

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

Minutes of hearing held September 24,2015

Present board members:

Tom Badowski  
Dave Russo  
Jim O'Neill  
John Riley  
Mimi Clark, clerk

The meeting was called to order by John Riley to continue to review the application approval for 2 additional apartments at 802 VT Route 2.

Present for applicants:

Warren Noyes  
Mary Noyes  
Dexter Lefavour

Preliminaries: Dexter Lefavour has appeared for applicants Mary and Warren Noyes at prior hearings and circulated two plans prior to this meeting: the first being a survey map prepared for the Noyes by a surveyor Mr. Gove, and the second plan updated by D. Lefavour Lefavour said the overview depicts the same overview as has been all along. The 25' set back has been provided for; as has the additional right of way easement on Lot B to access Lot A.

Tom Badowski, looking at the survey said that the set backs all appear to be in place and if so, the site now meets the requirements for the house, more than 25'.

John Riley asked about snow storage. Lefavour said there are 4 areas for snow storage and 8 parking spaces where there were 4. John Riley asked about the water source. Lefavour replied 1 drilled well, 30 gallons per minute; with separate waste water for the house and residents. J. O'Neill asked about two lines around perimeter; Lefavour replied outside line is the deck, inside line foundation. John Riley said that for the Board's information, for Mr. Noye's and Mr. Gove ,survey pins establishing the parcel haven't been laid awaiting DRB approval; it needs to be corrected so additional expense is not incurred. J.O'Neill asked "How far is the deck from the amended property line? Lefavour believed his plans to be of a 1": 600' scale. John Riley asked "Is this the right plan, to begin with? Lefavour said Yes, it's a 40: 1 scale. From the deck to the main property is 20' from the deck extension. Would there be a way to establish a boundary line to comply with line, the 25' set back requirement? The 2011 plan showed 27' from one and 28' from another.

T.Badowski said "The setbacks (25') are from structures.

John Riley: We may need to consider variance criteria. We have to get to when the apartment building was converted in phases from the hardware store.

Lefavour: "No, the property was reduced by eliminating sheds.

The volume didn't change. Only interior changes.

Noyes said "They all fit now when they didn't before because the barn was 40'x60'.

Lefavour asked about the linked shed. Mr. Noyes said he'd forgotten what the dimensions were.

John Riley asked the Noyes when they had bought the property? Mary answered in 1978; Warren said it was before that; in the 1960's they bought it; about five acres; the same as what it is now.

Badowski asked "See this pin; the closest point to the deck is causing me concern. The deck is close to the setback. The pins aren't set; one could move the line 3' easily at this point. Intuitively, we will be able to get it pretty darn close."

Lefavour 27'; it might be 50' combined. John Riley asked "Were you there with Mr. Gove to set the 25'?" Lefavour replied "We didn't consider the deck as a structure." J.Riley said "If you reduce it to 25' come in 3', even if it's half a foot off, it diminishes the non-conformance. When you bought your property, built your house, built the garage turned store...."

Warren Noyes answered that it was first a garage then a lumber store at which point Mary said it was built in 1978 and Warren corrected her that it was 1979; not long after they built their home.

O'Neill said that he would support them citing 67A5 that they would represent the least variation.

Lefavour said that the deck is an accessory structure. W. Noyes mentioned that they were in a position to put the pins "wherever we want".

Badowski asked "Can we approve this without that condition being met?"

Riley expressed concern about prior approval in 2011 and their failure to set pins and a file a plan.

Badowski said/asked that the deck wasn't portrayed. Approve it or tear the deck off.

Noyes replied "We paid for that."

J. Riley answered "I provided minutes with setback requirements."

Riley said that someday someone might not own both lots.

Badowski suggested "that we move forward with date certain; have the pin moved 25' off of that point and in addition, you will give us the distance from that point."

The Board finds that having previously approved access for the residential structure- that it has no basis for further review of the proposed shed unless it otherwise would need conditional use or variance approval under the ordinance. The map presented cannot be approved because W. Noyes doesn't meet the 25' to sideline set back set back. Mary Noyes asked what they would have to do for the next meeting. Dave Russo answered for them to redraw the map in preference to the deck; to show the lots meet setback requirements. This motion was for the next meeting. The hearing was continued to October 15, 2015 at 6:15 PM.

John Riley: All in favor say "Aye"; the "Ayes" have it.

7:00 Other applicant is not present.

John Riley called the meeting again to order for the applicants Corinne and Shun Laing of 1005 Brownsville Road to construct a shed.

The minutes are to reflect that Erick Titrud is present to sit on this application.

The applicants were a no show which spirited a healthy debate over the redundancy of this approval from the board in 2013. The consensus was that all the applicants were asking for was a "big shed".

Citing a recent situation before the board on Freeman Road; what the jurisdiction of the zoning administrator is and isn't, the recommendation of the Vermont League of Cities and Towns not to require approval as per Tom Badowski, a suggestion was made by him to make a motion; a last minute question by E. Titrud : Should we grant approval conditional to it being a single family part time dwelling, when T. Badowski illustrated by reading the town laws that the necessary laws are in place i.e. section 4.1, p.41; in combination with the zoning administrator to grant permitted uses, as a gatekeeper.

John Riley made the motion following: The Board finds that having previously approved access for the residential structure that it has no basis for further review of the proposed shed unless it otherwise would need conditional use or variance approval under the ordinance. The Board remands the matter to the zoning administrator who should issue the application approval assuming it otherwise meets the requirements of the ordinances.

T.Badowski seconded. J. Riley "All in favor say Aye; The Ayes have it."

More discussion ensued over the interpretation of the town ordinance and the fact that the board perhaps spends significant time on applicants who should be approved or denied by the zoning administrator in the first instance. More discussion as to whether as a matter of course the town road foreman and fire chief should comment on every application. Site visits are also useful. T.Badowski suggested that the DRB should be modified to include applicant's fire chief and road commissioner input 30 days before a hearing. The pros and cons of the topic were debated briefly when John Riley moved at 8:00 PM for the meeting to be adjourned; Erick Titrud seconded and the meeting was adjourned. The next hearing is scheduled for October 15th, 2015