

**TOWN DEVELOPMENT REVIEW BOARD
MINUTES
January 26, 2016**

MEMBERS PRESENT: Don Bourdon, Charles Wilson, Kim French
MEMBERS ABSENT: Frederick Hunt, Ingrid Moulton Nichols
OTHERS PRESENT: Paul Maggi, Jan Maggi, Michael Sargent, Liliana Paradiso, Michael Brands

I. CALL TO ORDER:

Chair Bourdon called the meeting to order at 7:30 pm.

II. APPROVAL OF MINUTES:

The minutes of the December 22, 2015 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 was not present.

The hearing was continued to allow the applicant time to have an updated site plan created, that would show the as-built topography.

2. T-4623-15 Paul & Jan Maggi

Application is for Conditional Use and Wetland Review approval to replace existing 1771 sq. ft. garage with 3400 sq. ft. garage and to change driveway within Conservation Overlay Zone. The property is located at 938 South Road and is zoned Residential Five Acre / Wetland.

Mr. Maggi presented the application.

The TDRB reviewed numerous site plans showing existing conditions and proposed concepts, and the Conservation Commission minutes of three meetings (November 18, December 16, and January 20).

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On January 20, 2016, the Conservation Commission recommended the following: 1. the driveway would slope to the north with at least a 1/8" to 12" grade, 2. the edge of the driveway would be lined with crushed stone, and 3. rain gardens sufficient to absorb stormwater runoff from the proposed garage shall be placed. The rain garden design and placement shall be done by an engineer.

The Maggis bought the property two and a half years ago. For the past year, they have been planning the proposed renovation to relocate the driveway and to construct a three bay garage.

The current driveway has a 14% slope. The owners desire to reduce the slope to no more than 10%. This would be accomplished by lengthening the driveway and lowering the topmost point. The State highway department requires a somewhat flat entrance at the bottom where it connects to Route 106.

The current 31' long garage is not in the best of shape and is fairly narrow at 19' wide. The applicants own a 28' long Airstream trailer that would not fit within this space.

The property is steep, as the 14% driveway indicates. The property has a wetland running along the southern boundary. The approximately two acre wetland also covers the entire parcel directly south and a portion of the lot south of that lot. A large spring fed pond is located above the parking area and is also considered a wetland. The wetlands have a 100' buffer.

The existing garage, driveway and parking areas are all within the 100' wetland buffer. Ninety percent of the home is as well.

Per Town Planner's suggestion, the owner had the wetland boundary delineated by Certified Soil and Wetland Scientist Timothy McCormick of Pathways Consulting LLC. The resulting map shows the wetland to vary slightly from that shown on the Town's official wetland map. An October 22, 2015 letter from the company confirming the work was submitted. The new wetland boundary has been flagged.

Mr. Maggi states the site in its current condition is healthy with no evident storm water or wetland issues.

Mr. Maggi reviewed a January 27, 2016 list of seven revisions to previous layout resulting from the suggestions made by the Conservation Commission.

The driveway would have an 11' wide asphalt surface. The driveway would curve towards the north slightly and then curve back to the south as it approaches the parking lot. The parking lot area would be excavated 3-4' deep to make it level with the existing lawn to the main entrance of the home. Reducing the elevation and lengthening the driveway help reduce the grade to 10%.

Mr. Maggi calculates that the driveway relocation creates a 14' 4" average distance from wetland. Crushed stone would be added along the edge of the driveway to slow water flow and for filtration purposes. The driveway would be sloped 1/8" per 1' towards the north so runoff goes

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away from the wetland. This should help reduce winter salt from entering the wetland.

The paved area in front of the driveway would be reduced by 500 sf from the original design to minimize water runoff.

A new garage design reduces the length by 4' resulting in a 1,672 sf footprint. The original footprint was 1,800 sf. The design moves the foundation 8' north, away from the wetland.

Garage would have gutters and downspouts that would discharge directly into a proposed rain garden that would meet the Vermont Green Stormwater Infrastructure guidelines. The existing impervious surface (driveway, parking area and old garage) within the 100' buffer is 3,675 sf. The new design reduces this to 3,658 sf. This figure does not include the proposed garage.

The Town Planner questioned the area where the proposed driveway meets the old foundation. It appears a significant amount of fill would be needed to support the driveway as the land is very steep at this point. An additional concern is sediment erosion during construction.

Mr. Maggi did not know how much cut and fill would be required to support the driveway. The driveway at this point would be 17' from the edge of the wetland. Hay bale placement and other standard erosion control measures would be used during the construction process.

Mr. Maggi stated the proposed garage would be dug into the hillside, possibly eight feet deep. The front wall of the garage would be four feet below the existing surface.

Chair Bourdon questioned the adequacy of design plans. The current set of plans does not answer all the questions raised this far. The Conservation Commission in their recommendation asked for engineering plans to assure there are no negative impacts to the wetland.

The Town Planner noted that after the existing driveway is removed the area will require scarification to at least 8" to assure the resulting top soil is able to absorb runoff. The owner intends to have the parking lot runoff enter into this area of the existing driveway.

The engineer needs to provide excavation drawings where soil is to be removed or relocated and specifications to assure the rain garden concept works.

Mr. Maggi felt an 8' x 20' x 18" deep rain garden would be sufficient to capture rooftop runoff from the proposed garage. This was calculated from the GSI brochure mentioned above.

Mr. Maggi stated he would provide detailed engineering drawings to address all issues.

The Town Planner asked about the possibility of encountering ledge formations.

Mr. Maggi stated the ledge would be removed, either with the hydraulic hammer on an excavator or by blasting if necessary.

Testimony was continued to the next meeting to await the engineer's submittals.

B. New Business:

1. T-4632-15 Michael & Nancy Sargent

Application is for Conditional Use and Waiver to Setback approval to locate proposed barn within the front setback and to construct 2400 sq. barn with 193 sq. ft. lean-to shed. The property is located at Wyman Lane and is zoned Residential Five Acres.

Mr. Sargent presented the application.

The TDRB reviewed a waiver to setback form, a site plan and photographs of the proposed area.

The owner requests a 35' front setback versus the 60' setback that is required per regulation.

Section 530 Waiver to Setbacks B. allows waivers of up to 50% of the setback based on six criteria.

The applicants wish to rebuild a historic barn on the site of a still existing stone foundation. The barn was estimated to have been removed in the 1950s. A historic paddock located behind the barn would also be replaced.

The land behind the barn slopes significantly towards the rear. As designed, the basement floor would have a walkout entrance on the rear side. Should the barn be forced to meet the required 60' setback, the slope would become problematic.

The 35' setback is measured from road center line to the proposed wall of the building. The Town's right of way is 25' from road centerline.

There are no immediate neighbors. There is only one other home, besides the owner's, on the road. It is located 1,800 feet west of the site. The applicant owns 172 acres on both sides of Wyman Road. The parcel is restricted by land trust easements and would not be subdivided.

This portion of the road is very straight and would not impinge on sight distances.

The proposed 30' x 40' structure would match the historic footprint. The elevations of the barn are not designed to match the historic structure as there are no known photos of the structure. The owners state it would be compatible with their home which was originally constructed in 1782.

The stone wall along Wyman Road would be rebuilt, with a 40' section left open for access to the barn.

The TDRB reviewed Conditional Use and Waiver to Setbacks criteria with the applicant.

Testimony was voted closed.

2. T-4635-15 Liliana Paradiso

Application is for Conditional Use Review approval to place 6 foot fence in front yard via Section 513d. The property is located at 2743 South Road and is zoned Residential Five Acre.

Ms. Paradiso presented the application.

The TDRB reviewed a site plan, photographs and a Conditional Use form.

The 6' tall stockade fence was built to protect an arborvitae hedge. The fence consists of six 8' wide cedar panels making for a 48' total length.

The owner was unaware of the 4' height restriction for front yard fences when she placed the fence. She felt this area of the property would be considered a side yard which is allowed a 6' tall fence.

The Town Planner explained the front yard is the entire frontage along the main street or road, as measured from the front facade of the home.

The fence is placed 32' off of the State highway's centerline, and therefore does not require State approval. Over the course of many years, salt spray from winter maintenance of the highway kills off the arborvitae.

The 0.67 acre parcel is a narrow triangular lot formed by the Kedron Brook running along the east boundary. The home is located 80' from the centerline. The arborvitae hedge creates a privacy area to the south of the home which is well landscaped.

The property has 225' of frontage along Route 106. The fence is located just south of the home's driveway. The 48' long fence is a small portion of the overall frontage.

Section 513 Fences D. states, "An exception may be granted in special circumstances with a conditional use review".

The TDRB agreed the special circumstance is the need to protect the arborvitae hedge.

The TDRB reviewed Conditional Use and Section 513 Fences criteria with the applicant.

Testimony was voted closed.

IV. OTHER BUSINESS:

A. Zoning Officer's Report

V. DELIBERATIONS:

A. T-4578-15 Pidlipchak Continued

B. T-4623-15 Paul & Jan Maggi Continued

C. T-4632-15 Michael & Nancy Sargent

After discussion, the following findings of fact were established:

1. The TDRB reviewed a waiver to setback form, a site plan and photographs of the proposed area.
2. The owner requests a 35' front setback versus the 60' setback that is required per regulation.
3. Section 530 Waiver to Setbacks B. allows waivers of up to 50% of the setback based on six criteria.
4. The applicants wish to rebuild a historic barn on the site of a still existing stone foundation. The barn was estimated to have been removed in the 1950s. A historic paddock located behind the barn would also be replaced.
5. The 35' setback is measured from road center line to the proposed wall of the building. The Town's right of way is 25' from road centerline.
6. The land behind the barn slopes significantly towards the rear. As designed, the basement floor would have a walkout entrance on the rear side. Should the barn be forced to meet the required 60' setback, the slope would become problematic.
7. There are no immediate neighbors. There is only one other home, besides the owner's, on the road. It is located 1,800 feet west of the site. The applicant owns 172 acres on both sides of Wyman Road. The parcel is restricted by land trust easements and would not be subdivided.
8. This portion of the road is very straight and would not impinge on sight distances.
9. The proposed 30' x 40' structure would match the historic footprint. The elevations of the barn are not designed to match the historic structure as there are no known photos of the structure. The owners state it would be compatible with their home which was originally constructed in 1782.
10. The stone wall along Wyman Road would be rebuilt, with a 40' section left open for access to the barn.
11. The TDRB reviewed Conditional Use criteria with the applicant.
12. The TDRB agrees the request meets the six criteria required per Section 530 Waiver to Setbacks.

After further discussion, Mr. Wilson moved with a second by Ms. French to approve the application as presented.

The motion passed with a 3-0 vote.

D. T-4635-15 Liliana Paradiso

After discussion, the following findings of fact were established:

1. The TDRB reviewed a site plan, photographs and a Conditional Use form.
2. The 6' tall stockade fence was built to protect an arborvitae hedge. The fence consists of six 8' wide cedar panels making for a 48' total length.
3. The fence is placed 32' off of the State highway's centerline, and therefore does not require State approval.
4. Over the course of many years, salt spray from winter maintenance of the highway kills off the arborvitae.
5. The property has 225' of frontage along Route 106. The fence is located just south of the home's driveway. The 48' long fence is a small portion of the overall frontage.
6. Section 513 Fences D. states, "An exception may be granted in special circumstances with a conditional use review".
7. The TDRB reviewed Conditional Use and Section 513 Fences criteria with the applicant.
8. The TDRB agreed the special circumstance is the need to protect the arborvitae hedge.

After further discussion, Mr. Wilson moved with a second by Ms. French to approve the application as presented.

The motion passed with a 3-0 vote.

VI. ADJOURNMENT:

The TDRB adjourned at 9:15 pm.

Respectfully submitted,

Michael E. Brands, AICP
Town Planner