

Minutes of the East Montpelier Development Review Board

APPROVED 2/2/16

November 3, 2015

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

Others Present: Bruce Johnson (Zoning Administrator), Kristi Flynn (Recording Secretary), Duane Wells, Matthew DiGiovanni, Lauren Oates, Maggie Rebman, Deborah Glottmann, Steven LaRosa, Matthew Manghi, Elaine Manghi, Darcy Cacicio

Call to Order: 7:01pm

Public Comment: None

Additions to Agenda: None

Continuance of Appeal by Deborah Glottmann

The Chair re-opened the hearing at 7:02 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 Chair turned the meeting over to the Vice Chair.

Motion: I move to continue the hearing on the appeal from the 10/20 meeting. Made: Ms. Watson, second: Mr. Cueto
Vote on Motion: Passed 7-0

The appellant and interested persons (IPs) were sworn in at 7:03pm. The DRB continued taking testimony. Mr. Hill would like to know what the DRB’s options are: 1) deny or 2) uphold the appeal. The Vice Chair read a letter from neighbor, Dale Ferris Phillips, into the minutes:

“I am unfortunately unable to be present at the November 3, 2015 DRB hearing on Duane Wells’ accessory building permit. The purpose of this letter is to request that you deny his permit. Mr. Wells has a non-conforming undersized lot in an area zoned 3 acre residential/agricultural. Although he typically characterizes his lot as being three plus or minus acres, town records indicate a total of 2.7 acres bisected by Cutler Heights Road. Since buying the property in December 2010, Mr. Wells has added two detached buildings totaling more than 2100 square feet in addition to the 1920 square foot farmhouse on the property. The added structures are as follows: a 1.5 story detached 1536 sq. ft. barn/garage and a 2nd detached garage of 576 sq. ft. The town has been generous in granting these building permits to Mr. Wells despite his undersized lot, the objections of abutting property owners, and the fact that the Cutler heights area is environmentally fragile with poor soil percolation and significant amounts of rock ledge and clay. Unfortunately, Mr. Wells has used these permits to transform a residential parcel into a rental property and site for his construction firm thereby commercializing the property and creating the potential for the dissemination of hazardous waste through by products associated with the maintenance of construction vehicles and heavy equipment. As Mr. Wells has been disingenuous in his dealings with the town board (the barn is not for agricultural purposes as claimed) and has significantly altered the profile of the property, would it be possible to require that he include his 600 square ft. accessory dwelling within or next to one of the two recently built structures on the property or near the main farmhouse to as to minimally impact his neighbors? Can he be refused any permits for more garages as granting such permits further supports the commercialization of the parcel at the expense of neighboring property values? Finally, I strongly oppose Mr. Wells’ permit because his proposal includes a plan to build a concrete 1000 gallon septic tank within 25 feet of my abutting property at 145 Cutler Heights Road and an enviro-pipe system within 12 feet of my property. If this permit is granted, I will incur damages as this system will drain onto my property and place restrictions on my future development rights. In the event Mr. Wells’ permit is upheld, I request that this wastewater system be relocated so as to avoid its negatively impacting my property. Sincerely, Dale Ferris Phillips”

Mr. DiGiovanni noted the definition of total floor area in Article 8 is unclear; he also pointed out that according to Table 2.4, he feels this should be considered both an accessory dwelling and an accessory structure. Mr. LaRosa asked that the main building and accessory structure be measured consistently. Mr. Wells noted that the engineers have submitted the plan to the state but it hasn’t been approved yet.

Motion: I move to go into deliberative session to discuss the appeal of permit #15-024 after the second hearing. Made: Mr. Cueto, second: Mr. Hill

Vote on Motion: Passed 7-0

Final Plan Review of Application #15-033, submitted by Elaine Manghi

The Chair opened the hearing at 7:15pm by reading the warning: “Final plan review of Application #15-033, submitted by Elaine Manghi, to subdivide her property located at 158 Markham Road. This proposal will divide the 59.8-acre parcel into 2 lots: Lot 1, 7.02/- acres with existing dwelling; and Lot 2 of 52+ undeveloped acres. The property is located in Zone E – Agricultural/Forest Conservation, where the minimum lot size is 7 acres.” Ms. Watson recused herself. The applicants and interested persons (IPs) were sworn in at 7:16pm. For the 2-lot subdivision, a waiver was received to not survey the larger, undeveloped parcel. Mr. Gardner has received curb cut approval for the agricultural field off of Markham Road.

Motion: I move to approve the subdivision permit #15-033 as presented, contingent on the wastewater approval.

Made: Mr. Curtis, second: Ms. Welch

Vote on Motion: Passed 6-0

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

Vote on Motion: Passed 7-0

DRB entered deliberative session at 7:25pm; DRB exited deliberative session at 7:50pm

Motion: I move to deny Deborah Glottmann’s appeal of the ZA’s decision to issue permit #15-024 to Duane Wells, with the following condition that the living area must be no greater than 600 square feet. Made: Ms. Welch, second: Mr. Kappel

Vote on Motion: Passed 5-0 (Curtis and Santor abstained)

DRB Election of Officers

Chairman – **Motion** – nominates Rich Curtis. Made: Ms. Welch, second: Mr. Cueto

Vice Chairman – **Motion** – nominates Carol Welch. Made: Mr. Kappel, second: Mr. Cueto

Vote on Motion: Passed 7-0

Review of Minutes

September 1, 2015

Motion: I move to approve as amended. Made: Ms. Welch, second: Mr. Cueto

Vote on Motion: Passed 7-0

October 6, 2015

Motion: I move to approve as amended. Made: Mr. Cueto, second: Mr. Kappel

Vote on Motion: Passed 7-0

October 20, 2015

Motion: I move to approve as amended. Made: Ms. Welch, second: Mr. Kappel

Vote on Motion: Passed 7-0

Other Business

ZA Report

5 new permits since last meeting

PC Update

- Zoning Regulations amendments SB hearing on 11/30 at 7pm at the Emergency Services Facility (fire station)
 - New Article 9 – flood hazard regulations
 - Conservation overlay area revision
- PC had original PC members give some historical context on zoning districts at the last meeting

VLCT Forum

Solar projects – town can’t really stop them; the Town Plan must specify what you want to protect and why

Motion to adjourn. Made by Mr. Kappel; seconded by Mr. Hill. Passed 7-0. Meeting adjourned at 9:10p.m.

Respectfully submitted by Kristi Flynn, Recording Secretary