

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

Minutes of Hearing Held August 26, 2021

Present for the Board were John Riley, Greg Nagurney, James O'Neill and Craig Oshkello. Participation in the hearings held was as noted below.

Application of Christian and Sarah Zschau for Conditional Use approval for Construction of Accessory Dwelling in Special Flood Hazard Area at 949 Vermont Route 100B

John Riley called the meeting to order at approximately 7:01p.m. Present was the Applicant, Christian Zschau, and David Specht, Zoning Administrator.

The Zschau's own a residence with an adjacent three story garage/barn. This structure is located to the rear of Applicants' parcel, such that the first floor is below grade where the Property slopes towards the river. The front side entrance into the barn is flush with the driveway, and constitutes the second floor, with a third floor above it.

In advance of the hearing the Board received the Zoning Permit Application; DRB application with Conditional Use Addendum; Elevation Certificate completed by David L. Frothingham, III, P.E.; an Overall Site Plan; and more Specific Site Plan. Also a letter dated July 19, 2020 from Ned Swanberg, Central Vermont Flood Plan Manager with the Vermont Department of Environmental Conservation.

In his introduction, David Specht noted the Application meets criteria for an Accessory Dwelling under Ordinance Section 3.1 as the proposed living unit on the upper floor does not exceed 1,050 square feet. Chris Zschau stated that as part of the project they are planning to redo the existing onsite wastewater system which will serve both their existing residence as well as the new apartment.

The Board reviewed the July 19, 2021 letter from Ned Swanberg to David Specht which indicated the proposal will comply with flood hazard area requirements with the installation of flood vents.

The letter explained that the enclosed area below the Base Flood Elevation requires at least one square inch of functional flood vents for every square foot of enclosed space, with the vents to be on at least two walls, and no more than one foot above the exterior grade. The letter noted that after completion of the improvement the Applicant should

provide an elevation certificate for the finished construction confirming the size and placement of the vents.

John Riley made a motion to approve the Application, with after some discussion the following conditions: 1) that the project be completed consistent with the submitted Application; 2) that the construction be consistent with the requirements outlined in Mr. Swanberg's letter of July 19; and 3) that an appropriate State permit be in place for the reconstruction of the wastewater system. Jim O'Neill second. All approved.

Application No. 21-28 by Justin Wallick and Cianna Calabrese for Conditional Use approval for the construction of a camp and garage in the Preserve District with frontage on a Class 4 road, on Parcel No. 04-064.002 locate at approximately 725 Lynch Hill Road

The hearing was called to order at 7:30 p.m. Present for the Board were Greg Nagurney, Craig Oshkello and Jim O'Neill. Zoning Administrator, David Specht was also present. Board Chair John Riley recused himself from this hearing.

The meeting began with David Specht summarizing the application as an approvable project except for its frontage on a Class 4 road requiring DRB conditional approval.

Applicants Justin and Cianna stated that their intent is to build a small camp, privy and garage on their 118 acre parcel for use during warm months only. They live full-time out of state and will use the camp when they visit family in the summer. The property is off the electric grid and they are not planning to extend power. They are exploring the possibility of tapping into spring water on their land.

There was brief discussion around limited or no emergency vehicle access to their property. The applicants mentioned that the road to their land is twelve feet wide in sections and that there are pull-offs for the occasional approaching vehicle.

A motion to approve the application was made, seconded and unanimously approved.

Application of Joel and Toby Grubman for Conditional Use approval for the construction of an Accessory Dwelling in the Living Tree Alliance Planned Unit Development at approximately 56 Living Tree Lane

The meeting began at 8:00 p.m. As Craig Oshkello is a part of the Living Tree Alliance community he recused himself and spoke in favor of the Application. Also present, was Peter Lazorchak, Engineer for the Applicant.

In advance of the hearing the Board received the Zoning Permit Application, Development Review Board Application, an explanatory cover letter from the Grubman's dated July 5, 2021, letter of Craig Oshkello noting the conflict of interest; project site plan dated July 5; prior minutes of the Board from 2015 approving the PUD; and Permit WW-5-6846-2 dated May 23, 2019, and the DRB Application.

Craig Oshkello explained that although Joel and Toby Grubman own the property with existing residence, it is actually their daughter Melanie who lives there. As shown on the site plan, in addition to the main house, there is a second building on subject Unit 7 which is approximately 42 feet from the main house. This is a 16 x 20 foot building with partial second floor. The building is not connected to water or sewer. At times it has been used as sleeping quarters for individuals visiting the Living Tree Alliance community, and participating in programs or agricultural activities hosted by the community.

As submitted, the Application seeks approval of the structure as an Accessory Dwelling Unit.

Section 3.1 of the Ordinance addresses Accessory Dwelling Units. As a general matter only one principal structure is allowed per residential lot. However, as required by State law, an accessory dwelling unit is a permitted use. The Ordinance describes an Accessory Dwelling Unit as a "dwelling, located within, detached, or attached to a single family dwelling, that is clearly subordinate to a single family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation".

The Section goes on to provide that the property must have sufficient wastewater capacity, that the unit not exceed 1,050 square feet, and that setback, coverage, and parking requirements of the Zoning Bylaws by met.

Because the Application involves an existing PUD previously approved, David Specht believed it should be reviewed by the DRB which the Applicant was agreeable with.

A discussion ensued as to whether the existing structure which does not have connection to water or wastewater systems can qualify as an Accessory Dwelling Unit. It was noted that the lack of a sanitation connection and facilities for food preparation appear to be issues. When an individual stays there, it was explained that they had used the bathroom in the nearby residential dwelling.

The Board noted that the structure could qualify simply as an “Accessory Structure” and could be used for purposes such as storage, a workshop, or other non-dwelling uses.

As the Grubmans’ were not present at the hearing it was agreed it would not be appropriate for the Board to take action on approving the structure in a manner other than as requested in the Application. In addition, it was discussed that although the hearing was not warned as a approval for an accessory structure, since it was warned for an accessory dwelling unit, this provided sufficient notice to those wishing to participate that the hearing would not need to be re-warned.

It was decided to continue the matter to September 30, 2021 at 6:30 p.m.

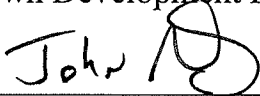
Although this meeting was held in person, the Board had earlier discussed that with the recent increase in COVID cases in Vermont it would return to holding hearings via Zoom, and so by motion duly adopted and approved, the Board agreed to continue the hearing as a Zoom meeting September 30 at 6:30 p.m.

There being no further business, the meeting adjourned at approximately 8:35 PM.

Dated this 15th day of September, 2021.

Respectfully submitted

Moretown Development Review Board



By John Riley, Acting Clerk