

**TOWN DEVELOPMENT REVIEW BOARD
MINUTES
October 25, 2016**

MEMBERS PRESENT: Don Bourdon, Frederick Hunt, Charles Wilson, Kim French
MEMBERS ABSENT: Ingrid Moulton Nichols
OTHERS PRESENT: Greg McKenney, Carol Cunningham, Michael Brands

I. CALL TO ORDER:

Chair Bourdon called the meeting to order at 7:35 p.m.

II. APPROVAL OF MINUTES:

The minutes of the September 27, 2016 meeting were approved as submitted.

III. PUBLIC HEARINGS:

A. Old Business:

1. T-4565-15 Pidlipchak

Application is for Conditional Use Approval to reinstate Subdivision Permit T-4349-12 and to excavate within the Conservation Overlay District (wetland buffer). The property is located on 148 Iver Johnston Road and is zoned Residential Five Acres / Wetland Overlay.

Mr. Pidlipchak did not attend the hearing. After discussion, the TDRB agreed to grant the applicant until to November 15, 2016 to submit documents supporting the new septic system location.

2. T-4682-16 Meadow Ridge Farm, LLC

Application is for Conditional Use & Conservation District Overlay Approval to relocate existing driveway with 1100 l.f. driveway within the Wetland Buffer. The property is located at 963 Grassy Lane and is zoned Residential 5 Acres / Conservation District.

The TDRB agreed to review both applications, T-4682-16 and T-4683-16, together as the driveway runs through the two abutting parcels which are owned by the same person. Two applications are required, one for each parcel. See below.

3. T-4683-16 Meadow Ridge Farm, LLC

Application is for Conditional Use & Conservation District Overlay Approval to relocate existing driveway with 1100 l.f. driveway within the Wetland Buffer. The property is located at 857 Grassy Lane and is zoned Residential 5 Acres / Conservation District.

The TDRB agreed to review both applications, T-4682-16 and T-4683-16, together as the driveway runs through the two abutting parcels which are owned by the same person.

An October 25, 2016 letter from the State's wetland official has allowed the owner to submit a State Wetlands Permit application. The official suggested: remove the ditch along the driveway, move driveway further away from stream, plant native trees in buffer zone, and place a permanent buffer boundary such as a split rail fence. Once the State has made a final decision the TDRB will close testimony.

B. New Business:

1. T-4699-16 Greg & Karoline Camp / Mertens House

Application is for Conditional Use, Site Plan and Variance approval to construct a parking lot and path/ramp access. The property is located at 32 Rose Hill Road and is zoned Residential One Acre.

The agents Mr. McKenney (Willis Engineers), and Ms. Cunningham (Mertens House), presented the application.

The TDRB reviewed the proposed site plan and variance form.

Chair Bourdon noted that the application is for a Conditional Use Review which includes a Site Plan Review and a Variance request.

The proposed use is a parking lot for the Mertens House, an assisted care facility for the elderly. The parking lot would be located as a quasi-public use on the Camp property which is zoned Residential One Acre. The Town / Village line runs diagonally through the Camp property. The parking lot would be on the Town portion. The residence and funeral home are on the Village portion.

Ten parking spaces are proposed on the north end of the Camp property, 30' from the property line. A 4' wide gravel path would connect the parking lot to the Mertens House. An elevated wooden ramp is required to cross a drainage ditch which goes underground along the Camp / Mertens House border.

Vehicle access to the parking lot would be via an existing curbcut off of Black Briar Road. The Town Manager visited the site and felt a curbcut permit was not necessary as the access is already established. There are two homes located further up the dead end town road.

A 100' long gravel driveway would be constructed from the curbcut to the parking lot. A 15" culvert would be placed just before the parking lot. The 90' by 40' parking lot would be graveled with a 5% slope towards the northeast for drainage.

Three 10' tall pole lights are proposed. The proposed 60c LED light fixture is a boxed style that shines directly down. The parking lot is for daytime employees, some of which arrive at 5:30 am.

The TDRB asked if the lights could be placed on a timer as they don't appear to be necessary during the nighttime hours.

The applicant noted that they would be amenable to installing a timer to restrict the light use.

At the moment, no landscaping is proposed. A few trees and shrubs would be removed for construction purposes. The area north and west of the site is heavily wooded. Directly south of the parking lot is a well maintained lawn. The parking lot would be 8 to 10 feet lower than Black Briar Road.

On occasion, the funeral home may use the parking lot for overflow situations.

The TDRB reviewed the variance request form with the applicant.

The variance is necessary to allow construction of the walkway. The required setback is 25', 12' is requested on the rear elevation and the setback would be zero where the walkway crosses the property line.

Criteria 1 addresses unique physical circumstances. The narrowness of the strip of land between Mertens House and its property line requires a variance.

Criteria 2, because of these physical circumstances the land cannot be developed in strict conformance with the regulations. The site is at the junction of three lots with immediate access to the Mertens House building.

Criteria 3, the hardship was not created by the building owner as the building has been in place for a long period of time.

Criteria 4, the variance would not alter the essential character of the neighborhood. The ramp has very minimal impact on adjacent property as there is little likely hood of development in this area.

Criteria 5, the request is the minimum that allows access. The Mertens House building is ten feet from the property line leaving just enough room for construction and maintenance.

The TDRB reviewed Section 809 Site Plan, Section 810 Conditional Use, Section 512 Exterior Lighting and Section 815 Variance with the applicant.

Depending on the weather, the applicant would like to construct the parking lot this fall.

Testimony was voted closed.

IV. OTHER BUSINESS:

A. Zoning Officer's Report

The Town Planner discussed the recent Exit One Supreme Court decision with the TDRB. The decision is a landmark one as it strongly supports the planning process in the State of Vermont.

B. Town Zoning Regulation Amendments

The Town Planner emailed a list of potential Town Zoning Regulation amendments. The TDRB discussed them briefly. The Planning Commission invited the TDRB to discuss the list of proposed amendments at their November 2, 2016 meeting. The Town Planner will send the upcoming PC agenda to the TDRB.

V. DELIBERATIONS:

A. T-4578-15 Pidlipchak Continued

B. T-4682-16 Meadow Ridge Farm, LLC Continued

C. T-4683-16 Meadow Ridge Farm, LLC Continued

D. T-4699-16 Mertens House/ Camp

After discussion, the following findings of fact were established:

1. The proposed use is a parking lot for the Mertens House, an assisted care facility for the elderly. The parking lot would be located as a quasi-public use on the Camp property which is zoned Residential One Acre. The Town / Village line runs diagonally through the Camp property. The parking lot would be on the Town portion. A residence and funeral home are on the Village portion.
2. Ten parking spaces are proposed on the north end of the Camp property, 30' from the property line. A 4' wide gravel path would connect the parking lot to the Mertens House. An elevated wooden ramp is required to cross a drainage ditch which goes underground along the Camp / Mertens House border.
3. Vehicle access to the parking lot would be via an existing curbcut off of Black Briar Road. The Town Manager visited the site and felt that a curbcut permit was not necessary as the access is already established. There are two homes located further up the dead end town road.
4. A 100' long gravel driveway would be constructed from the curbcut to the parking lot. A 15" culvert would be placed just before the parking lot. The 90' by 40' parking lot would be graveled with a 5% slope towards the northeast for drainage.
5. Three 10' tall pole mounted lights are proposed. The proposed 60c LED light fixture is a boxed style that shines directly down. The parking lot is for daytime employees, some of which arrive at 5:30 am.
6. The applicant agreed with a TDRB request that a timer be placed to extinguish the lights when not needed.
7. At the moment, no landscaping is proposed. A few trees and shrubs would be removed for construction purposes. The area north and west of the site is heavily wooded. Directly south of the parking lot is a well maintained lawn. The parking lot would be 8 to 10 feet lower than Black Briar Road.
8. On occasion, the funeral home may use the parking lot for overflow situations.

9. The TDRB reviewed the variance request form with the applicant. The variance is necessary to allow construction of the walkway. The required setback is 25'. The applicant is requesting a 12' setback to the rear elevation and a zero setback where the walkway crosses the property line.
10. Criteria 1 addresses unique physical circumstances. The narrowness of the strip of land between Mertens House and its property line requires a variance.
11. Criteria 2, because of these physical circumstances the land cannot be developed in strict conformance with the regulations. The site is at the junction of three lots with immediate access to the Mertens House building.
12. Criteria 3, the hardship was not created by the building owner as the building has been in place for a long period of time.
13. Criteria 4, the variance would not alter the essential character of the neighborhood. The ramp has very minimal impact on adjacent property as there is little likely hood of development in this area.
14. Criteria 5, the request is the minimum that allows access. The Mertens House building is 10' feet from the property line leaving just enough room for construction and maintenance.
15. The TDRB reviewed Section 809 Site Plan, Section 810 Conditional Use, Section 512 Exterior Lighting and Section 815 Variance with the applicant.

After further discussion, Mr. Wilson moved with a second by Ms. French to approve the application with the following conditions:

1. **A timer shall be placed so parking lot lights do not shine all night, when the lot is not used the lights should be off.**
2. **The TDRB reserves the right to review lighting and landscaping issues after the facility is constructed.**

The motion passed with a 4-0 vote.

VI. NEXT MEETING:

The next TDRB meeting was changed to November 29, 2016, due to the Thanksgiving holiday.

VII. ADJOURNMENT:

The TDRB adjourned at 8:45 p.m.

Respectfully submitted,

Michael E. Brands, AICP
Town Planner