

Northfield Zoning Board of Adjustment Meeting Minutes of March 24, 2016

Roll Call:

Present: William Smith (Chair), Michael Bailey, Timothy Donahue, and Leslie Skinner.
Absent: None.

Others present were: Interim Zoning Administrator Jeffrey Schulz, Joseph Cotter, Ashley Brooks, Thaddeus O'Tierney-Severy, Colin Bright, and Paul Brown.

Chair Smith called the meeting to order at 7:00 p.m.

Approval of Minutes from February 25, 2016: Motion by Bailey, to approve the minutes, seconded by Donahue. **Motion passed 4-0-0.**

Applications:

Joseph Cotter, 45 White Road, is seeking a variance to locate a 12' by 16' garden shed within the required setback (14 feet from the property line). The property is zoned Urban Residential. Mr. Schulz noted that there normally is a 25 foot setback in this zone. Mr. Cotter stated that most of his property is sloped and narrow so he is trying to site the garden shed on one of the few flat areas. He added that his neighbor has a large property and his house would be some distance from the garden shed. Mr. Schulz stated that the abutters were sent notices but none are present tonight. Mr. Cotter has not spoken to his neighbors about this matter. Motion by Bailey, to approve the variance, seconded by Donahue. **Motion passed 4-0-0.** Mr. Schulz said that the next step was to issue the permit, which he will mail to Mr. Cotter.

Ashley Brooks requests conditional use approval for a child care center (for up to 35 children) within an existing building at 1089 VT Route 12. The property is zoned Urban Residential. Ms. Brooks said facility would be a little different as it would include an early childhood learning program, which would result in additional state regulation. The regular hours would be 7:30 a.m. to 5:00 p.m. and there would be three to five staff members. Mr. Smith asked if the facility will be on municipal water and sewer. Mr. Schulz said that it would not. Ms. Brooks added that the building was used as a bakery until 2009 and has more recently been used as a storage space. The renovations to the building would be interior only with the exception of a fence. The driveway is shared with the abutting property owner.

Ms. Brooks stated that this type of facility is desperately needed in this area. The primary play area will be in the back and fruit trees will be displayed in the front in keeping with the business name "The Little Orchard." Mr. Schulz stated that a child care facility was not specifically listed as a permitted or conditional use for this location in the zoning ordinance but it would be allowed with Board approval. Mr. Skinner believes that the state will have its own conditions before issuing a license for the facility. Ms. Brooks affirmed that early childhood centers are heavily regulated. She is working with a licensing specialist to meet all the pre-conditions and there will be annual inspections after the facility opens. Mr. Schulz believes that the threshold is six children before state oversight is required. Ms. Brooks said that was the case when the business is run out of a home. With more than six children, the business would need to be operated at a separate location. Mr. Smith went through a list of conditional use concerns and none seemed to really apply to this case. Motion by Bailey, to approve the conditional use application, seconded by Donahue. **Motion passed 4-0-0.** Mr. Schulz stated that the next required action would be to apply for the actual zoning permit.

Thaddeus O'Tierney-Severy, 543 Route 12A, is seeking a variance to locate an outdoor wood boiler within the required setback (one foot from the property line). The property is zoned Urban Residential. Mr. O'Tierney-Severy stated that this would be a renewal energy source and a state-of-the-art boiler. It will service both the house and garage. For logistics and aesthetic reasons it therefore needs to be sited at the requested location. The boiler will be virtually smokeless after startup. Mr. O'Tierney-Severy also has spoken to his neighbor about purchasing a strip of property ("unusable land") from him to "square up his property" but this cannot be done for another five years because the property was subdivided about five years ago. Mr. Smith noted that if this purchase did take place, any variance granted in the interim would be moot. Motion by Donahue, to approve the variance, seconded by Bailey. **Motion passed 4-0-0.** Mr. O'Tierney-Severy will be sent confirmation in the mail that the variance has been approved and he will meet later with Mr. Schulz regarding the remaining paperwork.

William Smith, 281 Central Street, is seeking conditional use approval for a setback waiver to locate a 28' by 28' garage within the required setback (6' from the property line). The property is zoned Residential A. Mr. Smith stated that he would like to install a new garage so that he can use his existing driveway. The existing carport would be retained and used as a grilling area during the summer, etc. His neighbor's house extends right to the property line and it has been that way for fifty years or more. The new garage would match the appearance of the existing ones on Central Street. Mr. Smith said that if the new structure had to meet the setback requirements, it would have to be awkwardly shifted behind his house and excavation costs would be higher. Motion by Bailey, to approve the conditional use application, seconded by Donahue. **Motion passed 3-0-1, with Smith abstaining.** Mr. Schulz noted that the permit fees already have been paid.

Discussion of ZBA Vacancies

Two residents have expressed interest in filling the one vacant position.

Colin Bright served as a Village Trustee for four years. He had to leave public service after the birth of his latest child. Paul Brown said he and his wife moved to Northfield from Montpelier about nine years ago. They now view Northfield as their hometown and enjoy being here. Now that his two sons are older, he also would like to become involved in local governance. He also is the local game warden.

Mr. Schulz noted that the new Development Review Board (DRB) will supersede the ZBA next month. Everyone now serving on the ZBA (or appointed beforehand) will become DRB members. The DRB also will have places for alternate members. Mr. Schulz said that the alternate members would be able to vote only in the absence of full member(s) (when a quorum is needed) but they could take part in all discussions.

The ZBA recommendation to the Select Board is that Colin Bright be appointed to fill the vacancy and Paul Brown be appointed as an alternate member. Mr. Schulz will inform the Select Board of this recommendation.

Adjournment.

Motion by Donahue, to adjourn, seconded by Bailey. **Motion passed 4-0-0.**

The meeting was adjourned at 7:50 p.m.

These minutes are subject to change at the next regular meeting; however, they are substantially correct.