

Town of Enosburgh
Minutes of the (ZOOM) Meeting
of the
Consolidated Development Review Board
October 28, 2020 CORRECTED 2

Present:

Pat Hayes
Steve Comeau (via zoom)
Shaleigh Draper
Matt Miner
Jessica Eagles (via ZOOM)

Public Present:

By zoom

Pat Hayes, Board Chair, reads the zoom instructions and the Notice of Hearing and Agenda. Chair asks each DRB member to acknowledge any potential conflict of interest or ex parte discussions. Each member acknowledges no conflict of interest and no participation in ex parte conversation. Chair swears all in by oath asking each person who speaks to acknowledge their understanding of the oath.

Chair opens the hearing at 6:36 pm following the opening instructions.

S-5-20 Oklan, Daniel and Jean – boundary line adjustment.

Justin Holmes, of Pinnacle engineering, represents Daniel and Jean Oklan for a proposed boundary line adjustment concerning property owned by the applicants' only. Proposed in the Rural Residential District. The owner wishes to revise lots lines previously created in 2005 under WW-6-1216. Existing Lot 1 is reduced from 29.1 acres to 16.02 acres. Lot 1 is proposed to have 222.07 feet of road frontage on Perley Road. Lot 2, originally consisted of 1.58 acres, is eliminated. Lot #3 increases to 70.93 acres and has 221.01 feet of road frontage on Perley Road. No improvements are proposed at this time. This application is reviewed under Article 7, Section 7.2(b)(1) *Administrative Review boundary adjustments*.

The board briefly discussed the need to determine if the proposal meets the dimensional requirements required by the Town Bylaws.

The chair discusses the applicants appeal rights.

No further discussion ensues. No further testimony is taken.

SPA-1-20/CUP-1-20 Rogers, Kurtis and Jade

SPA-2-20/CUP-2-20 Rogers, Kurtis and Jade

The Chair advises those present that the Rogers' applications are a continuation of applications for a Disc Golf Course and Pro-Shop as well as Airbnb tipis with associated grills for cooking and compostable toilets that were submitted in the September hearing process for consideration by the Board. The applications were continued in the September hearing as the Board required additional information from the applicant's regarding a State Wetland Determination, additional parking for guest parking overflow and also the results of the meeting with the Department of Fire and Safety concerning tipis and grills as well as requirements for the proposed Pro-shop to be constructed inside a portion of the existing barn on the applicants' residential property.

Jade Rogers advised the Board that they have received a Wetland Determination from Brock Freyer, State Wetland specialist and a copy was submitted to the Zoning office. She also advised that they have met with Jeffrey Bryant and were advised of the requirements for safety as it relates to the tipis/grills and also the requirements for construction of the pro-shop. Jade and Kurtis advised that they have decided not to pursue the compostable toilets at this time and will supply port-o-lets for use by guests of the disc golf course and overnight guests of the tipis.

Jade submitted a more detailed site plan of the overall project for the disc golf course and tipis/grill locations. The site plan indicates the extension of the original proposed "guest parking" from a very small area to an extended public parking area that can accommodate 43+ automobiles on any given day. They feel their guest numbers will not exceed the proposed parking area. Zoning Administrator, Angela Wright, advised the board that while the Rogers' property does have two entrances, one permitted with a driveway permit and one temporary entrance to the property used seasonally for Agricultural purposes by a local farmer to access fields, that upon speaking with Road Foreman, Joey Clark, he advised that only one entrance is allowed for use of the residence with the proposed home industry use i.e. disc golf course and tipis. This will allow limited entrance onto Duffy Hill Road and avoid negative traffic impacts and potential safety issues.

Matt Miner asked the size of the proposed public parking area. Jade advised that the area is approximately 13,000 square feet in size.

Pat asks about what the applicants anticipate the daily use of the disc golf course will be. Jade and Kurtis offered that there will be Tee times approx. 15-20 minutes apart. No more than 25 people on course at one time. One game takes approx. 1.5 to 2 hours for small groups and groups of 4+ would take 4-5 hours. There will be mixed use of disc golfers and Airbnb guests in the tipis.

The chair discusses the applicants appeal rights.

No further discussion ensues.

Application S-1(A)-20 (Village)– Pomerleau/NERP Holding & Acquisitions (3 lot subdivision)

The chair swears in all involved and asks that before speaking they acknowledge the oath and state their name for the record. The applicant, NERP is represented by Steve Diglio of KAS engineering. This application is an amended application from the original proposed 2 lot subdivision S-1-20 (Village). Steve Diglio describes the proposed lot 3 (Tractor supply building lot) at 4.97 acres, Lot 4 is a corner lot which will be 1.46 acres in size and is located adjacent to Route 105 and Jay View Drive, is proposed for future development and will have shared access and utilities with proposed lot 3 off Jay View Road, a private road. Lot 1 is the remaining lands of Pomerleau Family Partnership and will be 10.10 acres in size.

No further discussion ensues.

Application SPA-1(A)-20 (Village) – Pomerleau/NERP Holding & Acquisitions – site plan application

NERP is proposing a retail space, Tractor Supply building of approximately 19,087 square feet with interior pet grooming and washing service area with a 15,078 square foot fenced outdoor display area, and 2,778 of permanent sidewalk display, 3000 sf permanent trailer display area, 65 parking spaces; lot 4 is reserved for future development; The Tractor Supply lot will provide shared access to lots 3 and 4 as well as utility connections and stormwater treatments practices. The landscaping plan is described and discussed in detail relating to heavy screening between proposed lots 3 and 4 with plantings proposed at installation of up to 6 feet in maturity and 6-8 feet in width to avoid view of the proposed parking lot on proposed lot 3 to meet the Village Regulations concerning Article 3, Section 3.3 and its associated subsections. The front of the building is still facing North, with an entrance on the east off Jay View Drive. Mr. Diglio advised that in an attempt to avoid having any parking spots fronting on Jay View Drive, he has switch positions of the permanent tractor display area to be north of the proposed 17 parking spots. Shaleigh Draper asks if the applicant would be willing to move 5 of those proposed 17 parking spots on the east side to the west side to avoid having any parking spots visible from Jay View Drive. The applicant, Matt Darling, advised that he prefers the 17 parking spots stay where they are proposed, and also asks that the board not reduce the number of parking spaces below 65 spaces. Mr. Darling advises that the 65 is a minimal number of spaces required to meet a typical Tractor Supply site plan.

Discussion ensues regarding a possible reservation of a right of way over Pomerleau property to connect the Jay View drive to the Franklin Foods lot located southerly of the Pomerleau property and west of the Pancost property. Ernest Pomerleau indicates that he is willing to collaborate with the Village, Franklin Foods, and all parties involved regarding the future expansion of Jay View Drive. Mr. Diglio advises that

because of the wetland issues associated with proposed lot 3, it would not be an option for reserving a right of way to extend Jay View across to reach the Franklin Foods property.

Discussion ensues back and forth between the board and the applicant, owners and their representatives about the positive changes in this submission in comparison to the original subdivision and site plan application proposals.

No further discussion ensues. The Chair advises of the board's decision time and appeal rights.

Matt miner motions to close the public hearing on all applications, motion seconded by Jessica Eagles. Motion passes 5/1. 5-0

Motion to go into deliberative session by Shaleigh Draper, seconded by Matt Miner. Motion passes 5/0.

Matt moves to approve the 9/23/20 Minutes of the DRB, the motion is seconded by Steve Comeau. Motion passes 5/0.

Jessica Eagles motions to adjourn the meeting, the motion is seconded by Shaleigh Draper. The meeting adjourns at 9:40 pm.

Minutes taken by Angela C. Wright