

Town of Sandgate Planning Commission Minutes
Wednesday, April 13, 2022
Sandgate Municipal Office

Board Members Present: Richard Zoppel (Chair), Brad Kessler, Caroline Kimbal, and Rob Viglas

Board Members Absent: James Aschmann

Also Present: , Sheila Kearns, Zoning Administrator (ZA), Catherine Bryars, Bennington County Regional Commission (BCRC), Callie Fishburne (BCRC)

1. The meeting was Called to order at 6:00 pm.
2. Upon review, no additions or amendments were made to the agenda
3. No conflicts of interest were declared by Board Members present.
4. Town Plan/Zoning Bylaw updates: Catherine Bryars, BCRC, outlined areas of Section 6: Land Use of the Town Plan that should be reviewed for possible updates:
 - References to restrictions on permanent residences above 1,600 will need to revised for clarification in relation to the Town Bylaws
 - The chart of budget growth and property taxes has been updated to the current time and further statements may be proposed in the plan about development impacts on Town finances
 - Catherine went over the concept of cluster subdivisions and suggest the terminology might be updated to refer to planned unit development
 - References to seeking a Town Center designation will be added.
 - A more detailed map of the Town Land Use Zones was presented and Catherine suggested adding more detail to the description of the zones to reflect how the Zones are represented on the map
5. At 7:00 pm Richard Zoepfel made a motion to adjourn that was seconded by Rob Viglas and passed unanimously.

Upon Adjournment the scheduled Zoning Board of Adjustment convened. General Minutes for the hearing are below and the Hearing Decision will be posted separately.

Notice concerning the next meeting of the Sandgate Planning Commission will be posted on the town website and at the Town message boards during the week before the proposed meeting.

Town of Sandgate
Zoning Board of Adjustment Minutes
Wednesday, April 13, 2022
Sandgate Municipal Office

Board Members Present: Richard Zoppel (Chair), Brad Kessler, Caroline Kimbal, and Rob Viglas

Board Members Absent: James Aschmann

Also Present: Sheila Kearns, Zoning Administrator (ZA); Bill Freeman (Adjacent Property Owner, Contractor), and Chris Papamichael (Land Owner/Country Creek Estates Inc.)

1. At 7:00 pm, Richard Zoppel called the meeting to order.
2. The ZA reading the warning for the hearing:

All interested parties are hereby warned of a public hearing before the Sandgate Zoning Board of Adjustment on Wednesday, April 13, 2022 at 7 pm in the Sandgate Town Hall regarding a zoning permit application by Country Creek Estates Inc. for construction of a camp on Swearing Hill Road in the Forest #2 District. A variance is required because the proposed structure does not meet the requirement of a "200 foot setback from any lot or street line" in accordance with Sandgate Zoning Bylaws Section 6.2, paragraph 5 and to address other requirements for a primitive camp in the F2 District.

This hearing is warned in accordance with Section 4464 of the Vermont Planning and Development Act (24 V.S.A., Chapter 117). participation in this proceeding is a prerequisite to the right to take any subsequent appeal.

3. The Chair asked if any members of the Board had any conflict of interest regarding the matter before the Board and none were reported.
4. The Chair reviewed the order of the hearing, noting that the Board had not received any written communication from interested parties regarding the hearing and that no members of the public were present.
5. The Chair called upon the Bill Freeman, the Contractor to describe the details of the requested permit and the specifics of the appeal:

Freeman stated that the proposed structure is a 30' long, X 20' wide, 18' high cabin (camp) (600 square ft. footprint) with a 6' wide X 30' long porch. The variance is sought from the required 200' setback for a setback of 75' from the center line of Swearing Hill Rd. and a 60' setback from the Tew property line. Additionally Freeman raised the question of the 600 square foot limit for camps in the Sandgate Town Bylaws. The proposed structure has a loft above the main floor that would provide space in addition to the 600 square feet of space on the main floor of the proposed design and Freeman wanted assurance that the loft space would be permitted. A sample photo and floor plan were presented as an example of the proposed structure.

6. Richard Zoppel asked about the overall height of the structure which Freeman indicated would be around 18' and that the loft would be accommodated within that height. Brad Kessler asked about the plans for water and toilet facilities. Freeman stated that no water supply is planned and that a privy will be constructed in accordance with the limitations in the Bylaws that do not permit toilet facilities within 100 feet of any water supply or water body, stream, brook, river, pond, or wetland. Caroline Kimball inquired about the sample floor plan that showed a bathroom and kitchen and Freeman stated that this sample was not an exact representation of the layout and that there would not be a bathroom or kitchen involving a water supply. The ZA noted that the property is served by an existing access from the road.

7. The Chair asked that the ZA read the section from the Bylaws regarding variances:

8.5 Variances: On an appeal from the decision of the Zoning Administrator, where a variance from the strict requirements of this bylaw is requested the ZBA must adhere to and act strictly within the limitations of 24

V.S.A. Section 4469. The Board may render a decision in favor of the appellant only if it makes a positive finding on all of the following facts:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this bylaw in the district or neighborhood in which the property is located;
 2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulation and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
 3. That the appellant has not created the unnecessary hardship;
 4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, nor be detrimental to the public welfare; and
 5. That the variance, if authorized, will represent the minimum variance affording relief and will represent the least deviation possible from the zoning bylaw and the town plan.
8. The Chair noted that there were no additional questions or comments on the matter before the Board and that the Board would adjourn to deliberate and that a ruling would be issued as promptly as possible within the required 45 days.
9. By unanimous consent the Board adjourned at 8:00 pm.