

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

Minutes of Hearing Held November 5, 2015

Continued Hearing on Application of Shephard and Stridsberg to Construct 3, Three Unit
Apartment Buildings at 1357 US Route 2

John Riley called the meeting to order at 6:33 p.m. Present were Kris Shephard, Lisa Shephard and Joe Stridsberg. Also present for the Applicant from McCain Consulting were Gunner McCain and George McCain. Also, a neighbor, Patricia Kennedy who lives on Soapstone Road attended. Present for the Board were Jim O'Neill, David Russo, Erick Titrud, Eric Howes and John Riley.

The Board held a previous evidentiary hearing October 15 and then a site visit on October 17. After the hearing on October 15th the Board held a deliberative session to discuss whether the Ordinance requires that the apartment building site be subdivided from the existing Shephard residence to comply with the ordinance. The Board reached no conclusion during the earlier deliberative session, noting only the ordinance provisions it reviewed. At tonight's hearing the Applicant presented and the Board received into evidence an updated site plan with revisions through November 5, 2015. The plan has been updated to show the location of the 433.2 base flood elevation. Although not depicted on the plan, a note indicates the 500 year flood elevation is 437 feet. The elevation for the apartment buildings to be constructed on concrete slab foundations is at or slightly above 440 feet.

The updated site plan now shows some landscaping, including four foot cedars for screening, 5-8 feet on center toward the parcel's frontage on US Route 2. Also, lighting for the parking areas and flower beds to the front of the units among other details.

Gunner McCain confirmed that the Applicant is still working on State permit applications intending to await local approvals before seeking required State permits. The project has received a preliminary Vtrans Access Permit and which was previously submitted in evidence to the Board. The existing broad curb cut associated with the Shephard residence will be significantly reduced and a new curb cut location at the northwesterly side of the parcel will provide access for the three apartment buildings.

The Board reviewed and considered whether the Ordinance requires that the portion of the existing Shephard parcel to be utilized for the new units must be subdivided from the existing residential use. Section 4.7(A) states that there shall be only one principal structure or use per lot, unless otherwise specifically approved as part of a PUD under Section 5.2, or as a mixed use under Article III.

Section 3.9(A), titled “Mixed Uses” states “in designated districts, more than one use may be permitted within a single building or on a single property subject to conditional use review in accordance with Section 5.2.” The Section goes on to state that the uses must meet the following:

1. Each is allowed as permitted or conditional uses in the district.
2. The combined uses meet all applicable standards.
3. The combined uses meet all applicable dimensional standards.

As noted at the earlier hearing, the Shephard residence likely does not meet setback requirements from US Route 2. But it has been long in existence and likely predates enactment of zoning in 1976. No changes are proposed so this is a non-conforming pre-existing structure.

The Shephard property is in the commercial district. Single family dwellings are permitted uses, and multi-family dwellings are conditional uses.


The ordinance also has definitions for “mixed-use building” and “lot”. There is not a definition for “mixed uses” and no zoning district refers to mixed uses. Mixed use buildings are conditional uses in the Village and Commercial districts. At approximately 7:05 the Board (Erick T., seconded by Jim O.) moved to close the evidence and enter into a deliberative session. At 7:30 p.m. the Board exited deliberative session with the Board’s decision on the Application for conditional use approval being as follows:

Application of Joe Stridsberg for 3 three-unit apartment buildings located at 1357 US Route 2 is granted conditional use approval on the following terms and conditions:

1. That the project be completed in accordance with the site plan titled “Joe Stridsberg Proposed 9 Unit Development, 1357 US Route 2, Moretown, Vermont” prepared by McCain Consulting, Inc. dated August 28, 2015, last revised November 5, 2015 and submitted in evidence.
2. That the access for the new units from US Route 2 be constructed consistent with the Letter of Intent issued by the Vermont Agency of Transportation to Kris and Lisa Shephard October 1, 2015 by James Clancy, including the subsequently issued permit associated with the preliminary approval.
3. That the project receive an on-site wastewater and potable water supply permit from the State of Vermont and comply with the terms of such permit.
4. That if as part of obtaining project review from the Agency of Natural Resources the Agency determines that the project requires Act 250, operational storm water, or any other state permits that the Applicant obtain and comply with such requirements.

5. Because there is lack of a clear consensus on the Board that the Applicant needs to subdivide the parcel to comply with Moretown Zoning, this is not a condition of the approval.

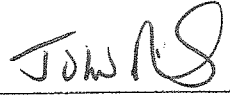
Jim O'Neill Date

 10 NOV 2015

David Russo Date

Erick Titrud Date

Eric Howes Date

 11-10-15

John Riley Date

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Erick Titrud Date 11/13/15

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