

Zoning Board of Adjustment

June 27, 2019

Draft Meeting Minutes

1. Introductions

Board members present at the meeting were Willis Wood, Todd Hindinger, James Cahill, and John Broker Campbell. Sven Fedorow, land use administrator, was also in attendance.

Jeff Spurr was the only audience member.

Prior to the meeting, there was a site visit at 6:30 PM at 4215 Route 106. All of the above listed Board members attended, as did Sven Fedorow, and Jeff Spurr.

2. Call to order

Willis Wood called the meeting to order at 7:12 PM.

3. Conditional Use Hearing: Jeff Spurr at 4215 Route 106 (Parcel ID 070212) to seek a conditional use permit

Willis Wood opened the hearing at 7:13 PM by reading the Warning. The Board has no exparte communication nor conflict of interest. Todd Hindinger stated that Jeff Spurr has done work on his vehicles in the past, but feels that he can be fair. Jeff Spurr has no concerns with Todd Hindinger. Jeff Spurr affirmed. Jeff Spurr has interested party status.

Sven Fedorow stated that Jeff Spurr would like to add an additional self-storage building (30 ft by 170 ft) and an outdoor storage area (40 ft by 70 ft). There are currently two existing self-storage units. Sven Fedorow stated that outdoor storage is not defined in the Bylaws. His view on the intention of the Bylaws is to prevent on street parking. The parked vehicles in the outdoor storage are not connected to the storage units.

Exhibit # 1 is the packet which contains the Warning, application which has a sketch plan, Resources Atlas of Natural Resources, previous conditions dated October 23, 2012 by the Zoning Board, complaint/request for investigation dated July 24, 2013, testimony from Mr. Spurr to the Zoning Board dated September 29, 2014 with a sketch plan, letter dated October 28, 2014 from Jeff Spurr to Jacalyn Fletcher (Court Manager for the Vermont Environmental Court), a letter from Charles Wise (Zoning Administrator) dated February 25, 2015 to Jeff Spurr, an email from Charles Wise (Zoning Administrator) dated February 25, 2015 to Jeff Spurr, and a sketch plan dated June 15, 2015.

Exhibit #2 was an email from Nate Stearns, Town Attorney, dated June 26, 2019 to Sven Fedorow.

Jeff Spurr wanted to know if there were any complaints. He has not heard of any. Sven Fedorow stated that there were no responses from any of the abutters. They were notified.

Willis Wood went over Exhibit #2. Sven Fedorow stated that each storage unit and storage area will be independent. He views the parcel as a whole. The outdoor storage area cannot exceed 20% according to the Bylaws (7.23H). He stated that a Federal case stated that if there is any ambiguity, it should favor the applicant.

Jeff Spurr stated he implied that in his letter to the Environmental Court in 2014. Some vehicles will stay there for a time. He has ones there now that he can't get rid of due to lack of title. The outdoor storage area will be open. He has a vehicle currently there that has been there for two winters. The Court never made a decision. There was a hearing, but they wanted the Town and I to try and settle it ourselves. He wanted to know if the stipulations that happened before are still in effect. Todd Hindinger stated that the Board will look at the previous list of Board recommendations and go from there. Only the ones that are applicable will apply.

Jeff Spurr stated that the outdoor storage area will be for repair shop vehicles, his vehicles, and sometimes Asplundh tree vehicles. John Broker Campbell stated that the Board will ask questions now in regards to this and then go into a deliberative session. He would like to see an area designated for outdoor storage. He also stated that the area is at the maximum threshold now and the Board needs to make sure that it stays within that size. Jeff Spurr wanted to know what the Board is protecting. John Broker Campbell stated the Bylaws.

Jeff Spurr stated the parking area has always been sour with him. The other morning there were a dozen power trucks at Jiffy Mart and the Board is concerned with him. He could paint a line on the dirt, but does not want to put poles down due to snow plowing. The majority of the cars that are currently there will be gone. He stated next year there won't be a car up there unless he have to keep it there.

John Broker Campbell stated Jeff Spurr needs to know the Board's expectation and Sven Fedorow will enforce it. He stated that he would be comfortable with it being painted and being kept painted. He would be more comfortable having a condition that it not exceed 40 ft by 70 ft. Sven Fedorow stated that it was his idea to have it 40 ft by 70 ft. He wanted to give Jeff Spurr the biggest area possible. It only could be closer to the north setback.

Todd Hindinger stated that people going to the storage units can currently drive most anywhere. Jeff Spurr could mark out the parking lot and roads. The leftover area would then be the outdoor storage area. Jeff Spurr wanted to know the Board's thoughts on screening with trees. Todd Hindinger stated that he saw small trees on the south side, forest on the north

side, and woodland to landscape bushes. In 2015, the front showed big trees. Jeff Spurr stated that there were no trees on the front side. He would like no changes for landscaping. It is a business and needs to be visible. The front area has underground power lines and rocks. The highway is below surface level. It is in the business district. Some screening could hide it and he could end up with break-ins. Willis Wood stated that there is screening between the restaurant and your property line. Some of those bushes are dying. Due to the restaurant, there should be better screening on the northern boundary, like a hedge or fence. James Cahill stated that he saw no soil there at the site visit. Jeff Spurr stated that it is only gravel.

John Broker Campbell stated that the middle bushes are good on the northern side. Junkyards are prohibited in highway commercial. He wanted to know how the Board would ensure that this does not turn into a junkyard. Sven Fedorow stated that there is a State threshold that has to be met. There has to be three or more unregistered vehicles. He stated that the State has a 27 page document in regards to salvage yard rules. He would have to go to the State for clarification.

Jeff Spurr stated that he does not look for these cars. They end up there. He brings three to four vehicles to the scrap yard per year. He usually only has one to two vehicles per day visit the storage units with more on the weekends.

Willis Wood went over the site plan review. He stated that he is comfortable with the front and sides in regards to screening, but nervous about the north side. If someone is sitting at the picnic table, the storage unit is 50 feet away. Jeff Spurr stated that it is mostly gravel and he has had no problems with water drainage. The bushes on the north side were there when he purchased the property. John Broker Campbell stated that the Bylaw, 7.5B, states about screening and the bushes serve that purpose now.

Sven Fedorow stated that screening is meant to break up the view. It does not need to be 100% (complete screening). It just needs to be adequate screening. Jeff Spurr stated that another building won't make it worse. He thought what is there is adequate.

Todd Hinderger commented about the performance standards. He wants to make sure that there is no oil leaking from the vehicles in the outdoor storage area. Jeff Spurr stated that it could, but he is diligent that it doesn't. Todd Hinderger stated that the correspondence says cut off lighting. There could be a box around it so that it shoots down, not up and around. The current lighting there is not restricted. Jeff Spurr stated that the current lights come on at dusk and shut off in the am. It is primarily for security purposes. The storage units are used twenty-four hours a day. He will be putting up a sign that meets the Bylaw's requirements with a light on top shining down. James Cahill stated that there was a letter from Chuck Wise in regards to the lighting that was sent to Jeff Spurr.

John Broker Campbell made a motion to close the hearing at 8:30 PM. James Cahill seconded it. All were in favor of closing the hearing.

4. Approval of Minutes – 11 April 2019

James Cahill made a motion to approve the minutes of April 11, 2019 as corrected. John Broker Campbell seconded it. All were in favor of approving the minutes.

5. Other new business/comments

Sven Fedorow reminded the Board of an upcoming site visit on July 11, 2019 and to be prepared for ticks. The Board discussed how meetings should be run and to follow Robert's Rule of Order.

6. Adjournment

John Broker Campbell made a motion to adjourn at 9:02 PM. James Cahill seconded it. All were unanimous to adjourn the meeting.

Respectfully submitted,
Diana Stillson