

Chelsea, Vermont, Development Review Board
Draft Meeting Minutes August 7, 2019

Members Present: Anne Carroll (Chair), Johanna Welch, Deb Melvin (alternate)

Others Present: Laurel LaFramboise, applicant, Timothy McCormick (AO, Clerk)

Reconvened Public Hearing on an application by Chris and Laurel LaFramboise (#ZP19-12, Parcel #015-014.000)

A continuation of the hearing held on July 17, 2019 for a Conditional Use Permit to create a two-lot subdivision and to provide access within a flood plain to a temporary trailer and an existing barn structure under the Chelsea Flood Hazard Bylaw the property is located in the Rural Residential District at 117 Washington Turnpike Road.

Anne Carroll opened the meeting at 6:00 pm. Deb Melvin was present as an alternate replacing Larry Allen, who attending the initial hearing. All others present were present at the initial hearing. Deb was sworn in. No conflicts of interest or ex officio conversations were disclosed.

Anne highlighted the hearing points from the last meeting for Deb's benefit to bring her up to date on the application status. In short, the applicants received a subdivision permit from the State of Vermont to subdivide 64 acres with a residence and an existing barn into two lots. One lot would consist of two-acres and the existing residence, and the other lot would consist of the remaining 62 acres and the existing barn. The subdivision was originally prepared with a proposed driveway crossing a portion of the new, two-acre lot (with a proposed R.O.W) before accessing the retained 62-acre parcel. At the recommendation of Patrick Ross, the State Rivers Project Engineer, the applicants planned to utilize an existing ford crossing and chose not to install a bridge to access the 62 acres. For the time being, they intend to use the existing shallow-water crossing in the summer months to ford the brook with a camping trailer.

The applicant's goal is to be able to access their parcel without a R.O.W. across the 2-acre parcel. In order to accomplish this goal, it would necessary to add fill within a mapped flood-plain to create an acceptable slope for access. To avoid issues with Chelsea Flood Hazard Regulations, the applicants are proposing to remove fill from the access location to reduce the slope instead of filling the area.

The DRB decided that it is necessary to consider comments from Ned Swanberg, the Central Vermont Flood Plain Manager, before making a decision. Ned could not comment in time for the first hearing due to a family emergency. The first hearing was recessed and the Ned met with the applicants and Tim McCormick on the site and provided comments for today's hearing.

Ned e-mailed a letter to Tim McCormick dated 8/5/19 stating that: "In this situation the applicants are proposing to remove a considerable amount of fill, extend a *de minimis* amount at the toe of the proposed ramp, and it appears the elevation could be above the flood elevation. On the face of it, I support the proposal before the DRB as not placing fill that would cause a loss of floodplain function, or likely direct floodwater toward other structures".

The applicants were also asked to make sure that the access from the town road was in compliance with the Town Road Ordinance and they provided the DRB with a letter from Rick Ackerman, Town Road Foreman. In the letter dated 8//6/19, Rick stated that: "I have no concerns and I don't feel that an additional driveway permit is needed as this secondary access uses the existing access to the town highway".

Anne reiterated the fact that this application was only for the access within a mapped flood plain area, and was considering only the use of the access for crossing the floodplain and stream within the summer months. Any changes to the proposed use across the stream or consideration of a bridge across the stream must be dealt with in a separate application to be approved by the DRB. Laurel said she understood and did not want to "open that can of worms" at this time. Laurel stated that the neighbors received a LOMA exemption and mentioned that they will be looking into getting a LOMA for their house.

Tim asked Laurel if the subdivision survey is an official survey that will be recording in the Town. If so, then the R.O.W. for the proposed driveway will have to be changed on the survey to reflect the fact that there will be no driveway easement area, and that each parcel. will have its own driveway access. Laurel said that she understood that and it will be changed as a land-sale draws closer.

A motion was made to close the hearing and the hearing was closed at 6:10pm. The DRB went into deliberation.

Submitted by,
Timothy McCormick, Administrative Officer and DRB Clerk