

Town of Burke  
212 School Street  
West Burke Vermont 05871  
Development Review Board  
Minutes  
August 14, 2019 - 6:00 P.M.

Members present: Scott Chappell, Rodney Machell, Herm Hoyt, Frank Cuccia, Ed Guest, James Bentley  
Visitors: Kevin Lajoie, Elise Lawson, Eric Skalworld, Maurice Tower, Tom & Jill Broderick, Denton Newland, Justin Phillips.

Buddy opened meeting at 6:00 P.M with the reading of the oath. Also disclosure of interested parties and ex parte communications.

The agenda had Kevin Lajoie's appeal letter and variance first & second. Kevin suggested to let the other applicant's go ahead of him. Buddy asked if everyone agreed. All in favor.

**Permit # 2019-35:** Denton Newland 1952 VT RT 114, East Burke VT. submitted a permit to put up a 4 x 8 sign for his business. The sign will not be lit. He has decided to reduce the size of the sign to a 3 x 6 sign. A picture of the sign was presented. Sign depot is making the sign. Mr. Newland will make the post. The color will be white. It will be placed within the state's setbacks for signs. Letters to abutters have been written. There are no interested parties. Board has no other questions. Buddy asked for a motion to close, Ed motioned/Scott seconded. Hearing closed. The Board will Deliberative after the meeting.

**SD# 2019-05:** Phil & Elise Lawson requesting to subdivide their 15 Acre lot into two parcels. One parcel will be 14.2 Acres. The other will be 0.8 Acres. The 0.8 acres will be incorporated into the Broderick property. The Broderick's will do a new deed and mylar map. Four copies of the map were presented. A copy of the letters to abutters are on file. The Lawson's plan to put land in Current Use. There were no interested parties here. Buddy asked for a motion to close the hearing. Scott motioned/ Herm seconded. Hearing closed. The Board will Deliberative after the meeting.

**Appeal Letter from Kevin Lajoie:** Kevin Lajoie is appealing Zoning Administrator Mike Harris's decision to deny him the Certificate of Occupancy he needs in order to finalize the building permit for his home. The home was built too close to TH 20. The setbacks in the AR 11 district are 75 feet from the center line of the road. His house is 43'. Mike had Kevin obtain another survey map showing the house with the setbacks to TH 20.

The neighbors Eric & Ella Skalwold, 1166 Marshall Newland Road who have two lots off from TH 20 discovered the setback issue and came to the Selectboard last fall. Mr. Skalwold had said that no permit was found when they came in to research. The Building Permit was approved on April 3, 2018 by Brent Shafer. There was no road access permit approved. The wastewater permit was filed under the previous owner's name Cliff Payne. The electric was put underground in the town's right-of-away, without the proper paperwork submitted. The prior Zoning Administrator had gone to see Mr. Lajoie about this, told Kevin to change his setbacks on his permit, which he did, which resulted in the setbacks still not being correct.

The Board informed Mr. Lajoie it is up to the applicant to give accurate information and be very sure where the setbacks are before building. Mr. Lajoie admitted he had measured using the wrong pin.

Mr. Skalwold has plans for his property in the future and is very upset about the current situation with the house. No other interested party.

**Permit # 2019-37:** Kevin Lajoie requesting a variance for his house located at 1248 Marshall Newland Road. At the time he built the home, he built too close to the TH 20, which is an Old County Road. The setback should be 75 feet and he is 43 feet from the center line of the road. He can't sell the house without the certificate of occupancy. He is requesting a variance to correct the setback issue. At the time the permit was issued, no road access was done. Electricity was put in in the town's right away. Again the same conservation ensued about the variance as above, with the appeal of the Zoning Administrator decision.

Mr. Lajoie did send letters to the abutters along with the list of landowners. A map of the property was also provided. Ed Guest told Mr. Lajoie that a variance is very hard to approve. The Board must follow 5 criteria, which are in the Burke Zoning Bylaws, on page 81.- 811 -Variances - Number 3- , of the variance states that the unnecessary hardship has not been created by the appellant. This setback issue was created by the owner.

Mr. Lajoie asked about the moving the road. It is not that easily done. Selectboard have to agree and so do the neighbors. Someone would be responsible for the cost. TH 20 does need a lot work but it is the only access to other land on that section of road.

There are no other questions and no other interested parties. Buddy asked for a motion to close the hearing, Frank motioned/Scott seconded. All in favor. Hearing closed. Board will deliberate.

**Zoning Administrator Report:** Mike is sending the violation issue of Rick Schwag and Dave Ruggles violations to the Selectboard to be turned over to the town lawyer. He has had phone calls about Bed & Breakfast and short term rentals.

No other Business.

**Minutes:** May, minutes can be approved. Buddy asked for a motion to approve, Ed /Scott, All in favor. June minutes can be approved. Buddy asked for a motion, James/ Scott, All in favor. There are not enough of the members available to approve July minutes. No other business. Ed motions to adjourn, Scott seconds, all in favor. Meeting adjourned. The board will go in to deliberative session.

Respectfully submitted, Linda Hackett-Corey DRB Clerk