

Minutes of the East Montpelier Development Review Board

Approved 09/06/22

August 2, 2022

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

DRB Members Absent: Lauren Oates

Others Present: Tyson Brown (Zoning Administrator), Gina Jenkins (Town Administrator), Deirdre Connelly, Robby Porter, Marc Fontaine, Ford Porter, Sylvia Jewett, Jon Jewett, Carl Etnier, Daniel Kitchen, Kim Swasey (zoom), Craig Chase (zoom), Timothy Morris (zoom), David Kitchen (zoom), Barclay Johnson (zoom), Jonnie Dunne (zoom), Bill Pollack (zoom)

Call to Order: 7:04 p.m.

Public Comment: None.

Additions to Agenda:

ZA Brown asked to add an informal presentation to the meeting agenda for Robby Porter and Marc Fontaine to discuss two ideas with potential flood plain issues. Chair Kappel said an informal presentation wouldn't be appropriate for this meeting and will discuss the steps for these projects with ZA Brown after the meeting.

Final plan review of Application #22-028, submitted by Kitchen Sync Holdings LLC

Chair Kappel opened the hearing at 7:10 p.m. by reading the warning: "Final plan review of Application #22-028, submitted by Kitchen Sync Holdings LLC, for a subdivision of its 11-acre property located on Wheeler Road. The proposal will create 4 lots: Lot 1 of 1.44 acres with 236 feet of Wheeler Road frontage; Lot 2 of 4.77 acres and 151 feet of Wheeler Road frontage; Lot 3 of 1.80 acres; and Lot 4 of 3.03 acres. Both Lots 3 & 4 are accessed by easement over Lot 1. The property is in Zone C – Residential/Commercial where the minimum lot size is 1 acre plus 150 feet of road frontage."

Ms. Watson noted she had a potential conflict of interest as she lives in a household of an abutting landowner to the property. She said she does not have a potential financial loss or gain by either vote on this subject. Mr. Etnier stated he believes the correct act is for Ms. Watson to recuse herself. Ms. Watson recused herself. Mr. Hill recused himself.

Daniel Kitchen, David Kitchen, and Timothy Morris were sworn in at 7:14 p.m. Mr. Cueto noted that a letter and an email from Mr. Wheeldon and Ms. Suiter were submitted regarding this development. Concerns were raised in both documents about sections of the LUDR and Mr. Cueto noted that the application is for a subdivision, not a development that is subject to a conditional use review, and so the sections in Article 5 noted in the letters do not apply to this project. Ms. Watson noted that in regard to environmental impact, the project has lowered the number of lots from five to four and includes plans for stormwater.

Mr. Cueto quoted the standards in Section 6.7(A) regarding the "character of the neighborhood" and the board discussed the phrase "character of the neighborhood" and the intent behind it in the LUDR. In the case of this subdivision, it is in an area with several nearby houses and calls for construction of four

houses, so it does not seem to alter the character of this particular neighborhood. Mr. Cueto made the point that any construction or even sale of property has the potential to alter the character of a neighborhood. He also noted that the plans for the subdivision would make only two houses visible from the road and the plans include a barrier between the houses and road, further reducing visibility.

Mr. Hill asked if there were plans for agreements or a homeowner's association within the subdivision. Mr. Kitchen said no, the only plans are for easements for the two driveways. Chair Kappel noted that for a subdivision of this size, restrictions on work hours seem unreasonable. He also noted that all conditions from the DRB have been met on this project.

Motion: I move to approve application #22-028 as submitted. Made by Mr. Cueto, second by Mr. Lane. Passed 6-0. Ms. Watson and Mr. Hill abstained from the vote.

Chair Kappel noted that Mr. Wheeldon has 30 days to appeal to the environmental court.

Preliminary plan review for a proposed subdivision of the Jewett/Vaillancourt property located at 130 Quaker Road and along McKnight Road.

Chair Kappel opened the hearing at 7:50 p.m. by reading the warning: "Preliminary plan review for a proposed subdivision of the Jewett/Vaillancourt property located at 130 Quaker Road and along McKnight Road. The proposal is for a 2-lot subdivision: Lot 1 of 6.5 acres and Lot 2 of 3.6 acres. 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. Jewett and Ms. Jewett were sworn in at 7:52 p.m.

Chair Kappel noted that this is a two-lot subdivision and that the sketch plan review is complete. The final plat has been submitted. Ms. Watson asked if Mr. Jewett has any plans for the second lot. Mr. Jewett said he doesn't at the moment, but the wastewater plan has been designed and approved.

Review of Minutes

The board reviewed the June 21, 2022 minutes and noted a few names needed to be corrected. TA Jenkins will look up the correct names and board will review the revised minutes at the September meeting.

ZA Report and Other Business

ZA Brown said that everything has been fairly simple so far, most of what he has reviewed has involved simple porch extensions and decks. He and Chair Kappel decided that for future meetings ZA Brown will send a draft of the warnings before posting to ensure everything is correct.

Ms. Cutler asked if the board felt it would be valuable to bring an attorney onto the board to help with writing decisions. Mr. Justis noted that a vacancy would need to open up in order to add someone. Ms. Watson suggested that a local attorney could always attend meetings as a member of the public and provide input that way. Mr. Cueto suggested that ZA Brown read past decisions and use them as a model. He also noted that the board gets few appeals on decisions, so there does not seem to be a great need for an attorney to help draft them.

Motion to adjourn. Made by Mr. Hill, second by Mr. Lane. Passed 8-0. Meeting adjourned at 8:18 p.m.

Respectfully submitted by Deirdre Connelly