

TOWN OF NORWICH
DEVELOPMENT REVIEW BOARD
MINUTES
Thursday, May 20, 2021

Act 92 OML compliant meeting conducted via Town of Norwich Zoom account. These proceedings were recorded.

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Members Present: Arline Rotman (Chair), Richard Stucker, John Carroll, Don McCabe, Matt Stuart
Alternates Present: None
Staff: Rod Francis (Clerk)
Public: John Lawe, Jay Van Arman, Deborah Van Arman, Emily Myers, Ethan Myers, Kimberly Butler, Jason Yehle, Jennifer Rickards, Delinda Dupree, Gary Collins, Barry Scherr, Tammy Heesacker, Elissa Close, Linda Cook

- 1) **Call to Order:** Roll Call 7:04pm.
- 2) **Agenda:** Carroll moved and Stucker seconded a motion to approve the agenda. Motion carried 5 – 0.
- 3) **Minutes of March 18, 2021**
Stucker moved and McCabe seconded a motion to approve the minutes of March 18,
Carroll commented on the minutes of the hearing on the appeal of the Zoning Administrators decision that a Black Lives Matter sign at 236 Main ST was exempt from section 3.11 Signs of the Norwich Zoning Regulations. Carroll stated that the minutes said the Chair invited members of the public to take an oath so that they may provide testimony in the hearing whereas the only people who should have participated were those that had established interested party status, in accordance with state statute and the Norwich Zoning Regulations.
Motion carried 4 – 0 – 1. For: Rotman, Stucker, McCabe, Stuart. Against: none Abstaining: Carroll.
- 4) **Public Comments and Announcements:** Chair Rotman announced that Sue Pitiger had been reappointed as a member and that Matt Stuart was also appointed as a full member of the board.
Chair Rotman thanked John Lawe on behalf of the board for his many years of service, and wished him well.
- 5) **Administrative Issues and Updates:**
 - a) Election of Officers:
 - i) McCabe nominated Rotman as Chair. Motion carried 3 – 0 – 2. For Stucker, McCabe, Stuart
Against: none, Abstaining: Carroll, Rotman
 - ii) Rotman nominated Stucker as Vice-Chair. Motion carried 3 – 0 – 2. For: Rotman McCabe, Stuart
Against: none. Abstaining: Carroll, Stucker

6) **Boundary Line Adjustments:**

#9BLA21: The Boundary Line Adjustment proposes to transfer ±0.57 Acres from 398 Hawk Pine (Breed), Tax Map Parcel #20-180.000 to 56 Hazen ST Tax Map Parcel #20-173 (Yehle/Piffath), Both lots are developed.

Francis spoke to his memorandum.

Carrol moved and Stucker seconded a motion a motion that #9BLA21 meets the criteria in Section 2.1(D)(1) and authorizes the Zoning Administrator to approve the filing with the Town of a final plat Motion carried 5 – 0.

#16BLA21: The Boundary Line Adjustment proposes to transfer ±1.15 acres from 70 Pattrell RD Tax Map Parcel #11-067.400 (Stucker) to 44 Pattrell RD Tax Map Parcel #11-057 (Derksen). Both lots are developed.

Stucker recused himself as he was a party to the application

Francis spoke to his memorandum.

Carrol moved and McCabe seconded a motion that #16BLA21 meets the criteria in Section 2.1(D)(1) and authorizes the Zoning Administrator to approve the filing with the Town of a final plat. Motion carried 4 – 0. For: Rotman, McCabe, Stuart, Carroll.

7) **Public Hearings 7:26PM:**

#11BCU21: Campbell Flats LLC, request for Flood Hazard Conditional Use Approval to construct a dwelling and barn with associated development at 636 Campbell Flats RD. Tax Map Parcel #06-026.000.

Chair Rotman opened the hearing and administered the oath to those who indicated that they intended to provide testimony in the hearing.

Carroll recused himself due to a direct family member deriving a material benefit from the applicants purchase of the property.

Stucker moved and McCabe seconded a motion to admit into evidence the exhibits from the applicants and an exhibit from the Zoning Administrator. Motion carried 4 – 0. For: Rotman, McCabe, Stuart, Stucker.

Ruth Kantar (co-applicant) spoke to the family's decision to move to Norwich and the key features of the development.

Jonathan Kantar (co-applicant) provided a summary of the application materials describing how the proposed project met the flood hazard overlay conditional use criteria as found in Section 5.05 of the Norwich Zoning Regulations.

Board members posed questions based on Section 5.05 with regard to the extent of the floodway flood-fringe on the subject property, the base flood elevation of the first habitable floor and the overall impact of the proposed development on the floodway flood-fringe.

Kantar explained that while the majority of the house was shown in plan-view as situated in the floodway flood-fringe, the lowest habitable floor was 12 inches or more above base flood elevation (411 feet above mean sea-level), and therefore permitted under Section 5.05 (B) (3) b. The proposed design mounts the house on pilings to achieve this design requirement. Kantar said that John Broker-Campbell (ANR DEC Regional Floodplain Manager) had spoken with the applicants and their engineer (Jeff Goodrich, Pathways Consulting) and had described the impact on the floodway flood-fringe as 'negligible'. No drawings showing the pilings and their contribution to 'fill' in the floodway flood-fringe

were included in the exhibits. No delineation of 'compensatory storage' (excavating in the floodway flood-fringe to off-set the addition of new materials) was provided.

The applicants stated that they expected their engineer (Jeff Goodrich) to appear to provide testimony, but he was absent from the hearing.

Board members asked Francis if there was a written report from John Broker-Campbell (ANR DEC Regional Floodplain Manager) on the proposed development. Francis informed the hearing that the materials had been sent and a follow-up phone call had been placed. No comments were received in time for the hearing.

Stucker moved and McCabe seconded a motion to close the hearing. Motion carried 4 – 0 . For: Rotman McCabe, Stuart, Stucker.

#10BSUB21 Ethan and Emily Myers for Jay and Deborah Van Arman; Rural Residential District; request for Preliminary Plan Approval of a Subdivision; to divide Tax Map Parcel #10-2011.000 into 2 lots of ±4 acres and ±86 acres at 128 Union Village RD.

Chair Rotman opened the hearing and administered the oath to those who indicated that they intended to provide testimony in the hearing.

Carroll moved and Stucker seconded a motion to admit into evidence the exhibits from the applicants and two exhibits from the Zoning Administrator. Motion carried 5 – 0.

The applicants explained their proposed development allowing for the applicants' family to reside on the farm, with the open lands remaining in active agriculture. Board members asked questions based on Table 2.2 of the Norwich Subdivision Regulations.

Carroll moved and Stucker seconded a motion to grant a waiver for Preliminary Plan Review and hear the application under Final Plan Review as provided for in Norwich Subdivision Regulations Section 2.1 (C) given that the necessary materials have been submitted. Motion carried 5 – 0.

Carroll moved and McCabe seconded a motion to close the hearing. Motion carried 5 – 0.

#13BCU21 Montshire Museum of Science; Rural Residential District; request for Conditional Use and Site Plan Approval for a Summer Camp and Day Care Facility at 35 Montshire RD. Tax Map Parcel #16-090.000.

Chair Rotman opened the hearing and administered the oath to those who indicated that they intended to provide testimony in the hearing.

Stucker informed the hearing that he had worked for the Montshire Museum almost twenty years ago, but that he no longer had an association with the organization and felt he could contribute to the proceedings without bias. Fellow board members thanked him for sharing his personal reflections.

Carroll moved and McCabe seconded a motion to admit into evidence the exhibits from the applicants and two exhibits from the Zoning Administrator. Motion carried 5 – 0.

Kimberly Butler for the applicants reviewed the packet, explaining that the institution at its core had an educational mission and had been hosting summer camps for many years. But, that in the process of having discussions with Norwich Daycare about hosting their program on the campus it came to light that the Museum had never applied for a conditional use and site plan review for the summer camps. This application was intended to address this oversight,

Board member asked questions based on Table 5.1 Site Plan and Conditional Use Review Application Requirements of the Norwich Zoning Regulations.

Carroll moved and McCabe seconded a motion to close the hearing. Motion carried 5 – 0.

- 8) **Other Business:** Carroll announced that he would be retiring from the board at the end of June, 2021, and that he did not vote for office holders because he felt that he would not be present, and therefore it was inappropriate. The board wished him well.

Meeting Adjourned: 8:35PM

Respectfully submitted,

Rod Francis

Future Meetings:

TBD

DRB Minutes available at:

<http://Norwich.vt.us/development-review-board-minutes/>

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