

Minutes of the East Montpelier Development Review Board

APPROVED 7/2/19

May 7, 2019

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

DRB Members Absent: None

Others Present: Bruce Johnson (Zoning Administrator), Kristi Flynn (Recording Secretary), Craig Chase, Carla Messier, Norman Messier, Jim Abrams, Chris Abrams, Kevin Bailey, Laurie Justis, Martha Israel, Richard Angney

Call to Order: 7:01pm

Public Comment: None

Additions to Agenda: None

DRB Organization in Light of the Resignation of Chair Curtis

Chair – Mr. Cueto nominated Mr. Kappel; nomination passed unanimously

Vice Chair – Ms. Watson nominated Mr. Hill, Mr. Lane nominated Mr. Cueto; nomination for Mr. Cueto passed unanimously

Final Plan Review of Application #19-001 - Abrams

The Chair opened the hearing at 7:09pm by reading the warning: “Final plan review of Application #19-001, submitted by James & Christine Abrams, for a 4-lot reconfiguration & subdivision of the 3-lot, 46.17-acre Abrams property located at 925 Center Road. The net effect of the revised proposal will be to create four lots, all with frontage on Center Road: Lot 1 of 21.0 acres with 320 feet of frontage; Lot 2 of 5.6 acres with 421 feet of frontage; Lot 3 of 4.8 acres with 460 feet of frontage; and, Lot 4 of 13.9 acres with the existing residence and 890 feet of frontage. The property is in Zone D – Rural Residential/Agricultural District, where the minimum lot size is 3 acres.” The applicants and representatives for all hearings were sworn in at 7:10pm. A 3-lot existing subdivision is being reconfigured into a 4-lot subdivision. The Road Foreman and SB have approved the new curb cuts. The plat includes the slopes and all Class 2 wetlands. Abutting neighbors had opposed the fifth lot, so it was removed from the proposal. All of the lots have road frontage. Potential test pits were done for each lot, but no development is currently planned; all lots are buildable. The deeds will include any development restrictions. Ms. Justis read a statement regarding the property's history and background, which is attached to these minutes. Ms. Abrams rebutted the statement noting that they do not wish to create more development on Center Road but they need to establish the value of their property in order to sell and downsize. Ms. Israel asked for clarification that the Abrams are not putting any lots up for sale. The board discussed the new regulations that might include ½-acre lot minimums in this area.

Motion: I move to approve Application #19-001 as presented. Made: Mr. Justis, second: Mr. Hill

The DRB requested that the plat and the site plan be filed with the town.

Vote on Motion: Passed 9-0

Conditional Use Review of Application #19-014 - Bailey

The Chair opened the hearing at 7:37pm by reading the warning: “Conditional use review of Application #19-014, submitted by Kevin Bailey, for a two family dwelling structure to be constructed on his 1.58-acre parcel off of US Rte. 2, Lot 3 of the 2006 Ken Bailey subdivision (#05-107). The proposed duplex will be a 1,794 square foot building with 2 two-bedroom units. The parcel is in Zone A – Commercial District, where all new residential uses require conditional use review.” The applicant and IPs were sworn in at 7:38pm. The DRB requested that the applicant come to the board for a review of the duplex. The well is no longer shared with an abutting landowner and the approved septic system has been moved out of the river corridor. The access to the property is over an easement from Route 2 that crosses three other lots. The applicant is requesting a change of use from a single-family residence to a duplex.

Conditional Use Review

Section 5.5.C – General Standards

- 1) Facilities – no adverse effect
- 2) Character of neighborhood – commercial zone with existing residences
- 3) Traffic – no significant increase
- 4) Bylaws – confirms with bylaws
- 5) Renewable energy – no impact

Section 5.5.E – Supplemental Standards – not applicable, none of the proposed development is in the floodplain

Motion: I move to approve Application #19-014 as presented. Made: Ms. Watson, second: Mr. Lane

Vote on Motion: Passed 9-0

Sketch Plan Review - Messier

The Chair opened the review at 7:58pm by reading the warning: “Sketch plan review for a proposed reconfiguration & subdivision of the 3-lot, 33.59-acre Messier property located at 440 East Hill Road. The property is in Zone D – Rural Residential/Agricultural District; minimum lot size is 3 acres.” Mr. Chase reviewed the background: three lots are existing, 1 is developed, 1 is approved for development and 1 is undeveloped. The proposal is to have a new shared private road access with three new building sites clustered together. The septic systems have been designed and/or built for each new lot. A general stormwater construction permit will be required; less than 1 acre of area disturbed during construction. The state may require a more detailed plan. The entire property has been surveyed. Ms. Watson suggested to Mr. Chase that a second turnaround be included for the two upper houses for emergency access. The DRB agrees by consensus to deem this a minor subdivision because it is a reconfiguration of an existing subdivision.

Review of Minutes

April 9, 2019

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

Vote on Motion: Passed 9-0

ZA Report

- Ten new permits since last meeting

Other Business

- All Together Now will come to the June meeting with a co-housing agreement, site plan & subdivision plat
- Mr. Bender opened up his woodshed for parking and is requesting a new conforming porch/woodshed
- Next meeting is scheduled for June 4, 2019.

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

Respectfully submitted by Kristi Flynn, Recording Secretary

Laurie W. Justis Comments to the East Montpelier Development Review Board on May 7, 2019:

My husband, Steve, and I have lived in East Montpelier Center for almost 40 years. It's a great community, beautiful to look at with kind and generous neighbors.

Shortly after we moved here part of the current Abrams property became available for purchase. It consisted of most of the existing frontage along Center Road from Omasta's to Abrams's. There was a gentleman who was interested as he wanted to build a car repair business. We promptly inquired about the land and purchased it. We owned it for close to 15 years. Steve built our stone walls from rocks he pulled from there. We also hauled firewood for our own use, collected mosses for school projects, rode horses and even grew shitake mushrooms there.

We had opportunities to sell this land over the years but thought it was special and did not want to see it turned into housing as it is a strip of land that, although not remote, had no visible housing nearby. We also did not want to see the forest fragmented or clear-cut as it is part of a continuous stretch of forest and this is important for woodland bird conservation. The Abrams seemed to be "like-minded" when they approached us about selling on more than one occasion. It seemed like the right time and the right people as they did not want anyone building there either.

These woods already provide housing. We know of bears, foxes, bobcats, partridge, beavers, owls, hawks and many beautiful woodland birds like the musical thrushes who have homed there over the years. The vernal pools likely provide a night of rapture for wood frogs and salamanders and these pools are starting to be recognized as important breeding grounds; the spring peepers can be deafening there this time of year. Turtles routinely make their way back and forth across Center Road during breeding and egg-laying times. I have rescued many. These woods are home to many species.

What will be the fate of all these creatures when 4 driveways, houses, lawns, drainage and all that accompanies human activity are put in place? We keep just expecting them to move on. To where? Humans are invading all reaches of the earth. It has recently been reported that one million species are on the verge of extinction in the near future.

This is not a case of "not in my backyard". If we can't take responsibility who will? Conrad and Anne Ormsby did the right thing. They moved and donated conservation easements on land that had been in their family for generations. What a gift! But they did not go away empty-handed. The Abrams want to sell their land, and this is a plea for them to do the right thing. Show us that your intentions were honorable when you bought these special lands from us. It is also a plea for the DRB and associated commissions to start looking at the bigger picture. Make East Montpelier a microcosm of the world we deserve to live in.