

**TOWN OF WESTMINSTER
DEVELOPMENT REVIEW BOARD
March 6, 2023**

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

Members Absent: Tim Harty (Vice Chair)

Others Present: Anthony Perri, Murray Krugman, Mary Dodd, Jackie Atwood, Jon Whitman, Rachel Brown, Joe DiBernardo, Alison Bigwood (Zoning Administrator) & Kelley Thayer (Recording Clerk)

1. Call to Order: Chris Potter (Chair) called the meeting to order at 6:31 P.M.

2. Adjustments to Agenda: Application is also in the Agricultural Overlay.

3. Acceptance of Minutes: Chris Potter made a motion to accept the minutes as presented from the February 6, 2023, meeting with Ed Harty seconding it. Hearing no discussion, the Chair called for a vote and the motion passed 4-0-1 (Tim Harty was Absent).

4. Communications and Public Comment: None

5. New Business: (Discussion / Action):

Application # 23-25

Application # 23-25 Anthony Perri & Elaine Ingraham (Owner & Applicant) property located at **3338** US Route 5. The Applicant is requesting a minor subdivision. Application will be reviewed under **Section 311 Site Plan Review; Section 445 Historic Village District; and Article IX Historical Preservation Overlay District; and Article VIII Subdivision of Land (Minor Subdivision)** of the adopted 2017 Zoning Bylaws.

Chris Potter opened the Hearing reading the application. Chris asked Joe DiBernardo, the surveyor for Tony Perri, to give a brief description of his application request. Joe DiBernardo stated that the piece of land behind the Motel being sub-divided is in the Agricultural Overlay. That being said, 60% of each lot needs to remain agricultural. Lot 1 will be 2.03 acres and Lot 2 will be 5.09 acres. Lot 1 having 28.5% agricultural land and Lot 2 having 71.5% agricultural land will leave plenty of land on each lot to build a house if desired and leave the 60% that is required. Chris Potter read

Section 1031 D from the Zoning Bylaws which states:

“Preserve Not Less Than Sixty Percent of Farmland. Not less than Sixty Percent (60%) of farmland on any parcel shall be preserved for present and/or future agricultural use and shall not be built upon. Permanent conservation restrictions and/or covenants shall be established when feasible to protect and preserve the undeveloped portion of the property in order to keep it open and available for agricultural use.”

Joe DiBernardo went on to say that the R.O.W. (Right-of-Way) will be on the west boundary to keep out of the Agricultural Overlay. Joe stated that the deed states that the ROW belongs to Tony off Metcalf Drive. The septic easement will be on Lot 2. Tony Perri provided a letter from Phil Savoy Engineering stating; **“the existing wastewater system for the motel is constructed, permitted, and approved for 1900 gallons a day. The proposed usage will be a two-bedroom apartment, and a four-bedroom house on the 2.03 acre lot. This equates to 280 gpd plu490 gpd which comes to 770 gpd. The proposed flow is well under the permitted design capacity and therefore no state permit or changes to the system will be required.”** Murray Krugman spoke saying he didn't feel that the original Sub-division separating the motel from the back 7.12 acres had ever been completed. Joe Dibernardo disagreed with this statement because he was the one who did the Mylar and submitted it. Joe said he would look this up and provide a copy that he submitted for recording. Jon Whitman questioned who was going to be responsible for plowing in the winter. Chris Potter stated that this is a situation where the neighbors need to get together and draft a Road Maintenance Agreement amongst themselves because this is not a situation the DRB can get involved in. Hearing nothing further, Chris closed this application #23-25 at 7:09 pm.

6. Unfinished Business: None

7. Other Business (Discussion / Action):

8. Date of Next Meeting: TBD

DELIBERATIVE SESSION: After coming out of deliberative session, Chris Potter made a motion to except the requested sub-division, contingent on the following:

- 1) The original Mylar is proving that the prior sub-division separating the Motel from the 7.12 acres was in fact completed and recorded.
- 2) The Mylar for this application is submitted within a 180 days or before the sale of the property.
- 3) That the required 60% Agricultural land wording is to be documented in the Deed upon creation as stated in Section 1031 D of the 2017 Zoning Bylaws.

Oliver Brody seconded, and the motion passed 4-0-1 (Tim Harty – Absent)

*Joe Dibernardo provided a copy of the Mylar he submitted to the Town Clerk for recording. So the original sub-division prior separating the Motel from the 7.12 acres was in fact completed and recorded with the Westminster Town Clerk on August 30, 2016 at 10:30 am. Recorded in Map File # 233C.

9. Adjournment: Chris Potter made a motion to adjourn at 7:19 PM with Ed Harty seconding. The motion passed 4-0-1 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.)