



TOWN OF LYNDON
SELECTBOARD MEETING

March 29, 2021

5:30 PM

Selectboard: Christian Thompson-Chair, Dan Daley, Nancy Blankenship

Officials: Justin Smith, Larry Willey, Pat McLaughlin, Dawn Dwyer (5:47 PM)

Press: Todd Wellington – The Caledonian-Record

Public: Steve Gray, Becky Masure, Brooke Dingleline, Kermit & Carol Fisher, Holly Taylor, Joe Buzzi, Kurt Nygren, Martha Elmes, Pauline Harris, Sylvia Dodge, Roni Leach, Todd Thomas, Martha Elmes,

Public Hearing: 5:30 PM Lyndon Housing Final Public Hearing on Olivia Place

Christian Thompson turned the hearing over to Becky Masure, Director of Real Estate Development for Rural Edge. Becky explained that the hearing was to hear public comment or questions relating to the Olivia Place project and how the funds were used. The Town of Lyndon received \$350,000 from the State of Vermont for a grant under the Vermont Community Development Program. The funds were used for the acquisition of Lyndon Housing for the purpose of demolition of existing buildings and new construction of twenty (20) units of multi-family housing. While waiting for public comments or questions, Ms. Masure gave an overview of the project. The units are both low-income housing as well as market rate housing, fully occupied and energy efficient, sustainable with pellet wood boilers, community garden for food security, supportive services in place through SASH with services at home program, and access to tenants for financial stability classes through Rural Edge's Home Ownership program.

Nancy Blankenship asked where the property was located. Ms. Masure explained it is the Olivia Place project on Main Street.

Martha Elmes asked who wrote the grant? The grant was written by Rural Edge with collaboration with Vermont Community Development Program and the Town of Lyndon.

Motion was made by Dan Daley, seconded by Nancy Blankenship, to close the hearing at 5:37 PM.

Motion carried 3-0.

Christian Thompson, then called the Selectboard meeting to order at 5:37 PM.

1. Adjustments to the Agenda:

The orders for approval were warned as 10 & 11. They are 11 & 12.

2. Sign the Orders for weeks 11-12:

Motion made by Dan Daley, seconded by Nancy Blankenship, to approve the orders drawn on the Treasurer for weeks # 10 & # 11 with the Treasurer to sign due to COVID-19. Motion carried 3-0.

3. Sign Warrant #51 Gilman Housing:

Motion made by Dan Daley, seconded by Nancy Blankenship, to approve and sign the order drawn on the Treasurer for Warrant #51 in the amount of \$19,514. Motion carried 3-0.

4. Appointment to Police Advisory Board:

Motion made by Dan Daley, seconded by Nancy Blankenship, to reappoint Alana Langmaid, to the Police Advisory Committee for a one year term. Motion carried 3-0.

5. Mobile Home Park Licenses:

Motion made by Nancy Blankenship, seconded by Dan Daley, to approve and sign the Mobile Home Park Licenses for Northern Vermont Rentals LLC for Northern Hill Estates, Riverview Estates, and Woodland Heights. Motion carried 3-0.

6. Excess Weigh Permits:

Motion made by Dan Daley, seconded by Nancy Blankenship, to approve the Single Excess Weight Permit for Whitcomb Trucking LLC, with approval for Justin Smith to sign on behalf of the Board. Motion carried 3-0.

Motion made by Dan Daley, seconded by Nancy Blankenship, to approve the eleven (11) Fleet Excess Weight Permits with approval for Justin Smith to sign on behalf of the Board. Motion carried 3-0. Permits are for Agri-Mark, Inc. dba Cabot Creamery, Austin Construction Inc, Beacon Sales Acquisition, Calkins, Camp Precast Concrete, Dead River Company, Larry M. Brown Logging & Chipping Inc., Limlaw Chipping & Land Clearing Inc, Riggs Distler, Simpson Dirtworx, and van Hoekelen Greenhouses, Inc

7. Liquor Licenses:

Motion made by Dan Daley, seconded by Nancy Blankenship, to approve the First-Class Restaurant/Bar License to sell malt and vinous beverages for Customer 1st LLC, with standard conditions. Motion carried 3-0.

Motion made by Dan Daley, seconded by Nancy Blankenship, to approve the two (2) First Class Club License to sell malt and vinous beverages with standard conditions. Motion carried 3-0. Licenses are for Lyndonville VFW Post 10038, Inc. and Tom Breslin Community Center, Inc.

Motion made by Dan Daley, seconded by Nancy Blankenship, to approve the two (2) Second Class Licenses to sell malt and vinous beverages with standard conditions. Motion carried 3-0. Licenses are for Kingdom Campground LLC and Lyndonville Store, LLC dba Towns Corner Store.

Motion made by Dan Daley, seconded by Nancy Blankenship, to approve the Third-Class Restaurant/Bar License to sell malt and vinous beverages for Customer 1st LLC, with standard conditions. Motion carried 3-0.

Motion made by Dan Daley, seconded by Nancy Blankenship, to approve the two (2) Third-Class Club License to sell malt and vinous beverages with standard conditions. Motion carried 3-0. Licenses are for Lyndonville VFW Post 10038, Inc. and Tom Breslin Community Center, Inc.

Motion made by Dan Daley, seconded by Nancy Blankenship, to approve the two (2) Outside Consumption permits. Motion carried 3-0. Permits are for Customer 1st LLC and Tom Breslin Community Center, Inc.

8. Access Permit:

Motion made by Dan Daley, seconded by Nancy Blankenship, to approve the access permit for Joseph & Kaytlin Riendeau for access on the southeast side of Burrington Bridge Road. Motion carried 3-0. Rob Nutting, Road Foreman has inspected the location. He feels a 15" culvert will be needed, and the driveway access must be 10' from neighboring property line.

9. Listers' Request for a Legal Opinion:

Larry Willey, Lister, informed the Board that the Northeast Kingdom Human Services (NEKHS) out of Newport, Vermont, purchased the former Fold property located on Cornerstone Lane, which is off Couture Flat Road. NEKHS has applied for tax exemption. The Board of Listers is not sure the multiple proposed uses is allowed under tax exemption. The three proposed uses are a residential home, crisis bed center, and transitional housing. The Board of Listers is looking for a legal opinion and since there wasn't any money budgeted in the Lister's budget, they are asking the Selectboard for their approval to seek a legal opinion. Motion made by Dan Daley, seconded by Nancy Blankenship, to authorize the

Board of Listers to seek a legal opinion as to if the uses, as proposed by NEKHS, meets the criteria to be tax exempt. Motion carried 3-0. Larry Willey will contact attorney Dan McCabe.

10. Economic Development Grant Writer Request:

Martha Elmes of the Downtown Revitalization Committee would like to have the Town commit to hiring an Economic Development Grant Writer. Whether it be to hire or contract, Mrs. Elmes feels it would be worth the investment. Some grant writers take a portion of the grant proceeds. Ms. Elmes agreed to contact the grant writers she knows and have them approach the Town with a proposal to work on behalf of the Town. Christian explained that there was not any money in the 2021 budget that was passed at Town Meeting voting. The time to consider a new position is during budget discussions in November.

11. Flood Section Zoning By-law Discussion:

The three Selectboard members expressed their thoughts regarding the work done on the Flood Regulations. They agreed it has been a stressful time for both sides of an emotional topic and has created disharmony within the community. The Flood Regulation Work Group spent five months learning about flood regulations by consulting with the Agency of Natural Resources (ANR), engineers and reading other town's flood regulations. They all agreed that there was no way to please everyone, the proposal is not perfect, but it is time to move forward. Motion made by Nancy Blankenship, seconded by Dan Daley, to approve the language for section 11.5 (a)(3)(a) & (b) from the September 3, 2020 Work Group proposal with the addition of the suggestion made by Ken Mason at the March 17, 2021 Hearing. Motion carried 3-0. Section 11.5 (a)(3)(a) & (b) reads as follows:

“3. Development in the special flood hazard area, but outside floodway limits, must not unduly increase base flood elevations or flood velocities. Such development shall not be permitted unless:
a. it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the base flood water surface elevation within the cross sections in which the property is located, by more than the increase established in “Table 2” (“Floodway Data”) of the Flood Insurance Study (“FIS”) prepared by the Federal Emergency Management Agency (“FEMA”). The demonstration shall include a copy of the Flood Insurance Rate Map (“FIRM”) identifying the upstream and downstream cross sections; the FIS Table 2, identifying the upstream and downstream cross sections and associated established increases. The demonstration must be supported by technical data that conforms to standard hydrological engineering principles and is certified by a licensed hydrological engineer; or,....”

The Board agreed that the changes made to the Planning Commission proposal were substantial. Therefore, according to 24 V.S.A. §4442 (b) which states “...If the legislative body at any time makes substantial changes in the concept, meaning, or extent of the proposed bylaw, amendment, or repeal, it shall warn a new public hearing or hearings under subsection (a) of this section. If any part of the proposal is changed, the legislative body at least 10 days prior to the hearing shall file a copy of the changed proposal with the clerk of the municipality and with the planning commission. The planning commission shall amend the report prepared pursuant to subsection 4441(c) of this title to reflect the changes made by the legislative body and shall submit that amended report to the legislative body at or prior to the public hearing”.

The Selectboard will send the changes back to the Planning Commission to amend their report to include the Selectboard's changes. The Planning Commission will then need to resubmit their amended report to the Selectboard before or at the next hearing. The hearing has been proposed for April 14, 2021 at 6PM.

12. Discuss Health Order Action for 427 Main Street:

Pat McLaughlin, Deputy Health Officer, asked the Selectboard to proceed with legal proceedings against the property owner of 427 Main Street. Violations from October 2020 still have not been corrected. Motion made by Nancy Blankenship, seconded by Dan Daley, to permit the Town Health

Officers to move forward with legal proceedings against the property owner of 427 Main Street. Motion carried 3-0.

13. Other:

- a. Dan Daley, Justin Smith, Andrew McGregor, Scott Beck and Mike Lowe met regarding the Fenton Chester Ice Arena. They discussed if there was any COVID money available to help open the Arena next year. Dan spoke with a structural engineer regarding what would need to be done to open in the fall. Dan will keep the Board informed of their discussions.
- b. Nancy asked about Green-up Day and how it was handled in the community. Green-up day is always the first Saturday in May, or May 1, 2021. It will be discussed in more depth at a future meeting.
- c. The warned Board of Abatement hearing scheduled for tonight, March 29, 2021 at 5:30 PM failed to have a quorum. Town Clerk Dawn Dwyer asked to reschedule the hearing in conjunction with the next Selectboard meeting on Monday, April 12, 2021 at 5:30 PM.
- d. Steve Gray reported on the last recycling meeting. The Northeast Kingdom Waste Management District (District) went into executive session to discuss the pending litigation regarding their property tax status. Steve excused himself from the session. The 2021 budget was passed, the District has three or four people interested in the infrastructure grant, and the District is looking at grant funding in the amount of \$100,000 to be used for a new truck. Steve also asked the Town Clerk for updated composting numbers which she will provide to him.
- e. Sylvia Dodge asked if the Town of Lyndon received a records request from The Caledonian-Record after the Flood Reg hearing held on March 17th. Christian told her that they had received the request for any emails sent regarding the topic that were exchanged after the hearing date of March 17th. Sylvia had concerns with the article that appeared in the Caledonian-Record which quoted her without having a conversation with the reporter.

Meeting adjourned at 6:54 PM

Minutes taken by Justin Smith and Dawn Dwyer.