

Minutes of the East Montpelier Development Review Board

APPROVED 9/18/12

August 7, 2012

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

Others Present: Dina Bookmyer-Baker (East Montpelier ZA), Kristi Flynn (Recording Secretary), Mark Bannon, Roger Clark, Barbara Clark, Stephen Clark, Elizabeth Killian, Janice DeGoosh, Glen Bamforth, Brian Gallagher

Call to Order: 7:00pm

Public Comment: None

Additions to Agenda: None

Application #12-022, a proposal by Roger and Barbara Clark

The Chair re-opened the hearing at 7:04pm by reading the warning: "Application #12-028, a proposal by Roger and Barbara Clark to create a PRD for the 76+/- acre parcel at 820 Dodge Road. The property is located in Agricultural and Forest Conservation zoning district E." The applicants were sworn in at 7:05pm. The applicants have received water and wastewater permits. Lot 1 is 1.25 acres with an existing residence, Lot 2 is 1.4 acres with a building lot, Lot 3 is 1+ acres, and Lot 4 is the remaining acreage, 72 acres of which are conserved. Lot 3 is located where it is because of the location of the septic and replacement septic as well as the topography. There is a legal trail along the NE boundary. The forest will be logged and the public can access the land for hunting with permission from the landowners. The development will only be along Dodge Road. The applicants intend to keep 72 acres in agricultural/forestry use. Regarding the covenants, the DRB suggested making them more flexible by not requiring specific acreages in agriculture use or forest use.

Motion: I move to recess the hearing until later in the meeting. Made: Curtis, second: Ricker

Vote on Motion: Passed 7-0

Appeal of Application #12-037 – a proposal by Ken Smith (landowner) and Janice DeGoosh and Glen Bamforth (applicants)

The Chair opened the hearing at 7:26pm by reading the warning: "Appeal of application #12-037, a proposal by Ken Smith (landowner) and Janice DeGoosh and Glen Bamforth (applicants) to construct a garden shed and extend the parking area at 29 Evergreen Lane, as granted by the Zoning Administrator. The property is located in Residential and Commercial zoning district C." The applicants and Interested Persons (IP – Elizabeth Killian) were sworn in at 7:27pm. Kappel recused himself. The ZA issued a permit for a garden shed and the extended parking. The applicants have a home occupation. The ZA determined the shed met the requirements; it was over the size allowed without a permit.

The application was appealed by Elizabeth Killian, a neighbor, who submitted a letter to the DRB. She argues this is a retail location and not a home occupation and feels there is a safety issue with more traffic generated.

The ZA noted that the shed was not put up before the permit was issued, the parcels are on a busy road and should not be considered "quiet," and the area is appropriate for a home occupation.

The DRB believes the appeal is only of a garden shed and not of whether this is a home occupation or not and believes the ZA did nothing wrong in issuing the permit.

Motion: I move to uphold the ZA decision on Application #12-037 submitted by Ken Smith. Made: Ricker, second: Welch

The DRB noted that the appellant should talk to the ZA to get a determination on home occupation. Cueto commented that whether they are conducting retail sales or not would be relevant to the issue as to whether it qualifies as a home occupation under Section 4.9B.

The appeal was withdrawn; motion was withdrawn.

Application #12-022, a proposal by Roger and Barbara Clark

The Chair re-opened the hearing at 7:58pm. The DRB reviewed and approved the revised covenants. Cueto questioned the setback requirements. It was noted that the property lines have to meet setback requirements, but the internal property lines need to be granted by the DRB. The existing home does not meet the setbacks, but the re-built home and barn will.

Motion: I move to approve the Clark PRD with the most recent plan, project narrative and amended covenants.

Made: Catlin, second: Kappel

Vote on Motion: Passed 7-0

Application #12-043, a proposal by Chris Wong

The Chair opened the hearing at 8:10pm by reading the warning: “Application #12-043, a proposal by Chris Wong to construct an addition for an existing dwelling at 4017 U.S. Route 2. The property is located in Commercial zoning district A, the Conservation Overlay Aquifer Protection Area S, and lies partly in the Special Flood Hazard Area.”

Motion: I move to recess the hearing to the 10/16 meeting at the request of the applicant. Made: Curtis, second: Santor
Vote on Motion: Passed 7-0

Review of Minutes

June 19, 2012 & July 3, 2012

Motion: I move to approve the June 19th and July 3rd minutes as amended. Made: Welch, second: Cueto

Vote on Motion: Passed 7-0

ZA Report

Update:

- ZA is looking at the Liff property – 47 unregistered vehicles
- Looking into Carriveau on County Road regarding used car sales
- Swenson – rectifying the yurt situation on Fair Road
- Looking at the yurt on Towne Hill Road
- Sanfacon – submitted application for change of use (storage of equipment and supplies); use may be commercial because here is no residence – hearing set for 9/18; ZA will check with Town Attorney to see who has jurisdiction

ZA is on vacation September 1-8, 2012

Next meeting is 9/18 at 7pm.

Motion to adjourn. Made by Mr. Kappel; seconded by Mr. Ricker. Passed 7-0. Meeting adjourned at 8:35p.m.

Respectfully submitted by Kristi Flynn, Recording Secretary