

## Zoning Board of Adjustment

April 11, 2023

### Draft Meeting Minutes

#### 1. Introductions

Board members present at the meeting were Todd Hindinger, Joseph Bublat, and Willis Wood. Ryan Gumbart, land use administrator, was also in attendance.

The audience members were Carl Wyman, Susan Kissel, Mike Todd, Darrin Spaulding, Brandon Gulnick, and Jason Rasmussen (future Board member).

#### 2. Call to order

Todd Hindinger called the meeting to order at 6:40 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 – March 28, 2023

Todd Hindinger made a motion to approve the minutes of March 28, 2023 as amended. Joseph Bublat second it. The motion passed.

#### 6. Public Hearing: Application 23.03.29 by Susan Kissel for the Site Plan review of a Veterinary Clinic at Lot 4 Harvest Park Road in highway commercial zoning district.

Todd Hindinger opened the hearing at 6:45 PM by reading the Notice of Public Hearing. There were no exparte communication or conflicts of interest.

Todd Hinderger made a motion that Susan Kissel, applicant, and Carl Wyman, land owner, have interested party status. Willis Wood seconded it. All were unanimous. Susan Kissel, Darrin Spaulding, Mike Todd, and Carl Wyman affirmed.

Exhibit #1 is the Public Hearing Notice. Exhibit #2 is the Certification of Posting. Exhibit #3 is the Site Plan. Exhibit #4 is the Application for Site Plan Review (9 pages). Exhibit #5 is the Permit Navigator Results (12 pages). Exhibit #6 is the 2019 Subdivision Decision (3 pages). Exhibit #7 is the 2014 Highway Access Permit. Exhibit #8 is the Water Capacity Letter. Exhibit #9 is the Wastewater Permit (3 pages). Exhibit #10 is the Subdivision Project Review Sheet (3 pages). Exhibit #11 is Act 250 Abandonment Order (2 pages). Exhibit #12 is the Water Line letter. Exhibit #13 is Site Photos (7 pages). Exhibit #14 is an email from Peter and Weona LeClair. Exhibit #15 is Community Facility Project Review & Sign-Off Sheet (3 pages). Exhibit #16 is an email from Darrin Spaulding, AVFD fire chief. Exhibit #17 is a letter from Brandon Gulnick dated April 3, 2023. Exhibit #18 is the Subdivision Plan for Wyman 2017.

Ryan Gumbart that this site is 1.04 acres and in highway commercial. The original packet had twelve exhibits. There is a letter from the Town manager for the Town water on Cemetery Road and pictures of the property layout. He received an email from the abutter's, the LeClair's, the Community Project Review Sheet, a letter from the Town manager in support of this application, and an email from Darrin Spaulding, AVFD fire chief.

Susan Kissel stated that there will be two vets and two other staff members. The building will be a one story with two overhangs on each side. The style of the building will be similar to the Wyman Insurance building. The Harvest Park Road is private and shared with the four lots. Todd Hinderger stated that the site plan shows seventeen parking spaces with one handicap spot. Susan Kissel stated that currently there are four other employees and herself. There could be a potential of up to eight employees. She stated that if there were to be three vets, there would need to be an addition on the building. Joseph Bublat stated that the original size was 24 ft by 32 ft and now it is 27 ft by 47 ft, but the permit cost did not change. Susan Kissel stated that the change was due to thicker walls.

Todd Hinderger reviewed the bullets from the site plan review. He stated that the 2019 Subdivision Decision had several conditions. He wanted to know if the corners were marked. Mike Todd stated that if the mylar is signed, then the posts should be there. Susan Kissel stated that there were some changes to the WasteWater permit. The number of gallons had to be increased for staff/visitors. She gave it to Brian Rapanotti. Todd Hinderger wanted to know the status of the Act 250 permit. Carl Wyman stated that when he purchased the property, there was one for a gas station. The Act 250 permit was terminated because he was not building a gas station. Susan Kissel stated that she has reached out to the office in Springfield in regards to an Act 250 permit and has not heard back from them.

Todd Hinderger stated that there seems to be an issue with the current water main and it needs to be updated. The Water District will make repairs to the current line on Cemetery Road. Carl Wyman stated that he met with Brandon Gulnick and Steve Smith about the repairs. There is grant money available which will replace the current 2 inch line with a new 2 inch line. Brandon Gulnick stated that the Town has a contractor lined up to replace it. There have been line problems in the past. The Prudential Committee for the water district met and approved this. He is the manager of the water district. He will coordinate with Carl Wyman in regards to the replacement. Carl Wyman will be responsible for the connection from this property to Cemetery Road. The water district will provide three meters and meter fits for parcels 2, 3, and 4. Susan Kissel stated that there is a right of way across her lot. Diana Stillson asked who the "we" were that agreed to the replacement. Brandon Gulnick stated that it was Steve Smith, Olivia Savage, an operator, and Everett Bingham, the Prudential Chairman.

Todd Hinderger read Exhibits #14, #15, and #16. Mike Todd stated that fire safety is a State issue. The Board checked to see if the Community Sign Off Sheet was in the site plan review and it was not. In regards to Darrin Spaulding concern's in Exhibit #16, Susan Kissel stated that the building will have vinyl siding with a shingle roof, a one story, and the animal drugs are locked up. She is willing to send Darrin Spaulding a copy of the blue prints so the fire department is familiar with the layout of the building. Darrin Spaulding brought up different locations in Ascutney that have 10,000 gallon holding tanks for water, such as Wragg Brothers, Ascutney School, AVFD fire station, and Green Mt Power. He wanted to know if they had thought about a tank. Carl Wyman stated that when he purchased the property in 2014, a holding tank for water was not discussed. The Board wanted to know if this was a public safety requirement, or just for the town. Darrin Spaulding stated that it was just for the town. He said that he could get water from those locations if needed. Darrin Spaulding signed off on the Community Sign Off Sheet. Exhibit #15R will be the revised Community Sign Off Sheet with Darrin Spaulding's signature.

Diana Stillson mentioned that on Exhibit #18 (#4), it states that the utilities will be buried. She wondered if this was going to happen. Susan Kissel stated that they will be overhead and not buried. Carl Wyman stated that he was fine with the power lines being overhead.

Susan Kissel stated that there are two lights with poles in the parking lot. There will be recessed lighting under the porches. The poles would be Town specifications. The Board stated that the lighting needs to be specific, not just say to the Town specifications. Mike Todd wanted to know if a Certificate of Occupancy is required. The Board stated that it would be. Mike Todd stated that if it does not meet the Zoning Bylaws, then they could not be issued a Certificate of Occupancy. The Board stated that they clarify the expectations so when the Zoning administrator goes, he can look for them.

Todd Hinderger asked about signage. Susan Kissel stated that there will be a sign on Wyman's Insurance sign and one on the building itself. The sign near Route 131 is allotted for all three lots. Todd Hinderger mentioned that the building site is flat and it drops off to Cemetery Road.

He asked about stormwater runoff. Susan Kissel stated that she was told she does not need a permit because of the grass around there and the soil drains well. Carl Wyman stated that when the project was first discussed, it was decided that a stormwater permit was not needed due to test pits from Gary Rapanotti. The soil is very sandy and grass covered.

Susan Kissel stated that she is proposing between five to seven lilacs along the butternut trees between the building and the LeClair's. There are three crab apple trees along Cemetery Road. There will be small bushes around the building. She will keep it with the look of the area. Carl Wyman stated that the butternut trees are healthy. The Board discussed landscaping for the other lots. The landscaping on the other lots is the responsibility of those lot owners. Todd Hindinger mentioned that the parking lot does not look adequately screened for the front and side parking areas. Susan Kissel stated that Harvest Park Road is a private road.

Joseph Bublat made a motion to close the hearing at 8:35 PM. Willis Wood seconded it. The motion passed to close the hearing.

7. Site Plan checklist

The Board will think about what they would like to see on it and discuss this at their next meeting on May 9, 2023.

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

There have been no changes.

9. Discussion of Items for Future Agendas

Ryan Gumbart and the Planning Commission are working on the PUD language.

10. Adjournment

Joseph Bublat made a motion to adjourn at 8:53 PM. Willis Wood seconded it. All were in favor.

Respectfully submitted,

Diana Stillson