

Wilmington Planning Commission

Meeting Minutes

Monday, July 9, 2018

Meeting Time: 4:00 P.M.

Members present: Cheryl LaFlamme, Chair, John LeBron, Meg Staloff, Angela Yakovleff (at 6:15)

Ann Manwaring, Select Board liaison

Craig Ohlson, Zoning Administrator

Scott Tucker, Town Manager

Gretchen Havreduk, Town Economic Consultant

Wendy Manners-Seaman, Zoning Board Chair

Open meeting

Cheryl called the meeting to order at 4:09 PM.

Possible additions to the agenda

No additions

Approval of minutes from 6/25

Meg made a motion to accept the minutes of the June 25, 2018

John seconded.

All in favor

None opposed

Public comments:

None

Discuss Vacant Building Ordinance

G. Enforcement and Penalties

There was a discussion as to whether or not notification should be by certified mail. It was decided to keep notification by certified mail.

Wendy questioned whether this ordinance is with-in the Planning Commission's scope or the Select Board's. If it falls under the scope of the Select Board then the Planning Commission would not hold a hearing.

Craig will check with VLCT to see under whose purview the ordinance falls, Zoning or Health. If it is health there will be no Planning Commission hearing. It goes directly to the Select Board.

If it falls under zoning, then it is under the purview of the Planning Commission.

G. Add "calendar" where defining number of days without penalty so it will read 15 calendar days.

The fine will be defined more explicitly.

\$50 (first 15 days out of compliance)/\$100 (next 15 days out of compliance)/\$150 per day (following 15 days out of compliance)

A discussion followed. Ann suggested we identify at which point the Health Officer can step in and make the building secure.

The ordinance will state, the first fifteen days after notification of the building's status, there is no penalty. Days 16-30 penalty will accrue at the rate of \$50/day. From day 30 onward the Health

Officer can undertake making the building secure. If the owner comes in and says he'll fix it, he/she has the right.

Wendy noted that the Town cannot go into the building and change anything under zoning.

John said this doesn't define that he/she can go on the property.

Scott made a recommendation to vet the document through the Town attorney.

Wendy wondered if we should define "structure." Right now only "vacant structure" is defined.

John suggested we define "vacant space." Do we use "vacant space" anywhere else in the document?

Wendy suggested treating this ordinance as part of State VSA 445.1A. Can you wrap it into a violation of zoning penalties since it will be part of zoning?

The Health Officer is enforcing the ordinance, not the zoning administrator.

Cheryl noted we have to change references from Zoning Administrator to Health Officer wherever the enforcement authority is mentioned.

John wondered if the Select Board should appoint whomever they want? His opinion is, "the person appointed to enforce should be appointed by the Select Board."

Ann said we need to make clear if it's a Health or Zoning Ordinance because we are looking at two different ordinances.

Cheryl agreed we need to do more research.

Wendy said it would not be under the purview of zoning as written. It's the Health Officer. Citation should be added VSA2291(14, 15)

B. Ann Asked if you need someone else designated, whom do you put in charge? [The ordinance states it would revert to the Town Manager.]

John asked if a building is unsafe are we covered?" Where does it state this?

Ann noted it's in a State statute.

Scott could also reach out to the State Fire Marshall.

John questioned vacant building registration.

F:1. Why is there no date? [We are not suggesting any new positions.]

Add the word "immediately."

Cheryl thinks this gives "teeth" to the document.

Will the fine increase to \$100/day?

Add the wording, "Until such time."

Zoning Ordinance Update

Non-conforming Structures section 705, add to section 705b

If current use is not used for two years it expires.

Allowed use

Section 732 referenced, should be section 723.

723e is missing words" the applicant may not demolish."

732 solar should be 730, b should be f.

[Ann leaves at 5:30]

Discuss Town Plan Public Meeting

The Select Board made some changes.

A town's person feels the Select Board changes made prior to voting on the document should all be voted on rather than agreed to by consensus.

Adjournment

Angela made a motion to adjourn at 5:45 PM.
Meg seconded.
All in favor.
None opposed.

Re-open meeting

Cheryl re-opened the meeting at 5:53 PM for the purpose of setting a hearing date. If it is determined the purview of the Vacant Building Ordinance is the Planning Commission's a public hearing must be set.

Cheryl made a motion to set a public hearing on August 13, 2018 at 5:00 PM if it is determined the Planning Commission needs to hold one. Meg seconded

All in favor.
None Opposed.

Meg made a motion to adjourn at 5:58 PM.
John seconded.
All in favor.
None opposed.

Respectfully submitted,
Angela Yakovleff, Scribe

Next meeting July 23, 2018 at 4:00 PM
Agenda items: Changes to Zoning
What needs to be done with the Vacant Building Ordinance?
Under whose purview does the ordinance fall?