on whether or not there is any potential impact on parking, wastewater, or the like. Tom said there needs to be a clear definition of the word "height." Martha said there is a definition under "structure height." Glenn suggested changing the definition to "the vertical distance from the proposed finished grade to the highest point of the structure." Bruce said most houses are built on slopes so the proposed finished grade varies. The Selectboard agreed that the lowest finished grade immediately adjacent to the foundation should be used and the allowed height should be increased to 40', not including chimneys. Tom asked how minimum yards are measured. Bruce said he is concerned about this since we don't ask for surveys. Martha said some towns have language clarifying that their approval of a zoning application is based on the information provided by the applicant, who is responsible for its accuracy. Bruce said he would like to have language that allows the Zoning Administrator to request survey information if there's any question about the location of a boundary or the adequacy of a setback. Martha said she will look into that. Martha said if a stone wall is proposed on a boundary line, the property owners on both sides of the line have to sign the application. Tom said if the boundary line is questionable, the applicant ought to be able to get the abutting property owner to sign off on it. Glenn said we should also beef up the language indicating that the statements made on the

application are accurate. Bruce said the language should indicate the applicant's responsibility for bringing the project into compliance if the information provided on the application is inaccurate. Bruce asked about setbacks on a pre-existing small lot in the Conservation district. Martha said the setbacks in the Conservation district are only 50' but if there are other constraints that make it impossible to meet the setbacks, the property owner could apply for a variance. Tom asked how the front setback is measured. Bruce said if you know where the edge of the right-of-way is, you can measure from there, otherwise you measure from the center of the road and add 25'. Tom asked if that process is spelled out in the regulations. Bruce said yes. Regarding Section 2.3-7, Glenn said the Town Attorney's opinion is that the minimum lot size should be less than 25 acres. Glenn said in his own opinion, he would suggest lowering the minimum lot size to 27 acres, which is compatible with the current use program. Tom and Bruce agreed. Bruce said he would like a portion of the district – the town forest, for example - to be a true conservation district, where there is no development. There was discussion about the B-71 and A-76 standards. Bruce suggested spelling out that "ADT" means "average daily traffic" in Section 3.2(E). The Selectboard agreed to remove the last two columns of the "Lane and Shoulder Widths" chart. After discussing the wording of Section 3.2(C), the Selectboard agreed to leave it unchanged. The Selectboard agreed to add a sentence to Section 3.2(F) specifying that the state or the Selectboard may require culverts and/or gating for agricultural, forestry or temporary accesses, and may restrict use of the access to specific seasons. There was discussion about the responsibility of the Selectboard and the DRB with regard to accesses and driveways, respectively. Bruce said the sight distance criteria are not related to the number of lots served or the average daily traffic; they are related to the ability of any vehicle to enter the road safely given the speed limit. Bruce said, if the number of lots is increased to the point where there is congestion, the DRB can deny the permit. Tom said access and driveway permits should specify that the approval is for the number of lots being requested and any additional lots created in the future would require additional approvals. Bruce suggested that the Selectboard be more specific in their motions to approve accesses. Tom said it should be very clear that approval from both the DRB and the Selectboard is required. Bruce noted that the DRB may not be involved; if the proposed driveway meets the requirements, the Zoning Administrator may approve it. Martha said the DRB and the Planning Commission would like her to review 2-lot subdivisions because they feel the current process is too long and cumbersome. There was discussion about when the Selectboard would review the point where a private road accesses a public road.

- 4) Next meeting: The Selectboard scheduled another meeting for Wednesday, November 9th at 7:30 AM to continue reviewing the zoning regulations.
- 5) Fire Station update – Glenn said there was a meeting of the membership on Wednesday evening and they voted to stay where they are and restore the fire station to its original condition. Glenn added that it is his understanding, from the Fire Chief, that they are not interested in pursuing a hazard mitigation grant. Tom said the Fire Chief is not authorized to make statements on behalf of the fire department. Tom asked Glenn to contact the President and ask for clarification. Glenn said he would ask the trustees of the fire department for a written update on the status of the situation. Tom agreed. Tom asked what is required if more than 50% of the building is damaged. Martha said the building was not more than 50% damaged, based on the opinion of the FEMA inspectors. Tom said the insurance adjuster indicated that the building was more than 50% damaged. Martha said the FEMA inspectors have not gotten back to her in writing but they were both very clear that the damage was not "substantial" even if the listed value of \$72,000 is used. Tom said the Grand List shows the Town of West Windsor as the owner of the fire department property so he has asked the Listers to research and correct that error.
- 6) Delinquent tax status – Glenn said there are approximately \$150,000 in delinquent taxes for 2011, which is lower than average. Glenn noted that the Ski Area, the condominiums, and the talc plant have paid their taxes. Tom asked about the status of the 2010 delinquent taxes. Glenn said he will find out.

- 7) Irene updates – Glenn said work is winding down with the exception of Bowers Bridge, Dugdale Road and the Brownsville-Hartland Road. Glenn said the bridge is scheduled to be moved next week. Glenn added that he is waiting for a response from the Historic Preservation arm of the Agency of Transportation regarding Dugdale Road.
- 8) Status on highway bids – Glenn said he drafted a bid letter to go to Miller Construction, Daniels Construction, and Winterset with specifications for the concrete box culverts on Wardner Road and Dugdale Road. Glenn noted that we have a grant from the state for the Wardner Road project. Glenn said temporary roads will have to be taken into consideration for both projects, which may impact the cost. Regarding the Bowers covered bridge, Tom said he has no objection, as Tree Warden, to the removal of trees in the town right-of-way to the east of the bridge. Glenn said the Highway Foreman intends to flatten the right-of-way to the east to provide more room for working on the bridge. Tom said we need to put something at the corner of the Nilson property to prevent people from cutting the corner. Glenn said the landowners to the west have given the town permission to use their property in advance of a site visit scheduled for Sunday morning at 8:30 AM. Tom asked if the Ouelettes are comfortable with the temporary impact of the bridge project on their property. Glenn said he will approach them.
- 9) Town Hall project updates – Windows: Tom said the clock tower windows have been reglazed and will be given to Jeff Lemire for painting. Tom noted that the length of the windows on the south side is different from the length of the windows on the west side. Tom said the storm windows are coming but two of them have been lost in transit. Tom recommended that we consider replacing the remaining storm windows next year. Woodwork: Tom said he has contacted Dennis Lemire about fixing Martha’s office and the woodwork in the town hall that was damaged in the flooding.
- 10) Other Business – Meeting with Windsor Town Manager: Glenn said he has a meeting with Windsor’s Town Manager at 10:30 AM today to discuss issues of common interest, such as Brook Road and wastewater treatment. School use of Town Hall: Tom said the school left tape on the recently cleaned windows and did not do a good job cleaning up after the Halloween party so he would suggest that they use their own facility for the party in the future.
- 11) Adjourn – **Glenn made a motion to adjourn the meeting at 9:05 AM. Tom seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison