

Minutes of June 13, 2023 Meeting

Warren Selectboard

Streamed on MRVTV

6:30 PM

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Approved

Members Present: Luke Youmell, Chair; Andrew Cunningham, Vice Chair; Bob Ackland; Camilla Behn, Devin Klein Corrigan.

Staff Present: Ruth Robbins, Zoning Administrator; Marie Schmukal, Library Director

Others Present: Glenn Acker, Jeff Campbell, R Campbell, Alice Cheney, Kelley Elwell, Shane Elwell, Amantha Rouleau, Jared Rouleau, Linda Tyler

Public Comment

Nobody requested time to address the Board.

Agenda Changes

Several items were mentioned as being part of the Other Business portion of the meeting. The order of agenda items was adjusted.

Other Business

Appointment of CVRPC representatives – Ms. Behn provided some background information regarding Lexi Leacock's serving as Warren's CVRPC representative.

MOTION: *A motion was made by Mr. Cunningham to appoint Lexi Leacock as a representative to the CVRPC, and to appoint Jenny Faillace as an alternate. The motion was seconded by Ms. Behn. All voted in favor.*

Close out of Municipal Planning Grant – an amended resolution was available for approval

MOTION: *A motion was made by Mr. Cunningham to authorize Mr. Youmell to sign the amended resolution for the Municipal Planning Grant. The motion was seconded by Ms. Behn. All voted in favor.*

Planning Commission appointments – Ms. Behn reported that a candidate for the open Planning Commission position will be available at the next Board meeting for appointment.

Elwell zoning/land use complaint – Shane and Kelley Elwell, Ruth Robbins

Mr. Youmell explained that the Board needed background information in order to be able to review the situation that has arisen following DRB hearings in late 2022 that were meant to resolve any issues related to the Elwell and Rouleau businesses being conducted from their Alpine Village residences.

Ms. Elwell provided a summary of the events leading up to recent complaints being made to Ms. Robbins, and spoke of her concerns regarding the notices proved to the Elwells by Ms. Robbins. She indicated that conflicting messages were being given, but that Ms. Robbins had assured Mr. Elwell and herself that nothing was out of order with their operations.

Ms. Robbins explained that two complaints had been received from neighbors, and that she had sent along a reminder letter each time, and followed up the second letter with a site visit. That complaint was related to the size of the area being used for business operations; the first was due to the arrival of a full log truck in the evening, later than the prescribed business hours. Ms. Robbins further explained that she believes the intent of the DRB was to allow the Elwell's operations to continue as they had been previous to the December 2022 hearing, including the use of their property on the other side of the road

from their house. She indicated that she was not sure why the Notice of Decision specifically called this area out as being one-quarter acre in size.

Board members agreed that follow-up on this matter should include:

- Future responses by the ZA to complaints should include an investigation before sending correspondence.
- The DRB should be asked to review the Elwell's Notice of Decision and clarify why the size of the area across the road was specified at one-quarter acre.
- The DRB should be asked to clarify that commercial vehicles may arrive or depart outside of the specified business hours as long as they are not loading/unloading during those times.

Ms. Elwell expressed frustration with the requirements for documentation from the Elwells and no such need for verification of statements from the complainants, providing the neighbors' statements of reduced property values due to nearby commercial operations as an example. Ms. Klein Corrigan explained that because the Decision was based on the notion of equitable estoppel, the document outlines all the points made during the hearing as background for the decision made.

Later in the meeting, the Rouleaus explained that they were having trouble retaining an engineer to provide an erosion control plan, but that they had addressed modifying the area of fill they had brought in to support their workshop. They wondered if an engineer's plan was necessary, or if the Decision language requiring that it be 'done properly' was satisfied by the work completed, and if they are able to provide their own 'erosion control plan.'

Board members agreed to include in the follow up steps outlined to:

- Ask the DRB to clarify the phrases 'done properly' and 'erosion control plan' as included in the Rouleau Decision, to indicate whether or not an engineer needs to be retained.

Warren Skatepark Fundraiser August 19 – Pierre Hall

Mr. Hall explained that the event will be generally the same as last year's, with the addition of a food vendor. He expects attendance of 100-200 people, music will be scheduled from noon to 8:00 pm. Portable toilets will be rented for the event.

Board members had no concerns.

MOTION: *A motion was made by Mr. Ackland to approve the Festival Permit application for the Skatepark Fundraiser. The motion was seconded by Mr. Cunningham. All voted in favor.*

MOTION: *A motion was made by Mr. Cunningham to waive the application fee for the Skatepark Festival Permit application. The motion was seconded by Mr. Ackland. All voted in favor.*

Town Green Gazebo update, placement discussion

Ms. Klein Corrigan provided an explanation of the benefits and drawbacks regarding each of the two locations being considered for gazebo placement at the Town Green. She noted that in working with Ellen Strauss to finalize the conceptual drawings, it had been decided that reducing the size of the gazebo by one foot both in length and width was appropriate to have the structure fit better on the site. She also explained that slight modifications to the design might be appropriate depending upon which location was selected.

Several of those present offered input on how the location might affect different activities taking place in the gazebo, with points made regarding safety, aesthetics, acoustics, and other factors.

MOTION: *A motion was made by Mr. Cunningham to set the location of the gazebo at the parking lot end of the green, closer to where there is delineation on the ground than exactly where it is depicted on the drawings. The motion was seconded by Mr. Ackland. The motion passed, with Ms. Klein Corrigan and Mr. Ackland abstaining.*

Potential funding sources were discussed briefly. Ms. Schmulal noted that the grant application she has prepared is due on June 16 (the next day), and she wanted to ensure that the financial information included was in order. There was mention of the possibility of ARPA funds being used to cover costs above what is raised through grants and crowdfunding. It was agreed that a spending cap would be appropriate.

MOTION: *A motion was made by Mr. Ackland that the total cost of the gazebo will not exceed \$60K. The motion was seconded by Ms. Klein Corrigan. All voted in favor.*

Land Use Development Regulations Review

This item was postponed.

Ongoing Business

Covered Bridge update – Mr. Cunningham and Ms. Klein Corrigan reported that they have met with Tim Parent to clarify some aspects of the work proposed for the bridge. It was decided to ask for a quote for replacing all the stringers rather than half of them, as well as some guardrail work that will need to be completed as part of the project.

In response to questions from Mr. Sanford, it was confirmed that this work will not preclude future work to rebuild the bridge abutments.

In response to questions from Ms. Cheney, it was indicated that work in the river, including access to the river at the bridge site, is no longer part of the project. The original scope proved to be too expensive, and this project has been minimized to the work that is necessary for safety.

This work will likely take place in the September-October time frame.

Mr. Cunningham confirmed that there are funds available for this project in the Bridge and Dam Fund, including grant funds which were awarded for this purpose.

Mr. Cunningham explained that permission will not be granted for rebuilding the dam, and the Town has been advised that the structure will slowly dismantle itself.

General Maintenance – fire extinguishers – This item was postponed.

Road/culvert projects – Mr. Ackland reported that he had met with Mark Bannon regarding the Access Road culvert work, and Mr. Bannon does not believe there will be any problem obtaining the necessary State permits. The plan at that site is to saddle the snowmaking lines that run through the culvert, as moving them would be quite expensive. Otherwise, Mr. Ackland reported that road projects are in good shape, with the crew focusing on typical summer work.

Town garage – Mr. Ackland has also spoken with Mr. Bannon regarding completion of the drawings for these buildings; Mr. Bannon has met with the crew regarding interior configurations and is working to complete the drawings. Mr. Ackland is also working to clarify some items regarding a potential new location for the garage.

Sugarbush fire station – This item was postponed.

Brooks field Port-o-lets – One has been put in place for the summer near the ball field, it was agreed to have a second one located at the skate park.

East Warren Road culvert – Ms. Behn reported that she had spoken with Annie Decker-Dell'Isola (Warren Town Administrator) regarding this road closure, and it was indicated that the road would be closed for 2 – 6 weeks. Mr. Ackland had heard at a recent MRVPD meeting that it would longer than this. Ms. Behn will check with Ms. Decker-Dell'Isola for more definitive dates.

Other Items – Mr. Ackland reported that L&D will be completing line striping in the Village early next week.

Ms. Cheney asked whether there would be a response to Linda Tyler's letter that was recently emailed to the Board; several members had not yet had an opportunity to read the letter, and it was explained that not every message receives a public response. Board members also clarified for Ms. Cheney that input is best provided directly by emailing to selectboard@warrenvt.org rather than by filling out the box on the web site.

Administrative Items

MOTION: A motion was made by Mr. Cunningham to accept the Municipal Energy Resilience Grant. The motion was seconded by Ms. Behn. All voted in favor.

Ms. Behn will follow up with Lexi Leacock to get details of the work to be completed with these funds.

MOTION: A motion to approve the accounts payable warrant in the amount of \$70,775.69 passed unanimously.

MOTION: A motion to approve the payroll warrant in the amount of \$45,348.50 passed unanimously.

Mr. Ackland reported he is working with TJ Kingsbury to clarify some details regarding the West Hill project.

Executive Session

MOTION: A motion to enter Executive Session pursuant to 1 V.S.A. § 313 (a) (3) [Personnel] passed unanimously.

The meeting entered Executive Session at 9:00 pm and returned to open session at 9:25 pm.

The meeting adjourned at 9:25 pm.

Respectfully Submitted,
Carol Chamberlin

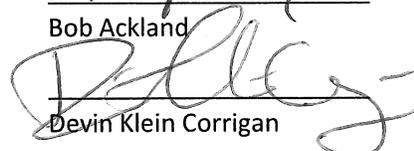
The Warren Selectboard



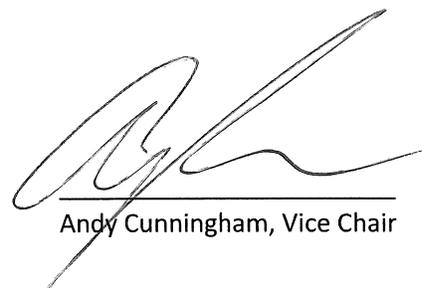
Luke Youmell, Chair



Bob Ackland



Devin Klein Corrigan



Andy Cunningham, Vice Chair



Camilla Behn