

Lincoln, Vermont

Special Selectboard Meeting

April 13, 2021

Meeting Minutes {Draft}

Called to order at 5:37 PM

Selectboard present: Bill Finger (BF), Oakley Smith (OS), Bay Jackson (BJ), Will Sipsey (WS). Absent: Paul Forlenza (PF)

Also present: Benj Putnam, Town Atty (BP), Ann Kensek, SB Assistant (AK), Robert Clark, P.E., (RC), Otter Creek Engineering (OCE), Tommie Thompson, Josiah Jackson

RC presented a proposed narrative for the town's application for a Conditional Use Permit required to open and operate a sand pit to supply the town's winter road sand requirement for the next 25 years.

(The proposed narrative is attached and made part of these minutes.)

In summary:

- Property owner Chuck Norton called the town's attention to a potential "knob" of sand on his property that could supply winter sand while improving the Norton sugarbush at the same time.
- Town hires Lincoln applied Geology (LAG) to investigate potential volume and longevity of the sand deposit. LAG confirms volume and quality of supply.
- Town hires OCE to determine the engineering and permitting feasibility of opening a sand pit on an approximately 5-acre parcel of the Norton property.
- Town seeks and obtains an Act 250 Jurisdictional Opinion (JO) as to whether the proposed pit would require Act 250 environment review and permitting. JO decides, primarily based on the parcel size that an Act 250 permit will not be required.
- Selectboard negotiates a Purchase and Sale Contract (PSC) with Norton.
- Town voters approve PSC at town meeting 2020 contingent on the town's success in obtaining a town zoning or conditional use permit and a storm water discharge permit that will be required by the State of Vermont.
- Town ZA denies zoning permit application, requiring, instead, a ZBA hearing for a Conditional Use Permit
- Proposed application narrative states the following benefits of the proposed project:
 - Sand supply can be obtained locally, in an environmentally sound manner, reducing CO2 emissions, wear and tear and potential safety hazards
 - There appear to be no wetlands or endangered species on the proposed site
 - Site use and restoration will take place in phases. There will not be a pit or large excavation, instead it will be removal of a knob with slopes restored to slopes comparable to adjacent property.

- 38 ▪ Each phase will include reforestation, namely sugar maples that will thrive
- 39 better in the restored state than they did while growing in sand
- 40 ▪ Project is unique in that it is surrounded by other Norton property. Nortons
- 41 prefer to keep the parcel size as small as possible. Therefore, setbacks from
- 42 property lines do not seem to present a significant issue.
- 43 ▪ The requirement for performance bonding should not apply since the cost of
- 44 the bond would be paid for by the taxpayers. Performance bonds are mostly to
- 45 cover situations where a developer or contractor fails to meet the terms of a
- 46 contract. In this case the town is the contractor and will not go bankrupt. The
- 47 PSC requires a management and restoration plan to be in place before material
- 48 begins to be extracted
- 49 ▪ Discussion of aesthetic impacts concluded that there will be some impacts on
- 50 the view depend on the location of the viewer. There will be little if any visibility
- 51 from the Gap Road. The initial impact will likely be visible from higher elevations
- 52 initially. They will be similar to logging and farming operations and will likely be
- 53 relatively short-lived as the restoration process will be on-going.

54 **Motion** by WS, 2nd OS to move forward with the conditional use application using the narrative as
55 discussed and including modifications suggested as noted above and to include waiver of all fees that
56 would ordinarily be charged for this type of application and permitting process.

57 **Passed** 3 yes (BF,WS,OS), 1 no (BJ), 1 absent (PF)

58 BJ offered a word of explanation of her no vote by saying that as a relative newcomer to the SB and this
59 issue she does not feel fully informed about how some of the points made will be dealt with. A reminder
60 that making the application simply moves the issue to the ZBA for further discussion and explanation,
61 The ZBA hearing process should provide ample opportunity for questions and answers. Some of the
62 answers may be in the form of conditions placed on the final permit.

63 (The narrative as modified is attached, in red-line PDF form, and made part of these minutes)

64 **The meeting paused for a few minutes to allow participants to exit the sand-pit discussion and enter**
65 **for the discussion of the funding for the MALT conservation easement etc., for the recently donated**
66 **Will Jackson property.**

67 Meeting re-started at approximately 7:05 PM

68 Additional attendees: Jamie Brookside (Montague)MALT. Tina Scharf, LCC, Sandra Murphy, LCC, Charlie
69 Beyer, LCC, Judi Danforth, Katie Manaras, Christie Sumner, Lisa Nading and Judy Witters.

- 70 ○ This special Selectboard meet was called at the request of the Middlebury Area Land Trust
- 71 (MALT) to update and discuss recent efforts and success in raising \$15,000 to sustain MALT's
- 72 efforts on behalf of the Town of Lincoln maintain and develop access and appropriate use for
- 73 the property donated to the town by Willard Jackson. It is important for MALT, Selectboard and
- 74 Lincoln Conservation Commission to be on the same page.
- 75 ○ Jamie Brookside (Montague), MALT executive director announced that thru the extraordinary
- 76 generosity of a single donor MALT had raised the full \$15,000 in short order and by other
- 77 generous gifts had now received a total of nearly \$30,000.

- 78 ○ Will Jackson, donor of the property desired to protect the property in perpetuity via a
- 79 conservation easement and development rights held by MALT
- 80 ○ Permitted uses will be “anything you can do with your body without a motor” – Bay
- 81 ○ Individual non- commercial uses only
- 82 ○ Over night camping only when permitted by Selectboard in consultation with LCC
- 83 ○ Minor building and sign installation for educational and way finding purposes.
- 84 ○ Preservation of vegetation and wildlife habitat as it currently exists.
- 85 ○
- 86 ○ Prohibited uses:
 - 87 ■ No mining, mineral extraction, industrial, commercial, or residential use
 - 88 ■ No ROW or utility easements
 - 89 ■ No surface disturbance (e.g., excavation)
 - 90 ■ No solar panels or wind towers
 - 91 ■ No motor use
- 92 ○ MALT will collaborate directly with LCC
- 93 ○ MALT’s \$15,000 funding requirement has been fully net by Christie Sumner and family using
- 94 funds donated to the Vermont Land Trust in Willy Sumner’s name for Lincoln conservation
- 95 projects
- 96 ○ Malt’s stewardship funding comes largely from interest earned on a general endowment fund
- 97 for all MALT related properties
- 98 ○ Next phase is to cover “Unmet needs” – most can be covered by funds already donated over
- 99 and above the initial \$15,000.
- 100 ○ Possible needs:
 - 101 ■ Improved parking area on East River Road
 - 102 ■ Welcome kiosk
 - 103 ■ Mapping
 - 104 ■ Forest Mgt Plan
 - 105 ■ Wayfinding signs
- 106 ○ Possible ribbon cutting celebration in August 2021
- 107 ○ LCC will begin to address volunteer needs and trail maintenance issues
- 108 ○ Approved town budge for FY 22 include4s some funding for this activity
- 109 ○ Acquisition of this property has galvanized interest in management of all town lands for better
- 110 access and availability for all town residents.

111 Meeting adjourned at 8:10 PM

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113 Respectfully submitted: Bill Finger