

July 2, 2019

DRB Members Present: Steve Kappel (Chair), Alice Dworkin, Norman Hill, Kim Watson, Jeff Cueto (7:17pm), Steve Justis, Glenn Weyant, Clarice Cutler

DRB Members Absent: Mark Lane

Others Present: Bruce Johnson (Zoning Administrator), Kristi Flynn (Recording Secretary), Brian Tokar, Ellen Leonard, Janice Walrafen, Ben Graham, Kurt Bergstrom, Laura Morse, Ed Deegan, Keri-Anne Black-Deegan, Adrienne Allison, Renee Carpenter

Call to Order: 7:00pm

Public Comment: None

Additions to Agenda: Ms. Watson – proposed zoning questionnaires

Final Plan Review of Application #19-030, submitted by Jacques Gourlet

The Chair opened the hearing at 7:01pm by reading the warning: "Final plan review of Application #19-030, submitted by Jacques Gourlet, to permit two single-family residences on his property located at 670 Cherry Tree Hill Road. The property is in Zone D – Rural Residential/Agricultural District, where two residences are allowed on one lot under Section 3.8(A)(5) of the East Montpelier Land Use & Development Regulations so long as the development is sited in such a way that the residences could be legally separated by a subdivision in the future." The representatives/applicants were sworn in at 7:03pm. The property is family-owned and they do not want to subdivide. Mr. Gourlet's nephew lives on the property now and the plan is to build a 2,500 square foot residence. Mr. Gourlet lives in Paris currently but plans to move to Vermont. The site plan shows the access and the potential subdivision line. The ROW crosses abutting landowner's property. The size of the lot is a total of 17.1 acres, where the existing house is in Zone D and the proposed house is in Zone C; this proposal meets all regulations for Zone C. The wastewater permits have been approved.

Motion: I move to approve Application #19-030 as it meets all regulations under Section 3.8(A)(5). Made: Mr. Hill, second: Ms. Watson

Vote on Motion: Passed 7-0 (Mr. Cueto not in attendance)

Continuation of Planned Residential Development Subdivision/Site Plan Review/Conditional Use Review of Application #19-022, submitted by Ellen Leonard and Janice Walrafen

The Chair re-opened the hearing at 7:15pm by reading the warning: "Continuation of Planned Residential Development subdivision and site plan review followed by conditional use review of Application #19-022, submitted by Ellen Leonard and Janice Walrafen, to permit a master plan concept for the 10.2-acre Leonard/Walrafen property located at 370 Cherry Tree Hill Road. The net effect of the proposal is to allow 3 stand-alone single-family dwelling units and one multi-function property intended to be owned by an associated cooperative group known as Cherry Tree Hill Community LLC. The property is in Zone D – Rural Residential/Agricultural District, where 4 individual dwelling structures would require a minimum of 12 acres, necessitating a requested affordable housing PRD density bonus." The applicants and Interested Parties were sworn in at 7:16pm. Mr. Graham reviewed the revised plat, which includes dimensions of the building envelopes and the abutter's names. The revised site plan includes the topography, relevant trees and dimensions, with shade trees along the George property. Ms. Walrafen met with the Fire Chief and walked through the proposed housing and siting for emergency access. The septic permit for the new residence has been submitted to the State but approval has not been received yet. Ms. Walrafen noted that Carl Fuller examined the test pits with Wayne Lawrence; Chase and Chase will continue the process; they are working with the abutting neighbors regarding septic and well head protection areas. A new well will be dug for the new house.

The DRB wondered about the farm access; the applicants noted that it is nowhere near the preschool kids and is really only used three times a year. There is fencing around the preschool area and the pool. Ms. Leonard shared a letter she received from the State licenser, which showed no violations and the preschool in compliance. There was some discussion regarding the affordable housing designation; there are state statutes that govern this and it will be stated in the deeds. The town does not have the right to ask for income information on individuals. If someone wants to buy one of the houses, they must meet low income guidelines; the association makes the determination based on their by-laws. Section 5.6(C)(1) deals with the density bonus; there is no way for the town to enforce the affordable housing designation.

The barn on the property holds gardening tools and is used for storage. The current yurt will be taken down when the new house is permitted. There was some discussion regarding the Connor's concern that the wells might run dry; Ms. Walrafen noted that the dry well has filled up again and they have not had a problem again.

Ms. Walrafen and Ms. Leonard noted that Fire Services do regular inspections and they have made any changes that were requested. Fire Services annually re-charge the fire extinguishers. Ms. Watson reminded the applicants to review their erosion control measures; the applicants stated that the only erosion happens on the driveway.

Motion: I move to go into deliberative session to discuss Application #19-022. Made: Ms. Watson, second Mr. Cueto

Vote on Motion: Passed 8-0

The DRB entered deliberative session at 7:48pm; the board exited at 8:07pm.

The board reviewed the proposed conditions with the applicants.

Motion: I move to approve Application #19-022 subject to the following conditions:

- **Housing is limited to three stand-alone, two-bedroom, single family residences and four single-occupancy boarding house-style units in the main house;**
- **Enrollment in the early childhood education program is limited to 15 children;**
- **Enrollment in the afterschool activities is limited to 10 children at any time and the activities may run only between the hours of 3pm and 7pm and are limited to WCUUSD school days;**
- **Summer day camp and school vacation days, limited to no more than 20 children at any time, may be held for no more than 11 weeks per year;**
- **The Community Center may host no more than six special events per year:**
 - **Individual events may last no longer than one day and run between the hours of 8:00am and 11pm;**
 - **Noise will be managed to not unreasonably disturb adjoining property owners;**
 - **Parking for the events is limited to on-property locations and the west side of Cherry Tree Hill Road;**
 - **Written notice of the events must be provided two weeks in advance to the Town of East Montpelier and to the East Montpelier volunteer Fire Department, Inc.; and**
 - **Attendance at any individual event is limited to 200 participants at any one time.**
- **All required screening and landscaping improvements shall be completed within one year of the issuance of this approval;**
- **No Certificate of Compliance for additional structures will be issued until all required screening & landscaping improvements and parking & traffic improvements have been completed;**
- **All new construction shall be within the designated building envelope; and**
- **The final “Operating Agreement of Cherry Tree Hill Community LLC” document, the approved subdivision plat, and the approved site plan signed by a certified surveyor shall be recorded in the East Montpelier Land Records within six months of the issuance of this decision.**

Made: Mr. Cueto, second: Ms. Dworkin

Vote on Motion: Passed 8-0

Conditional Use Review of Application #19-031, submitted by the Town of East Montpelier

The Chair opened the hearing at 8:55pm by reading the warning: “Conditional Use Review of Application #19-031, submitted by the Town of East Montpelier, to permit the installation of a dry hydrant utilizing the Winooski River on a small corner lot at the south end of Codling Road just off US Route 2. The proposal anticipates the use of 375 cu. yds. of road base material for an access drive to the hydrant. The lot is in both the special flood hazard area and the river corridor protection zone, necessitating conditional use review as a public project functionally dependent on river access.” The ZA reported that the new dry hydrant will be used for fire emergency use only. There are a number of other hydrants in town. The pipe will be at ground level with the river. The proposal is in the floodplain and the river corridor; nothing can be built in the river corridor, which is why this requires conditional use review. State river engineers have reviewed and approved the project. The dry hydrant grant expires on August 15, 2019, so hopefully the State will not require a wetlands permit.

Motion: I move to approve the dry hydrant installation by the Town of East Montpelier. Made: Ms. Watson, second: Ms. Cutler

Vote on Motion: Passed 8-0

Review of Minutes

May 7, 2019

Motion: I move to approve the minutes as amended. Made: Mr. Cueto, second: Ms. Watson

Vote on Motion: Passed 8-0

June 4, 2019

Motion: I move to approve the minutes as amended. Made: Ms. Watson, second: Mr. Cueto

Vote on Motion: Passed 8-0

Other Business

Ms. Watson reviewed the proposed zoning process. She noted that the Planning Commission would like some feedback from the DRB on the proposed regulation. She passed out surveys for the village, business and rural districts to DRB members. It was requested to return the surveys to the ZA. For the business districts, there is some spot zoning. For the rural district, there are two options for lot size minimums, but these options are not set in stone. Ms. Watson noted that the Center Road residents are definitely against the lot size changes proposed. Ms. Cutler shared that the fact sheets posted on the town website are very helpful; please be sure to share your opinions.

Motion to adjourn. Made by Mr. Hill, second by Ms. Watson. Passed 8-0. Meeting adjourned at 9:30p.m.

Respectfully submitted by Kristi Flynn, Recording Secretary