

**DEVELOPMENTAL REVIEW BOARD
MINUTES**

October 24, 2011

MEMBERS PRESENT:

Phil Carter	Richard Harrison	Linda Petty
John Boehrer	Julie Nicoll	

STAFF PRESENT:

Rose Goings

OTHERS PRESENT:

Andrea Donohue	Robin Reilly	Michael Whitcomb
BJ Donohue	Wallace Sabotka	Michele Stinson – LPC TV
Glenn Heitsmith	Teresa Southworth	Lisha Klaiber, Recorder

1. **CALL TO ORDER**

A. Meeting opened at 6:01 p.m. by Phil Carter. All members present

2. **OPEN THE PUBLIC HEARING FOR GEORGE AND LINDA THOMSON**

A. Phil Carter advised that this is a Flood Hazard Review – the applicants wish to lift the existing house above the base flood elevation after it was damaged by Hurricane Irene. The property is located at 131 Thomson Drive in the Special Flood Area of the Lakes District. He advised that a letter, dated October 18, 2011, had been received from Rory Cardinal of Elite Construction requesting a recess until the November meeting.

B. **MOTION by Julie Nicoll and seconded by Linda Petty to recess this hearing until the November 14, 2011 meeting. Motion passed unanimously.**

3. **OPEN THE PUBLIC HEARING FOR WALLACE SABOTKA**

A. Phil Carter advised that this is a Flood Hazard Review – the applicant wishes to rebuild Sam's Steakhouse after it was damaged by Hurricane Irene. The property is located at 91 Route 103 South in the Special Flood Hazard Area of the Town Residential Commercial District.

B. Rose Goings advised that this is application 346-11-FHR. It was posted on the Town Hall Bulletin Boards on October 3, 2011, advertised in THE VERMONT JOURNAL on October 5, 2011 and abutting property owners were notified on October 3, 2011.

C. Phil Carter administered the oath to all wishing to speak at this hearing.

D. Wally Sabotka advised that he wished to rebuild Sam's Steakhouse in the exact pattern as it was. There will be no differences. There will be no gimmicks, nothing changed and he has submitted bills.

E. Phil Carter asked about the footprint.

F. Wally Sabotka said it would be exactly the same.

- G. Phil Carter asked about the propane tanks. He said that he had seen many tanks floating down the river because of the flooding.
- H. Wally Sabotka said they would be in the same location, except they would be mounted on a 9" concrete slab. He has already done this at Panarello's.
- I. Richard Harrison asked when Wally Sabotka planned on opening.
- J. Wally Sabotka said he would like to open by Thanksgiving.
- K. Phil Carter asked about any relevant state pieces to this.
- L. Wally Sabotka said that he already cleared Electrical and Plumbing. He needs to get Board of Health completed.
- M. **MOTION by Richard Harrison and seconded by John Boehrer to close this hearing. Motion passed unanimously.**

4. **OPEN THE PUBLIC HEARING FOR GILL ODD FELLOWS HOME**

- A. Phil Carter advised that this is an application to amend a Conditional Use permit to allow camper trailers in a vacant field located at the Gill Odd Fellows Home. The property is located at 8 Gill Terrace in the Village Residential District.
- B. Rose Goings advised that this is application 1055-04-CU, Amendment #2. Posted on the Town Hall bulletin boards on October 3, 2011, advertised in THE VERMONT JOURNAL on October 5, 2011 and abutting property owners were notified on October 3, 2011.
- C. Phil Carter administered the oath to all wishing to speak at this hearing.
- D. Teresa Southworth advised that there is a vacant field beyond the garage near where they park the truck. They would like to be able to use that field to park campers and RVs for winter storage and charge a monthly fee. The space would just be for storage and people would not be able to stay there.
- E. Julie Nicoll asked if they would fence in the area.
- F. Teresa Southworth said there is a partial fence there and they would not put in any more fencing. People would have to provide their own insurance. She said that she had already checked with the insurance company and it is okay with them.
- G. Linda Petty asked how many campers they could hold.
- H. Teresa Southworth said if it became popular, as many as 25 to 30. She doubts that they would get that many this year.
- I. Phil Carter asked about signage.
- J. Teresa Southworth said there would not be any signs. She would advertise.
- K. John Boehrer asked about lighting.
- L. Michael Whitcomb said the existing lighting would stay, but they would not add any.
- M. Linda Petty asked about access to campers.
- N. Teresa Southworth said 24/7. It would be right by their driveway and if people needed to they could get in. They would talk to the people about access.
- O. **MOTION by Julie Nicoll and seconded by Linda Petty to close this hearing. Motion passed unanimously.**

5. **OPEN THE PUBLIC HEARING FOR IMERYS TALC VERMONT INC.**

- A. Phil Carter advised that this is an application to amend a Conditional Use permit to raze three (3) houses. Properties are located at 24, 30 and 127 East Hill Road in the Town Residential Commercial District.

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- B. Rose Goings advised that this is application 88-207-CU, Amendment #5. Posted on the town hall bulletin boards on October 3, 2011, advertised in THE VERMONT JOURNAL on October 5, 2011 and abutting property owners were notified on October 3, 2011.
- C. Phil Carter administered the oath to all wishing to speak at this hearing.
- D. Robin Reilly advised that these are 3 residences that are in poor condition and the applicant would like to demolish all three. They do not need Act 250 approval for this. They plan to recycle as much of the construction waste as possibly. They will abandon the wells as required by the state. Septic systems will be pumped and demolished. Plantings will stay in place wherever possible. The driveway to 24 East Hill will be ripped up and removed. They will put in a temporary road at 127 East Hill and put in a culvert. Cellar holes will be backfilled, graded and seeded. The applicant has no plans for future use of the properties.
- E. Phil Carter asked about the condition of the properties.
- F. Robin Reilly said that #24 has poor ceilings and they are coming down and the house is full of mold. At #30, the floors are falling in. Overall, #127 is actually the worst and a strong wind might knock it down,
- G. Phil Carter said demolishing them is also a safety concern.
- H. Robin Reilly said yes and the unattractive properties may attract nuisances.
- I. Phil Carter asked about the septic systems.
- J. Robin Reilly said at 24 and 30, they would be pumped, demolished, sanded and seeded. The leech fields can stay.
- K. Phil Carter asked if they intended to just have grass on the properties.
- L. Robin Reilly said yes.
- M. Phil Carter asked how long the talc companies have owned those properties.
- N. Robin Reilly said that the last of the properties was purchased in 1993 and the others prior to that. They may have been purchased from Fletcher Foundation.
- O. Linda Petty asked about the low temperature alarm.
- P. Robin Reilly said it goes back to times when they still had water in the winter at the property. The systems have since been drained.
- Q. Richard Harrison said the plans will help clean up the neighborhood.
- R. Robin Reilly said they are still working on plans for the place across the street.
- S. Phil Carter asked about the sheds.
- T. Robin Reilly said they will be removed, but the barn will stay.
- U. Phil Carter asked if the barn had state historical significance.
- V. Robin Reilly said the 2 houses do not. She said that she is not sure that they asked about the barn.
- W. Phil Carter asked when they would start the project.
- X. Robin Reilly said in the spring.
- Y. **MOTION by John Boehrer and seconded by Richard Harrison to close this hearing.**
Motion passed unanimously.

6. **OTHER BUSINESS**

- A. **Gas Tank Regulations**
- i. Glenn Heitsmith asked if there were any town regulations regarding propane tanks.
 - ii. Phil Carter said no.
 - iii. Glenn Heitsmith said that he thinks that there should be and asked who would make the decision to have such a regulation.
 - iv. Phil Carter said it could be an ordinance coming from the Select Board.

- v. Rose Goings said that the Planning Commission should make the recommendation to the Select Board.
- vi. Julie Nicoll said that in their letters, the Fire Department could make a condition for tanks.
- vii. Rose Goings said that Glenn Heitsmith could come to a Planning Commission meeting and make the suggestion.
- viii. Richard Harrison said that in 1973, the tanks at Shaw's let loose.
- ix. Glenn Heitsmith said this is a statewide issue. He said that after Irene, there were about 12 gas tanks on his property. He said that he is contemplating putting his gas tanks underground in his rebuild. He said there is also an issue with oil tanks. Some tanks were compromised in the floods and oil seeped out. The Planning Commission should also look at them.
- x. Phil Carter agreed that it is a real problem and suggested that Glenn Heitsmith start at the Planning Commission. They would send a recommendation along to the Select Board.

7. **APPROVE MINUTES**

- A. Phil Carter advised that the minutes to be reviewed are from September 12, 2011. He said that he found the following errors:
 - i. Page 1, 2A – last sentence should read "...was not accepted as evidence."
 - ii. Page 2, P – last sentence should read "map says 12" in height."
 - iii. Page 2, second to last sentence should read "actual volume was physically reduced..."
 - iv. Page 2, T – ccl should read Chris Callahan.
 - v. Page 2, Z - 3rd sentence should read "Adding or raising up the top corner violates..."
 - vi. Page 3, WW – year should be 2011, and second line down should read "order states that there was no court order and the drawing..."
 - vii. Page 3, YY – "document" should be inserted as the last word of the first sentence. Second sentence should read "Phil Carter read from the March 4, 2009 order that states that the top 12 inches from the SE corner requires a variance." The word "above" at the end of the next to last sentence should be deleted.
 - viii. Page 3, FFF – 2nd sentence should read "He said they structurally ..."
 - ix. Page 3, JJJ – last sentence should read "When the building was raised, that added to the non-conformity."
- B. **MOTION by Julie Nicoll and seconded by Linda Petty to accept the minutes from September 12, 2011 as corrected. Motion passed unanimously.**

8. **ADJOURN**

- A. **MOTION by John Boehrer and seconded by Linda Petty to adjourn. Motion passed unanimously.**
- B. Meeting adjourned at 6:36 p.m.

Respectfully submitted,

Lisha Klaiber

Phil Carter, Chairman

Julie Nicoll

John Boehrer

Linda Petty

Richard Harrison