

APPROVED

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DATE

June 9, 2016



HUNTINGTON DEVELOPMENT REVIEW BOARD

Minutes of April 12, 2016

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

ABSENT:

OTHERS PRESENT: Zoning Administrator Ed Hanson, Jedediah Randall, Peter Purinton

MINUTES: Heidi Racht

6:30 pm Site Visit: 111 Maple Ridge Lane (Jedediah Randall)

7 pm Public Comment

Minutes of March 8, 2016

7:20 Jedediah Randall, 111 Maple Ridge Lane - Off Bridge Street)

Conditional Use and Site Plan Review – commercial vehicle repair garage

8 pm Continuation Conditional Use Amendment Review

Jeff Palin Main Road (fka Huntington Garage)

8:30 Member Business

Mail

8:40 pm Adjourn

6:30 pm Site Visit: 111 Maple Ridge Lane (Jedediah Randall)

The DRB conducted a Site Visit to 111 Maple Ridge Lane to see an existing building for which the owner (Randall) was applying for a Conditional Use permit,

The meeting began at 7:07 pm; chaired by Joe Perella.

Public Comment: No public present.

Minutes of March 8, 2016: Joe Perella moved to approve; second by John Altermatt. Approved with changes; Jeanine Carr abstained.

Jedediah Randall Conditional Use and Site Plan Review: The hearing opened at 7:20 pm.

Attendance: Applicant Jedediah Randall and former property owner Peter Purinton, adjoining property owner.

Randall presented his proposed project, which is to operate a large vehicle repair business in a garage that he has already built on the property. He said that he eventually wants this to be a full-time business. Randall also said that 50% or more is onsite equipment repair, meaning he goes into the field.

The main issue here is that Randall applied for a residential outbuilding that he is now using to operate a business. Joe Perella asked Randall why, when he asked for the building permit and anticipated

commercial use, he didn't tell Administrative Officer Ed Hanson. He said the DRB could have done this on the front end, rather than do a remedial permit.

Randall replied that he wanted to do it "step-by-step" – get the permit and then do "this."

Throughout the initial discussion, different members of the Board talked about how Randall had put the Board in an awkward position and had not done "full disclosure" as to the purpose of the building. Randall knew that he was going to work there. John Altermatt noted that at the Subdivision Review, Randall stated he was going to put up a building to do this line of work. Perella said that this is a volunteer board "and we depend on the candor of the applicant." He also pointed out that it [the shop] is close to a residence and "we are allowed to consider impact. The building is there and we can put conditions on it."

After several more comments, the Board moved on to the hearing, which is a Contractor Yard Conditional Use and consulted the Zoning Regulations.

Marks Smith asked Ed Hanson what he understood about the project. Hanson replied that he was "surprised" that Randall was building the garage before the house. The language on the permit was for a detached 50x70 outbuilding/garage as a "residential accessory." Hanson said, "I had no sense it was going to be used for this purpose."

Altermatt asked Hanson if he had questioned Randall about this building and its use. Hanson replied that the application was for an accessory to a residence and he had told Randall that if he used commercially, he needed a permit.

Randall asked who had made the complaint. When no one could answer that question, he then said, "Doesn't it have to be a written complaint?" Perella responded, "It's irrelevant who made the complaint. You are not in compliance and you don't have a permit." Hanson added that Randall had not done a Certificate of Occupancy. Smith said, so there are now two issues: Conditional Use and no Certificate of Occupancy. Hanson said that the CO is "straightforward."

Randall then gave specifics: he anticipated working in the garage 7 am to 9 pm. He said, "I don't anticipate hiring anyone else." Most machines will be there a week or two. Examples of work are rebuilding transmissions or engines. He said he wants to sell Jonsered chainsaws, chains, winch cables. The chainsaw business will include the sale of new saws and repairing of saws. He estimated selling 50 saws per year.

Randall said he would not be doing chain sharpening. He also wanted to sell small outdoor power equipment.

Perella said that DRB wanted to know "right now" what Randall reasonably expects for the next five years.

Randall said, "We aren't anticipating tractor sales. There won't be 7-8 people coming up the driveway [every day]." He then said that he would be working some weeks in the shop; other weeks off site (out in the field).

Smith commented that the Board has a bigger issue. This is a "clear violation of the Conditional Use process. We have two options: after the fact permit and refuse permit." Perella added that this is a clear violation and "we have a Conditional Use application, but not a violation hearing."

At Carr's suggestion, the Board went through the criteria for Contractor's Yards.

Altermatt said the Board needed to look at this as a new structure – put this behind us as the building is up, but need to look at conditions.

Carr commented that the building itself is not out of compliance. She then talked about the Conditional Use criteria.

Randall said, "I'm not going to have vehicles sitting in the yard. My wife is not going to allow a junkyard."

Perella asked about vehicle trips. Randall responded with a comment about the regs. Perella said, "We have a lot of discretion. We have catch-all authority to mitigate." Carr added that the Board has to make sure that "whatever is happening isn't going to have a negative effect."

Randall said he had planned to put a split rail fence along the property line. Also, the building has 22" eaves.

Altermatt said that a lot of where things are parked would be out of sight. Britt Cummings added that breaking up the profile "would be beneficial." Randall talked about facing the foundation with stone. The building is 80' from the property line.

The Board looked at the site map. Smith talked about landscaping for the west side to lessen impacts. The plan was not up to the Board and it was up to the applicant to come up with landscaping. It is important to do a lot of mitigating,

Randall asked, "Why is a nice building a big impact?" Smith responded that the building is out of scale with the landscape. Perella added, "Put yourself in the neighbors' shoes. You are building your house way above it [the garage] and it is farther away than the neighbor. You have the right to do certain things, but we also have a role." He went on, "I like the idea of you thinking about this and coming back with a plan to mitigate this." He suggested working with Peter Purinton.

Smith said, "We are all impacted by this as we drive down this road. You put up a structure that has a heavy impact on the landscape." He suggested that Randall talk with the neighbors and come up with a plan.

After some discussion, Randall said he wanted to go through the rest of the criteria. Smith suggested that Randall come back with a timeline and develop a budget. Cummings suggested a plan. Smith asked Purinton if he would be part of the solution. Purinton said they could plant a row of trees, "but they don't grow overnight."

Altermatt commented on the entire hillside, noting that if the house owned by Kathy Barron wasn't already there, he could see Randall's building "blending in" with the rest of the agricultural structures owned by family members Peter and Carla Purinton.

The Board was in consensus on the plan of action for Randall to develop a plan.

Cummings said, "We are trying to find a happy ground. We represent the town through the regs."

Reviewing the Regs:

1. . amount of equipment on the premises: 10 pieces
2. no employees planned: The Board restricted Randall to one employee and told him "you have to come back for modification" to have more than one
3. 85' from property line

Performance Standards (5.1.3) were reviewed.

The garage door faces the opposite side of the view and light will be deflected away from the road.

Noise – an exhaust fan will be installed; it will face away from the Barron residence.

Smith suggested that Fire Chief Tate Jeffrey be involved in the process.

Perella asked about the longest time to run an engine, to which Randall responded that it would be 10-20 minutes if he had to test something.

Cummings asked about the potential for stormwater flow and erosion onto the neighbor's property. He had noticed on the site visit that the erosion barrier had been knocked down. He asked for a plan to stabilize the area for erosion control.

Randall responded that there will be stone 18" from the building; all oil goes offsite; erosion control will be implemented on the west side.

Perella said that Board can consider the cumulative effect (5.16.11).

The Board reviewed Section 4.3.3.

1. Exterior lighting – LED downshielded. Randall said he would have a light switch. All exterior lighting will be attached to the building. Septic is designed; as is the well. No well has been drilled yet. Randall said there is an overhead crane now where the toilet phalange is.

Smith commented on the quality of the building, stating he is a “big proponent” of family-run business, which contributes to the local economy. He said he would like to see more employees and the building is “an admirable piece of work.”

Carr summarized that the building is pretty much in compliance with the zoning regulations. However, she said that that this is “the Village District which is more densely populated and has more impacts.”

Cummings suggested a timeline for implementation. Purinton said that there is a timing issue for planting trees – spring or fall.

Perella said that the applicant needs a clear idea of what’s expected.

Motion: Altermatt moved to continue the hearing on May 31; seconded by Smith. Approved unanimously.

Hearing recessed at 8:47 pm.

Jeff Palin Continuation Conditional Use Amendment Review: Applicant was not at the meeting and the review was recessed to May 31.

Motion: Jeanine Carr; second Joe Perella. Approved unanimously.

Member Business: none

Adjournment: The meeting adjourned at 8:55 pm. Jeanine Carr moved to adjourn; Britt Cummings seconded.

DRAFT MINUTES POSTED ON THE WEBSITE: April 17, 2016

UNAPPROVED MINUTES TO THE DRB: May 27, 2016

MINUTES APPROVED: May 31, 2016

MINUTES SUBMITTED TO THE TOWN CLERK: June 6, 2016