

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

Minutes of Hearing Held August 20, 2015

Continued Hearing on Application No. 15-12  
Warren Noyes for "As Built" Approval of  
Two Additional Apartments at 802 U.S. Route 2

John Riley called the meeting to order at 6:30 p.m. This is a continued hearing from hearings held June 11 and July 16, 2015. Present again is the Applicant Warren Noyes as well as his engineer, Dexter Lefavour. Erick Titrud has recused himself from this Application. Present for the Board are John Riley, Tom Badowski, Jim O'Neill, and Dave Russo.

John Riley noted that Board members received the amended wastewater permit, WW-5-1203-3 issued July 23. The permit approves a fourth one bedroom apartment on the property. Also, during the hearing Applicant submitted an Act 250 Land Use Permit Administrative Amendment, 5W0718-C issued August 7 which similarly authorized conversion of the balance of the dry goods store to the fourth apartment.

During the hearing the Board reviewed a submitted survey which establishes the boundaries for the apartment building lot from other land of the Applicant which contains his residence. The survey is dated August 15.

Unfortunately, it appears the lot as established does not meet setback requirements under the Ordinance. There was some initial discussion as to whether the parcel is in the Commercial or in the Ag-Res zone (Application indicates Residential). In both zones the minimum side and rear setback is 25 feet. Setback distances are not set forth on either this survey, or a site plan which Mr. Lefavour presented at the meeting and which was generated as part of the wastewater application (last revision dated June 30, 2015).

However, by the scale, and utilization of ruler, it appears that if the building is accurately portrayed on the survey, that it lies approximately 10 feet from the boundary line on the northwesterly corner of the structure, and the southwesterly corner.

The requirement that the previous store/now apartment building lot be laid out was a condition of a January 20, 2011 DRB approval for the first two renovated apartments. The Board reviewed minutes from the January 20, 2011 hearing, as well as an earlier hearing on January 13, 2011. There was a condition that "Lot B" be staked out consistent with a plan accepted into evidence and dated January 19, 2011; and that eight designated parking spaces be created consistent with the plan. In the discussion portion

of the minutes there is a statement that the map Mr. Lefavour presented showed the side yard between Lot A and Lot B being at 29 feet and 28 feet respectively. The submitted survey plan does not appear to be consistent with what was approved in 2011, as it doesn't meet setback requirements, and doesn't depict parking spaces.

The 2011 minutes also noted that the site plan showed Lot B to be adjusted to 1.0 acre which is the minimum lot size in the zoning district.

Mr. Noyes asked if the Board could waive any further adjustment to the survey. Mr. Lefavour stated a belief that the Board had not sufficiently communicated these potential issues at earlier hearings. Mr. Lefavour stated he did not have access to the 2011 minutes. John Riley indicated he will scan and send the 2011 minute excerpts to the Applicant care of his engineer.

Given the permit condition that the lot be established consistent with zoning was part of the 2011 permit approval, and the Applicant only sought after the fact approval for the two additional apartments in 2015 when faced with enforcement action, the Board is not willing to grant any variance which would excuse meeting the 2011 conditions. Upon motion by Jim O'Neill, second by Tom Badowski, the Board will continue the hearing until September 24 to permit the Applicant to revise the survey and develop a site plan which sets out setback distances, as well as the discussed eight parking spaces.

At approximately 7:10 p.m. Mr. Noyes and Mr. Lefavour left the meeting. The Board subsequently entered into a deliberative session. At 7:20 p.m. the Board exited deliberative session. Tom Badowski moved, seconded by Jim O'Neill, that the Board Chair when forwarding the 2011 minutes to Dexter Lefavour indicate that the site plan in designating the parking spaces and showing setbacks should also designate location(s) for snow storage. Also, that any issued permit would typically contain a condition that any exterior lighting meet the requirements of Section 4.10(B)(2).

The meeting adjourned at 7:25 p.m.

Respectfully Submitted,

---

John Riley, Acting Secretary