

Minutes of the East Montpelier Development Review Board

APPROVED 5/1/18

April 3, 2018

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

Others Present: Bruce Johnson (Zoning Administrator), Kristi Flynn (Recording Secretary), Steve Rauh, Louise Rauh, Kris Jurentkuff, Kelly Fournier, Todd Valentine, Jake Davis, Tom Crawford

Call to Order: 7:00pm

Public Comment: None

Additions to Agenda: None

Final Plan Review of Application #18-003 – Steve & Louise Rauh

The Chair opened the hearing at 7:01pm by reading the warning: "Final plan review of Application #18-003, submitted by trustees Stephen & Louise Rauh, to subdivide Stephen S. Rauh Trust #1's 33.24-acre residential property located at 940 Murray Road. This proposal will divide the parcel into two lots: a new building lot of 10.8+/- acres with 370 feet of frontage on Murray Road; and, a remainder lot of 22.44+/- acres and existing structures with 1,004 feet of frontage on Murray Road. The property is located in Zone D - Rural Residential/Agricultural, where the minimum lot size is 3 acres." The Interested Parties (IP) were sworn in at 7:03pm. Mr. Rauh noted that a 500-ft wellhead protection area was worked into the plan. The horse shed that will be non-conforming (too close to the boundary) will be removed the week of April 16, 2018. The applicants have received a wastewater permit from the state and the SB has approved the curb cut access. All the neighbors have been notified.

Motion: I move to approve subdivision application #18-003 as submitted with the condition that the horse shed be re-located or removed. Made by: Ms. Welch, second by Mr. Hill

Vote on Motion: Passed 6-0

Site Plan Review of Application #18-004 – Jim & Ashley Morris

The Chair opened the hearing at 7:11pm by reading the warning: "Site plan review of Application #18-004, submitted by Jim & Ashley Morris to make site improvements to the existing motor vehicle sales and service facility located at 4243 US Route 2. The property is located in Zone A – Commercial District, where motor vehicle sales and service is a permitted activity." The representative for the applicants was sworn in at 7:12pm. The applicants would like to make some minor upgrades to their property including lighting and expanded parking/vehicle display areas. A letter of intent is needed from the state before they can move forward. The driveway will be re-configured and a fence will be installed to shield residences. The proposed lighting is four new poles with down-shielded, photo-cell fixtures that will be on all night. An abutting neighbor/IP (Fournier) was sworn in at 7:24pm. Ms. Fournier wondered about the maximum number of cars allowed; she would like to see fewer. She also asked about reducing the speed limit on Route 2 in consideration of the increase in traffic; the DRB noted that is a state decision. There was some discussion on who might own the poles with lights that are beside the road. Ms. Fournier wondered if there is any consideration of cleaning up the back of the property; she is also concerned with proper ventilation regarding painting. The DRB noted that conditions can be added to a permit approval. Mr. Jurentkuff will check with the applicants on changing existing lights with down-shielded lights. The DRB noted that the property is on the edge of the river corridor but not in it; there are no new structures proposed.

Motion: I move to recess the review of Application #18-004 to the meeting on May 1, 2018. Made: Mr. Curtis, second: Mr. Lane

Vote on Motion: Passed 6-0

Conditional Use Review of Application #18-005 – Morris Properties, LLC

The Chair opened the hearing at 7:45pm by reading the warning: "Conditional use review of Application #18-005, submitted by Morris Properties, LLC, to add a commercial motor vehicle sales use to the existing residential use of the parcel located at 4233 US Route 2. The proposed §4.11 mixed use of the parcel, located in Zone A – Commercial District, requires conditional use review. Portions of the parcel are in the Special Flood Hazard Area and the River Corridor." The Chair reminded the DRB members to review the chart of conditional uses on page 87 of the Land Use Regulations.

Motion: I move to recess the review of Application #18-005 to the meeting on May 1, 2018. Made: Mr. Curtis, second: Ms. Watson

Vote on Motion: Passed 6-0

Sketch Plan Review – Rice

The Chair opened the hearing at 7:50pm by reading the warning: “Sketch plan review for a proposed 2-lot subdivision of the 16.28-acre Rice property located at 855 Jacobs Road. The proposal will create a 9.15+/- acre lot with the existing residence and a new 7.13+/- acre deferred development lot. The property is in Zone E, the Agricultural & Forest Conservation District; minimum lot size is 7 acres.” The representative for the applicants was sworn in at 7:51pm. The ZA noted that a subdivision was applied for in 2015 but the mylar was not recorded; this permit is designed to remedy that. Lots 3 and 4 are currently undeveloped. There is a wastewater permit from 2005 on Lot 3; Lot 4 is the proposed subdivision. The 60-foot ROW will be shifted to the neighbor; the two accesses will be very close to each other. The DRB asked about emergency access but it was determined that turnouts are not required for driveways less than 500 feet.

Conditional Use Review of Application #18-006 – Crossroads Christian Church

The Chair recused himself.

Motion: I move to appoint Carol Welch as acting Chair for the hearing for Application #18-006. Made: Ms. Watson, second: Mr. Lane

Vote on Motion: Passed 5-0-1 (Curtis abstained)

Ms. Welch opened the hearing at 8:05pm by reading the warning: “Conditional use review of Application #18-006, submitted by Crossroads Christian Church, to add significant landfill to a gully on the church property located at 115 Fassett Road. The parcel is located in Zone B – Industrial District. Landfill that affects a neighboring parcel requires conditional use review by the DRB.” The IPs were sworn in at 8:06pm. Mr. Curtis represented the church. The applicants would like to fill in the gully between the parking lot and the Pine State property for a lawn. The fill will come from the bridge project in the village. The applicants had to go before the Act 250 board and received an amendment to their permit. The planned fill is 150 feet from the wetlands and the plan is to lay 250 feet of drain pipes under the fill for drainage. Ms. Watson suggested continuing a gentle slope towards the wetlands. The abutters from Whistling Arrow were concerned about additional run-off to their property. Mr. Curtis noted that there will be state and federal oversight and the contractors will be taking care of the drainage. The Pine State representative, who has a planned meeting with Mr. Curtis, is concerned with reverse run-off and drainage. Pine State probably won’t have an issue with the removal of some trees. The DRB would like to see an erosion control plan coordinated with all parties; rip rap should be installed at the end of the drainage pipe to protect the soils.

Motion: I move to approve the landfill project proposed under Application #18-006 with the following two conditions: 1) the contractor must provide erosion control during and after the construction, and 2) the contractor must provide diffusion of outfall after the completion of the project with no impact on the existing outflow. Made: Ms. Watson, second: Mr. Lane

Vote on Motion: Passed 5-0-1 (Rich recused himself)

Review of Minutes

February 6, 2018

Motion: I move to approve as amended. Made: Ms. Watson, second: Mr. Curtis

Vote on Motion: Passed 6-0

ZA Report

The ZA reported an enforcement action that is going on. A resident received an Act 250 permit to re-build a burned barn without an apartment but built an apartment anyway and it is currently rented. The building is in violation because of its size plus the apartment. The town and the state can impose fines and/or force him to remove the structure.

There is a Planning and Zoning seminar hosted by the CVRPC to be held on May 30; see the ZA for more details.

Motion to adjourn. Made by Mr. Hill, seconded by Ms. Welch. Passed 6-0. Meeting adjourned at 8:50p.m.

Respectfully submitted by Kristi Flynn, Recording Secretary