

ZA Report for June 1, 2020 PC Meeting

This report includes information about activities over the last few months, since the April and May meetings were postponed.

Approved Applications

Linford-Harding Driveway Waiver Request
Haft-Krauss Residence
McInerney-Griswold Boundary Adjustment
Herpel-Wood Residence
Koo Porch Addition

Pending Applications

McAleenan-Brodgesell and McAleenan-Young Boundary Line Adjustments: These two applications involve properties on Dorset West Road and Rogers Road as previously discussed. Charlie Rockwell has offered and worked to assist the applicants, whose survey work was largely complete when their surveyor found himself unable to finalize the documentation included with the applications. Charlie will likely want to discuss the applications and filing requirements with the DRB, given the unique circumstances presented with them.

Matteson-Ferguson Subdivision: Ryan and Amy Ferguson and Garnet Matteson submitted an application for a two-lot subdivision of a 12.7-acre parcel on Kent Hollow Road owned by Garnet Matteson. Ryan and I have been in touch by phone and email. He expects to provide some additional survey and other information necessary to complete the application. Ryan and Amy are considering building a house on the newly created parcel. They understand that the house project requires a zoning permit.

Winters Residence Addition: Elizabeth Winters submitted an application for a proposed 12'x20' addition to her house located at 200 East Street in West Rupert. I have reviewed it and will contact her to discuss it further.

Town of Rupert-Rupert Village Trust (RVT) and RVT-Krauss Boundary Line Adjustments: These two applications involve approximately two acres of land currently owned by the town as part of the town green property. The sale was approved by the town's voters. The RVT intends to acquire the land in order to provide space for a new septic system to serve the former Sheldon Store building as a community center and later to include a café. The Krauss's will then acquire a portion of it in order to extend their garden space and protect the buffer zone along the brook. Given my work with the RVT, I referred these applications to Acting ZA Jed Rubin.

Hurlburt Accessory Structure: Jim Hurlburt wrote earlier that he is now planning for a 16'x40' free-standing structure rather than an addition to the shop building. Jim said he would be submitting a new application rather than revising his earlier one, but we haven't received it yet.

Potential Projects

I stopped by John and Sue Linvill's house on the corner of Watrous Road and Route 315 last week to discuss a construction project they have underway. As I understand it, they have removed an existing attached 1-story garage and are replacing it with a 2-story structure. They apparently had the impression that no permit would be required since they are rebuilding on the existing garage footprint. The addition of a second floor does require a permit. Mr. Linvill was planning to stop at the town office, so a zoning permit application may be forthcoming.

Other Business

Paul Vigue was referred to me earlier this month by town attorney John Thrasher. Paul has a house located at 223 Foote Road in Rupert and expressed concerns about the use of the neighboring O'Neil property at 247 Foote Road. As I understand it the O'Neil property has been the residence of Mr. and Mrs. James O'Neil. Over time, Paul's impression is that it has also come to be used by their son Jim O'Neil to support his business, Jim and Liam's Cutting Edge Lawn Care. Paul suggests this evolution constitutes a change from a residential to an industrial and commercial use that should be subject to conditional use review by the Development Review Board. The business is listed on the Vermont Secretary of State's website as having an address on Danby Mountain Road in Dorset. The Dorset Chamber of Commerce website lists a Foote Road for the business. Paul's impression is that Jim resides at the Dorset address. Attorney Allan Sullivan is representing the Vigue's and submitted a letter outlining their concerns. Jim O'Neil and I met at the property this morning. He may get back to me with more of his thoughts about the history and use of the property.

Kirby Sprague inquired about the possibility and process involved in converting their seasonal camp, located on Bear Mountain Camps Road, to a full-time residence. The conversion would require zoning permit as a change from a conditional to a permitted use. It would also likely require a state wastewater permit in this case, which led Kirby to decide not to pursue it further at this time.

A person interested in purchasing a property in Rupert, located at 426 Sandgate Road, contacted the town with questions about it being limited to seasonal occupancy due to its septic system and history of seasonal use. We directed her to some of the relevant language in the state wastewater regulations and to the permit specialist for our area who would be able to provide more specific information, as well as to the state's list of licensed septic designers and engineers. She appreciated our reply, though I don't know what she learned about the property or if she continues to be interested in it.

Tim Mackey contacted the town office with a question about exemptions from permitting for small accessory buildings and garden structures. I believe we answered his questions about these exemptions and noted that these exempt structures are still to comply with the setback requirements for the district in which they are located.

Debbie Baker asked about how tall a fence can be built in town. Referencing Sections 3.07, 1.06, and 4.04, there is language about a 6' minimum fence height requirement in certain situations. Fences are defined as structures, and structures typically are not to exceed a maximum height of 35 feet. Nevertheless, a fence anywhere near that tall would seem unlikely.

Heidi Harwood called with a question about permitting requirements for small accessory structures. They are considering locating two small woodsheds on their property that will be no larger than 120 s.f. and comply with the setback requirements, such that no permit will be required.

Catherine Bryars from the BCRC emailed to ask about the Planning Commission and Selectboard's progress in adopting the updated Town Plan. She noted that the current Town Plan expired on February 10, 2020. She also noted the unusual times we are in now and asked if BCRC support would help move the process along. She has also been in touch with Jed Rubin directly about it.

Paul Gaudreau contacted me with a question about repairing/replacing and perhaps slightly enlarging their existing deck. I replied that enlarging the deck would require a permit since decks are not exempt from permitting.

Rob Terry from Merck Forest & Farmland Center said they are considering replacing their existing sign at the entrance on Route 315 and asked about any relevant zoning regulations and permitting requirements. I shared with him the language about signs in Sections 3.16 and 4.05 of the regulations. He said he would be back in touch with more information about what they have in mind.

June 1, 2020
John La Vecchia, Jr., ZA