

Chelsea, Vermont Development Review Board
Draft Meeting Minutes August 29, 2018

The Public Hearing on an application by Joseph R. Pokraka (#ZP18-17) for the construction of a 10' x 12' shed in the original footprint of a pre-existing shed within setbacks and the construct of a new 16' x 16' shed outside of setback limits.

Members Present: Anne Carroll (Chair), Debra Melvin (Vice Chair), Larry Allen, Johanna Welch,

Members Absent: Jonathan Vermette

Others Present: Joe Pokraka (applicant), Ricard and Stephane Rockwood, Richard Bean, James Cowling, Kevin Thompson and Timothy McCormick (AO and Clerk)

Deb Melvin opened the meeting at 6:05 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.

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. Rich and Stephanie Rockwood, Richard Bean, and James Cowling were granted status as interested parties as they are abutting landowners to the property. Kevin Thompson, the applicant's uncle, does not have interested party status, but wished to participate in support of the applicant. All interested parties were sworn in.

Deb asked the applicant to explain the application. Joe explained that he is interested in building a shed in the former existing footprint of a shed that was taken down years ago. He would also like to build an additional 16' x 16' shed in another location on the property. Photos of the two shed areas and a partial blown up version of the property survey with the former shed and camp locations were submitted. Joe mentioned that the property has been in his family for many years and that he is not sure exactly when the pre-existing shed was taken down.

Joe said that it was not possible to fit the pre-existing shed on the lot in compliance with the setbacks. Johanna asked him if he was going to withdraw that shed from the application. Joe stated that he would like to keep the new shed proposal on the application to see what everybody else thought.

James Cowling asked if he could submit photos that may clarify things. He submitted photos depicting the locations of buildings as they appeared in 2002 and in 2018. This was followed by a lot of discussion about building locations in reference to property lines and how long the

buildings were in existence. Johanna asked Joe and Tim where the sheds were proposed as she prepared a sketch for reference. She also asked Joe if there was going to be any electricity connected to the structures. Joe said that he thought there would be electrical connections. Kevin mentioned that Joe was proposing the buildings because he needed room for storage.

Using his photos, Jim explained that there was no room on the narrow property to construct a shed that would meet the setbacks. He explained where the property boundary lines exist relative to an "old road". He also questioned whether existing shed (not mentioned in the application) had a permit. Tim said that there was no permit for the other shed in the file.

Rich Rockwood asked to speak and stated, first of all, that he does not like the hearing process and that he does not have anything against his neighbor. He asked about the permit that was granted to rebuild the camp back in 2007. He said that the rebuilt camp was not in the same footprint as the original camp and that there were additions to the camp. He said he does not see how the replacement shed could fit where the original shed was placed. Rich also mentioned that the original shed was taken down more than 2 years ago. Mr. Rockwood stated that if the replacement shed was built in the proposed location, he would not be able to plow snow in that area and would not have sufficient room for any potential bridge maintenance. Rich said that there are no trees along the riverbank to provide a vegetative buffer and he said that he would prefer the shed be constructed somewhere else on the property.

Joe indicated that he would like to construct the replacement shed on the "higher ground" area of the property, which is where original shed was located. Rich mentioned that "Irene" (tropical storm) did not seem to cause a problem in the lower areas of the property. Stephanie mentioned that someone should be concerned about the environment. There was a lot of back and forth discussion about the owner's right to develop on his own land and the zoning regulations. Joe asked what do the neighbor's want to see happen on the property. Anne said that everyone will get a chance to participate, but people need to speak in turn and the meeting must be orderly.

Kevin mentioned that Joe needs storage space on his property. He said that Rich's point about plowing was a moot point because the old shed existed for years and it never caused a problem with plowing. He said that the work Joe has done on the property made the property look better and that the arguments against having the sheds constructed do not make sense. Rich said that he agrees with the fact that the property looks better and that Joe is a very good carpenter. Joe said that he has very limited space as to what he can do with his property. He stated that he has

no flexibility. Rich said that he also has limited space as the proposed project will limit what he can do around the access to his property.

Tim made a suggestion that the proposed replacement shed and the proposed new shed be combined into one bigger shed and located in the area of the proposed new 16' x 16' shed. That way the shed would provide the desired storage room for the applicant, it would be located away from the bridge and the neighbor's property line, and could be 35 feet from the stream bank. A waiver would still be necessary to shorten the setback between the shed and applicant's back property line, but it would be possible to make this distance more the ½ of the required setback distance.

It was explained to the applicant that such a change would require a new hearing and hearing notification. Joe said he thought that this would be agreeable to him, Rich said that he would be in favor of the suggestion, and Jim said that he simply wants the project to comply with Zoning Ordinance. Joe said that he will withdraw the application, think about the options, and check back with Tim discuss the next step and possibly take new measurements for the proposed shed. He said he would also like to discuss any new shed location with the neighbors.

Joe withdrew the application and a motion was made to close the hearing. The Board voted to close the hearing at 7:45pm.

A brief organizational meeting was conducted to elect officers. The Board voted Ann Carroll as Chair, Deb. Melvin as Vice Chair and Tim McCormick as Clerk. Meeting was closed at 8:00pm.

Submitted by,
Timothy McCormick, Administrative Officer and DRB Clerk