

**TOWN OF SHELBURNE
SELECTBOARD
MINUTES OF MEETING
July 9, 2019**

MEMBERS PRESENT: Jerry Storey (Chair); Jaime Heins, Mary Kehoe, Mike Ashooh, Colleen Parker.

ADMINISTRATION: Lee Krohn, Town Manager; Peter Frankenburg, Finance Director; Dean Pierce, Planning Director; Chris Robinson, Water Quality Superintendent; Paul Goodrich, Highway Superintendent; Nini Anger, Executive Assistant to the Town Manager, Ravi Venkataraman, DRB Coordinator.

OTHERS PRESENT: Tom and Sara Tompkins, Bruce Nunziata, Linda Riell, Elizabeth Hollister, Susan McLellan, Maureen Mindell, Joseph Unser, Bill Supple, Toni Supple, Joy and Roland Limoge, Tarn Foerg, Pam Brangan, Dorothea Penar, Rosalyn Graham, David Webster, Don Porter, Susan McLellan, Ken and Gail Albert, Jessica Brumsted, Alan Huizenga, Cullen Paurselis, Susan Morse, Charlie Newhouse, Lisa Scagliotti (Shelburne News).

1. CALL TO ORDER

Chair Jerry Storey called the meeting to order at 7:05 PM.

2. APPROVE AGENDA

MOTION by Jaime Heins, **SECOND** by Mary Kehoe, to approve the agenda as presented. **VOTING:** unanimous (5-0); motion carried.

3. MINUTES

May 31, 2019

MOTION by Mary Kehoe, **SECOND** by Jaime Heins, to approve the May 31, 2019 minutes as presented. **VOTING:** 3 ayes, 2 abstentions (Mike Ashooh, Colleen Parker); motion carried.

June 11, 2019

MOTION by Jaime Heins, **SECOND** by Mike Ashooh, to approve the June 11, 2019 minutes as presented. **VOTING:** 4 ayes, 1 abstentions (Mike Ashooh); motion carried.

June 25, 2019

MOTION by Mike Ashooh, **SECOND** by Mary Kehoe, to approve the June 25, 2019 minutes with the global correction of the spelling of "Worrell". **VOTING:** unanimous (5-0); motion carried.

July 2, 2019

MOTION by Mary Kehoe, **SECOND** by Jaime Heins, to approve the minutes of July 2, 2019 as presented. **VOTING:** unanimous (5-0); motion carried.

4. PUBLIC COMMENT

None.

5. SELECTBOARD COMMENTS

- Jaime Heins thanked the Highway crew for the work on Falls Road.
- Jerry Storey thanked Peter Frankenburg for his work as Acting Town Manager, adding there is no way to describe Peter Frankenburg's value to the Town of Shelburne.

6. TOWN MANAGER REPORT

Town Manager, Lee Krohn, noted the following:

- Thanks to Peter Frankenburg for always stepping up and doing what needs to be done for the town.
- Library/Town Center update:
 - Some fencing has been taken down
 - Some external site work has been done (sidewalk, curbing)
 - New pavement will be put down in the next few days
 - Work is ongoing inside the building
 - Elevator expected to arrive by July 22, 2019
- A state wetlands official met with the dog park group regarding the dog park. Progress is being made. The Town may need to apply for a state wetlands permit.
- The solar contractor is working with the library contractor to hopefully install solar panels in August, 2019.
- Progress with delinquent taxes is slow and steady. Additional steps may need discussion. The town is carrying approximately \$500,000 in debt.

7. KWINIASKA/SHELBURNE HEIGHTS WASTE WATER FLOW INDEPENDENT ENGINEERING ANALYSIS

Mike Ashooh recused himself from the discussion. Jerry Storey stated the engineer from Green Mountain Engineering, Alan Huizenga, is in attendance to answer questions on the analysis that focused on flow volume and capacity.

COMMENTS

Bill Supple, Pierson Drive, mentioned the lack of as-built plans being a problem in locating sections of pipe identified as needing reinforced concrete. Jerry Storey read a statement from the engineer on the construction of the cross-country sewer pipe buried at pipe depth. Bill Supple said he would like to ask the engineer if the sewer system will be a problem and if there is anything to worry about. Jerry Storey explained the engineer was contracted to review calculations in usage only. The engineer was not asked to render a professional judgement on the sewer system. Bill Supple claimed that the Town Manager's statements on the system's flow calculations were off by a significant amount and without the as-built plans it cannot be know what else is off. Mr. Supple stressed his objective is to avoid a problem, not stop the development, but the flow will be going through his neighborhood and it seems like something is being hidden.

Mary Kehoe asked that the engineer hired by the Town should be given the opportunity to summarize his findings.

Ken Albert, Pierson Drive, said the Selectboard appears to be defending the system rather than having the professional engineer give testimony in public. The engineer should be asked to summarize his findings and state whether the system is adequate and can do the job.

A resident on the end of the sewer line in the Shelburne Heights neighborhood recalled having to install a pump station and the concern by the installer (P&P Septic) that the sewer pipe in the manhole was only four feet deep which could be subject to freezing in winter.

Alan Huizenga, Green Mountain Engineering, reviewed the information available to do the analysis on the capacity of the existing system (plans dated 9/11/01 and signed by the contractor, plans from Lamoureux & Dickinson for Fairway at Spear for 48 residential units connected to a pump station and 43 units on a gravity sewer). Peak flows total 135.4 gallons per minute (35.4 gpm gravity flow plus 100 gpm pump station). The flow for the 77 existing homes in Shelburne Heights is 68.4 gpm. Peak hourly flow for all connections is 203.8 gpm. The 8" diameter sewer pipe with slope has capacity of 341 gpm so only 60% of the pipe capacity will be used at full buildout of the new development; and these figures are based on peak flows.

Ken Albert, Pierson Drive, asked about capacity for the 100-year storm. Alan Huizenga said surface infiltration is not typically included in design flows. Flows from a 100-year storm will overflow any part of the system in town.

Toni Supple, Pierson Drive, asked about the revised report from the engineer to the Selectboard, dated June 14, 2019, regarding Potter Place. Alan Huizenga said the cross-country line exceeded the 20% slope threshold with a slope of 33% and the velocity threshold of 15 feet per second with a velocity of 18 feet per second. The consequence of excessive velocity is possible erosion of the pipe materials and shock from the velocity wave. Deterioration may be faster with high velocity over time. Toni Supple requested access to the images of the pipes for Logan Court and asked how the pipes at the bottom of the ravine would be accessed. Water Quality Superintendent, Chris Robinson, said the Town has some images that can be viewed. The Logan Court section of the pipe is a sturdier material. The pipe can be accessed from the cul-de-sac at the end of Logan Court.

Mary Kehoe asked if it is a concern to add 90 more housing units to a pipe where the flow is exceeding the standards. Alan Huizenga said it appears the town has taken some measures with the pipe material appropriate for high velocities to avoid erosion. There is no concern with adding the new houses onto this system.

Residents thanked the Selectboard for hearing their concerns and further investigating the matter. The Selectboard commented on the lack of documentation submitted by Shelburne Heights residents on the adequacy of the sewer system. The evidence shows nothing that was installed in the Shelburne Heights sewer system makes the system inadequate to accept additional houses on the system, and that flow route is safer than Webster Road. The town will be diligent in monitoring the system.

Mike Ashooh returned to the Selectboard.

8. WASTE WATER DEPARTMENT BUDGET

Finance Director, Peter Frankenburg, gave background information on the Waste Water Department Budget (enterprise fund, supports five full time employees, two treatment plants, some shared service between town departments, collection system with 34 miles of mains and numerous pump stations, 2,250 accounts, most of which are residential). The proposed FY2019-2020 budget shows a 3.1% increase in expenses, total volume billed of 136 million gallons, and increase in the rate from \$13.15 per 1,000 gallons to \$13.29 per 1,000 gallons (1.1% increase). A significant portion of the budget (29%) is debt service. Utilities are 12% of the budget mostly for electric costs. Salary and benefits show a 2.4% increase. The budget includes funds for telemetry equipment (\$20,000), project engineering for future upgrades to the system (\$30,000), capital items (\$50,000 for an emergency generator at the Bay Road pump station), collection system maintenance (\$20,000), electricity (\$21,000 which is an 11% increase; solar credits will be applied toward the electricity cost). There is no increase in the debt payment (\$580,000).

Mary Kehoe clarified there are 4,000 users on the system through 2,250 accounts, and the credits from the solar array paid for by all the residents in Shelburne will be used to benefit a subset of the residents (i.e. those on the town sewer system). Lee Krohn explained there are two solar arrays at no cost to the town. The credits are being applied to the treatment plants due to the heavy electric usage.

Mike Ashooh commented on the high debt load. Peter Frankenburg said a balance must be maintained so projects are prioritized. Chris Robinson said his focus has been on the collection system.

MOTION by Jaime Heins, SECOND by Colleen Parker, to approve the FY2019-2020 Waste Water Budget as presented. VOTING: unanimous (5-0); motion carried.

9. WASTE WATER ALLOCATION REQUEST

Jaime Heins disclosed his child is enrolled in the Vermont Day School, but felt this will not impact his decision. The Selectboard concurred there is no conflict of interest.

MOTION by Mary Kehoe, SECOND by Mike Ashooh, to approve the request for an additional 288 gpd of wastewater capacity for the Vermont Day School. VOTING: unanimous (5-0); motion carried.

10. PUBLIC HEARING: Zoning Amendments relative to Accessory Apartments MOTION by Mary Kehoe, SECOND by Jaime Heins, to open the public hearing on proposed zoning amendments relative to accessory apartments. VOTING: unanimous (5-0); motion carried.

The public hearing was opened at 8:20 PM. Planning Director Dean Pierce gave an overview on accessory apartments and the proposed zoning changes to allow accessory apartments as a conditional use and having a maximum size cap of 1500 s.f.

COMMENTS

Mary Kehoe asked about Airbnb rentals. Dean Pierce said the proposal does not address Airbnb, which he suggested is not considered a zoning issue.

Pam Brangan, member of the housing subcommittee, said the zoning changes for accessory apartments are in line with the language in the comprehensive town plan and simplifies the process to allow for more affordable housing in town. The housing subcommittee supports the amendments.

Sue McLellan, Falls Road, asked about impact to residents in the historic district. Dean Pierce said an accessory apartment in the historic district will need review by the Historic Preservation & Design Review Committee. Mary Kehoe added after that review a permit could be issued by the DRB Coordinator. Lee Krohn asked why there would be design review for an apartment when there are no exterior changes to the building. Dean Pierce said an accessory apartment is an additional use on the property so there can be design review.

David Webster asked how the owner-occupied requirement with an accessory apartment will be guaranteed. Dean Pierce said the town needs to enforce the regulations. When a property with an accessory apartment is sold the new owners should be told about the owner-occupied requirement. Mary Kehoe added individual homeowner associations in developments may have restrictions pertaining to accessory apartments.

There were no further comments.

MOTION by Mary Kehoe, SECOND by Jaime Heins, to close the hearing on proposed zoning changes pertaining to accessory apartments.

DISCUSSION:

- Jerry Storey said the work by the housing subcommittee is impressive.

VOTING: unanimous (5-0); motion carried.

MOTION by Mary Kehoe, SECOND by Colleen Parker, to approve the zoning bylaw amendments pertaining to accessory apartments as presented. VOTING: unanimous (5-0); motion carried.

11. PLANNING AND ZONING APPLICATION FEES

There was discussion of the \$9,000 zoning fees assessed to the Automaster for a gravel parking lot. DRB Coordinator, Ravi Venkataraman explained the application was an amendment to a PUD and involved staff time and input from town departments. The 25,000 s.f. gravel parking lot was considered by P&Z staff to be similar to an increase of a commercial building. Mary Kehoe mentioned driveways are exempt from fees, and asked if the fee could be a percentage of the total cost of the development for the gravel parking lot. Dean Pierce suggested rather than change the fees, the language could be clarified in the bylaw to add parking areas to the exemption similar to driveways.

MOTION by Jaime Heins, SECOND by Colleen Parker, to clarify the language in the zoning fee schedule to exclude parking areas. VOTING: 4 ayes, one nay (Mary Kehoe); motion carried.

The Selectboard will discuss planning and zoning fees at a future meeting.

12. BEAVER CONTROL

Skip Lisle, beaver consultant from Grafton, VT, explained how a “beaver deceiver” device is intended to help manage the work of beavers without harming the animals. He said the devices have been successful elsewhere, and could be installed at the Webster Road culvert. Green Mountain Animal Defenders support using this new technology to control beavers. The piles of debris at the site on Webster Road will need to be removed before installing the device.

Highway Superintendent, Paul Goodrich, expressed concern about the culvert failing and the road flooding.

Charlie Newhouse testified about his experience with beavers and culverts flooding which could lead to people getting injured.

David Webster said he is not interested in creating a pond on his property and asked about the effect on the water level in the floodplain. Skip Lisle said the device will reduce the water level and will not create a pond.

Skip Lisle will share designs and photographs with the property owners impacted by the beavers.

MOTION by Mike Ashooh, SECOND by Mary Kehoe, to approve the Town Manager working with Paul Goodrich on removal of the debris piles, meeting with David Webster and other landowners impacted by the beavers, and having Skip Lyle install the deceiver device with Green Mountain Animal Defenders providing technical assistance once concerns with Webster (and others not yet known) are resolved. VOTING: unanimous (5-0); motion carried.

The Selectboard will revisit an animal control policy at a future meeting.

13. USE OF HISTORIC TOWN HALL

There was discussion of the lease with Shelburne Historical Society for the use of the historic town hall building. Dorothea Penar provided a proposed layout of the use of the space for digital archiving, exhibit storage (in the vault), display area, lecture area. Lee Krohn reviewed issues to settle with the lease that include the space to be used, access to the building, liability insurance (to be carried by the lessee), reasonable use and upkeep of the space, lights, heating, plumbing, and use of other space in the building per another use agreement. Lee Krohn said he will continue to work with the Shelburne Historical Society on the lease terms.

14. LIAISON ROLES FOR SELECTBOARD MEMBERS

MOTION by Colleen Parker, **SECOND** by Mike Ashooh, to table action on the liaison roles for Selectboard members to the next meeting. **VOTING: unanimous (5-0); motion carried.**

15. SEWER EASEMENTS ALONG FISHER PLACE

MOTION by Colleen Parker, **SECOND** by Jaime Heins, to accept the sewer easements along Fisher Place. **VOTING: unanimous (5-0); motion carried.**

16. VT ALERT PUBLIC SAFETY NOTIFICATION SYSTEM

MOTION by Mary Kehoe, **SECOND** by Colleen Parker, to adopt the resolution accepting VT ALERT as a public safety notification system. **VOTING: unanimous (5-0); motion carried.**

17. ADJOURNMENT

MOTION by Mike Ashooh, **SECOND** by Mary Kehoe, to adjourn the meeting. **VOTING: unanimous (5-0); motion carried.**

The meeting was adjourned at 9:52 PM.

RScty: MERiordan

For the Selectboard

Date