

Minutes of the East Montpelier Development Review Board

APPROVED 11/6/18

October 2, 2018

DRB Members Present: Rich Curtis (Chair), Steve Kappel, Carol Welch, Alice Dworkin, Mark Lane, Ben Lange, Kim Watson

DRB Members Absent: Norman Hill, Jeff Cueto

Others Present: Bruce Johnson (Zoning Administrator), Kristi Flynn (Recording Secretary), Craig Chase, Bernadette Cleland, Albert Miller, Michael O'Hare, Jamie O'Hare, Pat Fitzsimmons, Barry Rufenacht, Ann Mixer, Richard Harrington

Call to Order: 7:10pm

Public Comment: None

Additions to Agenda: None

Continuation of Site Plan Review of Application #18-031, submitted by Joseph Carriveau

The Chair opened the hearing at 7:11pm by reading the warning: "Continuation of site plan review of Application #18-031, submitted by Joseph Carriveau, to allow the operation of a used car sales and services facility on property owned by Gloria Biron located at 2952 US Rte. 2. The property is in Zone C – Residential/Commercial where motor vehicle sales and service is a permitted activity." The applicant has not yet applied for a state access permit and the DRB cannot hear the request until the permit is received. The applicant is currently operating the business on the property.

Motion: I move to continue the hearing for Application #18-031 to the next DRB meeting. Made by Ms. Watson, second by Ms. Dworkin

Vote on Motion: Passed 7-0

Final Plan Review of Application #18-039, submitted by Lauren Isaak

The Chair opened the hearing at 7:12 pm by reading the warning: "Final plan review of Application #18-039, submitted by Lauren Isaak, to subdivide her property located at 663 Guyette Road. This proposal will divide the 24.4-acre parcel into two lots: Lot 1 of 10.0 acres with existing house and 605 feet of road frontage on Guyette Road; and Lot 2 of 14.4 acres with 350 feet of frontage on Guyette Road. This property is located in Zone E- Agriculture/ Forest Conservation District, where the minimum lot size is 7 acres." The representative, Mr. Chase, was sworn in at 7:13 pm. The proposed subdivision meets road frontage requirements. The existing residence is on Lot 1 and no development is planned for Lot 2. The Road Foreman approved the curb cut access and the SB approved it on 10/1/18. There is an existing wastewater permit, which will be amended for the reduction in acreage. The abutting landowners have been notified and there were no comments or concerns from the neighbors.

Motion: I move to approve Application #18-039 as presented. Made: Mr. Kappel, second: Mr. Lange

Vote on Motion: Passed 7-0

Final Plan Review of Application #18-041, submitted by David Jr., Diana and Miriam Antonovich

The Chair opened the hearing at 7:18pm by reading the warning: "Final plan review of Application #18-041, submitted by David Jr., Diana and Miriam Antonovich, to subdivide their 51.3-acre property located at 2570 North Street. This proposal will divide the parcel into 3 lots: Lot 1 of 3.0 acres with 251 feet of road frontage on North Street; Lot 2 of 3.4 acres with 251 feet of frontage on North Street; and remainder lot of 44.9 acres and existing structures with 2,300 feet of frontage on North Street. Lots 1 and 2 will be accessed by a shared easement over Lot 3, with Lot 1 having an additional easement over Lot 2. The property is located in Zone D – Rural Residential/Agricultural, where the minimum lot size is 3 acres." The representative, Mr. Chase, was sworn in at 7:20pm. The Road Foreman has approved the curb cut access and the shared access and it was approved by the SB on 10/1/18. VTANR and Craig Chase believe that a mound system can be supported in the places where the ledge is not present. The abutting landowners have been notified and there were no comments or concerns from neighbors. Lot 1 has two potential septic locations and 2 potential building envelopes because it is bisected by a utility line.

Motion: I move to approve Application #18-039 as presented. Made: Mr. Lane, second: Mr. Lange

Vote on Motion: Passed 7-0

Preliminary Plan Review of Application #18-042, submitted by Michael and Jamie O'Hare

The Chair opened the hearing at 7:29pm by reading the warning: "Preliminary plan review of Application #18-042, submitted by Michael & Jamie O'Hare, to subdivide their property located at 835 Dodge Road. This proposal will divide the 40-acre parcel into four ten-acre lots: Lot 1 with 1,129 feet of road frontage on Dodge Road; Lot 2 served by an access easement over Lot 1; Lot 3 with existing structures and 867 feet of frontage on Dodge Road; and, Lot 4 served by an existing easement over

the Rufenacht property. The property is located in Zone E – Agricultural/Forest Conservation District, where the minimum lot size is 7 acres.” The representative, Mr. Chase, was sworn in at 7:30pm. Because this is a 4-lot subdivision, it is classified as a major subdivision. There is no development proposed on the three new lots, which will be sold as is. Some test pits have been done but there are no wastewater plans or permits. Mr. Miller as an interested person was sworn in at 7:36pm. He is an abutting neighbor whose house is located just where the ROW comes into Lot 2 and is concerned with traffic and headlights. Mr. Chase and the owners are willing to re-locate where the ROW comes into Lot 2. It was stated that any new development would probably be a single-family home and will need to meet the district requirements. The DRB discussed whether to require the applicants to add the building envelopes to the survey. The ZA noted that the regulations are being updated and the setbacks may be revised; building envelopes may restrict what buyers can do. The current regulations require the applicants to include building envelopes but as the applicants are not proposing any development, the buyers will have to come in for a permit anyway. The current survey just shows wetlands buffers. Mr. Rufenacht and Ms. O’Hare were sworn in at 7:52pm. Mr. Rufenacht was wondering about the existing ROW across his driveway and whether it can cross the structure exclusion area on Lot 4; this is part of private covenants and the DRB cannot answer to private covenants. Mrs. Fitzsimmons was sworn in at 8:04pm. She wondered if the driveway to Lot 4 could be re-routed to not go through her property. The DRB decision has a 30-day appeal period. Mr. Chase will make change to the survey based on the comments received tonight. The DRB agrees to not require building envelopes.

Motion: I move to approve the preliminary review of Application #18-042 with the ROW adjustments as noted.

Made: Mr. Kappel, second: Ms. Watson

Vote on Motion: Passed 7-0

The applicants agree to defer the final review to the December 2018 DRB meeting so as not to interfere with the 30-day appeal period.

Additional Business

- The DRB continued the discussion of building envelopes but did not come to a resolution. They would like to make sure that all decisions are consistent. Ms. Watson will bring the issue to the PC so that they can talk about it.
- For the Isaak decision, abutting landowners, Hilary and Benedict, missed the hearing but were concerned about access near their property.

Review of Minutes

September 4, 2018

Motion: I move to approve the minutes as written. Made: Ms. Welch, second: Mr. Kappel

Vote on Motion: Passed 7-0

ZA Report

- Seven new permits
- Cote-Wong is struggling with getting his new water permit amended; they don’t have a water/wastewater permit therefore also don’t have the Act 250 permit
- Carriveau – the ZA is uncomfortable with letting them continue to do business without a permit; fire safety is an issue

Motion to adjourn. Made by Mr. Kappel, seconded by Mr. Lange. Passed 7-0. Meeting adjourned at 8:45p.m.

Respectfully submitted by Kristi Flynn, Recording Secretary