

**Wilmington Selectboard Agenda
March 19, 2024**

1. Visitors, Public Comments, Possible Changes to the Agenda
2. Approve Minutes of March 6 and 12, 2024 (5 minutes)
3. Action Items (15 minutes)
 - *The Selectboard to possibly accept the resignation of Justin Linder from the DRB.*
 - *The Selectboard to possibly appoint Doug Wheeler as Tree Warden*
 - *The Selectboard to possibly approve the annual Highway Financial Plan*
 - *The Selectboard to possibly approve the amended Appointments to Boards, Commissions and Committees Policy*

4. Re-Appointments (10 minutes)
The Selectboard to possibly approve re-appointments:

Energy Coordinator	-----	Bob Bois/1
Green Up Co-Chair	-----	Kathryn Larsen/1
	-----	Anthony Martino/1
Windham County Solid Waste District Supervisor Board	-----	Merrill Mundell/1
Windham Regional Commission Rep	-----	Bob Bois/1
	-----	Ann Manwaring/1
Planning Commission	-----	John Lebron/4
DRB	-----	Charlie Foster/3
	-----	Cheryl LaFlamme/3
Trails Committee	-----	Joanne Yankura/4
Rec	-----	Emily Beeman/4
DVFiber	-----	Ann Manwaring/1
DV Fiber Alt	-----	Alan Baker/1
DV Fiber Alt	-----	Gretchen Havreluk/1

5. Cannabis Commission (10 minutes)
The Cannabis Commission to possibly approve:
 - *An application for S-000007608, Outdoor Cultivator Tier 1 Small Cultivator; Owl Forest LLC*
6. Liquor Commission (5 minutes)
 - *The Liquor Commission to possibly approve a Request to Cater and Open Container Exemption for an event at Ratu's on April 6, 2024 from 3-6 pm, catered by Wilmington Inn,*
 - *A Second-Class Renewal for Shaws.*
 - *A First-, Third- and Outside Consumption Renewal for La casita LLC*
7. Other Business/Correspondence
8. Select Board Members Comments
9. Town Manager's Updates (10 minutes)
10. Executive Session
 - *The Selectboard to enter into executive session for attorney-client communications.*

Wilmington Selectboard Meeting Minutes March 6, 2024

Present: Tom Fitzgerald, John Gannon, Vince Rice, Sarah Fisher, Tony Tribuno

Others Present: Scott Tucker, Jessica DeFrancesco, John Lazelle, Therese Lounsbury

Tucker opened the meeting at 8:20 am

1. Re-Organization

- Tribuno nominated Fitzgerald for Chair, Rice second; all in favor. Tribuno nominated Gannon for Vice Chair, Rice second; all in favor. Tribuno nominated Rice as Clerk, Fitzgerald second; all in favor.
- Other Actions and Appointments
Rice moved to approve the Rules of Procedure, Tribuno second; all in favor
Fisher moved to approve the Conflict-of-Interest Policy, Rice second; all in favor.
ex-officio assignments; Sarah-Bi Town, Tom- Planning & DRB, Trails-John, Rec-Vince
Meetings will remain the 1st and 3rd Tuesday each month at 6 p.m.
The official paper will be the Deerfield Valley News and the posting locations will be the Town Office, River Valley Market, and OSEC Lobby.

2. Visitors, Public Comments, Possible Changes to the Agenda

3. Approve Minutes of February 20 and 26, 2024

- Tribuno moved to approve the minutes of February 20 and 26, 2024, Rice second; all in favor.

4. Action Items

- Fitzgerald moved to approve the annual Town Road and Bridge Standards, Rice second; all in favor.
- Fitzgerald moved to approve the annual Certificate of Compliance for Town Road and Bridge Standards, Rice second; all in favor.
- Haskell Hill Rd from the end of the pavement to the end of the road has been added this year.
Tribuno moved to approve the 2024 spring road postings, Fisher second; all in favor.

Fitzgerald moved to enter into Sewer Commission at 8:38 am, Tribuno second; all in favor.

5. Sewer Commission

The Sewer Commission to possibly approve:

- Tribuno moved to approve preliminary allocation at 85 West Main Street for a 1-bedroom apartment in the basement at 140 gallons per day, Fisher second; all in favor.
- Tribuno moved to approve preliminary allocation at Fairview Avenue Lot 1 for a New 3-bedroom house for 420 gallons per day, Rice second; all in favor.
- Tribuno moved to approve preliminary allocation at Fairview Avenue Lot 2 for a New 3-bedroom house for 420 gallons per day, Rice second; all in favor.
- Tribuno moved to approve preliminary allocation at 157 Route 100 North - remove store and add two apartments with 4 bedrooms for an additional 325 gallons per day, Fisher second; all in favor.
- Fisher moved to approve a 3-month extension of preliminary approval at 143 Route 9 West -for 8 new bedrooms (7 apartments) at 1,120 gallons per day, Tribuno second; all in favor.

Lazelle updated the board on the status of the reserve. There is about 25,000 gpd available now.

If the average flow reaches 108,000 gallons for 90 consecutive days, we would need to re-evaluate and hire an engineer to work on the state permit. The sewer line by the 1836 Country Store has seen two clogs in last three weeks. Lazelle believes the clog is in an area where the store connects at a “chimney” that was built in the 1960s with a sag in the sewer line. It is believed that asbestos cement piping will be found, requiring specialized removal/repair.

Out of Sewer Commission at 8:58 am

Fitzgerald moved to enter into Liquor Commission at 8:58 am, Tribuno second; all in favor.

6. Liquor Commission

- Rice moved to approve a First-, Third-Class and Outside Consumption Renewal for Alpenglow,
- A Second-Class Renewal for Jolley Associates, LLC,
- A Request to Cater Permit for the Beer and Chili Stroll, catered by Wilmington Inn, on April 5th from 4-7 pm at Ratus, Pickwell’s Barn, Jim McGraths Art Gallery, Vermont House, Memorial Hall and Bartleby’s Books, and an Open Container Exemption Permit for Memorial Hall, Tribuno second; all in favor.

Out of Liquor Commission at 8:59 am

7. Other Business/Correspondence

8. Select Board Members Comments

- Fisher would like to discuss Memorial Hall and Town Meeting format. Therese commented that trying another day/time could be done but voters must vote in a special town meeting to change the date/time; two possible dates for a special town meeting is in August or November.

9. Town Manager’s Updates

Meeting adjourned at 9:39 am

Respectfully Submitted,
Jessica DeFrancesco

Approved by the Wilmington Selectboard:

Thomas Fitzgerald, Chair

John Gannon, Vice Chair

Vince Rice, Clerk

Sarah Fisher

Tony Tribuno

Wilmington Selectboard Special Meeting

March 12, 2024

Present: Tom Fitzgerald, John Gannon, Sarah Fisher, Tony Tribuno

Others Present: Scott Tucker, Jessica DeFrancesco, Jessica Roberts, Cheryl LaFlamme, Ivy Kirby, Evan Steiner, Todd Gareiss, Vanessa Scandfeld, Jack Widness, Hugo Gomes, Nicki Steel, Elliott Ball, Morgan Rothblat, James Hamilton, Cristin Flannery, Chris Mays, Steve Schoenberger, Rocha Allim, JD Roberto, Dennis Musso, Kevin Seaman, Arthur Rogers, Pat Drury, John Lebron, Pam Mazzaferro, Thomas Elkind, Adam Cohen, Ted Schmidt, Lori Higgins, Ann Loughran, Janeen Capozzi, Mark Galantowicz, Jen Nilsen, Thomas Rafferty, Fred Marra, Matthew Moore, John Frey, Joe Testa, Andy Polglase, Jeanine Quicker, Cliff Leinonen, Christine DeCrescenzo, John Redd, Gretchen Havreluk, Jim McDevitt, Mary Sager, Will Melton, Samantha Kondracki, Marie Carver, James Walker, David Bliss, Donna Rooney, Matt Moran, Jacob Moore, Michael Levesque, Kris Rahmas, Emilio Mignanelli

1. Public hearing on Zoning Ordinance Amendments opened at 6:01 pm
 - Nicki Steel; concerns regarding the definitions of lodging and short-term rentals. Number of rooms, meals being served, etc should define what is lodging and what is short-term rental. STR shouldn't be allowed in Residential, cap on amount of people or bedrooms allowed. Chimney Hill should be moved to Resort-Residential District.
 - Thomas Elkind; disturbed that the focus is on number of bedrooms as a factor. Excessive noise complaints last year to the PD were to homes or apartments with less than 4 bedrooms; only 1 was from a known STR. Number of bedrooms isn't a factor in most other towns.
 - Will Melton; Lake Raponda Association. Lake Raponda is a seep lake; spring-fed. Urge town to manage and monitor STR's. Absentee landlords are buying properties with lake rights, allowing overcrowding of properties. Fireworks being shot out over the lake more often, polluting the lake. Aged septic systems and fuel oil tanks in lawns.
 - JD Roberto; legislature term for lodging states that it does not include short-term rentals. Agrees with Elkind that complaints are not coming from STR's currently. Four-bedroom home in a dense neighborhood is vastly different than a five-bedroom home on 12 acres. Will application, permit and complaint processes be simple and explicit?
 - James Walker; CHOA. How many people does a bedroom sleep? State Fire Marshall regulates STR's; 10+ people bring you to a public use where the Fire Marshall is concerned. Permit requirements should be made clearer.
 - Kevin Seaman; understands the need for some to rent their homes for part of the year. STR's and lodging are two different things and seem to have been combined. An increase in traffic and wear and tear on his road has happened since an STR opened last year. Asks the Board to limit the expansion of STR's. Concerned about full-time short-term renters.
 - Jack Widness; maintain residential districts for residences and not commercial/business purposes. Separate lodging and STR's. Concerned with increased traffic and noise on Lake Raponda; possible leakage of oil tanks and failing septic.
 - Elliott Ball; owns a second-home and rents out on a short-term basis. Has never heard of there being noise complaints from his property. Agrees that safety and sanitation concerns need to be taken. The number of bedrooms does seem arbitrary. Knows of local full-time residents who have bought properties to rent short-term. Maybe look at

- limiting number of days it can be rented per year. He has had noise issues with his full-time resident neighbors. It isn't just short-term renters. It does bring money to the economy, as they go to restaurants and stores.
- Emilio Mignanelli; has had a vacation home for 15 years. Has been managing rentals in Wilmington and Dover for many years. Too many cars or "party house" is something that should be managed through owners and other avenues. Lodging and short-term rental need to be separated and defined appropriately. Come up with a stand-alone short-term rental ordinance.
 - Hugo Gomes; let tourism manage STR's. Prices will go up if you limit the number of STR's; competitive prices will bring more tourism and keep the cost lower. STR's offer full kitchens, hot tubs, pools, and other things that some hotels here don't have.
 - John Lebron; Planning Commission has recommendations- Update STR's to prohibit meals being served, create a registry or licensing process, move Chimney Hill into Resort-Residential District. PC had worked on increasing housing and density. Permitting is not a replacement for a registry. STR's are businesses. Feels that those purchasing homes and renting them are not doing it because they need the income.
 - Pat Drury; fell in love with the area. Rent their home out a few times a year; it is not a business. Wants to maintain the charm of Wilmington. Limit the number of days it can be rented to limit commercial enterprises. Today's testimony sounds a lot more negative than of that during the Planning Commission hearing.
 - Matt Moran; hired a local contractor to fix his newly purchased home a couple years ago. Rents a few times a year to help with the repairs. Keeps in contact with neighbors to ensure there are no issues.
 - JD Roberto; feels John Lebron has an "agenda" and that this is a corporate enterprise is ludicrous. The only way to make it affordable for his family to retire here is to rent out when they aren't here. The market will sort itself out; those owning multiple properties will pull out eventually.
 - Lori Higgins/Evan Steiner; re-iterates JD's comments. They are here all winter and ski. Communicate with their neighbors, fire marshall and police officers.
 - Jacob Moore; STR's should be regulated differently than other lodging. Not against STR's but there needs to be oversight on them; there needs to be clear regulations and guidelines. This will greatly impact the community and its future. People are priced out of buying or renting here. Afraid that in 10 years there won't be any residents, just a ski mountain.
 - Bryce Boyer; own a second home here. Rent it part-time so they have a place to come when he and family want to ski. 80% of STR's manage 1-2 properties; disagrees with the "corporate enterprise" claim. There are some things that can be put in place to help with the noise and parking issues. Noise is a people problem, not a STR problem.
 - Vanessa Scinfeld; concerned that limiting STR's will leave them empty which could lead to less maintenance on the properties; less money being spent in town.

2. Recess hearing to April 2, 2024 at 5:30 pm

Regular meeting began at 7:25 pm

3. Visitors, Public Comment, Changes to agenda

4. Possible approval of Zoning Ordinance

- Gannon thanked everyone who came out and gave comments tonight. It is an important process.

- The ordinance will go to the town attorney for review and clarification on definitions.

5. Other business

Meeting adjourned at 7:27 pm

Respectfully Submitted,
Jessica DeFrancesco

Approved by the Wilmington Selectboard:

Thomas Fitzgerald, Chair

John Gannon, Vice Chair

Vince Rice, Clerk

Sarah Fisher

Tony Tribuno

From: Justin Linder <jc-linder@hotmail.com>
Sent: Friday, March 1, 2024 12:56 PM
To: Scott Tucker <stucker@wilmingtonvt.us>
Cc: Cheryl LaFlamme <lafman3@icloud.com>
Subject: Resignation from Development Review Board

Hello Scott:

It was great seeing you earlier today. As discussed, I am writing to inform you of my decision to resign from the Wilmington Development Review Board on account of unforeseen family obligations that recently have arisen.

I greatly appreciated the opportunity to serve the community.

All the best,
Justin Linder

I had a lot respect for Fred Squwird. He did a nice job. I had learn from my father about trees and fromm other people and fromm logging so I think have a idea what to do about trees and what are healthy and what is not . And I did take a class on tree wardens. Have work with a couple foresters too .So I think I come with what experience, and I read and seen the tree warden is supposed to do.

-Doug Wheeler

ANNUAL FINANCIAL PLAN - TOWN HIGHWAYS
19 V.S.A. § 306(j)

TA-60

_____ of _____ Fiscal Year _____ Begin _____ End _____

INCOME

DESCRIPTION	ESTIMATED
State Funds - 19 V.S.A. Section 306(a):	
Class 1	\$
Class 2	\$
Class 3	\$
Town Tax Funds – 19 V.S.A. Section 307	\$
Special Funds (e.g., bonds or earmarks):	
a.	\$
b.	\$
c.	\$
TOTAL	\$

EXPENSES

DESCRIPTION	ESTIMATED
Winter Maintenance	\$
Non-Winter Maintenance	\$
Major Construction Projects	
a.	\$
b.	\$
c.	\$
TOTAL	\$

Comments:

This form shall be signed by the appropriate town officials and forwarded to the District Transportation Administrator.

ANNUAL FINANCIAL PLAN - TOWN HIGHWAYS

TA-60

19 V.S.A. § 306(j)
(page 2)

We, the Legislative Body of the Municipality of _____ certify
that funds raised by municipal taxes are equivalent to or greater than a sum of at least **\$300.00**
per mile for each mile of Class 1, 2, and 3 Town Highway in the municipality. (19 V.S.A. 307)

_____ Date: 3/19/2024

(Duly Authorized Representatives)

The submitted Town Plan meets the requirements of Title 19, Section 306(j).

_____ Date: _____
District Transportation Administrator

Wilmington Appointments to Boards, Commissions, and Committees Policy

It is the goal of the Wilmington Selectboard to have a policy that encourages volunteer participation in town boards, commissions, and committees, that respects the commitment shown by incumbents and encourages new people to join in the volunteer efforts of the town. The Selectboard encourages town boards to meet during non-business hours in order to ensure that all parts of the community are able to participate and attend meetings. All meetings must meet the requirements of Vermont's Open Meeting Law and should be held in the town hall meeting room.

Policy:

In February of each year, the town office will communicate to incumbents whose terms are expiring that:

- Their term is expiring and
- If they wish to be re-appointed, they must inform the town office by the date specified in the communication received.

As a general rule, incumbents will not require Selectboard interviews. The Selectboard will interview incumbents when the Selectboard feels that it is in the best interest of the town to do so.

In March the Selectboard will vote on the re-appointment of incumbents.

After the decision of the Selectboard regarding re-appointments of incumbents, the town office will publish open positions.

New applicants should submit a letter of interest or email to the town office and will be interviewed.

Interview Process:

- All interviews will take place during a regular Selectboard meeting.
- Applicants will be informed of the interview process
- Applicants are allowed to ask clarification questions of the Selectboard
- Applicants shall be either a Wilmington resident, rent property in Wilmington, own property in Wilmington, or work in Wilmington, unless there are statutory requirements and/or prohibitions.

The Selectboard will vote on all new appointments; applicants will be notified once a decision is made.

Adopted by the Wilmington Selectboard on March 19, 2024,

SELECTBOARD RE-APPOINTMENT LIST

Terms expire APRIL 1, 2024

The following have replied they are willing to be re-appointed

<u>POSITION</u>	<u>INCUMBENT/Term yrs</u>
Energy Coordinator -----	Bob Bois/1
Green Up Co-Chair-----	Kathryn Larsen/1
-----	Anthony Martino/1
Windham County Solid Waste District Supervisor Board-----	Merrill Mundell/1
Windham Regional Commission Rep-----	Bob Bois/1
	Ann Manwaring/1
Planning Commission -----	John Lebron/4
DRB -----	Charlie Foster/3
-----	Cheryl LaFamme/3
Trails Committee -----	Joanne Yankura/4
Rec-----	Emily Beeman/4
DVFiber -----	Ann Manwaring/1
-----	Alan Baker/1
-----	Gretchen Havreluk/1

The following do NOT wish to be re-appointed

DRB Alternate----- Paul Lockyear

The Cannabis Control Board would like to inform you that S-000007608, Outdoor Cultivator Tier 1 Small Cultivator has been submitted. Approval is pending by the CCB as well as your Local Control Commission. This applicant's proposed cannabis establishment is within your municipality.

Pursuant to state law, most cannabis establishment application materials are confidential. See 7 V.S.A. § 901(h)(1)(A). The Board is sharing some of the application information in this document to facilitate the Local Control Commission's licensing review. The Board asks that you abide by state law and maintain the confidentiality of this information.

The Local Control Commission may request further information about the proposed cannabis establishment directly from the applicant.

Business Legal Name and Registered: Owl Forest LLC dba Owl Forest Alternatives: Owl Forest LLC - Dba - Owl Forest

Address:, Wilmington, VT 05363 (please note that for all application types except retail establishments and integrated facilities) the address of this establishment is not public information and should not be shared):

Principals and Controlling Entities: Ian Dyer & Brian Holt

Primary Contact's email address:

Primary Contact's phone number:

For this license type, the applicant is asked the following questions which may be relevant to your review:

- Do you comply with required inspections or permits from other state and local agencies (for example, certificates of occupancy)?
 - Yes
- Is your proposed Cannabis Establishment project in a public building?
 - No
- Is the physical site of operation on a municipal water supply?
 - No

All applicants are required comply with Division of Fire Safety (DFS) requirements which is documented through a non-jurisdictional letter or fire safety inspection report.

In order to issue this license, the CCB requires the approval of your Town's Local Control Commission.

Please submit documentation of the Local Control Commission's decision via email to CCB.Applications@vermont.gov

Local Control Commission authority is defined at 7 V.S.A. § 863, and the Board has developed information for municipalities and Local Control Commissions on its [website](#). Per CCB Rule 2.14, if a Local Control Commission allows an application to remain undecided for forty-five days, that application is presumptively granted. For a list of upcoming projects proposed in your municipality, [click here](#).

Thank you,

Cannabis Control Board

For assistance, contact: (802) 828-1010
CCB.Applications@vermont.gov