

Town of Bolton
3045 Theodore Roosevelt Highway
Bolton VT 05676
Select Board Minutes
August 29, 2016

Board members present: Gene Armstrong, Josh Arneson, Jen Dudley-Gaillard, Chair, Ron Lafreniere, Sharon Murray
Board members absent: none
Also present: Bill O'Brien, F. Joseph O'Brien (6:15 p.m.), Petitioner, Maureen Matthews, Kermit Blaisdell, Paula Gervia, Bruce Labounty
Clerk: Amy Grover

1. **The meeting was called to order at 6:00 p.m. by Jen with a quorum of 5 members present.**
2. **Additions or deletions to the agenda:**
 - Noted: multiple thefts in West Bolton.
 - Winooski River Canoe Access: the Conservation Commission is in touch with ANR regarding access area.
3. **Public comment: none**
4. **Public Hearing:** Jen noted the hearing was continued from August 22, 2016, and that were several exhibits to be entered for the record:
 - Emails from Joji Fillmore dated August 28, 2016, August 25, 2016, August 24, 2016, June 22, 2016, May 25, 2016, May 24, 2016.
 - Five ANR maps provided by Sarah McShane, Bolton ZA, of: 1. forest productivity, 2. forest cover types and deer wintering areas, 3. contours and surface waters, 4. slopes, contours and surface waters, 5. deer wintering areas, wetlands, wetland advisory area, and surface waters.
 - An email from Benjamin Putnam, attorney for A. Johnson Company, dated August 29, 2016.

Jen asked if Bill O'Brien was there as an attorney representative. Mr. Bill O'Brien stated no, he was representing his son as a family member, he currently did not have standing to practice law.

Mr. Bill O'Brien stated that:

- He was submitting a letter for the record which outlines recommendations for forestry management from Scott Moreau, VT Licensed Forester, dated August 26, 2016.
- He was submitting a letter for the record from Michael Keller, MAI, which addresses property and right of way values. According to Mr. Keller, who was an expert in takings, and follows the state/federal guidelines for takings, that the "diminution in value for the Fillmore property is not measurable."
- The Fillmore lot cannot be developed unless A. Johnson Company relinquishes their easement.
- Ultimately, they would be leasing the Fillmore property, with nominal impact, with \$100 in damages suggested.

Sharon asked how the damages were calculated. Mr. Bill O'Brien stated he did not know. There was a brief discussion of formulas. Mr. O'Brien added that permanent access from the landing to their property would be \$1100, and 10% of that for an annual temporary rate would be \$110/year.

Mr. Bill O'Brien continued:

- He will be applying for current use by the September 1, 2016 deadline, and noted the lot would remain as a woodlot and that current use would greatly reduce the tax burden.
- He was requesting a 25' right of way, what is existing.

Brief discussion of land record research completed, the 8' right of way "woods road" shown on the surveys, damages based on encumbrance, widths needed for equipment, and the A. Johnson survey. Sharon noted that a specific width was required for findings to calculate damages.

Ms. Matthews stated that the winter after she purchased her home in 2010, the Streeters put in a trailer, and plowed in the spring, taking down small trees and plowing dirt, and made the road much wider.

Jen reviewed the timeframe and equipment previously requested, and asked if the applicant was asking for a change, directing the question to Mr. Joe O'Brien. Mr. Joe O'Brien stated that:

- The request remains for 5 years.
- No activity in mud season.
- Action is to clean up the lot and harvest wood on a small scale; with pickup trucks and chain saws, and that they may take the specific recommendations from the forester.

Mr. Bill O'Brien added that:

- Log skidding would only occur when the ground was frozen; January – March timeframe.

Sharon stated that the current use application would require the submission of a forest management plan within 30 days, and asked if the applicant was OK if Select Board conditioned that the wood lot be harvested in accordance with the approved plan. Mr. Bill O'Brien stated yes.

Ms. Matthews stated that she was hearing two different things; there was a management plan and a plan to just go in with a pickup truck and trailer, and asked if the applicant's intent was to fully manage the lot as forester suggested. Ron stated that once a management plan was in place the applicant would have to work within that plan, and that noted that harvesting would require a logger with equipment, a pickup truck and trailer would not be sufficient. Ron added that there was no choice on following a management plan when the property became enrolled in current use, that was the law. Sharon added that they would also have to follow good logging practices.

Mr. Bill O'Brien stated that:

- With respect to wetlands, the forester's report noted there was nothing out of ordinary on the site.
- The intent would be to erect a temporary logging bridge in first gully for lot access.
- Logging equipment used, such as an excavator, would only be used on their land, not on Fillmore's land.

Ms. Matthews asked if the applicant had an intention in the plan to do maple sugaring. Mr. Bill O'Brien stated sugaring was not currently a part of the overview.

Mr. Bill O'Brien stated that they were requesting a right of way 1000' long and 15' wide. Ms. Matthews stated that Mr. Fillmore had stated the applicant had no deeded right of way. Mr. Bill O'Brien stated that the 2001 Smith survey for the A. Johnson Company clearly shows the road coming into the O'Brien property, and that it appears that the roadway is more than 8', as built about 25', and added that it is 160' from their boundary line to middle of landing, and the total right of way length was less than 1000'. The Smith survey 20-E was entered for the record.

Ms. Matthews asked to see documents submitted for the record. Jen read the emails from Joji Fillmore and Benjamin Putnam, and copies of the ANR maps were provided to Ms. Matthews and the O'Briens.

Ms. Matthews asked if the easement user has to notify landowner they are going to use the easement. Sharon noted that was a good question, and that it seemed that would be a courtesy even although that was not referenced in the deed. Mr. Bill O'Brien stated that notice is not required as the user has a vested right in a piece of property, so the answer is no, notice is not required. Ms. Matthews stated that she was requesting that if the right of way is granted, as a courtesy, she get notification that the right of way is going to be used, she and her family were sensitive to unknown people in the area. Ms. Matthews added there is lack of timely police protection, and she would appreciate a voice mail or email notification, as a neighborly courtesy.

Mr. Bill O'Brien stated that they had reached out to Mr. Fillmore on numerous occasions to try to come to an access agreement, that building a relationship did not work, which is why they have to petition the town.

Jen asked if there were any other question or comments. There were none. Mr. Bill O'Brien thanked the board for their consideration.

Josh made the motion *"to close the O'Brien Petition hearing."* Gene seconded. Sharon noted the challenging 10 day timeline to issue a decision with the Labor Day holiday and time for attorney review. Brief discussion of extending the deadline, but lack of all interested parties being present precluded that option. All were in favor and the motion passed (5-0).

5. Appointments:

1. Kermit Blaisdell: Assessor Updates – Discussion included:

- Putting Grand List on the website; privacy concerns, public information access. The group agreed it would behoove the community to have the same appraisal information that was mailed added to the website.
- Reappraisal process and timing of tax bills:
 - Kermit noted it was an involved process and that he completes all analysis and data entry himself as he is not comfortable using outside resources, and with working in 6 towns there is a tendency for bottlenecks. Kermit added that in the end of appraisal years there are always delays. Jen noted the ripple effect, resulting in a delay in collecting taxes.
 - Phasing out the 5-year reappraisal, and monitoring areas and adjusting yearly.
 - CLA & state formulas: the education rate CLA is 96.57% down from 102.57% last year.
 - CLA and Grand List trends in other communities.
- Expired contract and the need to follow the procurement policy.
- Review of VT Housing Authority grievance process, feedback, and response.

2. Bruce Labounty and the Paula Gervia ~ Elevation Project Update:

- Process clarification; invoice for each regular Select Board meeting, outline of specifics, noting large amounts are because it is a large project, expediting process as much as possible.
- Review of documentation requirements, FEMA policy & audits, expense breakdown, and note of unusual contractor situation.
- Clarification on documentation requested from Cara Labounty as grant administrator.

6. Communications:

1. VLCT News, notice of 2016 Annual Meeting, Draft Municipal Policy, and workshops.
2. Green Mountain Clean Energy; extension and modifications.
3. RT 2 Snipe Ireland Bridge Replacement summer 2017 - will require a 4 week closure.
4. ZA Violation Notice – filed in the land records, review of options for the Select Board to pursue.
5. Sequestration Announcement – additional interest amount that will be required.
6. Resident Concerns Duxbury Road; speeding and break-ins. Select Board to follow up on contracting costs with county sheriff (Jen) and Richmond Police (Ron) for speed control.
7. Letter from the state notifying the town of the closing of the Preston Lafreniere Homestead.

7. Recurring Business:

- Minutes August 22, 2016: Gene made the motion *"to approve the August 22, 2016 minutes."* Sharon seconded with a correction to first page. There was no further discussion. All were in favor and the motion passed (5-0).
- Warrants: Signed.
- Financial Reports: Dispersed

8. Any Other Business:

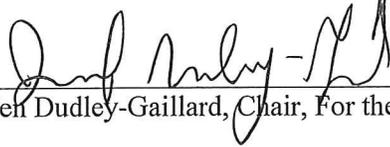
- Gene made the motion *"to transfer 60K from Highway Reserve Fund to the General Fund to cover anticipated September expenditures."* Sharon seconded. There was no further discussion. All were in favor and the motion passed (5-0).
- Sharon made the motion at 9:15 p.m. *"to enter deliberative session."* Josh seconded. There was no further discussion. All were in favor and the motion passed (5-0). Ron made the motion at 9:57 p.m. *"to exit deliberative session."* Sharon seconded. There was no further discussion. All were in favor and the motion passed (5-0).

9. Closing: No other business was brought before the Board at this time. Gene made the motion *"to close the meeting."* Josh seconded. There was no further discussion. All were in favor and the motion passed (5-0) at 9:58 p.m.

Attest: Amy Grover, Clerk

Minutes are unofficial until approved. These minutes were read and approved by the Bolton Select Board on:

September 12, 2016



Jen Dudley-Gaillard, Chair, For the Board