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**Town of Waitsfield
DEVELOPMENT REVIEW BOARD
Meeting Minutes
Tuesday, May 13, 2008**

1. CALL TO ORDER: Brian Shupe, Chair, called the meeting to order at 7:35 p.m. at the Waitsfield Town Office.

MEMBERS PRESENT: Brian Shupe (Chair), Eleanor D'Aponte, Gib Geiger, Mike Kingsbury, Jamey Fidel.

MEMBERS ABSENT: Hallie Tamez, Mark Sinclair.

STAFF PRESENT: Vickie Trihy, Planning and Zoning Administrator.

OTHERS PRESENT: Laura Kingsbury, Sam Matthews, Jeff Nick, Pete Garceau, Matt Daly, Brad Long, John O'Donnell, Roger Dickinson, Kevin Van Schaick, Alice Olenick, Nancy Mongeur, Brian P. Lavery, Kirsten Seibert, Ray LaRochelle.

2. #3162-CU, William Maclay, conditional use review of amendment to #3138-CU for expansion of an office building and other modifications within the Village Residential District (§2.02). This decision was appealed by the applicant to the Vermont Environmental Court, which remanded the matter to the DRB (at the DRB's request). The property is identified as Parcel #99111.000 at 4509 Main Street. Mr. Shupe stated that Mr. Maclay had been concerned that the wording of Condition #5 of decision 3138-CU could prevent him from accessing solar panels. Mr. LaRochelle expressed concern about the number of cars parked on the premises [**or was he only concerned about the cars parked in front?**] exceeding the allowable limit. Mr. Kingsbury moved to close. Mr. Shupe recommended issuing notice [**of decision?**]. Move to close and issue notice was seconded.

3. #08-SUB-01 final plan review and amendment to 2597-CU, Distributed Energy Systems represented by Cross Consulting Engineers, 2-lot subdivision of parcel #099011.000, consisting of approximately 10.7 acres. Purpose is to reinstate abandoned property line between the Northern Power Systems commercial condominium office building and the shop building. These lots were merged per notice of decision #02-02 dated May 16, 2002, and were subject to conditional use approval #2597-CU granted concurrently. The property is located at 182 Mad River Park in the Industrial District (§2.06). Mike Kingsbury recused himself from the hearing. Peter Garceau of Cross Consulting Engineering presented the final plat showing ample parking has been provided. Mr. Shupe asked for additional comments. Sam Matthews handed out letters from CVIC detailing CVIC's concerns and requesting that they be added to the distribution list for this application. Matt Daly explained that various agreements were being prepared to sort out the ownership issues, and dismantling the condo regime. Mr. Shupe reminded _____ to make sure the boundary meets setback requirements. Peter Garceau observed that it will be necessary to determine who will be responsible for [**my notes say biannual**

43 **stormwater report with a question mark**]. Ms. D'Aponte added that it needs to be
44 clear what the percentage **[of ?]** is.
45 Sam Matthews requested**[or observed?]** that requirements for proper road access and 50'
46 frontage will be met. Mr. Shupe asked if there were questions from the board members.
47 He asked if _____ was clear about allowed uses. Ms. Matthews pointed out that the
48 building had been **[or is?]**an office and lab. Ms. D'Aponte motioned to close,
49 _____seconded, and the hearing was closed. Mr. Shupe stated that the DRB will need to
50 draft conditions in the decision that require the clarifying agreement documents to be
51 submitted. **[I have a note "180 days to record plat." Not sure where I got that.]**
52

53 **3. #3153-VAR, Bradley and Jessica Long, request for a variance** to build a garage
54 (18ft x 24ft) within 15 feet of the side property line, instead of the 25 foot minimum side
55 setback required in the Agricultural-Residential District (§2.07). The property is
56 identified as Parcel #02012.000 at 470 North Fayston Road.
57 Mr. Long explained that it is now his understanding that he may be able to obtain a
58 LOMA (Letter of Map Amendment) from FEMA that will change the interpretation of
59 the proximity of his property to the flood plain and would allow him to build the garage
60 12' closer to the brook. This would allow room for snow removal. Mr. Kingsbury pointed
61 out that the DRB doesn't have discretion over the 50' setback requirement from the
62 brook. Mr. Shupe added that the town is committed to not encroaching on stream
63 setbacks. Mr. Long stated his intention not to build until next year. Mr. Shupe stated he
64 did not see a lot of options for granting a variance due to the town's intent not to violate
65 the 50' setback. He informed the applicant of the Planning Commission's intent to
66 consider loosening rules pertaining to revising property lines. Ms. D'Aponte said she
67 thought that not being able to place the garage in a logical place could be considered a
68 hardship. Mr. Kingsbury suggested addressing the flood plain issue by using fill to
69 elevate the garage.
70

71 **4. #3156-CU, Mad River Valley Ambulance Service, continuation of conditional**
72 **use review of amendment to #2328 site plan approval.** Applicant proposes access
73 modifications. The Planning Commission previously approved amendments to the site
74 plan in its decision #2867. This decision was appealed by an interested party. In 2006,
75 The Vermont Environmental Court remanded the matter to the Zoning Board of
76 Adjustment. The DRB has since replaced the ZBA. The property is identified as
77 Parcel #99057.000 at 4177 Main Street in the Village Residential District (§2.02).
78

79 **[from 3/25 minutes]**The Board conducted a site visit on this date at 7:00 p.m. The
80 project engineer Roger Dickinson pointed out the cones used to indicate the location of
81 the originally proposed planters and other features, and an ambulance driver
82 demonstrated the turning radius. Fire Chief Delbert Palmer was also present at the site
83 visit.
84

85 The Board heard testimony from representatives of the Ambulance Service. Roger
86 Dickinson noted that the new proposal conformed to the intent of the 1999 approval,
87 but made it safer and more efficient for the emergency vehicles to maneuver. MRVAS
88 attorney John O'Donnell responded to concerns expressed by abutter Kirsten Seibert,
89 who also provided written testimony from her attorney Paul Gillies. Mr. O'Donnell

90 explained that the DRB was in the position of approving site a site plan amendment.
91 He noted that the AOT and PC had approved this amendment to the site plan. Ms.
92 Siebert argued that this instance was similar to the Village Grocery's efforts to amend
93 the green space condition in its application #2871. In that case, the ZBA required
94 evidence of substantial change to justify amending the site plan, and ultimately denied
95 the requested amendment. Mr. O'Donnell argued that the use of the 4th bay and the
96 increase in frequency of runs in the 9 years since the original decision met the
97 substantial change criteria. Ms. Seibert argued that the Ambulance Service never
98 complied with the original permit conditions. Mr. O'Donnell added that if the islands
99 were installed, the proposed sidewalk would obliterate them. He specified that these
100 two factors, the sidewalk plans and the change in intensity of use of the 4th bay,
101 justified approval of the site plan amendment. He said that the Environmental Court
102 remanded the decision to the ZBA (now DRB) specifically with regard to condition #1,
103 to change the access.

104

105 There was discussion of drainage, parking, landscaping, and turning radius
106 requirements. **[end of notes from 3/25 meeting]**

107

108 **[my notes taken at 5/13 hearing]**

109 Mr. Shupe: Since the last hearing, the DRB met in closed session to deliberate on this matter.
110 They determined that changes not contemplated in the original site plan, such as the use of the
111 fourth bay and procedural changes[**not sure what that refers to**], justify consideration of the
112 requested amendment. A majority of the board agreed to come to a final decision at the May 13th
113 meeting, but there was not yet a consensus on what that decision would be. Some members are
114 inclined to approve the amendment because the old site plan is too restrictive, but others think
115 that alternatives solutions could be forthcoming.

116 JD presented site plan showing 27 parking spaces (original site plan showed 26) which should
117 alleviate concern about vehicles parking in front of the building. The new plan also adds fair-
118 sized planters between the bays and additional edge plantings.

119 Mr. Kingsbury observed that there was room on the south side [of the building] to do more
120 plantings. Mr. Shupe pointed out that hedges would not work there because they'd be damaged
121 by plowing.

122 Mr. Dickinson explained that a proposed dip in the island would continue to direct water to the
123 catch basin. He also stated that the red brick material would be elevated one inch to delineate
124 access and minimize the visual effect of the paved apron.

125 There was discussion of the concrete sidewalk, Ms. Seibert talked about differences in the
126 [town] plan for curbed vs. uncurbed sidewalk **[I didn't follow this]**

127 Mr. Fidel: There were concerns about drivers on Rt. 100 using pavement as turnaround. Mr.
128 Dickinson suggested erecting NO U-TURN sign at end of fencing, or painting DO NOT
129 ENTER on pavement. Mr. O'Donnell expects raised islands will deter drivers from using
130 pavement as a turnaround, and if that proves not to be the case, signage could be added later.

131 Ms. Olenick: one vehicle parks here **[where? I missed this]** to make sure no one pulls in when
132 _____.

133 Ms. D'Aponte: parking once a month or so for trainings. Ms. Olenick: _____leased to
134 Clearwater year to year.

135 Mr. Shupe asked if there were more questions. Asked Ms. Seibert if she had seen this **[not sure
136 what "this" referred to]**.

137 Mr. Kingsbury pointed out green space where street trees could be placed. Mr. O'Donnell
138 added that town is planning that and will add grass. Mr. Kingsbury: sidewalks have been
139 proposed "forever."

140 Ms. Olenick: Elwin Neill needs to get 70' semi in there. Mr. Lavery: red asphalt will delineate,
141 planters won't interfere.

142 Ms. D'Aponte: Need balance between needs of ambulance service and pedestrians. Noted high
143 noise level observed during site visit.

144 Discussion of how to demarcate crosswalk until sidewalks are constructed.

145 Mr. Shupe asked Ms. Seibert if she wanted to comment or suggest any alternatives.

146 Ms. Seibert expressed her belief that MRVAS's failure to follow their original site plan created
147 the new circumstances that are being cited as the basis for the current request for amendment
148 and her desire to see adequate consideration of village residents and pedestrians. She is
149 concerned about the reduction in street trees because vertical separation makes a big difference
150 in pedestrian safety. She showed an alternative plan to create an impediment in the center of
151 the paved area. She pointed out that the street tree plan calls for a tree in front of MRVAS. She
152 complained that in their annual cleanup MRVAS expands _____ and adds more gravel, and
153 about the noise from the use of backup beepers, lights on at night. She said the planting plan
154 **[or was it the fencing? I fell behind here]** interferes with access to her backyard, and with
155 access of fire equipment to her back barn.

156 Mr. Fidel asked MRVAS to comment on Ms. Seibert's drawing indicating suggested tree
157 location. Mr. Dickinson said it would impede _____ and interfere with snow removal, and
158 create sight line issues for vehicles coming in and out. Dividing into two driveways not a
159 solution. Sidewalk plan indicates street trees to be added. Ms. Seibert: Sidewalk plans don't
160 contemplate actual conditions.**[not sure what that referred to.]** Mr. Shupe: Sidewalk plans
161 will have to abide by our decision.

162 Ms. Seibert: Everyone has to be inconvenienced in plowing. She observes that ambulances
163 don't pull straight out—they jockey into position. The further north they pull out, the better the
164 sightline. She would not object to losing a piece of curbing on her side so ambulance could turn
165 around. More discussion of backup beepers.

166 Mr. O'Donnell stated we are here to discuss changing access to Rt. 100. Mr. Shupe said our
167 conditional use review addresses a wide range of issues. Does board need anything else from
168 the applicant or participants.

169 More discussion of backup beepers ensued.

170 Ms. D'Aponte: Really important and valid civic points have been raised. Wants to respect spirit
171 of town plan but also needs of businesses. Is there anything else worth discussing in the way of
172 landscaping, visual elements. Mr. O'Donnell: MRVAS has put considerable time and effort into
173 exploring viable options and their proposal is a considerable upgrade from what now exists and
174 the least intrusive option. Ms. Seibert: Historic houses preceded MRVAS and had they honored
175 their original plan there would not now be an issue.

176 Mr. Shupe: We've taken much testimony concerning all the topics—noise, lighting, etc.

177 Ms. Seibert: Creative solutions would include lowering the speed limit on Rt. 100 or a signal
178 alerting motorists to ambulance activity. Mr. Dickinson: Speed limit would be a town
179 **[selectboard?]** issue. Signals are not allowed unless in an urban setting or where a serious sight
180 issue exists, as on a big curve.

181 Mr. Kingsbury moved to close at 10:25 p.m. Mr. Fidel seconded. Mr. Shupe
182 summarized the testimony offered by members and representatives of MRVAS and by
183 Kirsten Seibert. Mr. Kingsbury observed that this was the third meeting held on this
184 issue, providing ample opportunity for interested parties to make their respective cases.

185 Mr. Fidel asked if anyone could foresee a possibility of offering new information or
186 suggestions. Ms. Seibert indicated that she had put forth all the suggestions that seemed
187 reasonable to her. **[my notes actually quote her as saying "You've got it."]** Mr.
188 Shupe closed the meeting.

189 **6. APPROVAL OF MINUTES**

190 The Board reviewed and approved the draft minutes from March 25, 2008. **[Did they?**
191 **This isn't in my notes]**

192 **7. DELIBERATIVE SESSION**

193 **[Is this accurate?]**The Board entered into deliberative session regarding applications
194 #3153-VAR, and #3156-CU.

195 **8. ADJOURNMENT**

196

197

198 Respectfully submitted,
199 Vickie Trihy