

**TOWN OF THETFORD  
DEVELOPMENT REVIEW BOARD**

**MEETING MINUTES  
5/26/15**

Members Present:

Bill Bridge	Jesse Anderson	Don Longwell	Sean Mullen (chair)	Tim Taylor (vice-chair)	Mary Ellen Parkman (ZA)	Diane Osgood (Zoning Assistant)
<b>X</b>	<b>X</b>	<b>X</b>	<b>absent</b>	<b>X</b>	<b>X</b>	<b>X</b>

Attendees: Chris Hebb, Joan Crosson, Brad Ruderman, Ford VonReyn, Elizabeth Lee Kemon Boudreau, Kenneth Boudreau, Ronald Scott, Tony Oyenarte, Tim Ouellette, Kathy Ouellette, Ted Levin, Al Stone, Rhett Scruggs, Bill Huff, John Bacon, Stuart Rogers, Wayne Parks, Anne French, Joanne Kirsten

Sean Mullen called the meeting to order at 7:12 PM and moved directly to Agenda Item #1.

1). Warned Hearing on Application (TSD #664) for Minor Subdivision by Elizabeth Hall Kemon Trust, Elizabeth Lee Kemon Boudreau, Trustee, to subdivide one lot into two lots. This property is located in the Rural Residential district at 200 Birch Point Lane, Post Mills, VT

Mr. Mullen asked if the applicant wanted to join the DRB to discuss their proposed subdivision. Brad Ruderman, joined the DRB. Mr. Ruderman indicated that 21.7 acre parcel is proposed to be divided into two lots, parcel 1 – 11.90 acres with an existing dwelling and outbuildings, and parcel 2 – 9.79 acres with an existing ROW and road but no development.

The DRB discussed the shape of the lots and whether they would be considered “spaghetti lots” and if the subdivision should be treated as a major subdivision so that the requirements of 6.13.K, which states that “in no case shall the width of the lot measured along its road frontage be less than twenty-five percent (25%) of the lot length measured perpendicularly to the straight line best approximating the road frontage”. The DRB ultimately decided that this was not a major subdivision and shouldn’t be considered one just for this purpose.

Mr. Ruderman indicated that there are existing roadways on the property with their associated rights of ways. The DRB asked about existing maintenance agreements. Mr. Ruderman was not sure if there were any. The DRB indicated that their approval would require a road maintenance agreement for the portion of the road crossing Parcel 2 that will be used for any proposed development. This agreement should be referenced on the final plat and filed with the Town Clerk in the Thetford Land Records. This same road should be improved to meet the requirements of Section 3.13 of the zoning bylaw and the ROW extended in width to accommodate the upgraded road.

Mr. Mullen asked if any abutters were in attendance. Ronald Scott from Camp Lochearn was and indicated that he supported the proposal.

Mr. Taylor indicated that he would like to have a copy of the Shoreland & Lake Encroachment Permit and the WW permit filed with the zoning office.

Mr. Mullen made the motion to approve the minor subdivision subject to conditions as noted in the hearing including that 1) the existing roadway across parcel 2 be upgraded to meet Zoning Requirements, 2) The ROW for this section be expanded to accommodate the upgraded road, 3) a maintenance agreement for this roadway be developed and filed with the Town Clerk and 4) copies of the Shoreland & Lake Encroachment Permit and WW Permit be filed with the Zoning Office.

The vote carried unanimously:

Bill Bridge	Jesse Anderson	Don Longwell	Sean Mullen (chair)	Tim Taylor (vice-chair)
<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>

Mr. Mullen then moved to agenda item #2.

2). Warned Hearing on Application (Permit #4071) for Conditional Use w/Site Plan Review by Tim & Kathy Ouellette, to construct a 10x20 accessory structure in a 100 year floodplain. This property is located in the Village Residential district at 5371 Route 5, North Thetford, VT

Ms. Parkman gave each DRB member a copy of the application as well as a copy of the Town Flood Hazard Bylaw and correspondence from Sacha Pealer, Central VT Floodplain Manager.

Mr. Mullen asked the applicant to join the DRB and discuss their proposal.

Mr. Ouellette explained that his house is in the floodplain and he would like to build an accessory building that is 10'x20' in size.

The shed would be on pier's and floor joists would be elevated to the base flood elevation as established at his house location.

An email from Sacha Pealer on this same day generally agreed that the project was permissible within the flood plain with concern for the types of anchors that would be used to anchor the shed to the piers and that the construction accommodate "open space" beneath the shed, which is achieved by elevating the floor and its joists above the BFE of 403.0.

Mr. Ouellette presented a cut sheet on the Simpson Strong-Tie Post Base Connectors that he intended to use to anchor the building and all agreed that Ms. Parkman would be responsible for verifying that the final building elevation was such that there was open space other than the piers and a ramp below the 403.0 elevation.

Mr. Mullen made the motion to approve the application subject to the condition that the building floor and joists will be at a minimum elevation of 403.0 and that this elevation be verified upon completion by the zoning administrator.

The vote carried unanimously:

Bill Bridge	Jesse Anderson	Don Longwell	Sean Mullen (chair)	Tim Taylor (vice-chair)
X	X	X	X	X

Mr. Mullen then moved to agenda item #3.

3). Continuation of Warned Hearing on Application (Permit #4065) for Waiver of Setbacks by Chris Hebb, to reduce the back setback from 15' to 2' to construct a 28x48 ft greenhouse. This property is located in the Rural Residential district at 767 Barker Rd, Post Mills, VT

Mr. Mullen asked the applicant to join the DRB . Mr. Anderson summarized the site visit as follows:

The proposed location is next to an existing garden and behind a row of mature maple trees approximately 2 feet from the property line. Alternate locations were discussed. The clear area adjacent to the house is shaded by the mature trees. The garden area is shaded by a tall pine and other trees not on the subject property. The greenhouse design was discussed and it was determined that it is modular and could be decreased in size. There was discussion of whether the proposed location would work if the setback was reduced by 50% down to 7.5 feet instead of 2 feet. It appeared that with trimming or cutting back some vegetation it likely would.

Mr. Longwell indicated that he felt that it was easier to grant the waiver under Section 6.09(B)4 that allows a waiver of not greater than 50% without specific criteria because he did not feel that the project strictly met numbers 1-3. There was discussion amongst the DRB with all agreeing with Don.

The question was asked whether or not the greenhouse would be illuminated? Mr. Hebb indicated that there would be no light at night or light pollution.

Mr. Bridge made a motion to approve a waiver for 50% of the required 15' setback resulting in a 7.5' setback from the property line.

Mr. Taylor and Mr. Mullen abstained since they had each missed a hearing portion. The motion carried as follows:

Bill Bridge	Jesse Anderson	Don Longwell	Sean Mullen (chair)	Tim Taylor (vice-chair)
<b>X</b>	<b>X</b>	<b>X</b>	<b>Abstain</b>	<b>Abstain</b>

Mr. Mullen then moved to agenda item #4.

4). Continuation of Warned Hearing to consider the Notice of Appeal by Ted Levin and Ford Von Reyn of the Zoning Administrator's determination that the Upper Valley Fish & Game Club is currently in compliance with their Conditional Use permit. This property is located in the Rural Residential district at Five Corners Road, Thetford Center, VT Continuation of Warned Hearing on Application (TSD #659) for Minor Subdivision by Woodchucks, LLC to subdivide one lot into two lots. This property is located in the Rural Residential district at 136 Cross Street, Post Mills, VT

Mr. Taylor began this discussion by noting that a number of definitions were submitted to the ZA in response to his request at the last DRB meeting. He asked if anybody wanted copies and Ms. Parkman made copies for all interested.

There was discussion amongst the group as to what this definition should be and whose responsibility it is to make the final determination. Evidence was not taken the intent of this discussion was to gather information to help guide the ZA.

Ms. Kirsten verbally submitted her definition as "organized" being defined as an event where the range is set aside for a specific use/group and "casual" being an event where the range is not set aside.

Ms. Parkman indicated that ultimately she will have to make the determination as to what is considered an organized shoot to enforce the existing permit. She doesn't intend to include a number of people in this definition as it is not enforceable within our existing framework. She will take all of the information presented tonight and will create a definition for her use in permit enforcement.

Mr. Taylor turned the discussion to deliberation at 9:15 PM as it the discussion was not producing any new information. Mr. Taylor asked the other DRB members how they were feeling about the determination by the ZA that the club was currently not in violation.

Mr. Bridge indicated that he thought the ZA handled the situation well, Mr. Taylor agreed. Mr. Longwell indicated that he did not agree. There was not enough information and it was clear there were violations in the past.

Mr. Anderson agreed that they were not currently in violation.

Mr. Taylor called a vote as to who agrees that the ZA's determination was correct?

The vote carried as follows:

Bill Bridge	Jesse Anderson	Don Longwell	Sean Mullen (chair)	Tim Taylor (vice-chair)
<b>Yes</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Yes</b>

Mr. Mullen adjourned the meeting at 9:33 pm.

Respectfully submitted,  
Mary Ellen Parkman  
Diane Osgood

Approved on the \_\_\_\_ day of \_\_\_\_\_, 2015.

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Sean Mullen, Chair