

**TOWN OF THETFORD**  
**DEVELOPMENT REVIEW BOARD**

**MEETING MINUTES**  
**March 26, 2024, HEARING**

Act No. 78 (S.222). General provisions; public information; Open Meeting Law; temporary provisions an act relating to authorizing temporary Open Meeting Law procedures in response to COVID-19 This act provides temporary authority for public agencies to hold meetings through electronic means without designating or staffing a physical meeting location. A public agency that uses this temporary authority must use technology that allows the public to directly access the meeting by electronic means and by telephone. A municipal legislative body or school board that uses the temporary authority provided by this act must record its meetings held by electronic means. This act also permits a public body to extend the deadline for the posting of minutes, provided that the public agency has a staffing shortage due to COVID19. Finally, this act permits a public agency to post meeting notices and agendas in electronic locations.  
Effective Date: January 18, 2023

**Members/Admin Present:**

**For Agenda #1**-Tim Taylor (Chair), Angela McCanna (Vice Chair), Orin Pacht, Susan Howard, and Kelly Gardner (ZA).

Attendees/Applicants: Mark Harper (Lessee) Deecie Denison (Owner/Northboro LLC) (site visit only), Chris Hoskin (Property Manager), Beth Low, Martha Howard, Susannah Howard, Justin Jaskiewicz, and David Goodrich (Selectboard DRB Liaison).

**For Agenda #2**-Tim Taylor (Chair), Angela McCanna (Vice Chair), Orin Pacht, Susan Howard, and Kelly Gardner (ZA).

Attendees/Applicants: Dan Grilli, and David Goodrich (Selectboard DRB Liaison).

**For Agenda #1**

- 1. Warned Hearing on Application (ZP24-06) consider by Mark E. Harper (Landowner NorthBoro LLC) for a (Commercial Business) antique shop located at 5378 US Route 5, North Thetford, VT. This property is in the rural residential district.**

**6:00 Pm** Public Site Visit at the property of NorthBoro LLC, 5378 US Route, North Thetford.

**7:00 PM:**

The hearing is called to order by Mr. Taylor at 7:00Pm with Mark E. Harper and Northborth LLC for an Antique Shop located at 5378 US Route 5, North Thetford, VT. This is in the **village** residential district. The parcel number is 0US05C.12 and the Tax Map Number: 07-02-38. This parcel consists of .82 acres per town map.

Mr. Taylor starts the introduction of the hearing by explaining why this hearing is needed. He states that much of town is subject to conditional use. He notes that we only have three zones, which is a business community district,

our little villages, and the rest is rural residential 80,000 square feet with a minimum lot size development. This property qualifies as village commercial, but it is in a village residential district. We have had zoning since 1972. The purpose tonight is to review the application and see if there are any undue adverse effects for the neighborhood. The concept is never to deny, the concept is to litigate and condition.

Introductions were made by the board and the attendees.

Mark Harper is invited to the table. Mr. Harper introduces himself, stating he has been here since 1998 and owns land in West Fairlee. He spent 33 years in the Department of Agriculture in Connecticut and decided to retire. He has always wanted an Antique Store. Ms. Beth Low and Mr. Harper have been looking for a place and were excited to find the location on Route 5. They thought this place would be large enough to be able to display a cross section of all the variety of antiques he has been collecting over the years. It is a perfect match. Mr. Harper did not realize that he did not have the permit in place with the town. Mr. Harper received a letter from zoning stating a possible violation. He immediately came in and filed an application and is now following the process.

Mr. Harper feels like his store will have low impact and would like it to be a destination point. People will come and enjoy what is being shown. He is interested in the community and the residents saw his store and loved it. Mr. Harper confirms it will not be an auction house.

Mr. Taylor goes on to note that there is a responsibility that the property owner has that does not need to concern Mr. Harper and these are the wastewater issues. Mr. Taylor states he will discuss this with Mr. Hoskins, the property manager, after.

Mr. Taylor remarks we need to consider the basic zoning questions in granting this conditional use. He asks Mr. Harper what he plans his hours of operation for the store to be. Wednesday through Saturday is how Mr. Harper would like to start. Mr. Harper imagines he may change hours, the winter he may only open a few days a week and increase at certain times when summer comes.

Mr. Taylor states since we don't want to ask you to come back do you expect the store to be open on Sundays or by appointment? "Would you like that option?", asks Mr. Taylor. He continues to state why don't we put in the decision that as a general rule that you are open Wednesday through Saturday from 10 to 5 with the option to be open Sunday, Monday or Tuesday.

Mr. Harper states the only thing with the hours is that there is a sophisticated computer system going in and we are going to be able to broadcast for people to look because sometimes there are auctions and if Ms. Low is not available to go to them then Mr. Harper will need to go. They do not plan on having any employees. They do have subcontractors that do computer work, and they have a handy man. There may be blasts that they are closed. They would like the option of having appointments only. Mr. Taylor states that winter hours probably will be less than summer hours. Mr. Taylor asked if the appointment would be after 5 pm. Mr. Harper said he does not want to disturb the neighbors and would like it to stay daylight hours. Mr. Taylor states that this decision is created so the neighbors are aware. Mr. Taylor continues to state this decision is also noticed to the neighbors of what is allowed to happen.

Mr. Taylor states he does not expect the appointments as a rule, and we will put in our conditions that as a rule on occasion there might be an appointment no later than 8Pm. Mr. Taylor also notes that Mr. Harper mentioned all the different containers, Mr. Harper states they are all stored in a climate-controlled area and as things sell, things will be brought in. Mr. Harper says they will be brought in by a pickup truck. They own two pick-up trucks. Mr. Taylor would also like it noted in the decision that Mr. Harpers Pickup truck would be coming in with items. Mr. Harper states on a regular basis that a pickup is all he would need. Occasionally a larger truck but it is not a rule of thumb.

Mr. Taylor discusses parking. He states that Mr. Harper may want to do something a little more directional as there isn't a lot of back-up space. Mr. Harper notes that the post office is in the location, and he can guarantee that more people will be coming and going to the post office than their Antique Shop. Mr. Taylor states that the parking area should be fine. Mr. Harper says that there are issues with the speed of the way people drive in to the post office spaces and it can be scary at times.

Mr. Taylor asks if Mr. Harper plans on doing any landscaping. Mr. Harper replies that the lawn is well manicured, but he may have flowers out front. Mr. Harper confirms they do not need a dumpster. He plans to have some items out on the front porch when he is there but that will go back in when he is not there. He does plan to have a rocking chair out front.

Mr. Taylor notes the lighting which an abutter Ms. Martha Howard mentioned. Mr. Harper indicates Ms. Howard had stated the light was bothering her and Mr. Harper changed the lighting to a yellow light. Discussion of the motion detector takes place and Mr. Harper answers that the motion detector must be part of the security of the store and it was there prior to his renting. He states there is lighting by the post office that is low intensity and there is one by the store. Mr. Taylor states that the board usually asks folks to be dark sky compliant as much as possible, so the lighting does not go on to other people's property. Mr. Harper states he can change the lighting. Mr. Harper says all his cameras are info red and a little bit of light helps pick up activity.

Mr. Pacht says just switching the outside lighting will help. Mr. Harper also states the Zoning Administrator has a copy of the security system being registered with the state police and Mr. Hoskins has the fire alarm on 24 monitoring as well. He feels the building is well protected.

Mr. Jaskiewicz mentions the front lights are very bright and shine in his backyard. He would like them adjusted.

Mr. Taylor states he doesn't think noise or odor/smoke will be an issue. Mr. Pacht asks if they will do any restoration or refinishing. Mr. Harper says they would not be doing any.

Mr. Harper is assuming there would only be a few cars a day. They hope they become a destination point and the people will come more than once. Ms. Low states antique people know route 5 is an important antique road.

Signage was mentioned and that a new sign ordinance would be coming. Mr. Harper states any signage would be tastefully done. Temporarily they will have a sandwich board sign and an open sign.

Mr. Taylor addresses Mr. Chris Hoskin (Property Manager) about the onsite water and sewer systems. He discusses the series of emails that was forwarded with the Agency of Natural Resources and the owner Deecie Denison. Mr. Hoskins needs to create a base line to see if there is a need for anything more with the wastewater. For the record we will put down this business has two toilets with water saving devices, two in the apartment and one in the post office. Mr. Taylor does not want to hold up the permit for this business, but it needs to be in compliance with the state the wastewater and needs to proactively be figured out.

Mr. Hoskins would like to know what establishing a baseline is. Mr. Pacht says you need to determine if the proposal increases design flow or modifies operational requirements. The baseline is the combination of uses for Calendar Year 2006. That is, the landowner needs to document what uses were present during 2006.

Mr. Hoskins states we need to determine how it was used in 2006 and if that is different then the way it is now. Mr. Taylor stated he suspected it isn't used differently but the concept here is that the state may issue a wastewater permit of some type.

Mr. Taylor states that Mr. Hoskins will need to contact Robert Pelosi, E.I., the Assistant Regional Engineer Agency of Natural Resources. Mr. Taylor thinks it is important for the building owner's future purposes. For the record Mr. Taylor wants to confirm that the toilets are the same toilets that were there in 2006. Mr. Harper and Mr. Hoskins note nothing has changed.

Mr. Hoskins says he spoke with Tom Otterman and they were confused that if a building is vacant, would that be a change of use? Mr. Otterman has offered to look and find some type of wastewater permit and he also would be happy to come take a look at the septic as a licensed septic designer. The board agrees there could be no permit at all. Mr. Taylor says moving forward the state may want to see a replacement system as well as what is there.

Mr. Taylor asks the Zoning Administrator to contact Mr. Hoskins in six months to see where we stand on the wastewater system. Mr. Taylor confirms with Ms. Howard the lighting is satisfactory.

Motion to approve conditional use for an Antique store with the condition that there will be no auctions there.

All in favor 4/0

Mr. Taylor explained the appeal process to Mr. Harper.

## **2) Informational meeting for Dan Grilli on 43 Wilson Road creating a housing development. This property is in the rural residential district.**

This parcel is located at 43 Wilson Road. This is in the rural residential district. The parcel number is OT0086.01 and the tax map number is 11-01-66. This parcel consists of 2.6 acres per town tax map.

Mr. Grilli is invited to the table to discuss his plan for his property at 43 Wilson Road. The Development Review Board and the Zoning Administrator introduced themselves to Mr. Grilli.

Mr. Grilli states that he has 3.06 acres of land and his wife and himself, over the years, have had friends that are ageing. Mr. Grilli would be interested if he could build houses in back of his home for them. Mr. Grilli has seen the act 250 laws have changed. Mr. Taylor said that Act 250 does not apply; Mr. Grilli owns less than 10 acres and is proposing less than 10 houses. After a review of the property, and the town districts of the land by the Development Review Board, Mr. Taylor says you can only have a home and an ADU on the place without going through the process of a planned unit development. The board discusses the village residential and rural residential guidelines. The board determined that he was in rural residential therefore will only qualify for the ADU and a home at this time but in the future zoning laws may change. Mr. Grilli brings in a survey and Ms. Howard states she will look to see if this survey had been recorded in the town for him as this would also give him more acreages with the town.

### **Administrative**

1. The discussion of board members coming to the upcoming hearings is reviewed. This includes the two site visits on April 9<sup>th</sup>.

2. There will be no Development Review Board hearing on April 23<sup>rd</sup> and there will be a hearing on May 14<sup>th</sup>.

3. Mr. Taylor reminds the board with an appeal the responsibility is on the person that made the appeal to make a case. Also Mr. Taylor states a hearing does not need to make a decision on the night of the hearing. We take testimony, we can recess and come back.

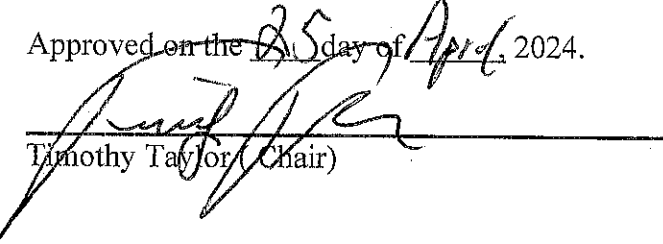
4, Discussion and review of the bylaws of conditional use for walls is discussed.

**Adjourn- 8:15pm**

Please note: Hearings will be called in the order they appear above. If more than one hearing is scheduled and the applicant does not appear, the next applicant should be prepared to begin their hearing.

Respectfully submitted,  
Kelly Gardner, Zoning Administrator

Approved on the 25 day of April, 2024.

  
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Timothy Taylor (Chair)