

Minutes of the East Montpelier Development Review Board

APPROVED 11/3/15

October 20, 2015

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

Others Present: Bruce Johnson (Zoning Administrator), Kristi Flynn (Recording Secretary), Seth Gardner, Duane Wells, Matthew DiGiovanni, Maggie Rebman, Deborah Glottmann, Steven LaRosa

Call to Order: 7:09pm

Public Comment: None

Additions to Agenda: None

Continuance of Appeal by Deborah Glottmann

The Vice Chair re-opened the hearing at 7:10 pm by reading the warning: "Continuance of 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 appellant and interested persons (IPs) were sworn in at 7:11pm.

Motion: I move to continue the hearing on the appeal from the 10/6 meeting. Made: Mr. Hill, second: Mr. Kappel

Vote on Motion: Passed 6-0

The DRB continued taking testimony. The ZA noted that the town wants to keep this issue out of Environmental Court. Ms. Glottmann noted that her two points during the previous testimony were 1) is this structure clearly subordinate to the primary dwelling and 2) is this the correct type of application for this lot (i.e., permitted use versus conditional use). The ZA feels subordinate refers to use and the DRB feels subordinate refers to size. The ZA gave the DRB his calculation for the interior space of the proposed dwelling, subtracting the walls and an interior storage space. The total is 603+ square feet and the DRB feels strongly that the dwelling should be less than 600 square feet to meet the regulations. To explain the difference between measurements (the permit states 570 square feet), Mr. Wells noted that he measured each room from baseboard to baseboard and added the amounts. There was some discussion regarding the Gould court decision, where the court showed leniency toward allowing an accessory dwelling for more affordable housing/more density. Mr. Hill stated that the DRB should come up with something that will avoid going back to Environmental Court. Ms. Glottmann stated that she would like Mr. Wells to be considerate of his neighbors. Mr. LaRosa noted that the regulations say 600 square feet or less for an accessory dwelling. Mr. DiGiovanni noted that the permit was inconsistent and should be re-submitted with the right location and dimensions.

Motion: I move to go into deliberative session to discuss the appeal of permit #15-024. Made: Ms. Watson, second: Mr. Kappel

Vote on Motion: Passed 6-0

DRB entered deliberative session at 8:00pm; DRB exited deliberative session at 8:55pm

The hearing reconvened at 9:00pm. The DRB has not submitted a written decision and has the option of denying the appeal with conditions.

Motion: I move to continue the hearing for permit #15-024 to the 11/3 DRB meeting. Made: Mr. Cueto, second: Mr. Lane

Vote on Motion: Passed 5-1

Motion to adjourn. Made by Mr. Kappel; seconded by Mr. Lane. Passed 6-0. Meeting adjourned at 9:10p.m.

Respectfully submitted by Kristi Flynn, Recording Secretary