

Chelsea, Vermont Development Review Board
Draft Meeting Minutes February 7, 2018

The Public Hearing on an applications by Arthur, Joan and Jason Goodrich (#ZP18-01), and by Dennis Boardman (#ZP 17-30)

Anne Carroll opened the meeting at 6:30 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. All persons wishing to participate in the Hearing were sworn in.

Members Present: Anne Carroll (Chair), Debra Melvin, Wendy Forbes, Johanna Welch
Others Present: Arthur Goodrich, Jason Goodrich, Dennis Boardman, Kasey Peterson, Richard Rogers, Dana Peterson, Allen Flint, Ed Kuban, Timothy McCormick (AO and Clerk)

#ZP 18-01: Application by Arthur, Joan and Jason Goodrich for a Change in Use from a Restaurant to a Residential Dwelling (Parcel ID # 110-050.000)

The Hearing on the first application was opened at 6:40 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. A record of the name and address of persons wishing status as an interested person, a summary of their evidence with regard to the criteria, and a record of their participation at the hearing is attached hereto. Only the applicants, Arthur and Jason Goodrich participated as interested parties to this application.

Anne asked the applicant to explain the application. Arthur mentioned that the proposed application was for a Change of Use to convert an existing commercial building to a residential single family use. Anne asked Art about the history of the building and if it was an office at one time. Art mentioned that it went through a number of changes. It was always a commercial building that used to be a restaurant, pizza shop, barbershop, etc.

Anne asked Tim if he had anything to add. Tim mentioned that there was a wastewater disposal system permit issued for the building in 2006. Tim contacted the Regional Engineer (Carl Fuller) to ask if additional permitting was required to reduce the capacity from a 40 seat restaurant to a 2 bedroom single-family dwelling. Carl responded that no permits were necessary, but that the property owner may want to re-permit the building anyway to be sure that the land records reflect the change. Arthur stated that the applicants have no intention of re-permitting the building for water and wastewater disposal and that permitting the building for a restaurant years ago was an expensive process.

Tim added that although the building is located in the 100 year floodplain, the interior renovations are not considered "substantial" and an administrative permit can be issued by the

Zoning Administrator. The application listed the cost for project renovations at \$1,500.00. Anne asked if there were any further questions or comments and Ed Kuban stated that converting the commercial building to a residential use would be a good use of the property and would generate income for the owner.

A motion was made to close the Hearing, the motion was seconded and the DRB voted to close the Hearing at 7:45pm. Arthur and Jason Goodrich left the room.

The Public Hearing on an application by Dennis Boardman for a waiver to the front setback for a minor structure (#ZP17-30)

The Hearing on the second application was opened at 7:46 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. A record of the name and address of persons wishing status as an interested person, a summary of their evidence with regard to the criteria, and a record of their participation at the hearing is attached hereto. Except for the applicant, the attendees requested “interested party” status because they were members of the American Legion. The American Legion owns the minor structure on the subject property. Alan Flint is not an abutter to the subject property, but owns property in the immediate neighborhood.

In order to address the topic of “interested parties”, the DRB voted to go into deliberative session. The DRB decided that those present did not meet the criteria for interested party status. After deliberation, Anne, asked the non-applicants present if they would like to participate in the Hearing as members of the public and not as “interested parties”. She explained that if a person is not considered an “interested party” he or she may participate and make comments at the Hearing, but cannot participate in an appeals process should the DRB’s decision be appealed.

Anne asked Dennis to explain the application. Dennis said that the shed on his property is a 9 foot x 9 foot building used to store flags for the American Legion. The building is placed on the property 29.5 feet from the centerline of the road. The front road setback between a structure and the centerline of the road is 65 feet. The applicant is requesting a waiver to the setback. One of three criteria in Section 5.8.1 of the Bylaw states that the DRB may grant a waiver if *“the waiver will not result in a greater than 50 % decrease in any dimensional requirement”*.

The DRB examined the sketch provided by the applicant. Ed Kuban mentioned that in accordance with Section 5.5 of the Bylaws, variances could be granted in cases where topography is an issue. Tim mentioned that he may be referring to the wrong section. Section 5. 5 refers to the General Duties of

the Development Review Board. The portion of the Bylaws dealing with waivers and variances is covered under Section 5.8. Dennis stated that there simply isn't enough room on the property to move the building.

Anne asked Tim to describe the situation as he saw things. Tim said that he looked at the building location and took measurements with Dennis. One corner of the shed is 29.5 feet from the centerline of Upper Village Road. The front of the shed is not parallel with Upper Village Road. Instead, the building is orientated in a north south direction at a slight angle from the road. If the shed was to be moved 3 feet straight back from the road, it would extend over the embankment. However, if the shed was moved three from the road and in a southerly direction (toward the existing house) it would not extend over the embankment. Dana said that there is not enough room on the property for the shed. He said that if there was enough room to put it further back from the road, the American Legion would have placed it there.

A motion was made to close the Hearing and the Hearing was closed at 8:40pm.

Submitted by,
Timothy McCormick, Administrative Officer and DRB Clerk