

Town of Moretown Development Review Board  
79 School Street, Moretown, Vermont 05660

Minutes of Hearing Held May 11, 2017

Application No. 17-10: Jenna Rossbach for an Accessory Structure (Greenhouse) to an Existing Conditional Use (Cottage Industry). Property Located at 171 Pony Farm Road

John Riley called the meeting to order at 6:30 p.m. Present for the Board were Erick Titrud, David Russo, Paula Woods and John Riley.

The Board conducted a site visit at the property location beginning at approximately 5:30 PM. Present at the site visit were the four Board members above, Jenna Rossbach, Cory Stephenson, and Leslie Logan. Also present was Attorney Brooke Dingleline who entered an appearance at the hearing for Ms. Logan and her husband, Nicholas Logan. The Board ascertained the location, or approximate location, of the corner boundaries of the Applicant's parcel. Also, the location of the right of way in favor of the large parcel to the rear owned by Ms. Stephenson and her husband. Although the purpose of a site visit is not to receive evidence it was presented by Ms. Stephenson and Ms. Rossbach that their deeds describe the width of the right of way as "one rod" which as a unit of measure is equivalent to a little more than 16 feet.

The Board and parties also heard the water source for the Rossbach parcel is a spring located uphill and a substantial distance away over the Stephenson parcel (with the water right shared with the owner of the Stephenson parcel), and was able to observe the potential location for the greenhouse as staked out on the ground. Stakes were placed so as to locate the proposed greenhouse very close to the right of way in response to concerns expressed at the initial hearing that the proposed structure was sited directly across from the Logan residence. Locations for a structure with a width of 60 feet, as well as one with a width of 48 feet, were marked.

The group crossed Pony Farm Road and from the Logan driveway observed the possible greenhouse location. Also, Ms. Rossbach presented at the site visit that she was considering seeking a second curb cut from Pony Farm Road which might improve safety for traffic entering and exiting, and the Board observed the possible location.

The site visit concluded at approximately 6:15. The Board and parties reconvened at the Town Office at 6:30 PM. Cory Stephenson did not attend the continued hearing.

At the inception of the continued hearing John Riley noted Board member Greg Nagurney was unable to be present. He inquired of Ms. Rossbach whether she wished to

proceed with additional evidence before a four member board. Another possibility was that the matter be continued so a full Board could participate. It was noted that under Vermont law an affirmative vote of three board members would be required to approve an application. Ms. Rossbach expressed a preference to continue the hearing and have the benefit of a full board. On behalf of the Logan's, Attorney Dingleline expressed concern that the hearing had been continued to this date and the Logans had incurred expense associated with retention of an attorney to attend the hearing. After discussion all Board members were in favor of continuing the hearing to a date certain. All Board members and parties present indicated they could be available to continue the hearing to Thursday, May 18 at 6:30 PM. John Riley will contact Greg Nagurney to verify he is also available.

At the initial hearing the Board requested that Ms. Rossbach prepare a revised site plan to scale. Ms. Rossbach presented a plan on two pages of 8 ½ by 11 paper, with copies provided to Board members, and other parties present. The Board took no action in terms of making the plan part of the record, and it is expected that would occur in the context of the continued hearing through the testimony of Ms. Rossbach.

David Russo moved, seconded by Paula Woods to continue this application to May 18 at 6:30 PM. All in favor.\* The meeting adjourned at approximately 7:10 PM.

Moretown Development Review Board

By:  \_\_\_\_\_  
John Riley, Chair

5-16-17  
Date

\*On May 16, 2017 Zoning Administrator John Weir notified the DRB that Ms. Rossbach has withdrawn her application for the greenhouse and will pursue farm status with the Department of Agriculture and the May 18 continued hearing was cancelled.