

**Development Review Board Minutes
Town Offices, New Haven, Vermont
December 16, 2013**

Members Present: Kathy Barrett, Tim Bouton, Jim Gallott

Members Absent: Donna Blaise, Steve Dupoise, Donald Johnston, Mike Sweeney

Alternate Present: Victor Bolduc

Staff: Zoning Administrator-Dave Wetmore

Visitors: Carole Hall, Joel Wollum, Matt Schlein, Jackie Schlein, Suzanne Loker,
Tom Fyles, Mary Kellington

Tim Bouton, Chair called the Development Review Board (DRB) to order at 7:00 PM. Bolduc will be a voting member this evening.

Visitors Business – none

Public Hearing

1. Application 2013DRB-10-NCS (non-conforming structure). Request to rebuild non-conforming single family home that was destroyed by fire. Continued from 12/2/2013.

There was discussion amongst the applicants, guests and the DRB regarding the lack of board members present tonight and if the applicants wanted to proceed with the hearing or reschedule for a different date. It was decided to proceed with the hearing tonight.

Matt Schlein gave a background review of their application and read the Schlein's letter to the DRB dated Nov. 8, 2013 (attached). Schlein indicated that they have been asked to address Section 512 specifically #2 – non-conforming uses. A building permit has been issued and rebuilding of the residence has begun.

Zoning Administrator (ZA) Wetmore presented the history. When Schlein's presented their request for rebuilding the residence, the ZA issued a building permit for a conforming structure because it was thought that it met all the setbacks all the way around. The ZA based his information on a site plan by Vermont Contours that was not as accurate as depicted. The Schlein's lot is an internal lot, same as the other surrounding parcels, and setbacks for internal lots are the same as the front yard setback for anything that fronts on a main road – 100 Feet. It was later into the fall when ZA realized that the new structure as well as the old structure, didn't comply with the setbacks.

Joel Wollum indicated that an existing 24 x 24 one and a half story garage on the applicant's property was converted into a cottage for the Schlein's while the residence was being rebuilt. This conversion of the garage with additions to the septic system (State approved) was done with previous maps by Spencer Harris. It was assumed by everyone related to the rebuild that the setback was 100 feet.

DRB Chair looked at Section #513 #1 which applies to places that have been damaged or destroyed and an applicant is allowed to replace in that size and in that location with approval from the DRB

Opened for Public Comment

Carole Hall the closest neighbor to the Schlein's. The Schlein's rebuilt residence is taller than the original house and is turned on the old foundation, thus making the new house look closer to the boundary line than it originally was. She mentioned concerns about losing her privacy and especially is concerned with the location of the proposed sun porch if located on the south side, of on the Schlein's residence. Hall would like to see the proposed sun porch moved to the west side of the Schlein's residence.

Hall indicated the Schlein's have offered to replant trees and shrubs that were torn down during construction or destroyed by the fire. Hall is concerned that if the property were to be sold there is no reason the new owners would want to keep these trees and plantings.

Hall indicated she would be willing to have the ZA and the DRB come out for a site visit.

Joel Wollum explained that the mass of the house looks larger because it is a two story and less square footage, whereas the original house was one story and more square footage. Vegetation around the house that was destroyed by the fire or by the construction the Schlein's restore this. As for the septic the old septic will be used with new lines from the residence and the cottage. There will be no changes to the leach field.

Mary Kellington indicated that they had planted trees years ago because it did feel too exposed. She feels the Schlein's is very private ones doesn't really see lights or hear noise from the Schlein's

Tom Fyles abuts the property. He asked if the focus of Carole Hall's house is to the south so she won't look out of her house and see the Schlein's. She would only see the Schlein's when driving up the road.

Carole Hall indicated that as she walks out of her house she sees the Schlein's house and when she accesses her wood she can see right into the Schlein's house.

The Schlein's will plant firs, spruce, evergreens, etc. and this will soften the exposure of their residence.

The ZA indicated that the building permit did include the sun room but not in the configuration presented tonight. Joel Wollum indicated the proposed sun porch would be 10 feet out and 12 feet along the side of the building.

There was extensive discussion regarding the size and location of the proposed sun porch.

- The Chair would like to see accurate and real measurements from the boundary line to the corners of the proposed sun porch.
- Gallott felt the main house falls under the replacement. But would like precise measurements from the boundary line for the proposed sun porch.
- Barrett indicated that there is nothing indicating the fence is a boundary line. Or does the fence parallel the boundary line. Hall indicated 7 years ago Ken Weston mentioned the fence maybe on her property.

Gallot indicated that a site visit would be beneficial. It was agreed by the Schlein's and Hall that would be acceptable.

Barrett made the motion to continue this hearing to the January 5, 2014 scheduled meeting of the DRB with a group site visit on Saturday, December 21, 2013 at 9:00 AM.

Bolduc seconded

Discussion – The ZA will notify the absent board members of this site visit.

Vote: Yes – 4 (Barrett, Bolduc, Bouton, Gallott)

No – 0

Abstention – 0

Motion carries

Public Hearing closed at 8:27 PM

DRB Business

1. Sketch Plan Reviews – none

2. Minutes

- November 18, 2013 & December 2, 2013 – there were not enough board members present tonight to vote on the November 18th and December 2nd minutes.

3. Review and Sign Decisions – none

4. Review for Compliance and Sign Final Plats – none

5. Correspondence – none

6. New Business

- *Mike Lee-appeal of ZA Notice of Violation hearing on 1/20/2014.*

Lee's attorney Eben Punderson has been in contact with the DRB and has submitted an appeal. The ZA will be meeting with our Town Attorney and Lee's Attorney on January 9, 2014.

7. Old Business

- *Dingler Holdings LLCM Site Plan Review continuation on 1/6/2014.*

Gallott made a motion to adjourn

Barrett seconded

Discussion – none

Vote: Yes – 4 (Barrett, Bolduc, Bouton, Gallott)

No – 0

Abstention – 0

Motion carries

The meeting was adjourned at 8:35 PM

Respectfully Submitted By

Karen Gallott



Tim Bouton, Chair



Kathy Barrett



Jim Gallott, Vice-Chair



Victor Bolduc