

RECEIVED 
DATE November 20, 2014

APPROVED

HUNTINGTON DEVELOPMENT REVIEW BOARD

Minutes of October 14, 2014



PRESENT: Joe Perella, Jeanine Carr, Britt Cummings, Mark Smith, John Altermatt

ABSENT:

OTHERS PRESENT: Andy Carlo, Karin Hodge, Brian Hodge, Jim Phelps, Zoning Administrator Ed Harrison, Diane Cummings, Ted Coles

MINUTES: Heidi Racht

- 7 pm Final Subdivision Review, Lorraine Jones Revocable Trust
Public Comment
- 7:30 Appeal by Roman Livak, decision of the Zoning Administrator
- 8 pm Final Subdivision Review, Diane and Gabrielle Cummings,
- 8:45 Final Subdivision Review, Nat Weaver
- 9:15 Conditional Use and Site Plan Application by Duncan and Megs Keir (property owners) and Bret and Melissa Hamilton (applicants), 2855 Main Road
- 9:45 Adjourn

As time allows:

Minutes of September 30, 2014

Mail

HPC liaison update

The meeting began at 7 pm; chaired by Joe Perella.

No public was present to comment.

Lorraine Jones Revocable Trust Minor Subdivision Final Review

The hearing began at 7:05 pm, chaired by Joe Perella.

PRESENT: Andy Carlo

Andy Carlo appeared on behalf of the Jones family to present evidence in support of a minor subdivision on Happy Hollow Road. The property is 222 acres. The purpose of the subdivision is to transfer 59.10 acres to the Jones children (Lot 2). The remaining land will be used for a woodlot (Lot 1).

The property is located in the Rural Residential (five acres) zoning district and the Woodland District (25 acres). There is already a building permit for a primitive camp on the property, which will be located in the five-acre zone.

The applicant stated that there will be a right-of-way through Lot 2 for the sole purpose of removing timber; outlined in detail.

A waiver of a survey of the entire property, as requested by the applicant, was granted.

A letter from CESU Superintendent John Alberghini addressing school services was received.

CONDITION OF APPROVAL: Letter from Fire Chief Tate Jeffrey addressing the town's ability to provide services.

The Commission reviewed the Planning Standards and determined that most were not applicable since it was a division of land with limited access and most of the property is in the Woodland District.

ADMINISTRATIVE CORRECTION: Later in the meeting Duncan Keir pointed out that the survey map did not show the statutory right-of-way and the Board agreed that this would be a condition of approval, although it was clearly stated in the application materials.

DECISION OF APPROVAL:

Jeanine Carr moved to approve the Jones Minor Subdivision with two conditions; seconded by Mark Smith. Approved unanimously.

Minutes of September 30, 2014: Britt Cummings moved to approve with changes; seconded by Jeanine Carr. Approved unanimously, with John Altermatt abstaining.

Roman Livak Appeal of the Decision of the Zoning Administrator

The hearing began at 7:30 pm, chaired by Joe Perella.

Present: Karin Hodge, Brian Hodge, Jim Phelps, Zoning Administrator Ed Hanson, Diane Cummings, Ted Coles

Roman Livak appeared before the Board to appeal the Zoning Administrator's decision to deny his application to put a yurt on his property on the Main Road in Hanksville. The Zoning Administrator had used the tax map number, which Livak said did not accurately represent the property and was actually a tool of the Listers, required by statute, to merge adjacent properties owned by the same property owners. Livak had purchased the house (8420 Main Road) and then adjacent undeveloped land in 2011. He also has purchased the store property that used to be part of the property with the house and had been subdivided by Edith Baughman.

Zoning Administrator Ed Hanson stated his position and said he denied the yurt because it was a second residence on a property and not allowed by the regulations.

Board chair Joe Perella asked Livak what he was trying to do.

Livak replied that he was trying to build a yurt as a "bedroom for my son." He added that the parcel in discussion has a wastewater permit that is "not utilized."

Livak's points:

1. the tax map number applied to the property by the Listers should not be used for zoning purposes and therefore his properties are still separate. The Zoning Administrator should be

- using the number that was on the parcel from when it was owned by the previous owner.
2. he has separate deeds and therefore his properties are still separate;
3. opinion stated by the Town Attorney to the Planning Commission regarding the Swannie property and merger supports this assertion.
4. Zoning actions, like property merger, have to be recorded in the land records.

Hanson's points:

1. The properties were merged because the lots were nonconforming.
2. He has been "doing this" for 21 years and "this is how towns do it;"
3. He can't write a permit for this property because there is already a house on it.

Britt Cummings asked if this was what the Board did at the last hearing.

1. Hanson responded that the property would have to go through subdivision unless "the owner changes his mind and sells it exactly in the manner in which it was purchased [with no improvements]."

Mark Smith asked, "Where can Roman go with this?"

Hanson responded that he can appeal to the Listers to restore the original tax map number.

Joe Perella asked if the yurt could be an Accessory Apartment under 5.7.3 of the Zoning Regulations. Hanson responded that it doesn't meet the definition, which includes provisions for independent living like a kitchen and water and septic.

Jeanine Carr asked how a yurt was classified: permanent? Temporary? Hanson responded that he has done two and both had septic and water. He added that the composting toilet was not an option.

The Board consulted the definitions. Hanson stated that Livak could not put a second residence on the property. Livak maintained that the properties are separate.

Hanson added that the current tax map "only gives me one tax map number to work with."

The neighbors were asked to comment.

Karin Hodge said she was concerned about the waste water and the increased in traffic flow behind their home.

Jim Phelps also expressed concern about the septic and pollution of his water system. He said, "I want a guarantee that my home is going to be protected." He went on to say that he would not take someone's word on it. "I want it on paper."

Hanson noted that a lot of the discussion was not germane. This is not a subdivision or condition use. Is the tax map correct? Only changes are made to the tax map by the Listers.

Perella said, "We have to opine to the Listers whether this is merged."

Phelps interjected, "We are talking about now isn't germane, but what happens down the road?"

Livak responded, "I have water and the wastewater is located next to the road. I have a spring there, too."

Perella summarized that the Board has to "figure out whether there is a merger here. If we concluded that there is no merger, then we would direct the Listers to separate it."

Hanson responded, "It's an appeal of my decision in this case. If it is reversed, tell me where to go legally."

Livak asked for an opinion, based on the legal counsel give to the HPC by Attorney Jim Carroll in the Swannie merger consideration.

Livak said he would be able to put this property on the market. Hanson responded that he could, but not with a yurt.

The Board did not reach a decision, but continued the hearing to October 28.

Diane and Gabrielle Cumming Major Subdivision Final Review

The hearing began at 8:10 pm, chaired by Joe Perella.

Present: Diane Cummings, Ted Coles, Karyl Kent, Bernie Young

Britt Cummings recused himself from the hearing.

Diane Cummings presented her project for review. The project had gone through Preliminary Review on June 17, 2014 with the Planning Commission, which had approved it to move forward to Final Subdivision Review.

The proposed project is a three-lot subdivision on 3.2 acres with accesses on Cummings Drive and the Main Road. The property is in the Village Zone (1-acre, proposed Neighborhood Zone) and has one log house on it. Cummings is proposing two additional house lots.

Cummings reviewed the changes that she had made to the map since the preliminary review:

1. lines are shown for the septic;
2. water lines from proposed shared well on Lot 3 is shown to Lots 2 and 3;
3. utility access from pole on Main Road, is shown on Lot 2;
4. underground utility box on Lot 3 shows easement to proposed residence on Lot 3;
5. existing wastewater on Lot 1 is shown on the plat;

Condition: Underground utility easement to Lot 1 from underground box on Lot 3 needs to be shown on plat.

Condition: Fifty-foot right-of-way permanent easement to Lot 1 is shown from Cummings Drive across Lot 3.

Condition: Removal of 28-foot right-of-way through Lots 1 and 3. Note on plat that this is not valid.

MOTION: Mark Smith moved to approve to Cummings subdivision with conditions; seconded by Jeanine Carr. Motion approved unanimously. Britt Cummings did not vote.

Nat Weaver Minor Subdivision Final Review:

The hearing began at 8:45 pm, chaired by Joe Perella.

Present: Diane Cummings, Ted Coles, Duncan Keir, Melissa Hamilton, Bret Hamilton, Morris Knight, Bernie Young, Karyl Kent

Nat Weaver presented his project, which is a subdivision after the fact.

Some of the DRB members were already familiar with the project as Weaver had been granted a variance by the Zoning Board of Adjustment for insufficient road frontage. The decision of the ZBA was consulted.

The property is located on Weaver Road. It is a division of 31.74 acres (Parcel A on the survey) from 220 acres.

A letter from CESU Superintendent John Alberghini addressing school services was received.

CONDITION OF APPROVAL: Letter from Fire Chief Tate Jeffrey addressing the town's ability to provide services.

CONDITION OF APPROVAL: 51.6 feet of frontage be excluded from the remainder parcel.

CONDITION OF APPROVAL: Label Parcel B (remainder of lands of Weaver) on project survey map.

The Planning Standards were reviewed with the Board in agreement that most were not applicable.

MOTION: Jeanine Carr moved to approve the Weaver subdivision with conditions; seconded by Britt Cummings. Approved unanimously.

At this point Duncan Keir pointed out the technical error on the Jones Subdivision survey map, referenced on page 2 of the minutes.

Duncan and Megs Keir Conditional Use Review:

The hearing began at 9:13 pm, chaired by Joe Perella.

Present: Diane Cummings, Ted Coles, Duncan Keir, Melissa Hamilton, Bret Hamilton, Morris Knight, Bernie Young, Karyl Kent, Michele Cummings

Britt Cummings recused himself from the discussion.

Bret Hamilton, applicant for the project, gave the background of the Hamiltons' business, Stone Corral Brewery. The applicants have received a permit for a brewery on their property on Taft Road. However, the business has done so well, Hamilton explained that they are ready to move into a larger building. They found the community "quite receptive" and he described its "unmitigated success."

He said that they had worked within their existing permit by keeping their advertising down. But, they have hit capacity and are ready to expand. The Hamiltons approached Duncan and Megs Keir about moving their brewery into the Liberty Head Post and Beam building.

Melissa Hamilton talked about the "possibility of expanding into food service" and mentioned that they had spoken to Karyl Kent, who is a neighbor and caterer.

She described the plan, which would include a series of permits:

1. short-term: physical production of beers
2. medium-term: expanded tasting and taproom
3. food service – sandwiches and other light fare for customers.

The Board discussed Cottage Industry, but the regs do not really address them as thoroughly as the Home Occupation. Light Industry is not addressed at all. This is definitely a shortcoming in the regulations. The DRB will ask the Planning Commission to address this in the updates currently in progress.

Joe Perella commented that the Board should look at reasonable restriction in a Conditional Use and not a cottage industry.

Duncan Keir said that this is a commercial property. It has good soils for septic, off-road parking, , access has good sight lines. They went to the neighbors and got a positive response. He said, "There is no better property for this type of business.

Morris Knight talked about Jaques Barn and said he had "concern" about the hours open. Melissa Hamilton responded that "this is not a bar."

Knight went on, the town has no police force; there are safety and liability issues. He referenced The Alchemist and talked about people "coming in droves." This is a residential area - the timing and closing impact the town from Hinesburg Hollow Road through the Lower Village.

Perella talked about reasonable conditions. He acknowledged the series of Conditional Use permits as the business grows. "Do you have specifics at this time?"

Bret Hamilton said there would be "different layers of activity. We have these concerns as well. We are not running a beer hall."

He reported, "a third to a half of our customers are from out of state. This is not about consumption and letting loose. It is about experiencing a craft product." He then said, "Jaques Barn... nothing further from my mind."

"In every respect, the project is designed for our sanity. I don't want to deal with any of this [problems stated previously]."

Melissa Hamilton said they were looking at this as a production facility and brewery. The tasting room will have a Class 1 license, so people can buy a pint. They will only sell Stone Corral products.

Can the town support the traffic? Hamilton responded that this will happen in stages. "We have no interest in running a restaurant."

Knight said he was still concerned with serving alcohol.

Jeanine Carr noted, "This will impact all of us who live along the Main Road. The DRB looks at the whole picture, so we can look at the whole town."

Karyl Kent spoke highly about the Hamiltons. She said she felt good about them as stewards of the old barn.

Michele Cummings had a lot of questions starting with what a microbrewery is. She asked about noise, odor, traffic.

Bret Hamilton responded that the noise the malt mill makes is half as loud as a planer [currently used with the post and beam business]. It will be used within an enclosed area.

Cummings asked about whether microbreweries affected property values.

Britt Cummings said that the Board needed to get to the specifics about this.

Perella asked the Hamiltons to do a layout of their basic operating plan and then reconsidering it as it begins to grow.

After some discussion about details, Perella said that the applicants need to think about these things more. And Jeanine Carr suggested that they look at 4.2 in the zoning regulations.

Bret Hamilton said they wanted to start renovations in January.

Melissa Hamilton asked why 4.2 wasn't looked at. They would liked to have been more prepared.

Perella talked about parameters on details and Bret Hamilton responded: parking 25 spaces; lighting only when open; no hard liquor; all beer made on site; five employees; hours 7 am to 7 pm; noon to 7 pm on weekends; 50 customers per day.

Perella asked if this going to adversely affect the neighborhood – start with the Liberty Head baseline.

He then asked for the points in writing.

Other points of interest/concern:

1. water use – coolant water gets reused;
2. Depth of wells – Britt Cummings asked for water requirements.
3. Liberty Head well is 120' with 50-60 gallons/minute
4. Production capacity – 4 barrels per week now; 15-20 barrels per week future

After some discussion about deadlines and meeting dates, the Board decided to continue the hearing on October 28 at 7 pm.

Other Business:

Discussion of another hearing on October 28. Roman Livak will be scheduled, if he is available.

Adjournment: The meeting adjourned at 9:30 pm. Britt Cummings moved to adjourn; Jeanine Carr seconded.

DRAFT MINUTES POSTED ON THE WEBSITE: October 15, 2014

UNAPPROVED MINUTES TO THE DRB: October 25, 2014

MINUTES APPROVED: November 11, 2014

APPROVED MINUTES TO THE TOWN CLERK: November 18, 2014