

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

Minutes of Hearings Held April 20, 2017

Application No. 17-09: Application of Trek Communities, LLC for a Side Setback Waiver to Ten Feet

John Riley called the meeting to order at 6:30 p.m. Present for the Board were Erick Titrud, David Russo, Greg Nagurney, Paula Woods and John Riley. The Applicant was present through Steve Unsworth who is a part owner of Trek Communities, LLC. Also present was Sarah Cleland who owns adjacent property at 2442 River Road. Trek Communities, LLC owns a 10.37 acre parcel which operates as a 12 unit mobile home park. According to the application the Park's current configuration is consistent with a 1997 survey submitted as part of the Application, and likely has little changed since the Park's formation in 1958.

According to Mr. Unsworth, after Ms. Cleland acquired the adjoining property she had the common boundary line surveyed. The survey showed most of the mobile homes do not comply with the 25 foot side setback requirement applicable to the Agricultural/Residential-District. Mr. Unsworth indicated Trek believed the boundary line was further west. He stated Trek had initiated a lawsuit against Ms. Cleland claiming the boundary should be further west because it acquired acreage by adverse possession. Trek is concerned it may at some point be prevented from replacing mobile homes in locations which have been vacated. During mediation related to the court case, Trek learned that Moretown Zoning can allow a reduced side setback under Section 4.5(C). Mr. Unsworth represented that if Trek was subject to a less stringent setback there would be no reason to continue with the lawsuit.

At present no new structure or use of the Mobile Home Park is proposed. Mr. Unsworth acknowledged that he is not aware that Moretown Zoning has ever prevented or restricted the Park's ability to replace mobile homes.

Applicant believes it complies with requirements to qualify for a reduced setback. The argument is the reduction would accomplish preservation of a "scenic feature" being the existing configuration and layout of the Park which includes mature trees.

The Board reviewed aspects of Section 4.8 of the Ordinance which addresses non-conforming uses and structures. Mobile home parks are an allowed conditional use in the Ag-Res District. However, the existing mobile home locations, and in some cases

associated sheds, lie within the 25 foot setback and so are non-conforming structures. Portions of Section 4.8 apply to non-conforming uses. Others apply to non-conforming structures.

During the hearing both Mr. Unsworth and Ms. Cleland made the point that it would be difficult to modify the existing configuration of the Park to bring it into full compliance. There are common water and septic systems and underground piping which make it difficult to relocate the road. Also the existing topography limits use of the easterly side of the parcel.

The hearing concluded at approximately 7:15. The Board moved to close the evidence (Erick, Dave – all in favor) reserving decision. The Board will deliberate and issue a written decision which will be sent by certified mail to the Applicant, with a copy by regular mail to Ms. Cleland.

Application No. 17-10: Jenna Rossbach for an Accessory Structure (Greenhouse) to an Existing Conditional Use (Cottage Industry). Property Located at 171 Pony Farm Road

John Riley called the meeting to order at 7:20 p.m. Applicant Jenna Rossbach was present. Also Nick Logan and Leslie Logan who reside across Pony Farm Road from the Applicant. Also present was Cory Stephenson who acquired the former Austin property which has a right of way bisecting Ms. Rossbach's parcel that benefits acreage to the rear.

Ms. Rossbach provided an overview of the proposal. In January 2013 conditional use approval was granted allowing the existing house and attached greenhouse to be used for growing and onsite sale of flowers as a cottage industry. Jenna also maintains offsite gardens for clients and some plantings grown onsite are used in that business. The sales onsite are primarily the weekends around Mother's Day. Ms. Rossbach does not utilize employees although on a particularly busy day she may seek assistance on a limited basis.

The present proposal is for a new greenhouse on the northerly side of the property in an existing open field. The greenhouse would not have a foundation. It would consist of metal poles inserted in the ground and covered with thick plastic. The proposed dimensions are 30 feet by 60 feet and height of approximately 14 feet. There is no proposal for lighting and it is not believed electricity would be extended to the structure. A waterline would be buried from the existing residence to the greenhouse location.

Leslie Logan expressed several concerns. The proposed location is directly across from the Logan residence. There are concerns with sight limitations which were a significant

emphasis of the previous conditional use application. Permit conditions which were intended to prevent visitors from backing into Pony Farm Road have not been adhered to. There is a significant question whether Ms. Rossbach's application complies with Section 3.7(E)(2) which mandates that a cottage industry occupy "less than 50% of the combined floor area of all structures on the lot".

Ms. Rossbach in her presentation indicated she primarily has done business on Saturdays and Sundays. The initial application, and prior conditional approval, was that she operate Wednesdays through Saturdays. Also, although it was contemplated a parking area be established behind the "rock garden", no gravel has been placed, or the area permanently modified to encourage parking at that location.

There was discussion that a condition of approval might include a requirement that the paved parking area be blocked off to better police where visitors park.

There was also discussion and consideration as to whether the greenhouse could be located further back on the lot. It likely cannot be located behind the existing residence given the septic tank location and side setback requirements. The Logans also asked if Ms. Rossbach had considered a somewhat smaller sized greenhouse. The new one is approximately three times the square footage of the existing greenhouse attached to the residence.

One question is whether as an agriculture business the existing and proposed expanded operation is exempt from zoning. Under Section 6.3(A)(3), agricultural practices, including farm structures, are largely exempt under the Zoning Ordinance.

In order that the Board better understand the traffic and parking issues, it will conduct a site visit Thursday, May 11 at 5:30 p.m. It was asked that Ms. Rossbach stake out the likely corners for the proposed greenhouse in advance. It was also requested that Ms. Rossbach provide an amended site plan that shows the existing structures, proposed greenhouse, and other features "to scale". Erick moved, seconded by Paula, that the hearing be continued to May 11 at 6:30 p.m. at the Moretown Town Office, with the hearing to be preceded by a site visit of the property location at 5:30 p.m. All in favor.

Following the conclusion of the hearing the Board entered a deliberative session to consider the Trek Communities' application. The Board deliberated for approximately thirty minutes and then adjourned.

Moretown Development Review Board

By: 
John Riley, Chair

4-27-17
Date