

PLANNING COMMISSION AND  
ZONING BOARD OF ADJUSTMENT  
APRIL 2, 2024 MINUTES

The April 2, 2024 meeting of the Planning Commission and Zoning Board of Adjustment was called to order at 7:00 P.M. by The Chair of the Planning Commission, Mike Coleman.

**Board members in attendance were:** Mike Coleman, Anne Brown, Jay Kullman, Frank Vetere, Rick Martin, Keith Cappellini and Bruce Pauley.

**Public in attendance were:** Jodi Couture, Bob & Pat Lambert, Rebecca Ruplin, Zacharey King, Nina Skyttmo, Brandon Berger, Emily Dupont, Julie Dupont, Craig Obriske.

**Approval of Mar 5, 2024 Planning Commission regular meeting minutes.**

Bruce Pauley made a motion to accept the minutes of the March 5, 2024 Public Hearing as written. Seconded, approved by a unanimous verbal vote.

**Hearing of Conditional Use application for Rebecca Ruplin**

Hearing opened for a conditional change of use application by Rebecca Ruplin, 2185 Lynds Hill Rd. The applicant wants to establish a rural small enterprise and agricultural business at her single-family home. She plans to expand & continue meeting the demand for produce, expanding and getting more space at her farmer's market. Her produce is in demand here in town as well as among restaurants.

Several neighbors appeared @ the hearing. Bob Lambert spoke on behalf of the applicant and Susan Fryburger E-mailed her concerns. Both individuals achieved interested party status,

The Chairman noted that one of the concerns from a neighbor was that the structures proposed would be within the setbacks. The submitted site plan was not to scale. The application indicates setbacks will be met. The roadside farm stand is less than 200 SQ feet and considered a D-minus structure, it will be movable and within 60' setback from the centerline of the road.

The board discussed that this is an agricultural enterprise and a zoning permit is not required under the current regulations, however change of use is. The Commission determined that the application is complete.

Rebeca Ruplin noted: The development schedule is planning to start this spring and continue through the rest of summer. The change of use will allow her to expand and hire more people. She is looking for agricultural grants too. Hearing is closed.

### **Hearing of Conditional Use application for Jodi Couture**

Hearing opened for a conditional use zoning permit to re-build a Single-Family House (SFH) within the shoreland overlay by Jodi Couture, 612 Route 100.

A board member asked about the setback for the new septic system- (based on SOV- WW permit # the system has been approved by the state). The only major concern is cutting trees down.

Applicant explained that one large tree overhanging the house will be cut down, which looks distressed and may fall down on its own.

Jodi Couture (Owner) said the new septic will not require tree cutting.

Mike Colman (Chairman) replied that there is a set of criteria for septic systems and that's something reviewed and regulated by the state.

Owner replied that the septic system is going in front of the house, not on the lake side and far from the water.

Chairman noted that footprint is measured from the edge of the eave, not the foundation of the block wall; the existing block wall your footprint is the edge of the eave. That's a tight site for any building.

Owner explained that they have no plans to change the existing footprint but will be rebuilding the existing structure. They will be placing a new porch further from the lake. They will be placing the utilities up on the first floor. Everything will be electric. Gas tank will be anchored. Owner will be doing a lot of flood prevention work for the structure.

Chairman noted there is one thing that the State of Vermont does require what they call the res check which is residential energy code compliance and you self-certify that. The owner has to make sure that it has been done and that's self-certifying you do all appropriate tests and certifications. The certificate can be laminated and attached to the electric service for inspection. It's a pre-existing non-conforming structure. As long as he doesn't build it bigger than it's non-conforming and we will have no issues. The application is complete and has all

required papers. Board will go through a deliberation process on this, results will be known by Thursday.

Owner said that building will start closer to the end of May.

Chairman mentioned that the board can offer a one-year extension if needed. The permit is good for 2 years and then allows several one-year extensions in order to complete a project. Hearing was closed.

### **Public Hearing regarding naming of 5 town highways and private roads**

Chairman moved to the next item on the agenda. Naming of 5 new roads. The reason for it, we're trying to upgrade our E 9-1-1 systems and GPX points so the fire trucks and ambulances can be dispatched. The Power Point presentation on the roads location and naming was presented. Extensive research was done on deeds of abutting properties.

A total of five roads were named. First was Gilmore Road.

### **[Plymouth of Town Zoning Presentation, New Roads](#)**

Gilmore Road is a town class 4 Road starts at Kingdom Road and undetermined when it gets down about halfway, there was a court case where they determined that it did connect to Dix Hill and then we've seen some information that says it doesn't connect.

A part of the subdivision of lot 129 required a gate on that if they were going to subdivide that. The original plan was for nine subdivisions. However, that subdivision planning has expired since.

Concerned Owner asked why this class 4 road needs a name and if such roads are named.

Chairman replied that class 4 roads can be named and we are giving an official name to this road now. Examples of class 4 roads with names are Pine Hill Road, Buxton Schoolhouse Road.

Rick Martin asked if the town was obligated to maintain class 4 roads.

Chairman replied that the town is not obligated to maintain class 4 roads.

Concerned Owner on behalf of the other owner (Liz Galloway) expressed concern that the naming of the road may result in traffic changes and mailing address changes.

Chairman replied: The GPX for Liz Galloway property in particular is where it points. This is a situation where her driveway stops and Gilmore Road starts and that's the GPX point that we give to E 9-1-1. That is off of Gilmore Road.

Concerned Owner noted that if you go to maps and you zoom in it will show Dix H I. So why don't we name the whole thing Dix Hill Road?

Natasha Bochkov noted that Google AI makes a mistake naming this road as Dix Hill Road. When it drives on Dix Hill Road it thinks, because it doesn't see any other signs, that it's continuing driving on Dix Hill Road. So, Google assigns this road name.

Rick Martin asked why don't we just keep it Dix Hill Road all the way?

Chairman replied that historically it always was Gilmore Road. It was recorded in deeds. This area has been subdivided several times, and the deeds all reference it that way. The deeds reflected it as Gilmore Road. It was a pent road, which means both property owners on either side own to the centerline of the road, and are responsible for the upkeep of the road. That's a pent road. But they named it Gilmore Road.

Rick Martin asked if we have the authority to change it to Dix Hill Road.

Chairman replied the Planning Commission can make a recommendation to the Select Board to rename.

Rick Martin asked If it's only a tenth of a mile, wouldn't it be logical to keep it as Dix Hill Road?

Chairman explained that the whole purpose of this is to get the fire trucks to the right spot.

Concerned citizen said that he is advocating for his neighbor, she doesn't want to have a different address now. Her driveway on Kingdom Road. He noted that if the town doesn't have to maintain it how firetrucks will access it in case a new subdivision happens.

Chairman explained that her driveway is on Gilmore Road but she has a Kingdom Road address. The road name change is not going to affect the mailing address. It's simply done for E911, that's it. The sign will be placed by the mailbox at the road corner.

If subdivision happens then it will be required for them to maintain the road for emergency vehicles. It has to be 50 feet right of way. It's going to have a turnaround. It's going to have a turnaround of about 100 feet or maybe 150. It's going to have to be a T or a dead end. Home owners have to maintain such roads, they have to plow it themselves. Perfect example is Redding Pond Road. or Pine Hill Road, about a mile and a half.

Jay Kullman noted that the town has a class four road policy. The town shall not provide any summer maintenance of class four highways except to the extent required by necessity in the public good and convenience of the inhabitants of the town, and when staff and financial resources allow. Such work will in no way obligate the town to perform any additional maintenance or repairs of any nature. The town shall not provide any winter maintenance on class four highways except to the extent required by necessity in the public good and convenience of the inhabitants of the town, and when the staff and financial resources allow. Plowing by private party shall only be allowed with an advanced permit agreed to by the select board pursuant to section four of this policy. Any winter plowing of class four highway is granted by the select board to parties other than the municipality shall not nullify the snowmobiling privileges. Example, Pine Hill's not plowed at all, never. We don't have to. Owners have to come get a permit to do it themselves

Natasha Bochkov noted that if the new road becomes a continuation of the Dix Hill Road then it will become class 3 road and the town has to maintain it.

Concerned citizens noted that they don't want to change class 4 road and make it unusable for snowmobiling.

Chairman explained that in case of subdivision people can file a petition to upgrade their road. They have to pay to upgrade that road, and two town specifications. Reading Pond Road is a perfect example. The purpose of tonight's hearing is to recommend to the select board, simply a name Gilmore Road. It's not Dix Hill, because Dix Hill Road doesn't go through. The owner McGee of lot 101 took the subdivision right to the Supreme Court, and they determined that section was not Dix Hill Road. That 50 ft right-of-way was not Dix Hill Road. So, Gilmore Road couldn't possibly go all the way through, if it ends there. According to the lawsuit, it stops there. Dead end.

Concerned citizen was satisfied with all questions answered.

Chairman presented other 4 roads, discussion followed and naming was approved.

Chairman closed hearing at 8:00 PM.

During the executive session two applications were discussed as well as roads naming. Rebecca Ruplin application had no issue Rick Martin made a motion to approve, Anne Brown seconded. All were in favor.

Jodi Couture application was discussed. It is conditional and as long as he doesn't build it bigger than it's non-conforming. Chairman said that we are still waiting for our State of Vermont Wetlands Permit, which according to Jeff McMahon, it's forthcoming. So, we'll have to put a condition on our decision letter as contingent on the state permit. Condition regarding the septic, whoever designed it has to sign off on it or if they put it further back away then he's got to cut all the trees down and accommodate it. Then he would have to come back to us. Because we're allowing him to cut no more than a couple of trees that are dead and deceased. Bruce Pauley made a motion to approve as presented, Rick Martin seconded. All were in favor.

Rick Martin moved to adjourn the meeting at 8:25 PM. Anne Brown seconded the motion. All were in favor.

Respectfully submitted, as draft until approved,

Natasha Bochkov