

December 7, 2021

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

DRB Members Absent: Lauren Oates and Mark Lane

Others Present: Bruce Johnson (Zoning Administrator), Joe Gay, Roscoe Dorsey, Pierre Plachausi, Kim Crosby, Craig Chase, Randy Demers, John Rahill, Paul Boisvert

Call to Order: 7:02 p.m.

Public Comment: None

Additions to Agenda: None

Biennial review of Permit Compliance for the Casella Waste Management, Inc. transfer station facility located at 418 US Route 2

Mr. Gay gave an overview of the facility in East Montpelier and the people in attendance. Recent improvements:

- Replaced truck scale with new scale and office building – better traffic pattern
- Renewed solid waste certification with ANR – operating permit for 10 more years; no changes to existing permit; permitted to bring in up to 78,000 tons per year; probably closer to 50,000 tons per year

There was some discussion regarding wastewater collection in the Coventry landfill. The resulting leachate is then trucked to Montpelier that is the closest location they are permitted for. The permit is up for renewal and Casella is waiting for ANR approval. Casella is in a pilot process to remove PFAS out of the waste. If Montpelier rejects the permit, Casella will have to truck the leachate to a site in New Hampshire.

Regarding complaints about the facility, Mr. Gay has not had any complaints from the neighbors. Roscoe Dorsey and Kim Crosby as Casella employees have not heard any complaints either. Norm Hill wondered about the requirement that haulers are supposed to be tarped. Mr. Gay noted that the facility tries to make haulers comply as best as they can.

Mr. Gay noted that the town can let him know if there are any issues between now and the next annual review.

Final Plat Review of Application #21-062, submitted by Rubin Bennett

The Chair opened the hearing at 7:26pm by reading the warning: “Final plat review of Application #21-062, submitted by Rubin Bennett on behalf of The Hanger Building LLC, for a boundary adjustment to transfer 0.70 acres from The Hanger Building LLC property at 1970 VT Rte. 14 S to the Bennett Family Trust property at 80 Carleton Blvd. The boundary adjustment will result in a 2.76-acre Hanger Building parcel and a 1.80-acre Bennett Family Trust parcel. The property is located in Zone C –Residential & Commercial, where the minimum lot size is 1 acre.”

Craig Chase, the applicant’s engineer from Chase & Chase, was sworn in at 7:27pm. Mr. Bennett’s house is over the property line onto the Hangar property. The boundary adjustment would make sure that the house and driveway would be fully on the Bennett Family Trust property. The issue is with the garage behind the Bennett house, which was the subject of a variance approval in 2004. The ZBA signed off on it but it is not outside 18 feet of the property lines; it is however beyond the statute of limitations. The DRB must decide if they are okay with the situation as it is; this is post-construction approval 18 years later. The garage will never be conforming; the shed is 8’x10’ and does not have a permit and is hanging about 5’ over the property line. The neighbors do not have an issue with it as is.

Motion: I move to approve Application #21-062 as presented subject to the following condition:

- 1) The shed labeled on the approved plat as “to be removed” must be removed prior to the required filing of the mylar with the East Montpelier Town Clerk

Made: Mr. Cueto, second: Ms. Watson

Vote on Motion: Passed 7-0

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

The Chair re-opened the hearing at 7:37pm 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 Rte. 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.”

Mr. Demers and the representatives were sworn in at 7:38pm. Mr. Rahill noted that a few changes have been made to the design. Mr. Boisvert noted that the property design has been created so as to meet the state requirements for properties in the flood hazard area. The parking area will be re-designed for better traffic flow. The building expansions will be mitigated by other areas on the site. Additional flood water storage is being created on the site. The two additions will be flood-proofed, as well as the existing buildings. Flood panels will be used for the new handicap-accessible entrances to the buildings. Panels will be added to the existing garage doors.

Ned Swanberg's letter noted that the improvement currently meets about 43% of the value of the current property and anything over 50% triggers a substantial modification review. The existing residential portion of the building will become part of the expansion of the salon; there is no plan to have a residence at the building. Applicant understands that the underlying flood data is from 1977 and that data may no longer be accurate given the changing climate, with increased likelihood of more frequent and larger storms leading to greater flooding potential.

The current permit in force limits the use of the salon to 20 hours per week and this permit needs to be amended for any expanded use. The DRB discussed amending the hours of operation. Landscape and lighting plans were submitted with this permit. Mr. Rahil indicated that the lighting would be down-facing in the front of the building. The permit is requesting additional employees and longer hours on Saturday.

Motion: I move to approve Application #21-032 as presented subject to the following conditions:

- 1) The hours of operation for Demers Auto shall be from 8:00 a.m. to 5:00 p.m., Monday through Saturday
- 2) The hours of operation for the Green Mountain Day Spa shall be from 8:00 a.m. to 8:00 p.m., Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturday

Made: Ms. Watson, second: Mr. Cueto.

Vote on Motion: Passed 7-0

ZA Report/Other Business

- 5 new permits
- Chase & Chase's activity has picked up but the DRB won't see anything until after the first of the year
- Treasurer search committee was appointed by the SB; job will be advertised in January
- The Chair is concerned with attendance at DRB meetings and possibly running into quorum issues
 - Ms. Watson noted that the PC has back-ups to attend if they know in advance

Review of Minutes

September 7, 2021

Motion: I move to approve the revised minutes as presented. Made: Mr. Kappel, second: Mr. Hill

Vote on Motion: Passed 7-0

October 5, 2021

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

Vote on Motion: Passed 7-0

Motion to adjourn. Made by Ms. Watson, second by Mr. Justis. Passed 7-0. Meeting adjourned at 8:12 p.m.

Respectfully submitted by Kristi Flynn, Recording Secretary