

**TOWN OF THETFORD
DEVELOPMENT REVIEW BOARD**

**MEETING MINUTES
6/23/15**

Members Present:

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

Attendees: Christine Tullgren, James Dixon, Richard Balagur, Don Davenport, Carrie Wells, Thomas Bossert, Claudia Reeder

Sean Mullen called the meeting to order at 7:15 PM and moved directly to Agenda Item #1.

1). Continuation of Warned Hearing to consider the Notice of Appeal by Richard Balagur of the Zoning Administrator's Actions in issuing an after the fact permit (#4068) for a deck. This property is located in the Rural Residential district at 696 Miller Pond Road, Thetford Center, VT.

Mr. Mullen asked if the appellant to join the DRB to discuss his appeal. Mr. Balagur distributed a packet of information that included deeds, plat plans, emails and a narrative. Mr. Balagur's position is that the plat plans located a ROW across Mr. Dixon's property that benefits both him and Thomas Bossert and Claudia Reeder's property. The deck built by Mr. Dixon was built without a permit and he is appealing this after the fact permit because the location of the deck requires the ROW to be relocated which requires submission of a mylar created by a licensed land surveyor.

Ms. Parkman indicated that she issued the after the fact permit knowing that there is an ongoing dispute over this existing ROW, its width, location and its benefactors. The plat plans do not specifically locate the existing or proposed easements on this property. There are no dimensions or survey coordinates. The deed language varies as to this ROW in all three of the deeds in question, the deed fro Parcel B, parcel A-1, parcel A-2 and parcel A-3.

Mr. Anderson indicated that enforcing deed restrictions and interpreting deed language are beyond the scope of the DRB and this application.

Mr. Longwell agreed and added that he didn't feel as though either of the ROWs were specifically located.

Mr. Mullen asked if the interested parties had anything to add. Ms. Reeder pointed out that she had a legal opinion that interprets her deed and asked them to review #5. The DRB agreed that her opinion said that she had a ROW but also did not specifically locate it.

Mr. Mullen asked where the construction of the proposed bridge stands. Mr. Balagur indicated that he believed that the bridge built by Dixon/Odell is in the proposed ROW where he was to build his bridge. Mr. Dixon indicated that when he bought the property from Mr. Balagur he had marked out a proposed bridge location with flagging and the bridge he proposed was right at the property line, far from his bridge location.

Mr. Longwell stated that there is too much ambiguity, the plan doesn't specifically locate the ROWs in relationship to the house and deck and there just isn't enough information to determine that the deck is in the ROW.

Mr. Mullen made a motion to find that the ZA decision stands as ruled upon because there is not enough information to determine the exact location of the ROW.

The vote carried unanimously:

Bill Bridge	Jesse Anderson	Don Longwell	Sean Mullen (chair)	Tim Taylor (vice-chair)
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absent	X	X	X	absent
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Mr. Mullen then moved to agenda item #2.

2). Warned Hearing on Application (Permit #4081) for Conditional Use & Site Plan Review by Christine Tullgren, d.b.a. Little Feet Children’s Center to expand the existing childcare center to increase the number of children. This property is located in the Community Business district at 385 Route 113, East Thetford, VT.

Mr. Mullen asked the applicant to join the DRB at the table. Christine Tullgren described her project as a 26x24 addition that would allow her to increase her licensed number of children to 38. She currently is licensed for 25 kids.

The new numbers would require 4-6 employees. The total square footage will be 2400 sf, requiring 12 parking spaces for the square footage as required by the Zoning Bylaws. Total spaces needed would be 12 + 6 (employees) + 2 (apartment) = 20 spaces. Ms. Tullgren indicated that there has never been an issue with parking. During special events she has used Wings’ parking lot for overflow.

The DRB finds the following:

- The addition will require a new water/wastewater permit as well as inspections as required by the State of Vermont for childcare facility licensing which covers public safety concerns
- There will be no new lights except for a light over the new exterior door.
- Hours of operation will not change.
- The site is located within the Community Business District which encourages business and commercial activity.
- Access is off Route 113 which has the capacity to support this business.

Mr. Mullen asked if there were any interested parties in attendance. Don Davenport indicated that he was there representing Wings and he supported the project and stated that Little Feet Children’s Center has been a great neighbor, he supported the business and that the Childcare Center could continue to use the Wings parking lot for special events. Mr. Davenport offered to help measure out the existing parking area at the Childcare center to make sure there was sufficient parking.

Mr. Mullen made the motion to approve the conditional use with the following conditions:

1. A copy of the approved water/wastewater permit be submitted to the Zoning Office
2. A copy of the childcare license be submitted to the Zoning Office.
3. The facility has the capacity for 20 parking spaces, to be verified and recorded by the ZA.

The vote carried unanimously:

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

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

Respectfully submitted,
Mary Ellen Parkman

Approved on the ____ day of _____, 2015.

Sean Mullen, Chair