

Development Review Board
Wednesday, February 14, 2024, 6:30 pm

DRB Members Present: Chair Patrick Moyna, Vice-Chair Kath Martin, Travis Kemp, Thaddeus Guild

Development Staff Present: Ryan Gumbart (Land Use Admin)

Public Present: Joe Ruggiero, Joe DiBernardo, Andre Lemieux, Kim Ginsberg, Edward Harty, Jill James, Mary Lynch

By Zoom: Jonathan Ginsberg

AGENDA

Call to Order: Meeting of the DRB was called to order by Moyna at 6:37 p.m.

1. Agenda Review- No changes to the agenda were made.
2. Public Comment (items not on the agenda)- No comments were received.
3. Approval of January 10, 2024 Minutes- *Martin moved to approve the minutes of 01/10/24, Kemp seconded, Moyna abstained, and motion carried.*
4. **PUBLIC HEARING**- Application #23.1221.Rug by Joseph Ruggiero & Tre Fretelli Fattoria LLC for Subdivision Boundary Line Adjustment at 10 Acorn Street, Rockingham, VT (Parcel: 0870010) Gumbart said the proposal was a lot line adjustment on five existing lots to make them more functional. The lots are in two different districts AF and RR1. DiBernardo showed the proposal on the map and an attempt to straighten out the lots to be more usable and aesthetically appealing. The existing plan has 5 lots with two ROWs, with two approved wastewater permits provided by the applicant. Martin clarified that the ROW delineated over existing road track and would serve 3 lots on the first 100'. Martin and Moyna suggested they apply for a variance due to the proposed creation of a non-conforming lot. Gumbart suggested Ruggiero also look at PUD option on the subdivision which allows greater flexibility on development. Section 4471. Martin requested ROW on cable access road to be added to the map. *Moyna moved to continue Ruggiero Hearing for the applicant to submit a Variance application for review on March 13, 2024, Guild seconded, motion carried.*
5. **PUBLIC HEARING**- Application #23.1228.Lem by Jason Lemieux, Vermont Homegrown, LLC for Change of Use to Enclosed Manufacturing at 154 Westminster Street, Bellows Falls, VT (Parcel: 5030154) Gumbart said this was an amendment to an application, and the proposal is to expand cultivation use into the basement, divided as half cultivation and half residential storage. Lemieux said current operations are upstairs, but the conditions downstairs was more suitable. He said there was basically no change, just moving downstairs with a more secure space. Martin asked for a review of any previous set conditions, no changes were made. Gumbart asked in the decision that they specify

the non-conforming language and the use matches the bylaw. The access for downstairs will be on Baxter Street. *Moyna moved to close the application for 154 Westminster St., Martin seconded, and motion carried.*

6. **PUBLIC HEARING**- Application #24.0122.Gin by Jonathan Ginsberg for Change of Use to Multiple Family Dwelling at 22 School Street, Bellows Falls, VT (Parcel: 4380022) Gumbart said this was a two-unit dwelling in R-7 district which requires 7000 square ft/lot. There were no external changes, the proposal was to add two units within. Moyna said the State regulations changed with Bill S100 which supersede local bylaw requirements for density and affordable units, stating building dimensional standards shall allow 5-unit, and not be more restrictive than for single-family. The DRB asked if the applicant meets affordable housing criteria and state density requirements. Moyna suggested before any public comment was made, the Board get clarification on state requirements first, and continue hearing to next month, requesting Ginsberg amend the application to match their proposal for 4 units and add plot plan. They will use the Town tax records that show the property is .16 acre unless a survey shows otherwise. A public comment period was entertained. James said she and her neighbors have lived in the neighborhood for 20-30 years and were concerned how the shift from 2 units to 4 units would impact the neighborhood. Lynch discussed concern over what could happen, but she was happy the property was being maintained. Moyna said the DRB looks at how the criteria fits into regulations. Gumbart asked if a site visit would be helpful. *Martin moved to continue the hearing to March 13, at 6:30 pm and scheduled a site visit for March 13 at 5:30 pm. And seconded by Kemp. Motion carried.*

7. **Rules of Procedure Discussion**- Gumbart said typically they are adopted every year and can be used as a checklist for each hearing maintaining continuity with Board changes.

Changes recommended included: (Last ROP approved in 2018)

Public Hearing – ‘open hearing by reading warning of the hearing’ revised to: “Deem hearing opened”.

Copy of rules – summary to be handed out to those in attendance.

Each hearing- Ask ‘is there anyone seeking interested party status?’ The Board will invite individuals to gain status as interested party to preserve their right to appeal.

For sections 5.1-5.8 Moyna suggested a standard paragraph to read at each Hearing. Martin suggested subsections, “by discussing the following”.

Gumbart said the motions at the end of hearing were not required, but something needs to be said to indicate “the Hearing is Closed.”

Appointments are by calendar year. Moyna, Guild, Kemp expire/renew in December 2024. Alternates include Remy Walker and they should be reinstated.

Annual organizational meeting or as needed after new appointments.

VIDEO STOPPED FOR DELIBERATIVE SESSION

9. Other Business- No other business was discussed.

10. Adjournment- moved to adjourn, seconded by pm, motion carried.

Next Board Meeting- Wednesday, March 13, 2024, at 6:30 p.m.

Attest: _____ Recording Clerk Betsy M. Thurston _____
Betsy Thurston, Recording Clerk

The meeting room and video conferencing session will be 'open' to the public starting at 6:15pm. If there is any conflict, please call or text 802.376.5425.

Oath for providing testimony during public hearing: "I hereby swear or affirm that the evidence I give in the cause under consideration shall be the whole truth and nothing but the truth, under the pains and penalties of perjury." All in agreement