

**VILLAGE DEVELOPMENT REVIEW BOARD
DRAFT MINUTES
October 10, 2018**

PRESENT: Jane Soule, Randy Mayhew, Wendy Spector, Keri Cole
ABSENT: Elizabeth Daniels
ALSO PRESENT: Kit Meade, Wendy Murrinan, Lee Barnum, 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-3409-18 Rachel Weber

The application is for Design Review approval to create a short term rental. The property is located at 3 Moore Place and zoned Residential Low Density / Design Review.

Ms. Mead, representing the applicant, presented the application.

The VDRB reviewed site plan, floorplans and the Short Term Rental form.

The owner proposes renting out an existing one bedroom apartment which is located over her garage. The main house would not be rented out.

There are at least 4 parking spaces on site.

Ms. Mead works for Ellaway Property Services. The actual manager of this property would be another employee, Laura Leonard.

The State Fire Marshall Office conducted an inspection a few years ago, but needs to do a follow-up inspection as the rules have changed over time.

Mr. Mayhew asked Ms. Mead if she was aware of the recently passed Act 10 legislation governing Short Term Rentals in the State of Vermont. The owner is required to register the STR with the State, to notify their insurance company, pay rooms and meals taxes, etc. Additional information can be found at the Department of Health. Section 522 Short Term Rentals restricts rentals to 6 per year.

The VDRB reviewed Sections 522 and 710 Conditional Use & Short Term Rental with the applicant.

Testimony was voted close.

2. V-3411-18 Wendy & Jack Marrinan

The application is for Design Review approval to replace existing detached garage. The property is located at 39 Mountain Avenue and zoned Residential Low Density / Design Review.

Ms. Marrinan and Ms. Barnum, contractor, presented the application.

The VDRB reviewed a site plan, photographs and renderings of proposed garage.

A non-conforming garage is to be replaced with a slightly smaller and more architectural pleasing structure.

The owner is a 17 year resident. The main home was originally constructed in 1860. The garage was constructed later in the 20th century. It was squeezed into the southwest corner of the property resulting in zero setback lines and being placed a foot off of the main building.

Ms. Marrinan consulted with her neighbors to assure views were not blocked and that the building would be compatible with the neighborhood.

The current structure, 25' 10" wide x 22' 5" deep, would be reduced to 18' x 18'. The side and rear setbacks would be increased to 3', still nonconforming. The east wall would remain in the same location.

The structure is not visible from Route 4 or River Street.

A significant change is to replace the straight shed roof which slopes back to the west to a pitched roof with gable ends which face east and west. The roof pitch would be 12:8 to minimize the height. This is in deference to the neighbors and to preserve views of the existing barn portion of the home.

The roof would have asphalt architectural shingles to match the main home. The asphalt shingles would also hold snow loads longer thus preventing snow from sliding onto neighbors' properties.

The owner proposes to have three sides clapboarded and the rear to have vertical barn boards. The vertical barn boards match the abutting stockade fence and would be more aesthetically pleasing to the neighboring inn.

The articulating garage doors would appear to be solid with vertical boards similar to a carriage door. A line of transom windows would be placed directly above. Each pane would measure 7" x 9" to match that of the home.

Three sets of 4 transom lights with same pane size as above would be placed on the south elevation and one set of 4 on the north elevation.

On the north elevation a door would be placed for access to the rear yard.

A goose light fixture with bulb focused straight down would be placed in the garage peak. It would be a weathered zinc model.

The VDRB read the Design Review Board's recommendation to approve with suggestions that roof pitch be reviewed before meeting with the VDRB.

Ms. Barnum presented drawings of the garage with a 12:12 roof pitch as recommended by some DRB members. Photographs of neighboring garages were shown. All had a 12:8 roof pitch the same as that proposed by the applicant.

The owner prefers the 12:8 roof pitch that would allow an overall lower roof. The lower roof allows better views of the 1860s home and attached barn, while minimizing the mass of the proposed garage. The abutting neighbors were consulted and all noted preference for the lower roof option.

VDRB members agreed the proposed 12:8 roof pitch works well in this situation.

The VDRB read Section 609 B. Non-Conforming Structure and the Waiver to Setback form submitted with the application to review potential impacts to the setbacks.

The existing garage is non-conforming as it has a zero setback from the west and south property lines. The required setbacks are side (15') and rear (20'). The proposed garage would be built 3' in from the west and 3' in from the south property lines. The reduction in garage size and slight relocation of footprint make the structure more compliant than it was.

Testimony was voted close.

III. OTHER BUSINESS

A. Administrative Officer's Report

The report was issued and discussed.

B. Informal Discussion - Home Office in Secondary Residence

Mr. Sorrentino, local architect and property owner, asked about setting up a home office in a secondary residence. He owns 6 different properties in the Town and Village. His office is at 81 Central Street. He lives at 13 River Street and is about to move to 13 B River Street. He owns a house at 75 Golf Avenue and hopes to build a house at 100 Golf Avenue in the future. The 75 Golf Avenue home is used as his home gym and for his personnel ski tuning. The 4 car garage stores his car collection. He is present on a frequent basis.

The intent is to convert the 81 Central Street office to an apartment and then be able to use 75 Golf Avenue as his office. The office use, with no sign, no clients, and no deliveries, would meet the exempt status of a home occupation office use per Section 514. However the definition of home occupation requires the use to be secondary to the dwelling use. Although he would spend the larger part of a day at the site, he would not sleep there, thus not complying with the use as a dwelling.

The VDRB did not see an issue with working at the site as long as there were no outward appearance of a commercial use within. The work would be mainly phone and computer.

Mr. Mayhew raised the issue of the dwelling component. He also stated the request is more to support the commercial (office) use and not to support the residential (dwelling) use.

The VDRB agreed that if an application for a home occupation was submitted, it would have to be denied due to the lack of the dwelling component.

It was suggested that the definition or regulation of home occupation could be amended via the Planning Commission to clarify this type of use.

A second home resident is allowed to do office work at home even though it is not one's legal residence. This is a very similar situation.

IV. DELIBERATIONS

A. V-3409-18 Rachel Weber

After discussion the following findings of fact were established:

1. The VDRB reviewed site plan, floorplans and the Short Term Rental form.
2. The owner proposes renting out an existing one bedroom apartment which is located over her garage. The main house would not be rented out.
3. There are at least 4 parking spaces on site.
4. Ellaway Property Services is the listed local manager on the STR form.
5. The State Fire Marshall Office conducted an inspection a few years ago, but needs to do a follow-up inspection as the rules have changed over time.

6. The applicant was notified of the recently passed Act 10 legislation governing Short Term Rentals in the State of Vermont. The owner is required to register the STR with the State, to notify their insurance company, pay rooms and meals taxes, etc. Additional information can be found at the Department of Health.
7. Section 533 Short Term Rentals restricts rentals to 6 per year.
8. The VDRB reviewed Sections 522 and 710 Conditional Use with the applicant.

After additional discussion, Ms. Cole moved with a second by Ms. Spector to approve the application as presented.

The motion passed with a 4-0 vote.

B. V-3411-18 Wendy & Jack Marrinan

After discussion the following findings of fact were established:

1. The VDRB reviewed a site plan, photographs and renderings of proposed garage.
2. A non-conforming garage is to be replaced with a slightly smaller and more architectural pleasing structure.
3. The owner is a 17 year resident. The main home was originally constructed in 1860. The garage was constructed later in the 20th century. It was squeezed into the southwest corner of the property resulting in zero setback lines and being placed a foot off of the main building.
4. The applicant consulted with the neighbors to assure views were not blocked and that the building would be compatible with the neighborhood.
5. The current structure, 25' 10" wide x 22' 5" deep, would be reduced to 18' x 18'. The side and rear setbacks would be increased to 3', still nonconforming. The east wall would remain in the same location.
6. The structure would be not visible from Route 4 or River Street.
7. A significant change is to replace the straight shed roof which slopes back to the west to a pitched roof with gable ends which face east and west. The roof pitch would be 12:8 to minimize the height. This is in deference to the neighbors and to preserve views of the existing barn portion of the home.
8. The roof would have asphalt architectural shingles to match the main home. The asphalt shingles would also hold snow loads longer thus preventing snow from sliding onto neighbors' properties.
9. The owner proposes to have three sides clapboarded and the rear to have vertical barn boards. The vertical barn boards match the abutting stockade fence and would be more aesthetically pleasing to the neighboring inn.
10. The articulating garage doors would appear to be solid with vertical boards similar to a carriage door. A line of transom windows would be placed directly above. Each pane would measure 7" x 9" to match that of the home.
 11. Three sets of 4 transom lights with same pane size as above would be placed on the south elevation and one set of 4 on the north elevation.

12. On the north elevation a door would be placed for access to the rear yard.
13. A goose light fixture with bulb focused straight down would be placed in the garage peak. It would be a weathered zinc model.
14. The VDRB read the Design Review Board's recommendation to approve with suggestions that roof pitch be reviewed before meeting with the VDRB.
15. Ms. Barnum presented drawings of the garage with a 12:12 roof pitch as recommended by some DRB members. Photographs of neighboring garages were shown. All had a 12:8 roof pitch the same as that proposed by the applicant.
16. The owner prefers the 12:8 roof pitch that would allow an overall lower roof. The lower roof allows better views of the 1860s home and attached barn, while minimizing the mass of the proposed garage. The abutting neighbors were consulted and all noted preference for the lower roof option.
17. VDRB members agreed the proposed 12:8 roof pitch works well in this situation.
18. The VDRB read Section 609 B. Non-Conforming Structure and the Waiver to Setback form submitted with the application to review potential impacts to the setbacks.
19. The existing garage is non-conforming as it has a zero setback from the west and south property lines. The required setbacks are side (15') and rear (20'). The proposed garage would be built 3' in from the west and 3' in from the south property lines. The reduction in garage size and slight relocation of footprint make the structure more compliant than it was.

After additional discussion, Ms. Cole moved with a second by Ms. Spector to approve the application as presented.

The motion passed with a 4-0 vote.

V. APPROVAL OF MINUTES

The September 26, 2018 minutes were approved as submitted.

VI. ADJOURNMENT

The meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Michael E. Brands, AICP
Town/Village Planner