

SHAFTSBURY SELECTBOARD
PLANNING COMMISSION
SPECIAL MEETING
JUNE 11, 2012
MINUTES

ATTENDING: **Board Members present:** Lon McClintock, Karen Mellinger, Craig Bruder, Billy Obenauer. Town Officials: Planning Commissioners Chris Williams, Bill Pennebaker, Norm Gronning, Abigail Beck; Staff: Margy Becker, Town Administrator; Terry Stacy, Road Foreman. Residents: Mike Foley, Ron Schoof, Mitch Race, Joanne Race, Kathy Geneslaw, Jeri Schoof., Duffy and Jane Outwater.

Board Members Absent: Carl Korman

1. Call to Order

Chairman McClintock called the meeting to order at 6:00pm.

2. Announcements

Karen Mellinger announced the Town has received a grant from VT Dept. of Homeland Security for mobile radios for the highway department. Lon McClintock announced the meeting with the road crew to discuss the new personnel policies had taken place earlier that day, with Craig Bruder, Margy Becker, and Lon McClintock in attendance.

3. Public Comments

There were none at the beginning of the meeting. At the conclusion of the meeting the Chair asked if the Selectboard would agree to reopen public comments. Board members concurred. The Chair recognized Duffy and Jane Outwater. The Outwaters spoke of their concerns regarding actions of the Interim Zoning Administrator. The Outwaters have just closed on the sale of a home, yet have found they are not in compliance with the Town's zoning bylaws. They have been given 30 days notice to respond to the seller's attorney concerning the violation. The Outwaters said they cannot understand why they are found in violation, when it was their understanding they had come into compliance with a 2009 Notice of Violation. The Outwaters summarized the history of compliance actions and the Town's issuances of permits. Lon McClintock directed the Outwaters to appeal the information given by the Interim Zoning Administrator to the Seller's Attorney. The Selectboard agreed it would not take action on the Outwater complaint with regards to the 2009 Certificate of Occupancy issuance and curbcut permit.

4. Conflict of Interest Statement

Chairman McClintock inquired if any Board member had a conflict of interest with any matter on the agenda. No conflict noted for the record.

5. Highways – Chloride Budget

Terry Stacy met with the Selectboard to discuss the status of the chloride budget. There is only ½ load left of chloride. Mr. Stacy pointed out that rainy weather will slow down the amount of grading the crew can do. But he will need extra chloride prior to June 30, should grading re-commence. **Karen Mellinger made the motion to authorize an additional expenditure of up to \$5,000 for chloride prior to June 30. Craig Bruder seconded. Motion carried 4-0 in favor.**

6. Review of Flood Hazard Regulations

Planning Commissioners met with the Selectboard to review the technical complexities of the flood hazard bylaw, the content over which the Town has very little discretion. FEMA has introduced specific language requirements. It was agreed it will be a challenge to educate local officials as to all the technicalities of the new regulations. It was noted that the burden of enforcement and interpretation of the new flood hazard regulations, once adopted, will reside with the Zoning Administrator. If the Zoning Administrator ascertains that a permit is required, applications will be forwarded to the DRB for Conditional Use review. Lon McClintock noted the DRB is used to broad discretion in its conditional use review process. The DRB will not have the same latitude with the flood hazard regulations.

It was agreed the Town's zoning permit application will have to be updated, as a result of adoption of these regulations.

7. Review of Industrial Composting Regulations

Chris Williams talked about his report on the industrial composting regulations. The use is allowed in industrial zones. Discussions followed about whether there was enough land in the industrial zones. Mr. Williams explained that setbacks will vary depending on the proximity to residences. The Planning Commission proposes setbacks which are greater than State setbacks.

Bill Pennebaker suggests the Town adopt the FEMA definition of Accepted Agricultural Practices, to replace the definition in the current version of the proposed bylaw amendment. It was agreed the Planning Commission would insert said definition prior to the Selectboard's hearing.

No animal carcasses or slaughter house waste is allowed as feedstock for industrial composting.

The Selectboard agreed to schedule public hearings on the proposed flood hazard regulations and proposed zoning bylaw amendment to allow for industrial composting on **Monday, July 16th, 2012 at 7pm.**

8. Warrants:

RETIREMENT WARRANT 49R IN THE AMOUNT OF \$137.26.

Craig Bruder made the motion to approve Retirement Warrant 49R in the amount of \$137.26. Karen Mellinger seconded. The motion carried 4-0.

PAYROLL WARRANT 49 IN THE AMOUNT OF \$6,992.26.

Karen Mellinger made the motion to approve Payroll Warrant 49 in the amount of \$6,992.26. Craig Bruder seconded. The motion carried 4-0.

Adjournment

Karen Mellinger made the motion to adjourn at 8:45PM. The motion was seconded and carried unanimously.

Submitted by
Margy Becker

