

**TOWN OF WESTMINSTER
DEVELOPMENT REVIEW BOARD
June 3, 2019**

Members Present: Chris Potter (Chair), Tim Harty (Vice Chair), Don Anderson (Clerk), Oliver Brody and Ed Harty

Others Present: Russell Hodgkins (ZA) and Kelley Thayer (Recording Clerk)

Interested Parties: Molly Marino, Nancy Dalzell, Bruce & Gloria MacDuffie, Jonathan Whitman, Bruce & Gail Mickle, Steve & Judy Wolfe..

1. Call to Order: Chris Potter (Chair) called the meeting to order at 6:32 P.M.

2. Adjustments to Agenda: None

3. Acceptance of Minutes: Tim Harty made a motion to accept the minutes as printed for the April 1, 2019 minutes. Don Anderson seconded and the motion passed.

Ex Parte Communications: Chris Potter (Chair) asked the Board if any member needed to recues themselves from the hearings. Hearing none, the hearings proceeded.

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. Chris Potter stated that everyone will get a chance to speak and will get the chance to become an interested party. What that means is if the application did ever go on to the environmental court further down the road beyond us, an interested party would have the information needed.

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

4. Communications and Public Comment: None

5. New Business – DEVELOPMENT REVIEW:

Application #19-42

Application #19-42 (Molly Marino) – property located at 3214 US Route 5. The Applicant is requesting a “New Fence” located in the Historical Village and District. The Applicant wants to continue her neighbor’s fence that was permitted recently. This Application will be reviewed under **Section 311 Site Plan Review; Section 445 Village District Zone; and Article IX Historical Preservation Overlay District** of the adopted 2017 Zoning Bylaws with the recommendation of the Historic Review Board.

Chris Potter started with a brief overview of Application # 19-42. Upon completion of the overview, Chris asked Molly Marino if she would like to tell the Board her intention for the requested permit. Molly stated that she would like to proceed with a fence extension contiguous with her neighbors (Jonathan Whitman) already existing fence. Jonathan Whitman asked Molly if she would be staining the fence to match or leaving it natural. Molly stated that the new fence would remain “raw wood”. Upon hearing no further questions, Chris Potter closed the Application at 6:38 pm.

Application #19-43

Application #19-43 (Bruce & Gail Mickle) – property located at 75 Apple Point. The Applicant is requesting a “Waiver of Dimensional Requirement”. The Applicant wants to add to small additions and move his existing Garage. The Garage is the structure that needs the waiver. This Application will be reviewed under **Section 311 Site Plan Review; Section 312 Waiver of Dimensional Requirement; and 446 Residential District Zone** of the adopted 2017 Zoning Bylaws.

Tim Harty started with a brief overview of Application # 19-43. After Tim completed the overview he asked Bruce & Gail Mickle if they would like to briefly describe their intentions for the requested permit. Bruce stated that Tim had pretty much said what it was about in the overview. Tim then asked if anyone had a comment or concern. Judy Wolfe (neighbor) stated that she had a few concerns, mainly with the “turnaround” situation, which is a right of way to both residents. Currently both neighbors back into each other’s driveway. Judy stated that if Bruce moves his garage in line with his house and only leaves 25’ that would not allow enough room for them to turn around. Bruce Mickle stated that his wife’s vehicle would be parked in the garage and there would be new parking for his family and guests on the side of the new garage. Bruce believes that this would leave enough room for his neighbor to back up into the space. Steve & Judy Wolfe were also concerned with snow removal as well as delivery trucks (Fuel, FedEx, etc.) that would have a hard time turning around if the garage was only 25’ from the right of way. Bruce Mickle felt that it would not be an issue. Tim Harty asked Bruce if he would consider not moving the garage up so close to the right of way. Bruce would not consider and would like to continue putting his garage 25’ from the right of way to be in alignment with his home adding the breezeway/mudroom so that it is all connected. Tim then stated the conditions that the DRB would need to consider before making a decision, which included; Safety, Parking, Landscaping, Emergency Services, Lighting etc. Upon hearing no further questions, Tim Harty closed the Application at 7:05 pm.

6. Unfinished Business: (Discussion / Action): None

DELIBERATIVE SESSION:

The Board went into Deliberative Session at 7:10 pm to discuss the two applications. Upon coming out of the Session at 7:34 pm, Chris Potter made a motion to accept Application #19-42 (Molly Marino) as presented. Oliver Brody seconded and the motion passed 5-0.

Tim Harty made a motion to reject Application #19-43 from Bruce & Gail Mickle for the following reasons quoted directly from the Zoning Bylaws, Section 311 Site Plan Review & Section 312 Waivers of Dimensional Requirements:

1. Traffic Access will not be adequate with the proposed construction.
2. Traffic Circulation will be hindered from the new construction.
3. The proposed application does not allow for adequate accessibility for Fire & Safety.
4. The Project proposed did not show a hardship without any other possible solutions.

Chris Potter seconded the motion and the motion passed 5-0.

7. Other Business (Discussion / Action): The Zoning Administrator explained to the Board that they are involved in the Local Emergency Management Plan when a catastrophe happens in Town such as Tropical Storm “Irene”. Quick decisions will need to be made in redeveloping the hard hit areas with the Bylaws in mind and the well-being of the Town. The ZA will get copies to the DRB for their next meeting.

8. Date of Next Meeting: Monday, July 1, 2019 at 6:30 pm at the Westminster Town Hall

9. Adjournment: Oliver Brody made a motion to adjourn at 7:52 pm. Don Anderson seconded the motion and the motion passed.

Signature of Clerk

Date

Prepared by: Kelley Thayer

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