

**TOWN OF WESTMINSTER  
DEVELOPMENT REVIEW BOARD MEETING  
JANUARY 4, 2016**

Members Present: Chris Potter, (Chair); Kyle Skrocki (Vice Chair); Cathy Mullins (Clerk); Phil Savoy; Eric Anderson

Alternate Member: None required

Others Present: Russ Hodgkins (ZA); Karen Astley (Recording Secretary)

Interested Parties: Chris Moore, Attorney for Applicant, Paul and Doreen Lucius, Christian Blake, and Anthony James (applicant)

**CALL TO ORDER:** Chris Potter called this meeting to order at 7:01 PM in the Westminster Town Hall and welcomed everyone. A full Board was present. He advised that meetings are tape recorded therefore asked anyone that wishes to speak to identify themselves.

**ADJUSTMENTS TO AGENDA:** None.

**MINUTES:** Chris Potter stated that under Communications and Public Comment he would like to remove “There was no one present from the public for comment”. He considered the interested parties as “public”. This agenda item to read “NONE”. No further discussion. **Chris Potter made a motion to accept the minutes as revised. Eric Anderson 2<sup>nd</sup> the motion. Motion passed.**

**Ex Parte Communications:** There were no recusals from the application to be heard.

**Interested Parties:** All interested parties that signed in agreed to affirm that the evidence they give in the cause under consideration shall be the whole truth and nothing but the truth under the pains and penalties of perjury. Any comments from the public should be directed to the DRB. If the person before you has spoken to something that you were going to speak to please try not to repeat the same information. Everyone will have any opportunity to speak during the meeting.

**Deliberative Session:** The DRB members had previously agreed to make their decisions in Deliberative Session, if needed, following the public hearings on the applications. It will be scheduled at the end of the Development Review Hearing.

**COMMUNICATIONS AND PUBLIC COMMENT:** Chris Moore questioned whether the meeting is being tape recorded. Chris Potter did assure him it was.

**DEVELOPMENT REVIEW:** *DRB Member Chris Potter*

Application: #16-20 Appeal of a potential Sign Zoning Violation located at 5980 US Route 5. Application will be reviewed under **Section 216 Appeals; Section 442.4 Residential District Zone** of the 2014 Interim Zoning Bylaws. This application will also be reviewed under **Town Sign Ordinance dated October 8, 2006.**

**Testimony:** Chris Moore began the hearing by questioning why his client was in front of the DRB. He was aware of the letter dated November 18, 2015 from the Zoning Administrator for a potential sign violation but there is an application for a sign in front of the DRB this evening. Is the application also acting as a Waiver for Dimensional Requirements?

Russ Hodgkins, Zoning Administrator explained the structure was in place prior to his responsibilities as Zoning Administrator. Russ sent the letter as the signage was added without an application. He felt the DRB should hear the appeal and make a determination.

For all purposes this hearing for to focus on the sign added to the tanks only. Chris Moore added that the area surrounding this property had oversized signage. He pointed out Patriot, Toyota/Ford, Allen Brothers as examples.

Anthony James added that all his tanks have labeling/branding. This is consistent on all his tanks for the main purpose of safety. In the event there is a gas leak anyone can call the number on the tank and not second guess who may own it.

People were in agreement that the signage/labeling/branding looked good but the size does not meet the criteria of the Town Sign Ordinance although it does fit the structure.

Paul and Doreen Lucius who own/operate Muddy Paws commented that their sign had to be in compliance with the ordinance and so should this one. Billboards were band in Vermont. Mr. & Mrs. Lucius were adamant that Mr. James be made to comply with the ordinance. Mrs. Lucius asked if the tanks were painted and the applicant came to the town with a sign application for what is on there now would the DRB approve it?

Christian Blake suggested, although not opposed to the signage/labeling/branding, that measuring just the letters not the whole area to define the size may get the applicant in compliance possibly. Aesthetically the signage/labeling/branding is in the eye of the beholder and the safety issue of labeling/branding the tank/structure should preclude previous discussion regarding the size.

Kyle Skrocki asked the applicant if he would be opposed to making the signage/labeling/branding smaller? The applicant stated it would create a hardship but he may opt to remove some if needed. The applicant commented that when he bought the property it was "commercial" and later changed to residential district.

Chris Moore asked at this time procedurally for a Waiver of Dimensional Requirements based on the hardship and based on the character of sizes in that area of signs.

**Chris Potter closed the hearing at 7:43 p.m. with the possibility of continuation.**

#### **OTHER BUSINESS:**

**Zoning Bylaws (Interim 2014):** The DRB reviewed the Planning Commission's recommendations to Section II – Administration & Enforcement. The general consensus from the DRB is that the Town should circumvent state permits. Per the DRB we do not want to be in the habit of securing state permits just town permits. We can advise the

applicant that state permits maybe required but it is up to the application to contact the state. Change Administrative Officer to Zoning Administrator throughout. DRB commented the language in the bylaws should be kept simple.

Russ Hodgkins handed out Article III to the DRB and requested they review, mark up and bring comments/recommendations to the next meeting for discuss.

**DRB moved to Recess to Deliberative Session at 8:25 p.m.**

**Deliberative Session report taken by Russ Hodgkins:**

Coming out of the deliberative session at 8:54, Cathy Mullins made a motion to ask Mr. James for more information about the size of the sign that is in place versus the signs in the neighborhood. Kyle Skrocki seconded and the motion passed. Application 16-20 has been continued to the next meeting. The Zoning Administrator (Russ Hodgkins) will draft a letter to the Owner and his Legal Counsel.

**Other Business:** Chris Potter asked about the recommendation that the DRB gave to the Selectboard regarding the proposed parking area behind the Post Office. The ZA explained that the Board accepted the recommendations and the application will come back to the DRB next meeting with the Boards requests and will be warned as such. Discussion continued about the possibility of purchasing the Barrett property and not needing the parking area extension. The ZA explained that this could be an Article at Town Meeting.

**DATE OF NEXT MEETING:** The Chair declared the date of the next meeting will be February 1, 2016.

**ADJOURNMENT:** The meeting adjourned at 9:08 pm

\_\_\_\_\_  
Signature of Clerk

\_\_\_\_\_  
Date

Prepared by: Karen Astley, Recording Secretary

(Note: These are unapproved minutes. Corrections, if necessary, will be found in the minutes of the next DRB meeting).