

Minutes of the East Montpelier Development Review Board

Approved 6/6/23

February 7, 2023

DRB Members Present: Steve Kappel, Norman Hill (zoom) Steve Justis (zoom), Glenn Weyant (zoom), Kim Watson (via zoom)

DRB Members Absent: Lauren Oates, Mark Lane, Jeff Cueto, Clarice Cutler

Others Present: Tyson Brown (Zoning Administrator), Todd Hill, Marc Fontaine, Timothy Morris (zoom), Dana Ayer (zoom), Clara Ayer (zoom), Thomas Brazier (zoom)

Call to Order: 7:03 p.m.

Additions to Agenda: None.

Public Comment: None.

Preliminary and Final plan review of application #22-080, submitted by Dana & Clara Ayer

The Chair opened the hearing at 7:04 pm by reading the warning: “Preliminary & Final plan review of application #22-080, submitted by Dana & Clara Ayer, for a proposed subdivision creating a building lot from Tax Map Parcel #05-00-30.000 and Tax Map Parcel #05-00-47.100. The Parcels in question lie on both sides of Foster, Sibley, and Putnam Roads. The proposed single family residential building lot of 11.90 acres has 955 feet of road frontage on Foster Road and is comprised of 7.54 acres of Parcel #05-00-30.000 and 4.36 acres of Parcel #05-00-47.100. Approximately 193 acres will remain with Parcel #05-00-30.000 and approximately 148 acres will remain with Parcel #05-00-47.1000. The proposed lot lies in Zone E the Agricultural/Forest District having a minimum lot size of 7 acres and a minimum road frontage of 350 feet.”

Timothy Morris, Dana Ayer, and Clara Ayer were sworn in at 7:06 pm. Mr. Morris explained that the applicants are looking to create a new building parcel that happens to come out of two different tax map parcels. They plan to build a house with onsite septic and water. The property line on one side will be an offset to an existing farm road and a brook on the other side. Mr. Ayer added that they intend to have the driveway cross off Foster Road onto the upper part of the parcel and are aiming to build a home of approximately 4,700 square feet.

Chair Kappel asked if ZA Brown had anything to add; he did not. Chair Kappel asked if the board members had any questions; there were none.

Motion: To accept the preliminary and final plan for application #22-080 as submitted. Made by Mr. Justis, second by Mr. Norman Hill. Passed 5-0.

ZA Brown will get the decision written up and mailed out to the applicants in the next week.

Preliminary and Final plan review of application #22-079, submitted by Thomas & Ann Brazier

The Chair opened the hearing at 7:10 pm by reading the warning: “Preliminary & Final plan review of application #22-079, submitted by Thomas & Ann Brazier, for a proposed Boundary Line Adjustment (BLA) and Subdivision creating a new parcel of land from the existing farm, Parcel #05-094.000. The new proposed parcel, Lot 1, will contain the original farmhouse and two outbuildings. The proposed BLA

will add 1.62-acres from Parcel # 05-095.000 also owned by the applicants to proposed lot 1 of 1.39-acres, creating a conforming lot of 3.01-acres with 315 feet of road frontage. The property in question is in Zoning district D, the Residential/Agricultural District where the minimum lot size is 3-acres and has a minimum road frontage of 250 feet.”

Thomas Brazier was sworn in at 7:11 pm. Mr. Brazier explained that he plans to transfer a piece of his acreage to the farm to make it a conforming lot. Chair Kappel asked if there were any questions from the board. Mr. Justis asked Mr. Brazier to clarify if this application is for a transfer of land between two parcels and Mr. Brazier explained that it is. Mr. Brazier added that all permits are in place, including wastewater permits. Chair Kappel asked if there were any more questions; there were none.

Motion: To accept the preliminary and final plan for application #22-079 as submitted. Made by Mr. Weyant, second by Ms. Watson. Passed 5-0.

ZA Brown will get the decision written up and mailed out to the applicants in the next week.

Site plan review of application #23-002, submitted by Fontaine Meadows LLC

The Chair opened the hearing at 7:15 pm by reading the warning: “Site plan review of Application #23-002, submitted by Fontaine Meadows LLC, for a 24’ by 40’ retail farm store with an off-street parking area. An Accessory Dwelling Unit will accompany the farm stand with a wastewater system and potable water servicing both the farm stand and ADU. The property in question is located on US RTE 2, Map ID # 21-53- 37.000. The property is in Zoning District C – Residential/Commercial, where all permitted uses must receive site plan approval by the Development Review Board in accordance with Section 5.4 of East Montpelier Land Use & Development Regulations”

Todd Hill and Marc Fontaine were sworn in at 7:16 pm. Mr. Todd Hill explained that he did the engineering for this project and prepared the plans. The 45-acre property has access already built at the road with a large gate; the application proposes a farmstand on the lower part of the land and a house on the upper plateau. The farmstand and house will share water, wastewater, and a driveway. Additional parking will be available at the farmstand. Chair Kappel asked how Mr. Todd Hill got the state to change their mind about the river corridor map. Mr. Todd Hill explained that he read the findings and took issue with the map as it was drawn. The state agreed that the original determination didn’t appear to be based on site-specific features and so they changed the corridor map based on the actual topography of the site.

Chair Kappel asked ZA Brown why the application listed an accessory dwelling unit (“ADU”). ZA Brown explained that the plans changed a few times and the ADU is from an earlier version. The application should read primary dwelling, not accessory dwelling.

Chair Kappel asked if ZA Brown knew of any reason the commercial and residential buildings couldn’t be on the same lot. ZA Brown said he found nothing in the regulations that would prohibit this arrangement in this district.

Chair Kappel asked if board members had any questions. Ms. Watson asked for the status of the water and wastewater permits. Mr. Todd Hill explained that the plans are designed, but he has not applied for the permits yet. He added that he plans to submit for those permits after this meeting and that it is not unusual in other towns to receive conditional approval when permits were not included with an application.

Chair Kappel asked if there were any further questions. Mr. Justis asked if the DRB would see any more plans before construction begins on the project; he was interested to see what the building would look

like. ZA Brown had photos available in the meeting room but not in the packet. He showed the photos to the zoom participants. Mr. Justis said the building images looked fine to him.

Chair Kappel asked if there were any other questions. Ms. Watson asked if the applicants had gone before the Selectboard to get approval for the curb cut. ZA Brown noted that the curb cut had already been approved. Mr. Weyant quoted the last paragraph of the letter from Sacha Pealer: “If additional stream geomorphic data becomes available, ANR may further update this river corridor map in the future.” Mr. Weyant asked if there was a possibility that the project could once again fall in the river corridor if ANR made further updates. ZA Brown explained that ANR amended the maps because it was clear they weren’t well mapped in the first place.

Ms. Watson asked for more information about the driveway. Mr. Todd Hill explained that it follows an existing farm road, skirting the river corridor to continue up to the house site.

Chair Kappel asked if there were any other questions; there were none.

Motion: To approve application #23-002 with the condition that all other necessary permits be obtained before construction begins. Made by Chair Kappel, second by Ms. Watson. Passed 5-0.

ZA Brown will get the decision written up and mailed out to the applicants in the next week.

Review of Minutes

The board reviewed the December 6, 2022 minutes.

Motion: To accept the December 6, 2022 minutes as presented. Made by Mr. Norman Hill, second by Ms. Watson. Passed 5-0.

ZA Report and Other Business

The board reviewed the permit report; there were no questions.

Motion to adjourn. Made by Ms. Watson, second by Mr. Justis. Passed 5-0. Meeting adjourned at 7:44 p.m.

Respectfully submitted by Deirdre Connelly