

**TOWN OF WESTMINSTER
DEVELOPMENT REVIEW BOARD
October 7, 2024**

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

Others Present: Tim Eno; Molly Marino; Lee & Doreen Stoodley; Joe DiBernardo;
Andrew Pearl; Alison Bigwood (ZA) and Kelley Thayer (Asst ZA
and Recording Clerk)

1. Call to Order: Chris Potter (Chair) called the meeting to order at 6:04 P.M.

2. Adjustments to Agenda: None

3. Acceptance of Minutes: Ed Harty made a motion to accept the minutes as presented from the September 9, 2024, 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:

5. New Business: (Discussion / Action):

Application # 25-11

Application #25-11 Molly Marino (Owner) – property located at **3214 US Route 5**. The Applicant is requesting an Inground Pool in the Historic District. This Application will be reviewed under **Section 311 Site Plan Review, Section 445 Village District Zone and Article IX Historic Preservation District Zone** of the adopted 2017 Zoning Bylaws.

Tim Harty read application # 25-11. Molly Marino told the Board that she just wanted to put in an In-ground Pool with a fence around it, in the Historic District. The side setback was only 14'. The Board asked Molly if she could move the pool over 11' making the 25' set back requirement. Molly agreed that it was no problem to move the pool over 11' more to meet the requirement. Hearing nothing further, Tim Harty closed application # 25-11 at 6:08 pm.

Application # 25-12

Application # 25-12 Timothy & Brenda Eno (Owners) property located at **5003 US Route 5**. The Applicant is requesting a Minor Subdivision. Application will be reviewed under **Section 311 Site Plan Review; Section 446 Residential District; Article XI Flood Hazard Overlay District and Article VIII Subdivision of Land (Minor)** of the adopted 2017 Zoning Bylaws.

Chris Potter read application # 25-12. Joe DiBernardo spoke on behalf of Tim Eno. Tim and Brendo Eno are proposing a two-lot minor sub-division. There will be 2.02 acres split off with a 50' R.O.W. and the second piece will be 7.50 acres with 50.10' of frontage. This lot is in the Flood Hazard Overlay District so the data for the flood elevation was based on FEMA's flood insurance program. The Survey Map showed a spot for a potential home to be built. This was to show where this home could be placed in order for this property to be out of the flood zone and the flood insurance not to be required. Marquise (Engineer) has already done test pits for this property and everything has been approved by the State. The driveway goes perpendicular to Route 5 and there is a joint R.O.W. that is going to be used by Tim & Brendo Eno, the new Owner of Lot 2, Marvin & Barbara Walters and Susan Gay. All who share the R.O.W. have a verbal agreement with no complications on the use and maintenance of this R.O.W. Chris Potter told Tim Eno that he will need to file the Wastewater Permits with the Town Clerk. Lee Stoodley (Abutter) expressed concern from when the survey had been conducted. Lee said that there had been two pins on the property, there was one initially and now the property line is moved. Joe Dibernardo stated that he found two pins there and the one that is closest to Lee's house is the right one based on previous surveys. Lee said he called the Town Hall and there was no record of previous surveys. Alison Bigwood (ZA) stated that if they were not brought into the Town Clerk's office back in the day when it wasn't required, then we wouldn't have them. The second concern Lee had was if the run-off from this property had been considered, once development begins and concrete is placed in the ground, it won't let the water saturation go down and every winter he already has a pond in his back yard. Tim Harty told Lee that his concern would be taken into account when the actual building permit was received. Hearing nothing further, Ed Harty closed application # 25-12 at 6:25 pm.

6. Unfinished Business: None

7. Other Business (Discussion / Action): Andrew Pearl (378 Hour Rd) had a consultation with the DRB. Andrew built a Garage four years ago without a permit and wanted to make it right with the Town before the sale of his home. Andrew built the Garage on an existing slab in the same footprint approx. 20' from the center of the road and thought he needed a variance. Andrew built the Garage on the same footprint because there was no other place to put it due to the land having a drop off and ledge. Upon further examination by the Board and research of Andrews Deed, they discovered that Andrew has a 50' R.O.W. and the Garage was built within his rights. The Board explored Section 313 Variances, sub-section A & B and also discovered that Andrew's project did in fact fall under a unique circumstance (B1 & B2, B4 & B5). The DRB suggested that the ZA issue the permit to Andrew to meet the zoning requirements.

8. Date of Next Meeting: Monday, November 4, 2024 @ 6:00pm

DELIBERATIVE SESSION: After coming out of deliberative session, the Board declared the following for the applications reviewed in this hearing:

Application # 25-11: Oliver Brody made a motion to accept the application with the condition that Molly moves the pool over another 11' to meet the 25' side setback requirement. Tim Harty seconded and the application was closed and accepted at 7:06 pm.

Application # 25-12: Tim Harty made a motion to accept the minor sub-division application as requested with no conditions. Chris Potter seconded and the application was closed & accepted at 7:12 pm.

9. Adjournment: Chris Potter made a motion to adjourn at 7:27 p.m. with Don Anderson 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.)