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**TOWN OF CHARLOTTE
ZONING BOARD OF ADJUSTMENT
PLANNING COMMISSION
JOINT MEETING
JULY 9, 2014**

APPROVED

Minutes are subject to correction by the Charlotte Zoning Board of Adjustment and Planning Commission. Changes, if any, will be recorded in the minutes of the next ZBA and PC meetings.

MEMBERS PRESENT:

ZONING BOARD OF ADJUSTMENT: Ben Pualwan, Chair; Douglas Webster, Jonathan Fisher, Frank Tenney. ABSENT: Andrew Swayze.

PLANNING COMMISSION:

Peter Joslin, Acting Chair; Gerald Bouchard, Donna Stearns, Marty Illick. ABSENT: Jeff McDonald, Paul Landler, Linda Radimer.

ADMINISTRATION: Britney Tenney, Zoning Clerk; Jeannine McCrumb, Town Planner/Zoning Administrator.

OTHERS: Elysabethe Anne James, William Christopher Cadmus, and others.

6:45 p.m. SITE VISIT: 3960 Spear Street for application PC-14-18/ZBA-14-03 (Elysabethe James)

AGENDA ITEMS:

ZBA-14-03/PC-14-18 Elysabethe James Site Plan Review/Conditional Use Review for a 1 bedroom B&B in existing residence at 3960 Spear Street, property in the Rural District.

CALL TO ORDER

Mr. Pualwan, ZBA Chair, called the meeting to order at 7:24 p.m.

ZBA-14-03/PC-14-18 ELYSABETHE JAMES SITE PLAN/CONDITIONAL USE REVIEW FOR A 1 BEDROOM B&B IN EXISTING RESIDENCE AT 3960 SPEAR STREET, PROPERTY IN THE RURAL DISTRICT

Elysabethe Anne James and William Christopher Cadmus, owners, appeared on behalf of the application.

STAFF NOTES

Mr. Pualwan reviewed staff notes and a site visit conducted at 6:45 p.m. this date.

SITE VISIT:

Mr. Tenney reported that several of the ZBA and PC members, the Zoning Clerk, the PC Clerk, and the applicants were present. The bedroom for the B&B use, the property grounds and all structures were observed. The property lines and entrance were viewed and noted, said Mr. Tenney.

48 Elysabethe Anne James and William Christopher Cadmus were sworn in.

49

50 APPLICANT COMMENTS

51 Ms. James explained that a first floor bedroom and adjacent bathroom would be used for
52 the proposed B&B. Owner's quarters were located upstairs. Mr. Cadmus would cook and
53 Ms. James would participate in the cleaning activities, said Ms. James.

54

55 Ms. James reviewed the following:

56

- The subject property included two approved access points.

57

- Clark Hinsdale III contacted her regarding a 6-month agreement to jointly use a single access road if Ms. James would maintain it versus two roadways going up the hill.

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- A suggestion by Mr. Hinsdale that he would take over the right-of-way in exchange for Ms. James paying the attorney fees went no where.

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- Ms. James has maintained and used the roadway for 16 years without an issue.

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- At one time the roadway washed out and Mr. Hinsdale repaired it. Three years ago she re-surfaced the roadway.

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66 Ms. James stated that Nancy Hinsdale does not want the roadway used for an access to a

67

68 B&B. An access was needed and she had an approved second access, said Ms. James.

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69 ZBA QUESTIONS/COMMENTS

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71 Mr. Pualwan said that it was not clear from the submitted correspondence that Ms. James
72 has use of the road access. Ms. McCrumb explained that Mr. Hinsdale sent a notice to
73 Ms. James that Ms. James could no longer use the access. There was a 6-month grace
74 period once notice was received, said Ms. McCrumb. Ms. James replied that Clark said
75 he would keep things as is.

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77

78 Mr. Pualwan read a letter from Nancy Hinsdale, dated June 6, 2014, to Ms. James
79 regarding construction of a separate driveway to the James property into the record. Ms.
80 James said that she received a copy of Ms. Hinsdale's letter from the Town. She has an
81 estimate for constructing her own driveway, said Ms. James.

82

83

84 Mr. Cadmus said that he was not anticipating any amount of increased traffic. It was only
85 a single bedroom B&B, said Mr. Cadmus.

86

87

88 Mr. Pualwan pointed out that Ms. James' ability to use the current driveway expires 6
89 months from the date of the notice. What provision was Ms. James undertaking regarding
90 an access, asked Mr. Pualwan. Ms. James replied that she had called Nancy Hinsdale
91 regarding use of the driveway for the proposed B&B versus traffic that would be
92 generated by Adam Hausmann's potential farm stand. If the Hinsdale access was no
longer available, then she would use her approved access to her property, said Ms. James.

93

94

95 Ms. James asked if a right-of-way was used and maintained by a party for over 15 years
96 then did it become a permanent access by default. Mr. Tenney replied that if there was a

93 pre-existing agreement it might. Ms. McCrumb pointed out that it was a legal question
94 for the applicant to handle.

95

96 Ms. Illick, Planning Commission member, pointed out that the Town had curb cut
97 regulations in place.

98

99 Mr. Joslin said that there were concerns related to legal issues in terms of a right-of-way.
100 The original agreement between Ms. James and the Hinsdale's was for a builder's access
101 for 6 months time. The access was never deeded to Ms. James, said Mr. Joslin.

102

103 Mr. Pualwan reviewed that the approved access to the James' property paralleled the
104 Hinsdale right-of-way, and was almost directly across from Prindle Road.

105

106 Ms. Illick asked if the agricultural retail access was permitted as well. The farm road was
107 being used as a farm and residential road and she had questions about that, said Ms.
108 Illick.

109

110 There was discussion regarding shared driveways, and already approved, permitted
111 driveways.

112

113 Ms. James said that if she could work out something with the Hinsdale's she would be
114 willing to carry insurance on the current driveway.

115

116 PLANNING COMMISSION QUESTIONS/COMMENTS

117 PC SITE VISIT:

118 Mr. Joslin reviewed that the proposed B&B property was looked at regarding lighting and
119 signage at the road, which was fine. How many guests could be accommodated in the one
120 B&B bedroom, asked Mr. Joslin. Mr. Cadmus replied that the one bedroom was for a
121 single or a couple, and children, if any. The guests were allowed one car, said Mr.
122 Cadmus.

123

124 Mr. Joslin said that there were a lot of animals located on the subject property. Mr.
125 Cadmus explained that the State of Vermont was promoting ag-tourism. He thought the
126 animals he had would fit in with that promotion as a petting zoo. The sheep were old.
127 Locks could be put on the fence gates if necessary. The enclosures were double fenced,
128 said Mr. Cadmus.

129

130 Ms. James clarified that guests might include two adults and some children. She expected
131 mostly weekend visitors, some holidays excluding Christmas, UVM parents, or skiers,
132 for example. Check in would be at 3:00 p.m. and check out at 11:00 a.m., said Ms. James.

133

134 Ms. Illick asked if Ms. James was required to secure state permits. Ms. James reviewed
135 state license requirements following ZBA/PC approval, and water tests. The property was
136 100 percent approved for fire and safety standards by the state. She would submit that
137 information to Ms. McCrumb for the Town file, said Ms. James. Ms. McCrumb

138 explained that the Town would need to receive written state approvals from the
139 appropriate state licensing agency directly.

140

141 Mr. Pualwan asked for clarification of the parking spaces and locations. Ms. James said
142 that five parking spaces had been identified. Two spaces were located next to the existing
143 walkway and three spaces where the tractor was parked. The whole area around the house
144 was kept clear in the winter, said Ms. James. Mr. Cadmus said that the two parking
145 spaces at the walkway were gravel. There were no issues regarding mud, stated Mr.
146 Cadmus.

147

148 Mr. Fisher asked the Planning Commission members for input on a screening plan for a
149 second driveway. For example, a row of maple trees between the two driveways,
150 suggested Mr. Fisher.

151

152 Mr. Joslin asked how soon Ms. James would construct a new access road. Ms. James
153 replied if Ms. Hinsdale wants her to build a separate driveway then it would be built
154 quickly.

155

156 Ms. McCrumb reviewed driveway regulations related to rights-of-way minimum widths
157 of 14' and 18" of gravel. The James access was 60' wide, which was approved as part of
158 the original subdivision application. The application was a site plan review at this point
159 and the subdivision would not be amended, explained Ms. McCrumb.

160

161 Ms. Illick asked that the two driveways, the proposed James access of "x" width, and a
162 screening plan for trees become a part of the record. A shared driveway was a better
163 planning solution if the parties could work out an agreement, said Ms. Illick.

164

165 Mr. Joslin suggested that Ms. James locate the new driveway as far south as possible
166 from the Hinsdale right-of-way.

167

168 Ms. Illick asked if the driveway design would need to be different if some future events
169 were held, or a commercial use requested. Ms. McCrumb explained that the driveway
170 entrance at Spear Street would need to be wide enough to accommodate two cars passing
171 each other.

172

173 There were no further questions.

174

175 **MOTION by Ms. Illick, seconded by Ms. Stearns, to close the hearing for PC-14-18,**
176 **a site plan review application for Elysabthe James for a one bedroom B&B in an**
177 **existing residence for a property located at 3960 Spear Street.**

178 **VOTE: 4 ayes, 3 absent (Mr. McDonald, Ms. Radimer, Mr. Landler); motion**
179 **carried.**

180

181 **MOTION by Mr. Fisher, seconded by Mr. Webster, to close the hearing for ZBA-**
182 **14-03, request by Elysabthe James for a Conditional Use review for a one bedroom**
183 **B&B in an existing residence for a property located at 3960 Spear Street.**

184 **VOTE: 4 ayes, 1 absent (Mr. Swayze); motion carried.**

185

186 **DELIBERATIVE SESSION**

187 **MOTION by Mr. Bouchard, seconded by Ms. Stearns, to enter Deliberative Session.**

188 **VOTE: 4 ayes, 3 absent (Mr. McDonald, Ms. Radimer, Mr. Landler); motion**
189 **carried.**

190

191 The Planning Commission entered Deliberative Session at 8:05 p.m.

192

193 **MOTION by Mr. Fisher, seconded by Mr. Webster, to enter Deliberative Session.**

194 **VOTE: 4 ayes, 1 absent (Mr. Swayze); motion carried.**

195

196 The ZBA entered Deliberative Session at 8:05 p.m.

197

198 **ADJOURNMENT**

199 The joint ZBA/PC meeting was adjourned at 8:20 p.m.

200

201 Minutes respectfully submitted, Kathlyn L. Furr, Recording Secretary.

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