

Town of Waitsfield
DEVELOPMENT REVIEW BOARD
Meeting Minutes
Thursday, March 26, 2009

- 1. CALL TO ORDER:** Brian Shupe, Chair, called the meeting to order at 7:00pm at the Waitsfield Town Office.

MEMBERS PRESENT: Brian Shupe (Chair), Gib Geiger, Mike Kingsbury, Eleanor D'Aponte, and John Donaldson.

MEMBERS ABSENT: Chris Cook.

STAFF PRESENT: None present.

APPLICANTS AND THEIR REPRESENTATIVES: Don Swain, Dan Redondo, and Stephen Zonies.

INTERESTED PARTIES: None Present.

OTHERS PRESENT: Nancy Myrto, Minutes Taker.

- 2. Reconvene hearing for #3214-CU, #3215-VAR, and 09-SUB-01, applications from Eugene Jarecki to add 700 s.f. apartment to garage in Special Flood Hazard Area, and to build a single-family residence attached to that garage on an adjacent separately deeded lot also owned by the applicant.** The applicant requests a lot line adjustment that would divide the existing garage into two separately owned units, which would create noncompliance with the required setback. To address the setback issue the applicant requests a variance. In the event a variance cannot be granted, the applicant proposes establishing the two parcels as a PRD, with the setback between the parcels waived. The applicant also proposes to build a sleeping hut. The garage is located within the floodplain, and both of the proposed new buildings would be in or partially in the floodplain. The property is located at 7858 Main Street, and the parcel is identified at 99220.000 in the Agricultural-Residential District (§2.07).

Mr. Swain began by informing the DRB that the applicant agreed not to divide the garage and have a horizontal property line on top. He further noted that although a final lot configuration has not yet been decided, the applicant would still like the new barn attached to the garage. Mr. Swain explained that he went on the internet to search for definitions of a zero lot line and the most common instance is the location of a building

on a lot in such a manner that one or more of the building's sides rests directly on the lot line. Mr. Swain also noted that the applicant has hired Dan Redondo to help determine what the flood hazard risks are on this property. Mr. Swain also noted that when searching for the flood plain elevation benchmark, they consulted the snow making pond plans, which show the same benchmark as that on the flood maps, RM19, but with an elevation that differs by almost three feet.

Mr. Redondo noted that one way to measure velocities would be using FEMA models to determine how high the water flows and how fast the water flows. Mr. Redondo said that he spoke with Rebecca Pfeiffer. He noted that Ms. Pfeiffer had concerns that the Sugarbush snow making pond could pose a risk to the building site if it breached. Mr. Redondo spoke with Steve Bushman with ANR Facilities Engineering and requested a copy of the dam breach analysis on the snow making pond. Mr. Bushman noted that that analysis had not been required as this is a dug pond. He further explained that there is not a volume of water that can come flushing out of this breach and increase the base flood elevations. Mr. Redondo obtained a memo, written in 1990, documenting a breach analysis was not needed for the snow making pond.

Mr. Shupe asked if there was further information regarding other risks to the building site. Mr. Redondo responded that in his experience with seeing the site and thinking about how water is going to flow at the site, water is certainly not going to go up and over the driveway because of the large berm. Mr. Kingsbury noted that the velocity lessens as you get further away from the channel. Mr. Redondo agreed with Mr. Shupe that the greatest risk is the erosion hazard. Mr. Redondo asked what the threshold for approval would be in terms of the exact values of the velocity and the inundation depth in the channel. Mr. Shupe explained that there is not an exact standard, but the DRB looks for the minimum risk to the property. Mr. Swain noted that with regard to safety issue the argument is the further away from the stream bank, the less the velocity, therefore the less risk. Mr. Kingsbury noted that the safety of emergency and rescue personnel must also be taken into account. Mr. Shupe stated that it may be a false question to ask where the best site to build is, instead perhaps we should be asking is there an appropriate site on that property for another house. Mr. Shupe also noted that the DRB had raised concerns about clustering the buildings close to the river, and there is still no information on the flood elevation and how it will be determined. Mr. Shupe asked if, after exploring other options, this plan is the only option. Mr. Swain noted that after obtaining their analysis, Mr. Jarecki felt the risk in the original site was no better or worse than in the meadow. Mr. Shupe pointed out that in the 1997 flood no houses were lost to inundation, but a lot were lost to erosion. Mr. Swain noted that the water damage to this house was not due to erosion, but inundation.

Mr. Kingsbury stated that he feels there is too much erroneous information and there should be a suitable benchmark found. Ms. D'Aponte asked Mr. Redondo, "From the hydrology study perspective, when doing the models do you measure the velocity in various parts of the river and input that data?" Mr. Redondo explained that you take the discharge value of the flow for the known event, take information from different cross sections, then take the information from the FEMA study put it into the model, and make sure the model is calibrated to the known values per the elevations that were taken from the FEMA study. Ms. D'Aponte asked what the FEMA information is based on as she would imagine in ten years time the river would rise in elevation. Mr. Redondo noted that the elevation would be lower as there is a narrow channel in that spot.

Mr. Geiger and Mr. Shupe agree that placing the house in the field, further away from the river, would be better. Mr. Shupe further noted that building in the field would be better for emergency vehicle access, and the barn could aesthetically screen the house, as opposed to building near Route 100.

Ms. D'Aponte asked if the application is recessed to a later date, and the studies show the velocity at an acceptable level in the area the applicant wants to build, where do we go from there. Mr. Shupe noted that should that be the case, the DRB would need to determine if that is the only element of risk. He also noted that the location of the floodplain boundary still had to be documented, and if an alternate site was proposed, the flood management people would need to weigh in on it.

Mr. Kingsbury moved to recess until Tuesday, May 12, the next date Mr. Swain could be available. Mr. Geiger seconded. There was no discussion. All members voted in favor.

- 3. Application #3221, Stephen Zonies for 320 sq. ft. addition to Valley Dental building,** an expansion of a nonconforming use. Applicant proposes to use addition for offices, a consultation room, and storage. The property is located at 138 Fiddler's Green and is identified as parcel #99177.000 in the Irasville Village District (§2.03).

Mr. Shupe noted that the dental building is included as a conditional use in a medical center, and this application will be considered as a conforming use.

Mr. Zonies explained the plans call for a one story building addition in the corner to house a consultation/multi-purpose room, and private offices. He also noted that the reason the plans call for a one story addition, and not the preferred two story addition, is that a two story addition would block the windows on the existing top floor apartment. Mr. Shupe noted that in the Irasville district the two story addition is not a preference, but a standard, except for accessory structures. Mr. Shupe asked if the addition would

replace the existing outbuilding. Mr. Zonies noted the existing shed is on skids, and can be moved. Mr. Zonies also explained that the addition would be dry, as the current septic system does not meet the standards for this size addition with water. Mr. Shupe asked if Mr. Zonies had a site plan that would show parking as it should be in correlation to building size. Mr. Shupe noted that at some time during the deliberation they would need to walk through the conditional use review criteria.

Mr. Zonies asked why the building is conditional use. Mr. Shupe explained that some uses that are now conditional uses were in the past permitted uses, but you needed a site plan review. At one point the Town did not want to go to a Development Review Board and the Planning Commission did a site plan review, but we wanted to streamline the process so we eliminated site plan review and made everything conditional use. Mr. Shupe further noted that he does not believe the conditional use criteria are a problem for Mr. Zonies, but it is the building height that could be a problem. Mr. Kingsbury noted that Mr. Zonies would need to provide an updated plan to include parking and landscaping. Mr. Shupe suggested a site visit prior to the next meeting.

Mr. Kingsbury moved to recess to April 14 with a site visit prior to the meeting at 6:15pm. Ms. D'Aponte seconded. There was no discussion. All were in favor.

4. **APPROVAL OF MINUTES:** Mr. Geiger moved to approve the minutes of the March 12, 2009, March 25, 2008, May 13, 2008, and May 27, 2008 meetings as written with the exception of a minor change on page two of the March 25, 2008 minutes. Mr. Kingsbury seconded. There was no discussion. All members voted in favor.
5. **OTHER BUSINESS:** Mr. Shupe noted that on April 14, along with the continuation of Mr. Zonies' application, is an occupant of the Messer residence asking to operate a dog boarding kennel in an existing barn.

A short discussion was had with regard to the two story building requirement in Irasville.

6. **ADJOURNMENT.** The meeting adjourned at 8:40pm and the Board went into deliberative session.

Respectfully submitted,
Nancy Myrto