

Zoning Board of Adjustment

February 13, 2024

Draft Meeting Minutes

1. Introductions

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

The audience members were Nikita Lenahan, Paul Foley, and Matthew Belden.

Prior to the meeting, there was a site visit at 5:30 PM at 4782 VT Route 106. Board members present at the site visit were Todd Hindinger, Jason Rasmussen, Andrea Murray, and Grace Knight. Ryan Gumbart, Nikita Lenahan, Paul Foley, and Josh Dauphin were at the site visit too.

At 6:00 PM, there was a site visit at 4344 US Route 5. Board members present at the site visit were Todd Hindinger, Jason Rasmussen, Andrea Murray, and Grace Knight. Ryan Gumbart and Matthew Belden were there too.

2. Call to order

Todd Hindinger called the meeting to order at 6:48 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 – December 13, 2023

Todd Hindinger made a motion to approve the minutes of December 13, 2023 as amended. Grace Knight seconded it. Andrea Murray abstained. The motion passed.

6. Public Hearing: Application 23.1018.Len by Nikita Lenahan for the addition of a Child Care Home use at 4782 Route 106 located in Highway Commercial.

Todd Hindinger opened the hearing at 6:56 PM by reading the Warning. The Board members have no conflicts or exparte communication. Nikita Lenahan and Paul Foley have interested person status and affirmed.

Exhibit #1 is the Public Hearing Notice. Exhibit #2 is the Certification of Posting and Distribution. Exhibit #3 is the Eagle Times tear sheet. Exhibit #4 is the Project Overview memo. Exhibit #5 is the Administrative Review Sheet (4 pages). Exhibit #6 is the Application #23.1018.Len (11 pages). Exhibit #7 is the additional materials packet (8 pages). Exhibit #8 is the permit navigator results (20 pages). Exhibit #9 is the site plan review checklist. Exhibit #10 is an email dated 5-31-2018 from Sven Fedorow, former Zoning Administrator. Exhibit #11 is correspondence from Marcos Miller, Agency of Transportation (8 pages). Exhibit #12 is the zoning permit application for house and garage construction dated 4-6-2013. Exhibit #13 is the Community Facility Sign Off sheet (5 pages) which includes an email from Josh Dauphin, WWVFD fire chief. Exhibit #14 is the Wastewater Permit. Exhibit #15 is an email chain between Terry Shearer and Ryan Gumbart in regards to the State's Wastewater permit which ended 11-15-2023.

Ryan Gumbart stated that this hearing is for child care in a home. Its existing use is a single family residence. It's a new accessory. The residents will remain in the home. There will be 6 full time and 4 part time children. It is for a family child care facility.

Nikita Lenahan stated that it will be a home based child care located in the basement. She has started the registration process with the State. Eventually, she would like it to be licensed for universal pre-k for 3-5 year olds. First, she has to become registered with the State. She stated that the manufactured home is used for storage. The house is about 75% completed. They still have to build a deck and the basement is not completed. She was never told when the manufactured home needed to be removed. No one lives in it. The garage is a garage with the top of it being used for office space. She stated that the number of children is determined by the State according to square footage.

Todd Hindinger stated if you were to go past 6 full time and 4 part time then it would go to conditional use. Nikita Lenahan stated that there will be two parking spots at the top of the driveway. She is going to have family drop off and pick up at specific times. The upper residential lot has 5 to 6 parking spaces. There is no desire to do any landscaping into the wetlands. There is a residential light, two lights on each front corner, lights on the back, and under the deck with the entrance to the basement. There will be a sign outside the door attached to the deck. There will be no signs near the road. The septic is at the bottom of the hill with a holding tank at the top.

Todd Hinderger stated that this is compatible with the area. The landfill which is industrial is located next to this property. The wetlands do go up to your property. Ryan Gumbart stated that based upon the tables in the Bylaws, there is only one principal use per lot unless permitted in regards to the manufactured home. Nikita Lenahan stated again that it was never stated when it had to be removed. Todd Hinderger stated that you can have one, or the other, but not both. If you want both the house and the manufactured home, you need a permit for that. Grace Knight stated that on your wastewater permit once the house was completed, the manufactured home needed to be removed. The permit was for a 3 bedroom dwelling.

The Board discussed Exhibit #10 in regards to living space in the garage. Nikita Lenahan stated that no one is living above the garage. The Board stated that if that was to change, you would need to see Ryan Gumbart. At this meeting, the Board will only go with the application that is being presented. Ryan Gumbart stated that this meets all the setback requirements, except for the manufactured home. Todd Hinderger stated that there is a problem with the wastewater permit and having two units.

Grace Knight made a motion to close this hearing at 7:45 PM. Andrea Murray seconded it. The motion passed.

7. Public Hearing: Application 24.0124.Dan by Daniels Construction for the reconstruction and alteration of an existing building for Contractor's Storage located in the Industrial Zone.

Todd Hinderger opened the hearing by reading the Warning at 7:49 PM. The Board members have no conflicts or ex parte communication. Todd Hinderger has worked professionally with Daniels Construction, but feels there is no conflict of interest. Matthew Belden has interested person status and affirmed.

Exhibits #1 is the Public Hearing Notice. Exhibit #2 is the Newspaper Tear Sheet. Exhibit #3 is the Administrative Review Forms (8 pages). Exhibit #4 is the Application #24.0124.Dan (9 pages) which includes an updated site plan. Exhibit #5 is the Additional materials (5 pages). Exhibit #6 is the 1980 State Permit #PB -2-0453 (9 pages). Exhibit #7 is the 1999 State Permit #WW - 2- 1144 (3 pages). Exhibit #8 is the 2012 Project Review Sheet (2 pages). Exhibit #9 is the 2012 Town Zoning Permit #ZP-2012.02.08 (8 pages). Exhibit #10 is the 2012 State Permit #WW-2-1144-1 (2 pages). Exhibit #11 is the 2018 State Permit #6710-9020 Termination. Exhibit #12 is the 2018 State Permit #C-2917-17.1 (2 pages - Waste Public Water). Exhibit #13 is the 2018 ZBA Notice of Decision #18-04-09C (6 pages). Exhibit #14 is the Community Facility Sign Off sheet.

Ryan Gumbart stated that Daniels Construction would like to enlarge the existing structure. This is an unheated contractor storage. Todd Hinderger stated that the alternative would be an industrial use. One of the exhibits has a map of rare/endangered mussels along the river. Ryan

Gumbart stated that the map does not clearly show the location of these mussels. This structure will not go to the shoreline.

Matthew Belden stated that the current building is falling down and they would like to rebuild it. They would make it bigger. There will be an alleyway by the shed. It would allow them to have a straight shot. It has been difficult to move equipment over there. The shed section that is parallel with Route 5 would be demolished. They have had vandalism there and do not want to make a clear pathway for non-employees. The electrical panels will be kept there and some drainage will be redone. The area with the boards had drainage, but then concrete was poured on it. They would like to put in a sleeve with new drainage there. Todd Hinderger wanted to know if there was a grading plan. He wondered if the grading areas would match the existing front and rear grades. Matthew Belden stated that there is no grading plan, but the grading would stay the same. Todd Hinderger asked if there would be any work within the 100 foot setback from the Connecticut River. Matthew Belden stated that there would be none. There were some motion activated lights on the storage unit, but these did not seem to come on at the site visit. There is one proposed motion activated near the orange mark on the site plan. There will be none on the cold storage building. They are not changing the signs. There are 25 employees total. There are stored tires in the current building, but would like to store bridge membranes there.

Todd Hinderger stated that this is not going to affect the existing storm water. He does want to make sure that there will be barriers so that no stormwater leaves the construction site. The new building would be blocked by the old building. He stated that it is in an industrial area and will be 100 feet from the Connecticut River. Ryan Gumbart stated that it is either an industrial use or a contractor storage. Industry is the use. The Board will discuss that more during their deliberative session.

Andrea Murray made a motion to close the hearing at 8:38 PM. Grace Knight seconded it. The motion passed.

8. Update from LUA on changes to Bylaws by Planning Commission

Ryan Gumbart stated that the Select Board is setting a hearing for the Energy Sections in the Town Plan. The Planning Commission adopted language restrictions for private helipads and air strips. Currently, there are none in Weathersfield. The Planning Commission is looking at PUD language in other Town's. They are currently discussing having a DRB and Planning Commission. The Zoning Board would change to being a DRB. Todd Hinderger stated that he is in favor of this. The Planning Commission could do approvals for subdivisions. It might get more interest from the community. Ryan Gumbart stated that the Planning Commission is in favor of having a DRB. The Planning Commission is also discussing adding accessory dwelling units for apartments above commercial/industrial usages. It would be just in highway commercial and industrial commercial use.

9. Discussion of Items for Future Agendas

The Board's next meeting is scheduled for April 8, 2024.

10. Adjournment

Grace Knight made a motion to adjourn at 8:54 PM. Andrea Murray seconded it. All were in favor.

Respectfully submitted,

Diana Stillson