

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

Members Present: Chris Potter, (Chair), Kyle Skrocki (Vice Chair), Eric Anderson, Cathy Mullins (Clerk) and Toby Young (SB Alternate)

Others Present: Russ Hodgkins (ZA), Nancy Dalzell.

Interested Parties: Alan Aaron, Jonathan Wood, and Fletcher Proctor (legal counsel)

CALL TO ORDER: Chris Potter called the meeting to order 7:02 PM in the Westminster Town Hall and welcomed everyone. Chris advised the Applicant that the decision of this application 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 July 5, 2016 meeting minutes. He explained that he found one place that a correction should be made and it was found in the last paragraph with the word "merit" vs. his proposal of "permit". Hearing no comments, Chris asked for a motion to accept the minutes as corrected. **Kyle Skrocki made a motion to accept the minutes as corrected . Chris Potter seconded the motion. Motion passed.** **From the author:** Upon reading the complete paragraph, the sentence could have been left alone because it was talking about the merit of the evidence and testimony.

Ex Parte Communications: Chris Potter asked the Board if any member needed to recuse themselves from the application (#17-01). Hearing nothing, he proceeded to the application.

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 hearing on the application. 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: #17-01 Fletcher Proctor and Alan Aaron gave testimony for the "change of use" for the property located on 329 Dorsch Hill from a studio to an apartment. Application will be reviewed under: **Section 311 Site Plan Review; Section 314 Conditional Uses; Section 442.5 Rural Residential District; Section 614 Secondary Uses; and Article XIV Ridgeline Protection Overlay District** of the 2014 Interim Zoning Bylaws.

Testimony: Chris Potter opened the public hearing at 7:12 PM. He asked Alan Aaron & Fletcher Proctor to give a brief explanation of the permit and why it was in front of the DRB at this time. Fletcher started with the explanation that Alan was going to sell the house and

apartment and realized that the studio was turned into an apartment without a valid permit. They wanted to get it corrected before the new Owner bought the property. Fletcher passed out a packet of information that he created that included a document from the State of Vermont with an exemption from the Drinking Water & Groundwater Protection Division for the property and its apartment. Also, he had an affidavit from Mike Marquise (resident Engineer) stating that there is no evidence of sewer leaking from the existing septic system.

Chris Potter went through the sections and articles that were pertinent to the application and received questions from the Board and Applicant as he went. After completing the questions to the Applicant and his Attorney, the DRB made the determination that all the facts were discussed and Chris closed the hearing at 7:25 PM.

6. UNFINISHED BUSINESS:

- a.) *Comments/recommendations Article IX Historical Preservation Overlay District:* The ZA explained that the colored copies have the changes outlined and asked the Board to review for the next meeting.
- b.) *Article X Agricultural Land Overlay District:* Tabled until next meeting for comments.
- c.) *Article XI Flood Hazard Overlay District:* Tabled until next meeting for comments.

7. OTHER BUSINESS: None

8. Date of Next Meeting: The date of the next meeting will be Monday, October 3, 2016 at 7:00 pm.

Recess to Deliberative Session: There was a consensus of the DRB members to enter into Deliberative Session at 7:45 p.m.

Deliberative Session report taken by Russ Hodgkins: Upon coming out of Deliberative session at 7:52 PM:

Kyle Skrocki made a motion to accept the “Change of Use” application with no conditions at this time. Eric Anderson seconded and the motion passed.

9. Adjournment: Chris Potter made a motion to adjourn, Kyle Skrocki seconded. The motion passed and the meeting was adjourned at 7:55 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.)