

**TOWN OF WESTMINSTER
DEVELOPMENT REVIEW BOARD MEETING
July 5, 2016**

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

Others Present: Russ Hodgkins (ZA), Bruce M.

Interested Parties: Kevin Hughes, Nancy Dalzell, Tony Diorio, Murray Krugman, Tim Wells, Christine & Peter Biolsi, Peter Terrell, Jon Whitman, and Rachel Brown

CALL TO ORDER: Chris Potter called the meeting to order 7:00 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 June 6, 2016 meeting minutes. Hearing no comments, Chris asked for a motion to accept the minutes as printed. **Eric Anderson made a motion to accept the minutes as written. Phil Savoy 2nd the motion. Motion passed.**

Ex Parte Communications: Phil Savoy did recuse himself from the application (16-45) as he was the applicant.

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 Kyle Skrocki*

Application: #16-45

Phil Savoy and Tim Wells represented Alex Lyon (Owner) for a minor subdivision located on 3366 US Route 5. Application will be reviewed under: **Section 214B Application Requirements; Section 311 Site Plan Review; Section 442.3 Village District; Section 442.4 Residential District; Section 424 Lots in Two Districts; Article VIII Subdivision of Land; Article IX Historical Preservation Overlay District; and Article X Agricultural Land Overlay District** of the 2014 Interim Zoning Bylaws.

Testimony: Kyle Skrocki opened the public hearing at 7:03 PM. He gave the floor to Phil Savoy and Tim Wells to explain the application of a minor subdivision. Phil explained that the subdivision was going to be split into two parcels. One parcel was going to contain the motel and old restaurant and the other was going to be the field. The precise acreage was not on the map that was given to the DRB and they asked that it be placed on the next plan clearly. Phil explained that the acreage would be as follows: motel & old restaurant would be approximately 1.58 acres and the field would be approximately 7.1 acres. Again, Phil explained that no construction was planned for either parcel and when asked, he explained he did not know why the Owner was subdividing. Phil went on to say that the access to this new field parcel would be through the private drive, "Metcalf Drive". This arrangement was in the deeds of the property from several years past.

Kyle went through the sections and articles that were pertinent to the application and received questions from the public as he went. After completing Section 214 B, the DRB expressed concerns about the lack of information on the plan received. They asked Phil & Tim for more information on the plan before they would approve. Christine Biolsi asked again for the reason for the subdivision and the two representatives answered again that they did not know. Murray Krugman asked why the white house was not notified of these proceedings. The ZA told the Board and Mr. Krugman that they all were in deed notified legally for this hearing. The information was in the packet.

Kyle went on to the "Site Plan Review" and explained that "C" 1 through 8 were met at this time because no construction or development was planned at this time. Peter Terrell explained that his field borders this new subdivision and the two areas have no buffers between them and he would be interested when appropriate that something be done about this. Kyle explained again that this was strictly a subdivision permit and buffers would be looked at, if and when, anything was going to be built there. Kevin Hughes asked for clarification on solar development on this property. The ZA explained that if the Owner created a private array, then a local permit would be needed, but if he went through the commercial net metering process the State of Vermont would control it through the "Public Service Board". Tony Diorio asked about the effects that solar would have on the Ag Overlay? The ZA explained the last debate with the State about that and they explained that animals could graze between the panels, hence they took only the square footage of the anchors as the developed portion of the 60/40 Ag split. Jon Whitman wanted to go on record as stating his concerns of this access development through his land and mentioned he was never notified upon his purchasing of his property that this field also has a "right-of-way". Christine Biolsi asked about how much say would they have in the development phase of this project. Kyle went through the appeal process with the public and explained that this procedure could only happen if the individual was not happy with the DRB's decision. Nancy Dalzell asked about the septic easements on the field parcel from the existing motel and restaurant? Phil Savoy explained that they are legal easements for replacement areas for septic and that they would transfer to the new ownership. The Board made mention that these easements and the setback requirements should also be shown on the new plans submitted before approval.

There was no further testimony. **The hearing was closed at 7:53 p.m.**

6. UNFINISHED BUSINESS:

a). *Comments/recommendations Articles VIII.* The ZA explained that the colored copies were not ready, but he would mail them to the Board soon for their comments. This will be on the next agenda.

OTHER BUSINESS: The ZA asked the Board about their opinion on the new fence around the lagoon at the State Safety Facility. The conversation at the hearing was to install the same fence as to what is there now. The new fence is only 4 feet tall. The existing fence is 8 feet tall. Eric Anderson made a motion to write a letter explaining our disappointment with this fact. Cathy seconded and the motion passed. The ZA will write the letter.

Date of Next Meeting: The date of the next meeting will be Monday, August 1, 2016 at 7:00 pm.

Recess to Deliberative Session: There was a consensus of the DRB members to enter into Deliberative Session at 8:03 p.m. Note: Phil Savoy did not join the Board and went home.

Deliberative Session report taken by Russ Hodgkins: Upon coming out of Deliberative session at 8:27 PM:

Kyle Skrocki made a motion to accept the subdivisions merit, but was very clear that a new and final plat would need to be filed to the Board before they approved it. Chris Potter seconded and the motion passed that the subdivision met all of the required elements but a new plan was to be forwarded to the Board before the final approval will be done. This plan should have all the pertinent information that was requested in the hearing. The motion passed with the condition mentioned.

9. Adjournment: Chris Potter made a motion to adjourn, Eric Anderson seconded. The motion passed and the meeting was adjourned at 8:35 PM.

Signature of Clerk

Date

Prepared by: Russell Hodgkins – ZA in the absence of the recording clerk
(Note: These are unapproved minutes. Corrections, if necessary, will be found in the minutes of the next DRB meeting.)