

*Minutes of the East Montpelier Development Review Board*

**APPROVED 10/7/14**

September 2, 2014

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

Others Present: Bruce Johnson (Zoning Administrator), Kristi Flynn (Recording Secretary), Kris Jurentkuff, Craig Chase, Jack Lloyd, Ashley Hetrich, Sally Olmsted, Jim Olmsted, Cathy Rice, Marc Fontaine, Richard Hall, Austin Cleaves

**Call to Order:** 7:00pm

**Public Comment:** None

**Additions to Agenda:** Update on proposed zoning regulation amendments

**Conditional Use Review #14-051 – Fontaine**

The Chair opened the review at 7:05 pm. by reading the warning: “Conditional use review of Application 14-051, submitted by Marc Fontaine, to construct a 20’ x 20’ addition to his new sawmill building on his property located at 628 VT Rte. 14 N. This is a mixed use property with both a single-family residence and a light industry business. Mr. Fontaine is requesting an amendment to Conditional Use Permit 04-081 (previously amended by Zoning Permits 07-086 & 13-033) which governs the existing commercial sawmill operation. The property is located in Zone D – Rural Residential/Agricultural, for which light industry requires conditional use review.” No one was present for the hearing. The board discussed shifting the hearing to the end of the warned hearings.

**Motion: I move to recess the hearing until the end of the warned hearings this evening.** Made: Mr. Cueto, second: Mr. Hill

**Vote on Motion:** Passed 9-0

**Subdivision Final Plan Review #14-047 – Olmsted property**

The Chair opened the hearing at 7:10 pm by reading the warning: “Final plan review of Application 14-047, submitted by Sally & Jim Olmsted, to subdivide their property located at 219 Brazier Road. This proposal will divide the 56.9-acre parcel into 2 lots: Lot 1, a new building lot of 53.9+/- acres; and, Lot 2 of 3.00 acres with existing dwelling. The property is located in Zone D – Rural Residential/Agricultural, where the minimum lot size is 3 acres.” Interested parties were sworn in. Mr. Chase, representing the Olmsteds, presented the subdivision plat and explained that the purpose of the subdivision was to separate off the existing residence within a conforming 3-acre lot while creating a building lot of the remaining 53.9 acres. At the sketch plan review on August 5, 2014, the DRB approved a large-lot survey waiver, so the remainder lot is not surveyed. Also at sketch plan, there was a concern regarding the setbacks from an existing shed to the proposed side/rear property lines of the 3-acre lot. The shed has been removed and all other structures meet setback.

**Motion: I move to approve permit # 14-047 as presented.** Made: Mr. Santor, second: Mr. Kappel

**Vote on Motion:** Passed 9-0

**Subdivision Final Plan Review #14-048 – Rappaport property**

The Chair opened the hearing at 7:14pm by reading the warning: “Final plan review of Application #14-048, submitted by Jerome L. Rappaport, to subdivide his property located at 860 Drake Road. This proposal will divide the 357-acre parcel into 2 lots: Lot 1 of 28.2 acres with existing structures; and, Lot 2 of 329 acres. The property is located in Zone D – Rural Residential/Agricultural, where the minimum lot size is 3 acres.” The applicants and IPs were sworn in at 7:15pm. Lot 1 is intended to be sold to Steve Sparrow and Lot 2 is being sold to Fairmont Farm. No new development is planned on either lot. The setbacks have been maintained around the structures. There is a reserved easement for Fairmont along the easterly boundary.

**Motion: I move to approve Application #14-048 as presented.** Made: Mr. Kappel, second: Mr. Cueto

**Vote on Motion:** Passed 8-0; Ms. Catlin recused herself

**Subdivision Final Plan Review #14-049 – Rappaport property**

The Chair opened the hearing at 7:21pm by reading the warning: “Final plan review of Application #14-049, submitted by Jerome L. Rappaport, to subdivide his property bordered by East Hill Road, Clark Road, and VT Rte. 14S. This proposal will divide the 73-acre parcel into 2 lots: Lot 1 of 42.5 acres and Lot 2 of 30.5 acres. The property is located in Zone D – Rural Residential/Agricultural, where the minimum lot size is 3 acres.” Ms. Catlin recused herself. The applicants and IPs were sworn in at 7:22pm. Lot 1 is mostly woods and lot 2 is farmland to be sold to Fairmont Farm. No buildings are on either lot and no development is planned. All abutters have been notified for all three subdivisions. There is no access from Rte. 14 to Lot 1 and the new owner will have to work with VTrans if they want an access.

**Motion: I move to accept Application #14-049 as presented.** Made: Mr. Curtis, second: Mr. Santor  
**Vote on Motion:** Passed 8-0; Ms. Catlin recused herself

**Subdivision Final Plan Review #14-050 – Rappaport property**

The Chair opened the hearing at 7:30pm by reading the warning: “Final plan review of Application #14-050, submitted by Jerome L. Rappaport, to subdivide his property located at 355 VT Rte. 14S. This proposal will divide the 188-acre parcel into 3 lots: Lot 1 of 41.5 acres with existing structures; Lot 2 of 13.8 acres; and, Lot 3 of 133 acres. The property is located in Zone D – Rural Residential/Agricultural, where the minimum lot size is 3 acres.” Ms. Catlin recused herself. The applicants and IPs were sworn in at 7:31pm. Lot 1 has a barn and residence; lots 1 and 2 will be sold to Fairmont Farm. All of the lots have been surveyed.

**Motion: I move to approve Application #14-050 as presented.** Made: Mr. Lane, second: Mr. Hill  
**Vote on Motion:** Passed 8-0; Ms. Catlin recused herself

**Conditional Use Review #14-051 – Fontaine**

**Motion: I move to re-open the Fontaine hearing.** Made: Mr. Curtis, second: Ms. Watson

**Vote on Motion:** Passed 9-0

The applicant was sworn in at 7:37pm. The applicant is proposing to build a 20’ by 20’ addition on the east side of the sawmill to house a chipper. The chips are being boxed up and sent to Ryegate Power for fuel. The hours will be the same as the sawmill. The chipper will be inside an insulated building so noise shouldn’t be an issue. The chips will be stored inside a box trailer then driven away when full; currently a mobile chipper comes once a month. A new chipper on-site will help with storage and efficiency.

Conditional Use Review

Section 5.4(C)

- (1) Facilities – no impact
- (2) Character – no change
- (3) Traffic – no increase; 1 truck per week versus 4 trucks per month
- (4) Bylaws – no impact
- (5) Renewable energy – no impact

DRB agreed that the supplemental standards do not apply.

Site plan – no additional lighting is planned.

**Motion: I move to approve amendment #14-051 as presented.** Made: Mr. Curtis, second: Ms. Catlin

**Vote on Motion:** Passed 9-0

**DRB Election of Officers**

Chair – **I nominate Rich Curtis**, Made: Mr. Lane, second: Ms. Catlin

Vice Chair – **I nominate Carol Welch**, Made: Mr. Kappel, second: Mr. Hill

Recording Secretary – **I nominate Bruce Johnson for administrative duties and Kristi Flynn to take minutes.** Made:

Mr. Curtis, second: Ms. Watson

**Vote on all Motions:** Passed 9-0

**Discussion on Procedural Aspects of Packard Appeal**

The Packards bought a contiguous lot at a tax sale and the lots were merged. The owners would like to sell the undeveloped lot but cannot subdivide because the lots are undersized. The lots were created in a PRD in Zone C and the zone minimum lot size was changed after the PRD was developed and the tax sale happened during the zoning changes. The merger appeal has to be determined before a sale can go through. The DRB accepted the appeal and set a hearing date of October 7, 2014. The DRB will review any evidence presented and look to the zoning regulations. Ms. Watson will not be available and will ask if someone from the PC would like to be an alternate.

**Review Minutes**

August 5, 2014

**Motion: I move to approve minutes as presented.** Made: Ms. Catlin, second: Mr. Curtis

**Vote on Motion:** Passed 9-0

**Other Business**

- The PC gave their zoning regulation revisions to the SB but the SB sent them back for some tweaking.
- There is a public forum on 9/18 on the new Article 9 dealing with the River Corridor. The brochure is available on the town website and has been sent to all affected landowners (220 properties, 200 separate owners). The PC obtained a grant to pay CVRPC to help re-write Article 9 and produce new maps.

**ZA Report**

3 new permits

Danforth/Geier – may be ready for 10/7; going forward with subdivision only, no need for a site visit at this time

PC regulations – ZA requested that the PC get involved in the planning process; there is some concern that DRB members serve on the PC; the DRB and PC need to get together to decide how issues like Harper and Heitman should be resolved.

**Motion to adjourn.** Made by Mr. Kappel; seconded by Mr. Hill. Passed 9-0. Meeting adjourned at 8:30p.m.

*Respectfully submitted by Kristi Flynn, Recording Secretary*