

MONKTON SELECTBOARD MEETING
MINUTES
Tuesday May 24, 2022

The meeting was called to order by Stephen Pilcher at 7:04 pm.

Members in attendance: Stephen Pilcher (chair), Paul Low, Bill Martin, John McNerney, Marikate Kelley

Members absent: none

Others in attendance: Jessica Demeritt (recording secretary), Jane Palmer (asst. ACO), Dawn Vukas (ACO), Wanda Conroy, Jaime Schulte

ANNOUNCEMENTS

S. Pilcher said the VEMER rates have been increased by .25 percent.

REGULAR BUSINESS:

APPROVE MINUTES

B. Martin moved to approve the minutes of the 5/10/22 selectboard meeting as written. P. Low seconded. All voted in favor.

REVIEW AND APPROVE CHECK WARRANTS

B. Martin moved to approve AP 20517 in the amount of \$24,372.72. P. Low seconded. All voted in favor.

B. Martin moved to approve AP 20519 in the amount of \$24,883.35. P. Low seconded. All voted in favor.

B. Martin moved to approve AP 20523 in the amount of \$11,020.14. P. Low seconded. All voted in favor.

B. Martin moved to approve PR 20523 in the amount of \$10,969.50. M. Kelley seconded. All voted in favor.

REVIEW AND APPROVE OVERWEIGHT PERMITS, ETC.

The following permits were reviewed and approved:

Scott Oberle DBA Oberle's Bulldog Trucking

Claire Lathrop Band Mill Inc DBA Lathrop Forest Products

Consolidated Communications

PUBLIC COMMENT

D. Vukas, Animal Control Officer, said there was a dog attack at the Pond Access. She is wondering how to handle out-of-town dogs and owners. She is concerned about leashing. J. Palmer wondered if the town could put up a sign at the Access to leash dogs? S. Pilcher said any citations are valid regardless of

residence. S. Pilcher thinks the signs are easy; DEC owns the land at the Pond Access, and we would have to check with them. D. Vukas said the person with the aggressive dog provided a false address and phone number. D. Vukas worked hard to pull all the information together to hold the aggressive dog owner responsible. She wondered how far she is supposed to go to resolve issues. If D. Vukas felt unsafe, J. McNerney or B. Martin offered to go with her to follow up on difficult cases. J. McNerney thought the dog fell under the term “vicious dog”. He thought the Board should hold a vicious dog hearing. J. Palmer wondered where a dog could be impounded. J. McNerney said he had been in contact with someone in the past who does this for another town and could touch base to see if they would handle it on a one-time basis. J. Palmer wondered if the dog was registered in its hometown. S. Pilcher read the Monkton Dog Ordinance regarding vicious dogs and potentially vicious dogs. S. Pilcher advised D. Vukas that a citation would be a good way to get the incident on record. The Bristol Police suggested giving the owner a warning. If the injured dog owner wishes to pursue a potentially vicious dogs hearing they need to file a written complaint with specific information with the ACO. M. Kelley suggested a warning and a complaint. D. Vukas said the dog owner will be helping to pay the vet bill for the injured dog. She said she would call the aggressive dog owner and send a warning and see if they wished to file for the hearing.

NEW BUSINESS:

UNIFIED PLANNING DOCUMENT DISCUSSION AND HEARING SCHEDULE
S. Pilcher proposed looking at the document and scheduling a hearing. He was worried about stormwater plans for homeowners. He wondered how the DRB would evaluate stormwater plans. He wondered what the origin was for these guidelines. They added riparian buffers of 50 feet. There was some conversation about how to apply that guidance. There was discussion about “first cut”. J. McNerney feels that “first cut” is unfair and would like to continue that discussion. The town’s interest versus the property owner’s interest can cause conflict such as “a taking”. There was discussion about ridgeline zoning. J. Schulte said it appears that the ridgeline section in the UPD is in CON-P only. S. Pilcher said it should include “and the ridgeline overlay.” J. McNerney noted that that was a big change from no development at all in the ridgeline, and suggested that such changes should wait until we have greater definition of forest blocks, connectivity, and act 171 issues resolved. J. Schulte said without clear definitions about size a possible development could occur on a ridge. Also, ecological impact could not be determined by the DRB and they would need to loop in some help, maybe the Conservation Commission. He suggested pausing all ridgeline development until Act 171 is applied. S. Pilcher asked how to go through the document? M. Kelley suggested each Board Member go through the document individually and come back together to discuss it. The select board received an email prior to the meeting from Jaime Schulte expressing his concerns in more detail. At his request, that letter is attached to the end of these minutes.

TOWN ADMINISTRATOR JOB DESCRIPTION / PAY RATE

S. Pilcher looked at other town's descriptions of town administrators. Monkton's current personnel policy is geared toward the road crew. J. McNerney would like to have clarity about personnel policy for future ease. M. Kelley said the contract for the town administrator could say the position was an "at will employee". M. Kelley asked if the contract would contain the description and the salary, and the hours. J. McNerney wanted to be clear that existing positions are not duplicated by the town administrator. M. Kelley suggested wording that allowed for more flexibility. The Board worked on clarifying the description.

PARK AND RIDE POLICY

J. McNerney said there was some concern that a large truck has been parked for an extended period at the park and ride. Possibly a sign that indicated some limits would help guide appropriate use: Passenger vehicles and buses only except by permission of the Select Board. S. Pilcher suggested looking at the town's traffic ordinance. M. Kelley noted that the Board needs to update the parking section.

PETITION OF T-MOBILE FOR A CERTIFICATE OF PUBLIC GOOD AT WENDLAND COMMUNICATIONS

S. Pilcher said they need to beef up an antenna. P. Low observed that they are not expanding their footprint.

MAPLE BROADBAND REPRESENTATIVE APPOINTMENT

S. Pilcher said Maple Broadband is set up for a yearly appointment. **M. Kelley moved to approve Mark Bolz-Robinson to be appointed to a one year term expiring March 2023. All voted in favor.**

OLD BUSINESS:

SALVAGE YARDS IN MONKTON

no action taken

1859 TOWN HALL STATUS

no action taken

ARPA FUNDS STATUS / PROCESS

no action taken

The Selectboard received an email dated 5/21/22 from ANAC and the Conservation Commission with a request for \$25,000 from the ARPA Funds to pay for a detailed, up-to-date map of Monkton's natural resources. That email is attached to the end of these minutes. As the hour was late, the Selectboard postponed ARPA discussions until our next meeting.

SIGN

B. Martin said the sign is six feet and double sided and the road crew will need advice on placement.

OTHER BUSINESS:

P. Low made a motion to approve the facility use application for 8/17/22 for MAUSD. M. Kelley seconded. All voted in favor.

J. McNerney has left 3 messages with the principal at MCS. He is trying to find out about facility use policy, and would like to inform the school about interest by the Conservation Commission about holding a workshop on dealing with invasive buckthorn in the forest adjacent to the school.

M. Kelley moved to approve the library using the community room and patio 6/24-6/26 for the strawberry festival. J. McNerney seconded. All voted in favor.

M. Kelley said the State Board of Education approved the Lincoln school leaving the district. They will become a supervisory union.

The next meeting will be on Tuesday, June 14, 2022, 7pm.

P. Low moved to adjourn the meeting at 9:26pm. All voted in favor.

J Schulte email on proposed changes to UPD:

Subject:Input from a resident to the Select Board

Date:Tue, 24 May 2022 17:50:40 -0400

From:Jaime S <jaime.m.schulte@gmail.com>

To:Selectboard <selectboard@monktonvt.com>

Hello,

I wanted to comment on an agenda item as a resident and landowner, but am not able to attend tonight's meeting. If my input could be included in the record that would be appreciated.

Regarding proposed changes to the Unified Planning Document I have a few points as you consider whether to put the changes before the voters:

1) I applaud most of the proposed changes related, for instance, to slope/erosion, stream buffers, using non-invasive plants, changes to the CON-P district definition, commercial water extraction, etc. Relaxing the rules around Accessory Dwelling Units will increase housing density without using up more open land. **Good work was done!**

2) The proposed changes to the Ridgeline Overlay District (RLA) should be removed from this round of updates pending further review.

- The changes are a shift from not allowing any development in the RLA to allowing a single-family building anywhere sufficient acres can be found that are not restricted by the factors for which the RLA was established. Those are ecological integrity, scenic beauty and rural character.

- There is no clear definition of building lot size for the RLA , so it would seem to default to the underlying 2, 5, or 25-acre lot sizes, depending on location in Monkton. Section 280 refers to the RLA and CON-P, but seems to define acreage only for CON-P. Most of the RLA is outside of CON-P.

- It could then be possible to have developments with 2 or 5-acre lots in the RLA, which would seem to have an ecological impact, even if not in a visible location...but who decides impact? The DRB would, but they are not particularly qualified to evaluate ecological impact. At a minimum the Conservation Commission must be included and their report given considerable weight.

- There would even be issues with 25-acre lots resulting in a fragmented forest block. In some projects it could be worse than 2 or 5-acre lots. Now you would have a barking dog, structures, utilities, etc., per 25 acres instead of the impact of development being more concentrated. In general where development happens in a forest block it should be concentrated at an edge and not scattered throughout. One way to do that might be via a high-density PUD with something like an 80% Set Aside.

- Overall this is a stark (and possibly unintended) change to the RLA and not compatible with the statement on page 23 of the mark-up UPD stating that "Not allowing development on the ridgeline is consistent with Monkton's goal of maintaining ecological

integrity, scenic beauty and rural character." It also needs to be considered in connection with Act 171 before relaxing RLA rules.

- **This set of Ridgeline changes is not yet ready for the voters and should be removed from this round.**

3) There should be some checks and balances on development, such as a **preliminary review of all applications by the Conservation Commission**, until Act 171 work is completed and related ecological review of development is added to the UPD. This is now the norm in other towns, such as Williston, where the DRB receives the input of Conservation prior to hearings.

- The proposed stream buffer of 50' is a start and provides basic protection for waterways, water quality, and some minimal habitat connectivity. Monkton has not yet completed work on Act 171 mapping and zoning, to establish forest blocks and connections between them and related zoning to protect key functions of those spaces. The pace of development is higher this year than last, however, and the region is generally under increasing migration pressure related to the pandemic and climate change. Something needs to be done in the meanwhile.

- The Planning Commission has indicated that maps and language need to be in the Town Plan first before any Act 171 changes can take place. There is already voter-approved language in the Town Plan (not specific to Act 171) that encourages protection of natural areas and improved habitat connectivity. Action could be taken now if new mapping is not immediately needed to define the stop-gap measure. **The simplest measure would be to expand stream buffers further**, at least until Act 171-related zoning rules are in place. Perhaps expanding to 150' buffers with a waiver possible in the 50-150' zone (should not be allowed in the 0-50' zone).

That would be a one or two-line change to Section 597 that would maintain some connectivity across Monkton as a stop-gap, as the landscape is well-connected by water. Also, vernal pools are mentioned as having a 50' buffer in these changes, but the voter-approved Town Plan already says (in the Energy Plan) that they should have the 600' buffer recommended by ecologists as a minimum for that type of water feature.

4) First Cuts - it has been something like 45 years since zoning was enacted in Monkton. This abbreviated review process reduces the opportunity for public and municipal review of projects while only moderately reducing the length and cost of the review process for landowners. First Cuts should be removed.

Thank you,
Jaime Schulte

Email from from ANAC and Conservation Commission regarding ARPA Mapping Project Request:

Subject:ARPA Project Request

Date:Sat, 21 May 2022 23:27:52 -0400

From:Jaime S <jaime.m.schulte@gmail.com>

To:Selectboard <selectboard@monktonvt.com>

CC:Conservation Commission <conservationcommission@monktonvt.com>, ANA <anac@monktonvt.com>, mpc <planningcommission@monktonvt.com>, Laura Farrell <lfarrell@monktonvt.com>, John McNerney <jmccnerney@monktonvt.com>, Jaime Schulte <jschulte@monktonvt.com>

Dear Select Board,

The Monkton Conservation Committee is requesting that \$25,000 of the American Rescue Plan Act funds be put towards hiring a contractor to provide fine-scale, up-to-date mapping for the town. There is an urgent need for accurate, current map data to guide future development and protect natural resources, as an integral part of the planning and zoning process.

The State of Vermont does have a web-based Natural Resources Atlas that allows users to locate FEMA floodplains, wetlands, unique habitat areas, and large forest blocks among other map themes. Unfortunately, much of the statewide data was produced using older technology and outdated aerial photography. Additionally, correction and updating of statewide mapping has not been done in a timely manner and in many cases not at all.

Aerial imagery is updated on a regular basis and can be used to improve maps. Moreover, Vermont now has highly accurate elevation/topographic data (lidar) which is an invaluable tool for refining and correcting digital maps. A contractor will be able to provide the town with town-level information that reflects current on-the-ground conditions. For example, a landowner does not want to be informed they must have a buffer around a stream that does not actually exist. Faulty maps can result in restricting growth where it is entirely appropriate, or conversely, allowing development to occur in areas that could be highly detrimental to unique natural resources.

Monkton will be facing increased development pressure and the threat of extreme weather needs more focus in town decision making. With more accurate maps we can avoid seeing houses being placed in floodplains, prevent forest fragmentation where possible, prevent contamination of surface and ground water from sewage effluent, reduce the increasing loss of wetlands and a host of other avoidable issues. Land-use decisions will shape the landscape of tomorrow. With corrected digital maps town officials in Monkton will be able to steer development and prevent degradation of natural resources in an intelligent and informed manner.

If you have any questions, or would like more information, please let us know.

DRAFT

Sincerely,
Monkton Conservation Commission
Ann Johnston Miller, Chair
Nancy Wilson, Vice Chair
Jaime Schulte, Clerk
Debra Sprague, Treasurer
Caroline Alves

Monkton's Agricultural and Natural Areas Committee unanimously supports the Conservation Commission's letter of request, dated May 21, 2022, for allocation of ARPA funds related to natural resource mapping.

Sincerely,
Monkton Agricultural and Natural Areas Committee
Laura Farrell, Chair
Susan Mahony, Vice Chair
Jaime Schulte, Clerk
John Mejia, Tech Czar
Whitney Leighton