

**TOWN OF WESTMINSTER  
DEVELOPMENT REVIEW BOARD MEETING  
June 6, 2016**

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

Others Present: Russ Hodgkins (ZA); Nancy Dalzell (SB Member)

Not Present: Cathy Mullins, Clerk

Interested Parties: Jennifer Bruder

**CALL TO ORDER:** Chris Potter called the meeting to order 7:02 PM in the Westminster Town Hall and welcomed everyone. Chris advised that meetings are tape recorded and told the applicant that the decision of these applications would happen in Deliberative Session and the results could be obtained earlier by calling the ZA.

**ADJUSTMENTS TO AGENDA:** None

**MINUTES:** Chris Potter asked whether there were any changes to be made to the May 2, 2016 meeting minutes. Hearing no comments, Chris asked for a motion to accept the minutes as printed. **Kyle Skrocki made a motion to accept the minutes as written. Phil Savoy 2<sup>nd</sup> the motion. Motion passed.**

**Ex Parte Communications:** There were no recusals from the first application (16-36) being heard. Kyle Skrocki did recuse himself from the second application (16-40).

**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:** There was none.

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

Application: #16-36                      State of Vermont, Department of Buildings and General Services, property location 1330 Westminster Heights Road, to change storm water retention system to a storm water detention system, landscaping and fence changes. Application will be reviewed under **Section 311 Site Plan Review; Section 442.1 Industrial District; Section 510 General Performance Standards; Section 540 Landscaping; 617 Ponds, Impoundments and Dams** of the 2014 Interim Zoning Bylaws.

**Testimony:** The State of Vermont did not have a representative to speak on this application. Chris Potter opened the hearing and discussion ensued by the Zoning Administrator. Russ Hodgkins gave a statement of why this application was before the DRB again. The state was requesting a change in the size of the pond(s), discharge of stormwater from retention to a detention pond, fencing changes and landscaping, a 30,000 gallon underground storage tank.

Russ explained based on the current circumstances and events, the stormwater runoff that was to be detained in the pond, on site, is not able to discharge quick enough through the soils as originally proposed on the engineering plans. The water is now running across town property and taking a path to the brook. The stormwater issue is compounded by a third party who has dumped fill on a bank that is washing into the brook.

According to Russ Hodgkins, all parties have been working together to come to a resolution and the state has agreed to conditions, hence the application before the DRB for a new permit. The town will grant the state an easement and the state will mitigate the flow of water from their site across the town property. The state has secured all state permits.

There was no further testimony. **The hearing was closed at 7:27 p.m.**

**NEW BUSINESS DEVELOPMENT REVIEW:** *DRB Member Phil Savoy*

Application: # 16-40

Kyle Skrocki, property located at 206 Oak Hill Terrace, Rebuilding an existing porch on North side of house (33' x 8') which is larger than existing and constructing a new covered storage shed on the West side of house (31' x 8'). Application will be reviewed under **Section 311 Site Plan Review; Section 312 Waivers to Dimensional Requirements; 442.4 Residential District; Section 510 General Performance Standards; Section 523 Nonconforming Structures** of the 2014 Interim Zoning Bylaws.

**Testimony:** Kyle Skrocki removed himself as a DRB member to act on his behalf along with Jennifer Bruder as applicant and interested parties. Kyle gave an overview of the site and its constraints. His proposed plan is to have a storage structure (shed) for equipment but where he proposes the structure it encroaches on the setbacks. The Residential District requires 30' setbacks and Kyle only has 26.5 on the Southwest side of his parcel. Kyle Skrocki explained with a Waiver of Dimensional Requirement this would allow him to be in compliance. Kyle brought with him a survey conducted by a licensed surveyor to show his boundaries. He did speak to his neighbors and no one was at the hearing nor did they oppose his plans. Kyle also will be constructing a porch on the northwest side of the building. This would give the second floor egress for safety purposes. This construction will enhance the value of the property and surrounding property.

There was no further testimony from the public or applicant. **The hearing was closed at 7:46 p.m.**

**UNFINISHED BUSINESS:**

6 a). *Comments/recommendations Articles IV, V and VI:* Kyle Skrocki voiced his opinion regarding setbacks increasing and felt strongly that they should remain the same or be decreased especially in the Residential District. By increasing setbacks this will create many more non-conforming parcels especially in areas where constraints are already tight.

The Planning Commission should review Waivers of Dimensional Requirements and change the language for this section. Interpretation of wording is confusing/misleading and seldom construed in various ways.

Kyle Skrocki made mention to “Warning meetings” that the Bylaws states 20 days so there is plenty of time to complete the review process and get the legal notice in the paper. After review of the Bylaws, the Zoning Administrator has 30 days to complete the review process so having a application deadline of the first Friday of each month is appropriate.

**OTHER BUSINESS:** No other business was discussed.

**Date of Next Meeting:** The date of the next meeting will be Tuesday, July 5, 2016 at 7:00 pm because of the holiday on Monday.

**Recess to Deliberative Session:** There was a consensus of the DRB members to enter into Deliberative Session at 8:09 p.m.

**Deliberative Session report taken by Russ Hodgkins:** Upon coming out of Deliberative session at 8:32 PM:

Chris Potter made a motion to accept the amendments for the State of Vermont’s Safety Facility as it relates to the stormwater discharge changes, the fencing changes, landscaping changes, the tower changes and the addition of an underground storage tank for the sprinkler system. Phil Savoy seconded. Discussion included recommendations/conditions of this approval will address that the stormwater discharge and will be regulated as per the Town’s legal counsel, the fencing will need to match the sites fencing that already exists and will need to completely enclose the lagoon that is now requested, and the plantings will need a maintenance plan that will replace any dead trees/bushes immediately upon recognition. The motion passed with the conditions mentioned.

Phil Savoy made a motion to grant a waiver of dimensional requirement to Kyle Skrocki for the shed encroachment on the southeast corner of approximately 3’. He also added that the porch should be granted a permit on its own merit. Eric Anderson seconded. The motion passed.

**9. Adjournment:** Chris Potter made a motion to adjourn, Phil Savoy seconded. The motion passed and the meeting was adjourned at 8:42 PM.

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Signature of Clerk

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Date

Prepared by: Karen M. Astley, Recording Clerk  
(Note: These are unapproved minutes. Corrections, if necessary, will be found in the minutes of the next DRB meeting.)