

**Shaftsbury Selectboard Meeting
Minutes, Public Hearing on Town Plan
February 28, 2009, 7:00 P.M., Cole Hall**

Present: Selectboard members Lon McClintock, Chair, Bill Pennebaker, Vice-Chair, Karen Mellinger, Wynn Metcalfe, Cinda Morse; Planning Commission Members Craig Bruder, Bob Carter, Norm St. Onge, Chris Williams; Economic Development Committee members Art Whitman, Phylis Porio; Larry Johnson, Brian Lent, Town Administrator Aaron Chrostowsky

Chairman McClintock called the Public Hearing to order at 7:00 p.m. He announced that this is the first of two public hearings by the Selectboard on the newly revised Town Plan.

Mr. McClintock questioned whether any members had a conflict of interest regarding the matter before the Board. All responded in the negative.

Mr. McClintock asked Craig Bruder (Chairman of the Planning Commission) if he wished to make a public statement. Mr. Bruder thanked his fellow members for their good work on updating the Town Plan over the last year. He especially recognized Norm St. Onge who made multiple compilations of changes and revisions. Mr. Bruder noted that the Planning Commission did not get a lot of feedback, but what was submitted was very helpful. He noted that the Planning Commission incorporated virtually everything that was brought to its attention. He also noted that there were no major revisions to the Town Plan; rather, the document was made current. The Planning Commission is hopeful that it reflects the sentiments of the community as a whole.

Mr. McClintock thanked all Planning Commission members for their good work on the Plan update.

Comments: Art Whitman, Chair of the Economic Development Committee, came forward to offer comments for the EDC. He noted two concerns: The first had to do with language regarding gravel pits and the second involved industrial land.

He pointed out the inconsistency of language that describes the end life of a gravel pit. The terms “are completed”, “exhausted”, “abandoned” are all used. Shouldn’t there be consistency in language?

Mr. Whitman began with Section 2.4, Paragraph #5: “...at sites where these resources have been exhausted, an effort should be made to economically reclaim the land to make it suitable for other uses. New Projects should include provisions for reclaiming areas upon completion of the project”.

He then made reference to Section 5.2, #11: Sand and Gravel Resources. Mr. Whitman noted that we see here the first reference to the Gravel Pit Study. The second reference to the study is made in Section 5.4, paragraph #19. The picture caption which accompanies #11 notes that “rehabilitation ... is a priority for the Town.” Mr. Whitman takes exception to this caption and noted that the EDC has not made any recommendations to the Selectboard. Is it right to put this comment as the picture caption. He is concerned about the caption.

Reference was then made to the language: “This study should be reviewed and policies enacted”. Brian Lent suggested language such as “the study should be a tool to refer to later and policies should be considered to facilitate rehabilitation”. Mr. Bruder noted that the Planning Commission was clear that this is an important issue, the grandfather clause is a big point and even if we could legislate, the gravel industry is a vital

industry to the Town.

It was agreed that the picture caption should be changed to read simply: “A Shaftsbury Sand and Gravel Pit”.

Mr. Whitman then made reference to Section 5.4, Paragraphs #18 and #19: Mr. Whitman noted that it is making it very clear that each side should be evaluated. He pointed out language of “completed” versus “exhausted” (which was used in Section 2.4, paragraph #5).

Paragraph #19: Mr. Whitman suggested striking the language “as per the 2007 Gravel Study”. The term abandoned and how it relates to grandfathered pits was discussed.

Mr. Bruder noted that the collaboration with companies involved is the key. Mr. McClintock offered the language “Rehabilitation plans for earth extraction sites should be developed and implemented in collaboration with companies and landowners involved”.

In referring back to Section 2.4 and the inconsistencies pointed out in language references to “exhausted” versus “completed”, Mr. Pennebaker suggested using language such as “...are no longer economically feasible”. Mr. Whitman pointed out that the landowner should be the one to determine whether it is economically viable to continue operations. Mr. Pennebaker offered that the intent of any reclamation effort is a win/win: when the pits are no longer an asset as a resource.

Mr. Lent stated that as his firm’s representative, they are looking for language which supports owner’s discretion to determine whether a resource is exhausted.

Mr. McClintock questioned what the Town should do in areas where owners may have just walked away. Mr. Lent responded that it is not in the owner’s interest to walk away, considering the value of land.

XII. Housing, 4th Paragraph: Language talks about the possibility of putting housing on post-industrial sites. Perhaps one of the previously used gravel pits. Mr. Whitman questioned whether if you rezone to residential, can there be a substitute of new land as industrial? He suggested changing the language in the second sentence to ***“The potential for developing housing on reclaimed gravel pits should be considered”***.

The above suggestion was accepted by all hearing participants present.

Suggestion then made to take the language in Paragraph #19 and put into Section 2.4, section #11. Fourth sentence: ***“Policies should be considered, developed and implemented for future reclamation of gravel pits in collaboration with landowners and extraction companies.”***

Mr. McClintock asked whether all participants agreed that the above language represented a minor change. All agreed.

Cinda Morse, in reference to Section 9.7, Recommendation #2, requested a point of clarification. Her question concerned language in the first sentence which refers to the water system and waste water, but the second sentence refers simply to waste water.

Mr. Bruder responded that when the sewer survey was done, the town residents indicated they did not want to go forward with a sewer project because of the cost. Mr. Bruder noted that there is not a lot of focus on

development within Town. The problem is that there is not available land and you would need a waste water system. He stated that the Town would need to look at options if we want that to happen.

It was agreed that the second sentence should become the first sentence. The language suggested by Mr. McClintock was: *“Future development in Shaftsbury is contingent on a waste water system and adequate water supply.” “The Town should continue the planning process for developing the expansion of the water system and a municipal waste water disposal system for South Shaftsbury.”*

Mr. McClintock questioned whether all participants accepted the above language change and that it was a minor change. All agreed.