

Chelsea, Vermont, Development Review Board
Meeting Minutes of February 12, 2014

Members Present: Blaine Conner (Vice Chair), Debra Melvin, Arthur Goodrich, Lawrence Allen, Richard Allen, Cynthia Masterman

Members Absent: Anne Carroll

Others Present: Thomas Mullen, Charlotte Mullen, Mark Bannon, David Farnham, Beth Farnham, Michael Kuban, Edward Kuban, Linda Kuban, Heidi Allen Goodrich, Preston Bristow (AO and Clerk)

As Chair Anne Carroll was not present and Vice Chair Blaine Conner recused himself and sat in the audience for the first hearing, Clerk Preston Bristow opened the meeting at 6:30 pm. Preston Bristow read the Public Hearing Notice as posted and published for tonight's hearings.

The **public hearing on application by Cynthia Masterman (#ZP13-31)** for an installed window in an accessory building within the Village Center Design Control District at 280 VT Route 110 (Parcel #110-045.000) was opened at 6:35 pm. Cynthia Masterman stepped down as a DRB member for this application and Blaine Conner recused himself from this application. The remaining four DRB members disclosed no ex parte conversation or conflict of interest. Blaine Conner requested status as an interested person. Cynthia Masterman and Blaine Conner were sworn in.

Cynthia Masterman described her application, that a hole was cut in the end of an accessory building and a 4' 11" tall by 5' 10" wide window installed. The window has 28 panes divided by mullions. The window was installed three years ago. A detailed drawing to scale was provided.

Blaine Conner added that the trim around the window was left natural although the accessory building is white and the mullions are white.

There being no questions, the hearing was closed at 6:40 pm.

The **reconvened hearing on application by Thomas and Charlotte Mullen (#ZP13-33)** to convert an existing barn to Commercial use at 140 VT Route 110 (Parcel #110-013.001) was opened at 6:45 pm by Vice Chair Blaine Conner who had re-joined the Board. Mark Bannon of Bannon Engineering was sworn in.

Mark Bannon provided a Proposed Site Plan and a letter addressed to Thomas Mullen dated February 12, 2014, each with his seal and signature affixed as a Licensed Engineer and Certified Floodplain Manager, attesting that the existing barn on the property is not within the regulatory or mapped floodplain.

In response to a question from Preston Bristow, Mark Bannon stated that he had not calculated a base flood elevation for the site. His determination was based upon scaling off the FIRM Panel #500070 0011 B dated 8/15/1980 per the methods described in the Chelsea Flood Hazard Bylaw. He will determine a base flood elevation if needed for flood insurance purposes.

Mark Bannon explained that the proposed parking lot will be 124 by 56 feet and provide space for 10 cars. The area in front of the barn will be seeded and landscaped and will not be used for parking.

In response to questions Mark Bannon made the following statements:

- The retaining wall for the proposed parking lot will not be in floodplain.
- The retaining wall for the proposed parking lot will be 8 to 10 feet high.
- The parking lot does not trigger the need for a state stormwater permit because it does not create over one acre of impervious surface.
- The proposed septic system will not be in floodplain.
- The new drilled well, which will be located to the north of the barn, will not be in floodplain.

In response to a question from the Board, Thomas Mullen said that he did not intend to use the entire 3,856 square foot building footprint of the barn as retail space. He expected the retail space to be closer to 1,600 square feet.

In response to a question from the Board, Thomas Mullen said that he did not expect more than one employee to be in the store on a regular basis.

Thomas Mullen said he was not applying for signs at this time. He stated that the roadside sign depicted on the Proposed Site Plan was not his intent for a sign. His intent is to have signs mounted on the north and south ends of the barn. Signs in the Rural Residential District can be approved by the administrative officer and do not need to go before the DRB for review.

Arthur Goodrich made the statement that there are currently 13 businesses along VT Route 110 between the village center (the south bridge over the First Branch) and the Tunbridge line. Several disputed this number and said it should be lower because the sewer plant, home occupations and daycares do not count as commercial uses, and some of this area is zoned as Village or Industrial where commercial uses are encouraged.

Beth Farnham questioned the safety of the Mullens' proposed access because it is across the highway from a school bus stop.

The hearing was closed at 7:20 pm. All guests left the room.

Findings and Decisions:

Application #ZP13-33 (Thomas and Charlotte Mullen) – Following deliberation, the DRB finds the application meets the requirements for Commercial use under section 3.5.4.2(6) within the Rural Residential District. The DRB finds that “floor area” under section 3.5.4.2(6) refers to retail floor area and does not include storage areas, office areas or bathrooms. The DRB finds that a parking area of ten spaces, under the off-street parking requirement in section 4.1(3) of “one parking space for every business and employee vehicle plus one parking space for every 200 square feet of flood area” limits the useable retail floor area to 1,800 square feet (9 parking spaces times 200 square feet per space). The DRB finds that a Commercial use with 1,800 square feet of retail floor area meets the town plan goal that non-residential uses within the Rural Residential District be “relatively small in size or scale.” The application for a change of use to Commercial was approved by unanimous vote, subject to the condition that the retail floor area not exceed 1,800 square feet. Cynthia Masterman and Blaine Conner participated in this vote.

Application #ZP13-31 (Cynthia Masterman) – Following deliberation, the DRB finds the window as built meets the criteria for approval under section 3.5.6.5 within the Village Center Design Control Overlay District. The application was approved by unanimous vote. Cynthia Masterman and Blaine Conner left the room and were not present for this deliberation and vote.

Respectfully submitted,
Preston Bristow, Administrative Officer and Clerk