

July 12, 2016

DRB Members Present: Rich Curtis (Chair), Carol Welch, Kim Watson, Jeff Cueto, Ken Santor, Mark Lane, Andrew Greenwald

DRB Members Absent: Steve Kappel, Norman Hill

Others Present: Bruce Johnson (Zoning Administrator), Kristi Flynn (Recording Secretary), Keith Friedland, Kathleen Friedland, Kevin Thompson, Duane Wells, Jason Cote-Wong

Call to Order: 7:00pm

Public Comment: Wells sketch plan review of East Hill property

Additions to Agenda: None

Setback waiver or, in the alternative, variance review of Application #16-027, submitted by Heidemarie Heiss & Stephen Holmes

The Chair opened the hearing at 7:01pm by reading the warning: "Setback waiver or, in the alternative, variance review of Application #16-027, submitted by Heidemarie Heiss & Stephen Holmes, to construct a 15' x 8' sun porch addition to their residence located at 2888 County Road. The house is a \$3.10 pre-existing, non-conforming structure in Zone E – Agricultural & Forest Conservation District, located partially within the mandated 75-foot front setback. The applicants request either a 3' \$3.14 setback waiver or \$7.6 variance relief from the front setback." The representative for the applicants, Kevin Thompson, was sworn in at 7:02pm. There is an existing concrete, slate-covered patio, part of which will be enclosed for the attached sunroom. The windows will be on the south side and the siding and roofing will match the existing house. They are adding volume but not increasing the footprint. The DRB agreed to treat this as a variance as it wouldn't change the character of the house nor the neighborhood.

The DRB reviewed Section 7.6, Variances and found the following:

- 1) Unique physical circumstances or conditions
Motion: I move that this criterion is met because the house pre-dates zoning and it is a reasonable structure.
Made: Ms. Welch, second: Mr. Cueto
Vote on Motion: Passed 7-0
- 2) Reasonable use of property
Motion: I move that this criterion is met because it was built before zoning existed and the location makes sense. Made: Ms. Welch, second: Mr. Greenwald
Vote on Motion: Passed 7-0
- 3) Hardship not created by homeowner
Motion: I move that this criterion is met because the homeowners did not create the hardship as the house was built prior to zoning. Made: Mr. Cueto, second: Mr. Lane
Vote on Motion: Passed 7-0
- 4) Character of the neighborhood
Motion: I move that this criterion is met because the designed addition will not change the character of the house or neighborhood. Made: Mr. Cueto, second: Mr. Lane
Vote on Motion: Passed 7-0
- 5) Least deviation from regulations
Motion: I move that this criterion is met because the house is not venturing further into the setbacks and represents the least deviation possible from these regulations. Made: Mr. Cueto, second: Mr. Curtis
Vote on Motion: Passed 7-0

Motion: I move to grant a variance for Application #16-023 as all of the criteria have been met. Made: Mr. Cueto, second: Mr. Curtis

Vote on Motion: Passed 7-0

Conditional Use Review of Application #16-028, submitted by Kathleen Friedland

The Chair opened the hearing at 7:17pm by reading the warning: "Conditional use review of Application #16-028, submitted by Kathleen Friedland, to add a retail sales component to her home occupation conducted at her residence located at 2023 County Road. The property is in Zone D – Rural Residential & Agricultural District, where on-site retail sales as part of a \$4.10(B) home occupation require conditional use review as a \$4.10(C) home industry." Mr. and Mrs. Friedland were sworn in at 7:18pm. Mrs. Friedland has a state-licensed home bakery from which she sells to stores and at farmers' markets. She

would like to have a pop-up tent at her house from April to November to catch people traveling along County Road. She might also include seasonal vegetables, as they would like to build a greenhouse off the existing garage. A small sign would be changeable based on what is available that day. The PC suggested a sandwich-board sign that would come inside when they are closed. If the tent is set up in front of the garage, 4 cars could easily fit in the driveway. There will be no additional employees and no large deliveries are made to the house.

Section 5.5(C) – General Standards

- (1) Capacity – no effect
- (2) Character – no impact
- (3) Traffic – hopes to get existing traffic
- (4) Bylaws – no impact
- (5) Renewable energy – no impact

Section 5.5(D) – Site Plan Review

No questions from the DRB

Section 5.5(E) – Supplemental Standards

Sign – applicants can come in for a sign, but not permit is required for a home business; a sandwich board can be placed anywhere as long as it doesn't impact site distance with its position and is taken in each night.

Lighting – no additional lighting is planned

The DRB discussed some conditions to be placed on the application.

Motion: I move to grant the Conditional Use for Application #16-028 as presented with the following conditions:

- 1. All parking must be accommodated on the property, not on County Road**
- 2. Store can be open a maximum of 3 days per week during daylight hours**
- 3. The applicants must check in with the ZA in two years to review the business**

Made: Mr. Cueto, seconded by Ms. Welch

Vote on Motion: Passed 7-0

The Chair turned the meeting over to the Vice Chair, as he had to leave the meeting by 8pm.

Duane Wells Sketch Plan Review

Mr. Wells would like to subdivide off a 9-acre piece of his existing Lot 9. The remainder lot will be Lot 10, with the small strip from East Hill Road staying with Lot 10. The DRB noted that Mr. Wells should update the map to show the current abutters and he needs to request a curb cut for the new Lot 9 from the SB. He doesn't need a wastewater permit. It is a minor subdivision. The DRB doesn't see any issues with this subdivision as presented.

Jason Cote-Wong Sketch Plan Review

Mr. Cote-Wong has purchased a 36-acre lot under East Montpelier Acres LLC. He is proposing a 3-lot subdivision: Lot 1 of 2 acres, Lot 2 of 2-3 acres and Lot 3 of the remainder (30+/-). He would like to build a house for his grandparents on Lot 1. The property is in Zone A – Commercial and a single-family home requires conditional use review. The property is also in the new Flood Hazard area, but Sascha Pealer has stated there is enough room to build a house. It is site-challenged because of the new regulations. Mr. Cote-Wong is meeting with VTrans on 7/13 for a site visit. He will make sure that all easements are in place. Phase 1 is the 3-lot subdivision; phase 2 is a future PRD on Lot 3, which he noted has septic capacity for 41 bedrooms. Mr. Cote-Wong will come back on August 2 for an official sketch plan review.

Review of Minutes

June 7, 2016

Motion: I move to approve as written. Made: Mr. Cueto, second: Mr. Lane

Vote on Motion: Passed 7-0

Other Business

ZA Report

- 6 new permits; 32 in 2016

- Next meeting is August 2: Duane Wells subdivision and Jason Cote-Wong sketch plan review
- PC Forum – 7/21 at Fire Station
- PC Rally for the Village – 9/10
- Community Forum on Conservation – 10/10

Motion to adjourn. Made by Ms. Welch; seconded by Ms. Watson. Passed 7-0. Meeting adjourned at 8:30p.m.