

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

Minutes of Continued Hearing Held May 5, 2022

Application No. 22-05: Application of Ted Brunell for Conditional Use Review for Setback Modification Under Section 4.5(C)(1) for Construction of 18' by 36' foot Addition to Commercial Building at 329 U.S. Route 2

Present for the Board were John Riley and Paula Woods at the Town office. Also present via Zoom was James O'Neill. Applicant Ted Brunell and Candice Brunell appeared by the Zoom phone link.

John Riley called the meeting to order at 6:37 PM.

Since the hearing held April 28, 2022 all three Board members present for tonight's meeting had an opportunity to visit Mr. Brunell's property and observe the location of the proposed addition to the building housing Ted's Car Care. At the location there is poured concrete slab which appears to have an approximate width of 18 feet and a length of approximately 36 feet. Imbedded in the concrete are the footings of what appeared to be a vehicle lift. In response to questions, Ted explained the concrete slab was poured in spring 2021 in order to park a recreational vehicle next to the garage.

Mr. Brunell indicated that the car lift was not installed until approximately October 2021 and is only temporary at that location.

Since the hearing held April 28, an inquiry was made to the Town Zoning Administrator as to evidence of certified notice to abutters. The Applicant provided evidence of certified mailings to the residential properties on each side of the property, as well as the residential property directly across from the Brunell property on US Route 2. When asked why notice was not provided the Town of Moretown, or its Board of Cemetery Commissioners, which oversees the Town cemetery adjacent to the Brunell property, Mr. Brunell explained it never occurred to him such notice might be required. In none of his prior permit applications to the Town of Moretown for development of his property had he ever provided notice to the Town or the Cemetery Commissioners.

It was explained that because the cemetery is adjacent to Mr. Brunell's property and is owned by the Town, notice to the Town of Moretown was required. Simply having the Zoning Administrator process the application by itself did not constitute required notice.

A discussion followed in which it was contemplated that the hearing be continued so that notice could be provided to the Town Selectboard (with the belief the Board would likely seek input of the Cemetery Commissioners) and continuing the application to a future date. This would also allow a fuller Board to consider the merits of the application for the setback waiver.

In the context of those discussions, it was also commented by one member that from his perspective there appeared to be nothing the Applicant had provided to qualify the application for a setback waiver under Section 4.5(C) of the Ordinance. Based on the site visit, and submitted materials, the waiver would not accomplish the preservation of any scenic feature not otherwise protected by the required setback, or is necessitated by building constraints caused by geologic, topographic, or hydrologic conditions. Mr. Brunell has been able to develop the property with two commercial buildings. One presently housing his auto repair business and a hairdresser; and in 2000 adding a second commercial structure with an autobody business that leases from Ted.

During the discussion, all three Board members present expressed the same opinion as to the merits of the application before the Board.

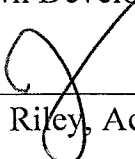
It was made equally clear that if the Applicant wished, the matter could be continued so notice could be provided to the Town, and also to have a further hearing at which additional Board members might be present. In response, Mr. Brunell advised that he would prefer to not engage in further efforts to obtain the permit if it appeared clear that the Board would not support the application.

Based upon Mr. Brunell's statement Jim O'Neill moved to deny the application as the Applicant had not established the basis for a setback waiver under Section 4.5(C) of the Moretown Zoning Ordinance. Paula Woods seconded. Mr. Brunell stated he believed the pending result unfair and that the proposed addition represented a reasonable use and improvement of his commercial property. Board Chair Riley then called the question and the three Board members present all voted in favor of the motion to deny the setback waiver request.

There being no further business the meeting adjourned at approximately 7:10 p.m.

Dated this 10th day of May, 2022.

Moretown Development Review Board



By John Riley, Acting Clerk