

**Development Review Board Minutes  
Town Office New Haven, Vermont  
December 7, 2015**

**Members & Alternate Present:** Kathy Barrett, Tim Bouton, Steve Dupoise, Donald Johnston, Susan Smiley,  
Tom Fyles-Alternate

**Members & Alternates Absent:** Marie Gordon, Mike Sweeney, Victor Bolduc-Alternate,

**Staff:** Dave Wetmore-Zoning Administrator, Pam Kingman-Minute Taker

**Guests:** John Madden, Tamara Boise, Joe Boise, Rob Litch, Stan Livingston,  
Rudy Drexler, Mary Drexler

The Chair, Tim Bouton called the Development Review Board (DRB) meeting to order at 7:00 PM. Fyles will be a voting member this evening.

No adjustments to the agenda were made.

**Visitors Business** – none

**Public Hearing**

***a. Application #2015DRB-04-SD- final plat review for a 2-lot SD of parcel # 0329-120 by John and Carmen Palmer.***

Rob Litch, representing John and Carmen Palmer, presented tonight. Tonight's hearing references the sketch plan review on 7/20/2015. Currently lot #0329-120 (formerly owned by Stanley Livingston) of 117.5 acres is now owned by the Palmer's. This lot is currently enrolled in the Current Use Program and holds the septic system for the town offices and Beeman School. The Palmers would like to subdivide off 7.5 acres to sell back to Stanley Livingston.

At the 7/20/2015 meeting the DRB asked for 2 items, Litch presented the following:

1. A soil and wastewater statement  
LaRose Surveyors' opinion was as the NH town sewer was adjacent to the property they didn't feel there would be an issue, as of this date no testing was been done.
2. Commitment for a road cut  
Litch has a letter of commitment from VTRANS indicating that, if there is a subdivision, they will approve a road cut somewhere along the property line of the subdivided parcel. Litch has not submitted the letter to the Zoning Administrator (ZA) nor the DRB at this time, but is planning on doing so.

The Chair also inquired about this and VTRANS will provide any curb cut for any subdivision that was been submitted. They will not provide a curb cut before subdivision approval because the lot is not existent.

The ZA indicated he was also contacted by VTRANS and VTRANS would provide the best possible siting of an access. And for this parcel they would probably be looking at east or west of the guardrail.

In reviewing material from the 7/20/2015 meeting, it was mentioned that this parcel could be used for residential purposes. The DRB member asked if the DRB has received any confirmation that the parcel might be exempt from permit requirements.

The ZA indicated there was a statement from the surveyor, but the ZA wanted some assurance (test pits done or exemptions sited) that wastewater capacity was acceptable for the lot. Because the Town does not want to create a lot that cannot be developed.

Livingston didn't want to spend the money on wastewater testing if the 7.5 acre parcel won't be developed for 30 years. There was discussion that maybe the DRB could submit language on the site plan stating the parties involved know that this lot "maybe a lot that is not developable" if wastewater test pits are not done. Other DRB members indicated that it shouldn't be a "maybe", must be a "given that the lot is developable".

The Chair indicated that the DRB would like to see evidence that a wastewater site is doable now.

The Chair would like to get confirmation from the State on their procedure on what can and/or cannot, or what should be done in this situation. To avoid the situation in the future of someone purchasing the lot and finding out they cannot develop it.

Barrett made the motion to continue application #2015DRB-04-SD- final plat review for a 2-lot SD of parcel # 0329-120, until December 21, 2015.

Dupoise seconded

Discussion – none

Vote: Yes – 6 (Barrett, Bouton, Dupoise, Fyles, Johnston, Smiley)

No – 0

Abstention – 0

Motion carries

***b. Application # 2015DRB-07-BLA- boundary adjustment proposed by Joseph and Tamara Boise between parcels 0792-200 and 0817-120, continued from 11/2/2015.***

As the Chair (Bouton) was not present for the original public hearing on 11/2/15, he turned the meeting over to Vice-Chair (Barrett) who was present at the 11/2/15 public hearing.

The Boise's presented a map with the new proposed boundary lines (see attached map) the red line is the existing and the green line is the proposed. The proposed new lines would bring the road front access down to 50 feet keeping still in regulations, and 125 feet for the back lot extending the commercial property.

On the map the surveyor shows a circle green spot which is a "witness corner" – a "witness corner" shows that the surveyor could not place a stake on a corner because of another obstruction, so a notation is made somewhere along the boundary line on the survey map with an explanation.

The Boise's are working with the State wastewater personnel. In verbal conversation the State indicated that the Boise's may be exempt from needing a wastewater permit. The State has not formally responded as of yet. There are currently two different septic systems for the residential and business properties.

The Chair affirmed to the Boise's that it was not up to the DRB to change zoning district lines this must be done by the Planning Commission. The DRB can only approve boundary line adjustments.

DRB suggested that the surveyor should make notes on the Mylar with regard to the easements for the power lines, water line, and driveway.

## Open for Public Comment

John Madden indicated that the DRB does not have authority to change the boundary lines of zoning districts. The Chair indicated that this item has been addressed earlier in discussion.

Madden has other concern that are not necessary for this hearing, he will come back at a later date to discuss them. Madden provided a handout to the DRB and Boise's.

The Chair responded to one item on the handout; the DRB can change boundary lot lines and that is all the DRB is doing at this hearing the DRB cannot change Zoning District Lines – this must be done by the Planning Commission.

Johnston explained the definition of boundary lines and zoning districts;

Boundary lines are between properties and indicates ownership

Zoning Districts are not boundary lines and should be called Zoning District Lines

## Public Comment Period Closed

Bouton made the motion that the DRB approve Application # 2015DRB-07-BLA- boundary adjustment proposed by Joseph and Tamara Boise between parcels 0792-200 and 0817-120 with the following conditions:

The Surveyor should correct spelling on the Mylar

Dimensions be inserted

Easements be recorded

Wastewater response

Dupoise seconded

Discussion – none

Vote: Yes – 6 (Barrett, Bouton, Dupoise, Fyles, Johnston, Smiley)

No – 0

Abstention – 0

Motion carries and this closes the hearing on the Boise boundary line adjustment.

Vice Chair Barrett turned the meeting back over to the Chair Bouton.

## End of Public Hearing

### DRB Business:

1. **Sketch plan reviews** – none

2. **Review minutes, make corrections, approve and sign - November 2, 2015**

Dupoise made the motion to approve the DRB minutes of November 2, 2105 as presented.

Johnston seconded

Discussion – none

Vote: Yes – 4 (Barrett, Dupoise, Johnston, Smiley)

No – 0

Abstention – 2 (Bouton, Fyles)

Motion carries

3. **Review and sign decisions**

***a. Application #2015DRB-08-SP- amended site plan proposed by Joseph and Tamara Boise.***

Dupoise made the motion to approve the Decisions and Findings of Fact as presented.

Smiley seconded

Discussion – none

Vote: Yes – 4 (Barrett, Dupoise, Johnston, Smiley)  
No – 0  
Abstention – 2 (Bouton, Fyles)

Motion carries

**4. Review for compliance and sign final plats – none**

**5. Correspondence – none**

**6. New Business**

The Chair Bouton submitted the 2016 budget for the DRB. Asking for a reduction from the 2015 budgeted amounts in the areas of:

- Minute taker from \$1,500 to \$1,250
- Legal notices from \$500 to \$300
- Education from \$1,000 to \$500
- DRB mileage kept at \$250
- The Chair requested an honorarium for members and alternates of the DRB for half the amount proposed of last years (2015) honorarium \$20/meeting to \$10/meeting for 2016.

The next DRB meeting is scheduled for December 21, 2015.

The Town Office Holiday Party is scheduled for Thursday, December 10, 2015 at noon. All are invited to attend.

**7. Old Business – none**

Dupoise made the motion to adjourn

Johnston seconded

Discussion – none

Vote: Yes – 6 (Barrett, Bouton, Dupoise, Fyles, Johnston, Smiley)

No – 0

Abstention – 0

Motion Carries

The meeting was adjourned at 7:55 PM

Respectfully Submitted By

Pam Kingman and Karen Gallott

Tom Bouton, Chair

Kathy Barrett, Vice Chair

Donald Johnston, Clerk

Steve Dupoise

Tom Fyles

Susan Smiley