

North Hero Development Review Board  
Thursday, November 10, 2016 7:00 P.M. | North Hero Town Office

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

**Absent:** Joe Latimer, Jim Blandino

**Guests:** Bob Ayers (zoning administrator), Katya Wilcox

CALL MEETING TO ORDER

Meeting was called to order by Kate K. at 7:01PM.

ADJUSTMENT TO THE AGENDA

There are no adjustments to the agenda.

NEW BUSINESS

**Hearings:**

**Island Arts – Minor Subdivision, Boundary Line Adjustment: Application 2016-92DRB**

Kate K. opens application 2016-92DRB. Owner, Island Arts, of 1127 US Route 2, parcel ids 11-01-60.2 & 11-01-60.3, is requesting a boundary line adjustment.

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

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

Kate swears in the applicant.

The board reviews the mylars submitted by Island Arts. Katya is reminded a final mylar will need to be submitted for approval and a deed recorded in the land records to complete the process.

Joe P. motions to approve as presented application 2016-92DRB requesting a boundary line adjustment. Bobby M. 2nds and the motion moves 5-0 with no further discussion.

Kate closes the hearing.

DELIBERATIVE SESSION

No deliberative session was held.

APPROVAL OF MINUTES

**October 13, 2016:** Mary Jane H. motions to approve the minutes as written, Bobby M. seconds and the motion passes 5-0 with no further discussion.

BOARD DISCUSSION

**Regulation Review:** The board discusses potential improvements to the development regulations for the following sections:

- Table 5.2: Setbacks- Reducing the private road setback from 50' to 25' as 50' seems arbitrary and unnecessarily restrictive. Discussion on if a house build beside an L shaped road would have to

be 50' from road on one side but could be 25' from the road on another side using current regulation terminology follows.

- Section 4.2: Certificate of Occupancy and Certificate of Compliance- The concern over the terminology of occupancy vs compliance opening the town up to potential legal liability is raised.
- Section 5.2: Density, Setback & Other Dimensional Standards- The reduction of the 3 acre minimum lot size in the Rural Lands Zone to enable families to gift pieces of land and encourage young families to move to North Hero is discussed.
- Section 5.6: Height- Clarifying the term “average finished grade” to reduce the potential of building up the land before measuring height of structure.
- Section 8.12C of the current Regulations vs Section 476 of the old Bylaws is discussed. Mary Jane asks the board to review each section and comment on if they feel 8.12C adequately replaces 476. The board has no new suggestions.

Kate will draft a letter to the Planning Commission suggesting a review of private road setbacks and minimum lot sizes in the rural lands district.

**Lawyer Findings:** Corinn notifies the board she was asked to contact our town lawyer, Paul Gillies, and find out if a hearing can reopened once closed. She reads his response to the board:

Reopening is possible when a DRB hasn't yet made a decision (a written decision, that is), when they're in the 45-day period between the end of the hearing and the issuance of the decision, if new evidence is found. But if a decision has been issued, there's no authority to reopen.

Corinn asks the board if they want her to begin waiting longer to issue a decision to allow for the potential of reopening a hearing. The board states no.

Corinn states in her conversation with the lawyer she learned she had misunderstood how a person can be designated as an interested party. She shares with the board that Paul clarified an interested party is any person who meets the definition as stipulated in statute and was present at the meeting but did **not** need to state at the meeting they wanted to be entered on the record as an interested person. Discussion on why a person is asked to state their status follows with the understanding it is so they can be cc'd on correspondence pertinent to the case but is not the determining factor in deciding their status.

#### ADJOURNMENT

Joe P. motions to adjourn the meeting at 8:12PM. Bobby M. seconds the motion and it carries 5-0 with no further discussion.

Respectfully Submitted, Corinn Julow

CC: Board  
Zoning Administrator  
Town Clerk

Future Agenda Items: