



## Meeting Minutes

### Waterford Development Review Board Monday May 15, 2023 7:00 pm

Members present: Chair Ann Fielder, Vice-Chair Daphne Bullock, Kevin Gillander, Robin Migdelany and Tom Thomas. Also present was Zoning Administrator Chris Brimmer.

Public Participants: 23-S-01 application represented by Mark Codling public attendees who have met the participation criteria for interested party status Josh Oakley, James Gibney and Elisabeth Carpenter; 23-CU-01 represented by applicant Keith Carolis and Brian Carolis. Public attendees who have met the participation criteria for interested party status: Gary Kenney, Russell Carlson, Helen Pike, Lance Tucker, Jeannie MacLeod, Marianne Janenitis, Stan MacLeod, Barry MacLeod, Paula Gillander, Dennis Goodwin, Michael Dustin, James Horton, Nancy Horton, Vicki Giella and Howard Remick, Gary Allard, Warner Hodgdon, interested parties represented in this matter by Chad Hickey Esq.

Kevin moved to accept the minutes of April 17 as submitted, second by Robin and approved by acclamation.

Robin moved to nominate Ann Fielder for chair approved by acclamation.

Hearing 23-S-01 opened at 7:10 PM, application for commercial site plan approval for a deck 40'x16' addition to the Rabbit Hill Inn to be located at the rear of the building opening off of the bar room, Mark Codling represented the application. Applicant stated that there are currently some tables and outdoor use of the area currently on the lawn and that the purpose of the deck was safety especially after dark and to provide an outdoor area for beverage and food service. Current lighting to be carried over along with possibly some string lights. Bar patrons currently go outside and this would provide a safer surface, depending on finished height code may require a railing. Food and beverage service to end at 10:00 PM. Seating would be limited to 16 at 4 tables, some discussion of parking but capacities are adequate currently and this will really not add to the number of patrons. Abutter Elisabeth Carpenter expressed concerns about the capacity of the deck, added activity, noise and possible impact on her property and what was thought to be a lack of information about the application. Motion by Ann to close application 23-S-01 at 7:39 PM, second by Daphne approved by acclamation.

Hearing 23-SUB-01 reopened at 7:40 PM, previously proposed 2 lot subdivision truncated to a one lot to meet road frontage requirements, neither the applicant or the property owner in attendance. It has come to the ZA's attention that the proposed plat may turn into a lot line adjustment instead. Gary

Allard of the Waterford Selectboard raised some concern about the legality of selling a lot before it is subdivided. ZA acknowledged that there may be process issues but that couldn't be addressed until the application was modified and may or may not require a new warning process. Robin moved to recess 23-SUB-01 to a time certain, second by Kevin. Hearing recessed until June 19, 2023 at 7:15 PM.

Hearing 23-CU-01 reopened at 7:45 PM, seeking approval for a residential business or service per §303.2, auto detailing, washing and undercoating, small engine repair and possible casual sale of rehabbed off road vehicles. ZA read the minutes of the April 17, 2023 hearing. Discussion of washing the vehicles inside the building, applicant asserts the wood walls of the building make that impossible. Public comment was made about the hazard of well and surface water contamination washing on the gravel drive. Chad Hickey Esq. was recognized as counsel for some of the abutters his points:

- Character of the neighborhood, this is the only lot in this subdivision without covenant language prohibiting commercial uses, in his conversation with the subdivider this was an oversight.
- There is an Act 250 Land Use Permit for the subdivision that describes this as a residential neighborhood and this may require an amendment to that permit.
- He believes there may be a Town Plan conflict with the application.
- Made the argument that this is an "auto service station" rather than a "residential business or service.

Other public comment on the application:

- A business use was denied for the parcel previously.
- Concern about road quality and increased traffic during mud season.
- Concern with disposal of wastewater and waste liquids.

Applicant stated he uses Detail King which is a biodegradable product and will not create contamination issues with ground water on the gravel pad. Applicant also states that the business model won't work without the 8-5 hours specified in his application.

ZA stated that the Unified Development Bylaw was structured to front load all Federal and State permits, that if an Act 250 amendment was required it would have to be obtained before the conditional use process could continue.

Kevin moved to recess the hearing until June 19<sup>th</sup> at 7:15 PM, seconded by Tom and approved by acclamation. Hearing recessed to date and time certain. ZA directed to draft a recess memo requesting the applicant to narrow and scope the scale of the proposed operation limited to vehicles no larger than a pickup truck and limited to auto detailing, detail proposed screening, detail any proposed additional lighting (to be night sky compliant); ZA will research Detail King and query District 7 Environmental Board about the possible Act 250 jurisdiction.

DRB went into deliberative session on application 23-S-01 at 8:20, and came out at 8:55 PM

Motion by Robin to approve application 23-S-01 with the following special conditions:

- 1) Capacity is limited to 20 seats.

2) Outdoor food and beverage service is to end by 10:00 PM.

3) No outdoor music or other entertainment is allowed without first obtaining an event permit from the Town of Waterford Selectboard.

4) All additional lighting will be night sky compliant and directed into the site.

Motion seconded by Kevin and site plan approval granted by acclamation.

Robin moved to adjourn the meeting at 9:00 pm, seconded by Tom and approved by acclamation.