

Chelsea, Vermont Development Review Board
Draft Meeting Minutes April 4, 2018

The Public Hearing on an applications by Tim Ward (#ZP18-04), Travis Wilson (#ZP 17-06 and 17-27), and Robert Sanborn (#ZP17-28)

Anne Carroll opened the meeting at 6:35 pm. The Hearing was opened with a reading of the Notice as posted and published. No conflicts of interest or ex officio conversations were disclosed. The applicants were the only parties in the room granted interested party status. All persons wishing to participate in the Hearings for all three applications were sworn in.

Members Present: Anne Carroll (Chair), Debra Melvin (Vice Chair), Johanna Welch, Jonathan Vermette

Members Absent: Larry Allen,

Others Present: Tim Ward, Travis Wilson, Angela Price, Robert Sanborn, and Timothy McCormick (AO and Clerk)

ZP# 18-04: Application by Tim Ward for the Construction of a Roof and Pole structure over the back walk entrance to the Wagon Wheel Pub (Parcel ID # 044-001.000)

The Hearing on the first application was opened at 6:35 pm. At the outset of the hearing, the Development Review Board afforded those persons wishing to achieve status as an interested person an opportunity under 24 VSA Subsection 4465(b) to demonstrate that the criteria set forth in that statute could be met. Only the applicant, Tim Ward participated as interested party to this application.

Anne asked the applicant to explain the application. Tim Ward said that he was planning to construct a simple post and beam double-pitched roof supported by six posts. The posts will be anchored in cement. Anne asked for clarification of the term “double-pitched” and Tim explained that it simply meant that the roof was pitched in two directions. Tim also mention that there will be hand rails on the structure to assist the handicapped.

Anne asked Tim McCormick (Tim M) about the issue of project being within a flood plain and Tim M said according to the maps, some of the project is within the floodplain but out of the floodway. He mentioned that the project is anchored and constructed with posts so that water will be allowed to flood through the area, and in accordance with Section VII B of the Flood Hazard Area Regulations. So Anne questioned why the application was before the Board, and Tim mentioned that it was because the project involves an expansion of a commercial building.

Tim Ward mentioned that the existing walk to the entrance was made of asphalt and that he had planned to either resurface the walk with asphalt or change the surface to concrete. The Board reviewed the sketch that was presented and Tim said that the roof addition would not extend beyond the loading dock in the direction of the stream.

Anne asked about lighting and Tim said that there will be some additional lighting about the walkway for customers to see the walkway better as they approached the entrance. Johanna asked again about the how the support beams would be anchored and Tim said that the beams would be anchored in concrete. Deb asked about the materials for the project and Tim said that the beams would be wooden posts and the roof would be standing seam.

There was brief discussion about benefits of having a roof to the entrance to protect the customers from the rain, and ramp and rail to assist the handicapped. Anne asked if the project would encourage the gathering of people outside in the area, and Tim mentioned that it would not be an issue and that sometimes people currently gather in different areas of the parking lot anyway.

Anne asked if anyone had additional questions or comments and Travis Wilson commented that it looked like a good project. A motion was made to close the Hearing and it was seconded and approved. The Hearing was closed at 6:50 pm.

ZP# 17-06 The Public Hearing on an application by Travis Wilson on remand to reconsider a waiver for setbacks to a shed (Parcel ID # 002-028.000)

The Hearing was opened at 6:50. Angela Prince was present participate in the Hearing and to assist Travis in presenting evidence to the Board. Anne asked Travis Wilson to describe the project and when Travis began to explain the project, Johanna asked that he start with a review of previous information since this was a rehearing of an earlier application and she and Jonathan were new members to the DRB. So the meeting began with a brief review of the details and decision of the Hearing conducted on May 31, 2017.

Anne mentioned that at previous hearing there was a question about whether or not the shed was a pre-existing structure and therefore grandfathered. Travis and Angela provided photos of a pre-existing shed on the property. They mentioned that pre-existing shed was 8 feet by 12 feet and the new shed was in the same location but was 8 feet by 14 feet and extended 2 feet back away from the road.

After reviewing the photos, there was some discussion about how long the shed was in existence. Tim Ward said that as long as he can remember, there has always been a shed on the property and he that he was very familiar with the property. A motion was made to recess the hearing on the shed and to hear testimony on ZP17-27 (replacement of a pre-existing house) before resuming testimony on the shed. The motion was seconded and approved and the hearing was recessed at 7:10 to be reopened later in the evening.

ZP# 17-27 The Public Hearing on an application by Travis Wilson for a waiver to the front road setback for construction of a replacement single-family home (Parcel ID #002-028.000)

Anne asked the applicant to describe the project. Angela began by stating that they were replacing a pre-existing structure and had two sketches because they were concerned about being too close to the existing septic system. Tim Ward said that there shouldn't be an issue with the location relative to the system because the State will allow a reduction in setback requirements from pre-existing structures and that he could recommend some engineers to help them with any permit issues.

Johanna asked about the structure and Travis mentioned that it was going to be a post and beam structure with a one-bedroom loft. He said that the dimensions would be 30' x 28'. Tim Ward and Robert Sanborn left the room temporarily while Angela left to get some pictures of the site. Travis discussed the fact that there were people trespassing on the site and that the photos revealed two men in suits walking on the site. There was some discussion and it was supposed that the men were Jehovah Witnesses.

The sketch prepared by the application showed that the proposed house was going to be at least 35 feet from the side boundary lines and 25 from the front property line. Tim M stated that he took measurements in the field, and the proposed structure would be approximately 38 feet to the center of Upper Village Road. There was some discussion about the steep slope in back for the proposed house and the fact that the property was limited. (The property is 100 feet x 100 feet).

Anne asked if it would be worth a site visit and the Board felt that the pictures and description were sufficient so that a site visit would not be necessary. A motion was made to close the Hearing ZP#17-27, the motion was seconded and approved and the Hearing was closed at 7:25pm

ZP#17-06 - reopened at 7:25

The Hearing was briefly reopened and Johanna asked for clarification on the location of the shed from the side property line. Deb. reiterated that the pre-existing shed was 5 feet from the property line and that the new shed was also 5 feet from the property line. Deb made a motion to close the Hearing, the motion was seconded and approved and the Hearing was closed at 7:30pm.

ZP# 17-28 The Public Hearing on an application by Robert Sanborn for the placement of a shed in the Flood Hazard Area and a waiver to the setback from a stream bank. (Parcel ID #110-102.000)

Anne asked Robert to explain the project. Robert stated that there was an existing concrete pond-type structure located on his property prior to zoning where he located a pre-manufactured shed for his horses. He wanted to position the shed in such a manner to allow him to see the horses. The building is now located in a floodplain.

Robert mentioned that he did not agree with the fact that the building was closer than 35 feet to the stream bank. He referred to the measurements that were taken during an earlier site visit with Tim McCormick and Ned Swanberg, of the Vermont Flood Management Program. Tim and Ned measured the nearest corner of the structure as being 26.5 feet from the stream bank. Robert questioned this measurement because it was taken to the top of the stream bank but downstream from the structure.

Robert said that he would be willing to raise the structure on 6" beams (5.5" finished thickness) to allow for water to flow under the floor. Anne asked if this would be a problem for the horses, and Robert indicated that it would not be a problem.

Anne asked if a site visit would be necessary and the consensus of the Board was that a visit would not be necessary. After further discussion about waivers and setbacks relative to stream banks, Anne asked if there were any further questions. A motion was made to close the Hearing, it was seconded and the hearing was closed at 7:47

Findings and Decisions

ZP# 18-04: Application by Tim Ward for the Construction of a Roof and Pole structure over the back walk entrance to the Wagon Wheel Pub (Parcel ID # 044-001.000)

The Board began deliberation at 8:10pm. Anne asked Tim M if there were any floodplain issues and Tim M stated that the project was just out of the floodway and that he had Ned Swanberg review the project. Since the project is not a "substantial" improvement and the roof structure would be supported by six wooden posts that will allow water movement through the area, there should not be a flood plain issue.

The DRB discussed the fact that people may gather in the project area but that this would not present an issue. Although picture submitted with the application does not represent all of the detail in the project area, it provided a sufficient depiction of the area so that the project details were clearly presented. For instance, Tim Ward stated that there is wooden fence on either side

of the existing sidewalk that does not show in the diagram that will be replaced with a railing to aid in handicapped access.

Based on the testimony given by the applicant, the DRB presumes that the proposed access will be ADA compliant. A motion was to approve the application and the application was unanimously approved as presented.

ZP# 17-06 The Public Hearing on an application by Travis Wilson on remand to reconsider a waiver for setbacks to a shed (Parcel ID # 002-028.000)

The DRB determined that the evidence and testimony does not conclusively prove that the new shed is replacing a shed that existed prior to zoning regulations. As such, the new shed cannot be considered replacement of an existing non-conforming structure as defined in the Bylaws. However, the DRB has determined that a waiver to the property line and front road setbacks can be granted because it meets at least one of the criteria for waivers listed in Section 5.8.1 of the Bylaws. Specifically, although the distance from the new shed to the side property line represents a decrease in more than 50% of the setback requirement, the project *conforms to the development patterns of the district* (5.8.1(1)). The DRB voted unanimously to approve ZP# 17-06.

ZP# 17-27 The Public Hearing on an application by Travis Wilson for a waiver to the front road setback for construction of a replacement single-family home (Parcel ID #002-028.000)

The DRB determined that the proposed replacement home can be granted a waiver to the front road as it will comply with all three waiver Section 5.8.1 Bylaw requirements for waivers.

The Board also notes the applicant must meet the requirements of the Vermont Agency of Natural Resources for connecting to an existing wastewater disposal system and potable water supply to the new residences. The DRB voted unanimously to approve ZP#17-27.

ZP# 17-28 The Public Hearing on an application by Robert Sanborn for the placement of a shed in the Flood Hazard Area and a waiver to the setback from a stream bank. (Parcel ID #100-102.000)

The DRB began the deliberation discussion around the placement of the shed in the floodplain and within the 35 foot setback to a stream bank. The Board decided to continue deliberation at a later date.

Submitted by,
Timothy McCormick, Administrative Officer and DRB Clerk