

Minutes of the East Montpelier Development Review Board

APPROVED 2/5/13

December 18, 2012

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

Others Present: Kristi Flynn (Recording Secretary), Bruce Johnson (Interim Zoning Administrator), Dave Swenson, Tom Swenson, DJ Montague, Jon Deerfield, Dick Blake, Charles Ininger

Call to Order: 7:00pm

Public Comment: None

Additions to Agenda: None

Conditional Use Review of Application #12-066 by David Swenson

The Chair opened the hearing at 7:01pm by reading the warning: "Conditional use review of Application #12-066 submitted by David Swenson to conduct multiple business activities on his properties located at 2205 & 2235 VT Route 14S. The proposed mixed use includes the existing Northstar Fireworks business, the existing Northstar Fireworks retail operation, and a new truck rental business. The four contiguous properties covered by this application are in the Residential and Commercial District – Zone C and in Conservation Overlay Area S where mixed uses require DRB approval." The applicant and Interested Person (IP)(Ininger) were sworn in at 7:03pm. The applicant is combining all four properties under one permit:

- Adding truck rental
- Resolving storage issues
- Resolving sign issues

For storage of fireworks, the ATF regulations have specific distance requirements from inhabited buildings; Northstar has had many inspections with no violations. A new sign will cover both locations and moved to between the two buildings. The surface to and around the storage units is gravel and some additional may need to be brought in. For the truck rental, the applicant expects to have 3-5 trucks available on a regular basis, which will be parked in zone 17 beside the road. He will add a hedge along the fence line to shield neighbors. The office hours are 7am-4pm Monday-Friday and 8am-4pm Saturday. Charles Ininger, neighbor to the SW and IP, asked the following questions:

- Original proposal was for 7 trailers, now proposing up to 25; at what point is there a maximum?
- What are the number of signs this property is allowed; can you divide the square footage among businesses?
- What use is the truck rental permitted under?
- He indicated the proposed hedge is unnecessary as long as the chain link fence is maintained

Conditional use for mixed use is more stringent than just a traditional permit. One sign meets the criteria for the zone.

Conditional Use Review

General standards

- (1) Facilities & services – no additional impact
- (2) Character – hedge is a reasonable addition
- (3) Traffic – not anticipating more traffic; most daily traffic is employees, business receives 6-8 large deliveries per year, storage units are not moved and rolloff containers are fixed; truck rental will be starting out with 3-5 trucks
- (4) By-laws – not affected by wastewater rules, septic behind each building, one bathroom in each
- (5) Renewable – not applicable

Supplemental standards

- (4) IP does not need a hedge and a fence; additional lighting is not being proposed
- (5) Signs – one free-standing sign and one on each building

Sign standards

The applicant is allowed one 16 square foot sign for each principal business. The wall signs are less than 50 square feet on each building and less than 20 feet high. The free-standing sign will be 6-7 feet, will be 50 feet from road centerline and outside the state ROW. There will be no blinking lights or moving parts. The DRB agrees the signs should be fine.

Site Plan Review

Section 5.3(C) – most of the issues have been reviewed. Traffic flow is not necessary except during busy times. The DRB feels the applicant should consider parking/circulation signs. Regarding the 2011 DRB decision, the EMFD had made some recommendations that were made a requirement but have not been complied with yet: alarm in the retail building and knox box for keys.

Conservation Overlay Review

(E)(2) – impact is not increased with this permit; regarding groundwater contamination, the proposal does not increase the risk.

Motion: I move to close the evidence-taking and go into closed deliberative session. Made: Curtis, second: Cueto

Vote on Motion: Passed 7-0

DRB entered deliberative session at 8:20pm; DRB exited at 8:50pm.

Motion: I move to approve the conditional use application #12-066 with the following conditions:

- **Applicant will maintain the existing slatted, chain link fence**
- **Conditions will carry forward from 8/16/11 decision**
- **Applicant will provide the ZA with a letter from the EMFD confirming compliance with EMFD's recommendations in a letter dated 5/3/11 by 3/1/13**

Made: Curtis, second: Santor

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 8:55pm 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." The application has been formally withdrawn.

Review of Minutes

November 20, 2012

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

Vote on Motion: Passed 7-0

Other Business

ZA Report

Pollock's letter - Mr. Pollock has options and the DRB can re-consider their decision if they want to. The Chair has decided to not respond to questions, he will let Mr. Pollock know that the decision is final and now subject to appeal.

EMSLI – moving forward on Cassani's property, the DRB agrees an informal sketch plan is a logical first step and asked the ZA to schedule it for the 2/5 meeting.

Motion to adjourn. Made by Mr. Ricker; seconded by Ms. Welch. Passed 7-0. Meeting adjourned at 9:35p.m.

Respectfully submitted by Kristi Flynn, Recording Secretary