

Minutes of the East Montpelier Development Review Board

February 7, 2012

FINAL
Approved 2/21/12

DRB Members Present: Richard Curtis (Chair), Ken Santor, Jeff Cueto, Mark Lane, Steve Kappel, Gray Ricker, Carol Welch, Betsy Catlin, Gene Troia (alternate). DRB Members Absent: Kim Watson.

Others Present: Dina Bookmyer-Baker (East Montpelier ZA), Kristi Flynn (Recording Secretary), Bruce Johnson, Bruce Bjornlund, John Sanfacon, Steve Cusick (Sanfacon counsel), Rubin Bennett, Howard Norman Hill, Ed Deegan, Jessica Edgerly.

Call to Order: 7:00pm

Public Comment: None

Additions to Agenda: None

Welcome to New Member

DRB introductions to Betsy Catlin.

Appeal by John Sanfacon of Notice of Violation

The Notice of Violation (NOV) was issued by the ZA because the ZA considers the trailers on the property to be unpermitted structures and that the landowner is maintaining a junkyard, which is not allowed in town. A site visit by the DRB was conducted on 1/28/12. The Chair swore in the appellant and Interested Parties (IPs) at 7:09pm.

Sanfacon testimony:

- 1988 - land was purchased (19.8 acres) with a house under construction; 4 trailers were located SW of the house
- 1993 – purchased 3 more trailers
- 1999-2000 – trailers moved to lower section of property to accommodate fill from U-32 expansion
- 2012 – 15 trailers on property

What is the purpose of the trailers and what is in them?

- Always used for storage; trailers are shelved and organized
- Building materials, tools, machine shop, woodworking shop, ceramic tile, videotapes, wheelbarrows, hardware, nails, screws
- Used in occupation as shop teacher
- Currently used in renovation of his house in Barre (renovations were started in 2005) and other peoples' houses

ZA testimony:

- On the application for the 2003 subdivision, it was stated that Lot 2 would remain and undeveloped lot.

Lawyer rebuttal:

- Trailers have been on the property since 1988 as supposedly illegal structures
- The law says that the Town cannot enforce after 15 years; statute of limitations has elapsed
- Not conceding that trailers are illegal

ZA testimony:

- Appellant cannot have it both ways: either existing non-conforming structures or undeveloped lot
- 2003 subdivision: does mylar show location of all trailers? ZA didn't pull the mylar, but Lot 2 was presented as undeveloped

Lawyer rebuttal:

- By 2000, all but 2 of the trailers were located on the property
- No disputing that they are structures, but disputing the characterization as a junkyard or that the trailers are junk
- Golf carts – all but 2 were usable when parked there in 2006; planned to make all of them usable
- 15-year statute of limitation based on the first infraction

The Chair read a letter the Bill Pollock, a neighbor and IP; the material he provided was forwarded to the appellant.

Comments from the public/IPs:

Jessica Edgerly – represents an environmental group in Montpelier; she read the definition of a salvage yard and felt that the property meets the definition. Unused vehicles have a host of hazardous materials, which have a chance of polluting rivers and streams.

Norman Hill – abutting neighbor. He feels the trailers are not useful and may be lowering his property value, but he doesn't want to see EM get a reputation of vigorous enforcement.

Ed Deegan – abutting neighbor. He feels the toxic material could be moving downstream. The property is a junkyard, its illegal and it needs to be cleaned up. He doesn't want to force Mr. Sanfacon, but it needs to be taken care of.

Lawyer – meets the screening regulations for outdoor storage

Last trailers were moved onto the property in spring of 2003.

Motion: I move to adjourn the hearing and continue with a deliberative session at the 2/21 meeting. Made: Cueto, second: Kappel

Vote on Motion: Passed 9-0

Application #11-063, a proposal by Rubin Bennett

The Chair opened the hearing at 8:20pm by reading the warning: “Application #11-063, a proposal by Rubin Bennett, of Hangar Building, LLC, to use the vacant space in an existing warehouse for special events and to conduct a professional business office in an existing commercial building at 1970 VT Route 14 South. The property is located in Residential and Commercial zoning district C and Conservation Overlay Aquifer Protection Area S.” The applicant was sworn in at 8:21pm. The applicant would like to use the back part of the historic hangar building for special events; current use is storage, nor heated. Special events may include barn dances, wedding receptions, and Rally Day activities. Mr. Bennett is always mindful of neighbors and parking and traffic is not a problem. Porta-potties would always be used. Mr. Bennett doesn't have a clear idea about what events would happen and how often they would occur. He is applying for a change of use permit for his office space in the front part of the building because it is in the conservation overlay.

DRB decided to recess the hearing to allow the applicant time to gather more information.

Motion: I move to recess the hearing to the 2/21 meeting. Made: Curtis, second: Welch

Vote on Motion: Passed 9-0

Review of Minutes

November 15, 2011

Motion: I move to approve as presented. Made: Kappel, second: Cueto

Vote on Motion: Passed 9-0

ZA Report

7 new permits since last meeting, including the Hawkins subdivision

Wells – got access permit from SB, may be coming in for an accessory dwelling

Noyes – 2/15 trial; court denied summary judgment; Noyes suggested one apartment instead of two; SB agreed that one unit is fine

Next meeting is 2/21 at 7pm.

Motion to adjourn. Made by Mr. Curtis; seconded by Mr. Cueto. Passed 9-0. Meeting adjourned at 9:20p.m.

Respectfully submitted by Kristi Flynn, Recording Secretary