

WEST WINDSOR DEVELOPMENT REVIEW BOARD

Draft Minutes

May 14, 2013

Present: Shannon Harrington, Barbara Truex, Genevieve Lemire, Dick Beatty, Dow Davis, Dennis Lemire, Dana & David Deschamp, Jr., David Deschamp, Sr., Erik Schutz, Rudy Gross, Martha Harrison

1. Call to Order – DRB Vice Chair Shannon Harrington called the meeting to order at 7:10 PM, following site visits to the Deschamp and Snowdance properties in connection with the public hearings on the agenda for tonight.
2. Changes to the agenda – None
3. Elect Officers – **Barbara nominated Shannon as Chair of the DRB. Genevieve seconded the nomination, which passed unanimously. Shannon nominated Genevieve as Vice Chair. Barbara seconded the nomination, which passed unanimously.**
4. **PUBLIC HEARING** – Shannon opened the public hearing on application #2514 by Dana & David Deschamp, Jr. for an 8' variance of the side setback to allow the construction of a 20' x 24' addition connecting the existing house to the existing nonconforming garage at 265 Coaching Lane Ext. (parcel #2-38) and to change the roofline on the garage. The proposed development is subject to review under Sections 2.3-7, 3.9 and 6.8 of the West Windsor Zoning Regulations. Shannon read the notice for the second hearing also and asked if any board members have a conflict of interest or have had any ex parte communication with any applicants. Dick said he owns land next to Snowdance LLC but feels he can review the application fairly. Shannon read the definition of an interested party and informed those present that they have to participate in the proceedings if they want to retain their right to appeal. Shannon swore in those present. David Deschamp, Jr. described the project. Dick asked if there will be useable space over the garage. David said it's going to be a truss system so he doesn't think there will be any useable space. Dennis Lemire confirmed that there will be a truss system for the garage roof. Shannon said Section 2.3-7 indicates that the property is in the Conservation District and the setbacks are 30' in the front and 50' to the side and rear. Barbara asked if the project meets the 2% coverage requirement. Martha said yes. The DRB reviewed Section 3.9(A)(3). Shannon noted that the footprint of the garage is not increasing and the height is increasing but not above the maximum height limit. Shannon read the first variance criterion. David Deschamp, Jr. testified that the septic system is on the south side and the well is on the east side. David said the existing house has 1300 square feet and they are a family of five so they need more living space. David said the new space will include a bedroom and living room. David said he did not build the existing house. Rudy Gross, the Deschamp's neighbor, said he thinks the project will enhance the value of their property and his property. David agreed that the variance requested is the minimum that will afford relief. Barbara asked if the septic system is sufficient for the addition. Shannon said David should check with the state. David said it's a 1,000 gallon tank with a leach field. David said there are two bedrooms currently so the addition would increase the number of bedrooms to three. Shannon asked when the house was built. David said 1976. Shannon said she doesn't know if the state required

wastewater permits back then. Shannon said septic systems are subject to state requirements, not town requirements. Martha said she can't issue a Certificate of Occupancy if the development doesn't meet septic requirements. Shannon noted that there is fifty feet from the edge of the existing garage to a small water body behind the house. Martha said the water body is not on the wetland map. **Dow moved to close the public hearing. Barbara seconded the motion, which passed unanimously.** Shannon explained that the DRB deliberates in private and then issues their decision in writing after which there is a 30-day appeal period.

5. **PUBLIC HEARING** – Application #2517 by Snowdance LLC (landowner), Sports Trails of Ascutney Basin & the Town of West Windsor (co-applicants) for conditional use approval for a 32' x 63' pump track and a 20' x 30' skills park at 311 Hotel Road (parcel #3-9). The proposed development is subject to review under Sections 2.3-4 and 5.3 of the West Windsor Zoning Regulations. Erik said they will bring in three loads of dirt and compact it to create a pump track with 3' berms on each end. Erik said between the pump track and the kiosk there will be a skills park with board walks, bridges and rocks to ride over. Dick asked if Snowdance owns the property. Erik said yes. Erik said the town is a co-applicant because Snowdance prefers to deal with the town. Erik noted that the pump track and skills park were approved by Act 250. Dick asked who it would be against if there were an accident. Erik said it would be against STAB because they are building the track. Erik said STAB has insurance and has named both Snowdance and the Town as additional insureds. Erik said they are also protected by Vermont's landowner liability law because there's no charge for use. Shannon asked if the track is going to be advertised. Erik said yes. Erik said he's also going to show the school kids how to use it. Genevieve asked about the materials being used. Erik said in the skills park they'll be using pressure treated wood, rough-sawn hemlock, rocks and logs. Erik said only one or two people can use the track at a time. Dow asked if STAB is a 501(c)(3). Erik said STAB is a chapter of the Vermont Mountain Bike Association, which is a 510(c)(3). Dow said he will have to abstain from further participation due to a recent grant from a foundation of which he is Chairman. Martha said she has been asked by abutters what the hours of operation will be and whether the area will be lit up at night. Erik said it will not be lit up at night and the hours of operation will be from dawn to dusk. Dick asked if there will be supervision or posted rules. Erik said it will be unsupervised but there will be a "use at your own risk" sign posted on the kiosk along with rules for use of the pump track. Regarding Section 2.3-4, Shannon noted that the proposed development is an outdoor recreational use which requires conditional use approval. Shannon also noted that the setbacks meet the requirement, which is 30' on all sides. Shannon read the first conditional use standard regarding existing or planned community facilities or services. Erik said the pump track and skills park are part of the trail system approved in the Act 250 permit. Shannon asked if the development will use community services. Erik said no; the track will be designed and built by a professional and maintained by volunteers and members of STAB. Shannon asked who would pay for the ambulance if someone got hurt. Erik said it would be charged to the person calling the ambulance. Shannon read the second conditional use standard regarding the character of the neighborhood. The DRB agreed that the proposed use is in keeping with the character of the neighborhood. Shannon read the third conditional use standard regarding traffic. Shannon said she's sure traffic will increase but that must have been considered in the Act 250 process. Erik said

trail use is the main reason that people will be coming; the pump track is an amenity. Erik said STAB envisions the pump track drawing more novice and intermediate riders to the area and it may increase the number of kids. Barbara said she can't imagine that the bike traffic will exceed the ski traffic that occurred when the ski area was open. Shannon read the fourth conditional use standard regarding bylaws now in effect and said she can't think of any bylaws that would be violated by this development. Shannon read the fifth conditional use standard regarding the utilization of renewable energy resources and said she doesn't think it's applicable. The DRB members agreed.

6. Clarification – Martha explained that someone wanted to build a porch on the back side of his house but needed a 3' variance so he asked about building a detached gazebo instead. Martha said she explained that an "accessory structure" only requires a 20' setback if it's less than 200 square feet. The applicant then asked if the porch would be an accessory structure if it was separated from the house by an inch or two. Martha said she would still consider it attached but invited the applicant to discuss it with the DRB. Martha noted that the definition of "footprint" uses the word "attached." Shannon suggested contacting the Vermont League of Cities and Towns (VLCT) and/or other Zoning Administrators to see if they have encountered a similar situation. Martha said Section 7.1 authorizes the DRB to clarify the meaning of words used in the regulations. The DRB asked to see the application. Shannon said the DRB typically doesn't grant variances if the applicant has a reasonable alternative and, in this case, the applicant could move the porch to comply with the setback requirement. A majority of the DRB members felt that a structure separated from the house by one inch should still be considered "attached." Martha agreed to check with VLCT.
7. Deliberative session: **Barbara moved to go into deliberative session to consider the applications presented at tonight's public hearing. Dick seconded the motion, which passed unanimously.** Following discussion, **it was moved, seconded and passed to come out of deliberative session.**
8. Minutes – April 9th: **Genevieve moved to approve the minutes of April 9th. Shannon seconded the motion, which passed with Richard and Dow abstaining.**
9. Other Business – Dick suggested including the zoning district on the variance application form. Dick noted the dramatic change in lot size when the Conservation district was established and added that a 2% coverage restriction could make many of those lots nonconforming.
10. Adjourn – **Shannon moved to adjourn at 8:40 PM. Dick seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison