

**VILLAGE DEVELOPMENT REVIEW BOARD  
DRAFT MINUTES  
October 12, 2016**

**PRESENT:** Jim Mills, Randy Mayhew, Jane Soule, Keri Cole  
**ABSENT:** One Vacancy  
**ALSO PRESENT:** Luke Colombo, Tom Hoffmeister, Kathryn Biele, Caroline Kimbell, Charlie Kimbell, Robert Holt, Stephanie Tallarico, Dianne Tallarico, Michael Brands

**I. CALL TO ORDER**

The meeting was called to order at 7:30 p.m.

**II. PUBLIC HEARINGS**

**A. Old Business                      None**

**B. New Business**

**1. V-3271-16                      GIF Financial Services**

The application is for Conditional Use to use property as a short term rental. The property is located at 32 The Green and is zoned Residential Medium Density / Design Review.

Mr. Hoffmeister, property owner, and Mr. Colombo, Vacasa, presented the application.

The VDRB reviewed floor plans and a site plan of the property.

The three bedroom home has been rented as a long term rental for two years. The owner would now like to rent it out as a short term rental.

Vacasa is a national company that specializes in vacation rentals. The Vermont office is located in Stowe. Mr. Colombo is the local manager. He works in Vacasa's Killington region.

Vacasa would handle all aspects of the proposed rental. A multi-page contract was submitted, noting services to be rendered.

Mr. Hoffmeister owns two adjoining properties on the southeast portion of The Green with a total of three residential units. He questioned whether he was eligible to rent out 32 The Green during foliage months.

The VDRB agreed that when Mr. Hoffmeister is in his residence at 28 The Green he would be able to rent out 32 The Green as they are abutting properties.

Mr. Hoffmeister asked if he would be able to rent the unit out more than 6 times a year.

The VDRB noted the regulations restrict Short Term rentals to only 6 times per year. If he desires to change this, he would need to make a request with the Planning Commission to amend the regulations.

There are two parking places on-site to the rear of the home, accessed from School Street.

The applicant has not yet contacted the State Fire Marshall to inspect the property for Short Term Rental use.

The VDRB reviewed the Short Term Rental regulations with the applicant.

There would be no parties or additional guests on-site.

Trash is collected via a contracted local hauler.

Testimony was voted close.

**2. V-3261-16 Charles & Carolyn Kimbell / Jonathan & Kathryn Biele**

The application is to allow Lot Line Adjustment for two non-conforming parcels in Residential Low Density zone. The properties are located at 17 and 19 River Street and is zoned Residential Low Density.

Mr. and Mrs. Kimbell presented the application. Ms. Biele was present.

The VDRB reviewed a series of maps and surveys showing the two properties.

The Kimbells wish to purchase (a signed purchase and sale agreement was submitted) the Tallarico 0.40 acre lot and transfer a barn and driveway to the neighboring 0.20 acre property to the east which is owned by the Bieles.

Both lots are non-conforming as they do not meet the minimum lot size of the Residential Low Density, 20,000 square feet. Per tax map calculations, the Biele lot is 0.20 acres (8712 square feet) and the Tallarico lot is 0.40 acres (17,424 square feet).

It was noted that the majority of the lots along River Street are undersized and do not

meet the 20,000 square foot standard. Only two of twelve residential lots that have frontage on and are located west of River Street meet the 20,000 square foot standard.

Surveyor Robert Holt prepared a survey of the proposed lot sizes. The Biele lot with the addition of the barn and driveway would become a conforming 20,250 square feet. The reduced Tallarico lot to be purchased by the Kimbells would become 6930 square feet.

The Tallaricos noted that their parents, now deceased, requested that the barn not be separated from the house. Therefore they asked that the permit not vest until the Kimbells own the property.

After discussion, the VDRB agreed the lot line adjustment would only occur if the deed has been transferred. The permit cannot vest unless the Kimbells own the property.

At the request of the owners, the Tallaricos, the permit does not vest until the property is transferred, personal to the Kimbells. Therefore, the lot line adjustment would not occur until the property is owned by the Kimbells.

The requirement to have off-street parking for two vehicles was discussed. A curb cut permit issued by the Board of Trustees would be required. After a site visit with the Town Manager, it appears a curb cut permit could be granted. There appears to be enough room on the west side of the home for two 9' x 18' parking spaces placed side by side. A small tree would have to be removed.

A driveway did exist in this location in 1954 accessing a garage that has long since been removed.

The Kimbells would use the existing parking near the barn until the curb cut permit is issued.

Section 606 Nonconforming Uses and Nonconforming Structures was reviewed. A non-conforming use is allowed to be expanded by 25% per five year period. The VDRB agreed that decreasing the lot size by 25% meets the criteria of Section 606 as the nonconformance relates to the lot size. In this case, the smaller the lot size the larger the non-conformance.

Mr. Holt stated the resulting lot size is actually closer to 80% (0.7947 %) of the original Biele lot size. Multiplying the 8720 square foot lot by 75% equals 6540 square feet. The proposed lot size is 6976 square feet.

Testimony was voted close.

### **III. OTHER BUSINESS**

#### **A. Administrative Officer's Report**

The report was issued and discussed.

#### IV. DELIBERATIONS

##### A. V-3271-16 GIF Financial Services

*After discussion the following findings of fact were established:*

1. The VDRB reviewed floor plans and a site plan of the property.
2. The three bedroom home has been rented as a long term rental for two years. The owner would now like to rent it out as a short term rental.
3. Vacasa is a national company that specializes in vacation rentals. The Vermont office is located in Stowe. Mr. Colombo is noted as the local manager. He works in Vacasa's Killington region.
4. Vacasa would handle all aspects of the proposed rental. A multi-page contract was submitted noting services to be rendered.
5. The VDRB agreed that when Mr. Hoffmeister is in his residence at 28 The Green he would be able to rent out 32 The Green as they are abutting properties.
6. There are two parking places on-site to the rear of the home, accessed from School Street.
7. The applicant has not yet contacted the State Fire Marshall to inspect the property for Short Term Rental use.
8. There would be no parties or additional guests on-site.
9. Trash is collected via a contracted local hauler.
10. The VDRB reviewed Section 522 Short Term Rentals and Section 710 Conditional Use with the applicant.

**After additional discussion, Mr. Mayhew moved with a second by Ms. Soule to approve the application with the following condition:**

1. **Approval from the State Fire Marshall is required before issuance of the Certificate of Occupancy.**

**The motion passed with a 4-0 vote.**

##### B. V-3261-16 Charles & Carolyn Kimbell / Jonathan & Kathryn Biele

*After discussion the following findings of fact were established:*

1. The VDRB reviewed a series of maps and surveys showing the two properties.
2. The Kimbells wish to purchase (a signed purchase and sale agreement was submitted) the Tallarico 0.40 acre lot and transfer a barn and driveway to the neighboring 0.20 acre property to the east owned by the Bieles.
3. Both lots are non-conforming as they do not meet the minimum lot size of the Residential Low Density, 20,000 square feet. Per tax map calculations, the Biele lot is 0.20 acres (8712 square feet) and the Tallarico lot is 0.40 acres (17,424 square feet).
4. It was noted the majority of the lots along River Street are undersized and do not meet the 20,000 square foot standard. Only two of twelve residential lots that have frontage on and are located west of River Street meet the 20,000 square foot standard.
5. Surveyor Robert Holt prepared a survey of the proposed lot sizes. The Biele lot, with the addition of the barn and driveway, would become a conforming lot with

- 20,250 square feet. The reduced Tallarico lot to be purchased by the Kimbells would become 6930 square feet.
6. The Tallaricos noted that their parents, now deceased, requested that the barn not be separated from the house. Therefore they asked that the permit not vest until the Kimbells own the property.
  7. After discussion, the VDRB agreed that the lot line adjustment would only occur if the deed has been transferred. The permit cannot vest unless the Kimbells own the property.
  8. The requirement to have off-street parking for two vehicles was discussed. A curb cut permit issued by the Board of Trustees would be required. After a site visit with the Town Manager, it appears a curb cut permit could be granted. There appears to be enough room on the west side of the home for two 9' x 18' parking spaces placed side by side. A small tree would have to be removed.
  9. A driveway did exist in this location in 1954 for access to a garage that has long since been removed.
  10. The Kimbells would use the existing parking near the barn until the curb cut permit is issued.
  11. Section 606 Nonconforming Uses and Nonconforming Structures was reviewed. A non-conforming use is allowed to be expanded by 25% per five year period. The VDRB agreed that decreasing the lot size by 25% meets the criteria of Section 606 as the nonconformance relates to the lot size. In this case, the smaller the lot size the larger the non-conformance.
  12. Mr. Holt stated that the resulting lot size is actually closer to 80% (0.7947 %) of the original Biele lot size. Multiplying the 8720 square foot lot by 75% equals 6540 square feet. The proposed lot size is 6976 square feet.

**After additional discussion, Ms. Cole moved, with a second by Ms. Soule to approve the application with the following condition:**

1. **The permit shall not go into effect until the transfer of property from Tallarico to the Kimbells takes place.**

**The motion passed with a 4-0 vote.**

**V. APPROVAL OF MINUTES**

The approval of the September 15, 2016 meeting was continued.

**VI. ADJOURNMENT**

The meeting was adjourned at 8:35 p.m.

Respectfully submitted,

Michael E. Brands, AICP  
Town/Village Planner