

**Development Review Board Minutes
Town Office New Haven, Vermont
September 16, 2019**

Members Present: Paul Audy, Kathy Barrett, Carol Charbonneau, Tom Fyles, Donald Johnston (by phone), Susan Smiley
Members Absent: Charlie Roy
Staff: Karen Gallott-Minute Taker
Staff Absent: Aaron Brown-Town Administrator/Zoning Administrator
Guests: Rita Booska, Fred Sargent, John VanHoesen, Ralph Farnsworth, Kevin Brown, Esq., Lonie Parker, Roger Hamilton, Steve Delphia, Steve Dupoise, Marcia Dupoise, Don Paul

Kathy Barrett, Chair called the Development Review Board (DRB) meeting to order at 7:00 PM.

Adjustments to the Agenda - none

Visitors Business – none

III. Hearing - #2019-DRB-07-SP – Site Plan Amendment for Lonie Parker d/b/a/ Porky's Barbeque, 7404 Ethan Allen Highway.

DRB Chair Barrett, mentioned for this site plan there is an appeal to the Zoning Administrator's (ZA) Notice of Violation. The appeal will be warned for October 7, 2019 and the most expeditious way would be to continue tonight's hearing to the October 7, 2019 DRB meeting at 7:00 PM.

Barrett made the motion to continue the hearing **#2019-DRB-07-SP** to October 7, 2019 at 7PM and to handle the Notice of Violation and the Site Plan at the same time.

Fyles seconded

Discussion:

- no further discussion from the Board
- Kevin Brown, Esq. representing Rite Booska. Indicated the continuation made sense. Brown was unsure of the ZA's original warning letter to the actual Notice of Violation reduction in issues and assumed were in part due to the request of amendment. Barrett – the Amendment came after Notice of Violation was issued. Kevin Brown is interested to learn of the differences between the warning letter and the actual Notice of Violation. Barrett suggested Kevin send an email to the ZA requesting clarification.

Vote taken by roll call: 6 in favor.

The hearing is continued to October 7, 2019 and the hearing and Notice of Violation will be held at that time.

IV. Sketch Plan Review - #2019-DRB-10-SK – Sketch Plan to review two-lot subdivision of Donald Paul at 307 Otter Creek Highway.

Donald Paul was not present at the time of this review.

Barrett described the Paul's proposal. The Paul's currently own 10 acres (parcel 0296-200) located at 307 Otter Creek Highway in the RA5 district. They would like to subdivide the property into Lot #1 for 5 acres and Lot #2 for 5 acres. Each lot would have the required road frontage. There is adequate depth to meet the zoning requirement. Lot #1 would have an easement for the driveway to Lot #2. The Paul's have provided a sketch plan showing what they would like to accomplish.

The DRB tonight will need to decide if this is a minor or major subdivision.

Smiley asked for a definition of the difference for a minor or major subdivision.

Fyles asked about wastewater. Wastewater siting and regulations are determined by the State.

Charbonneau made the motion to accept sketch plan **#2019-DRB-10-SK** as a minor subdivision.

Fyles seconded

Discussion – none

Vote taken by roll call: 6 in favor.

Don Paul did appear at 7:30 after the vote was taken.

V. Hearing #2019-DRB-08-BLA – Boundary Line Adjustment for Ralph Farnsworth, 1051 North Street.

Donald Johnston recused himself, as he is representing Ralph Farnsworth.

Johnston presented and indicated that by completion of this project, this would be a 2-part process. Tonight, the DRB would be looking at part 1 which is a boundary line adjustment (BLA).

Farnsworth currently owns (Parcel 0161) at 115 North Street located at the corner of North Street and Quarry Road. He would like to do a boundary line adjustment taking the existing 2 acres that includes his residence and garage and expanding it into 4 acres. The 4 acres would include his current residence, garage and two outbuilding located to the north and a shed located to the west.

The BLA would correct:

road frontage for a 2 acre lot that is not in compliance with current regulation
existing boundary line which currently runs through two outbuildings

There are a couple of porches on the apartment building that do not meet the 25-foot side setback and Farnsworth is asking for a variance. The DRB is also being asked to consider: (1) the proposed 10-foot water line easement, (2) an access easement over the paved drive for the apartment dwellers to access the apartment building.

Farnsworth owns a remaining 54+/- acres. Septics for the apartment building are north of the apartment building and the house septic is located directly behind house and garage. There are 2 wells for the apartment building and 1 well for the Farnsworth's house. The proposed BLA would not affect these systems.

Barrett read Section #342 of the regulations for granting a variance. All 5 items for granting a variance must exist. The problem is the porches on the apartment building are too close to the proposed boundary line. Barrett asked if there was a way to safely access the apartments without a porch. Farnsworth indicated that each apartment has 2 accesses, the porches would have to be replaced by steps; the porches have been in existence for a very long time and he doesn't want to remove them.

The BLA would include Farnsworth's buildings that are not associated with the apartments. Farnsworth wants to divide the apartments off from his land. Johnston indicated; without the BLA it would be hard to subdivide the apartments off because the existing 2 acre boundary line goes right through the outbuildings.

There was discussion that granting a variance would set precedence in the future. Smiley indicated a variance must comply with all 5 standards. Johnston indicated that every situation is different. Now we are trying to fix a problem. Charbonneau felt the variance should be approved. Fyles felt a BLA is a development. Johnston indicated Farnsworth is not looking to do future developments or new buildings.

Audy made the motion to approve the boundary line adjustment for **2019-DRB-08-BLA** as presented

Smiley seconded

Discussion – none

Vote taken by roll call: 5 in favor – Johnston abstained.

Fyles made the motion to close the hearing on **2019-DRB-08-BLA**.

Charbonneau seconded

Discussion – none

Vote taken by roll call: 5 in favor – Johnston abstained.

VI. Hearing #2019-DRB-11-SP – Site Plan for Steve Dupoise/Ethan Allen Highway Storage, 229 Ethan Allen Highway to construct a 30'x150' storage unit and a 30'x120' storage unit.

Donald Johnston recused himself – historically he has done work for Dupoise in the past.

Dupoise corrected the size of the proposed units to: 30' x 151' and 30' x 121'.

Proposed buildings are north of existing storage buildings and after construction the closest building will still be approximately 120+ feet from Route 7. Stormwater drainage was discussed and Dupoise mentioned there are green spaces between building and 3 ponds on site to collect stormwater. Dupoise has talked with the state regarding wetlands; there will be no effect to any wetlands.

Dupoise will move the existing trees (that are in the area where the proposed buildings are to sit), closer to Route 7 for landscaping. Proposed buildings will look like the existing buildings and will have down shielded lighting.

Dupoise has submitted Act 250 paperwork hoping for permission by middle to end of October. The plan is to build one building and the concrete pad poured for the next building this fall; with completion of this building in spring 2020. Barrett mentioned that building cannot begin until November 7th.

Fyles made the motion to approve the site plan **2019-DRB-11-SP** as presented with the change in buildings to 30 x 151 feet and 30 x 121feet. With the conditions: approval on ACT 250 and all state permits that are required.

Charbonneau seconded

Discussion – none

Vote taken by roll call: 5 in favor – Johnston abstained.

Smiley made the motion to close the hearing for **2019-DRB-11-SP**.

Charbonneau seconded

Discussion – none

Vote taken by roll call: 5 in favor – Johnston abstained.

Smiley had a question regarding description of lighting, Section #820 of the Zoning Regulations. Does glare apply only to drivers of vehicles or does it also apply to vision of neighbors? The ZA refers to Section 820 in the Staff reports, should the Subdivision regulations be referred to instead?

Barrett indicated that the Subdivision regulations pages 17 & 18 on outdoor lighting – should be applied to Porky's.

VII DRB Business

1. minutes – minutes for August 5, 2019 were deferred

2. Review & Sign decisions – none

3. Review decision compliance and/or sign final plats – none

4. Correspondence – none

5. New/Old Business – none

Charbonneau made the motion to adjourn

Fyles seconded

Discussion – none

Vote taken by roll call: 6 in favor

The meeting was adjourned at 8:00 pm

Respectfully Submitted By

Karen Gallott

Kathy Barrett, Chair

Tom Fyles, Vice Chair

Donald Johnston, Clerk

Paul Audy

Carol Charbonneau

Susan Smiley