

March 1, 2022

DRB Members Present: Steve Kappel (Chair), Kim Watson, Norman Hill, Jeff Cueto, Glenn Weyant (7:10pm), Clarice Cutler, Steve Justis

DRB Members Absent: Lauren Oates and Mark Lane

Others Present: Bruce Johnson (Zoning Administrator), Kristi Flynn (Recording Secretary), Tom Johnson, Bill Pollock, Daniel Kitchen, Craig Chase, Joseph Kiefer, Paul Cate Tim Morris, Brian Phillips, Tracy Phillips, Johannes Wheeldon, Derek from Chase & Chase

Call to Order: 7:02 p.m.

Public Comment: None

Additions to Agenda: None

Conditional use review of Application #22-004, submitted by Erika Holm

The Chair opened the hearing at 7:03 pm by reading the warning: “Conditional use review of Application #22-004, submitted by Erika Holm on behalf of the Central Vermont Humane Society, for an amendment to Conditional Use Permit 08- 047, previously amended by 15-015, to allow the installation of a shed no larger than 20’ x 24’ on the Humane Society’s property located at 1589 VT Rte. 14 S. The property is located in Zone B – Industrial.” The applicant was sworn in at 7:08pm. Erika Holm stated that the shed will be a 12’ x 20’ shed and will be a kit from Lowe’s. It will be free-standing with no electricity, used primarily for storage of crates and emergency supplies that take up a lot of space. No plan to run electricity, plumbing or exterior lighting to the building. No additional permits are needed for this application. Mr. Cueto wondered if there are any conditions related to the original permit that apply; the ZA noted that there are not.

Section 5.5 Conditional Use Standards

Section 5.5(C) General Standards

- 1) Facilities – no impact
- 2) Character of area – fits in the area
- 3) Traffic – no impact
- 4) Bylaws – n/a
- 5) Renewable energy – no effect

Motion: I move to approve Application #22-004 for the 12’x20’ shed. Made: Mr. Justis, second: Mr. Cueto.

Vote on Motion: Passed 6-0

Final plan review of Application #22-003, submitted by Joseph Kiefer & Amy Goodman-Kiefer and Terrence Youk & Ann Armbrecht.

The Chair opened the hearing at 7:14 pm by reading the warning: “Final plan review of Application #22-003, submitted by Joseph Kiefer & Amy Goodman-Kiefer and Terrence Youk & Ann Armbrecht, for a reconfiguration of the currently existing 3 parcels that comprise the former Ferrada 54-acre property located along Morse and County Roads. The proposal will create 2 lots: a 46.98-acre lot and existing home at 136 Morse Road with frontage on Morse and County Roads; and, a 7.02-acre lot and existing home at 3867 County Road with access by easement over the 136 Morse Road parcel. The existing, undeveloped third parcel will disappear. No new development is proposed. The property is located in Zone E – Agricultural/Forest Conservation District, where the minimum lot size is 7 acres”. Mr. Kiefer and representatives were sworn in at 7:15pm. Mr. Kiefer gave a quick overview of the history of the property; the last parcel of 10+/- parcel is available for sale and he would like to purchase the property to bring the full property back together. Mr. Morris gave an overview of the project and map, showing the final proposal of two lots. A back lot will have an easement for access along an existing driveway. The existing structures will comply with all setback requirements.

Motion: I move to approve Application #22-003 as presented, with the following condition, that the plat is recorded appropriately. Made: Mr. Hill, second: Ms. Watson

Vote on Motion: Passed 7-0

Sketch plan review for a proposed, by prospective purchaser Daniel Kitchen, subdivision of the Sanfacon property

The Chair opened the hearing at 7:22 pm by reading the warning: “Sketch plan review for a proposed, by prospective purchaser Daniel Kitchen, subdivision of the Sanfacon property located along Wheeler Road. The plan is to remove the existing development and create five building lots: Lot 1 of 4.18 acres with a standalone access on Wheeler Road; and, Lot 2 of 1.05 acres, Lot 3 of 1.76 acres, Lot 4 of 1.83 acres and Lot 5 of 1.24 acres, all accessed by a private development road off Wheeler Road. The property is in Zone C, the Residential and Commercial District where the minimum lot size is 1 acre plus 150 feet of road frontage.” Mr. Chase wanted to come to the board early in the process, particularly finding out what the board would like regarding the private road. A 60’ ROW will be created for the road. The first two houses will be accessed from the road and the last two houses via a shared driveway. Mr. Cueto questioned if the proposed turnaround is sufficient for emergency vehicles; the Chair suggested that the applicants check in with the Fire Chief. There are some wetlands at the bottom of the property and the development is planned away from that area. There are some slopes that will need to be addressed. Mr. Chase noted that there are a number of tractor trailers on the property that will be disposed of properly by the applicants. Ms. Watson wondered if there will be easements across the lots for the wastewater systems; Mr. Chase noted they are all mound systems. Lots 1 and 2 will need small easements on Lot 3; Lot 5 will need a small easement on Lot 4. The easement size will be removed from the acreage of Lots 3 and 4.

Mr. Wheeldon is the president of the area association and some concerns revolve around the character of the neighborhood changing; this proposal would double the number of houses on the road. There is concern with the increased water use with five new wells. The last concern is around an increase in traffic, will be increased with a doubling of housing. The maintenance of the road is an annual discussion. Mr. Cueto asked the ZA to confirm that the town road ends at the turnaround at Lot 1. The snow is plowed into the slot beside Lot 1; that will have to be part of the development plan. Mr. Cueto wondered if there is any concern with contamination on the property; most of the trailers are filled with tools and other dry storage, per Mr. Kitchen. Mr. Chase reported that any well designs need to go through the Agency of Natural Resources and 100’ is considered physically isolated. Mr. Johnson was a past neighbor (his son owns the property now) and was wondering if the applicants have spoken with the neighbors yet. There is an existing 25’ ROW across the Sanfacon property for the Johnson property; the ROW ends a little into Lot 5.

Mr. Hill wondered if any thought was given to the Class 4 trail that connects with Codling Road; Mr. Kitchen does not plan to make any changes to that ROW. Mr. Pollock is an abutting neighbor; he would like to hear about the development going forward. He wondered how the trees in ROWs are maintained and how they are handled in the regulations. Mr. Cate asked if the trees are in the ROW; Mr. Pollock believes that they are. Mr. Cate stated that the town has jurisdiction within the ROW on town roads; this situation is best treated amongst the neighboring landowners. The ZA noted that the Class 4 trail retains its 3-rod wide ROW. Mr. Kitchen noted that the intention is to leave as much of a visual screen at the road as much as possible; they would like to keep or add screening for privacy between the properties, as well. Mr. Kitchen is a design builder and the plan is to include building plans for each lot as they are sold; his company will build the houses. They do not plan to drill wells or build septic systems. Mr. Wheeldon was still concerned with construction action happening over the next 10 years. The building designs are for up to a four-bedroom house with a two-car garage for each lot. Mr. Kitchen will own the trailers as part of the sale; they intend to sell the contents and clear the property of the trailers. The plan is to develop something nice that fits in with the character of the neighborhood. Any solar panels would be on the part of the new landowner; Mr. Hill mentioned having an array for the entire parcel; Mr. Kitchen is open to the possibility. Mr. Cueto asked if the fence will remain until the trailers are gone; Mr. Kitchen noted that part of the fence is attached to one of the trailers; some of the trees have grown up over time.

The ZA stated that there is an outstanding judgement order on the property and Mr. Kitchen needs to make sure he follows that order when removing the trailers.

Sketch plan review for a proposed boundary reconfiguration

The Chair opened the hearing at 8:12 pm by reading the warning: “Sketch plan review for a proposed boundary reconfiguration between the residential property of Brian & Tracy Phillips, 2075 VT Rte. 14 S, and the commercial property of Wheeler Development LLC, 2045 VT Rte. 14 S. The plan is to shift 10.62 acres to the Phillips’ property, resulting in 2075 VT Rte. 14 S having 21.6 acres and 2045 VT Rte. 14 S having 1.99 acres. Both parcels retain their existing, conforming road frontage. The property is in Zone C, the Residential and Commercial District where the minimum lot size is 1 acre plus 150 feet of road frontage.” Mr. Chase noted that the applicants would like to reduce the size of the commercial property. The ZA sent this to a sketch review because the commercial lot is decreasing by 85% and had a contentious development history. If the DRB is comfortable with this, the ZA is fine with treating this as a normal boundary adjustment. The ZA noted that the problem is with the cut-through near the oil storage that he believes should not be used for commercial traffic. The Chair does not have any problem with a reduction of this size. All of the commercial traffic will occur on the smaller commercial

lot. Ms. Phillips noted that the small cut-through is not used by the business; the Phillips are the only ones who use it between their house and the business. There is no business use for that road. Ms. Watson wondered if there was anything concerning the oil tanks and reducing the size of the property. The oil tanks are generally south on the property and the boundary adjustment won't affect this storage area.

Ms. Phillips noted that their children use the property and they thought it was best to make it part of their personal property. There are two sheds on the property that do not have setback issues. The DRB decided by consensus that the ZA can simply execute a boundary adjustment.

Review of Minutes

December 7, 2021

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

Vote on Motion: Passed 7-0

ZA Report/Other Business

- 6 new permits
- AllTogetherNow will have an engineered site plan next time they come before the DRB. They are planning to add some farming to their curriculum and adding classrooms to the new barns. The wastewater issue is something they need to work on.
- More potential for new construction in town since 2008-2009, though many people are having trouble getting contractors

Motion to adjourn. Made by Ms. Watson, second by Mr. Hill. Passed 7-0. Meeting adjourned at 8:36 p.m.

Respectfully submitted by Kristi Flynn, Recording Secretary