

Town of Waitsfield
DEVELOPMENT REVIEW BOARD
Meeting Minutes
Tuesday, October 14, 2008

- 1. CALL TO ORDER:** Brian Shupe, Chair, called the meeting to order at 7:30p.m. at the Waitsfield Town Office.

MEMBERS PRESENT: Brian Shupe (Chair), Gib Geiger, Mike Kingsbury, Eleanor D'Aponte, Mark Sinclair, and David Galfetti (Alternate).

MEMBERS ABSENT: None.

STAFF PRESENT: Vickie Trihy, Planning and Zoning Administrator

APPLICANTS AND THEIR REPRESENTATIVES PRESENT: Douglas Turner, Sharon Turner, Sheila Getzinger, Wrenn Compere, Gunner McCain, Dan Fuller, Brian Lavery, Alice Olenick, Nancy Mongeur, and Kevin Van Schaick,

INTERESTED PARTIES: Joe Turner, Sandy Lawton, Kirsten Seibert, Kevin Dunn, John Welter, Ro Welter.

OTHERS PRESENT: Tony Italiano (Channel 44/45), and Nancy Myrto, minutes taker.

- 2. #3194-CU, Conditional Use Review, Douglas and Sharon Turner.** Proposal to replace mobile home located inside the stream setback with larger mobile home, an expansion of a nonconforming structure. Property is located at 911 Main Street and identified as parcel #99006.000 in the Agricultural-Residential District (§2.07).

Mr. Turner explained their request to expand the existing trailer pad by 13' to accommodate a double wide trailer for use by his son and daughter-in-law. Mr. Turner further explained the existing utilities, water, and sewer can accommodate the number of people residing in the new trailer.

Mr. Shupe explained taking the existing 14' trailer and expanding to 26' would be a 75% increase and regulations call for no more than a 50% increase. Mr. Shupe further noted there are two dwellings on the farm that are clustered and should the application be reentered as a PRD (Planned Residential Development) rather than expansion of a nonconforming structure, the DRB could reconfigure some of the standards defining the new trailer as a conforming structure. He further stated the project was warned for what it was, whether it says conditional use or other review process, and does not change the

nature of the notice to the abutting landowners. Discussion was had and Board members agreed reapplying as a PRD would benefit the Turners, and be more easily approved.

The application was denied without prejudice. The Turners agreed to transfer the application under a PRD status with assistance from Ms. Trihy. Ms. Trihy will transfer the original application fees and warn the new PRD application, after which a new hearing will be scheduled.

3. **Subdivision application #08-04, Wrenn Compere and Flemer Trust.** Proposal to partition three contiguous lots located on Main Street into five. One of the proposed new lots contains the "Polo Field," and would be gifted to the Town of Waitsfield; the other lots would partition the land differently among the current owners. Properties are identified at parcel #99046.000 and parcel #99046.200, located in the Village Residential District (§2.01) and the Historic Waitsfield Village Overlay District (§2.09).

Mr. Shupe acknowledged receipt of a staff report, but not a new map, and asked if there were any additional changes. Ms. Getzinger reported the only change to be a 50' right-of-way running across lot 3. She also explained the right-of-way that runs across the Polo Field to lot 3 may also serve lot 1 in the future. The revised map will show a 50' wide access from Old County Road across lot 2 into lot 3. Any future access into lot 1 will be through lot 3. Although a right-of-way will be reserved in a deed, it will probably make a general reservation that will be located on later agreement. In addition, there is still a reserved right-of-way across the Moulton property. Ms. Getzinger asked that a final decision be made on the application once the revised mylar has been received.

Mr. Kingsbury moved to close the hearing. Mr. Geiger seconded. There was no discussion. All members voted in favor.

4. **#3193 VAR, application for variance, TD Bank NA/Dan Fuller.** Variance requested to locate house, drilled well, and part of driveway inside stream setback. The property is located on Sugar Glen Drive and is identified as parcel #40035.000 in the Agricultural-Residential District (§2.07).

Mr. McCain noted Ski Valley Acres is a subdivision which has been in existence for many years, and prior to many of the current regulations, causing the parcel in question to be unbuildable under the current regulations. The lot mentioned in the application has a stream located on the property which runs most of the year. He noted Section 3.12 of the Zoning Ordinance requires stream setbacks varying in widths based on slope of the land adjacent to the stream. The land adjacent to the stream is at a grade of 15% - 20% which requires a stream buffer of 90' on either side. The lot is unbuildable without some

forgiveness of this buffer. He further noted there is only one location on the property suitable for a leach field that will meet criteria. Mr. Shupe asked what is down-slope from the property. Mr. McCain stated a house with garage and drilled well sit down-slope. The well on the down slope property also impacts the location of any development on Mr. Fuller's property. The size of the building envelope shown requires the stream buffer to be reduced to approximately 30', instead of the 90' required. Mr. McCain stated he looked at locating the house further down the property or coming in across the stream bed, but neither was feasible. Mr. Sinclair noted, with confirmation from Mr. McCain, that the property has an elevation in the high 1500 foot range. Mr. Sinclair stated that for headwater streams above 1500 feet there is a 150' buffer requirement, not the 90' buffer initially noted by Mr. McCain. Mr. Shupe asked if a permit application has been submitted. Mr. McCain explained he and Mr. Fuller are awaiting decision on the variance before proceeding in case the current plans need to change. Mr. Galfetti asked for a specific footprint of the proposed house. Mr. McCain stated there are no specifics as yet.

Board members and Mr. McCain reviewed a letter submitted by Trafton Engineering Associates, L.L.C. on behalf of abutting land owners Susan and Jim Briggs. The letter states there does not appear to be any conflict with the location of the well and septic, but the letter does request the DRB consider proposing a condition restricting tree cutting within 50' of the lot line along the northern boundary between the Fuller and Briggs lots.

Mr. Shupe suggested that due to the stringent requirements for granting a variance a site visit should be scheduled before any decision is made. Mr. Shupe requested a reasonable footprint be staked out on the property for the site visit. The site visit does not need to be warned, but neighboring land owners should be notified. The formal site visit is planned for Tuesday, October 28, at 4:00pm. Any Board member unable to make the formal site visit may go at a time more convenient for them.

Mr. Kingsbury motioned a recess until Tuesday, October 28, at 4:00pm for a site visit, and reconvening at 7:30pm that evening. Ms. D'Aponte seconded. There was no discussion. All members voted in favor.

- 5. Mad River Valley Ambulance Service, follow-up review for compliance with Condition #1 of #3156-CU.** Condition #1 calls for the applicant to submit a revised landscape plan that includes elements specified in the condition. The property is identified as Parcel #99057.000 in the Village Residential District (§2.02) and the Historic Waitsfield Village Overlay District (§2.09).

Mr. Lavery explained that the existing flagpole in front of the building to the northeast will be taken down and replaced with a Celebration maple tree. Mr. Van Schaick noted the flag poles will be wall-mounted on the front of the building; one between the first and second door, and another between the third and fourth door.

Mr. Lavery stated that along the driveway to the north a white picket fence will replace the existing wood fence to keep the view open in compliance with the Bonnettes' request. The fencing material will be agreed upon between MRVAS and Ms. Necia Massey, as representative for the Bonnette family. Ms. Olenick explained that in addition to the white picket fence there will be Wichita Blue Juniper bushes as they can be trimmed and maintained per the Bonnettes' open view request and also be allowed to grow higher should a future owner of the Bonnette property so choose.

Mr. Lavery explained most vegetation for the back of the building, abutting the east side of Bonnette's property and the property leased to Clearwater Sports, has been agreed upon between MRVAS and the aforementioned abutting land owners, and installed. Plants installed include lilacs, crabapple trees, Wichita Blue junipers, and several white pines.

Mr. Lavery stated the new plans show a fence straddling the eastern boundary of the Lawton/Seibert Property and the Flemer land. The planned fence is 6' high, and contains three sections running 8' each for a total length of 24'. Ms. Olenick noted in addition to the fence, vegetation would be planted to enhance the look for both egress and ingress, and arbors would be placed by the poles near which grapes, morning glories, and other vine-type vegetation would be planted for additional aesthetics. Ms. Olenick has also suggested Aronia bushes and Japanese yews for the section closest to Route 100. Ms. Mongeur stated that after discussions with neighbors it was indicated that a section above the fence, leading to the upper windows of the Lawton/Seibert residence, would still allow sound and light. The MRVAS proposed to buy, for the neighbors, two additional maple trees whose canopy would grow closest to the two dormers of the residence and soften the impact of the fence and also provide more of a barrier during the summer months when windows are open.

Ms. Olenick explained a dense shrub, identified as Seepering junipers, and small Wichita Blues, currently runs from the back of the building down toward the parking lot. Additionally, more of the same will be planted along the remainder of the berm and will be trimmed to a height of between 6' and 8'.

Mr. Lavery noted he met with the Selectboard on Monday, October 13, where it was decided the Selectboard would write a letter of surety that will make MRVAS responsible

for two sidewalk trees between the sidewalk and the road. It was also agreed it would be disadvantageous to plant the trees now and have the sidewalks put in next year. It was further decided that if the schedule for sidewalk placement is revised to two years out, or construction is beyond anyone's scope of time, the decision will again come before the Selectboard.

Ms. D'Aponte asked for clarification on item #1C of the approval, which reads "significant landscaping to include trees on the Mad River Valley Ambulance property to screen the parking area at the rear of the building (see original permitted site plan)". Ms. D'Aponte's concern was Mr. Lavery's comment of keeping that area open when describing that section of property. Mr. Lavery responded some trees have already been planted, and the abutters preferred to have a more open view and find these trees are sufficient. Ms. Olenick further stated the four trees from the original plans have been planted, three of which are White Pines and are not in the same areas as shown on the original plans as they were too close to the waste water system, and the fourth, a Butternut, was on the adjoiner's property and was cut down after it died. Lilacs, substantial crabapples, and Wichita Blue junipers have also been planted. Ms. Olenick further explained that due to acquired grants since the original plans, the back parking lot now houses an MCI trailer, an off-road trailer, and additionally it is the MRVAS' primary landing zone for the Flight for Life helicopter. Mr. Van Schaick confirmed the helicopter uses the landing zone approximately 3-5 times per year.

Ms. Seibert and Mr. Lawton noted they had met with MRVAS and explained they would prefer to have larger trees between the two properties running to the back of the parking lot and a large tree between the sidewalk and front of the fence. In addition, they requested MRVAS to park the vehicles currently housed in the back parking lot closer to the side of the building or at a different location. They also requested the fence between their property and MRVAS' property be constructed of an 8' high masonry wall for better sound protection. Lastly, they requested the sidewalk trees be planted as soon as possible.

Mr. Shupe asked MRVAS their response to some or all of the requests from Ms. Seibert and Mr. Lawton. Mr. Lavery stated the sidewalk trees and their planting are proceeding on the Selectboard's recommendation. Mr. Van Schaick stated several different areas have been sought to house the trailers currently located in the back parking lot, but a suitable site has yet to be found, the problem being that MRVAS needs to be able to access and hook up to the trailers at a moment's notice. Agreement on the material of the fence between the two properties could not be reached by MRVAS and Ms. Seibert and Mr. Lawton. Both parties agreed to close the hearing and leave the decision regarding the fence up to the Development Review Board based on the materials presented.

Mr. Kingsbury moved to close the hearing. Mr. Geiger seconded. There was no discussion. All members voted in favor.

6. **APPROVAL OF MINUTES:** Minutes of the September 23 meeting were approved with minor changes.
7. **OTHER BUSINESS:** Ms. Trihy reminded all Board members to complete their training evaluations for Steve Stitzel as required by the planning grant.

Ms. Trihy stated she has not yet heard from Jason regarding the expiring trailer permit for Full Circle Auto. Mr. Geiger said he spoke with Jason who explained his intent is to move his office inside the building and remove the trailer temporarily. Mr. Geiger asked Jason to contact Ms. Trihy with this information as soon as possible. Ms. Trihy confirmed her need of this information prior to November 10.

Mr. Shupe said he had lunch with Mr. Hosford (Selectboard Chair) and Mr. Shea (Planning Commission Chair) to discuss zoning changes and follow up ideas from the Three Board Summit meeting. Mr. Shea noted the PC is close to finalizing the zoning changes with the only hold-up being the special events provision. Mr. Shupe suggested Mr. Shea strip out the controversial items and take any finalized zoning changes to the Selectboard for adoption, after which the remaining items can be worked on. Discussion also covered using the web page more often and posting meeting minutes in a more timely fashion. Mr. Shupe stated he had an additional conversation with Ms. Capels regarding the web site. Ms. Capels informed Mr. Shupe that there is a problem with the server, but that she feels a solution is close at hand. Mr. Shupe suggested to the DRB members that the three Boards share meeting minutes until the web page problems have been fixed.

Mr. Shupe presented a letter, written by Selectwoman Kate Williams, which she would like to have signed by all Board members in favor of the water project.

8. **ADJOURNMENT.** The meeting adjourned at 10:00pm and the Board went into deliberative session.

Respectfully submitted,
Nancy Myrto