

Wilmington Selectboard/Sewer Commission
July 16, 2014 at 6 pm
MINUTES

Selectboard Members Present: James Burke, Diane Chapman, Jacob White, and Thomas Fitzgerald
Selectboard Member Absent: Susan Haughwout,

Others Present: Scott Murphy, Mary Towne, Jack Deming of Deerfield Valley News, Chris Mays of Brattleboro Reformer, Gretchen Havreluk, Craig Ohlson, Adam Grinold, Steve Adams, Nicki Steel, Carolyn Palmer, Lynne Matthews, Tom Consolino, Steve Butler

1. **Minutes:** White moved and Chapman seconded to approve minutes of July 2, 2014. Vote: All in favor.
2. **Visitors Public Comments, Possible Changes to Agenda:** None
3. **Action Items:** Burke moved and Chapman seconded to recess the Selectboard meeting and enter a Sewer Commission meeting. Vote: All in favor and Sewer Commission opened at 6:04 pm. Chapman moved and White seconded to grant preliminary approval of wastewater allocation to Tony Lopez for 280 gallons per day for a new 2-bedroom single family house. Vote: All in favor. Sewer Commission meeting closed at 6:07pm and reopened Selectboard meeting.
4. **Liquor and Outside Consumption Licenses:** Burke moved and White seconded to approve Request to Cater Permit and Open Container Ordinance Exemption Permit subject to Police Chief Szarejko's requested conditions, for an August 2, 2014 wedding at Memorial Hall catered by VT Liquor Licensee Jezebel's Restaurant & Catering. Vote: All in favor.
5. **Town Manager's Updates:**
 - a. Route 100 S closure change: The dates have been changed because the culvert has not arrived. It is now TENTATIVE for August 8-10.
 - b. Wi-Fi usage: Murphy gave a report on Wi-Fi usage. It is being used a lot with the most use around the town office. Also use in areas around Bartleby's, Folley Foods, Twin Valley Creations, Red Mill, and Memorial Hall.
6. **6:15 pm - Public Hearing and Possible Adoption of proposed Amendments to the Wilmington Zoning Ordinance: Article IV (signs), Article V (administration), and the Appendix (definitions):**

Burke called the public hearing to order at 6:15 pm. He first asked for public comments on **Article IV (signs)**. Comments included:

 - a. Steve Adams gave a statement (complete statement attached to these minutes) including the following comments:
 1. He said he was unable to attend the Planning Commission Public Hearing because it was held at 5pm when many people are working and cannot attend.
 2. Concerns about signs to promote his business – The Creemie Stand – specifically a truck that he has parked across the street with lettering on it. When the truck is not there, people think they are closed.
 3. The original ordinance referred to VT Statutes regarding vehicles, but this one does not.

4. Section 424 allowed exempt signs. Advertising on motor vehicles not mentioned. How is the criteria measured? Should vehicle be registered and in frequent use? In his opinion this is unenforceable.
 5. Umbrella signs: Creemie is licensed by the Department of Agriculture, Not the Department of Health.
 6. Why are home businesses not allowed a freestanding sign? 716 Rt 100 N has 3 businesses and not allowed a free standing sign for each.
 7. Signs not allowed on roofs.
 8. Safety of highways has changed over the years and there is more distraction because drivers use GPS, cell phones, and texting.
- b. Nicki Steel gave the following comments:
1. Section 433: Freestanding signs not allowed for home business. They may have a long driveway and it would be appropriate to have a sign at the end of the driveway.
 2. Section 460-B: Would “off premises” be a more appropriate word than “billboards”?
 3. Page 12 – underlined – Change “appeal” to “hearing”.
 4. Section 471-J: Businesses encouraged to keep lighted until 10pm. Should not be for entire town, maybe just in the village.
 5. Section 472: “Sign design” might be appropriate in the Historic Review District but not necessary in whole town. The word “encouraged” is not usually a word used in a regulation. Who does the encouraging?
 6. Section 474-A: Question about a sign overhanging another property owner.
- c. Carolyn Palmer was asked her opinion as a Planning Commission member about “open” signs being left out all the time. Discussion ensued and this topic can be confusing for people.
- d. Tom Fitzgerald: Vehicles that are registered and inspected and have advertising are ok. The abandoned vehicles that never move are what is being targeted in the article.
- e. Steve Butler: Would like to put a sign on top of his pizza delivery vehicle. It needs to be defined and clear what is allowed.
- f. Section 424-I: Umbrellas – Why is that in there? If outdoor seating is allowed why is this needed?
- g. Section 433-H: Sandwich boards – what size are allowed?
- h. Section 424: Christmas Lights discussed. Can be used around signs. What about if a design is made out of lights, for example 3 bowling pins, is that allowed?

Burke asked for public comments on **Article V (administration)**. Comments included:

- a. Nicki Steel gave the following comments:
1. Section 512-1-d: change to 3 business days
 2. Section 516-d: thinks statute reference is wrong
 3. Section 525 – bold section: change “conditions” to “criteria”
 4. Section 525-4: “Less than 2 ft” should be “greater than or equal”
 5. Section 531: confusing – “expiration” – in some past cases it has been a rolling period. Maybe change “shall”
 6. Section 544: Unclear. pg 11 second paragraph – confusing
 7. Section 550 and 551: Looks like automatic. Can Selectboard dictate to DRB that DRB “will” do something? The town should, whenever possible, be held to the same standards as other applicants. Tom Consolino: Check out the legality of this.

8. Section 563: remove “Be” from the section title. “Interested party” is different than state statute – left off neighboring towns.
9. Section 563-1: change “owns” to “owners”. In underlined section: First “Appeal” should be changed to “Hearing”
10. Section 564 and 565: “Wilmington newspaper” should be changed to “Newspaper of Record” in 2 places.
11. Section 566: Thinks citation is wrong. Always been 15 days not 7.

Burke asked for public comments on the **Appendix (definitions)**. Comments included:

- a. Nicki Steel gave the following comments:
 1. Page 9: “Permitted Use” – underlined portion should add “and continuously used” Not just existed.
 2. Page 12: “Sign” – does “display” include merchandise outside?
 3. Page 13: “Small Structures” and “Large Structures”
 - A. Do fences need setbacks?
 - B. Suggest “not for occupancy” instead of “for occupancy”
 - C. Many lots are small and it is impossible to meet setbacks
 - D. Doesn’t think a shed is invasive. Maybe make the size of shed less in the paragraph?
 4. Page 14: “Temporary Retail Stand” – What criteria would this come under for the DRB? Maybe conditional use?
- b. Tom Consolino Page 13: “Large Structures” - footprint should be “150 x 10” instead of “120 by 8”

There being no further comments, the Public Hearing was closed at 7:35 pm. Burke thanked everyone for their comments and participation.

Next steps were discussed. Notes will be collated and then possible revisions will be made. The Selectboard and Planning Commission will hold a joint meeting to go over possible changes, determine if changes are substantial or minor, and then decide if the Selectboard needs to hold another Public Hearing.

7. Town of Wilmington Façade Program: Murphy and Gretchen Havreluk presented a revised version of the proposed Façade Program as amended after the recent comments from the public and Selectboard. Some comments included:

- a. Property owners that own more than one property and apply to the program for funding will have a \$7,500 limit per year.
- b. There will be an application form and once approved, there will be an agreement to be signed.
- c. The goal is to make our town look better, the whole town – not just downtown.
- d. Discussion: The “Procedure for Funding Requests of the 1% Local Option Tax Fund” requires that any project of \$50,000 or more to be funded must be approved by the Selectboard **and** the Wilmington voters. While it could be argued that each application is well below the \$50,000 threshold, the total cumulative amount could exceed the limit and therefore the fund limit would need to be set at \$49,000.
- e. Process discussed whether it would go to zoning (simple) or DRB (if more complicated) before it comes to the Selectboard. The application process for the Façade Program is totally separate from the zoning process.

Chapman moved and White seconded to approve the Wilmington Façade Program as presented subject to the limitations of the 1% Local Option Tax Fund. Vote: All in favor.

8. **Correspondence to/from Selectboard:** The board reviewed the Act 250 log and other correspondence.

9. Other Business - Select Board Members Comments and Other Action Items:

- a. White: two mowers were donated for use on trails and he has used one.
- b. Fitzgerald asked about the Haystack Road Extension – to find out whether the town owns it and possibly change the classification.
- c. Burke said the 4th Celebration was great and he hoped everyone enjoyed it.

Meeting adjourned at 8pm.

Respectfully submitted,

Mary Towne
Administrative Assistant

Approved by Wilmington Selectboard:

James R. Burke, Chair

Diane Chapman, Vice Chair

absent

Susan Joy Haughwout, Clerk

Jacob White

Thomas J. Fitzgerald