

Town of Vershire Planning Commission Meeting Minutes DRAFT
Wednesday, June 11, 2025 at 7:00 pm at the Vershire Town Center.

Attendance: Gregory Wilson, co-chair, Eleanor Zue, co-chair, Seann Cram, Michelle Massa, Justin Will (zoom), Helen Wilson, secretary (zoom), Aaron Hoopes, Development officer. Guests: Nicole White-Fogarty, Selectboard chair; Amy Record, Selectboard member; Mark Fogarty, Tree Warden; Earl Robinson, Mr. and Mrs. Gilbert Mudge.

Call to Order: G. Wilson called the meeting to order at 7:05 pm.

Approval of Minutes: Gregory moved that Minutes of the PC regular meeting on May 14 be approved. Eleanor seconded the motion. The motion passed.

Nicole White-Fogarty: Selectboard has been looking at ordinances and how they are followed up on. How are they being enforced? Gregory questioned if the PC is responsible for enforcement. Nicole stated it was part of the Planning Committee's responsibility. Gregory stated he had been advised that the PC is an advisory committee only. Nicole stated Aaron Hoopes has enforcement power. Building permits have been taken care of and documented, but not the other ordinances such as noise violations. Discussion continued about bringing in the state police (which has been done). Complaints have been coming to the Selectboard. Nicole believes they should come to the PC. Other complaints are about the junk yards. Aaron said there are no teeth in the ordinances, no fines. Gilbert Mudge quoted the Vershire Development Ordinance, Section 5.21 Violations and Enforcement:

5.21 Violations and Enforcement The commencement or continuation of any land development or use subject to regulation and not in conformance with the provisions of this Ordinance shall constitute a violation. All violations shall be pursued in accordance with 24 V.S.A. Sections 4444 and 4445 of the Act. Any person who violates this Ordinance shall be fined not more than \$100 for each offense. Each day that a violation is continued shall constitute a separate offense. The Development Administrator shall initiate the appropriate action in the name of the Town of Vershire to enforce the provisions of this Ordinance. All fines imposed and collected for violations shall be paid to the Judicial Bureau.

Aaron followed this process historically, and wrote a letter to the offender, but was told by the Town Clerk that Vershire is not in a position to do that. Aaron stated he can write a letter stating that fines of \$100 per day will accrue, but they don't have to pay it unless we take them to court. Mark Fogarty described the process of registering the fines which sets up an outstanding warrant that can result in arrest if the person is found committing another offense, such as a traffic violation. He suggested that if we write an ordinance it should clearly state at the beginning details on how fining goes. He suggested the first letter is on green paper, if not complied with, then a second letter is sent on yellow paper, a third on (red) orange paper, all detailing the fines and how the violation and fines go into the Orange Co. judicial system.

Discussion continued as to whether the authority to carry this out is with the Selectboard or the Planning Commission. According to the town's development ordinance, the Development Officer is the one who initiates action on violations. Gregory stated Aaron will follow through with the letters and fining process.

Michelle asked about the status of the plan to have a meeting with community members, Selectboard and others to discuss the possibility of establishing a relationship with the State Police. Aaron asked about the difference between civil and criminal enforcement (which would involve the police). Enforcing an ordinance is a civil proceeding, which can lead to fines that become a lien on the property, and can result in the property going to a tax sale.

Aaron arranged to go to Earl's property on Friday to inspect the trash situation on the property line. Aaron expressed concern about the possible reaction of the violator when he is informed about the fines.

Question about a noise ordinance. There is a state ordinance which we can use. The question is whether the State Police will respond to requests to enforce it. The State Police are not required to enforce things like ordinances and restraining orders, according to the US Supreme Court. Michelle described the Noise Ordinance submitted to the Selectboard by the PC. It was returned to us to see what other towns have done, and to what degree is it enforceable. The town's attorney advised us that it is not something we can enforce.

Discussion about next steps: We will proceed according to The Vershire Development Ordinance definition regarding trash,

2.8 Prohibited Land Use Activities Notwithstanding other provisions of this Ordinance, the following land use activities are specifically prohibited:
(a) Dumping, disposing, storing of trash, garbage, hazardous or solid waste as defined under 10 V.S.A. Section 6602, unless such a facility is certified by the Vermont Agency of Natural Resources;

Aaron will inspect the situation and send a letter from "The Town of Vershire" as specified in section 5.21.

The upcoming role of the PC is to review the new Town Plan and make whatever needed changes and additions to make the Development Ordinance congruent with the new Town Plan.

New PC Member: Liana Horster is interested in becoming new member. We need to replace Justin, whose term is expired, but he will stay on in advisory capacity. Michelle is willing to finish out this year.

Aaron Hoopes' report on the past month's permit activity is made part of these minutes. The following permits were issued: Paddy McCarthy building an addition on yurt; Marie Fogg building a house; John Smith building an addition on his sugar shack.

Next regular Meeting, Wednesday, July 9.

Announcements/Other: None.

Adjourn: Gregory moved to adjourn the meeting at 8:35 pm. Seann seconded. The motion passed.