

Winhall Zoning Board of Adjustment
Bondville, Vermont 05340
“Meeting Minutes for Thursday, September 4, 2014”

PRESENT: Sandy Mackinnon, Fred Hartmann, Joe Morein, Tom Maneggia, Cooky Glass, Lucia Wing, Secretary

MEMBERS OF THE PUBLIC: Marcel Gisquet, Tim & Robin Apps, Mark Eichhorn, Lawrence Grant, Kate Coleman & Nephew Liam

SITE VISIT: TOWN GARAGE:

A notice for a site visit and public hearing was duly noticed for Thursday September 4, 2014. At 6:00 PM, the Zoning Board of Adjustment met at the Town Garage, #64 Old Town Road. The purpose for the Site Visit was to consider a variance from the front setback for 56' by 136' Town garage as well as a conditional use permit for a municipal facility in the residential zone, and a sign. Present for the Zoning Board of Adjustment were Sandy Mackinnon, Fred Hartmann, Tom Maneggia, Cooky Glass, and Joe Morein; also present was Lucia Wing, Secretary. Present for the Town of Winhall was Marcel Gisquet, Clerk of the Works. Members of the public included Tim & Robin Apps, Mark Eichhorn, Lawrence Grant, Kate Coleman and her nephew Liam. At the site, the ZBA reviewed the flagged front setback area along with the sign and fuel tank roof location(s). They questioned the excavation work which Gisquet answered at the public hearing. After further site review the Zoning Board agreed to reconvene at the Town Hall.

PUBLIC HEARING: TOWN GARAGE CONTINUED:

Mackinnon opened the public hearing at 6:35 PM at the Town Hall in Winhall. After reading the public notice, Mackinnon swore in Gisquet. Firstly, Mackinnon questioned Gisquet about zoning procedure relative to the excavation work at the Town Garage. Gisquet explained to the Zoning Board that in order to pour a cement slab and construct a structure on solid material, excavation was necessary to remove approximately four (4) feet of unsustainable topsoil. He explained the hole would be filled in with gravel, compacted, and the grade restored to the level shown in the plan. The bidders required a solid site to build the proposed garage. Further, both compaction and soil tests were required before anything could be built. Next the Zoning Board discussed the Town's request for a variance. The old Town garage was pre-existing and non-conforming and was originally built 59 ft. from the center of the road; it encroached by six (6) feet. The Winhall Zoning Regulations required the front setback to be sixty-five (65) feet from the center of the road or forty (40) feet from the front property line. The proposed new Town garage encroached two (2) more additional feet on the front setback or 57 ft. from the center of the road. The ZBA were concerned that by granting the Town a variance which encroached by two more feet, it would be setting a zoning precedent. Currently the Zoning Board denied structures that encroached further than what existed. Discussion to remedy the increased encroachment included fewer bays to meet the front setback requirement; make the overhead doors three inches shorter to gain two feet; relocate the man door; and move the proposed structure by two feet closer to the Transfer Station side and away from the front setback. Gisquet explained that by moving the structure it would compromise the parking area next to the closest dumpster; currently it was twenty (20) feet- eighteen (18) feet was tight; in addition underground electric lines to the dumpster may have to be relocated. Lawrence Grant asked about the location of Old Town Road; was it in the right place? Other discussion included municipal use of the property did not change; budget and cost concerns; affects to the character of the neighborhood- abutters were present but did not comment; and the scale of the project as too big. Gisquet added that the building had to meet setback requirements from the well, septic system, and power lines which determined its location. Robin Apps

questioned site distances; site distances were not compromised. The Zoning Board questioned Gisquet about who had determined that the proposed garage needed eight (8) bays; he responded- the Selectboard after meetings on site, reviewing other facilities, equipment needs, and many meetings with the architects. The ZBA questioned Gisquet about the existing four (4) bay garage; he responded it would remain in its current location and would be used for electronic recycling, school busses, and police department needs.

DELIBERATIVE SESSION: TOWN GARAGE:

The Zoning Board moved to go into deliberative session to continue discussion; members of the public were asked to leave. In deliberative session they determined granting the variance would set a zoning precedent; financial matters were not the issue nor was granting the conditional use permit; the municipal use of the property stayed the same; the variance was the problem. After further deliberation, *Morein made the motion to deny the variance to the front setback; seconded by Mackinnon; unanimous.* The ZBA had no issue with the proposed Town garage meeting the same front setback as the former Town garage as it did not further encroach. After review, *Hartmann made the motion granting conditional use approval for a municipal facility in the residential zone; seconded by Glass; unanimous.* After review, *Morein made the motion approving a 4' by 8' sign as depicted in the plans; seconded by Glass; passed 4-1 (Mackinnon against).*

PAST MEETING MINUTES:

After review, the ZBA approved the meeting minutes of August 18, 2014 as presented; *motion by Glass; seconded by Morein; unanimous.*

As there was no other business, the hearing was adjourned at 7:20 PM; *motion by Hartmann; seconded by Maneggia; unanimous.*

Meeting minutes respectfully submitted by,

Lucia Wing, Secretary,
Winhall Board of Adjustment

for the Board of Adjustment

Date