

Approved Minutes
MAIDSTONE PLANNING COMMISSION MEETING
Wednesday, March 8, 2023, 7.00 pm
Held by Zoom Video Conference

Members present (via Zoom): Bruce Barker, Bob Champagne-Willis, Chris von Alt; Ex Officio members Brad McVetty and Scott Lovell

Other members of Town Government present (via Zoom): Town Clerk Amy Pear; Administrative Assistant to the Zoning Board, Planning Commission, and Selectboard Mary von Alt; Public Health Officer Sandy Gray

Also present: Lin Mixer, Andy Champagne-Willis, Mike and Gayle Otis, Sam and Carol Gorham, June Lockert, Bonnie Lovell

At 7.02 pm, the meeting was called to order by Chris von Alt, Chairman.

APPROVE MINUTES:

Bob made a motion to approve the January 5th, 2023 meeting minutes; Bruce seconded the motion. The motion passed unanimously.

EXECUTIVE SESSION:

When the Agenda was set, there were three candidates for the position of Zoning Administrator (ZA), therefore a move to Executive Session was put on the Agenda to facilitate separate interviews. Two of those candidates have since withdrawn their applications; Mike Otis is the remaining candidate. The members of the Planning Commission agreed that therefore an Executive Session was not necessary. The interview would be conducted in the public meeting.

As Scott was delayed by Zoom updating itself, setting the date for the next meeting was moved up on the Agenda for efficiency.

SET DATE FOR NEXT MEETING:

The next meeting date has been set in the Annual Report for the second Tuesday in June, but the decision was made to have an additional meeting before that date, as there is much work to be done. The members decided to schedule a meeting for Wednesday, April 19, 2023, with the Planning Commission and Zoning Board of Adjustment both meeting on that evening.

Scott having joined the meeting, Chris recapped what had happened thus far and moved the meeting on to the interview of the ZA candidate, Mike Otis.

INTERVIEW OF MIKE OTIS:

All members of the Commission have received a copy of Mike's responses to the questions posed by the Commission. It was decided to open the floor to any additional questions.

Bob asked the first question - how does Mike feel about having scheduled office hours at Town Hall for the ZA? Mike is open to that and suggested starting on a trial basis to see what worked best for people, possibly scheduling in response to requests from people specifying Monday or Thursday.

No one else had any other questions at that point, but Bob had another question. The Planning Commission is in the process of reviewing and updating the Bylaws in order to ensure accuracy as well as conformance to Vermont Statutes and to the Town Plan, which is also being reviewed and updated as needed. A further aim is to make the Bylaws as workable and user friendly as possible. Would Mike, if appointed the ZA, be available to participate in that extensive process? Mike responded that not only would he be available, he thinks it is imperative for the ZA, who will be responsible for following and enforcing the Bylaws, to work with the Planning Commission on that

project, providing input from experience in the field. He also thinks the ZA should attend Planning Commission meetings.

Bob's next question referred to the Certificate of Occupancy (CO), which is in the Bylaws, but not well understood. Some refer to the CO as the Certificate of Completion. Bob asked Mike if he had any thoughts about the CO. Mike responded that the CO as well as the Zoning Permit Application and Shoreland Permit are part of the process that the ZA should make people aware of when the ZA and permit applicants initially meet - what the process consists of, what is expected in the process from the applicant(s) and the Town, what needs to be done when. That communication should be free and open, with the ZA available to answer applicants' questions.

Bob then asked If someone notifies the ZA that something is being done without a permit, what would Mike's approach be to such a possible zoning violation? Mike said that it would be necessary to visit the person and property identified, using a friendly manner, rather than charging in with accusations of wrongdoing. He would make sure he had a copy of the Bylaws with him, find out what was being done to determine if a permit were needed and whether the people realized that, and then explain the situation, showing them the Bylaws that applied. He would communicate his desire to work with the people to achieve a positive outcome and help them understand the process of building within the Town's rules. A friendly visit to find out what is going on is the best approach.

Bob's next question related to the challenges of monitoring zoning related activity on Class 4 roads, which may be difficult to navigate during winter or Mud Season. He asked what Mike's thoughts and abilities are with regard to monitoring such roads. Mike said he has a 4 wheel drive vehicle and would have no problems driving on such roads much of the year. He would periodically visit different parts of Town to see what was going on. If he determined that zoning related activity was occurring, he would see who owns the property, if there was no one around, and research it from there.

Chris then referred to the process of updating the Town Plan and how to ensure that the Plan reflects "the considerations and the priorities upon which the majority of the Townspeople want decisions on the future of their town development to be made," quoting from the Granby Town Plan. The Bylaws are intended to implement the Town Plan. Chris has been considering using a survey to help determine what the Townspeople's considerations and priorities are. He asked how Mike saw the ZA fitting in with that. Mike pointed out that the ZA is not the creator of rules, but is charged with following and enforcing the rules, i.e., the Bylaws. He thinks it's important to encourage people to attend Planning Commission meetings to share their interests and concerns, and agrees that a survey would be a valuable tool for gathering input.

Mary asked if there were areas in the Bylaws that repeatedly appeared to be problem areas. Mike said he did not think so. The most disparaging comments he heard when he was the ZA in the past were from a few people who did not want the Town to have any bylaws which they were required to follow, although they did want their neighbors to have to follow the Bylaws. In his experience, most people are willing to obey the rules; the most common issue he encountered was people not realizing that there were Bylaws that they had to follow. Mike said that making the Bylaws and the zoning permit application process more user friendly would be helpful, as would making the information more easily found on the Town website.

Amy raised the possibility of people being able to complete and submit zoning forms online and asked Mike if he would be receptive to accepting forms submitted digitally, if he were to become the ZA. Forms completed and submitted online were fine with Mike. He said the Town could have a dual system, either hard copies delivered by mail or digital copies submitted online, so that people could use whichever method with which they were comfortable.

No one had any further questions, so the interview was concluded. Bob moved that we nominate Mike Otis for the position of Zoning Administrator; Bruce seconded. Chris asked if there were any discussion. Bob said he was appreciative of the three people who applied and very appreciative of Mike for having responded to the questions in writing as requested by the Planning Commission, as well as answering questions on the spot during the interview at the meeting. He believes that Mike has

the experience already, walking into this position. We are entering the season now in which more zoning permit applications are usually submitted, so this is a very timely nomination. Chris asked if Scott and Brad were happy with the way the Planning Commission had handled the candidates. Scott said he was happy. Brad said the same, adding that he was impressed with the way that Mike had answered the questions. He told Mike that he did a good job. Chris noted that there was good support for Mike from the Town, six people having submitted unsolicited positive recommendations. He said we would be lucky to have Mike work for the Town.

There was a brief discussion of the length of the term, as the posting referred to the term as ending in 2024, but some in attendance thought the appointment would be until the organizational meeting. Amy said she would check on that.*** (see below for clarification)

There being no further discussion, a vote was taken on the motion to nominate Mike. All voted in favor.

The Commission agreed with Bob's recommendation that the list of questions sent to the applicants, Mike's response to those questions, and the two letters of withdrawal from the other two candidates should be appended to the nomination letter sent to the Selectboard.

OTHER BUSINESS:

Bob sent out a link to a discussion of the formal process that the Town Clerk must document for changing or keeping the Town Plan. Mary had sent out a set of guidelines from NVDA; there may be some overlap between those two sets of guidelines.

Mary said she will send out the document of suggested Bylaw revisions, part of which the Commission had discussed at an earlier meeting, and encouraged people to add to that. Bob cautioned against revising much, as the Bylaws are supposed to reflect the Town Plan, for which the Commission will be gathering input from Townspeople. Mary clarified that she is looking for consistency of terms and proper citation of Statutes, respecting the fact that there may be other revisions in response to updating the Town Plan.

Amy will look into the availability of grants to fund the updating process, as well as any guidance or help from NVDA, including surveys that they may have conducted to gather input from Townspeople. NVDA said they would conduct a Bylaw Review for Maidstone, but they are very busy; we have not yet heard back from them regarding that Review.

Chris said he thinks we should explore using a Google Docs survey, creating a list of questions that will elicit information from the people of Maidstone, so that the Plan truly reflects what the people want. Help with developing the questions to include in the survey would be welcomed from anyone interested. It's important to reflect Maidstone's unique interests, Chris said, such as by including snowmobiling and a Town Forest, if people are interested in that. "I'm sure, Linwood, you have a lot to say about snowmobiling and how that should be integrated into the Town - it's an extremely important aspect of what goes on in this Town." Having the involvement and support of the people in Town is essential.

Bob pointed out the impressive level of interest in Town affairs as seen by the number of attendees at meetings via Zoom and the number who came to Town Hall for a very brief Town Meeting last night. He expressed the hope that people will read the current Town Plan and then participate in the process of updating it.

Chris reminded all that the Planning Commission currently has three members, but can have nine, so there is room for the Selectboard to appoint more interested people to participate. Property owners who are not full-time residents are eligible to serve.

ADJOURN:

Bob made a motion to adjourn; Bruce seconded the motion. Mike thanked everyone for their support and kind words, The motion to adjourn passed unanimously. The meeting was adjourned at 7.50 pm.

Respectfully submitted,
Mary von Alt

***On Thursday, March 8, 2023, Mary emailed VLCT to ask about the length of term of this appointed position, as the posting had specified that the term was the time remaining in Lloyd's appointment.

The VLCT lawyer replied, "Unlike an elected official, the ZA is nominated by the planning commission and then appointed by the selectboard. The zoning administrator is appointed for a three-year term by the selectboard upon nomination by the planning commission (nomination is required here).

24 V.S.A. § 4448. Appointment and powers of administrative officer (a) An administrative officer, who may hold any other office in the municipality other than membership in the board of adjustment or development review board, shall be nominated by the planning commission and appointed by the legislative body for a term of three years promptly after the adoption of the first bylaws or when a vacancy exists.

The three-year term would begin on the date of the appointment, whenever that is. It doesn't necessarily align with any set event because, as is the case here, resignations happen and can change the appointment date when the term begins."