

RUPERT DRB

Minutes of meeting Dec 3, 2018 UNAPPROVED

Attending: DRB – Charlie Rockwell (Chair), Jed Rubin, Bob Bain, Phil Mazzucco, Don Lewis (Alternate), Phil Chapman (Clerk). Zoning Administrator – John LaVecchia. Also: Peter Pelton, Deb Baker (Select Board), Jean Ceglowski, Jane Davies, Don Campbell and Catherine Bryars

Meeting called to order at 8:20 PM

Next meeting scheduled for Jan 7, 2019

Minutes of meeting Nov. 12, 2018 approved

There were several topics that required detailed coverage:

- 1) Don Campbell of the Vermont Land Trust requested a hearing on Jan 7, 2019 regarding the subdivision of the Marckwald property covering 244 acres located roughly to the north and northeast of the intersection of Rte 315 and Rte 153. The possible sale of all or part of this property to the VLT had been discussed at meetings in August-November of 2016 but no subdivision application was submitted. The VLT has now provided a map showing a proposal for 217 acres to be conserved by the VLT and the remaining to be excluded, presumably for Marckwald to sell, subdivide or develop. We await the subdivision application as a guide for the exact language of the Hearing warning, including whether this will be a two lot or three lot subdivision. But we did give Campbell encouragement that the DRB would be willing to schedule the Hearing as requested.
- 2) Prior to Dec 3, Borge Hermanson had contacted ZA John LaVecchia regarding a deferred application for a four lot subdivision of his and Janet Fram's property at 976 Hebron Road. The DRB is agreeable to scheduling a Hearing at our Jan 7, 2019 meeting.
- 3) As stated in the minutes to its Nov 12 meeting, the DRB wishes to make some modifications to the Aug 23, 2011 Land Use Regulations. A preliminary, but by no means exhaustive, list of regulations which should be reviewed includes:
 - a. Sections 2.02 vs. 2.08 regarding accessory structures in the Resource Management zone. 2.02 table on page 2-3 shows 1340 Accessory structure or use as Permitted in the RM zone, but 2.08 RM (Conditional Uses) on page 2-16 shows Accessory structure as a Conditional use, meaning that a Hearing would be required. Per the Dec 5, 2016 PC minutes advice from the Town Attorney stated that "Section 2.08 should prevail ...but the discrepancy should be resolved at such time as there are other modifications made to ...the regulations"

- b. Further to question of permitted uses in the RM Zone, the minutes of the Dec 4, 2017 PC meeting stated that “the ZA and the PC agreed to come up with some clarification of the language, in particular the term “dwelling units”, which should be altered to include other permitted uses for the resource management zone...”
- c. As noted in the Sep 10, 2018 decision on the Maher conditional use hearing, we must tighten up the language regarding how to calculate Waiver of Dimensional Standards –see section 7.07.
- d. The Albyn appeal of a zoning permit application (see decision dated Nov 13, 2018) indicated that setback requirements for accessory buildings relative to primary buildings vary substantially depending on the District involved and can be unrealistic. We should review the Dimensional Standards for Accessory Structures in all districts and either make changes or else provide greater latitude for Waivers.

In retrospect, the entire issue of possible modifications to the Land use Regulations should have been addressed in the PC, rather than the DRB meeting both in November and at this meeting and will therefor be included in the agenda for further discussion at the Jan 7, 2019 PC meeting.

Meeting adjourned at 9:10 PM

Respectfully submitted,

Phil Chapman, Clerk