



Zoning Board of Adjustment Meeting
Monday, August 1, 2016 7:00 PM
City Hall Council Chambers

MINUTES
Approved 9/6/2016

Call to Order by the Chair

I. Attendance/Roll Call

Present & Participating: Richard Collins, Michael Hurd, Todd Russel, Carolyn Towle, James Petrin, Abigail Carman, Tracy Pope

Absent:

City Staff: Jane Taylor, City Solicitor

II. Minutes of Previous Meeting – July 7, 2016

Motion: To accept the minutes as written.

Made by: Mrs. Towle **Second:** Mr. Petrin

Vote: Unanimous in favor

III. Old Business

- A. (ZO 2016-00011) Gertrud Holl Revocable Trust, 28 Monument Hill, Springfield, VT-** seeks a variance from Section 22-533 of the City Zoning Ordinance to reduce the required number of parking spaces for a restaurant at **214 Washington Street**. Tax map 121, lot 46. Zoning District B2. (Cont. from 7/7/2016)

Mr. Hurd and Mr. Russel recused themselves. Mrs. Towle assumed the chair's position. Ms. Carman and Mrs. Pope sat in for Mr. Russel and Mr. Hurd.

Ms. Taylor said the board had received materials from Devine Millimet, Mr. McCrory and an updated site plan relative to this application after the board packets had been mailed to the board. She asked the board what they would like to do with the late submissions. Mrs. Pope read from the ZBA rules of procedures where it states that additional materials must be submitted to the board no later than 10 days before the meeting.

Motion: To continue this application to the next meeting because the letter the board received from Devine Millimet was dated July 29th and there was insufficient time to review the information.

Made by: Mrs. Pope **Second:** Mr. Collins

Discussion: Mrs. Pope said she felt the board should hold the applicants and their attorneys accountable and require adherence to the rules. Ms. Carman and Mr. Collins agreed with Mrs. Pope. Ms. Taylor asked if the materials could be distributed to the

board at this meeting (to save on mailing costs). Mr. Petrin said he didn't think the board should accept the late material but that the board should carry on with the meeting (i.e. not continue it).

Vote: Towle, Collins, Carman, Pope in favor. Mr. Petrin voted nay. The motion carried.

Motion: To accept the materials submitted.

Made by: Mrs. Towle **Second:** Ms. Carman

Vote: Unanimous in favor

Mrs. Towle stated that the application would be continued to September 6, 2016.

- B. (ZO 2016-00015) Claremont Speedway LLC, 425 Washington St** – seeks a variance from Sect.22-166, RR District Permitted Uses, of the City Zoning Ordinance, to permit development of a seasonal campground as a second principal use at **282 Thrasher Road**. Tax map 71, lot 4. Zoning district: R1. (Cont. from 7/7/2016)

Mr. Hurd and Mr. Russel returned to their seats.

Mr. Uchida, attorney for the applicant, had also submitted materials to the board after the 10-day deadline. He said (through Ms. Taylor) that he would not ask the board to accept the material at this meeting and could proceed without it at this meeting.

Mr. Russel asked to be excused from the hearing as he had not been present at the first hearing of this application and had not attended the site visit. Mr. Hurd agreed and asked Mrs. Pope to sit in for Mr. Russel. He asked Ms. Carman to sit in for Mr. Collins for the same reason.

Ms. Taylor said this hearing had been continued to accommodate a site visit and because the board had requested additional information. Mr. McCrory was unable to attend this meeting and had been unable to submit a supplemental staff report.

Ms. Taylor distributed to the board copies of site visit notes from the Conservation Commission and from Mr. McCrory.

The board discussed how best to proceed. It was decided to proceed by having the board ask the applicant to verbally present the information that the board had requested at the last meeting.

Mr. Uchida, attorney for the applicants, thanked the board for allowing them to proceed and outlined the plan of presentations from the various team members. He said they had waited until after the site visit to submit their information updates, hence its lateness.

Steven Pernaw, traffic engineer, presented flip charts from the traffic evaluation that had been presented at the last meeting plus some new information.

Previous crash data had been presented using data from the State's database. As private consultants, this is the only data they have access to. But not all crashes are reported to

the state and local residents disputed the data based on their personal knowledge of activity on Thrasher Road. Mr. Pernaw attempted to present information from the police data base, but the Board stated this was information they had not yet received. Mr. Uchida asked the Board if they would be willing to answer questions about traffic data instead. The Board preferred to wait until Mr. McCrory could be present.

Mrs. Towle said she had read the materials that had been submitted following the site visit and had been very pleased with what she had read. Mrs. Pope agreed with Mrs. Towle. Mr. Hurd and Mr. Russel said they had not yet seen the materials.

Motion: To continue the hearing (to the September meeting) until the board has all of the appropriate paperwork from both parties.

Made by: Mr. Hurd **Second:** Mrs. Pope

Vote: Hurd – yes; Carman – no; Petrin – no; Pope – yes; Towle – no.

Motion failed.

Applicant's Presentation

Mr. Pernaw presented a graphic of the accident data from the police department. There were six crashes between January 2010 and July 13, 2016. Two of those crashes happened in the speedway parking lot. Mr. Pernaw showed the board the locations of the accidents on an aerial photo. No discernible trend could be derived from such a small number of crashes. He said the crash rate of 0.6 is in line with what would be expected for a rural, two-lane road that winds and twists.

Mr. Pernaw made the following suggestions for improving road safety on the horizontal curve before the speedway entrance:

- a single white line at the edge of the road and a double yellow center line going into the horizontal curves (will alter the character of the road);
- advance warning signs on the approaches to the new driveway (not enforceable by the police);
- clearing the vegetation along the horizontal curve;
- A possible low-wattage light at the intersection of the driveway and the road (like a street light).

He said these recommendations are not because of the campground. They should be done independently of it.

Jeff Lewis from Northpoint Engineering spoke about drainage, sewage disposal and water.

Drainage – There is no evidence of runoff going into the conservation easement area today. He did not see that it would be a problem in the future. A comprehensive drainage plan will be presented to the Planning Board under site plan review. A DES Alteration of Terrain Permit will be submitted. He said there is plenty of area on the site to manage storm water.

Septic – Subsurface systems are regulated by the state. The state guidelines estimate 65 gpd for each campsite. With 149 campsites, there would be just under 10,000 gpd to dispose of. There are 66 acres on this site with different soil types, two of which are quite suitable for subsurface disposal. The site can sustain 105,000 gpd based on soils and topography. There will likely be two leach fields. Test pits will be dug in the areas where the leach fields will likely be placed. If test pits turn up buried materials the leach fields can be re-located (the site is plenty big enough) or the buried materials can be removed and replaced with suitable soils. The fields would be at least 500 feet from any property lines.

Water – The applicants had been expecting to build a public water supply on the property (i.e. a well), which would be regulated by DES. The location of the well is shown on the plan. The location has to be approved by DES. Once the location is approved, the well is drilled and more tests are required, one of which is the pump test. Neighboring wells are monitored during the pump test for possible impacts. DES will not allow the quality or quantity of other wells or water resources to be impacted by the proposed well. Monitoring wells may have to be installed to make the necessary findings for DES to approve or disapprove the proposed well.

Mr. Lewis said they have also been discussing connecting to the municipal water system and they are optimistic that they will be able to do so. There is a 10-inch water main available in Main Street. He said this is part of DES's review of the water supply application. If municipal water can serve the site, DES will not grant a permit to develop a private water supply (i.e. the onsite well).

He said whichever direction they end up taking, there will be no adverse impacts to anyone who has a well in the neighborhood.

He said they are working on state permits simultaneously with the municipal permits.

Mrs. Pope wanted the board to know the final decision on the water supply before the board voted on the variance. Mr. Lewis said they can't give a final answer until the engineering is completed for the municipal connection, which they have not yet begun. They wanted to get the variance first. Mrs. Towle asked that the applicants provide written evidence of the City's assurance that the campground can connect to the municipal water system if the engineering works out favorably. She clarified with the applicants that there is, at this time, no specific timeline (for the engineering) and that they are waiting on this variance. They confirmed that this is correct. There were no further questions from the board.

Playground – Mr. Uchida said the applicants plan to put in a playground in response to a suggestion made at the last meeting. It will be situated in the camping area. Regulations for use of the playground and the swimming pool will be posted at the site.

Decks – Decks will be allowed without a building permit if they are no larger than 10 ft x 20 ft, have no foundation and no roof over them. Campground approval will be required. This will be included in the camp regulations.

Store – A camp store will be provided with limited provisions only. It will be located in the recreation hall with limited hours.

Setbacks to property lines – Each campsite will meet the zoning setback requirements that are normally applied to structures.

Special Events – There will be no large scale events for the campground.

Mr. Uchida said it is highly unlikely that racecar drivers will be using the campground.

He said there is no evidence that storm water is draining offsite in the southeast corner of the property. He said this may have happened in the past, but has not occurred since berms were put in place in that area.

Mr. Hurd asked for information on the coverage density of the campground and whether or not the decks would be taxed. Mr. Uchida said the lot coverage density is well under the allowed limit.

Mrs. Pope asked if campers that remain on the site all year would be taxed. Mr. Ambrose said in his experience if the vehicle is registered it is not taxed. Taxes are paid by the owners for the whole property. The owners then bill the campers.

Motion: To take a five-minute break.

Made by: Mr. Russel **Second:** Mrs. Pope

Vote: Unanimous in favor.

Abutters

Grace Horvath – She is still worried about the water. If the board grants the variance and the campground can't get City water and her well dries up she will "not be a happy camper" and what then?

Donald Thompson speaking on behalf of Rose Maley – He didn't think the board should make a decision without having first received the updated input of Mr. McCrory. He stated that if the campground is to be considered as a second, separate use, then the application fails to meet the hardship criteria. He said since the plan was not as complete as a site plan would be (drawing on Mr. McCrory's staff memo), then the applicant's have failed to fully address all of the issues. He agreed with Ms. Horvath that the water supply should be decided before the variance is approved. He said the septic system was not shown on the plans. The applicant claims that the campground will have less of an impact on neighboring properties than other uses that are allowed in the zone, but provides no data to support that assertion. He said no data was presented to support the assertion that there would be no adverse impact on surrounding property values (only opinion of a local real estate agent).

Ken Patten – Mr. Patten lives below the property on the Main Street side. He said he was concerned about drainage. (He was referred to DPW.) He said as long as the campground puts up a fence and keeps the campers off of his property he doesn't have a problem with it.

Charles Egbert – Mr. Egbert said he was concerned about placement of (camp) fire rings in close proximity to the racing car fuel. He said he also was concerned about the effect of the smoke from 149 campfires on the air quality in the neighborhood. He felt the campground was not being required to follow the City's laws with regard to decks or burning. He said he couldn't keep the track and the campground separate when the campground is allowing use of the track by children and dogs. He wanted to know where the security building would be. He said that one manager on the site would not be enough to supervise 700-800 people. He said the traffic study failed to mention pedestrian traffic on Thrasher Road.

Reverdy Ford - Mr. Ford is most concerned about traffic safety on Thrasher Road. He is somewhat concerned about smoke from the campfires settling in the low areas. He felt the applicants had done a very good job addressing all of the other issues.

Rebecca Ford – She likes the idea of providing a light at the driveway intersection and the road markings. She is concerned about security and asked if the board could require it as a condition. The board said they would wait until Mr. McCrory could be present to address the question. She, like others, asked what she would do if her well should run dry as a result of their drilling – who would she turn to. Mr. Hurd referred her to DES. She said she has seen campers leaving in the morning after events on two different occasions. Ms Taylor told her she should call the police.

There were no further comments or questions.

Motion: To continue the hearing to the September 6th meeting.

Made by: Mrs. Pope **Second:** Mr. Hurd

Vote: Unanimous in favor

IV. New Business

V. Communications

VI. Other Business

VII. Adjournment

Motion: To adjourn the meeting

Made by: Mr. Russel **Second:** Mrs. Pope

Vote: Unanimous in favor

Respectfully submitted,

deForest Bearse