

Town of Moretown Development Review Board  
P.O. Box 666, Moretown, Vermont 05660

Minutes of Hearing Held July 16, 2015

Continued Hearing on Application No. 15-12  
Warren Noyes for "As Built" Approval of  
Two Additional Apartments at 802 U.S. Route 2

John Riley called the meeting to order at 6:30 PM. This is a continued hearing from an initial hearing held June 11, 2015. Present for the Applicant is Warren Noyes as well as his engineer, Dexter Lefavour. Erick Titrud has recused himself from this Application. Jim O'Neill also is not available tonight. Present for the Board are John Riley, Tom Badowski, and Dave Russo.

John Riley noted that Board members had received the jurisdictional opinion issued by Craig Keller on June 18 advising that the Agency of Transportation does not require a permit under 19 V.S.A. §1111 at this time because no physical work is proposed in the highway right of way and the current access meets VTRANS minimum standards.

As noted in the minutes of the earlier hearing, although the Applicant may have received State approvals for the third apartment, there was not an Act 250 amendment or a wastewater permit amendment approving the fourth apartment which has already been built. Dexter Lefavour represented that the application for the wastewater permit was submitted in late June and he provided an email printout of an acknowledgment from Susan Baird dated July 13 which Mr. Lefavour indicated was evidence the Act 250 administrative amendment was applied for July 6.

John Riley asked about the status of a mylar plan depicting Lots A and B as staked out, and depicting the rights of way which was a requirement of the 2011 permit approval. Mr. Lefavour initially indicated a mylar had been submitted in April 2015 but later acknowledged any such mylar would not have shown boundaries with pins as that work has never been done. No surveyor has been engaged to this point in time to complete such a map.

Dexter indicated he had not seen minutes from the initial hearing which mentioned this requirement.

The Board made a motion to continue the matter to August 20 to allow the Applicant to proceed and obtain necessary State permits and engage an appropriate professional to establish the lots as created by monuments on the ground. In discussion of the motion, Tom Badowski expressed reservations about further continuing the application. In

Tom's view the application should be denied as not presently meeting ordinance requirements. The motion to continue was withdrawn, and the Board proceeded to discuss how it should proceed with the application.

After discussion, it was concluded that a further continuance is appropriate to allow the Applicant to show he is diligently pursuing the Act 250 administrative amendment, the State wastewater permit, and completing the work to have a survey map reflecting the placement of corner pins for Lot B and showing the respective rights of way that benefit Parcels A and B. If it has not been previously submitted, a site plan for Lot B depicting location of the structure and parking and other requirements of Ordinance Section 6.2(b)(1) should be submitted. The hearing will be continued to August 20, 2015 at 6:30 p.m. All in favor.

There being no further business the meeting adjourned at 7:05 p.m.

Respectfully Submitted,



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John Riley, Acting Secretary