

June 3, 2014

DRB Members Present: Rich Curtis (Chair), Carol Welch, Mark Lane, Jeff Cueto, Ken Santor, Norman Hill, Kim Watson, Steve Kappel

DRB Members Absent: Betsy Catlin

Others Present: Bruce Johnson (Zoning Administrator), Kristi Flynn (Recording Secretary), Daniel Couture, Lise Couture, Shirley King, Clifton King, Scott Bassage, Rose Pelchuk, Pat Griffin, Sharon Fannon, Lori Delphia, Gary Delphia, Anne Carter, Casey Northrup, Amanda Northrup, Scott Chamberlain, Ty Rolland, Todd Parker, Beth Parker, Alicia Lyford, David Epstein, Daniel Goltzman, Michael Duane, Don Marsh, Renee Carpenter

**Call to Order:** 7:02pm

**Public Comment:** None

**Additions to Agenda:** None

**Conditional Use Review of Application #14-024, submitted by East Montpelier Elementary School (EMES)**

The Chair opened the review at 7:03pm by reading the warning: "Conditional use review of Application #14-024, submitted by East Montpelier Elementary School to construct a 61,000 gallon fire pond with associated piping and fencing. This application is for an amendment to Conditional Use Permit #13-005, which governs the on-going construction at EMES. The property is a §3.10 pre-existing, non-conforming use in the Agricultural & Forest Conservation District (Zone E) subject to DRB regulation as a §4.12 protected public use." The applicants were sworn in at 7:04pm. Don Marsh, the site engineer, gave the presentation. The proposed fire pond is 60-70' into the woods beyond the gravel parking lot. The pond will hold 61,000 gallons with a maximum of 85,000 gallons; it will be plastic-lined with a 5'-wide berm and a 5' fence around the pond. The source of the water is the old disconnected well at the school. The fire pond is required by the state for fire safety; the fire pond water will not be used for the sprinkler system inside the school.

The DRB asked about alternatives that are available: 1) underground tanks, 2) another fire pond on Vincent Flats (Troia/Carter) ½ mile away, 300,000 gallon capacity, and 3) Halls offered to have a fire pond built on their property.

Questions –

- Cost - \$125,000; what would it cost to excavate the existing pond ½ mile away?
- Fence height – 5' doesn't seem high enough, kids will figure out a way to get over it; can it be capped instead?
- Maintenance – who will maintain the pond, vacuum it annually?
- Neighbors concerned with possible mosquito issues with standing water; would rather have it capped
- Water table – will this affect the water table? It should not, will be using a well that's been used for 30+ years
- Fire department – cannot use fire pond to fight other fires, wouldn't be used for training unless at school
- Liner – why not use natural materials? Wouldn't guarantee water would be available when needed; life span is 50+ years
- Woods – project will disturb 10-15' past the contours; will ask contractors to minimize disturbance; some large trees will have to come down
- Seem to be a lot of unanswered questions
- Fire Chief – trucks need to be 8-10' from the fire hydrant; trucking water from ½ mile away is complicated
- Sprinklers – won't protect the whole building, such as the roof

**Motion: I move to close the evidence-taking and take the issue up in deliberative session after the other hearings.**

Made: Mr. Curtis, second: Mr. Hill

**Vote on Motion:** Passed 8-0

**Conditional Use Review of Application #14-027, submitted by K&A Leasing**

The Chair opened the review at 7:51pm by reading the warning: "Conditional use review of Application #14-027 submitted by K&A Leasing, LLC to add a second used motor vehicle sales use to its mixed use property located at 4423 US Route 2. Applicant Scott Chamberlain seeks to operate a used car dealership from the first floor of the existing retail building, currently used for storage and additional space for the thrift store on the second floor. The property, now used for motor vehicle sales and service, self-storage and retail, is in Zone A – Commercial, where a §4.10 mixed use requires conditional use review, and the Conservation Overlay Area S, the aquifer protection zone." The applicants were sworn in at 7:52pm.

Presentation by Mr. Northrup:

- Scott Chamberlain would like to sell used cars, expect up to 50 cars
- Sign – no change, thrift store is moving out
- Will occupy the first floor – 2 bays, 2 offices, kitchenette and bathroom

- Building remains the same, cars displayed outside, possibly gravel over some of the grass area
- Lighting – one LED light on a pole currently, no plans to add more lighting
- Access – no change in access
- Conditional use review triggered because this is a second use on the lot
- Maintenance – light mechanical, no hazardous materials, detailing; major maintenance will be done by KC's Performance
- Parking lot – planning to pave the parking lot; on two acres, there is plenty of room for the 50 cars plus customer parking
- Table 2.6 – doesn't appear it will affect the aquifer zone

**Motion: I move to accept Application #14-027 as presented.** Made: Mr. Kappel, second: Ms. Welch

**Vote on Motion:** Passed 8-0

#### **Final Plan Review of Application #14-029, submitted by Gary & Lori Delphia**

The Chair opened the review at 8:07pm by reading the warning: "Final plan review of Application #14-029, submitted by Gary & Lori Delphia, to subdivide their property located at 1110 Guyette Road. This proposal will divide the 28.53-acre parcel into 2 lots: One 7.00-acre lot with existing dwelling and a remainder lot of 21.53+/- acres with existing camp. The property is located in Zone E – Agricultural/Forest Conservation, where the minimum lot size is 7 acres." The applicants were sworn in at 8:08pm. Lot 1 is 7 acres with the existing residence off Guyette Road; lot 2 is the remainder 21.5 acres with an existing deer camp accessed from Tucker Road. Much of the property is not buildable and does not support more than one septic system. One of the neighbors, Ms. Griffin, expressed concern over more than one house on the property, but Mr. Delphia noted that the land topography won't allow more than one septic system. Lot 2 is one the Calais line and the ROW is from Calais; this doesn't affect the subdivision review and the landowner is responsible for obtaining access from the Calais SB.

Ms. Carpenter expressed concern with the deer yard and the "destruction" of beautiful property. Ms. Pelchuk and Mr. Bassage expressed concerns from the Calais townspeople that there may be more than one house on the property. The DRB noted that they can only deal with what is in front of them, not what might happen in the future. The easement from Calais is already deeded. Calais SB requested that the DRB delay their decision until they can look at the ROW issue.

**Motion: I move to discuss in deliberative session and decide in an open meeting.** Made: Mr. Cueto, second: Mr. Curtis

**Vote on Motion:** Passed 8-0

**Motion: I move to enter deliberative session to discuss the hearings.** Made: Mr. Curtis, second: Mr. Kappel.

**Vote on Motion:** Passed 8-0

The DRB entered deliberative session at 8:45pm, and exited at 9:50pm

#### Delphia subdivision

**Motion: I move to approve Application #14-029 subdivision as presented.** Made: Mr. Curtis, second: Mr. Cueto

**Vote on Motion:** Passed 8-0

#### EMES Fire Pond

**Motion: I move to approve Application #14-024 with the conditions that 1) the fire pond is made inaccessible to unauthorized access by a redesign of the fence or addition of a cover, 2) the removal of trees is limited as necessary for construction including no removal within 50' of the property line and 3) the applicant is responsible for mosquito control if they become a nuisance.** Made: Mr. Cueto, second: Ms. Welch

**Vote on Motion:** Passed 8-0

#### **Consideration of Amendment to DRB Rules of Procedure** - tabled to next meeting

#### **Review of Minutes**

April 15, 2014

**Motion: I move to approve the minutes as amended.** Made: Mr. Curtis, second: Mr. Cueto

**Vote on Motion:** Passed 8-0

May 6, 2014

**Motion: I move to approve the minutes as amended.** Made: Mr. Curtis, second: Mr. Cueto

**Vote on Motion:** Passed 8-0

#### **Other Business**

ZA Report - 11 new permits

**Motion to adjourn.** Made by Mr. Kappel; seconded by Ms. Welch. Passed 8-0. Meeting adjourned at 10:05p.m.

*Respectfully submitted by Kristi Flynn, Recording Secretary*