

Town of Moretown Development Review Board  
P.O. Box 666, Moretown, VT 05660

Minutes from the Hearing on October 15, 2015 (UN-APPROVED)

Present at the meeting were:

John Riley, chairman  
David Russo  
James O'Neill  
Mimi Clark, secretary

The meeting was called to order by chairman John Riley at 6:15. The continued application of a 4 unit apartment building on US Route 2 was the first order of business. At the September 24, 2015 meeting, the board reviewed the survey map prepared by Mr. Willard Gove. In the survey, the lots did not meet setbacks. Warren Noyes submitted a new map which still did not meet the setbacks. Despite the new map being an improvement over the last map, variance is necessary.

At 6:32, John Riley moved to close the evidence on the Noyes application. J. Riley informed the Noyes that the board was required to render a decision within 45 days. Dave Russo seconded. John Riley asked for a vote, the Ayes had it.

John Riley, chairman, called the meeting of the Development Review Board to order at 6:34 to consider the proposed nine unit 2 bedroom apartment construction, in three two-story buildings at 1310 US Route 2 .

Present:

Gunner McCain, consultant  
John Riley, chairman

George McCain, consultant  
Jim O'Neill  
Joseph Stridsberg II  
Eric Howes, alternate  
Joseph Shephard  
Erick Titrud  
Lisa Shephard  
David Russo  
Arlis Fugley  
John Weir, zoning administrator  
Mimi Clark, secretary

John Riley asked if "Anyone who plans to give evidence, please raise their right hand" and swore in witnesses.

After considerable discussion over the proposed construction of nine apartment units that included US Route 2 curbside access, flood elevation, run off water, landscaping, impact of development on neighbors, and whether or not the project could qualify as a mixed-use under Section 3.9, John Riley motioned that the evidentiary portion on the Shephard/Stridsberg application be continued to November 5th after a site visit Saturday, October 17th, 8:30 AM, Jim O'Neill seconded.

John Riley called for a vote; the "Ayes" had it. John Riley asked the minutes to reflect that if a board member can't attend the site visit as voted, he can coordinate another time with the Stridsbergs. John Riley made a motion for a Deliberation session. Erick Titrud Seconded. The "Ayes" had it.

At 8:03, John Riley made a motion to move out of deliberative session. Jim O'Neill Seconded, the "Ayes" had it. John Riley asked "Does the application qualify as a mixed use according to the ordinance? We need more time to review Ordinance Sections 3.9; 4.7, (lot and yard requirements), the definition of "Mixed-Use Building" and that in the Commercial District whether only a "mixed-use building" is a conditional use. J.R made a motion to have the minutes reflect these sections were discussed. J.O'N seconded. J.R. "All in favor"; the "Ayes" had it.

John Riley made a motion to reconvene into Deliberative session on the Noyes application. Dave Russo seconded. J.R. asked all in favor. The "Ayes" had it.

John Riley made a motion that the board grant a 2.3' set back variance for the existing Noyes residence and in conjunction therewith, the board makes the following findings:

1. There are unique physical circumstances in that the former hardware store now apartment building has been in its present location some 36 years; and unnecessary hardship would result if the residential or commercial structure had to be moved from the existing locations.
2. There is no possibility the present change in use could be accomplished in strict conformity with the zoning regulations and the variance is needed to enable reasonable use of the property.
3. Given the passage of time, the hardship was not created by the applicant.
4. The variance will not alter the character of the neighborhood or substantively affect any adjacent property.
5. The variance represents the minimum that will afford relief and represents the least deviation possible from the zoning regulations.

John Riley made the motion to approve the variance on the Noyes Residence side of the partition line. D. Russo seconded. Unanimous approval.

Dave Russo made a motion to approve Noyes' conditional use application with the following conditions:

1. Lot B for the apt building be staked out by a licensed surveyor as set forth in the survey of Gove Land Survey dated October 4, 2015; revised October 12, 2015.
2. A mylar of the survey be filed for record in the Moretown Land Records, no later than November 30, 2015.
3. That the applicant comply with State Waste Water and Act 250 permits, submitted in evidence during the proceeding.
4. The eight parking spaces depicted comply with requirements of Ordinance Section 4.9 and that lighting and other elements of the development comply with the performance standards of section 4.10.
5. In any conveyance of Lot B, there be excepted or reserved in favor of Lot A, the right of way depicted on the Gove Survey Plan last revised October, 12, 2015; and similarly in any conveyance of Lot A, it be subject to the right of way to US Route 2 benefiting Lot B.
6. If at the time of any conveyance of Lot B, if it is still utilizing the well located on Lot A, that there be an appropriate easement in favor of Lot B for the water rights.

John Riley asked for discussion; and a vote. All in favor, the "Ayes" had it. J.Riley made a motion to adjourn. Dave Russo seconded. The meeting was adjourned at 8:48.