

**VILLAGE OF ESSEX JUNCTION  
ZONING BOARD OF ADJUSTMENT  
SEPTEMBER 20, 2016  
AGENDA  
6:00 P.M.**

**I. Audience for Visitors**

**II. Additions or Amendments to Agenda**

**III. Minutes**

- A. Regular Meeting – July 19, 2016
- B. Special Meeting – July 25, 2016

**IV. Review and Sign Ethics Policy**

- A. Elect Chairperson and Vice-chairperson

**V. Public Hearing**

- A. Appeal Administrative Officer's decision to issue a zoning permit for additional stone base of 12" +/- to an existing driveway at 149 West Street in the MF-2 District, by Lori Dion Echols, appellant.

**VI. Other Business**

**VII. Adjournment**

Pursuant to 24 VSA Section 4464(a)(1)(C) Participation during the public hearing before the Essex Junction Zoning Board of Adjustment is a prerequisite to the right to take any subsequent appeal.

Members of the public are encouraged to speak during the Public-To-Be-Heard agenda item, during a Public Hearing, or, when recognized by the Chair, during consideration of a specific agenda item.

This meeting will be held in the conference room of the Essex Junction municipal building at 2 Lincoln St., Essex Jct., VT. Reasonable accommodations will be provided upon request to the Village, 878-6950, to assure that Village meetings are accessible to all individuals regardless of disability.

For information on subsequent meetings on the above mentioned applications, please contact the Community Development Department from 8 – 4:30 at 878-6950 or the website [www.essexjunction.org](http://www.essexjunction.org).

**VILLAGE OF ESSEX JUNCTION  
ZONING BOARD OF ADJUSTMENT  
MINUTES OF MEETING  
September 20, 2016**

**MEMBERS PRESENT:** Tom Weaver (Chair); Bruce Murdough, Aaron Martin, Jim Moody, Martin Hughes.  
**ADMINISTRATION:** Robin Pierce.  
**OTHERS PRESENT:** Lori Echols, Diane Tardy, Elaine Sharrow, Harvey Sharrow.

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**1. CALL TO ORDER and AUDIENCE FOR VISITORS**

Chairman Tom Weaver called the meeting to order at 6 PM. There were no comments from the audience.

**2. ADDITIONS/AMENDMENTS TO AGENDA**

There were no changes to the agenda.

**3. SIGN ETHICS POLICY**

The ZBA members reviewed and signed the policy.

**4. MINUTES**

*July 19, 2016*

**MOTION by Aaron Martin, SECOND by Bruce Murdough, to approve the July 19, 2016 minutes as written. VOTING: unanimous (5-0); motion carried.**

*July 25, 2016*

**MOTION by Aaron Martin, SECOND by Jim Moody, to approve the July 25, 2016 minutes as written. VOTING: unanimous (5-0); motion carried.**

**5. ELECTION OF OFFICERS**

*Chair*

**MOTION by Bruce Murdough, SECOND by Aaron Martin, to nominate Tom Weaver as Chair of the Zoning Board of Adjustment. There were no other nominations. VOTING: unanimous; motion carried.**

Tom Weaver is Chair of the Essex Junction Zoning Board of Adjustment.

*Vice Chair*

**MOTION by Aaron Martin, SECOND by Tom Weaver, to nominate Bruce Murdough as Vice Chair of the Zoning Board of Adjustment. There were no other nominations. VOTING: unanimous; motion carried.**

Bruce Murdough is Vice Chair of the Essex Junction Zoning Board of Adjustment.

**6. PUBLIC HEARING**

The function of the Zoning Board as a quasi-judicial board and the hearing procedure were explained. Individuals to give testimony before the Board were sworn in.

**Appeal of Administrative Officer's decision to issue a zoning permit for additional stone base of approximately 12 inches to an existing driveway at 149 West Street in the MF-2 District by Lori Dion Echols**

Lori Echols, Diane Tardy, and Harvey Sharrow appeared on behalf of the appeal.

Submittals:

- Appeal Application, dated 8/5/16
- Letter from Lori Dion Echols, dated 8/5/16, re: Appeal of Permit for 149 West Street
- Zoning Permit Application for 149 West Street
- Zoning Permit (#81) for 149 West Street
- Site Plan (hand drawn)
- Google Maps Picture of 149 West Street
- Staff Report on the Appeal, dated 9/20/16

STAFF REPORT

The Zoning Board received a written staff report on the appeal, dated 9/20/16. Robin Pierce explained the owner of the property at 149 West Street got a permit to add stone to the driveway. There was at least ten or 12 inches of gravel added. A permit was issued after the fact because there was more driveway coverage after the stone was installed. The appellant, Lori Echols, was worried about flooding on her property at 159 West Street (adjacent to 149 West Street). There has been flooding on the property before on the other side of the lot and the village tried to fix the problem. The appellant was concerned the added driveway stone would increase the flooding. A survey done of the property at 149 West Street shows some of the appellant's property (half the deck) is on the adjoining property. There is also a swale.

APPELLANT TESTIMONY

Lori Echols, 159 West Street, described her property across from St. Lawrence Church and surrounded by four hills some of which are quite steep, and mentioned the flooding of her basement that occurred last year (the first time in 28 years) due to lack of attention from the village in rectifying the runoff into her yard from West Street. Ms. Echols said she was concerned when she saw the large amount of gravel being brought to the neighboring property and being spread with a bucket loader, and worried that the change in the landscaping would create a problem with flooding in her basement. Ms. Echols said she repeatedly approached Mr. Sharrow who owns the property at 149 West Street about the work and went to the village office because there was not a permit posted to describe the work that was being done. Ms. Echols said she wanted her concern about her basement on the record. The damage from the flooding last year was expensive. Ms. Echols said she also wants peace with her neighbors.

Tom Weaver said the appellant needs to provide evidence of the claim that an error was made in issuing the permit. Ms. Echols said the permit should have been more specific

with regard to the extent of the work. Diane Tardy added Lori Echols went to the village to ask about a permit for the work and the waiting period and found that a permit was not issued and due process was not done to express concerns.

Tom Weaver asked why a permit is needed for the driveway work. Robin Pierce explained after review of the site it was evident the size of the driveway was increased so a permit was issued. Tom Weaver said according to the letter from the appellant more than 12 inches of gravel was put in that could increase storm water infiltration on the appellant's property. Proof is needed that what was done will result in more drainage on the appellant's property. Robin Pierce pointed out the permit states runoff from the property cannot be increased. Aaron Martin said the permit is violated if the runoff is increased.

Diane Tardy said Lori Echols wanted her concern known and would have expressed that concern if there was opportunity. Lori Echols said being boxed in by four hills makes it critical that everything done is so there is no more water than has been in the yard. Ms. Echols said she panicked when she saw more and more stone being brought in and wanted the property owner to be considerate of her concern.

#### APPELLEE TESTIMONY

Harvey Sharrow, owner of 149 West Street, said he started repair of the driveway that has been in place for 40 years. Water was draining into the garage and the tenants living in the house were complaining about mud. The driveway was very steep and dangerous and the south side was badly washed out. Only winter sand, not hardpan, was found under the driveway which had to be dug out and replaced with gravel. The driveway was also tapered. The drainage has always been to the south (toward the garage). With the tapering the runoff will go to the swale at the back of the property. The side of the driveway on the Echols side was built up to direct runoff away from the property. Mr. Sharrow said he tried to explain this to Lori Echols.

Tom Weaver asked if the driveway was expanded. Mr. Sharrow said he did not expand the driveway.

Tom Weaver asked if the permit was posted. Mr. Sharrow said he did not see the need to post a permit and knew if there was a problem where it would come from. Tom Weaver asked Robin Pierce if Mr. Sharrow was told to post the permit. Robin Pierce confirmed this.

Bruce Murdough asked if the driveway was made larger than what it was before. Mr. Sharrow said no.

Lori Echols said the driveway slopes where the tenant's boat is parked, but up on the hill closer to West Street the land slopes toward her yard so the runoff will go into her yard before going into the ditch at the bottom of the driveway. Harvey Sharrow said the street department put in a water bar at the top of the driveway so no street water can come down the driveway. The tenant complained the water bar is high and catches on the

bottom of their car. The watershed is about 15'. Mr. Sharrow said he would like to skim coat with surepac. Tom Weaver advised getting a permit for the work.

There was no further testimony.

**MOTION by Martin Hughes, SECOND by Aaron Martin, to close the public hearing on the appeal of the permit for 149 West Street. VOTING: unanimous (5-0); motion carried.**

#### DELIBERATION/DECISION

##### Appeal of Permit for Additional Stone Base at 149 West Street by Lori Echols

There was discussion of posting the permit after the work was done and that the permit states there cannot be runoff onto adjoining property. The intention of the property owner of 149 West Street was to put a coat on the driveway, but then the work got more involved. The driveway tapers onto the appellee's property and all the setbacks are made. Gravel is pervious, but all driveways are considered part of lot coverage per the Land Development Code. The appellee did not see a need to post the permit because the work was already done. The appeal was filed within the 15 day appeal period.

#### FINDINGS OF FACT:

1. The Administrative Officer issued a zoning permit (#81) for additional stone base of approximately 12" to an existing driveway at 149 West Street in the MF-2 District.
2. The zoning permit was issued on July 22, 2016, and in accordance to Section 502.A.4(a) all permits must be posted in a location visible from the street and remain posted until the development is complete.
3. The appellant appealed the permit within the 15 day period.
4. The letter from the appellant, dated 8/5/16, suggests there was much more than 12" of stone and fill.
5. The appellant suggested the new height of the driveway increases the potential of storm water flowing onto her property.
6. The appellant said that the appellee did not post the zoning permit and the permit was secured after the work was done.
7. The appellee communicated with the village prior to doing the work and was told if the size of the driveway is not increased then a permit is not needed.
8. Permit #81 states the appellee cannot increase runoff onto the abutting property.

**MOTION by Martin Hughes, SECOND by Aaron Martin, based on the Findings of Fact the Zoning Board denies the appeal of Administrative Officer's decision to issue a zoning permit for additional stone base of 12" to an existing driveway at 149 West Street. VOTING: unanimous (5-0); motion carried.**

#### 7. OTHER BUSINESS

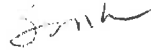
None.

#### 8. ADJOURNMENT

**MOTION by Jim Moody, SECOND by Aaron Martin, to adjourn the meeting.  
VOTING: unanimous (5-0); motion carried.**

The meeting was adjourned at 6:50 PM.

RScty: M.E. Riordan

A handwritten signature in cursive script, appearing to read "Jim Moody", is written next to the typed name "RScty: M.E. Riordan".