

September 1, 2020

DRB Members Present: Steve Kappel (Chair), Jeff Cueto, Steve Justis, Norman Hill, Lauren Oates, Clarice Cutler, Glenn Weyant

DRB Members Absent: Kim Watson, Mark Lane

Others Present: Bruce Johnson (Zoning Administrator), Kristi Flynn (Recording Secretary), Julie Henderson, Joey Wilson

**Call to Order:** 7:03pm

**Public Comment:** None

**Additions to Agenda:** None

**Review of Application #20-034, submitted by Julie Henderson**

The Chair opened the hearing at 7:04pm by reading the warning: “Review of Application #20-034, submitted by Julie Henderson, to construct a 10’ x 16’ garden shed on her property located at 219 Brazier Road. The applicant is requesting a 16-foot §3.14 side setback waiver. The property is in Zone D – Rural Residential/Agricultural District, where the side setback is 50 feet from property line.” The applicant would like to build a shed beside her garden, but needs a waiver as the shed is too close to the property line. She stated that the topography and slope of other areas on her property as the reason for the waiver request. The shed will be tucked into some existing trees and screened from the road. The Chair inquired if the applicant had considered other sites on the property. The applicant had looked at the west and north of the garden, both of which would be closer to the property line. The shed could be closer to the house and/or smaller but there are some screening trees that would have to be removed. The applicant noted that if the shed was located on the northeast side of the garden, it would block access to the garden and to the woods in the only open space. Mr. Cueto noted that according to Section 3.14, it seems that there should be another place without physical restraints. The applicant noted that the space above the garden has ledge and is more sloping; the area below the garden is flatter. She would also prefer to locate it further from the house and deck. The garden is not moveable; there are posts around the perimeter. There is 5-6’ from the garden to the proposed shed site and it slopes downhill from the garden. The neighbors will not be affected by the shed, though Mr. Cueto noted it would have been better to plan the garden and shed at the same time; he feels the shed can be pulled out farther from the boundary line to be more compliant. The ZA reminded the board to make the decision based on the applicant’s request.

**Motion: I move to grant the waiver request for Application #20-034 as presented.** Made: Mr. Hill, second: Mr. Weyant

**Discussion:** It was wondered if the DRB can request that the applicant move the shed a few feet? It won’t affect the neighbors either way. It was noted that the shed could be functional and still be more compliant, could bring in more fill to level out a spot.

**Vote on Motion:** Defeated 4-3 by roll call vote (needed majority vote of five to be granted)

Options moving forward: The DRB could ask the applicant to come back with a revised application or re-review the application when more members are in attendance. The DRB agreed to schedule a special meeting for next Tuesday and request that the applicant try to become more compliant.

**Motion: I move to continue the hearing for Application #20-034 to September 8 at 5:30pm.** Made: Mr. Hill, second: Ms. Cutler

**Vote on Motion:** Passed 7-0 by roll call

**Sketch Plan Review – Morse Subdivision**

The Chair opened the review at 7:48pm by reading the warning: “Sketch plan review for a proposed 2-lot subdivision of the 128.57-acre Morse property located at 918 County Road. The proposal will create a 3.01-acre lot with the existing farmhouse & outbuildings and a 125.56- acre lot with the existing barn. The property is in Zone D, the Rural Residential and Agricultural District; minimum lot size is 3 acres.” Mr. Wilson served as representative. The applicants are stating that Lot 2 does not have the required 250’ of road frontage. A 30’ access easement is included in the proposal and the DRB can acknowledge the smaller frontage in exchange for a larger easement, if they decide that the subdivision is feasible. The applicants are requesting a large lot survey waiver; the larger remainder lot has been surveyed but they don’t want to do it again. The plan is to sell Lot 2 with the existing house and keep the remainder lot with the barn for agricultural use. There is no new development planned.

**Motion: I move to grant the large lot survey waiver for the Morse subdivision.** Made: Mr. Hill, second: Mr. Weyant

**Vote on Motion:** Passed 7-0 by roll call

### **Election of Officers**

Chairman – Mr. Kappel nominated by Mr. Cueto; passed unanimously

Vice Chairman – Mr. Cueto nominated by Mr. Hill; passed unanimously

Recording Secretary – **Motion made to appoint Kristi Flynn as the recording secretary with the ZA taking care of the internal responsibilities; made by Mr. Kappel, second by Mr. Cueto;** passed unanimously

### **Rules of Procedure**

The DRB discussed conflicts of interest. The town has a Conflict of Interest ordinance as part of the Town Charter that would override the DRB's policy where it is stricter. The DRB discussed adding Zoom meetings as part of the rules. The Rules of Procedure can be amended at any time.

### **Review of Minutes**

June 2, 2020

**Motion: I move to approve the minutes as written.** Made: Mr. Cueto, second: Ms. Cutler

**Vote on Motion:** Passed 7-0 by roll call

### **ZA Report/Other Business**

- All 3 schools are doing things that need permits; Orchard Valley's structure likely to become permanent; U-32 and EMES should be temporary. The schools are trying to get applications to the ZA for the 10/6 meeting.
- Hasland building – a behavior interventionist company will be moving in for the school year; it is not yet clear if students will be seen there or if it will just be administrative offices. The company is trying to get an application for the 10/6 meeting.
- Old Meeting House Memorial Garden – ZA notes it is pretty elaborate and violates setbacks unless a permit is not required. The ZA would like to get some guidance from the DRB.
- AllTogetherNow – they had received approval for changes of uses and a PUD that were conditioned on the fact that a condo association plan was filed within 6 months; this plan was not filed in time so the permit is now null and void; the ZA had given them additional time. The applicant has come in for a building permit, but the ZA will have to deny it because conditions were not met. The ZA stated that they may come back in.

**Motion to adjourn.** Made by Mr. Hill, second by Mr. Kappel. Passed 7-0. Meeting adjourned at 8:28p.m.

*Respectfully submitted by Kristi Flynn, Recording Secretary*