

**TOWN OF WESTMINSTER
DEVELOPMENT REVIEW BOARD
June 6, 2022**

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

Others Present: Anthony Perri, Elaine Ingraham, Eli Reed, Nancy Dalzell, Jonathan Whitman, Rachael Brown, Murray Krugman, Mary Dodd, Cynthia Fine, Joe DiBernardo, Peter Biolsi, Kelley Thayer (Clerk) and Alison Bigwood (Interim ZA).

1. Call to Order: Chris Potter (Chair) called the meeting to order at 6:35 P.M.

2. Adjustments to Agenda: None

3. Acceptance of Minutes: Ed Harty made a motion to accept the minutes as presented from the January 3, 2022 meeting with Oliver Brody seconding it. Hearing no discussion, the Chair called for a vote and the motion passed 4-0-1. Tim Harty was not present at the January meeting to approve the minutes.

4. Communications and Public Comment: None

5. New Business: (Discussion / Action):

Application # 22-29

Application #22-29 Anthony Perri & Elaine Ingraham (Owner & Applicant) – property located at 3338 US Route 5. The Applicant is requesting a Fence on the sides bordering the Reed property to the south and east. 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.

Tim Harty opened the Hearing reading the application and requesting that Anthony Perri discuss his proposals with detail. Anthony explained that he has built an example fence for the HRB and the DRB to do a sight visit so they better understood what his intentions were. Anthony stated that he plans on building the North/South side at a height of 4’8” and the East/West side at a height of 9’8”. Anthony said the Fence was for a property line issue and to keep out debris that has previously blown into his property. Anthony proposed an airy fence on the Reed side. Anthony said he was willing to make the East/West fence shorter if necessary. Anthony stated that the fence was not meant for spite. Jon Whitman disagreed that the fence was not meant for spite. Peter Biolsi took issue with the fact that fence was not meant for spite and he didn’t appreciate Anthony approaching his wife to ask her opinion about the fence. Eli Reed was concerned that this was a spite fence because of the no trespassing signs near his property. Cynthia Fine asked if Anthony was willing to shorten the fence to 6’. Anthony was willing to shorten the fence if he couldn’t see the debris on the East/West side. Murray Krugman submitted

a packet to the DRB before the meeting on June 6, 2022. The packet he submitted included the Spite-Fence Law in Vermont and how it has dramatically changed since the January meeting. Murray spoke on the cases in history that pertained to spite fence issues such as Balch & Trombley. Murray told the DRB that the Court defines a potential spite fence as having two elements: 1) “A proposed or erected fence between abutting neighbors with a history of contention” 2) “Where those neighbors do not agree as to either the erection or design style or both”. Murray submitted this form for the record on June 6, 2022 and this can be found at the Westminster Town Hall upon request. The HRB submitted a recommendation to the DRB and it is as follows: “**5/10/2022, site visit to Tony Perry property to view fence samples**”;

“After a site visit today we have a new, but consistent recommendation in light of changes and concessions Mr. Perry made to his original wishes. In reference to the East/West fence, we believe a higher fence would not distract largely from the character of Main Street. Therefore, we all agree to a maximum of 8 feet in height, but would prefer 8 feet maximum. It is Tony Perry’s wishes to have this constructed as a privacy fence, per the sample photo attached. In reference to the North/South fence line, we walked the distance from both Route 5, and the field and recommend the following. We are in favor of a 6 feet fence line made from a 4 foot lattice sheet, with a 6” nailer board on top and same type of board on the bottom as needed for fillers when the ground changes. To be clear, in the Northwest corner, the fence would be 6 feet tall, and the top nailer board would run level across the entire distance causing various fence heights. See the sample photo attached, but we are only approving the first level of lattice in the photo, ignore the upper half. “

6. Unfinished Business: None

7. Other Business (Discussion / Action): None

8. Date of Next Meeting: Monday, August 1, 2022 at 6:30 PM in the Town Hall

DELIBERATIVE SESSION: Upon coming out of Deliberative Session at 8:15 PM, Tim Harty made a motion to approve the fence construction with conditions. These conditions are for Anthony Perri to go no higher than 4’8” on the North/South side and no higher than 6’8” on the East/West side. Oliver Brody seconded the motion and it passed 5-0.

9. Adjournment: Chris Potter made a motion to adjourn at 8:15 PM with Tim Harty seconding. The motion passed 5-0 and the meeting was declared over by the Chair, Chris Potter.

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.)