

**Development Review Board
Town Offices, New Haven, Vermont
October 18, 2010**

Members Present: George Apgar, Kathy Barrett, Tim Bouton, Jim Gallott,
Donald Johnston, Mike Sweeney

Members Absent: Donna Blaise

Alternates Present: Steve Dupoise

Alternates Absent: Andy Dykstra

Guests: Assistant Zoning Administrator (AZA)-Jill DeVoe

Public Present: Kirk Webster

Bouton, Chair, indicated that Steve Dupoise will be a voting member tonight. The meeting of the Development Review Board (DRB) was called to order at 7:00 PM.

Public Hearing

1) *Kirk Webster of Apiary Farms LLC is requesting a minor subdivision of land located at 1437 South Street – Parcel #0360.100*

Donald Johnston recused himself as he is the surveyor for Kirk Webster.

The AZA indicated there is a letter on file that indicates that Kirk Webster is a legal representative for Apiary Farms LLC.

Webster proposed a 2 lot subdivision on the land at 1437 South Street. The total acreage of the lot is approximately 80 acres. Webster has permission from the Land Trust to build another dwelling on the site. In order to building this second dwelling and in accordance to the zoning regulations Webster would need to subdivide the property into two lots. Webster presented a Mylar tonight showing a two lot subdivision. Lot 1 with frontage on South Street is +/- 25.77 acres and Lot 2 with a proposed 50 foot wide easement through Lot 1 is +/- 54.7 acres.

The DRB has received a Wastewater Permit from the State, the information submitted to the State was for a two lot subdivision; Lot 1 being 80 acres and Lot 2 being 1 acre. Webster indicated this was the original design submitted by the Land Trust to the State. This configuration indicates that the 1 acre is coming out of the Land Use program (i.e. this one acre will not be protected by the Land Trust) and this is where the proposed new house, well and septic will be located.

The Chair of the DRB suggested that Webster go back to the State to ask for an amendment to the Wastewater Permit, showing the correct acreage for Lots 1 and 2. This would also give a corrected document for the town records.

There was discussion regarding the proposed easement on Lot 1. Johnston explained the easement is not being created now, it would be created if Lot 2 is sold; and then the proposed easement will become an easement within the deed.

Sweeney made the motion to approve the Plat as presented.

Apgar seconded

Discussion - discussion ensued for the drafting of the Findings of Fact and Conclusions of Law for Kirk Webster of Apiary Farms LLC (see attached documents).

Vote: Yes – 6 (Apgar, Barrett, Bouton, Dupoise, Gallott, Sweeney)

No – 0

Abstention – 0

Motion carries

The Chair indicated to Webster that this vote is not effective until the minutes of this meeting and Findings of Fact and Conclusions of Law are approved. Then there is a 30 day public appeal period before Webster can begin construction. After the 30 day public appeal period the DRB Chair will sign the Mylar.

End of Public Hearing

Visitors Business

A letter was taped to the entrance doorway to the Town Offices; Gallott saw it and presented it to the Chair of the DRB. The Chair indicated it was a letter from John Madden addressing the Route 7 Used Car lot of Mike McGrath. Madden indicated in the letter there was no posting of notice within view of the public right-of-way most nearly adjacent to the property for which the application is made and Madden was asking the DRB to remand the McGrath application for reconsideration.

There was considerable discussion regarding Madden's letter. The DRB felt it was wise to contact the Town's Attorney for a ruling on this issue and as the 30 day public appeal process for the McGrath Used Car Lot ends on October 20, 2010, so an emergency meeting of the DRB should be considered.

Gallott made the motion to hold an emergency meeting of the DRB on Tuesday, October 19, 2010 at 8:15PM, thus providing 24 hours notice of the meeting.

Sweeney seconded

Discussion – none

Vote: Yes – 7 (Apgar, Barrett, Bouton, Dupoise, Gallott, Johnston, Sweeney)

No – 0

Abstention – 0

Motion carries

Minutes

Gallott made the motion to approve the DRB minutes of October 11, 2010 as presented

Sweeney seconded

Discussion – there was discussion if the Findings of Fact and The Conclusions of Law should be included into the minutes, or, should the minutes reflect the Finds of Fact and The Conclusions of Law as attachments to the minutes. It was agreed by all DRB members present tonight, for the minutes to reflect these documents by indicating, see attached.

Vote: Yes – 6 (Barrett, Bouton, Dupoise, Gallott, Johnston, Sweeney)

No – 0

Abstention –1 (Apgar)

Motion carries

Barrett made the motion to approve the Findings of Fact and Conclusions of Law for John & Donna Sequin's application as presented with the following correction:

Steve Dupoise asked that Jr. be removed from his name

Sweeney seconded

Discussion – none

Vote: Yes – 6 (Barrett, Bouton, Dupoise, Gallott, Johnston, Sweeney)

No – 0

Abstention – 1 (Apgar)

Motion carries

Correspondence – none

New Business – none

Old Business – none

Sweeney made the motion to adjourn.

Barrett seconded

Discussion – none

Vote: Yes – 7 (Apgar, Barrett, Bouton, Dupoise, Gallott, Johnston, Sweeney)

No – 0

Abstention – 0

Motion carries

The meeting was adjourned at 8:35 PM

Respectfully Submitted By
Karen Gallott

Tim Bouton, Chair

George Apgar

Kathy Barrett

Steve Dupoise

Jim Gallott

Donald Johnston

Mike Sweeney