

September 7, 2021

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

DRB Members Absent: Lauren Oates

Others Present: Bruce Johnson (Zoning Administrator), Kristi Flynn (Recording Secretary), Robert Brown, Rebekah Brown, Joey Laquerre, Cody Blake, Michelle Blake, David Contrada, Nancy Brazier, Denise Wheeler, Ann Brazier, Tom Brazier, S. Crampton, Greg Blake, Mike Blouin

**Call to Order:** 7:04pm

**Public Comment:** None

**Additions to Agenda:** None

**Conditional Use Review of Application #21-047, submitted by Robert & Rebekah Brown**

The Chair opened the hearing at 7:05pm by reading the warning: "Conditional use review of Application #21-047, submitted by Robert & Rebekah Brown, to construct a 40' x 60' commercial garage, relocate two existing structures, change the use of an existing garage and make site improvements to their property located at 505 Quaker Road. This is a request for an amendment to Conditional Use Permit #18-055. The §4.11 mixed use property is located in Zone C – Residential & Commercial." The applicants were sworn in at 7:06pm. They are looking to build a bigger building to upgrade equipment and make the building more environmentally-friendly. They would also like to separate the business use from their personal use. The ZA noted that the proposal meets the expectations. The condition on the curb cut would continue with this and any subsequent amendments.

**Motion: I move to approve Application #21-047 subdivision as submitted.** Made: Mr. Cueto, second: Ms. Watson

**Vote on Motion:** Passed 8-0

**Conditional Use Review of Application #21-052, submitted by Armand Laquerre**

The Chair opened the hearing at 7:09pm by reading the warning: "Conditional use review of Application #21-052, submitted by Armand Laquerre, to construct a 12' x 50' addition to the commercial building located at 1010 VT Rte. 14S. The property is located in Zone D – Rural Residential & Agricultural." The applicant was sworn in at 7:11pm. The applicant would like to add an addition to the end of the existing commercial building. There are no setback issues and it is a pre-existing use.

**Motion: I move to approve Application #21-052 as presented.** Made: Ms. Watson, second: Mr. Cueto.

**Vote on Motion:** Passed 8-0

**Height Standard Variance Review of Application #21-049, submitted by Cody and Michelle Blake**

The Chair opened the hearing at 7:13pm by reading the warning: "Height standard variance review of Application #21-049, submitted by Cody and Michelle Blake, to allow an already-built, non-conforming alteration to the structure constructed under Zoning Permit #20-026. The property is located in Zone D – Rural Residential & Agricultural, where the maximum building height is 35 feet above average finished grade. The applicant requests §7.6 variance relief from the height standard to allow a building height no higher than 39'7". The applicants were sworn in at 7:13pm. The Blakes would like to move back to East Montpelier and build their own home. The second story of the original permitted structure was intended to be temporary living quarters while their house was to be constructed. The owners later decided against building a separate house and changed the second story of the permitted structure to be full-time living space and changed the design to include higher ceilings. The new design remained under the height limit. However, upon learning that the second floor was to be full-time living space, the vendor altered the truss design to a steeper pitch for handling snow load, and the redesigned trusses brought the building above the height limit. The Blakes have stopped construction on the house so that they could request a height variance. Ms. Watson wondered how this would affect fire and safety. The applicants noted that no one will be living in the house beyond the 35' height; the trusses are 11' beyond the living space. Mr. Brazier noted that the house fits into the character of the neighborhood and does not obstruct anyone's view.

The DRB reviewed the criteria under Section 7.6 (B). Mr. Cueto noted that the physical circumstances aren't there because a house that is within the requirements could be built. The ZA stated that DRB has done these kinds of variances in the past. 35' is the maximum height that fire equipment can reach. The DRB reviewed Section 3.6, Height Requirements; the DRB looked at criteria (B) 1-5.

- 1) Structure does not constitute a hazard – not a hazard

- 2) Portion above maximum height shall remain unoccupied – no one will be living in the attic
- 3) Structure will not be used for advertising purposes – it will not be used for advertising
- 4) Portion above maximum height shall not be lighted – the top of the house will not be lit on the exterior
- 5) Proposed height are consistent with character of the neighborhood – within the character and does not obstruct views

**Motion: I move to grant a variance for Application #21-049 based on criteria in Section 3.6 with the following conditions:**

- 1) The structure is not a hazard to public safety
- 2) The portion above the maximum height shall remain unoccupied
- 3) The structure will not be used for advertising
- 4) The portion of the structure above the maximum shall not be lit outside
- 5) The building height is in the character of the neighborhood

Made: Mr. Lane, second: Ms. Cutler.

**Vote on Motion:** Passed 8-0

**Setback Variance and Conditional Use Review of Application #21-053, submitted by Twin Valley Senior Center**

The Chair opened the hearing at 7:42pm by reading the warning: "Setback variance and conditional use review of Application #21-053, submitted by Twin Valley Seniors, Inc., to replace stairs, construct a 6' x 8' landing and make site improvements at the front of the Twin Valley Senior Center located at 4583 US Route 2. The property is located in Zone A – Commercial, where the front setback is 75 feet from road centerline. The applicant requests §7.6 variance relief from the front setback to allow landing siting no closer than 48 feet from centerline. This is a request for an amendment to Conditional Use Permit #-13-043." The representative was sworn in at 7:43pm. Ms. Wheeler reported that the group received a grant to update and improve the front of the building for the Meals on Wheels program; a landing will be added and the stairs and the ramp were made code-compliant and safer for all involved. They are also upgrading the front of the building with landscaping. The ZA noted that this is a reasonable request as there is no other place to put this landing. A concrete pad has been put down to make it safer in the winter. They are currently operating under a conditional use permit.

**Motion: I move to approve the setback variance for Application #21-053 to the conditional use permit #13-043 as presented as the existing building pre-dates the zoning regulations.** Made: Ms. Watson, second: Mr. Cueto

**Vote on Motion:** Passed 8-0

**Setback Variance Review of Application #21-054, submitted by David Contrada**

The Chair opened the hearing at 7:55pm by reading the warning: "Setback variance review of Application #21-054, submitted by David Contrada, to change the use of the top, ground-level floor of the existing garage to create an 875 square foot §4.2 accessory dwelling and construct an attached 18' x 29' carport to his property located at 1226 Bliss Road. The garage is a pre-existing, non-conforming to front setback structure 38'8" from road centerline at nearest point. The property is located in Zone D – Rural Residential & Agricultural, where the front setback is 75 feet from road centerline. The applicant requests §7.6 variance relief from the front setback to allow carport siting no closer than 35'8" from centerline." The applicant was sworn in at 7:56pm. Mr. Contrada would like to create a mother-in-law suite in an existing garage and build an attached carport. The roof of the carport will extend out 3' toward the road for a covered area for trash cans. Alice Angney, as a neighbor, would like to see the area closed in and the applicant agreed. The existing garage would be changed to an accessory dwelling. The carport will have two walls, with two sides open. Mr. Cueto wondered why the trash cans couldn't be inside the carport increasing the existing front setback non-compliance by 3 feet to accommodate the trash containers. The applicant noted that the carport isn't wide enough and concerned with where tenants will be entering the apartment. The bottom of the existing garage is currently used for storage.

To address the issue of increasing the degree of non-compliance, the ZA suggested amending the application to remove the proposed trash shelter and extending the proposed carport length by 3' for that purpose. Mr. Contrada was open to the idea and agreed to a friendly amendment to the application to increase the length. The Board noted that he did not necessarily have to extend the building but the change would provide him with that option. The garage expansion retained the existing front setback and would be no closer to the road. The ZA provided comments received from Alice Angney, an abutting landowner, reflecting her concern that any trash container storage should be fully enclosed.

**Section 7.6 Variance**

- 1) Unique physical circumstances – topography is challenging and steep; with the existing garage, nowhere else to put the carport
- 2) Reasonable use – nowhere else for the ADU to go
- 3) Hardship – not created by the applicant
- 4) Character of the neighborhood – will not alter the character
- 5) Least deviation/minimum relief – yes, this is the least deviation

**Motion: I move to grant the variance for application #21-054 as amended.** Made: Mr. Cueto, second: Mr. Lane  
**Vote on Motion:** Passed 8-0

**Continuation of Conditional Use Review of Application #21-032, submitted by R&J East Montpelier, LLC**

The Chair opened the hearing at 8:23pm by reading the warning: "Continuation of conditional use review of Application #21-032, submitted by R&J East Montpelier, LLC, to construct two 18' x 40' additions to the existing structure, expand the existing Green Mountain Day Spa business use and make site improvements to the commercial property located at 1528 US Route 2. This is a request for an amendment to Conditional Use Permit #10-025, as previously amended by Zoning Permit #16-038, which governs the use of this property currently home to both the spa and Demers Auto. The \$4.11 mixed use property is located in Zone B – Industrial and the Special Flood Hazard Area." The ZA reported that the report from Ned Swanberg, the Flood Plain Manager, was received but was not complimentary and did not come to an agreement with the Demers. VTrans has not issued a Letter of Intent because Demers has not applied yet. The DRB could continue or dismiss with prejudice.

**Motion: I move to continue the hearing for Application #21-032 to the October 2021 DRB meeting if the applicants meet the warning deadline or November 2021 meeting if they meet that deadline or December 2021 meeting if they meet that deadline, being dismissed without prejudice if all deadlines are missed.** Made: Mr. Cueto, second: Mr. Weyant

**Vote on Motion:** Passed 8-0

**Election of Officers**

President – Steve Kappel nominated by Ms. Watson; passed unanimously

Vice President – Jeff Cueto nominated by Ms. Watson; 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

**ZA Report/Other Business**

- 12 new permits
- Nothing from Chase & Chase recently
- Antonovich selling 44 acres on North Street with house and barn for \$1.5MM
- PC question – PC discussed changing the names of the current zoning districts to be more descriptive/informative; they will defer to the DRB's opinion; there were mixed opinions

**Review of Minutes**

July 20, 2021

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

**Vote on Motion:** Passed 8-0

**Motion to adjourn.** Made by Ms. Watson, second by Mr. Lane. Passed 8-0. Meeting adjourned at 8:48p.m.

*Respectfully submitted by Kristi Flynn, Recording Secretary*