

Draft
Development Review Board
10/17/2023 Hearing Meeting Minutes

Agenda

***Application #3744**, Andrew Earle, The Spinners, for Conditional Use and Site Plan Review for Accessory Structure (Garage, Commercial Use), under Section 715-726 of the Dummerston Zoning Bylaw, at parcel #3357 Brickyard Ln. Dummerston, Vt, a Commercial Industrial District.

The hearing was preceded by a site visit on location. Attending from the DRB were Chad Farnum, Cami Elliott, Peter Doubleday. Others, Roger Jasaitis ZA.

***Application #3739**, Eesha Williams et al, for Appeal of Zoning Administrator Decision (Permit #3735), under Section 716 of the Dummerston Zoning Bylaw, at parcel #654, Middle Rd, Dummerston, VT, a Rural Residential and Conservation District. No site visit was made for this application as requested by the property owner.

At 6:00 with Vice Chair, Chad Farnum announced the agenda by reading applications #3744 and #3739. He then started the administrative portion of the meeting with a review of the 9/19/2023 meeting minutes which were approved unanimously. ZA, Roger Jasaitis, stated that no zoning applications had been received for next month.

At 6:11 the public meeting was opened with the reading of the warning and administering the oath for all those giving testimony.

Application #3744

Andrew Earle had nothing to add to the written application. Questions were asked by the board as to: specific location of proposed garage, what would the floor material be, (gravel), any additional signage, (no), would the town sewer line be impacted, (no, Putney town has approved). As there were no other questions from the board or attendees, the discussion of App. #3744 closed.

***Application #3739**

Present from the community were Jody Normandeau, Lew Sorenson, Rebecca Hamil, Sarah Linn, Jesse Wagner, Elizabeth Wood, Eesha Williams, Jack Manix, John Orgerteider, Mark Younger, Mark Bannon, Alex Wilson, Ann Schroeder, William Gallagher, Gail Sorenson, Nancy Lang.

Chad explains procedure; applicant, Eesha Williams, will present first, followed by Zoning Administrator, Roger Jasaitis, then landowner, Mark Younger, followed by other interested persons wanting to comment.

Eesha reads the "important parts" of his appeal quoting from Dummerston Bylaws and Town Plan, and states that Mr. Younger's development is the opposite of the

Bylaw and Town Plan goals of protecting the natural environment, enhancing flood resistance, and the protection of wetlands. He and other interested people hope to encourage the creation of a Town forest in order to meet these goals, as well as create additional recreational opportunities and increase the quality of air, land, water and wildlife resources.

Eesha then raised an objection with the timing of the issuance and posting of the notice, saying that the proper number of days was not observed.

Zoning Administrator, Roger Jasaitis read from a report he submitted regarding this Appeal. He said that some of points in this Appeal were not the purview of the DRB. Property boundary disputes, for instance, are a civil matter, and it is the property owners responsible to seek legal action if they deem them incorrect. The ZA considered all applicable Bylaw Sections and found them to be correct, and compliant.

Regarding the posting of the permit notice, he believes the intent of the statutes has been met by Mr. Younger. All parties were aware of the issuance of the permit within the proper time period. Having examined the evidence the ZA concluded that no fraud or deception had been committed,

Concerning the issue of signatures on the appeal, State statute and Dummerston Bylaws do not require signatures on an appeal.

Chad Farnum, Vice Chair, then ask Mr. Younger for comment. Mr. Younger said he had photographic proof that the permit was posted in a timely manner. The DRB has a copy of this evidence, (exhibit H). Other neighbors and abutters stated that they had not seen the posted notice even though they had intentionally looked for it.

The ZA asked that the Board consider whether or not the intent of the warning was met. Were all the parties aware of the issuance of the permit within the proper time period. The ZA believed it was.

Jesse Wagner, neighbor, raised the issue of the 40' setback. How is it determined to be correct? ZA answered that it is done from the tax map. Disputes concerning adjoining property boundaries are not the responsibility of the ZA. Sarah Linn, an abutter, said that Mr. Younger posted No Trespassing signs on what appears to be on her side of the property line. Jack Manix, abutter, asked if the property had been surveyed. Mark Bannon, Mr. Younger's engineer, said that he had inspected the boundary between Mr. Younger's property and Sarah Linn's property and had found it to be in error and had corrected it and moved the trespassing signs. The discussion about property lines continued. Chad clarified that the DRB could not make decisions about property lines.

Jody Normandeau, neighbor, expressed concern that access to this property was apparently being lost, noting the posting of No Trespassing signs. She was also concerned about driveway placement and its impact on the wetland environment. She questioned Mr. Younger about future plans for the property beyond the house construction, other structures, logging etc. She has concerns about the wildlife on the parcel. Chad points out that the discussion in this hearing was a permit for just the house. Ms. Normandeau then questioned the placement of the house and was referred to the property map.

Jesse Wagner, neighbor, asked questions concerning the history of subdivision and access route approval for this property. ZA explained the process but said that the subdivision of this property predated his tenure as ZA. Chad pointed out that these issues were not the purview of the DRB.

Mark Bannon, Mr. Younger's engineer, had a zoning classification about which Zoning Districts in Town allowed Single Family Homes as an allowed Use. The ZA answered stated that all Districts allow this Use.

Colonel (Lew) Sorensen, abutter, said he was speaking as a long-time community planner and advisor to the Dummerston Town Plan, and Bylaws. He had also worked on similar issues on a State and Federal level. He had been a member of the DRB and had served as its Chair. He stated that he had reviewed the zoning permit materials involved in this appeal and he supports the ZA's approval of the permit. He regretted that there was not a site visit prior to the meeting since he felt it would have helped all parties to see things as they are at a ground level.

Mr. Sorensen said that the ZA deserves our support because he has done his job exactly as he must. The DRB must also apply the Bylaw, as written, in their decision upon this appeal. Mr. Sorensen completed his comments by saying that he hopes that Mr. Younger will go about his future business on this property with a sensitivity to environmental issues that it deserves.

Chad said that he appreciated the civility of all those involved in this meeting.

A motion was made to adjourn.

The Public meeting ended at 6:55

Minutes submitted by J. Peter Doubleday