

**TOWN OF WESTMINSTER
DEVELOPMENT REVIEW BOARD
May 1, 2023**

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

Others Present: Robert Bursky, Cynthia Tucker, Richard Nichols, Jacquelyn Dor, Mariah Hayes, Daniel Kissell, John MacArthur, Isabell Logan, Joe DiBernardo, Alison Bigwood (Interim - ZA) & Kelley Thayer (Recording Clerk)

1. Call to Order: Chris Potter (Chair) called the meeting to order at 6:34 P.M.

2. Adjustments to Agenda: None

3. Acceptance of Minutes: Chris Potter made a motion to accept the minutes as presented from the March 6, 2023, meeting with Oliver Brody seconding it. Hearing no discussion, the Chair called for a vote and the motion passed 5-0.

4. Communications and Public Comment: None

5. New Business: (Discussion / Action):

Application # 23-30 Application # 23-30 Robert Bursky (Owner & Applicant) property located at **1929 Back Westminster Rd.** The Applicant is requesting a minor subdivision. Application will be reviewed under **Section 311 Site Plan Review; Section 446 Residential District; Section 447 Rural Residential District; and Article VIII Subdivision of Land (Minor Subdivision)** of the adopted 2017 Zoning Bylaws.

Tim Harty opened the Hearing reading the application. Tim asked Robert Bursky to give a brief description of his application request. Robert stated that he owns approximately 45 acres +/- in which he is requesting to sub-divide 6.43 acres from this piece. That would leave 39 acres +/- in the original Lot 1 and 6.43 acres in Lot 2. Joe DiBernardo stated that there is a proposed 50' Right of way that can be created, showing on the survey map in order to enter this new Lot 2. Elijah Eckley and Robert Bursky have agreed to a Boundary Line Adjustment to be recorded in the Deed. Hearing nothing further, Tim closed this application #23-30 at 6:45pm.

Application # 23-31

Application # 23-31 Kissell Farm Revocable Trust (Applicant) property located at **508 Pine Banks Rd.** The Applicant is requesting a Minor Subdivision/Boundary Line Adjustment. Application will be reviewed under **Section 311 Site Plan Review; Section 447 Rural Residential District; Article X Agricultural Land Overlay District (Partial) and Article VIII Subdivision of Land (Minor Subdivision)** of the adopted 2017 Zoning Bylaws.

Ed Harty opened the Hearing reading the application. Joe Dibernardo spoke on behalf of the Kissell Farm Revocable Trust. Kissell Farm has a total of 133.50 acres between Parcel # 15067.000 and 15068.000. From Lot 1 (15068.000), 14.63 acres will be sub-divided from the original parcel becoming Lot 2 and a boundary line adjustment of the wooded area will go with Parcel 15067.000. This leaves 67 acres in Lot 1 and 14.63 acres in Lot 2. Parcel 15068.000 will need to become active as those two lots are going to be transferred into different ownership. The DRB also were concerned about the waste water/septic being across the road for Parcel 15068.000 and thought it would be a good idea for Cynthia Tucker (Trustee) to check with a licensed engineer to see if a septic permit is required. The breakdown of Lots is as follows:

Lot 1	67 Acres	(Parcel 15068.000)
Lot 2	14.63 Acres	(Parcel 15068.000) NEW
	15.18 Acres	(Parcel 15068.000) Pre-Existing
	36.69 Acres	(Parcel 15067.000) Pre-Existing

Total Acreage for 15068.000 and 15067.000 being 133.5 Acres

Hearing nothing further, Ed closed this application #23-31 at 6:59 pm

Application # 23-32

Application # 23-32 Isabell Logan & John MacArthur (Owners & Applicants) property located at **110 Arnof Way.** The applicants are requesting a Change of Use – adding a Home Business to the One-Family Dwelling. Application will be reviewed under **Section 311 Site Plan Review; Section 448 Resource Conservation District; and Section 215 Zoning Permit Procedure** of the adopted 2017 Zoning Bylaws.

Chris Potter opened the Hearing reading the application. Chris asked Isabell & John if they would give a description of their plans for the home business they are proposing. Isabell stated that their tentative plan was to start a small native plant nursery on their property at 110 Arnof Way in Westminster West. If approved, the business would initially be open to the public two days a week only, with the possibility of adding a third day in the next year or two. The third day would be only for pick-up of orders placed on line. At no point would the business be open to the public for more than 3 days a week. On the days that the business is open to the public, the

business would open no earlier than 9:00 AM and would close no later than 5:00 PM. They would provide off-street parking. They would provide a minimum of 4 to 6 parking spaces and would have no employees. Richard Nichols expressed his concerns and asked if Isabell and John could put their plan in writing. John stated that they may possibly build a Greenhouse in the future but that hasn't been decided and understands if they do they will need to apply for another permit. John stated that their intent was to have a quiet business and to protect the Ridgeline. Hearing nothing further, Chris closed this application #23-32 at 7:29 pm.

6. Unfinished Business: None

7. Other Business (Discussion / Action):

8. Date of Next Meeting: June 5, 2023

DELIBERATIVE SESSION: After coming out of Deliberative Session, Tim Harty made a motion to approve the sub-division for application #23-30, Robert Bursky, with the conditions that the 50' deeded right-of-way verbage is recorded in the deed as well as all applicable State Permits be submitted and recorded with the Town Clerk. Chris Potter seconded and the motion passed unanimously 5-0.

Ed Harty made a motion to approve the sub-division for application #23-31, Kissell Farm Revocable Trust, with the condition that Cynthia Tucker reaches out to a licensed engineer in reference to the waste water/septic placement which was across the road for parcel # 15068. Oliver seconded and the motion passed unanimously 5-0.

Cynthia Tucker spoke with a licensed engineer and the following is the response: "I spoke with Philip Savoy about the possible need of a wastewater permit as discussed at the DRB meeting on May 1, 2023. Philip said that at this point the trust does not need a permit because the septic tank is in a vacant lot across the road from the house.

Tim Harty made a motion to approve the Change of Use / Home Business for application # 23-32 with the condition that the plans for the home business be in writing for the file. That their will be separate parking away from the Town road on their own property and that the hours and days of the week be specified. Oliver Brody seconded and the motion passed unanimously 5-0.

9. Adjournment: Chris Potter made a motion to adjourn at 8:26 PM with Ed 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.)