

Chelsea, Vermont, Development Review Board
Meeting Minutes May 31, 2017

Development Review Board (Board) Members Present: Blaine Conner (Chair), Anne Carroll (Vice Chair), Arthur Goodrich, Debra Melvin.

Board Members Absent: Laurence Allen, Richard Allen

Others Present: Mary Riley (applicant), Travis Wilson (applicant) Angela Prince (interested party), Timothy McCormick (AO and Clerk)

The Public Hearing on an application by Mary Riley (#ZP17-05) for a retail sign and to reactivate the commercial use of a vacant building space located at 3 North Common. The space will be used to store and sell thrift, antiques and local products.

The hearing was opened at 6:45pm, and began with a reading of the Hearing Notice. No conflicts of interest or ex officio conversations were disclosed. Anne mentioned that Mary had contacted her about the project. Anne stated that she had e-mailed Tim (May 24, 2017) saying that she did not discuss project details with the applicant, but only answered procedural questions, referred Mary to the Bylaws and told her to call Tim with any questions. There were no other interested parties present. Mary asked about the definition of “interested parties” and an explanation was provided. The applicant, Mary Riley was sworn in.

Blaine began the hearing by asking Mary to explain the proposed sign. Mary showed the Board a proposed display which was compared to the draft sketches attached to the application. Blaine asked her about the size of the sign. The sign measurements provided in the application were 24” x 42”. Anne asked about lighting for the sign. Mary said had not considered the issue “until now”. After a discussion about the pros and cons of lighting and other examples of lighting in Town, Mary decided that she would restrict the lighting to Christmas lights around the sign which will be turned off during the daylight hours. She said the lights would be white, non- blinking lights.

Blaine asked about the bracket for the sign and Mary stated that the bracket would be made of iron specifically designed for this project. The sign itself will be made of metal and vinyl (not wooden). Mary also explained that she would like an attached drop-down sign and as shown in application sketch which will be 6in. x 36 in. Arthur asked if the sign would extend into the Town Road R.O.W and the Board Members concluded that it would be very close.

There was a brief discussion regarding the historical use of the building and the Board concluded that the proposed use of the building is similar past uses and does not represent a change in use of the building.

Arthur made a motion to close the Hearing on ZP17-05. Anne seconded the motion and the Hearing was closed at 7:05pm. Mary Riley left the room

The Public Hearing on an application by Travis Wilson (ZP17-06) for a waiver to the setbacks between an accessory building and property boundaries.

The Hearing was opened at 7:10pm. No conflicts of interest or ex officio conversations were disclosed. Angela Prince was present as an interested party on behalf of the applicant. Travis Wilson and Angela Prince were sworn in.

Blaine began the meeting by asking Travis to describe the application. Travis stated that he removed an 8' x 12' shed on his property and replaced it with an 8' x 14' shed. Travis said the new shed was constructed in basically the same location as the old shed, except that it extended further back from the road. There was some discussion about the age of the shed as well the existing primary building on the lot. Travis did not know how long the structures had been on the property.

Arthur asked if the shed was on a foundation and the Travis stated that it was not. Arthur also asked about the driveway onto the property. Angela and Travis both explained that it was drive on the neighboring property to provide access to their well. There was discussion about the size of the shed and distance to the property boundaries as well as discussion about the age of the lot.

Tim asked Travis about his future plans for the primary structure. Travis stated that they took it down and that he may replace it before winter if possible. Anne asked if they were living in that building and they said that they were not. Blaine reiterated to the Applicant and Board that the current zoning application was for a waiver to the setbacks for an accessory building on the property and not for any future development on the property under consideration. There was some discussion regarding the age of the lot and when it was created. It was suggested that the applicant conduct further research on the history of the parcel.

Deb moved to close the Hearing on ZP17-06 and Arthur seconded the motion. The Hearing was closed at 8:00pm and Travis and Angela left the room.

Findings and Decision:

Application by Mary Riley (ZP17-05) During deliberation, Anne questioned the proposed height of the sign above the ground. The Board agreed that it could be placed 7 feet above the ground as shown in the applicant's sketch. The Board discussed the sign in relation the Town R.O.W. All agreed that the sign was far enough from the Town sidewalk and consistent with the character of the Town. The sign was unanimously approved and deliberation on application ZP17-06 was closed at 8:20.

Application by Travis Wilson (ZP17-06) During deliberation, much of the discussion focused on whether the newly constructed shed was a replacement of a pre-existing, non-conforming structure. Arthur questioned how long the former shed was on the property and whether it could be considered “pre-existing”. In the testimony given, the applicant stated that the previous shed was “there for as long as he owned the land”

If the shed that was being replaced had existed prior to Town Zoning Bylaws, it could be considered a pre-existing, non-conforming structure, and the new shed could be built within the preexisting reduced property line setbacks. However, the Board felt that the testimony given did not support the argument that the former shed was, in fact a pre-existing, non-conforming structure and that the new shed must adhere to the current Bylaw setbacks.

Section 6 (Definitions) of the current Chelsea Bylaw defines **Non-Conforming Structure** as : “*A structure or part thereof not in conformance with Chelsea Zoning Bylaw covering building height, area, yards, density or off-street parking requirements where the structure conformed to all applicable laws and regulations prior to enactment of this Bylaw*”.

Section 5.8.1(3) of the current Bylaw states that The Development Review Board may grant a waiver if: “*the waiver will not result in a greater than 50% decrease in any dimensional requirement*”.

The applicant’s sketch depicted the new shed 5 feet from the side boundary line (35 feet required) and approximately 31 feet from the front road centerline (65 feet required). The Board noted that this is greater than a 50% decrease in the front and side yard setbacks. They noted that there appears to be enough room on the property for the shed to be relocated in conformance with the current Bylaw setbacks.

The application for a waiver in the setback requirements for the new shed was denied.

The meeting was adjourned at 8:40pm

Submitted by,

Timothy McCormick, Administrative Officer and DRB Clerk

NOTICE: This decision of the Development Review Board (DRB) may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the DRB. Such appeal must be taken within 30 days of the date of the decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.