

**TOWN OF WESTMINSTER
DEVELOPMENT REVIEW BOARD
November 4, 2019**

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

Members Absent: Ed Harty

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

Interested Parties: James Matteau; Dave Murray (App # 20-15); John Chandler/Kissell (App # 20-17); and John Marchica (App # 20-21)

1. Call to Order: Chris Potter (Chair) called the meeting to order at 6:30 P.M.

2. Adjustments to Agenda: None

3. Acceptance of Minutes: Chris Potter made a motion to accept the minutes as printed for the October 7, 2019 minutes. Oliver Brody seconded and the motion passed.

Ex Parte Communications: Chris Potter (Chair) asked the Board if any member needed to recuse themselves from the hearings. *Tim Harty recued himself from Application # 20-15 because he sits on the Westminster East Parish Board.*

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 #20-15

Application #20-15 (Westminster East Parish/Institute) – property located at 3534 US Route 5. The Applicant is requesting the installation of a pre-existing Gazebo in the Historic Village. The Gazebo is a gift. This Application will be reviewed under **Section 311 Site Plan Review; Section 445 Village District Zone; and Article X Historic Preservation Overlay District** of the adopted 2017 Zoning Bylaws.

Don Anderson began with a brief overview of Application # 20-15. Don then asked James Matteau to speak on the “Gazebo” application they had applied for. James stated that the Gazebo was given to the Westminster East Parish / Institute as a gift. The Gazebo will be placed on the south side of the building with a 180 ft. set back from US Route 5. The Gazebo will be used primarily when children are playing on the playground, which gives the adults a place to sit. The Gazebo will be placed on a bed of stone. James Matteau and Dave Murray will reach out to the abutting neighbor to let her know the plans for the placement of the Gazebo to avoid any questions or concerns. Upon hearing no further questions or concerns, Don Anderson closed the Application at 6:45 pm.

Application #20-17

Application #20-17 (Marilyn Kissell Estate/John Chandler) – property located at 508 Pine Banks Road. The Applicant is requesting a “Minor Subdivision”. This Application will be reviewed under **Section 311 Site Plan Review; Section 447 Rural Residential District Zone; and Article VIII Subdivision of Land** of the adopted 2017 Zoning Bylaws.

Tim Harty began with a brief overview of Application # 20-17. Tim then asked John Chandler if he would like to speak on the “Sub-Division” application he had applied for. John felt the Application spoke for itself. Russ told the Board that he placed a call to the Act 250 Board to insure that there would be no issues with the sub-division taking place. There were several lots sub-divided previously, that had taken place with this Owner before her passing, and he wanted to make sure the limit had not been reached. The Act 250 Board confirmed that it is all set to move forward with this sub-division. John stated that the placement of the driveway is undecided for now. John stated that there is 10 acres of open field on this property with approximately 21 acres of woodlands. Russ stated that since the Owner has passed (Marilyn Kissell) the family has been working with John to complete this process. Upon hearing no further questions or concerns, Tim Harty closed the Application at 6:56 pm.

Application #20-21

Application #20-21 (Erika Skogg) – property located at 196 Kimball Hill Road North. The Applicant is requesting a “Change of Use” for this property (Camp to Full Time Residency). This Application will be reviewed under **Section 311 Site Plan Review; Section 441 (F.) Existing Small Lots; and Section 447 Rural Residential District Zone (Permitted Use)** of the adopted 2017 Zoning Bylaws.

Chris Potter began with a brief overview of Application # 20-21. Chris then asked John Marchica (Lawyer) to speak on behalf of Erika Skogg (Applicant) on the “Change of Use” application she had applied for. John began stating that in 1974 a permit was issued for the construction of a Camp located at 196 Kimball Hill Road North. In 1977, onsite water supply and wastewater disposal units were installed. In 1998 the property was sold as a primary residence in which a “Change of Use” permit had never been obtained in order to change this from a Camp to a Primary Residence. From 1998 – Present, this residence has been used as a Primary Residence without the proper Permits. The current owner of this property would like to sell and is trying to make sure that all the appropriate Permits have been taken care of to bring this property current. Upon hearing no further questions or concerns, Chris Potter closed the Application at 7:15 pm.

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

7. Other Business (Discussion / Action): The ZA went over the next meeting’s agenda stating that an appeal has been filed on one of his permits that he issued. The other application will be a proposed “Change of Use”.

DELIBERATIVE SESSION: The Board went into Deliberative Session at 7:26 PM. Upon coming out, Don Anderson made a motion to accept Application #20-15 as presented for the placement of a Gazebo at the Institute. Chris Potter seconded the motion and the motion passed 3-0 with Tim Harty abstaining. Tim Harty made a motion to accept Application #20-17 as presented with one condition. Upon receiving the permit, the Owner must submit a Mylar copy of the plan to the Town to be recorded in the land records. Failure to do so will make this permit null & void. Oliver Brody seconded the motion and the motion passed 4-0. Chris Potter made a motion to accept Application #20-21 as presented with one condition. The condition being that a sketch/plan be submitted as soon as possible for the record in the Town of the location for the existing building to the lot lines. The plan that was submitted with the application was very vague and this should be cleared up for the new Owner. The ZA will assist in this task and will notify Marchica Law about this request. Tim Harty seconded the motion and it passed 4-0.

8. Date of Next Meeting: Monday, December 2, 2019 at 6:30 pm at the Westminster Town Hall

9. Adjournment: Oliver Brody made a motion to adjourn at 8:12 PM and Don Anderson seconded. The motion passed and the Chair declared the meeting over.

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.)