

DRB Hearing

May 24, 2023

Cram Setback Waiver Request # 6244

Board Members Present: John Peterson, Jack Schneider, and Bob Clark

Others in Attendance: Matthew Cram, Marcy Cram, Beth Manchester, Lucas Manchester, Cecil Reniche-Smith, Catherine Bresette, Christopher Howland, Brent Buehler, Hillary Knapp, Secretary, Jeff Biasuzzi, Zoning Administrator

Meeting was called to order: 7:06pm

Beth and Lucas Manchester, Catherine Bresette, Christopher Howland (Bresette residence) requested and were granted interested party status.

Matthew Cram, Marcy Cram, Beth Manchester, Lucas Manchester, Catherine Bresette, Christopher Howland and Jeff Biasuzzi were sworn in.

Matthew: We were originally looking at a 6-foot setback waiver at the first hearing. We have reworked everything and have worked with Kyle Medash with rules and regulations. We have also received our LOMA, which has removed the upper section from the flood plain. We have reworked the plans and structure with a smaller structure to be more conforming to try and address some of the issues with it being close to the neighboring properties. Making sure we were following all the rules and regulations. The wetlands ecologist has also come to make a site visit on the property as well. We had a conversation with Kyle addressing the driveway and the runoff and knowing that we cannot raise the elevations in the flood plain areas so we do not affect the neighboring properties. Everything will need to be at the same elevation once construction is completed.

Marcy: We were asked to reapply with a more conforming request which we have done. From where we are sitting, we feel that we have met the request to meet expectations and requirements.

Jeff: We received an e-mail after 5:00 from Gabe McGuigan who is on the east side of the property. This is being submitted into evidence.

John: Read into evidence the letter (exhibit A)

Jeff: The neighbor has brought up some valid concerns, this request does conform to the BLUO. Since this is a pre-zoning, non-conforming lot this lot would be allowed a setback waiver according to the BLUO. The building location has become more centralized and the driveway has been changed to the higher section of the lot. The drainage is because it is a springy lot and there is a pipe on the lot for drainage. There was a mobile home on the lot historically. The flood plain manager is happy with no loss of flood plain area. The LOMA states the structure is above the flood plain area. I do not see anything that they have not covered.

Jack: Was there a 2nd storm drain added?

Matt: The revised design has a 2nd catch basin added to the property. This would help the drainage area. We cannot size down the pipe going into the Town basin, we cannot affect any flow. We do not need

the catch basin if we are not elevating any of the current soil. We are not going to change anything on the lower level.

Jeff: The existing catch basin is covered over by debris and some maintenance will help with the catch basin.

John: The 2nd catch basin is still in the plan?

Marcy: We did do a site visit with Shawn Erickson and made sure that the catch basin would be appropriate, and it was his suggestion to add the catch basin.

Jack: The design of the driveway?

Matt: The redesign of the driveway will stay at the current elevation, that way the runoff will not be changed in anyway. Better material will be brought into bring it to current level.

Beth: We have a lot of the same concerns and questions that Gabe McGuigan does, as far as how this lot was sold as a building lot. As this is a smaller lot than is required for a building lot. We appreciate what they have done to try and make it more conforming, and it is nice to know that this was taken into consideration. We have had multiple houses built around us that do not conform with the Zoning regulations, when they are non-conforming lots. The trailer was there over 30 years ago, and I am sure zoning regulations have changed could be grandfathered in.

Jeff: Zoning regulations do change all the time, the trailer over 30 years ago does not matter. This lot was created before there were zoning regulations. This would not create a subdivision as it was a separate free-standing lot and somehow there was a mapping error and a titling error and somehow it was placed on the tax map incorrectly VT Supreme Court has said that Zoning regulations are a hinderance to owners being able to build. This is a developable under the State Law, it is larger than 1/8th of an acre, with all other considerations in mind. The ecologist has signed off, the flood plain manager has also signed off on the project. That would be how they would be able to build on less than 1/2 acre lot. Section 1016 which is a setback waiver, will provide for leniency from the board on the smaller non-conforming pre-existing lot. The board would need to evaluate the criteria needed to allow for a set-back waiver. This will be a small home because of the limitations of the lots itself.

Beth: The only information we have received from the set-back waiver.

Jeff: There is a variance and a conditional use which would be for the flood plain.

Catherine: I believe that Gabe McGuigan had approved my setback waiver and I believe that this is no different and that it should be approved and allow for the house to be built on that property.

Beth: We want to know how many of these permits can be approved and how much development will be approved with the set-back waivers.

Matthew: I want to address the comments about the wet areas and the basement. The neighbor has installed his sump pump drainage pipe on to this property and goes 12 feet into the property on the flood zone area. In the same area that he is concerned with the construction being in. The pipe is on our property, and we would like to know if this was permitted to be placed onto the property. We did meet with Gabe on site, and we offered to properly install the pipe and run it into the catch basin.

Meeting was adjourned: 7:46pm