

**NORWICH DEVELOPMENT REVIEW BOARD
MINUTES**

December 4, 2014

Tracy Hall Meeting Room

Members present: Lawe, Teeter, Dean, Tuggle, Carroll, Ciccotelli, Rotman,

Members not present:

Alternates present: Stucker **Alternates not present:** McCabe

Clerk: Phil Dechert **Others:** Christopher Brien, Jack Candon, Liz Tuggle, Chris Lang, Jane Barrett, Jim Barrett, Jordan Desroches, Jason Yehle, Crystal Piffath

1. The meeting was called to order by the Chair, John Lawe, at 7:04 PM
2. **Agenda** - approved
3. **Public Comments & Announcements** – None
4. **Minutes** – The following minutes were approved without changes: 10-2-14
5. **Administrative Issues**
 - a. Future Schedule & Agendas
 - i. December 18, 2014 – No Hearings Scheduled
 - ii. January 15, 2015 – Tentative - Final Plan Review of Subdivision #13BSUB14 at 276 Hopson Road
 - b. DRB: Hearings & Appeals Information handout – Clerk and Carroll had agreed the Interested Persons description will not change. The handout to be included with mailing to abutters and available at the hearings. Dean moved to adopt the revised Hearings and Appeals Information handout. The Motion was seconded by Carroll and adopted 8-0.
 - c. Revised DRB Rules of Procedure – Dean moved to adopt the Revised DRB Rules of Procedure. The Motion was seconded by Ciccotelli but was withdrawn. Rotman will submit revisions.
 - d. Other Administrative Issues

6. Public Hearing:

#62APP14: An appeal by Heidi A. Lang Moran, Trustee; Folger and Elizabeth Tuggle; and Christopher and Deborah M. Brien of the decision of the Norwich Zoning Administrator to issue Zoning Permit #57BAS14 to Jason Yehle, Landowner, for an accessory structure on Lot 06-055.000b at 227 Waterman Hill Road.

Members Participating: Lawe, Teeter, Dean, Carroll, Ciccotelli, Rotman, Stucker

Appellants: Jack Candon for Applicants, Christopher Brien, Liz Tuggle, Folger Tuggle, and Heidi Lang Moran

Landowner: Jason Yehle and Crystal Piffath

Appellee: Town of Norwich represented by Zoning Administrator Phil Dechert

Interested Persons: Jane Barrett and Jim Barrett; Timothy H. Beck, Wende W. Beck and Sam Beck (submitted memo and photo maps)

Others: Jordan Desroches, Chris Lang

The record in this case includes the following documents:

APPELLANTS:

APP-1 Appeal with supporting documents, dated 11/3/14

APPELLEE:

ZA-1 Document and Interested Parties List, dated 12/3/14

ZA-2 Zoning Permit #57BAS14, dated 10/17/14

ZA-3 Driveway Access Permit #10ACC14, dated 10/22/14

ZA-4 E-mail from ZA to Landowner regarding Vermont Statutes governing appeals, dated 11/6/14

ZA-5 Ortho Base (2011) Photo of Property and Abutters, dated 12/14

APPLICANT/ – Jason Yehle, Landowner

None

INTERESTED PARTIES

IP-1 E-mail from Wende, Tim and Sam Beck, abutters at 304 VT Route 132, dated 12/4/14

IP-2 Google map showing potential house sites on 304 VT Route 132 and alternative site for accessory structure proposed on Permit #57BAS14, by Wende, Tim and Sam Beck, abutters at 304 VT Route 132, submitted 12/4/14

IP-3 Google map of site, by Wende, Tim and Sam Beck, abutters at 304 VT Route 132, submitted 12/4/14

The Chair opened the hearing at 7:34 PM and explained the purpose of the appeal hearing is to determine if the ZA was correct in issuing the permit for the new building.

Site Visit Report: Dechert reported a 4:00 PM site visit at 277 Waterman Hill Road was attended by: Members: Lawe, Dean, Stucker, Carroll - ZA/Appellee: Dechert - Appellants: Folger Tuggle, Heidi Lang Moran. The landowner, Jason Yehle, was not present. They viewed the property from the existing house and the proposed building site of the proposed accessory structure at the north end of the property. There was some confusion as to where the building site is. It appeared it was marked by some iron pipes in the trees. (This was confirmed at the hearing and Exhibit ZA-5 was revised to show the approximate correct location of building.)

Jack Candon presented the position of the Appellants, as stated in Exhibit APP-1, that the permit should not have been issued for the following reasons:

- The proposed building is too large to be an “accessory” structure – 30’ x 80’ x 16’
- The existing house is not habitable and therefore there is no primary building/use to be accessory or incidental and subordinate to.
- The proposed use of the proposed accessory building is in conflict with representations made by the applicant to abutters of a business use.

Heidi Lang Moran, landowner at 240 Waterman Hill Road, building is in a contract to sell her house to Christopher and Deborah Brien who are currently renting the property. She is concerned with the use and visual impact of the proposed new building. She also stated that the existing house at 227 Watermen Hill Road is not habitable and has no septic. There is a permit for a new system. Folger Tuggle, landowner of the property on the west side of Bowen Hill Road across from the 227 Waterman Hill Road property is concerned with the ambiguity of statements made by the Applicant to him and other neighbors, and ambiguity in an email sent by the Applicant to the ZA on October 20, 2014 explaining the intended use of the proposed accessory building (email included in Exhibit APP-1).

Chris Brian, resident at 240 Watermen hill Road, stated that there was already space at the existing, house with attached barn, and unattached shed for the storage of personal vehicles, etc.

Several Board members asked about how many accessory structures are allowed, the maximum building size, and size limitations related to primary structure. The ZA explained there is no limit on size or number of accessory structures as long as they meet the definition. There are instances in the zoning regulations where the maximum size of an accessory structure relates

to the size of the primary building such as Home Business, Retail Home Industry, and Accessory Dwellings.

Rotman requested that the new exhibits be entered in the record. Dechert requested that all the exhibits be entered in the record.

Rotman moved to accept the following exhibits into the record.

APP-1 Candon - Appeal with supporting documents, dated 11/3/14

ZA-1 Document and Interested Parties List, dated 12/3/14

ZA-2 Zoning Permit #57BAS14, dated 10/17/14

ZA-3 Driveway Access Permit #10ACC14, dated 10/22/14

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The motion was seconded by Dean and passed 7-0.

Jason Yehle confirmed that the location of the proposed building will be as described on the Application (Exhibit ZA-2), 650' from Waterman Hill Road, 350' from Bowen Hill Road, 150' from the Barrett boundary (east), and 100' from the Beck Boundary (north). The four iron stakes indicate the corners.

The ZA reviewed the timeline of related events:

October 17 – Permit issued. Applicant given “P” poster to put up at property

October 19 – Neighbors contacted ZA to report the poster was not posted and the applicant had indicated he may use the building for his business. ZA contacted Applicant regarding poster and reports from neighbors. Applicant was asked to put poster up at property and send ZA an explanation of the proposed use of the new building.

October 20 – ZA received email from Applicant describing intended use of property. (Included in Exhibit App – 1)

October 23 – ZA, after verifying poster was posted, re-issued permit moving appeal date to November 6.

The ZA also stated that the use of the property is considered residential since that was the last use, has not been replaced by another use, and the building had not been removed.

There is evidence of wetland areas on the property adjacent to where the new building may be placed. The Applicant has met with the State Wetland Specialist and has hired a private consultant to map wetlands.

Rotman moved to close the hearing. Stucker seconded the motion and the motion passed 7-0. The hearing was closed at 9:05 PM

7. Boundary Line Adjustment - Review

64BLA14 Rostad –

- Transfer #1 - 1 acre from 16-020.000b, Hugh Rostad, Landowner (undeveloped lot B) to Lot 16-020.000a, Hugh Rostad, Landowner

(undeveloped lot A) moving an existing boundary line and right-of-way for Lot A, and

- Transfer #2 - .2 acres from 16-020.000b, Hugh Rostad, Landowner (undeveloped lot B) to 16-020.000c, Hugh Rostad, Landowner (developed lot C) to provide access to a new well on Lot 16-020.000c.

The Clerk presented a memo and map describing the proposed boundary line adjustment.

Carroll moved that the proposed Boundary Line Adjustment #64BLA14 conforms to the criteria in Section 2.1(E)(1) NSR and therefore the Zoning Administrator is authorized to issue an administrative permit for the Boundary Line Adjustment. The motion was seconded by Lawe and was approved 7-0.

The meeting was adjourned at 9:15 PM.

Phil Dechert, Clerk

APPROVED 1-15-15