

Chelsea, Vermont, Development Review Board
Meeting Minutes October 25, 2017

Members Present: Anne Carroll (Acting Chair), Debra Melvin, Laurence Allen, Johanna Welch, Wendy Forbes

Others Present: Thomas Haluch, Michael Chapin, Joan Goodrich (on behalf of the Town of Chelsea), Maggie Kerrin (on behalf of the Town of Chelsea), Timothy McCormick (AO, Clerk)

The Public Hearing on an application by Thomas Haluch (#ZP17-22, Parcel #002-025.001)

For a waiver to the front road setbacks for a newly-constructed house addition and a variance to the front road setback for a stone wall.

The hearing was opened at 6:30pm. The Hearing Notice for both applications was read. No conflicts of interest or ex officio conversations were disclosed for either application. The interested parties and the applicants were sworn in.

Anne began the hearing by asking Tom to explain the project. Tom introduced photographs of a stone wall that he constructed, and a survey map of his property. He said that he received a notice that the wall required a permit and that he was replacing a wall that was always on the property. Tom stated that he was actually moving the new wall further back from the road than the existing wall. He also stated that there is a curve in the road and that the newly constructed wall follows the small curve (radius) of the road.

Tom further explained that he wanted to construct the wall to deal with the elevation difference between the front yard and the road. He said that it would be an improvement to the property and a benefit to the Town.

Joan mentioned that the road Right of Way (R.O.W) in that area was 49.5 feet (3 rods). She stated that the Town has an easement across the road for that distance which means approximately 25 feet from either side of the road centerline. Tom mentioned that the wall parallels the centerline of the road and is the same distance from the centerline of the road for the entire length of the wall. Joan agreed that the wall was equidistant from the road centerline.

Anne asked if there was a sketch available showing the dimensions of the house and the distances of the house and road from the wall. Tim produced a rough sketch with dimensions that he measured with Tom's permission. The sketch was reviewed and shows the newly constructed front porch 42 feet from the road centerline. The sketch also shows the wall 12 feet from the road centerline.

Joan stated that the only party that can grant permission for a structure in the R.O.W. is the Select Board. She also stated that Tom has not approached the Board for permission to work in the R.O.W. Joan also stated that she and Rick Ackermen went up to the property to take pictures and measurements. Joan said that if the DRB was going to consider a waiver for the wall, the Select Board requests that the wall be moved out of the Town easement. She noted that in order to do that, the wall would have to be moved back about 12 feet. Johanna asked if the new wall had been moved back from the previous wall. Tom reiterated that the new wall was moved further back from the road than the pre-existing wall.

Tom stated that he was working on the wall for 6 months and wondered why no one had ever brought this issue up before, and wondered how it was brought to the Board's attention at this time. He mentioned that he built a house in 2003, and nothing was said about permits, and he renovated his barn and was not told he needed a permit. Anne explained that existing buildings that are being renovated do not need a permit, and new buildings require a permit according to the Zoning Bylaw. Sometimes the Zoning Administrator drives by and discovers these situations on his own, and sometimes someone will contact the Zoning Administrator. Anne mentioned to Tom that being in the business is probably aware of the practice of inquiring at the Town to find out what permits are necessary.

There was some discussion about situations when permits are required vs. situations that are simply considered "grandfathered". Renovations of an existing structure do not require a permit, but reconstruction in the same footprint of an existing structure does require a permit. Tom asked why his wall construction was not "grandfathered" Anne explained that it was because the new wall was constructed in a different location from the pre-existing wall.

Wendy wanted a little more clarification concerning the extent of the easement owned by the Town, and Michael Chapin asked for more clarification on the "grandfathered" status issue.

Because Joan, representing the Town, stated that the wall must be placed out of the easement area, Anne asked if it would be reasonable for the applicant to discuss the matter further with the Town before any DRB decision was made. Anne suggested that the meeting be recessed and that the matter be taken up at a later meeting after the applicant has had a chance to discuss the project with the Select Board.

A motion was made to recess the Hearing until a future date to be scheduled after the applicant has had a chance to meet with the Select Board. The Hearing was recessed at 7:20pm

The Public Hearing on an application by Michael Chapin (#ZP17-22, Parcel #002-023.000)

For a Conditional Use according to Chelsea Flood Hazard Bylaw to construct a “pole barn” structure within a floodplain.

Anne asked Michael Chapin to explain the project. Michael said that he is applying to construct a “pole barn” structure in the floodplain portion of his property which will be used as a Basketball area for his son. Michael described the drawing that was attached to the application.

Anne asked what type of materials were to be stored in the structure. Michael said that nothing was going to be stored in the structure, and that the structure was only to be used for playing basketball.

When asked about setbacks, Tim stated that the planned structure was designed within the setbacks for a Rural Residential District according to the Chelsea Bylaws.

The structure was shown on the drawing as poles anchored into the ground with concrete. Michael said that Ned Swanberg from the Vermont Flood Management Program visited the site and said that he did not have an issue with the project. In an e-mail to Michael, Ned listed some materials that could be used for the structure. Ned also stated in the e-mail that he was not clear what type of materials were going to be used for the floor.

This led to a discussion about the flooring materials. Michael said that he was planning to use “puzzle pieces” of hard rubber. The Board was concerned that he would not be able to keep the materials from floating downstream during a flood event. Discussion followed about how to anchor materials down, but none of the suggestions seemed to provide a clear solution.

Anne suggested that Michael contact Ned Swanberg to see if Ned could provide some input on floor materials. Michael agreed and said that he would contact Ned and try to provide additional information on flooring materials for the November 1, 2017 DRB Meeting.

The meeting was recessed at 7:50pm until the November 1, 2017 Hearing.

Submitted by,
Timothy McCormick, Administrative Officer and DRB Clerk