

JOHNSON SELECTBOARD MEETING MINUTES  
JOHNSON MUNICIPAL BUILDING  
WEDNESDAY, OCTOBER 10, 2018

**Present:**

Selectboard Members: Mike Dunham, Nat Kinney, Kyle Nuse, Eric Osgood

Others: Brian Story, Seth Jensen, David Butler, Charles Gallanter

**Note: All votes taken are unanimous unless otherwise noted.**

**1. Call to Order**

Eric called the meeting to order at 7:00.

**2. Additions, Changes to Agenda**

David Butler added an item concerning a seat on the Planning Commission. Nat added an item concerning a Healthy Lamoille Valley meeting he attended.

**3. Planning Commission Seat**

David Butler said Kylie Hill has attended the last two meetings of the Planning Commission and has gotten along well with the board members. She would accept an invitation to take a seat on the Planning Commission. She has not yet sent a letter expressing interest. The Planning Commission currently has two openings.

**4. Healthy Lamoille Valley Meeting**

Nat said he attended a Healthy Lamoille Valley meeting last week. It was mainly about alcohol, cigarette and marijuana use by kids. Towns can make decisions to curb unhealthy behaviors. Nat will be going to a follow-up meeting with Alison Link to look at what other towns are doing. Any board members who are interested in joining him for that meeting should let him know.

**5. Presentation on the Role of a Development Review Board with Questions to Follow**

Brian said David Butler is the only one who has expressed interest in being on the DRB who was able to be here tonight.

Seth Jensen said he has basic DRB training he can do. David said he should not bother with that tonight because he will have to do it in the future when more DRB members are able to come.

Seth said first the DRB will need to organize. The members will elect a chair and adopt rules of procedure. That is required by statute. VLCT has good model rules of procedure. A DRB is set up as a quasi-judicial board. It holds hearings, takes evidence, closes the hearing, goes into deliberative session and makes a decision. There are timelines they have to follow. It is important to keep in mind the difference between a legislative board like the selectboard or Planning Commission and a quasi-judicial board like the DRB. Their job is to interpret the rules as they are written. Their discretion regarding form based code is pretty limited.

Seth said when Hyde Park was adopting zoning they did some mock hearings. We could do that. David and Brian said they thought that would be helpful.

Eric said the selectboard will need to appoint people to the DRB. Maybe it makes sense to see who comes to a training and then appoint people after the training.

Nat asked how many people had expressed interest. Brian and Eric named people who had expressed interest.

Brian said he thinks it would be a good idea to have a training with mandatory attendance in order to be on the DRB. The ordinance says there will be 5 DRB members and 2 alternates. Alternates can be used when a DRB member has business before the DRB. Seth said the position of alternate can be a good one for someone who is unsure about the commitment because there is less of a commitment.

David suggested it might be simpler if the town adopted an ordinance requiring a building permit for any building project at no charge.

Mike said he thinks that is an overstep.

David said two kinds of permit are mentioned in the code – form based code permit and town or village permits. Most of the projects people would do are exempt from a form based code permit.

Mike said he thinks people in the town would resent having to fill out a permit application and go to the town clerk for a project like putting up a wood shed. He knows he wouldn't like it.

Eric said our assessors have asked for this too. They go onto each property only every 4 years because they look at 25% of properties each year. If someone built a large new building they could avoid paying higher taxes for several years. David said the only reason for a building permit in a town is to trigger a reassessment. Eric said the listers used to go to every property every year. Mike said they were also local people who heard about new building projects.

David said in the future we are going to lose public funds because we don't require building permits. Mike said there is no law now that penalizes us. Eric said the town could be penalized because of the statewide property tax. If we don't properly assess a property the state can say that we should have known about the increased value several years ago and now the town has to make the state whole. Mike asked if there is ever been a case where the town has been penalized for improper assessment. Eric said no; we have always had the listers.

David said he thinks the board should seriously discuss this. It is possible someone could buy a lot and in the year after assessment build a \$400K house. Then they could go 3 years without paying taxes on it.

Nat asked what would happen if someone didn't get a building permit and the assessors eventually found out what they had built. Eric said they would be subject to a fine.

Mike said he would prefer for something like this to be decided by the voters.

Charles said he thinks in the solicitation for DRB members it was emphasized that the board wanted village residents. Eric said we put a priority on it. There was discussion about which potential DRB members are village residents.

**6. Adjourn**

The meeting was adjourned at 7:20.

*Minutes submitted by Donna Griffiths*

UNAPPROVED