

TOWN OF THETFORD
DEVELOPMENT REVIEW BOARD

MEETING MINUTES
April 23, 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:

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

Attendees/Applicants: Nick Clark.

Agenda #1

Warned Hearing on Application (ZP24-08) considered by Nicholas Clark for a Conditional Use and creation of a deck located at 3998 Route 113, Thetford Center, VT. This property is in the village residential district.

7:04 PM:

Mr. Taylor opens the hearing by stating this is a conditional use hearing for permit number ZP24-08 intended for creation of a deck located at 3998 Route 113, Thetford Center and this property is in the village residential district.

Mr. Taylor proceeds with the administrative matter, explaining Ms. Howard was not at the last hearing and Mr. Taylor asks Ms. Howard if she has read the minutes from the previous hearing. Ms. Howard states that she has. Mr. Taylor tells Mr. Clark that it is Mr. Clark's preference if Ms. Howard participates. Mr. Clark states he has no preference. Mr. Taylor expresses if there is no preference from Mr. Clark, then Ms. Howard will participate.

Mr. Taylor reminds every one that we are considering a conditional use and in our zoning bylaws section 4.05 it states for nonconforming buildings and structures, under setbacks, we can approve the deck as a conditional use if 6.06 which is the criteria for conditional use is met, as well as (1) the proposed replacement, addition in this case, cannot be reasonably located outside the setback area and (2) the expansion of any setbacks shall be the least intrusive as can reasonably be. Those are the two findings that we need to make along with the conditional use.

Mr. Taylors says he personally never thought a conditional use was a real issue here. He does not think the proposed deck has an undo adverse effect on the neighborhood in any way as a village residential. Mr.

Taylor says the one thing that we had asked Mr. Clark to do was contact the neighbor and we did receive back the text from the neighbor saying, "Hey Nick-sorry for the holdup! What you describe sounds fine, it let me find the letter and look at the specifics and get back to you asap and get back to the zoning email as well". Mr. Taylor asks Mr. Clark if that is all he has received. Mr. Clark states it is, and Mr. Taylor says the town has not heard anything else, but we do now know they are aware of it.

Mr. Taylor remarks that since the neighbors are aware of it and if we go back to what the intent as we read this law to be, when I think about this from a public policy point of view, would you really not want to have any nonconforming building built several hundred years ago not be able to expand itself, even set back issues and what not. Mr. Taylor questions if those who came up with these by laws may not have considered this in the past.

Mr. Taylor goes on to discuss that while this is very close to the neighbor's boundary, in fact the proposed addition goes within two feet on one edge, the neighbor clearly is aware of both the purpose behind the deck and also the fact that a lot of water has been going down on to their property. We look at the purpose that Mr. Clark has, which is to try to remove the water and get the utilities out of the basement and then be able to fill the basement up with stone or concrete to support the older structure. That can not be reasonably located outside the setback area because the home is in setback area and the issue.

Mr. Taylor states if you were to ask an engineer, you would get three or four different ideas or thoughts but nothing necessarily conclusive and he doesn't mind taking Mr. Clark's word that this will work. Mr. Taylor feels comfortable approving this as proposed and states the only thing that may seem intrusive is whatever the color of the addition which he thinks is white at this time and the future color of the deck. He suggests keeping the porch the same color so that it blends in. Mr. Taylor asks if that sounds reasonable to Mr. Clark and Mr. Clark states no, but he won't protest it. Mr. Taylor says under the concept of least intrusive if it's not bright pink then it will not stand out, therefore being less intrusive. Mr. Taylor asks Mr. Clark what he is considering painting the deck. Mr. Clark states if anything he will paint it a darker color like the porch on the front. But he is fine with whatever condition that is put on it.

Ms. McCanna states at the site meeting she noticed the dark pergola out front and she thought that it looked nice and that is what she is picturing the deck to be. Mr. Taylor states then no condition is needed. Mr. Pacht also stated he liked the black color. Mr. Pacht says the strip of asphalt that is being replaced is basically black anyway. Mr. Taylor says we will leave it with no conditions then. Mr. Taylor then asks Ms. Howard if she has any thoughts. Ms. Howard says from what she read it sounds like the board went through all the options at the last hearing and she does not know how a deck is going to take care of a water issue, but it's neither here nor there, as this was discussed last week.

Mr. Taylor thinks everyone is somewhat skeptical of the deck, but it seems like that is the design that has been chosen as a reasonable approach. It will move the water and there is a rubber membrane that will move water out further from the building. Mr. Taylor notes there is a lot of water that comes off the hillside. This is a big first step towards moving the water. The vernal pool at the viewing was quite substantial and the water table is still high. Mr. Taylor asks Mr. Clark if he is still pumping quite a lot out. Mr. Clark says the pool is still there and the sump pump is still running around the clock.

Mr. Taylor asks Mr. Pacht if he has anything to add. Mr. Pacht states the porch will have two effects. It brings the water away from the building and it also protects the units that will replace the heating and hot water system in the basement. This will allow Mr. Clark continue to protect the historic structure of the front brick.

Ms. Howard states extending the eaves would do the same thing. Mr. Taylor states this was discussed at last hearing and this seems to be the preferred method. Mr. Clark states this is the most cost effective reasonable long term solution.

Mr. Taylor makes a motion that to approve this conditional use as proposed. The deck will be eight feet wide by thirty eight feet long.

All those in favor 4/0.

Administrative

1. Discussion of when the next hearing will be held. Ms. Gardner stated that it will be on the 14th. This is potentially a noncompliant wall, and we will have a site visit at 6:30pm. We are also having the continuation for Mr. Brian Ricker on this date.


2. Discussion of the Zoning Administrator meeting up with the Chair to sign a plat and last hearings minutes. Ms. Gardner stated she needs to hang a P-permit so perhaps they can meet up after.

Adjourn- 7:30pm

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 14 day of May, 2024.



Timothy Taylor (Chair)