

February 2, 2021

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

DRB Members Absent: Mark Lane, Norman Hill

Others Present: Bruce Johnson (Zoning Administrator), Kristi Flynn (Recording Secretary), Craig Chase, Norman Messier, Carla Messier, Ari Preston, Ellen Leonard, Patti Morrison, Chris Morrison, Ben Graham, Janice Walrafen

Call to Order: 7:03pm

Public Comment: None

Additions to Agenda: None

Final Plan Review of Application #21-004, submitted by Norman and Carla Messier

The Chair opened the hearing at 7:04pm by reading the warning: "Final plan review of Application #21-004, submitted by Norman and Carla Messier, for a reconfiguration & subdivision of the 3-parcel, 33.5-acre Messier property located at 440 East Hill Road. The proposal will create 3 lots: Lot 2 of 9.29 acres; Lot 3 of 4.28 acres and existing house; and, Lot 4 of 19.91 acres. All lots have frontage on East Hill Road. Lots 2 & 3, along with the existing town dry hydrant, will be served by a common access easement over Lot 2. The property is in Zone D, the Rural Residential and Agricultural District; minimum lot size is 3 acres." Mr. Chase noted that the view easement has been removed from the application; otherwise, the application is the same as the sketch plan review.

Motion: I move to approve Application #21-004 as presented. Made: Mr. Justis, second: Ms. Watson

Vote on Motion: Passed unanimously

Mr. Chase will send the proof of abutters' notices to the ZA as soon as possible.

Conditional Use Review of Application #21-005, submitted by Chris & Patti Morrison

The Chair opened the hearing at 7:08pm by reading the warning: "Conditional use review of Application #21-005, submitted by Chris & Patti Morrison, to change the use of the parcel located at 1678 US Rte. 2 from single-family residential to a combination of single-family residential and kennel, in the form of a doggie day care, use. The proposed §4.11 mixed use of the parcel, located in Zone C – Residential & Commercial District, requires conditional use review. The residential use is a permitted use in the district. Applicants request that the kennel use be considered similar in nature to other allowed uses in Zone C. The parcel is fully within the Special Flood Hazard Area and the River Corridor." The applicants would like to change the previous commercial space into a doggie day care. The space was a cabinet shop until 2011 when it became residential; the applicants would like to change back to commercial. The VTrans Letter of Intent has been received. It was noted that kennels are only allowed in Zones A & D, though they could be located in zones B & C unless neighbors object. Regarding traffic, the applicants don't feel that the traffic will change much. The hours of operation will be 7am – 5:30pm, Monday through Friday. Notices were mailed to all abutters, though no neighbors are very close. The applicants were sworn in at 7:14pm. The applicants are hoping to have 15-20 dogs per day. For exterior changes, Mr. Morrison noted they will build a fenced-in area measuring 20'x40'; three sides will have a privacy fence and the side towards the road will be chain link fence. No grading or fill is proposed.

Section 5.5 - Conditional Use Review

(C) General Standards

- 1) Facilities – no impact
- 2) Character of Area – feel it fits
- 3) Traffic – DRB wondered if entering and exiting will cause a problem; the applicant said no, they have been working with VTrans, who will put up a Blind Drive sign on the Montpelier side; the applicants are also asking for the 40MPH speed limit sign be moved closer to them on Route 2
- 4) Bylaws – no effects environmentally, waste will be disposed of appropriately, perhaps by composting
- 5) Renewable Energy - no impact

(E) Supplemental Standards

- 1) Performance standards – don't see issue with noise as most neighbors are not close; possibility is where chain link fence is, which could be changed to a privacy fence, if necessary
- 2) Open space – fence is the only new addition
- 3) Adverse impact – no impact
- 4) Landscaping/fencing – landscaping will be added along the fence
- 5) Design/sign – have applied for a sign permit
- 6) Water/sewer – have own well, no additional facilities

The DRB asked how far the structures (house and fence) are from the Winooski River. The applicant stated that they are 75' from the riverbank on the Montpelier side and 200' on the south side. Regarding the dog waste, the DRB discussed a condition that the waste cannot be disposed of, including composting, within 100' of the riverbank.

Motion: I move to approve Application #21-005 including the proposed sign with the condition that no dog waste will be disposed of within 100' of the riverbank. Made: Mr. Cueto, second: Mr. Justis

Vote on Motion: Passed unanimously

Review of Application #21-007, submitted by Ellen Leonard and Janice Walrafen

The Chair opened the hearing at 7:32pm by reading the warning: "Review of Application #21-007, submitted by Ellen Leonard and Janice Walrafen, to alter East Montpelier Zoning Permit #19-022 to authorize the filing of a revised Declaration of Condominium under Vermont Statutes Annotated Title 27A: Uniform Common Interest Ownership Act. Applicants are requesting an 18-month extension of the permit's original timeframe for the filing of an operating agreement for the approved planned residential development. No other changes to the permit are requested." The applicants are requesting an 18-month extension for filing of paperwork. The applicants were sworn in at 7:34pm. The paperwork is signed and ready but the legal documents and financing took longer than they thought. The applicants are asking for the last condition to be amended. The applicants noted that the legal framework has been completed for the condo association but the building has not been completed. The ZA noted that all conditions were met except this one. This amendment would give them until July 2021 to record their documents with the town. Because they must pay to record with the town, the ZA suggested waiting until after the appeal period has ended.

Motion: I move to approve the request for the extension to file the legal paperwork for Application #21-007. Made: Ms. Cutler, second: Ms. Watson

Vote on Motion: Passed unanimously

Review of Minutes

January 5, 2021

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

Vote on Motion: Passed unanimously

ZA Report

The ZA noted that it was unusually active for January, though there are not any hearings yet for March. The DRB decided to not hold a meeting in March.

Motion to adjourn. Made by Mr. Cueto, second by Ms. Watson. Passed 7-0. Meeting adjourned at 7:50p.m.

Respectfully submitted by Kristi Flynn, Recording Secretary