

November 20, 2012

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

Others Present: Kristi Flynn (Recording Secretary), Bruce Johnson (Interim Zoning Administrator), Dina Bookmyer-Baker, Bill Pollock, John Sanfacon, Steve Cusick, Colin Blackwell

Call to Order: 7:05pm

Public Comment: None

Additions to Agenda: None

Continuation of Hearing on Application #12-048, a proposal by John & Phyllis Sanfacon

The Chair re-opened the hearing at 7:06pm by reading the warning: "Continuation of hearing on Application #12-048, a proposal by John & Phyllis Sanfacon to conduct enclosed storage of equipment and supplies on their 10.8-acre parcel on Wheeler Road. The property is in Residential and Commercial zoning district C." The DRB agreed that Bill Pollock can record the proceedings. The applicant submitted a letter from John Brabant and a legal memorandum from Attorney Cusick. Mr. Cueto asked when the applicant is planning to have the site completely cleaned up; Mr. Sanfacon noted that the debris outside the trailers should be removed before it snows, but the things that are not junk will not be removed and the large equipment will not be moved. Mr. Sanfacon has agreed to follow the ZA's instructions as to what is junk and have to be removed. Interested Person (IP) Mr. Pollock had the following concerns/questions:

- His opinion is that there is a conflict of interest with Bruce Johnson as the Interim Zoning Administrator
- He wondered if there will be anything stored outside the trailers; Sanfacon answered no, just a few pieces of equipment
- Concerned that the conditions of the permit have not been met and that the ZA will decide what is junk; is the DRB responsible for making sure the permit is upheld and if DRB approves the permit, will the permit be enforced?

Attorney Cusick noted that the DRB should recognize the work that Mr. Sanfacon has done so far; he has removed 50% so far and plans to remove 50% of what is left before the snow. The deadline is 12/20, by the time of the DRB meeting.

Conditional Use Review: General Standards:

(C)(1): Facilities & services – no impact; 20 gallons of diesel fuel stored in trailers, 10-15 gallons of paint thinner, etc.

Dina Bookmyer-Baker was sworn in at 7:42pm; she asked if DRB should decide if the use is allowable or not before conducting a conditional use review; the DRB decided it should continue with the review.

Mr. Pollock noted that: 1) permitted uses – self storage is not allowed in this district, though it is in other districts; 2) definition of salvage yard – seems to be a rush to figure out a way to approve this permit; is this the right condition for the community?

(2) Character of neighborhood – Ms. Watson noted that the proposed use does not seem to be in line with the area; no other commercial use. Attorney Cusick stated that the use is not inconsistent with other uses in the area in design, location and scale; it is well-screened from neighbors, generates no traffic or noise. The lot is 10.8 acres and the intensity of use is not as much as 10 residential buildings. Mr. Pollock stated that he can see the trailers from the road/entrance and would submit pictures as evidence; he stated he can also see the trailers from his 2nd floor bedrooms, though not from the 1st floor. He feels the trailers are in stark contrast to the character of the neighborhood. Mr. Cueto asked Mr. Sanfacon if he would be willing to provide a screen between his property and Mr. Pollock's house. Mr. Pollock noted the decrease in property values in the neighborhood, a homeowners association among four neighboring homes and the fact they are expensive homes as reasons to deny the permit application.

(3): Traffic generated: no excessive traffic

(4): Bylaws in effect: Mr. Pollock feels this permit does not conform to the bylaws in effect because the state considers it a salvage yard. Mr. Lane noted that if nothing is stored outside, it is not considered a junkyard, it is storage only. Ms. Bookmyer-Baker noted that a wastewater permit needs to be received and Ms. Catlin stated there is debate as to whether this kind of developments needs a wastewater permit. Open question: does it need a wastewater permit if there is no intent for a residential use?

(5): Renewable resources: wouldn't affect neighbors or the community

Supplemental Standards:

Mr. Pollock would be in favor of adding additional screening and severely constraining the scope of the property. The question of self-storage was brought up in relation to the state reviewing for safety standards; Attorney Cusick noted that this is not a commercial use. Mr. Cueto asked Mr. Sanfacon if he needs all the trailers or could he consolidate; Mr. Sanfacon stated he needs all the trailers at the moment.

Motion: I move to close the hearing for evidence-taking and go into deliberative session at the end of the meeting and reconvene the hearing after the session. Made: Cueto, second: Catlin

Vote on Motion: Passed 7-0

Continuation of Hearing on Application #12-043, a proposal by Chris Wong

The Chair re-opened the hearing at 8:30pm by reading the warning: “Continuation of hearing on 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 Protection Area S, and lies partly in the Flood Hazard Area.”

Motion: I move to recess the hearing on Application #12-043 to the 12/18 DRB meeting. Made: Watson, second: Catlin

Vote on Motion: Passed 7-0

Sketch Plan Review for Blackwell

Colin Blackwell brought a plan to the DRB for a 2-lot subdivision of property on Center Road, with a 7-acre building lot and 79 acres remaining with existing residence and farm structures. The property is bisected by Center Road with the house on one side and the barn on the other side. Most of the land is currently agriculture and forest. The 7-acre lot has not been surveyed yet; the Blackwells are requesting a waiver to not be required to survey the entire property. The site of the proposed lot has plenty of road frontage and a stone wall made a logical boundary. The wellhead protection area is contained on the property but the leach field goes onto the remaining property. There is no problem with wetlands within 50 feet of proposed development. The applicant needs an access permit from the SB and must notify the abutting landowners.

Motion: I move to waive the survey of Lot 1. Made: Santor, second: Lane

Vote on Motion: Passed 7-0

The DRB entered deliberative session at 8:53pm; DRB exited at 10:05pm.

Motion: I move to grant permit #12-048 with the following conditions:

- **Applicant must construct a stockade fence of sufficient height so trailers cannot be seen from the road**
- **Storage shall be personal property of the applicant only**
- **The storage of unpermitted hazardous material anywhere on the premises is prohibited, with the exception of material customary and characteristic of residential use**
- **Structures shall be maintained in good, serviceable condition**
- **There will be no materials stored outside or under the storage units**
- **Periodic compliance reporting, including site photos, on a bi-monthly basis, starting 60 days after the issuance of the zoning permit**

Made: Curtis, second: Cueto

Vote on Motion: Passed 5-2 (Watson, Welch)

The Chair signed the permit.

Review of Minutes

October 16, 2012

Motion: I move to approve the minutes as amended. Made: Curtis, second: Welch

Vote on Motion: Passed 7-0

Other Business

ZA Report

Next meeting is 12/18; DRB may have Wong and possibly Swenson, whose permit will include all property and businesses, asking for Budget truck rental. Randy Demers is requesting a sign, but it is too big at 4' x 6'; there is no wiggle room in Zone B for an oversized sign under the new regulations. The ZA will work with him to make the sign smaller.

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

Respectfully submitted by Kristi Flynn, Recording Secretary