

Chelsea, Vermont, Development Review Board
Draft Meeting Minutes November 1, 2017

Members Present: Anne Carroll (Acting Chair), Debra Melvin, Johanna Welch, Wendy Forbes, Jonathan Vermette.

Members Absent: Laurence Allen

Others Present: Michael Chapin, Alfred Avery, John Farrell, Jr., Penny Farrell, Tim Ward, Timothy McCormick (AO, Clerk)

The Public Hearing on an application by Michael Chapin, 81 Upper Village Road (#ZP17-21, Parcel #002-023.000)

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

At 6:35 pm, the Board reopened a hearing on ZP-21 as a continuation of the recessed hearing held on October 25, 2017. The hearing was recessed so that the applicant could provide more information to the Board about the flooring materials to be used for the proposed “pole” barn structure.

Michael stated that he decided not to use any flooring materials, but instead is proposing to tamp down the ground in the area and just utilize the compacted ground for the basketball surface.

A motion was made to close the Hearing and the Hearing was closed at 6:50 pm

The Public Hearing on an application by Alfred and Polly Avery 336 Vt. Route 110 (#ZP17-22, Parcel #002-025.001)

For a Conditional Use to construct a handicapped ramp on an existing residence.

The hearing was opened at 6:51pm. The Hearing Notice for applications ZP17-22 and ZP17-24 was read. No conflicts of interest or ex officio conversations were disclosed for either application. The applicant was sworn in. Tim Ward was determined to be an interested party by virtue of the fact that he constructed the pond for application ZP17-24 and was sworn in.

Anne began the hearing by asking the applicant to explain the project. Alfred stated that he was proposing to construct a handicapped ramp that connect from the side porch and extend parallel with the side of the house toward Route 110. There was a lot of discussion about the exact placement of the ramp. Although the ramp dimensions were clear, it was difficult to determine where the ramp was being proposed in relation to the house.

Finally, Board Members were able to review pictures from digital photos and Alfred's descriptions to better understand the proposed ramp placement. Alfred explained that the "toe" of the ramp would be about 2 feet further from the center line of Route 113 than the previously-approved front porch steps.

The Board discussed the front and side-yard setbacks required by the Chelsea Bylaw and was satisfied that the project met the requirements for the Village District. The ramp would be approximately 46 feet from the side yard boundary to the south and would be approximately 45 feet from the front road center line. Deb asked what kind of material would be used for the ramp and Alfred stated that it would be pressure treated wood.

A motion was made to close the hearing, and the hearing was closed at 7:30pm. Alfred left the room.

The Public Hearing on an application by John Farrell 636 Vt. Route 110 (#ZP17-24, Parcel #110-139.000)

For an After-the-Fact Conditional Use Permit for a 1/3 acre pond. The hearing was opened at 7:31pm. Anne began the meeting with a discussion about the proper warning provided to the neighbors. Apparently, all of the abutters did not receive a notice of the Hearing. John explained that although some of the abutters did not get the formal notice, they were all aware of the project, and the time and date for the hearing. Anne suggested and the applicants agreed, that since all interested parties were aware of the hearing, that the hearing could proceed and Tim would send the minutes of the meeting to all interested parties even though none of the parties were present at the hearing.

The applicants were sworn in and the discussion started with the Bylaw requirement for a permit for the pond. The question was asked about whether or not ponds were permitted in the past. Deb recalled that the 2005 Bylaws did not contain such a requirement and that in the 2009 version, ponds had to be permitted. Tim cited Section 4.12 of the 2009 Bylaws which stated that

a permit is required for a pond, and that because it was not allowed to be issued administratively, the application had to be heard by the Development Review Board (DRB).

Johanna, referring to Section 4.12 of the Bylaw, calculated the pond was greater than 50,000 cubic feet, and that the Bylaw states that any pond greater than 50,000 cubic feet may require a State or Permit. There was some discussion about where the 50,000 cubic feet number was derived. John said checked with a few sources and he was informed that a State permit was not required.

Johanna asked how far the pond was located from the river. John replied that it was about 400 feet. John was also asked about the water source for the pond and stated that the pond was fed by a spring. There was some discussion about the necessity of State permits and again about the 50,000 cubic foot number referred to in the Bylaw. John was reminded that any State law requirements regarding ponds was his responsibility.

A motion was made to close the hearing at 8:15 and the applicants left the room.

Findings and Decisions:

ZP 17-21 Michael Chapin: The Board agreed that the proposed structure would be sufficiently anchored to the ground within the flood plain. The Board determined that if the proposed structure is constructed with materials as suggested by Ned Swanberg from the State Floodplain Management Program, it will be in conformance with Sections 11.0 and 12.2 of the Chelsea Flood Hazard Bylaw. The Board unanimously voted to approve ZP-21 as presented.

ZP17-22 Alfred and Polly Avery: After deliberation, the DRB decided that the handicapped ramp was in conformance with the setback requirements of the Village Design Control Overlay District and voted unanimously to ZP-22 as presented.

ZP17- 24 John Farrell: The DRB discussed the fact that although all neighbors were informed of the project, some may have not received timely notification. The Board agreed that all of the abutters should receive a copy of the minutes and decision even though none of the interested parties were present at the hearing. The Board was satisfied that the pond met all of the setback requirements within the Rural Residential District and that the pond was not located within a flood plain. The Board voted unanimously to approve ZP-24 as presented.

Submitted by,
Timothy McCormick, Administrative Officer and DRB Clerk