

MIDDLESEX ZONING BOARD OF ADJUSTMENT

Monday, May 7, 2018

6:00 PM

127 VT Route 12 (Site Visit)
Middlesex Town Hall (Hearing)
5 Church Street
Middlesex, Vermont 05602
(802) 223-5915

MINUTES

Albert Borne Zoning Permit #18-10 Hearing

Prior to the hearing, a site visit convenes at the property of Albert Borne, at VT Route 12 at 6:03 pm.

Present: ZBA members Charlene Bohl, John Demeter, Phil Hyjek and Roger Hirt; Zoning Administrator Mitch Osiecki. Also present is Albert Borne, appellant, and John Dillon, and abutting property owner.

Absent: ZBA member Daniel Crisp.

John introduces members of the ZBA to Albert and John.

Albert describes the layout of his property and explains where he proposes to park vehicles he is selling.

Site visit concludes at 6:15.

Call to Order

John calls to order an organizational meeting at 6:39 pm.

Motion: Phil nominates John Demeter as chair. Charlene seconds. **Motion carries.**

Motion: John nominates Daniel as Vice Chair. Phil seconds. **Motion carries.**

Mitch Osiecki affirms that he will continue the past practice of the zoning administrator serving as minute-taker for ZBA hearings.

ZBA Hearing formally convenes at Middlesex Town Hall at 6:42 pm.

Present: ZBA members Charlene Bohl, John Demeter, Phil Hyjek and Roger Hirt; Zoning Administrator Mitch Osiecki. Also present is Albert Borne, appellant, and John Dillon, an abutting property owner.

Absent: ZBA member Daniel Crisp

John explains the procedures that will be observed for the hearing.

John reads into the record the public warning of the hearing. The purpose of this hearing is for a conditional use review to consider allowing Albert Borne to site a Home Industry (a used car dealership) on his property.

John polls members of the ZBA and confirms that no ZBA member has any conflicts of interest that would prevent them from rendering a fair and impartial decision.

John polls members of the ZBA and affirms that no ex parte communication has taken place by any ZBA members prior to the hearing.

John explains definition of an Interested Person and affirms that Albert Borne and John Dillon meet the definition of Interested Persons.

John swears in all Interested Persons.

Albert explains that he wishes to operate a used car dealership out of his home. Albert has been selling cars from his home for several years and wishes to have his business formally recognized as a dealership, which will simplify his paperwork and streamline registration of his vehicles with the DMV.

Brief discussion of lighting. Albert says he already has lighting in his front yard and does not propose to increase lighting.

Brief discussion of signage. Regulations allow for a sign not larger than 16 square feet and out of the public right of way.

John Dillon states that his primary concern was to the amount of traffic that might be generated. John is satisfied that the amount of traffic this business will likely generate is not a concern.

The ZBA proceeds to consider the ten standards outlined under Section 5.4 Conditional Use Review:

- (1) **Site Features.** John raises a potential concern with hazardous material running down slope to the river. John's indicates that conditions placed on the business could mitigate this concern.
 - (2) **Access.** ZBA has no concerns;
 - (3) **Circulation.** ZBA has no concerns;
 - (4) **Parking, Loading, Service & Outdoor Storage Areas.** ZBA has no concerns;
 - (5) **Layout & Site Design.** ZBA has no concerns;
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- (6) **Landscaping and Screening.** ZBA has no concerns;
- (7) **Storm Water Management & Erosion Control.** ZBA has no concerns;
- (8) **Lighting.** As discussed previously, members are satisfied provided that lighting is not increased;
- (9) **Bylaws in effect.** The members express satisfaction that the proposed use conforms to regulations;
- (10) **Sign Requirements.** The ZBA is willing to permit a sign, provided that it satisfies current regulations.

Zoning District Standards. Discussion of dimensional, siting and other standards. Agreement that since there is no structure involved, proposed use will conform to standards for the district.

Discussion of merits follows. John asks for a brief poll of members. He feels his concerns have been adequately addressed and that he is ready to consider the request. Others concur.

Motion: John moves to approve the conditional use, subject to the following conditions:

- (1) Existing lighting will not be increased;
- (2) The number of vehicles for sale will be limited to a maximum of five (5) at any one time;
- (3) Applicant will keep on hand an absorbent product or create a physical barrier to prevent contaminants from flowing into waterway;
- (4) No mechanical repairs will be undertaken on the lawn.

Vote on motion: Yes – John, Phil, Charlene, Roger. No – None. **Motion carries.**

Meeting adjourns at 7:17 pm.

Respectfully submitted,

Mitch Osiecki, Zoning Administrator

