

North Hero Development Review Board
Thursday, October 13, 2016 7:00 P.M. | North Hero Town Office

Board: Kate Kinney (chair), Jim Blandino, Corinn Julow, Mary Jane Healy, Bobby Miller, Joe Poquette

Absent: Joe Latimer

Guests: Bob Ayers (zoning administrator), Jim Blandino, Mary Fitzpatrick, Levi Kraemer, Katya Wilcox, Diane Gayer, Bob Ward, Patricia Lashway, Jennifer Bucknor, Ann Baldau, Jeanann & Will Heise, Jeff Sikora

CALL MEETING TO ORDER

Meeting was called to order by Kate K. at 7:00PM.

ADJUSTMENT TO THE AGENDA

Kate K. adds budget review to board discussion.

NEW BUSINESS

Hearings:

SJD Holdings – Conditional Use Modification: Application 2016-69DRB

Kate K. opens application 2016-69DRB. Owner, SJD Holdings LLC, of 2253 Pelots Point Rd., parcel id 07-01-86, is requesting a modification of conditional use approval for application 4480A dated Nov.17, 2005.

Kate asks if any board members need to recuse themselves from the hearing. Jim B. does so as the applicant and owner of SJD Holdings.

Kate asks if there are any interested parties present. No one present identifies themselves as an interested party.

Kate swears in the applicant.

Jim B. explains they are applying for an expansion of their existing conditional use permit. All operations are the same character but would increase the number of dock spaces by 32 by extending existing attachments to shore. Two docks would be extended 40' and a third would be replaced by a longer dock. He reviews the proposed changes on the sketch titled Proposed Master Site Plan which is labeled Exhibit A & dated 10/13/2016. The marina will maintain its encroachment space as permitted by the state. The number of boats would increase from 133 to 165. To accommodate this increase they would like to increase the size of their bath house by two units, this would improve the density of boats per bathroom. Jim reviews the sketch titled Proposed Bath Facility which is labeled Exhibit B & dated 10/13/2016. Jim has also submitted wastewater permit WW-6-0385-4 which is labeled Exhibit C & dated 10/13/2016. Kate K. verifies the proposed building expansion meets setback requirements.

Kate K. clarifies the regulation of amount of dock spaces falls under the purview of the state.

Kate K. asks about parking and Jim submits an Internal Parking Evaluation which is labeled Exhibit D & dated 10/13/2016. He reviews it with the board.

Joe P. asks if Jim has a more recent Master Site Plan as the one being reviewed is dated 2006. Jim states this is his most recent plan.

There is brief discussion on the causeway.

Jim states he will need a variety of permits for this project including septic, town, Army Corp of Engineers, Water Resources and Act 250 permits.

Corinn clarifies the terminology “boat slips” in the Waste Water Permit pertains to both dock spaces and moorings. Jim states any boat in the water which has access to the public bathrooms is taken into account on the waste water permit. Jim explains his conditional use application states 171 spaces

when then Waste Water Permit is for 165 as he is required to provide 4 transient moorings and spaces for dinghies for access from moorings which are not included in Waste Water total.

Corinn asks about increased traffic to the marina and Jim submits an Internal Traffic Impact Evaluation with an attached spreadsheet depicting arrival & departure statistics. The Evaluation is labeled Exhibit E & dated 10/13/2016. The board briefly discusses traffic.

Kate closes the hearing.

Ward/Lashway – Setback Waiver: Application 2016-74DRB

Kate K. opens application 2016-74DRB. Owners, Robert Ward & Patricia Lashway of 3257 US Route 2, parcel id 07-03-44, are requesting a setback waiver.

Kate asks if any board members need to recuse themselves from the hearing. None do.

Kate asks if there are any interested parties present. Diane Gayer, Jeanann Heise & Will Heise all identify themselves as interested parties as adjacent property owners.

Kate swears in the applicants and interested parties.

Robert Ward submits a revised cover letter for the application which is labeled Exhibit A & dated 10/13/16 and a revised sketch titled Average Setback for Existing Buildings which is labeled Exhibit D & dated 10/13/2016. Kate verifies the new documents do not show a change to the proposed project and Robert states they were revised to reference the current development regulations.

Robert reviews the sketch titled Site Plan #1 which is labeled Exhibit B & dated 10/13/2016 and a sketch titled Site Plan #2 which is labeled Exhibit C & dated 10/13/2016. The board asks why the garage can't be built to the south of the building where it could meet setback requirements and Patricia states they were unable to get a curb cut from the state for access from US Route 2 and currently share a driveway on their north property line. They are unable to have a driveway extend from this curb cut due to underground utilities. The proposed garage is as small a design as would be useful to the applicants.

Kate K. asks the board if this application should be heard as a setback waiver vs a variance. Discussion follows and the board moves ahead with hearing the application as a setback waiver.

Discussion on the shared driveway and possible impacts on the church parking lot follows.

Kate K. asks Diane to clarify her claim as an interested party. Diane states she has a contract on the adjacent property. Kate states a person owning or occupying property can be an interested party. The Island Craft Shop representative, Ann Baldau, states they have a lease on the building and are currently occupying the property. Kate states they may be an interested party as well.

Kate swears in Ann Baldau & Jennifer Bucknor.

The board agrees Diane can continue in the hearing as an interested party.

Diane asks about an area designated as parking on Sketch #2. She states the deed granting easement to the applicant for a driveway claims no parking can happen in that area. It is clarified the deed comes after the date of sketch. The applicant states the sketch is only being used to show utility lines, he is not asking the board to approve that area as a parking area.

The board discusses how they hear varying types of applications in response to a question from Diane asking how the applicant may be granted the ability to reduce the setback on their shared boundary when she was not allowed to encroach into the setback for parking. The board agrees applications heard for different uses, residential vs commercial, will have different conditions.

Kate closes the hearing.

PKG Real Estate Development LLC & Peter Brownell – Conditional Use Modification: Application 2016-82DRB

Kate K. opens application 2016-82DRB. Owners, PKG Real Estate Development LLC & Peter Brownell of 181 & 200 Knights Vista Rd., parcel ids 11-01-63.2 & 11-01-63.22, are requesting a modification for a site plan amendment granted for application 2012-39DRB. Application 2012-39DRB amended application 2008-20PUD.

Jeff Sikora is identified as the applicant and representative for PKG Real Estate & Peter Brownell.

Kate asks if any board members need to recuse themselves from the hearing. None do.

Kate asks if there are any interested parties present. There are none.

Kate swears in the applicant.

Jeff explains the applicants wish to move the boat storage areas designated in the Planned Unit Development. He submits a sketch titled Overall Site plan which is labeled Exhibit D & dated 10/13/16 and reviews it with the board. He identifies the current approved location for boat storage on a sketch titled Move From-To Boat & Dock Storage which is labeled Exhibit A & dated 10/13/16. Kate asks if all owners of the development are ok with the proposed changes, he states yes and submits an email from Jeanne Metheral which is labeled Exhibit E & dated 10/13/16.

Discussion on hearing this application as a Conditional Use when previous approval was granted for PUD follows. The board agrees to continue with hearing the application as a Conditional Use and agrees the decision should clearly reference the PUD.

Corinn asks about the setback from the driveway to the boat storage area. Jeff states the boat storage area meets the edge of the right of way of the driveway. Corinn asks for the setback from the septic area and Jeff states the storage area abuts the wastewater easement line.

Discussion on screening follows and Jeff states he plans to screen the storage area.

Kate closes the hearing.

OLD BUSINESS

Hearings:

Island Arts – Conditional Use: Application 2016-02DRB, Phase II

Kate K. reopens application 2016-02DRB, phase II. Owner Island Arts of 1127 US Route 2, parcel id 11-01-60.2, is requesting a conditional use.

Kate K. states an email was received from Island Arts requesting the hearing be closed as the application is withdrawn.

Kate K. closes the hearing.

Mylar Review:

St. Benedict Labre Parish- Conditional Use: Application 2016-64DRB

Mary Jane H. recuses herself from the review. Kate K. reminds Diane she is still sworn in and asks if any persons present would like to claim party status. None do.

Joe P. reminds the board he was not present for the hearing of this application.

Diane presents the revised sketch depicting required parking spaces. Kate K. asks about the square footage of the building and discussion regarding measurements & supporting documentation follows.

Kate asks for clarification on steps encroaching into a parking space. Diane reviews the changes to the sketch to accommodate the required spaces. The sketch is not to scale. Parking will be head in.

Mary Jane asks if she can question parking. Kate states she may ask a question but it will not affect the decision. Further discussion on square footage, number of parking spaces and setbacks for parking follows.

Corinn motions to accept the sketch as presented, Kate K. seconds the motion. Joe requests further discussion and the motion does not move.

Mary Jane submits a photo which the board declines to accept as the hearing was closed. Mary Jane states her displeasure with the decision of the board and claims it was based on erroneous facts.

Kate K. ends the discussion. Corinn reminds the board the hearing was closed, a decision written and new evidence should not be considered when reviewing the sketch.

APPROVAL OF MINUTES:

September 8, 2016: Jim B. motions to approve the minutes as written, Mary Jane H. seconds and the motion passes 6-0 with no further discussion.

BOARD DISCUSSION

Budget Review: Kate reviews the current budget. The board discusses surpluses and if amounts of some line items should be reduced. Joe P. suggests we keep the budget the same.

Mary Jane H. moves to approve a budget in the amount of \$10,423, same as last year, for fiscal year 2017/18. Bobby M. seconds and the motion passes 6-0 with no further discussion.

Regulation Review: Review of zoning regulations is tabled due to length of meeting.

DELIBERATIVE SESSION

The board enters deliberative session at 8:55PM.

The board comes out of deliberative session at 9:03PM.

Joe P. motions to approve as presented Robert Ward & Patricia Lashway's setback waiver application 2016-74DRB. Mary Jane H. seconds and the motion passes 5-1 with no further discussion.

Bobby M. motions to approve PKG Real Estate Development LLC & Peter Brownell's application 2016-82DRB for a conditional use modification subject to all conditions of site plan amendment application 2012-39DRB approval. Joe P. seconds the motion and the motion passes 6-0 with no further discussion.

Board discusses the revised sketch showing parking for St. Benedict Church. Joe P. states concerns over the septic capacity and suggests revisions to parking to allow for more spaces. Discussion follows on accuracy of information used to determine conditions of the decision. The board decides to move forward with voting on the sketch as the hearing was closed, a decision was written and this is a sketch review to determine only if conditions of decision were met.

Corinn J. motions to approve as presented the revised sketch showing parking spaces for St. Benedict Labre Parish's conditional use application 2016-64SUB. Bobby M. seconds and the motion passes 4-0 with Joe P. abstaining and Mary Jane H. recusing herself.

Jim B. recuses himself from the board and leaves for the evening.

DELIBERATIVE SESSION

The board enters deliberative session at 9:18PM.

The board comes out of deliberative session at 9:22PM.

Joe P. motions to approve as presented SJD Holdings LLC's application 2016-69DRB for a conditional use modification of application 4480A dated Nov.17, 2005 with the following condition: all pertinent state and federal permits are to be filed in the town office as obtained. Mary Jane H. seconds and the motion passes 5-0 with no further discussion.

ADJOURNMENT

Corinn J. motions to adjourn the meeting at 9:23PM. Bobby M. seconds and the motion passes 5-0 with no further discussion.

Respectfully Submitted, Corinn Julow

CC: Board
Zoning Administrator
Town Clerk

Future Agenda Items: Review Section 8.12C: Residential Marine Associations

DRAFT