

Chelsea, Vermont Development Review Board
Draft Hearing Minutes, Michael Chapin, April 17, 2019

Members Present: Anne Carroll, (Chair) Debra Melvin (Vice Chair), Laurence Allen, Johanna Welch

Members Absent: Jonathan Vermette

Others Present: Michael Chapin, Timothy McCormick (AO, Clerk)

Public Hearing on an application by Michael Chapin (#ZP19-03, Parcel #002-023.000)

For a waiver to the setback between streambank setback and a building or structure as required by the Chelsea Zoning Bylaw (Bylaw). Anne opened the hearing at 6:10 pm. and the hearing notice was read as published. No conflicts of interest or ex officio conversations were disclosed. There were no interested parties present other than the applicant, Michael Chapin. Michael was sworn in.

Anne asked Michael and/or Tim provide back ground information and explain the basis for the application. Tim stated that Michael was granted a zoning permit to construct a pole barn in a floodplain. He later applied for a permit to add an addition onto the permitted structure. Tim visited the site to measure the building with the applicant and discovered that a corner of the building was constructed 30 feet from a nearby streambank. This is 5 feet closer than the 35-foot setback required in Section 2.8 of the Bylaw. Michael mentioned that the encroachment was unintentional and that he was under the impression that he met the 35-foot setback requirement.

Mike asked the Development Review Board (DRB) about the possibility of installing a stay-mat floor in the pole barn. Tim mentioned that the DRB has previously approved a compacted dirt floor. Mike, again agreed to this condition. Anne asked Tim if there were any other concerns. Tim said the proposal meets the Bylaw waiver requirements because the requested setback distance (30 feet) is greater than ½ of the required setback distance specified in section 2.8 (35 feet).

Anne asked if there were anymore questions. Deb asked Michael if he had installed the flood vents that were a condition of the previous permit approval. Mike said that he was working on it. When asked if the last heavy rainfall event caused any issues on his property, Mike stated that the water did not flood his lawn but that it had filled in the previously – excavated “pond” area. Tim reminded Michael that he must file a zoning application in addition to the Development Review Board application. Mike said that he would take care of that right away. A motion was made to close the hearing and that hearing was closed at 6:20pm.

Findings and Decision:

After deliberation, the DRB decided that the applicant did not intentionally construct the approved structure 5 feet closer to the streambank than the 35 feet setback required by the Bylaw. The corner of an approved structure was mistakenly located 30 feet from the streambank.

Section 5.8.1.3 (Waivers) of the Chelsea Bylaw states that a waiver may be granted by the DRB if "...the waiver will not result in a greater than 50% decrease in any dimensional requirement". Because the setback distance from the structure to the streambank was not decreased by more than 50 percent, the DRB voted unanimously to approve a waiver.

Submitted by,
Timothy McCormick, Administrative Officer and DRB Clerk