

AGENDA
WARREN SELECTBOARD
MAY 10, 2016
WARREN MUNICIPAL BUILDING
7:00PM

✓ 7:00 PM – Public Hearing on Solid Fuel Burning Appliance Ordinance.

✓ 8:15 PM – Drainage Issue Concern - Curran

8:30 PM – Approval of Minutes for April 26, 2016

8:35 PM – Approval of Accounts Payable and Payroll Warrants

17,464.61 17,841.00

8:45 PM – Other Business

Big Ridge Tavern Liquor License Renewal

****Agenda Subject to Change****

✓ Clifford LLC - Lic License
(Common man)

✓ Leisure Retail Partners

Minutes of May 10, 2016

Warren Selectboard

7:00 PM

Warren Municipal Building

Members Present: Andrew Cunningham, Chair, Bob Ackland, Vice Chair, Luke Youmell, Randy Graves and Clay Mays.

Others Present: Sharon Kellerman, Helen Bridgewater, Michael Bridgewater, Camilla Behn, TV 44/45 (Sam), Zeke Church, Pete DeFreest, M Calhoun, Bill Westvang, Alison Duckworth, Emily Leighty, Sandra Smith, Dennis Curran & Cindi Jones.

7:00 PM – Meeting called to order.

Public Hearing on Solid Fuel Burning Appliance Ordinance – Mr. Cunningham started the discussion off with explaining why this ordinance came to be. After the Mountain Side Fire, this became a realization to all of the condominium owners that have zero clearance fire places. Quick points: it requires a level 2 inspection (see definition at <http://www.csia.org/homwoner-resources/chimney-inspections.aspx>.) This ordinance is defined public spaces such as condominiums and rentals. Mr. Church inquired who at the town would be keeping the level 2 inspection reports. The fire department is bringing in a person to do the administrative work and would receive these inspections and put them on a computer file spreadsheet system. Someone inquire about enforcement of the ordinance. The board commented that it currently will be a self policing enforcement for owners who want to make their units safe. Mr. Church inquired about South Village if it was included under this ordinance. Mr. Cunningham responded “yes” it would be covered as they do rent the units out. Those with masonry chimneys would have bi-annual inspections. Mr. Church commented that he thought that was a bit much for masonry chimneys. The board responded that for now it will be by-annual and it can be amended in the future. Much of this ordinance follows the State’s recommendations. The ordinance does not apply to gas inserts. Another comment was that appliance is a little ambiguous and was not clear. Mr. Cunningham commented whatever you are doing to burn wood covers appliance. Changes were made to paragraph 1. – to read: In the event that a solid fuel-burning appliance(s) fails the inspection; it shall not be used until corrective actions are taken to repair the appliance and it passes a follow up inspection by a Vermont Division of Fire Safety licensed and insured chimney sweep; the appliance is rendered inoperable or equivalent action to prevent use is taken.

Change: Under Definitions “Solid Fuel Burning Appliance or Fireplace” means a chimney-connected device that burns solid fuel designed for purposes of heating, cooking, illumination, decoration or ambiance. These appliances include but not limited to wood heaters, fireplace inserts, masonry chimney or firebox and pellet stoves.

Sugarbush was not present but had the following questions: 1) Will the ordinance apply to public buildings on US Forest Service Land? We ask because Allyn’s Lodge has a fire place, is located a top of the Super Bravo lift and is on Forest Service Land. – Mr. Cunningham commented “Yes” it does apply.

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2) Will the town make available a list of Vermont Division of Fire Safety licensed and insured chimney sweeps? If so, can this be posted on the town's web site? The board responded that there will be a link to the State Website on the Town's Web site.

3 - How will the fire department maintain and track the filed inspection reports? Do they have the capacity and resources to undertake this administrative task? Where will the public records be stored and how will they be made available to the public? Mr. Cunningham responded "Yes" that the fire department will have a data base to input the inspection information. In the interim it is paper files. Mr. Church asked if it would be open to anyone. Mr. Cunningham responded "Yes" it would be. Mr. Westvang commented that in a few of his units that he manages, the owners have already taken action. As a result of having a few level 2 inspections, the findings have been very eye opening. In some cases the owners made the decision not to burn wood.

In closing Ms. Behn commented that there will need to be an education piece to educate owners and property managers. Ms. Behn suggested maybe the Valley Reporter could do a piece on this to make this ordinance become successful. The board expressed their thanks to the Planning Commission and Warren Fire Department for putting in their support and effort in crafting this ordinance. Mr. DeFreest, Chief, also thanked the Planning Commission for their efforts in helping to make it safe for the owners and the fire department personnel. The Warren Selectboard will make the changes as specified and adopt this at the next meeting.

8:05 PM – Approval of Clifford LLC Liquor License – Motion by Mr. Ackland to approve the liquor license renewal for Clifford LLC, second by Mr. Graves. All in Favor: VOTE: 5-0.

8:07 PM – Approval of Leisure Retail Partners, Sugarbush LLC – Motion by Mr. Ackland to approve the liquor license renewal for Leisure Retail, Sugarbush LLC, second by Mr. Youmell. All in Favor: VOTE: 5-0.

8:09 PM – Approval of Big Ridge Liquor License – Motion by Mr. Ackland to approve the Big Ridge Liquor License, second by Mr. Youmell. All in Favor: VOTE: 5-0.

8:10 PM – Drainage Issue – Dennis Curran – Mr. Curran who owns property on Lincoln Gap Road, presented a letter and pictures to the board regarding a culvert that crosses under Lincoln Gap Road onto his property. Mr. Curran explained that he would like the town to dig a ditch and divert the water to an existing ditch that runs down Lincoln Brook Road. All the board members had reviewed the site prior to the meeting. Mr. Cunningham explained that the property was listed on the ANR website as Class 1 and 2 wetlands and those wetlands are protected by the State of Vermont. There is a permit process with the state prior for owners to do anything on wetlands.

Mr. Curran did not know that his property consisted of wetlands. Mr. Cunningham commented that it was not a town problem as the town had acquired prescriptive rights which mean: The rights of municipalities to maintain ditches or to discharge water from a culvert, on private property outside the ROW or not in natural drainage patterns are sometimes questioned. In those instances where there are no recorded rights municipalities may need rely on having acquired a permanent right by having used it for a period of over 15 years (prescriptive rights"). Mr. Ackland also explained that there are new storm water regulations to Mr. Curran and that culverts are to outlet to a vegetated area, never directly into a stream. Mr. Graves commented that he walked the property and it was very wet in a lot of places. There is a house site proposed that Mr. Curran could build on but he has not pursued that route yet. When he does, his engineer will devise a plan to deal with the storm water. As the new rules stipulate the water is best to drain into a grassy area then to divert it to a stream. The board agreed that the Town was not at fault and was not going to do anything on this property.

8:35 PM – Other Business:

Brook Road Culvert – Mr. Weston had met with the board regarding the Brook Road Culvert Project. With the State closing the Lareau Bridge for 35 days and with the start date for the next school year, it was not advisable to close Brook Road as there was not enough time to complete the project. The State has looked at the culvert and if the town monitors it and fills in the sink holes it would make it through this coming year. The board agreed to postpone the project and go out early to bid for 2017 and start after July 4. The Town will order the culvert as it is in this year's budget.

8:45 PM – The board had asked Mr. Weston to look at prices regarding purchasing a roller. With the new Storm Water Regulations, the Better Back Roads Manual says: Proper crowning and compacting the road surface quickens the removal of runoff, which will reduce road surface erosion. Proper equipment for surface maintenance includes: grader, (shaping and restoring), rake (smoothing before compaction), steel wheel roller (compaction), slope board (slope confirmation). When possible, the entire width of the roadway disturbed by grading should be compacted with a steel wheel roller by the end of day. For a gravel road to shed water properly, it should have a tight impervious surface as stated in the BMP. This would be a valuable piece of equipment to have to adhere to the regulations and reduce sediment runoff to adhere to the new Storm Water Regulations. (ACT 64). The town does have the money in the Capital Budget to purchase. Mr. Weston found one that was \$145,000 but with the municipal discount, it sells for \$109,000. It is a 7' roller that would be used after grading to pack down the complete road from edge to edge to reduce sediment from going into the streams.

Motion by Mr. Ackland to purchase the roller, second by Mr. Youmell. All in Favor: VOTE: 5-0.

Cider Hill Paving Apron 900' – Mr. Cunningham explained that about 3 years ago, this issue came up when the town was paving East Warren Road. There was a group that wanted it paved and a group that did not. This road that is listed on the State's Storm Water Runoff map for the Town of Warren to reduce sediment coming into the stream as it is a very steep slope.

The Municipal Permit will require towns to fix all areas that have been noted on the map as part of ACT 64 to reduce storm water runoff. Mr. Cunningham commented that at the June 24th meeting the board would take this issue up and re-classifying the following Class 4 roads to trails: TH #11, Thayer Road, Carlyle Road, and Stetson Hollow. All owners require a 30 day notice.

9:00 PM – Approval of Minutes for April 26, 2016 – Motion by Mr. Youmell to approve the Minutes of April 26, 2016, second by Mr. Graves. All in Favor: VOTE: 5-0.

9:05 PM – Approval of Payroll Warrants – Motion by Mr. Ackland to approve the payroll warrants as presented for \$17,814.00, second by Mr. Youmell. All in Favor: VOTE: 5-0.

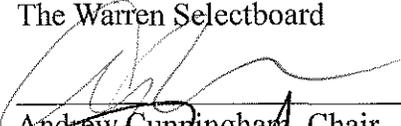
9:06 PM – Approval of Accounts Payable – Motion by Mr. Ackland to approve the accounts payable warrants as presented for \$17,464.61, second by Mr. Youmell. All in Favor: VOTE: 5-0.

9:08 PM – Update Mad River Planning District – Mr. Ackland updated the board that they had hired another full time planner. They received 14 proposals, 2 with PHD's, 1 undergrad and 11 with masters. They narrowed it down to 4 and chose a young lady that has experience in Housing and Transportation and is currently looking for place to live, which is proving difficult.

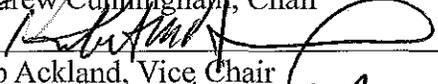
9:15 PM – Motion by Mr. Ackland to adjourn, second by Mr. Youmell. All in Favor: VOTE: 5-0

Minutes Respectfully Submitted by,
Cindi Jones, Warren Town Administrator

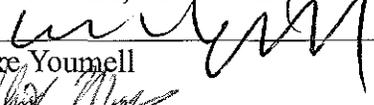
The Warren Selectboard



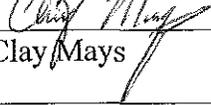
Andrew Cunningham, Chair



Bob Ackland, Vice Chair



Luke Youmell



Clay Mays

Randy Graves

634 East Warren RD
Waitsfield, VT 05673
decurren@accessvt.com
802 496 -4603

April 14, 2016

Cindi Jones, Town Administrator
Town of Warren
PO Box 337
Warren, VT 05674

Dear Cindi,

We are writing to request a select board review of a town culvert on Lincoln Gap Road that drains water onto our property. The property, lot C, has 426 feet of frontage along the town road. We purchased the land in the winter of 2014 when the wet areas were frozen and snow covered.

As you are aware this is our second request at an attempt for a solution to the problem. We appreciate the efforts of the road commissioner to investigate the situation by promptly visiting the site. However, we are not satisfied with the response that the water is not an issue since they (?) observed only a "trickle" of water in the culvert.

The fact that a culvert exists in the first place should suffice as proof that there is a water problem. The existing culvert serves as a bandaid by diverting excess water which drains down from the steep hillsides and paved road. The culvert fails to address the issue of water once it spills onto our land. The culvert channels water from other properties which ends up pooling on ours and rendering portions useless.

We believe it is the town of Warren's responsibility to finish the job the culvert begins. We are asking you to create a drainage ditch parallel to the Lincoln MT RD to meet the drainage ditch on the left side of the Lincoln Brook RD. The excess rainwater and snowmelt (hopefully!) draining from the the Lincoln MT watershed and Lincoln MT RD would be channeled indirectly into Lincoln Brook.

We appreciate your consideration of our request.

Sincerely yours,

Dennis & Ellen Curran