

Minutes of the East Montpelier Development Review Board

February 21, 2012

FINAL

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

Others Present: Dina Bookmyer-Baker (East Montpelier ZA), Kristi Flynn (Recording Secretary), T. Wayne Clark, Helen Clark, William Pollock, Harriet Borland, David Tucker, Louise & Roger Crowley, Rubin Bennett, Gerald Papineau, Keri-Ann Black-Deegan, Edward Deegan, Daniel Staples, Hugh Hawkins.

Call to Order: 7:00pm

Public Comment: From SB Chair, mediation between the Town, Sanfacon and IPs is available and the SB offers this to the DRB as a Town-funded activity. Mr. Pollock objects on the grounds that evidence-taking has been closed and it is not appropriate for SB to give information to a quasi-judicial board during deliberation.

Additions to Agenda: None

Continuation of Application #11-063, a proposal by Rubin Bennett

The Vice Chair re-opened the hearing at 7:04pm 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." There were no conflicts of interest and no interested parties. The applicant was sworn in at 7:05pm. The special events proposed are wedding receptions, barn dances and farmers markets. The DRB agrees to review the application under Table 2.3(c)(17). The applicant does not want to artificially set hours of operation, but it is reasonable to set quiet hours. DRB will consider conditioning to re-open permit if neighbors complain.

Motion: I move to close evidence-taking and consider in deliberative session. Made: Cueto, second: Ricker
Vote on Motion: Passed 9-0

Application #12-001, a proposal by T. Wayne Clark

The Vice Chair opened the hearing at 7:30pm by reading the warning: "Application #12-001, a proposal by T. Wayne Clark to create a 4-lot subdivision of the 226.7+/- acres parcel at 628 Codling Road. The property is located in Residential and Commercial zoning district C, and lies partly in Conservation Overlay Aquifer Protection Area S." The applicants and Interested Parties were sworn in at 7:31pm. The wastewater permit has been approved. Lot 1 has one existing residence and the other three lots are proposed. Some of the property is in current use. Lot 2 will be accessed by Codling Road, Lot 3 will be accessed by Wheeler Road and Lot 4 will be accessed by a ROW off Codling Road. Each lot has adequate frontage and acreage. Lot 3 will need an access permit off Wheeler. Mr. Deegan, an abutting neighbor, expressed concern regarding Lot 2 that might infringe on his water rights; the well shield extends onto his property and he requests that the well shield or septic isolation area be moved totally on Lot 2. The DRB will look at this as a major subdivision.

Motion: I move to close the evidence-taking. Made: Kappel, second: Ricker.

Vote on Motion: Passed 9-0

Motion: I move to give preliminary plan approval of the subdivision as presented with the condition that access permits are obtained and have the applicant ask the engineer to move the well shield on Lot 2 so as not to infringe on the Deegan's property. Made: Troia, second: Watson.

Amended Motion: I move to give preliminary plan approval of the subdivision as presented with the condition that access permits are obtained. Made: Kappel, second: Ricker.

Vote on Amended Motion: Passed 9-0

Application #12-003, a proposal by Hugh Hawkins

The Vice Chair opened the hearing at 8:05pm by reading the warning: “Application #12-003, a proposal by Hugh, Susan and Dennis Hawkins to create a 2-lot subdivision of the 48.5+/- acre parcel on Towne Hill Road. The property is located in Rural Residential and Agricultural zoning district D.” The applicant and IPs (Deegan) were sworn in at 8:06pm. The Hawkins have completed a boundary line adjustment with a neighbor. The SB would not approve another access on Towne Hill Road, so the applicant would tie the access into the existing driveway for Tucker’s lot. Mr. Tucker noted that he thought his ROW was intended to be on Hawkin’s retained property and it looks like it is not that way on the survey. Mr. Hawkins said that was not the intention. Mr. Deegan stated that he has a spring line that runs through the larger lot and wants to make sure it is deeded if/when sold. The DRB will continue this hearing to the 3/20 meeting.

Motion: I move to continue the hearing at the 3/20 meeting. Made: Lane, second: Kappel.

Vote on Motion: Passed 9-0.

Motion: I move to go into deliberative session. Made: Cueto, second: Kappel.

Vote on Motion: Passed 8-0, Watson recused herself. The DRB came out of the deliberative session.

Bennett Application #11-063

Motion: I move to approve the application for change of use/mixed use with the conditions as follows:

- 1) All applicable permits obtained
- 2) Events no more than 4 weeks in a row, maximum 12 in a year
- 3) Special event activities between 10pm and 7am shall be done in a manner that does not create a noise nuisance for neighbors and the hours of operation may be adjusted by the DRB if chronic complaints occur.

Made: Welch, second: Kappel.

Vote on Motion: Passed 8-0.

Sanfacon Notice of Violation Appeal

Motion: I move to deny the appeal of John and Phyllis Sanfacon and uphold the ZA’s Notice of Violation of 11/11/11. Made: Troia, second: Cueto

Vote on Motion: Passed 8-0

Rules of Procedure Amendment

The change is an administrative change. **Motion: I move to accept the change to Rules of Procedure and Conflict of Interest Policy.** Made: Kappel, second: Catlin.

Vote on Motion: Passed 8-0

Review of Minutes: February 7, 2012

Motion: I move to approve as amended. Made: Santor, second: Lane

Vote on Motion: Passed 8-0

ZA Report

2 new permits since last meeting: Wells – applying for an accessory dwelling; Noyes – timeframe for coming in is not known, DRB cannot deny the permit, but needs to review.

Other Business

Hawkins – water supply issue applies to both minor and major subdivisions, ZA will research.

Next meeting is 3/20 at 7pm.

Motion to adjourn. Made by Mr. Santor; seconded by Mr. Lane. Passed 8-0. Meeting adjourned at 9:45p.m.

Respectfully submitted by Kristi Flynn, Recording Secretary

Approved 3/20/12