

Development Review Board Minutes  
Town Office New Haven, Vermont  
August 15, 2016

**ORIGINAL**

**Members Present:** Kathy Barrett, Tim Bouton, Donald Johnston, Mike Sweeney  
**Alternate Present:** Tom Fyles

**Members Absent:** Carol Charbonneau, Susan Smiley  
**Alternates Absent:** Victor Bolduc

**Staff:** Dave Wetmore, Zoning Administrator & Karen Gallott-Minute Taker

**Guests:** Ryan Miller, Nicole Burke, Deborah Young, Gardner Marriam, Gail Regan

Kathy Barrett, Chair, called the Development Review Board (DRB) meeting to order at 7:00 PM.  
Tom Fyles, Alternate will be a voting member tonight.

There were no adjustments to the agenda.

**Visitors Business** – none

**Public Hearings:**

*a) Application #2016DRB-09-HB (Home Business) is an amendment to existing home business approval #2016DRB-02-HB pursuant to section 504.B; by Nicole Burke and Ryan Miller, parcel #0704-200.*

Applicants would like to install a 700 sq ft yurt. Some workshops would best be held in the yurt and some workshops are better held in the 1,200 sq ft Pole Barn. Applicants are proposing an either or situation – if the yurt is being used; the pole barn would not be in use and vice versa. Applicants are not planning on reducing the 1,200 sq ft usage of the Pole Barn and are not looking to use 1,900 sq ft simultaneously.

The Yurt would be used for yoga, meditation. Location of the Yurt is at the same location as previously mentioned on the earlier application and is approximately 90 feet from the river. The yurt is located in a flood hazard district and the platform of the yurt would be 3 feet off the ground.

The applicants would like to address building usage on a case by case event. Concern was expressed on how would the Zoning Administrator (ZA) be able to enforce this scenario. The ZA indicated that enforcement would have to be on the honor system.

Section 504, B – Home Businesses are allowed in an accessory building of up to 1,200 sq ft. The regulations are not clear if that is for the use of one building or for the use of two buildings one at a time. The DRB will have to define an interpretation.

DRB members were in consensus that there were two separate issues at stake: (1) Can the yurt be constructed and (2) if it can be constructed, can it be used for the previously approved home business. Bouton indicated that he thought the location for the yurt should be looked at in reference to the surveyor's (Tim Short) letter which indicates the yurt site is within the flood hazard district at flood plain height; and as such, the DRB should review the yurt as it relates to the flood plain regulations.

Bouton made the motion that the location of the yurt is within the flood plain and that it should be looked at under Article #9 Flood Area Regulations to determine whether it can be constructed, based on the letter from surveyor Tim Short.

Sweeney seconded

Discussion – none

Vote: Yes – 5 (Barrett, Bouton, Fyles, Johnston, Sweeney)

No – 0

Abstention – 0

Motion carries

Bouton read out loud Article #9. Hence brought up the discussion on how the yurt and the platform for the yurt was attached.

Platform is sitting on pier blocks which are sitting on cement pads

The platform is not tied down to the cement pads

There will be no water or septic at the yurt

Yurt will be properly insured

There may be solar power or batteries to provide electricity

DRB indicated the applicants need to address and do the following:

Anchor the platform securely to sonatubes

If there is solar or battery power this must be elevated above or at floor elevation

The platform is to be located three (3) feet off the ground

In case of an emergency; applicants will have an evacuation plan

Bouton made the motion that the yurt meets the requirements for construction in the flood plain with the following conditions:

- DRB receives a statement from a certified engineer that the yurt and platform are adequately secured in case of a flood.
- The State renders a positive decision within the 30 days of submission of the report to the State.
- Any and all utilities (septic/electric) constructed are elevated at or above base flood elevation or at a minimum 264 feet
- An adequate evacuation plan be in place
- Floor elevation of the platform to be no less than 263.9 feet

Fyles seconded

There was no more discussion on the location of the yurt.

Vote: Yes – 5 (Barrett, Bouton, Fyles, Johnston, Sweeney)

No – 0

Abstention – 0

Motion carries

The DRB now looked at the home based business within the yurt.

- The applicants had no change to parking from their previous decision
- Applicants are proposing to use one structure (the pole barn or the yurt) at a time depending on the structure of the workshop(s) be held

**Open for Public Comment:**

Gail Regan

- Asked about item #9 on Nicole Burke's list (truck and customer traffic); is there a maximum number of people to be on site?
- She had no objection to the yurt

Gardner Marriam

- Noise levels are a concern

- Concerned that the DRB's interpretation of use of the pole barn either/or the yurt may be opening a can of worms

#### **Public Comment Closed**

Sweeney made the motion to approve the home based business site amendment so that the applicants can use either/or the pole barn or the yurt but not simultaneously for the purposes as previously approved with all conditions attached as previously approved.

The applicant's want to reserve the right to alternate the use of either/or (pole barn or yurt) within the same day.

Bouton seconded

Discussion – Johnston doesn't feel that this motion violates #4 of the home business, but feels that it is stretching the interpretation

Vote: Yes – 4 (Barrett, Bouton, Johnston, Sweeney)

No – 0

Abstention – 1 (Fyles)

Motion carries

Bouton made the motion to continue application #2016DRB-09-HB to the next scheduled DRB meeting on September 19, 2016.

Sweeney seconded

Discussion – none

Vote: Yes – 5 (Barrett, Bouton, Fyles, Johnston, Sweeney)

No – 0

Abstention – 0

Motion carries

#### **Public Hearing Ended**

#### **Sketch Plan Reviews – none**

#### **DRB Business**

##### **1. Minutes**

There were not enough DRB members present to approve the August 1, 2016 DRB minutes.

##### **2. Review and Sign Decisions**

###### *a) Cousino home business #2016-DRB-10-HB*

Bouton made the motion to approve the Findings and Decision as presented with the three (3) DRB members that are present tonight and that a missing fourth DRB member (Charbonneau or Smiley) will approve and sign at a different future time.

Barrett seconded

Discussion – none

Vote: Yes – 3 (Barrett, Bouton, Sweeney)

No – 0

Abstention – 2 (Fyles, Johnston)

Motion Carries

###### *b) Heffernan 2-lot subdivision #2016DRB-05-SD*

Fyles made the motion to approve the Findings and Decision as presented with the three (3) DRB members that are present tonight and that a missing fourth DRB member (Charbonneau or Smiley) will approve and sign at a different future time.

Bouton seconded  
Discussion – none  
Vote: Yes – 3 (Barrett, Bouton, Fyles)  
No – 0  
Abstention – 2 (Johnston, Sweeney)  
Motion Carries

**3. Review for Compliance and Sign Final Plats – none**

**4. Correspondence – none**

**5. New Business – none**

**6. Old Business – none**

Bouton made the motion to adjourn  
Fyles seconded  
Discussion – none  
Vote Yes – 5 (Barrett, Bouton, Fyles, Johnston, Sweeney)  
No – 0  
Abstention – 0

The meeting was adjourned at 9:05 PM

Respectfully Submitted By  
Karen Gallott



Kathy Barrett, Chair



Tim Bouton, Vice Chair



Donald Johnston, Clerk



Mike Sweeney

Tom Fyles