

Zoning Board of Adjustment

December 12, 2023

Meeting Minutes

1. Introductions

Board members present at the meeting were Todd Hindinger, Jason Rasmussen, and Grace Knight. Ryan Gumbart, land use administrator, was also in attendance.

The audience members were Mark Richardson, Ernie Shand, Mavis Ellingwood, Beth Hudson, Reka Henderson, Roderick Bates, and John Waite.

Prior to the meeting, there was a site visit at 5181 US Route 5. Board members present at the site visit were Todd Hindinger, Jason Rasmussen, and Grace Knight. Ryan Gumbart, Mark Richardson, Ernie Shand, Mavis Ellingwood, Beth Huntoon, Reka Henderson, Roderick Bates, Shawn Brown, and John Waite were at the site visit too.

2. Call to order

Todd Hindinger called the meeting to order at 6:31 PM.

3. Agenda Review

There were no changes.

4. Comments from Citizens regarding items not on the agenda

There were none.

5. Approval of Meeting Minutes – September 26, 2023

Todd Hindinger made a motion to approve the minutes of September 26, 2023 as amended. Grace Knight seconded it. All were unanimous. The motion passed.

6. Public Hearing: Application 23.1004 ZP2 by Greenberg Associate Architects for Site Plan and Conditional Use Review for the alteration to an existing structure at 5181 US Route 5 (Parcel: 5A - 02- 26) located in the Village zoning district

Todd Hindinger opened the hearing at 6:45 PM by reading the Notice of Public Hearing. There was no conflict of interest or ex parte communication. Roderick Bates was granted interested person status. Roderick Bates and Mark Richardson affirmed.

Ryan Gumbart stated that the front setback is nonconforming. The rear setback does conform, but the side does not. The applicant would like to make an alteration to the existing structure. A certificate of occupancy is required. The height would be 30 feet. There are .218 acres at this site with a one acre minimum requirement. It is a nonconforming lot. The front should be 80 feet, but it is only 77.25 feet. The lot and structure are non-conforming, but the use is conforming.

Exhibit #1 was Public Hearing Notice. Exhibit #2 was Certification of Posting and Distribution. Exhibit #3 was the newspaper tearsheet. Exhibit #4 was the Conditional Use Zoning Permit Application #23.1004.ZP.2 (14 pages). Exhibit #5 was the Administrative Review Sheet (4 pages). Exhibit #6 was the Community Facilities Sign-Off Sheet (3 pages). Exhibit #7 was the Wastewater System and Potable Water Supply Permit (2 pages). Exhibit #8 was the parking license agreement (3 pages). Exhibit #9 was the ZBA decision dated December 9, 2004 (3 pages). Exhibit #10 was the ZBA decision dated January 28, 2010 (6 pages). Exhibit #11 ZBA decision dated August 26, 2015 (10 pages). Exhibit #12 ZBA decision dated March 31, 2017 (7 pages).

Todd Hindinger stated that the site plan appears to show that the addition met the rear setback requirements. Grace Knight stated that the property addition does not extend the non-conforming side setbacks. Ryan Gumbart stated that the addition is to the rear of the building's footprint.

Mark Richardson stated that the septic is on the south side and goes towards the road and north to the Town Hall. The water comes in on the right side of the door (west side). The parking in the back is graveled because of the runoff from the main road. There will be some shrubs that will be moved. There are sixty nine parking spots available for the library. The back parking area is shared with the Ascutney House and the post office. There is a handicap parking spot in the front with a ramp on the north side. In regards to lighting, there is a motion one on the NE corner, one above the handicap ramp (north side), one at the back entrance door (east side), one near the front (north side) that is motion censored, one in the entryway (west side) for the front door, and one outside the bathroom. There will be no new lighting with the addition.

Todd Hindinger stated that on sheet AO 2 it shows the lines and setbacks. With the addition from 2018, there must have been a variance for those setbacks. These variances should be added to the site plan. Roderick Bates stated that would be fine. Todd Hindinger asked where the waste water tanks were located. He also stated that the parking is not depicted on the site plan. Roderick Bates showed the Board on the site plan where the tanks are located. He stated that there are 69 shared parking spots behind the library that are shared with the Ascutney

House and the post office. There are three parking spots behind the library, four spots on the north side, two out front, and an accessible parking space out front too. The second handicap parking spot would be in the realtor's parking area.

Roderick Bates stated that with the topography on the north side, there is no path to the front of the library. People have to walk on the grass. Mark Richardson stated that the stairs in the back were added with the addition per ADA regulations. Ryan Gumbart handed out the ADA guidelines for accessible parking.

Roderick Bates stated that this addition would allow for public meetings (a room with a screen) and more shelving for the nonfiction section. The downstairs would be used just for storage. The fire marshall has already been there.

Todd Hindinger wanted to know if the wastewater permit has been updated, or changed. Roderick Bates stated that they have not done anything with it. Mark Richardson wanted to know what impact it would have on this. They are only shifting where the events happen and making it a more comfortable location. Todd Hindinger stated that the permit currently allows for 40 visitors and 5 workers. The permit was for 2007. Since then, there have been three additions.

Roderick Bates stated that the new addition will match the current outside on the eastern side. It will look like stucco. The storm water will run off into the same areas as it did before. Mark Richardson stated that it flows south towards the road. Todd Hindinger stated that when it rains, there is a puddle between the road and your back parking area. Mark Richardson stated that they had three loads of gravel brought in to level out that area. The runoff from Route 5 would go into that area. It was not from our roofs.

Todd Hindinger stated that there is clear guidance in the Bylaws about landscaping and screening. The parking area should be screened from the abutters. He wanted to know if there were any plans for landscaping. Mark Richardson stated that they will be removing some bushes for the additions. They were planning on putting some flowers in that area. He is not sure where the bushes would be going. He stated that in the back parking area between Shawn Brown's house and the parking area it turns into a snow barrier in the winter time. Their plow driver pushes the snow up there and Shawn Brown pushes snow from his side.

Todd Hindinger stated that in the Bylaws landscaping is required for parking areas that are adjacent to residential homes. This situation seems to be working today, but it might not be if there was a new owner. The landscaping could be a buffer. Grace Knight stated that at the site visit it was conforming with the rear setback and the property line with most of the large trees being owned by the Ascutney House. If the abutter wanted interested party status, he could have asked for that. Todd Hindinger stated that the applicant could propose landscaping or not.

Todd Hindinger reviewed the facility sign off sheet. In the past, the fire chief has asked for plans for new buildings, or additions. He asked the applicant to get the fire chief a copy of the building plans. Roderick Bates agreed that he would do that. Todd Hindinger stated that it appears there are seven parking spaces (three out front and four in the back). The addition will displace any rear parking on the property. There are four spots from the realtor that you are allowed to use. Grace Knight stated that there are 69 shared spaces. There are 9 spaces in the parking agreement just east of the property. They have met the parking requirements. Todd Hindinger wanted to know if the accessible parking space out front meets ADA requirements. Roderick Bates stated that with the addition, there will be no changes to that spot. It was previously approved and he is not sure what the issue is now.

Todd Hindinger stated that in 2004, you were granted a variance, but did not use it. Then, there was a large addition in 2010. In 2015, there was an addition (on the north side) with handicap access. In 2017, there was a side setback variance for that addition (16 ft by 16 ft on the south side). There was no site plan attached.

Roderick Bates stated that it seems the library gave away some land for the road to the post office. The addition built in 2018 would have been okay if the land had not gone to the post office for the road. There was a 20 foot setback, but now it is 15 feet. The shrubs being dug up could be put where the snow goes near the abutter. They are reluctant to do that since the abutter was at the site visit and seems to be fine with everything. Diana Stillson stated that she has previously spoken with Shawn Brown about that opening. He told her that he did not mind that opening.

Todd Hindinger stated that at the site visit, the elevated lighting does not appear to meet the lighting Bylaws. When the addition is completed, the light should be replaced according to the Bylaws. Mark Richardson said that he has already adjusted it once per the request from the abutter, Shawn Brown. Roderick Bates stated that if this was approved, they do not know when they would start working on the addition. They are hoping to get grant money from the State Department of Libraries.

Jason Rasmussen made a motion to close the hearing at 8:27 PM. Grace Knight seconded it. All were unanimous to close the hearing.

7. Site Plan checklist

The Board reviewed the checklist. The Board pointed out some typos with the numbers to Ryan Gumbart. Ryan Gumbart will correct those. When there is a site plan review, the Board would like a completed packet which would include parking, lighting, landscaping, stormwater, etc.

8. Land Use Department Update

Ryan Gumbart stated that the Planning Commission has updated the energy section. It will be going to the Select Board at the end of January, or the beginning of February. The Town Plan needs to be updated by 2025. The Planning Commission is working on PUD language and having private landstrips/helipads being prohibited in Town. Previous ones could be grandfathered, but that has not been discussed.

9. Discussion of Items for Future Agendas

The Board's next meeting is January 22, 2024.

10. Adjournment

Grace Knight made a motion to adjourn at 9:00 PM. Jason Rasmussen seconded it. All were in favor.

Respectfully submitted,

Diana Stillson