

Minutes to the Meeting of the Panton DRB/PC - 9/4/14

Present: DRB/PC Chair David Raphael, Heidi Mahoney, Howard Hall, Barb Fleming, Louise Giovanella, Mary Rudd, Kirsten De la Cruz, Terry Findeisen, Alternate Teena Hayden, Zoning Administrator Ed Hanson

Others; Robert and Deb Hartenstein, Judi Fisher, Hans Vorsteveld, Joseph and Paulette Bogan, Linda and David Barneby, Lori and Roger Kayser, Vicki Hopper, Annie Hopper

DRB

Chair Raphael called the meeting to order at 7:00pm and opened the Hearing for the Request for a Variance/Waiver from side-yard setback requirements from Robert and Deborah Hartenstein for the construction of a screened porch. He noted that a quorum of the Board had just completed a site visit to the Hartenstein property on Arnold Bay Road. The Hartensteins had staked out the location of the proposed porch on the property.

After a brief discussion Louise Giovanella made a motion to consider the application as a request for a waiver. The motion was seconded by Mary Rudd, unanimously adopted.

Mr. Hartenstein described the proposed structure as a 14' x 16' screened-in porch on sonotubes connected to the residence on the north side. It would be 19.5' from the property line with Judi Fisher. Prints of the proposed final design were submitted to the Board. Mr. Hartenstein noted that the structure would be 16'6" from the top of the sonotubes to the peak of the porch. There will be no heat source as it is intended to be for three season use.

Mrs. Fisher expressed concern for privacy and a desire to have additional screening for visual and auditory privacy between the two residences. After hearing the concerns of Mrs. Fisher and following a discussion between members of the Board, Mrs. Fisher and the Hartensteins, it was agreed that the Hartensteins would install an additional two evergreen trees such as arborvitae along the property line, probably on Ms. Fisher's side. Chair Raphael read the criteria for a waiver request.

A motion was made by Louise Giovanella to approve the waiver request with the condition that two arborvitae or similar evergreen trees with an amendment establishing a minimum height of 6' be installed at an agreeable location along the property line, and that the vegetative screening that is already there remain. Motion seconded by Howard Hall. Unanimously approved. Hartenstein hearing concluded at 7:30pm.

The Hearing of the Request of the Vorsteveld Farm for approval for a Nonconforming Use of a Noncomplying Structure on their property on Adams Ferry Road. Chair Raphael explained and Zoning Administrator Ed Hanson elaborated that because it is for

farm labor housing, it is a nonconforming use as it exists not on a separate lot as required by statute as are other residences and would be for housing farm labor only. Mr. Hanson explained that there are no provisions for farm labor housing established in the zoning regulations in Pantton.

As an abutter Chair Raphael recused himself from the hearing and appointed Heidi Mahoney to serve as Acting Chair for the hearing. Kirsten de la Cruz recused herself from the hearing as well.

Those wishing to testify were duly sworn in. Ms. Mahoney noted that the memorandum submitted by Mr. Hanson stated that the septic on the property under consideration has a two bedroom capacity and the request by Mr. Vorsteveld is for a three bedroom unit. Mr. Vorsteveld stated that he was unaware of that restriction and would therefore convert one of the bedrooms to a tv room. Mr. Hanson said that the septic site design was established in 1984 under the on-site sewage program and stated that the mound system on the site is designed for a total of 4 occupants which is the equivalent of 2 bedrooms. In order to sell the dwelling, the property would need to be subdivided from the parent parcel. In response to an inquiry from abutter Joe Bogan, Mr. Hanson stated that the town could not compel an investigation of the septic system on the site unless there is evidence that it has failed. Mr. Vorsteveld stated that he was informed last year by Clark's Septic Service that the system was in good shape. He said there are two tanks and a mound system.

There ensued a discussion about the definition of farm labor and unapproved farm labor housing, the latter which is not legal in town, thus requiring the review by the DRB. Because the application has been submitted by Mr. Vorsteveld, and is under consideration by the DRB, the establishment of regulations for Pantton by the Planning Commission regarding farm labor housing would not apply to the matter under review at present.

The inadequacy of the site sketch submitted with the Vorsteveld application was discussed and it was determined that there should be more information required such as elevations, septic location and other pertinent information. A site visit was discussed.

In response to a question Mr. Hanson noted that a Certificate of Occupancy does not address issues of heating and fire safety.

Terry Findeisen made a motion that Mr. Vorsteveld resubmit a site plan that includes more information such as east side elevation and location of the septic field and that a site visit be conducted prior to the Oct. 2 DRB meeting. Seconded by Mary Rudd. Unanimously approved.

Motion was made by Mary Rudd, seconded by Howard Hall to recess the Vorsteveld Hearing until the October 2 meeting. All approved.

David Raphael resumed chairmanship of the meeting. In response to a question by Paulette Bogan members considered whether we could place a moratorium on further applications for approval of farm labor housing until we have established pertinent regulations. It was agreed that we should make establishment of farm labor regulations a priority. Ed Hanson said he would get copies of regulations in effect in other towns. There was further discussion of the issue of farm labor housing.

Old Business:

Minutes to the June meeting were reviewed and accepted as revised, and the July minutes were approved with a spelling correction and one minor change.

David Raphael noted that the appeal of the DeGraaf decision was dismissed by the Environmental Court.

Discussion of the Poteau property housing two residences. Howard Hall noted that the Board must consider the issues which come before it impartially.

New Business:

Ed Hanson informed the Board of an issue regarding the peninsula property of Dennis and Victoria Hopper formerly owned by the Lowensteins and separated from the land sold to the Vorstevelds. Investigation has revealed that a number of subdivisions prior to the establishment of subdivision regulations in town were made by Amy Lowenstein and recorded on town tax records. Those subdivisions showed up in 1988 tax maps. When the town changed mapping agencies, subsequent maps did not show those subdivisions, and it appeared as a single parcel. Ed is looking into getting the previous subdivisions reinstated into the town records. Victoria Hopper stated that they are not looking to develop the property, but want to move the old house along the road on Adams Ferry Rd. to locations on the peninsula property.

Ed Hanson also informed the Board that the Vorstevelds are seeking a "variance" so that they can have the milk trucks service the farm from the right-of- the way on Jersey St.

Louise Giovanella expressed concern that Jim Darragh has not come to the last two meetings and she has not heard from him. She will call or email him to see if he wants to continue with the Board.

Planning Commission

David Raphael reviewed the issues most pressing for the PC to address; the farm labor issue as discussed earlier, the correction of sketch plan language in the regulations, also the subdivision regulations be amended to treat subdivisions of 3 or more as PUDs rather than simple subdivisions.

Junk Ordinance has been forwarded to the Selectboard with our recommendations.

June minutes adopted as written. July minutes approved with one correction of changing Shoreline Protective Act to Shoreline Protection Act.

Meeting adjourned at 9:05pm.

Respectfully submitted,
Louise Giovanella, Sec.