

**TOWN OF WESTMINSTER  
DEVELOPMENT REVIEW BOARD  
October 5, 2020**

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

Members Absent: Ed Harty

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

Interested Parties: Tammy Kissell and Dennis Madore

**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 September 8, 2020 minutes. Oliver Brody seconded, and the motion passed 4-0.

**Ex Parte Communications:** Chris Potter (Chair) asked the Board if any member needed to recuse themselves from the hearings.

**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 # 21-14

Application #21-14 (Tammy Kissell) – property located at 62 Daigel Road. The Applicant is requesting a minor subdivision with a Waiver of Dimensional Requirement for the District that the land is located. This Application will be reviewed under **Section 311 Site Plan Review, Section 312 Waivers of Dimensional Requirements, Section 447 Rural Residential District Zone, and Article VIII Subdivision of Land** of the adopted 2017 Zoning Bylaws.

Don Anderson began with a brief overview of Application # 21-14. Don asked Tammy Kissell if she would like to explain to the Board her intentions for the requested Application. Tammy Kissell began by stating that approximately 15 years ago, the zoning for her parcel on Pine Banks Road was a 2 acre minimum and then it changed to 5 acres. Tammy stated that it was very important to her to conserve her farmland and didn't want to lose 5 acres so that is why she was asking for a Waiver of Dimensional Requirements to be able to sub-divide just 2 acres as it was allowed years ago. Tammy told the Board her reason for needing to sell the land and her desire to conserve as much of the land as possible. Russell Hodgkins wanted to make sure that the DRB understood that this was an informational meeting and that a lot of research needed to be done before a decision could be made on this particular situation. Russell also stated that he received an email from a concerned neighbor stating that he had a couple of concerns; one being with the 2-acre subdivision setting a significant precedent into future sub-divisions under the 5 acre minimum requirement and the second concern was that the property contains a wetland as well as vernal pools all along that section of Pine Banks Road. Upon hearing no further questions or concerns, Don closed the Application at 6:57pm.

Application # 21-16

Application #21-16 (Dennis Madore) – property located at 48 Kane Lane owned by James Kamel. The Applicant is requesting a Home Car Repair Business in the Commercial/Industrial Zoning District. This Application will be reviewed under **Section 311 Site Plan Review, Section 447 Rural Residential District Zone, Section 611 Automobile Repair, and Section 940 Change of Use** of the adopted 2017 Zoning Bylaws.

Oliver Brody began with a brief overview of Application 21-16. Russell Hodgkins made a correction to the Application description in which **Section 447 (Rural Residential District Zone)** should be **Section 444 (Commercial/Industrial District Zone)**. Oliver asked Dennis Madore to explain to the Board his intentions for the requested permit. Dennis stated that he owned the mobile home he resides in and the land is owned by James Kamel. The landowner allows Dennis to buy and fix up vehicles on this property. Dennis stated that it was just a hobby but occasionally would work on a friend's car and that he may sell 1-2 cars a year. Russell Hodgkins showed the Board some photos of the property, showing that the property is well kept and with the leaves on the trees you are unable to see this property. Upon hearing no further questions or concerns, Oliver closed the Application at 7:19pm.

#### **6. Unfinished Business: (Discussion / Action):**

- Russell Hodgkins (ZA) asked the Board if they each had a chance to look at the Findings of Facts for Owen Rounds. There were no changes to be made so the Clerk (Don Anderson) signed the Findings of Facts.

**7. Other Business (Discussion / Action):**

- Russell Hodgkins (ZA) wanted to inform the DRB members of the next upcoming meeting in November. There will be 3 applicants, one of which will be an appeal. Russell Hodgkins delegated to the DRB members who would be taking each application because of the complexity of two of the Applications.
  - Application 21-25 (Spaulding) – Tim Harty
  - Application 21-26 (Marriott) – Ed Harty
  - Application 21-27 (Shumlin – Appeal) – Chris Potter

**DELIBERATIVE SESSION:** The Board went into Deliberative session at 7:32 PM. Upon coming out at 8:01 PM, The Chair (Chris Potter) declared that further information was needed before any decision could be made on Application # 21-14 (Tammy Kissell). The Board will research their authority on the matter and get back to the Applicant as soon as possible.

Oliver Brody made a motion to accept Application #21-16 (Dennis Madore) with the following conditions:

1. No vehicle fluids are to be stored on the site beyond normal household capacities.
2. Site is to remain neat and tidy as it is now.

Tim Harty seconded the motion and the motion passed 4-0.

**8. Date of Next Meeting:** Monday, November 2, 2020 at 6:30 PM at the Westminster Fire Station because of the number of people who have showed interest in the above Applications.

**9. Adjournment:** Tim Harty made a motion to adjourn and Don Anderson seconded it. The motion passed and the Chair declared the meeting to be over at 8:12 PM.

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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.)