

Wilmington Planning Commission
Meeting Minutes
Monday, March 12, 2018
Meeting Time: 4:00 P.M.

In attendance: Cheryl LaFlamme, Chair, Meg Staloff, AngelaYakovleff
Craig Ohlson, Zoning Administrator, Ann Manwaring, Select Board liaison, Scott
Tucker, Town Manager

Open meeting

Scott Tucker opened the meeting at 4:10 PM.

He stated nominations were open for Chair of the Planning Commission.

Angela made a motion to nominate Cheryl for the position of Chair. Meg seconded the motion.

In favor: All

Opposed: None

Cheryl entertained a motion to accept nominations for Vice-Chair of the Planning Commission.

Meg made a motion to nominate John Lebron as Vice-Chair. Angela seconded the motion.

In favor: All

Opposed: None

Cheryl entertained a motion to accept nominations for secretary of the Planning Commission. Meg nominated Angela. Cheryl seconded.

In favor: All

Opposed: None

Additions to the Agenda

None

Public Comments

None

Approve minutes of February 26, 2018

Meg made a motion to accept the minutes from February 26, 2018.

Cheryl seconded.

In favor: All

Opposed: None

Discuss Property Maintenance Ordinance

Gretchen Havreluk had forwarded two Property Maintenance Ordinances, one from Bennington, and one from Middlebury for our consideration. The Middlebury Ordinance addresses public nuisances and is not what we were addressing at the Feb. 26, 2018 meeting. The Bennington Property Maintenance Ordinance is extensive but does seem along the lines of what we had talked about.

The question was asked as to whether we were considering an ordinance that covered only the downtown or the entire Town of Wilmington.

Cheryl said the Downtown is not necessarily the problem in Wilmington, but outside the Downtown there are several properties that pose potential problems. She thinks it has to be a Town wide ordinance.

Ann wonders if we want to check into the legality of imposing an ordinance. Who will enforce it?

Cheryl said the Zoning Administrator, presently Craig, would.

Ann then asked if he would have the authority to impose a fine if that is the structure the ordinance takes?

Gretchen Havreluk was not in attendance, but was the person who initially brought up the matter. The board wondered what her intent and ideas are concerning Downtown versus Town wide?

The Bennington ordinance talks about a Building Inspector doing inspections of properties out of compliance. Wilmington does not have this position. Craig (Zoning Administrator) would do the inspections. Craig will research to see if there are other communities more similar to Wilmington who have a Property Maintenance Ordinance.

The Bennington Ordinance talks more about abandoned buildings rather than buildings that are occupied but not kept up. Safety is an issue. We could create a registry of known vacant buildings.

Ann suggested rather than creating a registry we might want to consider having the Zoning Administrator send a warning notifying the property owner he is in violation of the Ordinance.

Craig will contact VLCT to ask if there are other examples of ordinances that we might consider. He will also invite Gretchen to our next meeting, March 26, for further discussion and clarification.

Cheryl wonders what we think we need at this point?

Meg noted we don't want people to feel threatened. She will research to see if there are other towns that have Property Maintenance Ordinances. She will look for towns more similar in size and governance to Wilmington.

The issue of a timeline was brought up.

Scott said once the property owner had been notified if there were no change after a designated time period an eventual lien on the property would be made. In an instance of foreclosure the Town is the first lien holder. In the case of bankruptcy the only exemption is the home in which you live. The course of action would most probably be notice, fine then lien.

Scott said much is focused on the center of Town corridor. He said a registry is really an inventory. Hopefully we'd create goals around reducing the number of these buildings.

Discuss Flood Regulations

Discussion of the flood came up at Town Meeting.

We can't just "get into the river." We have to work in accordance with ANR regulations. Cheryl feels we need to address the Flood and Fluvial recommendations proactively to best benefit the Town.

She spoke to the issue at Town Meeting, explaining that we have looked at this and continue to discuss and plan next steps.

John Brooker-Campbell (VT-ANR) and Josh Carvajahal (ANR) came to an October Planning Commission meeting to discuss the ordinance. Perhaps we should have them in to find out how we can be more proactive.

We need to be more proactive with River Corridor Mapping, but not necessarily with passing an ordinance.

Let's not set up a rule, but see what we can do proactively to help our town members who have property with-in the river corridor. We need to change the conversation from, "This is what you can't do," to, "This is what you can do."

Cheryl still believes river corridor mapping is something that should be done positively.

Scott raised some questions for consideration: What does the map actually do?

It adds another layer of restrictions.

What about future use of property? Would you grandfather existing property?

Yes, unless there is significant change.

Cheryl thinks it is incumbent on the Planning Commission to find how we can look at this from a different perspective that can help rather than hurt property owners.

We will invite property owners to another meeting for discussion and to let them know we are looking from a different perspective.

Craig will contact John and Josh to find if they think this will be a valuable discussion.

Discuss Town plan

Gretchen is unable to help update the demographics that she thought she would be able to do. Cheryl thinks we should pass the Town Plan with the old data and turn it over to the Select Board.

Ann asked if it is possible to have the data as is since the plan, when passed will be for eight years and data will change during the duration regardless. Is there language we could put in the plan that would allow us to only update demographic data, perhaps in an appendix?

Craig pointed out as is we'd have to go through the entire plan again.

Ann offered to check on what the present legal status is and see if there is any way to get something in to the legislature this year.

Meg is attending a lunch meeting with legislators tomorrow (Tuesday, March 13). She will ask about that possibility.

Rural Residential – We are only looking at property of ten acres or more. There is a lot of land in current use presently. Cheryl was surprised at how much acreage is in current use, 4,300 acres. It would be interesting to superimpose the current use map over the large acreage map. We would then have a better picture of land parcels that would fall under new regulations for sub-division.

Sub-division can happen once property is out of current use. Presently this is one acre parcels. The new plan would state 3-5 acres parcels.

Should we ask Windham Regional to look at our current use map and super-impose it over the large tract land map? Craig will look into this.

To Do: Invite Gretchen to the March 26 meeting to discuss a Property Maintenance Ordinance.

Invite ANR members, Josh Carvajahal and John Brooker-Campbell to the April 9 meeting.

Close meeting

Meg made a motion to adjourn the meeting at 5:37PM.

Angela seconded.

In favor: All

Opposed: None

Respectfully submitted,
Angela Yakovleff, scribe

Next meeting: March 26, 2018 4:00PM