

October 6, 2020

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

Others Present: Bruce Johnson (Zoning Administrator), Kristi Flynn (Recording Secretary), Jeff Olesky, Burr Morse, Dave Kissner

Call to Order: 7:03pm

Public Comment: None

Additions to Agenda: None

Final Plat Review of Application #20-043, submitted by Harry Morse, Jr. as Trustee of Morse Family Revocable Trust

The Chair opened the hearing at 7:04pm by reading the warning: “Final plat review of Application #20-043, submitted by Harry Morse, Jr. as Trustee of the Morse Family Revocable Trust, to subdivide the trust’s property located at 918 County Road. This proposal will divide the 128.57-acre parcel into two lots: Lot 1 of 125.56 acres with existing large barn; and, Lot 2 of 3.01 acres with existing farmhouse and outbuildings. Both parcels have frontage on County Road and are served by a 30-footwide access easement in common centered on the proposed property line between the house and large barn. The property is located in Zone D – Rural Residential/Agricultural District, where the minimum lot size is 3 acres.” The applicant and representative were sworn in at 7:09pm. Mr. Olesky noted that the 2-lot subdivision of 129 acres has not been changed since the sketch plan. Lot #2 is 3 acres with an existing house and accessory structures; the remainder Lot #1 has an existing barn. The applicant has previously received a large lot waiver. Mr. Morse’s plan is to separate the farm from the farmhouse to leave the farmhouse to his older son; the farm will be left to his younger son.

The DRB needs to make a decision about the lack of road frontage. Lot #2 does not have enough road frontage; it has 140 feet where 250 feet is required. The area is small between the boundaries on each side; there is a 35’ wide access easement to access both lots. Mr. Olesky noted that this seems to be best solution. They looked at the option of moving the line north along county road in front of the barn, but that would make the barn more non-conforming. Another option is to use a supplemental lot on the other side of County Road to capture the frontage. The ZA noted that the proposal with the easement fits in with the regulations. A small existing shed will be removed as part of the proposal as it will become non-conforming.

Motion: I move to accept the frontage as presented in Application #20-043 as it complies with the town regulations.

Made: Mr. Hill, second: Mr. Cueto

Vote on Motion: Passed 6-0 by roll call vote

Motion: I move to approved Application #20-043 as presented with the condition that the small shed is removed.

Made: Mr. Cueto, second: Mr. Justis

Vote on Motion: Passed 6-0 by roll call vote

Conversation on Setback Waiver Concept Contained in Section 3.14 of the East Montpelier Land Use and Development Regulations

The ZA gave a brief overview of waivers and variances. The state gave the waiver concept to towns in 2005. The consultant hired by the town provided waiver provisions but EM settled on Barre’s version, which narrowed the use to structural setbacks. The DRB talked about rules versus flexibility for landowners.

- Both points of view are valid, there are two ways to govern the town
- People should be allowed to do what they want within reason
- Look to regulations that have specific requirements
- Criteria for waivers and variances are similar, though for variances, landowners can’t create their own hardship
- Look to criteria first to see if there is a physical limitation to cause granting of the waiver
- Must be a reasonable proposal
- The rules must be weighed more heavily than whether neighbors oppose or not
- Reasonable clause means something different to everyone
- Some members aren’t comfortable with the unwritten rule regarding neighbors
- Should follow the regulations, talk to PC about changing the setbacks to avoid waivers
- Helpful to have multiple conversations on this topic
- Some members look at a more literal reading of the regulations

Review of Minutes

September 1, 2020

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

Vote on Motion: Passed 6-0 by roll call

September 8, 2020

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

Vote on Motion: Passed 7-0 by roll call

ZA Report

5 new permits since last meeting

The DRB discussed pushing the November meeting back because of Election Day. They decided to skip November and next meet on December 1. The possible items are the Messier subdivision and Orchard Valley putting roofs on some new structures; there are no setback issues.

Motion to adjourn. Made by Mr. Cueto, second by Mr. Justis. Passed 6-0. Meeting adjourned at 7:55p.m.

Respectfully submitted by Kristi Flynn, Recording Secretary