

Andrew Strniste

From: Joseph McLean <jmclean@firmspf.com>
Sent: Thursday, May 28, 2020 10:04 AM
To: Andrew Strniste
Subject: RE: Building Envelope Materials

Andrew: Based on the information that you have provided, it is our opinion that the approved (and unappealed) building envelope for 26 Westman Road is binding and that the property owner cannot place an accessory structure, including a shed, outside the building envelope without first obtaining the approval of the DRB, either in the form of a permit amendment (as was done in 2016) or a variance. In other words, while § 10.2.A.7 exempts certain accessory structures from the zoning regulations, including the requirement to obtain a permit, the unappealed Planning Commission PRD/subdivision approval and plan establishing the building envelope are valid and enforceable.

By contrast, without more, § 10.2.A.7 does exempt accessory structures from meeting wetland buffer requirements established under the zoning regulations. While development in a Class I or II wetland or wetland buffer may be an issue for the State, structures meeting the requirements of § 10.2.A.7 are not subject to the requirements/limitations of § 3.19 or any other provision of the regulations.

Please let me know if you have any questions.

Thank you,

Joseph S. McLean, Esq.
Stitzel, Page & Fletcher, P.C.
PO Box 1507
171 Battery Street
Burlington, VT 05401-1507
Phone 802-660-2555
Fax 802-660-9119
www.firmspf.com

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