

Chelsea, Vermont Development Review Board
Draft Meeting Minutes May 16,2018

The Public Hearing on an applications by Robert Sanborn (#ZP17-28), and by Frank Keene (#ZP 18-08)

Deb Melvin opened the Hearing at 6:30 pm. Anne Carroll joined the meeting at 6:35 and 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 Hearings on both applications were sworn in.

Members Present: Anne Carroll (Chair), Debra Melvin, Johanna Welch, and Larry Allen
Others Present: Robert Sanborn, Frank Keene, Terry Carty, Ernest and Sadie Kennedy, Brian Sanborn, Timothy McCormick (AO and Clerk)

#ZP 18-01: Application by Robert Sanborn for an accessory shed within the floodplain and for a waiver to the setback between the shed and a stream bank (Parcel ID # 110-102.000)

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. Only the applicant, Robert Sanborn, participated as an interested party to this application.

This hearing was a reopening of a hearing conducted on May 4, 2018. The hearing was reopened to enable the DRB to collect more information on flood plain issues as they relate to the subject application. Anne asked Tim explain the information collected since the last hearing. Tim entered as evidence an e-mail from Ned Swanberg from the State of Vermont Flood Management Program. The e-mail was sent to the DRB and the applicant prior to the hearing.

Robert began comments on the e-mail by discussing Mr. Swanberg's reference to the Base Flood Elevation (BFE) and the maps attached to the e-mail. Robert mentioned that Mr. Swanberg's reference to the BFE was an approximate elevation. Robert also referred to Ned's statement that the decision was ultimately up to the DRB and asked that the DRB be lenient in their decision given that the BFE elevation was not precise.

From the available floodplain maps, Ned Swanberg recommended that a BFE of 838 be used for for the purposes of this review. According to the map, the shed is location is approximately at the 838 elevation. Mr. Swanberg also went on to recommend that "The permit should be conditioned to require documentation from a surveyor to confirm that the final floor level of the structure is at or above the Base Flood Elevation".

Robert mentioned that the shed is currently 21 feet from the “Medical Center Property” which abuts the subject property to the west. He suggested that if the shed was moved towards that property, that the elevation would be slightly higher.

Johanna asked Robert about the horses and where they would be allowed to pasture. She asked if they would be allowed to pasture near the stream. Robert indicated that they would occasionally be near the stream bank. Johanna also asked if Robert would be driving equipment to and from the shed. Robert seemed to indicate that he would not. This was followed by some discussion about what activity is permissible near the streambank and within the floodplain.

Anne asked Robert if there were a row of trees located between the shed and the stream bank, and Robert said that there were some trees in that location. According to the map submitted by Mr. Sanborn, there appears to be a fairly dense tree growth between the shed and the existing house to the north.

Turning back to the e-mail submitted by Ned Swanberg, Mr. Sanborn noted Ned’s confirmation that the shed location is out of the floodway. There was also some discussion regarding Ned’s observation that fill had been placed underneath the shed. Mr. Swanberg pointed out that fill is prohibited in the special flood hazard area according to IV of the Chelsea Flood Hazard Ordinance. He mentioned that material could be removed from around the shed (and placed out of the floodplain) to balance the amount of fill material that was brought in from off of the site to result in a “no net fill” outcome. He suggested that this should be documented to prove that the total landscaped area for the project would consist of the same or less material that existed prior to the beginning of the project.

A motion was made to close the Hearing, the motion was seconded and the DRB voted to close the Hearing at 7:10pm. Robert Sanborn left the room.

The Public Hearing on an application by Frank Keene to purchase a 40 foot by 90 foot parcel of land from his neighbor within a floodway. There is no development proposed for the purchased property. (#ZP18-08)

The Hearing on the second application was opened at 7:12pm. 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. Ernest and Sadie Kennedy requested “interested party” status as neighbors and the sellers of 40 foot by 90 foot parcel to Mr. Keene.

Anne asked Frank to explain the project. Frank said that he is interested in purchasing a small 40 foot by 90 foot area of land from his neighbor. There is no planned development for the lot, he simply wants to remove the existing fence between the parcels and keep the area the 40 x 90 area mowed.

Johanna asked Tim if this had any bearing on lot size requirements of the Chelsea Zoning Ordinance. Tim said that it did not. The minimum lot size in the Village District is 1 acre for lots without a municipal sewer connection and ½ acre for lots in the Village with a municipal sewer connection. Transferring a 40 foot by 90 foot portion of land of the Kennedy parcel to the Keene parcel would leave more than 1 acre on the Kennedy Parcel.

There was discussion about the definition of floodway vs. flood plain. Frank asked about the timing for the DRB to make their decision. He was informed that the Board has 45 days to make a decision but that he will receive a decision well ahead of that deadline.

A motion was made to close the Hearing and the Hearing was closed at 7:20pm.

After the meeting, the DRB discussed some erosion issues with Frank that occurred on another portion of his property. Frank left the room and the DRB went into deliberation on the two applications

Submitted by,
Timothy McCormick, Administrative Officer and DRB Clerk