

## Unapproved 2-12-15

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

Minutes of Hearing Held February 12, 2015

Application of Megan Doczi for Two Lot Subdivision at  
139 Wade Road, Parcel ID No. 06-0 16.000

Present for the Board were John Riley, Jim O'Neill, Eric Howes and Paula Woods.

Present for the Applicant were Megan Doczi and Gunner McCain of McCain Consulting. Also present were Matt Henchen and Samantha Henchen who plan to build a residence on the lot being created. Also, adjoining landowner Dennis Bache, and Carl Wimble (6:40). Also present was John Weir, Zoning Administrator.

John Riley called the meeting to order at 6:35 PM. Mr. McCain made the presentation for the Applicant. The existing lot is approximately 10 acres. The lot for the new house is proposed to be 4 acres with the existing residence being on 6 acres. Engineering work has been completed to site a drilled well and on site septic system for the proposed residence. The existing driveway for the Doczi residence will be extended, traveling under an existing power line, before bearing westerly to the new lot. Gunner McCain acknowledged the submitted survey dated April 2014 does not accurately portray the likely location of the access drive as it shows the driveway entering at the southwesterly corner. Because the driveway is not yet built its precise location cannot be identified. The pins creating the boundary for the new parcel have been placed and Mr. McCain and Applicant agreed that once the driveway is built an updated survey will be developed showing its actual location for recording in the land records. The proposed driveway is approximately 400 feet. The deeded right of way will be 30 feet in width with the constructed travel lane approximately 12 feet. At this point no pullout is planned such that vehicles which meet could pull off to allow the other to pass.

Dennis Bache is concerned that the extended driveway will result in additional water runoff toward Wade Road. There was discussion that a culvert could be improved and that this might occur in conjunction with construction of the new driveway.

Eric Howes noted there are existing springs on the Robert Wimble parcel. Examination of the site plan shows the leach field for new Lot 2 located on the southerly side of the parcel and some 400 feet from the Wimble boundary line. Given the distance and topography there does not appear to be any impact on the springs. John Riley made a motion to approve the application as submitted subject to the following conditions:

1. That the deed to the lot include a 30 foot access right of way and that the access driveway when constructed have a traveled width of at least 12 feet;
2. That prior to construction of the residence the lot owner obtain a state wastewater and potable water supply permit; and
3. The driveway be maintained so as to be accessible by emergency vehicles all seasons of the year.

Jim O'Neill seconded. All in favor.

Although it was not stipulated as a condition, Gunner McCain represented the final survey will depict the actual driveway location.

Application No. 14-46: Scott and Patricia Sainsbury for a Cottage Industry Located at 75 Ridge Road, Parcel ID #08-024.000

The Applicants, Scott Sainsbury and Pat Cox Sainsbury were present. Also present were abutting landowners, Denise Badowski, Jason Maring (Side road), Jacqueline Spence (48 Damon Drive), Carl Wimble, and Richard Rivers. Also present were Dan and Jordan Von Trapp.

John Riley noted that three board members could not attend tonight. Paula and Eric are filling in as alternates. Also, John disclosed that six years ago he had assisted the Sainsburys with a legal matter. He does not regularly represent them and after reviewing the Town's Conflict of Interest Policy believes he can sit on the application, especially given the shortage of board members. John also noted for the record that subsequent to the application submittal there have been three emails or letters received from neighboring property owners expressing no objection to the proposal. These were from Tom Allen and Stephanie Venama, Ben and Denise Sanders, and April Trepto.

It was also noted that the Sainsburys have modified their application to limit events to no more than ten a year. Apparently, having more than ten events triggers Act 250 and other state permits.

Scott Sainsbury provided an overview of the farm property. The Sainsburys no longer offer equine boarding. However, the fields remain open and are hayed annually. The proposal is to make the property available for wedding and similar events. The former outdoor riding arena area would provide approximately 60 spaces for parking. Additional parking spaces are available behind the barn and behind the house. It is

anticipated most clients would utilize the barn building for the dinner and reception. There are several meadow type locations on site for the ceremony. There are limited restroom facilities so clients would be required to rent portable toilets. Any amplified music would end by 10 PM. All guests must depart no later than midnight. The application proposes events hosting up to 175 people, although the Sainsburys later indicated they would be agreeable to a condition stipulating a smaller number.

The application has been submitted as a “cottage industry”. There is precedent in that the Von Trapp farm property off Gove Road was permitted to host weddings and similar events as a cottage industry in 2011.

The requirements for cottage industry are set forth in Section 3.7(E) which is under the general heading of Home Based Businesses. They are subject to conditional use review and ten enumerated provisions. The Board reviewed the Section 3.7(E) provisions.

The first criteria is met as the proposed business owners reside on the lot.

The second requirement is that the business be carried on within the principal dwelling unit and/or accessory structures and occupy less than fifty percent of the combined floor area of all structures on the lot. There was some discussion as to whether the application meets this criteria. The barn structure is large, having dimensions of approximately 90 50 feet or 4500 square feet. There is a separate guest cottage available for rental that in most instances would be utilized by the wedding party. Adding them together would appear to total more than 50% of the combined area. The barn building does have two floors, and the second floor would not be utilized for wedding activities.

The third criteria is that the cottage industry be carried on by the residents of the dwelling with up to eight employees who are not residents permitted. Rich Rivers commented that he does not think the application meets this criteria. The business is the production of the wedding and either the wedding planner, or the clients are conducting the activity. The Sainsburys on the other hand believe that the business activity is leasing of the facility for the wedding, and that as owners they are conducting that activity.

The fourth criteria is that the business not necessitate any change in the outward appearance of the dwelling or accessory structures. Exterior signs other than those normally permitted in the district are prohibited. Outdoor storage materials are to be screened from the road and neighboring properties. These requirements appear to be met. There is no proposal to modify the existing residence and barn, and no signage is proposed.

The fifth criteria is that the business not generate traffic, including truck traffic, in excess of volumes characteristic of the neighborhood. There was also debate about whether the application meets this criteria. Presently, there is very little traffic on Spillway Road and the town road crossing the bridge into the Sainsbury property. But these are fairly short, contain only a few residences, and Rt. 100B is subject to extensive traffic, including truck traffic. The question is whether the intermittent use of the property for events will generate traffic in excess of volumes characteristic for the neighborhood.

Number 6 requires that there be adequate off street parking for all residents, employees and customers in accordance with Section 4.9. Section 4.9 addresses parking requirements and states that spaces have a minimum width of 9 feet and minimum length of 20 feet. Section 4.9(C) allows that onsite parking requirements may be reduced or waived by the Development Review Board based on a determination that circumstances unique to the development make strict application unnecessary.

Section 4.9 requires that non-residential parking be located to the side or rear of buildings unless otherwise approved, and screened or otherwise visually hidden from adjoining residential areas. Rich Rivers does not believe the Applicant can meet these criteria. There was some discussion as to the level of existing vegetation and tree screening between the Sainsbury property and neighboring residences and roadways. Also whether the farm should be considered as fronting on Bridge Road, rather than towards the river, such that the riding ring parking location is a side yard rather than front yard. Later, as noted above, the Sainsburys did indicate a willingness to accept a permit condition which would limit the number of guests to something less than the 175 contained in the application. They also concurred that they could encourage, or require clients to arrange for off site parking, and/or shuttles from a hotel or condominium complex providing rooms for wedding guests. No guests will stay on the farm property except use of the single bedroom cottage.

The seventh criteria is not at issue as no storage of hazardous waste or materials is contemplated. Also, the eighth criteria is met as no retail sales are associated with the use.

The ninth criteria is that the business not result in hazards to public safety and welfare or to neighboring properties, and shall be subject to the applicable performance standards included under Section 4.10. Conditions may be placed on the hours of operation as appropriate. Jackie Spence is concerned primarily with noise associated with the proposed activity. She lives on Rt. 100B. Although Route 100B experiences substantial traffic during drive times of early morning and later afternoon there are extended periods

when there is little traffic on the highway. Scott Sainsbury indicated that although some guests may obtain tents and have music or activities outside, for the most part it is believed that the barn structure would be used for serving dinner and housing a band or DJ. It was noted that if the application is approved it would be subject to performance standards set forth in Section 4.10 and defines excessive noise as a sound pressure level that exceeds 65 decibels at the property line on a regular or recurring basis. John Weir noted the Town has provided a decibel measuring device and that upon receipt of complaints it is his practice to make a measurement and issue a notice of violation if appropriate. The Applicant is aware that any approval by the Board would require that they comply with this and the other performance standards set forth in Section 4.10.

The last criteria is that any permit for a cottage industry state it is a home based business, accessory to the principal residential use, and cannot be subdivided or converted for sale apart from the residential use. The Applicants have no issue with this limitation.

During the hearing Jim O'Neill asked if the Applicant was willing to provide a site plan which would depict the proposed parking areas and spaces associated with each location. The Applicant is willing to do so, including as a condition for any issued permit.

It was indicated there are no plans for additional lighting. It is thought that wedding planners may utilize some low level guide lighting to assist guests traveling back to a parking area from the barn location later in the evening.

The Applicants are agreeable to permit conditions stating no more than one event could occur per week, and no more than two events could occur per month.

At approximately 8:30 PM the Board moved to close the evidence and enter deliberative session. John Riley noted for the record that the Board is required to issue its decision on the application within forty-five days.

The public portion of the hearing then concluded and the Board entered into deliberative session.

The Board exited its deliberative session and the Meeting concluded at approximately 8:50 P.M.

Respectfully Submitted,

---

John Riley, Acting Secretary