

Town of Sunderland Selectboard Meeting
Monday December 18, 2023, 6:00 PM
Special Public Meeting Agenda

Members in Attendance:

Alex Bresnick
Andrew McKeever
Dixie Zens
Marty Nadler
Bruce Mattison

Others in Attendance:

Mia Smith- Secretary
Rob Zeif- Planning Board
Todd Lawrence- Emergency MGMT Coord.
Janet Hurley- BCRB
Joe Boutin
Mike Perry
Rick Goddard
Merrill Bent- Town of Sunderland Attorney

1. Call to Order by Dixie Zens at 6 pm, special public meeting about proposed Sunderland Town Plan Amendment to include Village Center Designation.
2. Introduction of Board Members: Marty Nadler, Alex Bresnick, Andrew McKeever, and Bruce Mattison by Chair Dixie Zens. Secretary Mia Smith, Rob Zeif – Planning Board Chair, Janet Hurley – BCRC Assistant Director.
3. Open the Public Meeting. “The purpose of this public hearing is to solicit public input on a proposed amendment to the Sunderland Town Plan. The plan amendment offers language to support attainment of a state Village Center designation from the Vermont Department of Housing and Community Development.”
 - Janet Hurley, BCRC, explains that the state downtown program provides different designations (neighborhood development, growth designation, village center designation).
 - Village Center Designation provides technical assistance to a town for planning (e.g. infrastructure like sidewalks, pathways, road improvements), town gains “points” for grant applications, tax incentives for improvements within that area (projects or expansions w/i area).
 - Requirements of applying are that the town plan has a statement that town will be applying.

- Dixie Zens clarifies that it does not require the town to do anything besides apply (no application fee), and sees no detriment to having designation.
- Planning board has worked on the details of the application before moving it to the selectboard for a public meeting.
- *Dixie Zens opens to public for comments:*
- Joe Boutin asks if development of personal property would increase economic activity w/i the town?
- Janet Hurley answers that there are tax credits to residents w/i center for historic improvements, code improvements, etc.
- Joe Boutin asks for clarification of the boundaries of Village Designation, a map is passed around.
- Janet Hurley clarifies that the map is proposed, and has to be accepted by the state.
- Zoning does not change with this designation (e.g. commercial, residential, etc).
- Rick Goddard asks what is going on with Sunderland Town Church, Dixie Zens gives a quick explanation of deeded land and use.
- Discussion between board and Merrill Bent (town council) on trust/corporation and use of church.
- Janet Hurley circles back to amending town plan for application for designation.
- Rob Zeif adds that the town church was added to the Village Center designation because in future it could then apply for historical restoration grants.
- Cemetery might also access restoration/maintenance funds.
- Bruce Mattison asks Janet Hurley if other areas in the town would benefit from Village Center Designation, she clarifies that no, not specifically.
- Alex Bresnick says there are likely indirect benefits to other aspects of the town so that investments in town or changes in ordinances could be written specifically.
- Rick Goddard argues that Village Designation won't be benefiting the town, besides people who live in designated area. If it were, why aren't people moving in and building businesses now?
- Rob Zeif responds that the idea is that it is the only commercial area, off of 7A. That if the town does not plan now, then a hodgepodge of businesses could come in and change the focus/aesthetic of the town. (e.g. sign ordinance allows for only one sign per structure, if someone creates a business in the future with multiple businesses, this would allow them to have better signage). Allows for the town to make investments to improve buildings, add sidewalks, crosswalks, lighting to attract business- as a plan for the future before it is built up without a design aesthetic in mind.
- Joe Boutin asks what downside there is, and resident responds that there isn't, but that 20 years ago the selectboard attempted this and dropped it.

- Janet Hurley responds that there is no regulatory piece to this designation. With more economic development or business feel, this designation allows for technical assistance to design and fund (through grant applications) to build infrastructure.
- Rob Zeif says in months or years, residents want sidewalks and lights, then the town has more funding and support to help it come to fruition.
- Rick Goddard clarifies that it is an incentive to work with the town to build infrastructure, maintain character, etc.
- Joe Boutin asks if roads/infrastructure will benefit, Janet Hurley responds that they qualify for funding.
- Bruce Mattison asks if the Battenkill River impacts development in the future (re: flooding). Janet answers that it wouldn't impact/change the rules, except with Act 250 multi family/priority house developments being built in potential flood plains.
- Todd Lawrence asks with continuity in development of town, will current land owners receive oversight/guidance with their infrastructure.
- Mike Penn clarifies that in order to get incentives, the town needs to get Village Designation.
- Todd Lawrence asks if any residents living in the area are opposed?
- Rob Zeif says in a special meeting that one of the land owners in designated area said he was not interested in developing his property. Gives an example of handing down land through generations, this will allow for structure of management in the future.
- BCRC made a rendering of Sunderland with "economic development" e.g. lights, sidewalks, etc (years ago, image is being tracked down at BCRC offices).
- Dixie Zens asks for a motion to close the public hearing.

Mover: Andrew McKeever
 2nd: Alex Bresnick
 Result: Passed

4. Present the proposed changes to the town plan as prepared by the Town's Planning Commission

- Dixie asks for motion to adopt amendment as proposed

Mover: Andrew McKeever
 2nd: Alex Bresnick
 Result: Passed

5. Selectboard's vote to Adopt or Decline this change to the Town's Plan.

6. Discuss appointing David Kiernan as interim Zoning Administrator.

- Alex motions to appoint David Kiernan at the same rate of pay, as interim Zoning Admin.
- Dixie Zens checks if he can remain on Planning Board, Janet Hurley and Merrill Bent answer affirmatively.

Mover: Alex Bresnick
2nd: Andrew McKeever
Result: Passed

7. Vicious Dog complaint

- Dixie Zens asks Merril Bent what the status is.
- Merril Bent says she has reviewed the statute about domestic dogs or wolf hybrids to see if the town can exercise jurisdiction over the vicious dog.
- Looked over the statute sent by Attorney Edwards (rep. of Whitingham resident?), and found no application to the situation. Scheduled to meet 12/19/23 and will send along a recommendation to the selectboard.
- Rob Zeif asks if someone had a pet tiger, is there a town ordinance restricting that? (as example of managing a vicious/uncontrollable “pet”).
- Merrill Bent says if there is no ordinance then it would be settled with a private settlement as opposed to using public resources.
- Rob Zeif asks how this is more than a basic civil suit, Merrill clarifies that statute applies if a dog has been found guilty/charged before and makes a second attack, then town statues and animal control are used.
- Relinquishment of pets has occurred in some cases if the problem continues. “This being one of various gradations of relief that can be ordered.”
- Merrill Bent reporting back to Selectboard with recommendations after meeting with Attorney Edwards.

8. Welcome to Sunderland sign design project at the Elementary School

- Sunderland Elementary spent the last few weeks designing ideas for town sign, 3rd to 6th graders.
- Student made drawing of bear climbing tree and says “bear and tree will probably look better if a professional draws it”!
- Will determine a winner at the next regular meeting, on January 9, 2024.
- Janet Hurley asks if the sign project is eligible for the Municipal Technical Assistance Program (MTAP) that they voted to take part in during the last

meeting. Is the project already a line item (disallowing it from being taken up by technical assistance funding)?

- Dixie Zens explains that the project is just beginning, conceptualized by the Planning Board. Rob Zeif mentions use of ARPA funds.
- Janet Hurley brings up church as a potential object for improvements. MTAP could fund town council (Merrill Bent) to look into the deed and devise a process of investing in it as a town community space.
- Andrew McKeever moves to explore funding Sunderland Town Church for use as a community center.
- Joe Boutin clarifies if exploratory funds are town funds or MTAP funds?
- Rob Zeif says that there were two separate conversations with Planning and Select Boards where trustees said that if funds were available to help with structure that the trustee would be interested in sharing the building with the town, probably only in warm weather because of lack of plumbing/heating. Potentially ad hoc museum with photos, historic artifacts, etc.
- Merrill Bent piggybacks saying that sounds like what Janet Hurley is saying, is there a way of making it more available to the town, and what would happen if that town uses funds to restore/upkeep church?
- Bruce Mattison says that the deeds specifically says “worship”, so Merrill should read the deed to make sure going forward, any use/investment falls under the specific wording.
- Janet Hurley says that if they apply/move to have an investigation happen under MTAP, then the worst that happens is that town council will have been paid to ensure the language and that use will continue based on that in the future.
- Alex Bresnick asks if the trustees have been failing to meet the requirements for a period of time, what is the effect at this point? Merrill Bent says she will have to read the deed to see what the reversionary clause says.
- Rob Zeif asks, as a resident, if the selectboard will make a motion to explore.

Mover: Andrew McKeever

2nd: Alex Bresnick

Result: Passed

- Janet Hurley says she will ask the VT Agency of Admin/MTAP if they can service this building/infrastructure.
- GNAT asks for \$2,000, same as last year.
- Alex Bresnick asks how broadcasting meetings through new hybrid model will impact their filming of meetings?
- Dixie Zens asks if allocating funds to GNAT, whether or not they are filming once the Selectboard is Livestreaming meetings, is necessary?

- Alex Bresnick asks if it will be a duplication of effort. Will GNAT post meetings to the website or will the town?
- Dixie Zens reads other impacts that GNAT does within our community, in addition to recording Selectboard meetings. (many, in addition to recording select board meetings)
- Bruce Mattison asks if this should be passed onto the next meeting when they work on the budget. Board agrees.

9. N. Sunderland Hill Rd Property

Executive Session entered 7:17 pm

Mover: Alex Bresnick
2nd: Bruce Mattison
Result: Passed

Executive Session exited at 7:34 pm.

Mover: Alex Bresnick
2nd: Andrew McKeever
Result: Passed

10. Next Regular Business Meeting for the Selectboard on January 9, 2024 at 7 pm.

11. Adjourn at 7:35 pm.

Mover: Alex Bresnick
2nd: Bruce Mattison
Result: Passed