

Minutes of the East Montpelier Development Review Board

APPROVED 11/3/15

October 6, 2015

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

Others Present: Bruce Johnson (Zoning Administrator), Kristi Flynn (Recording Secretary), Cliff King, Shirley King, Eric Parker, Deborah Glotmann, Maggie Rebman, Steven La Rosa, Lauren Oates, Matthew DiGiovanni, Phillip Heinz, Michael Duane, Elaine Manghi, Bruce Landry, Duane Wells, Darcy Cacicio, Seth Gardner, Will Duane

Prior to the meeting, at 6:30pm, the DRB conducted a site visit at the East Montpelier Recreation Field, 555 Vincent Flats Road

Call to Order: 7:00pm

Public Comment: None

Additions to Agenda: Mr. King stated that he sees a bigger parking problem with the number of soccer fields at the school and the rec field.

Conditional Use Review of Application #15-027, submitted by the East Montpelier Recreation Board

The Chair opened the hearing at 7:01 pm. by reading the warning: “Conditional use review of application #15-027, submitted by East Montpelier Recreation Board on behalf of the town, to move the existing, non-conforming concession shed to a new location on the town’s recreation field complex located at 555 Vincent Flats Road. The applicant is requesting a 25-foot §3.14 setback waiver to move the shed closer to the road. The property, subject to DRB regulation as a §4.12 protected public use, is in the Agriculture & Forest Conservation District [Zone E], where the front setback is 75 feet from the road centerline.” The applicant, Phillip Heinz, was sworn in at 7:02pm. The applicant would like to move the shed to a space closer to the road to open up the space visually and create a park area with picnic tables beside the tree line. The tree line is overgrown with buckthorn and the plan is to clean this and the brush out without disturbing the valuable trees. The shed, at the very least, needs to be lifted and leveled. The movement of the shed would also open up more space to more effectively place the soccer fields. The applicant will amend the drawing included with the application to show that the building is 12’ wide x 18’ long. In order to keep it 50’ from the road centerline, the building will be moved forward 3’. The applicant noted that the school has not expressed an opposition to the Rec Board’s plans. In response to a question from the DRB, the shed will be made more attractive with painting and some landscaping. The plan is to move the portable toilet to the space behind the shed; the DRB would rather see it in a different location as it will be visible from the road. The applicants prefer to keep the 3’ lean-to on the back of the shed for storage of field-lining equipment.

Motion: I move take this issue up in deliberative session after the other hearings. Made: Mr. Cueto, second: Ms. Welch
Vote on Motion: Passed 7-0

Conditional Use Review of Application #15-026, submitted by Bruce Landry on behalf of Central Vermont Habitat for Humanity

The Chair opened the hearing at 7:31pm by reading the warning: “Conditional use review of application #15-026, submitted by Bruce Landry on behalf of Central Vermont Habitat for Humanity, to construct a 3-bedroom, 2-bath residence and relocate/restructure an existing garage on its property located at 1248 US Route 2. The applicant is also requesting a 5-foot §3.14 front setback waiver to allow the relocation of the garage. The property is located in Zone B – Industrial/Commercial District, where the side setback is 25 feet from the property line and single family dwellings require conditional use approval.” Mr. Landry was sworn in at 7:32pm. The property is the old Benton property where the town owns part of the parcel where Cross VT Trails constructed a trail; one acre of that property was given to Habitat for Humanity. Mr. Landry is hoping to build a low-energy use house with 3 bedrooms and 2 bathrooms and is working with students at Norwich on a design. The footprint may be smaller than in the application but will not be larger. The relocated garage will be used for storage with an outside patio. The applicant is requesting a waiver so that the garage can be 20’ from the boundary line instead of the required 25’.

Motion: I move to grant the setback waiver due to the topography of the property. Made: Mr. Cueto, second: Ms. Watson

Vote on Motion: Passed 7-0

Conditional Use Review – Sec 5.4

- 1) Facilities – no impact
- 2) Character – no impact

- 3) Traffic – no impact
- 4) Bylaws – no impact, with the waiver
- 5) Renewable – no adverse impact

Site Plan Review – Sec 5.3

- 1) Access – provision made
- 2) Circulation – n/a
- 3) Parking – n/a
- 4) Landscaping – n/a
- 5) Layout/site design – n/a
- 6) Lighting – n/a

Motion: I move to grant Conditional Use Permit #15-026 for Central Vermont Habitat for Humanity. Made: Mr. Cueto, second: Mr. Lane

Vote on Motion: Passed 7-0

Appeal by Deb Glottmann

The Chair opened the hearing at 7:55pm by reading the warning: “Appeal by abutting landowner Deborah Glottmann of the Zoning Administrator’s decision to issue Zoning Permit #15-024, a request by Duane Wells to construct a detached accessory dwelling at 30 Cutler Heights. The lot is located in Zone D – Rural Residential/Agricultural, where accessory dwellings are a permitted use.” The applicant and Interested Persons were sworn in at 7:56pm. The ZA started the hearing by stating that the applicant owns property on Cutler Heights with one parcel of 1+ acre with a house and a barn on the right side of the road and 1.4+ acres on the left side. Mr. Wells did not get separate loss status so he would like to build an accessory dwelling. The town and the DRB denied his permit but the Environmental Court upheld his appeal. The ZA then gave Mr. Wells a permit to build his accessory dwelling.

Eric Parker spoke for Ms. Glottmann:

- Zone D has a minimum lot size of 3 acres – this parcel doesn’t meet this minimum
- Article 3.8B – “clearly subordinate in function to principal building” – what does this mean and how does the DRB interpret it?
- Erosion issues
- Might need site visit and a conditional use review
- Should be denied based on a sub-size lot

Ms. Glottmann noted that the DRB should look at the big picture affecting the neighborhood.

Steven LaRosa, a hydrologist, had the following comments:

- Concern regarding meeting state requirements on septic and water
- Concern with run-off, as there are very steep slopes
- Snowmelt/water will be directed into neighbor’s yard (Matt DiGiovanni and Lauren Oates)
- Septic is within isolation area of the well
- Not sure parcel can be permitted development as currently laid out
- Run-off drains to the south currently, if driveway is sloped to the west, it might alleviate some of the run-off

Matt DiGiovanni/Lauren Oates’ comments:

- Recently purchased the Blosser house and were not made aware of the issues in the neighborhood
- Very familiar with flooding – property is already wet and there are 2 sump pumps in the basement
- Primary concern is run-off
- Value their privacy with a 50-foot rock ledge in the backyard
- Lot size is 0.55 acre, septic is next to Center Road and well is in the backyard

Maggie Rebman also had some concerns:

- Very concerned with water flow through their yard
- Cutler Heights and Center Road water flows through an easement onto their property
- Recently had to construct a new leach field
- Concerned with any new structure altering the water flow patterns: steep driveway, excavation, removal of trees

The ZA noted that under Section 3.9, a non-conforming, pre-existing use can be granted at the ZA’s discretion

Duane Wells’ rebuttal:

- He is in his mid-70’s and needs a single floor home
- There is less than 4000’ of disturbed area
- Chase & Chase have submitted the water/wastewater plan to the state
- There is a berm beside Deb Glottmann’s house and he plans to construct a berm above Matt and Lauren’s house to control run-off
- Top of the hill is all ledge so the house won’t make the land more impervious, there will be no blasting
- Plans to build this fall to be done by Christmas
- Living space is less than 600 square feet

Motion: I move to go into deliberative session after the sketch plan review. Made: Mr. Curtis, second: Mr. Hill
Vote on Motion: Passed 7-0

Sketch Plan Review of Proposed Manghi Subdivision

Ms. Watson recuses herself. Mr. Gardner noted that he uses the Manghi's property for his cows, and Michael and Will Duane would like to purchase the Manghi's house with 7 acres. Mr. Gardner would like to use the remaining land for farming and would like to own the road/access off Markham Road to the open land. The applicants would like to not have to re-survey the larger piece and just survey the 7 acres with the existing house. The existing septic is within the retained 7 acres. There is only 60' of frontage for access off Markham Road and SB would have to grant a curb cut.

Motion: I move to waive the survey of Lot 2, allow the applicants to just survey the 7-acre lot, and allow the new frontage to be 60'. Made: Mr. Hill, second: Ms. Welch
Vote on Motion: Passed 7-0

Motion: I move to go into deliberative session. Made: Mr. Curtis, second: Ms. Welch
Vote on Motion: Passed 7-0
DRB entered deliberative session at 8:55pm; the DRB exited at 9:45pm.

The DRB will uphold the appeal as the accessory dwelling is larger than 30% of the primary residence and 600 square feet, which is based on evidence presented at the hearing. It is a permitted use in Table 2.4 and the ZA can issue a permit at an appropriate size.

Motion: I move to uphold the appeal based on the fact that the accessory dwelling is greater than 30% or 600 sq. ft.; however, we agree that it is a permitted use. Made: Mr. Curtis, second: Mr. Cueto
Vote on Motion: Passed 7-0

Motion: I move to go into deliberative session. Made: Mr. Curtis, second: Mr. Lane
Vote on Motion: Passed 7-0
DRB entered deliberative session at 10:05pm; the DRB exited at 10:15pm.

Motion: I move to approve the waiver of the front setback to 50' from road centerline and place the shed no closer to the school property line and the portable toilet shall be situated to meet the full front setback requirement. Made: Mr. Cueto, second: Ms. Welch
Vote on Motion: Passed 7-0

Discussion on Requirements to Alter Approved Subdivision Access Road Easements

From the ZA, for an existing 3-lot subdivision, Lot 2 was sold and the owners of Lots 1 and 3 would like to move the access to Lot 3 onto Lot 1. The ZA wondered if the DRB would like to have the owners come in to get a subdivision amendment or can they revise the deed and get a curb cut from the SB. As the landowners are just moving the easement from Lot 2 to Lot 1, the DRB is fine with this.

Review Minutes

September 1, 2015

Table to the next meeting

Motion to adjourn. Made by Mr. Hill; seconded by Mr. Lane. Passed 7-0. Meeting adjourned at 10:30p.m.

Respectfully submitted by Kristi Flynn, Recording Secretary