

Town of Moretown Development Review Board  
79 School Street, Moretown, Vermont 05660

Minutes of Hearing Held January 19, 2017

Application No. 17-01: Application of The Housing Foundation, Inc. 36-40 Fairground Road

Mr. Riley called the meeting to order at 6:36 p.m. Present for the Board were Erick Titrud, Dave Russo, Greg Nagurney, Jim O'Neill and John Riley. Applicant was present by its Engineer, Brian Lane-Karnas of DeWolfe Engineering. John Weir, Zoning Administrator was also present.

Mr. Lane-Karnas at the beginning of the hearing circulated an updated set of plans dated January 13, 2017. The principal change to the plans is the location of the new shed has been moved to the property entrance. The plans consist of seven sheets which include a cover sheet, existing conditions, a site and utility plan, and grading plan.

Brian Lane-Karnas provided a general overview of the project. The existing 16 unit apartment structure was built in 1979. It is presently owned by The Housing Foundation, Inc. and administered by Vermont State Housing Authority. Residents are primarily elderly. It is a three-sided complex with parking and access from the interior. The site is generally flat and there are existing issues with drainage and pooling of water. Also heaving and cracking of pavement. The proposed improvements include construction of an accessory storage shed; relocation of the existing dumpster enclosure; concrete patios at existing unit exterior doors; expansion of the parking area; new drainage structures; and removal of existing pine trees at the site. There will also be exterior and interior improvements to the existing building including roof.

The new accessory structure is a 12 by 16 foot shed intended to house maintenance equipment such as lawn mowers, snow blowers and the like.

There was initial discussion as to whether there would have been prior zoning approvals for this property. Moretown adopted zoning in 1976. Much of Moretown's zoning permit files were lost in flooding in 2011. However, as part of the State's Act 250 permit records there is a copy of a Notice of Decision dated May 16, 1977 under which the Moretown Board of Adjustment granted Robert Arkley and Waterbury Enterprises, Inc. a conditional use permit for construction of a 16 unit apartment complex on a 3.7 acre site. During the hearing some time was devoted to reviewing the 1977 approval conditions. These included:

- a. That a survey be submitted showing acreage allotment to the project is equal to or greater than 3.7 acres.
- b. That a site plan be submitted.
- c. Specific conditions as follows:
  - i. Project is limited to one access to be from Town Highway No. 8 with the access constructed to the northeast of property now owned by Broadwell and be a minimum of 25 feet from the Broadwell property line along its entire length.
  - ii. Parking limited to 20 vehicles.
  - iii. Acreage dedicated to the use be equal to or greater than 3.7 acres.
  - iv. An evergreen hedge be planted along the site where it fronts Town Road #8 and the "Right of Way in Common", so-called.

Based upon a review of the plans, including a 1997 subdivision plan described below, it is apparent that what was referred to as Town Highway No. 8 in the 1977 decision today is known as Fairground Road and the so-called "Right of Way in Common" is the extension of Fairground Road where it turns 90 degrees to the right and travels along the southwesterly boundary of the parcel. It appears Mr. Arkley and Waterbury Enterprises in response to Condition c.iv planted white pines as an "evergreen hedge".

Discussion followed as to why the current property configuration is only 1.7 acres. Mr. Lane-Karnas provided from his deed research a 1997 subdivision plan by Keller & Lowe when the property was still owned by Robert Arkley and Waterbury Enterprises. It is unclear whether the reconfiguration was approved by the Moretown ZBA as an amendment to the initial permit. The only permit in the Moretown zoning file is from 2002 for a gazebo which is no longer on the site.

Given twenty years have apparently passed since the subdivision; the lack of reliable zoning records; and that no enforcement action was initiated, John Riley believes it problematic to try and enforce the initial 3.7 acre lot size permit condition as part of the present application. However, as the present application proposes to remove the mature white pines which were apparently planted as part of the initial construction, and at most to replace the pines with a six foot vinyl fence (if possible under project budget constraints) there is sentiment that the Board can review this aspect of the proposal.

The 1977 permit conditions also required the access drive be set back 25 feet from the Broadwell property boundary. From the 1997 Keller & Lowe subdivision plan the Broadwell parcel appears to be what is presently shown as owned by Patricia Bukabee. The current proposal shows the access drive as continuing to meet the 1977 condition except that the proposed expanded parking area would encroach on the setback at the deepest portion of the Bukabee property line.

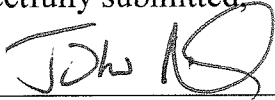
In response to questions from the Board as to whether the Applicant would object to imposed conditions requiring screening, Mr. Lane-Karnas could not provide a specific answer as it had not been discussed with the project owner. The Board is in general agreement with the proposal that the white pine trees should be removed. As explained by the Applicant, the lower portion of the trunks do not have branches and today provide limited screening. Because of their mature height, the trees block sunlight and litter needles and other debris upon the site. They are also at the point where their height and large number present a hazard if blown over in a storm to the building.

The Board then discussed whether the initial warning provided sufficient notice that the Board might consider the issues of screening and location of the access drive or parking. John Weir read the hearing notice that went to all abutting landowners. It specifically referenced the proposed removal of the white pine trees and other proposed adjustments to the site. Given the scope of the notice there appears to be no need to re-warn the meeting.

To allow the Applicant to consider the concerns of the Board with respect to screening and the access drive it was agreed that the hearing would be continued to Thursday, February 2 at 6:30 p.m. A motion was duly made, seconded and adopted to that effect. All in favor.

The meeting adjourned at 7:50 p.m.

Respectfully submitted,



John Riley, Acting Secretary

1-23-17

Date