

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

Minutes of Hearing Held July 27, 2023

Application No. 20-16 of Brenda Convery for Setback Waiver For Deck at 164 River Road.

Present for the Board were John Riley, Paula Woods and Jim O'Neill at the Town Office. Applicant was also present at the Town Office and Town Zoning Administrator Karen Sauther also attended.

The hearing began at 6:40 and was preceded by a site visit at 5:00 p.m.

Prior to the Hearing Board Members received copies of the Zoning and DRB Applications; evidence of mailing to abutters; and a plan depicting the existing residence and proposed deck on the 0.5 acre parcel.

Brenda Convery purchased the residence in 2018. It is her understanding the house was constructed in 1997. There is an existing small deck at the southerly side entrance. There is also a front entrance accessed by stairs which extend approximated five feet from the front entrance. It was apparent at the site visit that these stairs are worn and have been used for many years.

John Riley remembered he was a member of the Town Zoning Board of Adjustment when Stanley and Catherine Scribner obtained a permit for the existing residence. Karen Sauther looked for a permit file for the property (the Town organizes permit folders by parcel number) and did not find a prior permit file. According to Karen, it is not unusual for this to be the case, and it may be related to the Town having lost some prior records when the Town Office flooded during Tropical Storm Irene in 2011.

A search was also made of the Town Land Record database online which resulted in finding that Stanley and Catherine Scribner obtained a setback variance for the new residence in 1996. All one could see in the recorded land records was the zoning permit issued by the then Zoning Administrator, and a sketch plan depicting the residence location. The zoning permit referenced the approval was subject to conditions contained in the June 1996 DBA hearing minutes.

The handwritten sketch plan showing setbacks for the residence is the same basic plan which accompanied Ms. Convery's Zoning Application. Brenda stated she had received the Plan as part of the materials when purchasing the residence and made handwritten

additions to depict the current driveway, well and septic locations; together with the proposed six foot by ten foot front deck addition.

Discussion followed as to whether the residence as constructed is in the location shown on the 1996 Plan (Brenda had not actually measured to confirm the depicted setbacks, and the Board did not make any measurements at the site visit). Also discussed was whether the existing front steps which were not shown on the 1996 Plan might be grandfathered under a 15-year statute of limitations, and that under the March 2023 zoning revisions the front yard setback is now 40 feet from the edge of the municipal right of way (compared to prior setback being 65 feet from the center of the municipal roadway).

During the hearing the variance criteria were reviewed and it was noted are difficult to meet.

Brenda explained that the somewhat steep grade from the driveway to the side entrance is difficult to navigate and she has fallen several times while trying to bring groceries or other items up the short hill. The same issue is present if one accesses the residence from the front entrance.

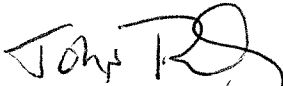
At the inception of the hearing the Board noted it is a five member body and it would take three affirmative votes to approve the variance request. And if the Applicant wished the Board in the past continued applications so additional Board Members could participate. Continuing the hearing would also provide an opportunity for Karen Sauther to determine if the 1996 DBA minutes can be found so the Board could better understand why a variance was granted for the residence in the first instance.

After consulting schedules of those present, a motion was made by Jim O’Neill, seconded by Paula Woods to continue the hearing to Thursday, August 24 at 6:30 p.m. All approved.

There being no further business the meeting adjourned at approximately 7:25p.m.

Dated this 4<sup>th</sup> day of August, 2023.

Moretown Development Review Board



By John Riley, Acting Clerk