



January 3rd, 2024

Members Present: Craig Powers (Chair), Donald Brodie (Vice-Chair), Andrew Cairns [via Zoom], Dana McCloskey [via Zoom]

Members Absent: Jack Morris, Orland Campbell

Others Present: Curan VanDerWielen (Interim Zoning Administrator), Tom Deck, Jason Andrick

Call to Order: 10:01 AM by Powers.

Changes to Agenda: Added: appointment of new clerk for the Development Review Board.

Motion: To approve minutes of the Regular Meeting of the Development Review Board (DRB) Wednesday, November 1st, 2023.

Motion made by Cairns. Motion second by Powers.

Motion approved unanimously.

Appointment of new clerk for the Development Review Board:

Powers appointed VanDerWielen as clerk for the Development Review Board, the primary responsibility of the non-voting position being to prepare meeting minutes.

Zoning Permit Applications:

1. Permit No. 2023-29
 - a. 2668 Main Street, Bordiuk
 - i. New residential construction – pool, hot tub, patio, and pavilion

Permit application No. 2023-29 regarded the construction of a new pool, hot tub, patio, and associated pavilion. The application also detailed the construction of a new pool building to house showers and equipment. Jason Andrick of AcquaFlame LLC attended as representative for the property owner.

Powers introduced the application, noting that it had been tabled in the November regular meeting pending more information on the setbacks of the proposed construction, elevations of the new structure, and product specifications on the hot tub. Powers asked VanDerWielen if this information had been received. VanDerWielen confirmed that it had, and that in his review, it appeared the design met the standards of the Bylaw. Andrick then presented to the Board, walking everyone present through the design and product specifications.

Motion: To approve permit No. 2023-29 as submitted.

Motion made by Brodie. Motion seconded by Cairns.

Motion approved unanimously.

Other Business:

Brodie requested that the Board use the remaining time to catch up on several items left open from the November regular meeting. These included open questions about how the Board operated in meetings, and whether the Board had jurisdiction over certain zoning permits. Brodie asked VanDerWielen to clarify if he was aware of any inconsistencies with the Board's operation relative to either the Bylaws or statutory law. VanDerWielen stated that he was unaware of any inconsistencies with the Board's operation and conduct. VanDerWielen added that the Bylaws were clear as to the function and rules of operation for the Board, and that either the Bylaws would need to be changed or the Board would have to operate grossly outside of the definitions prescribed by state law for there to be a tangible problem.



Powers asked VanDerWielen if there were any improvements, he saw the Board making, moving forward. VanDerWielen recommended that the Board begin preparing Facts of Finding in accordance with decisions, to avoid uncertainty in case of any litigation or appeal associated with a decision made by them.

Brodie then asked VanDerWielen if an appeal had been filed regarding permit application No. 2023-30, which had been denied by the DRB in November. VanDerWielen stated that no appeal had been filed, although the applicant had indicated her interest in refile with a new proposal and information. VanDerWielen indicated that two questions needed to be resolved in his review: (1) whether Vermont or the federal government had any restrictions on demolishing a nationally registered historic building and (2) whether the application could meet the requirements of Section 9.8 of the Zoning Bylaws if the intent was to demolish and replace with landscaping. Powers indicated that the original decision of the Board had been predicated on the prohibition of demolition within the Historic Core, and speculated that an application proposing such a demolition would likely revert to the same result.

Motion: to adjourn.

Motion made by Brodie. Motion seconded by McCloskey.

Motion approved unanimously.

Adjournment: 10:25 AM.

The next regular meeting of the Development Review Board will be held at 10:00 AM on Wednesday, February 7th 2024.

Respectfully submitted,

Curan VanDerWielen
Zoning Administrative Officer