

Development Review Board Minutes  
Town Office New Haven, Vermont  
February 20, 2017

**ORIGINAL**

**Members Present:** Kathy Barrett, Tim Bouton, Carol Charbonneau, Donald Johnston, Tom Fyles-Alternate

**Absent:** Members: Susan Smiley; Mike Sweeney; Alternate- Victor Bolduc

**Staff:** Dave Wetmore, Zoning Administrator & Karen Gallott-Minute Taker

**Guests:** None

Kathy Barrett, Chair, called the Development Review Board (DRB) meeting to order at 7:00 PM. Alternate Fyles will be a voting member tonight.

**Adjustments to the agenda –**

Johnston asked to have an informal discussion tonight on Pat Palmer’s proposed subdivision.

**Visitors Business – none**

**Public Hearings - none**

**Sketch Plan Reviews – none**

**DRB Business**

**1. Minutes – December 5, 2016**

Bouton made the motion to accept the December 5, 2016 minutes as presented.

Charbonneau seconded

Discussion – none

Vote: Yes – 4 (Barrett, Bouton, Charbonneau, Fyles)

No – 0

Abstention – 1 (Johnston)

**2. Review and Sign Decisions – none**

**3. Review Decision Compliance and/or Sign Final Plats:**

**a) *Review Heffernan final survey for approval #2016DRB-05-SD (subdivision)***

The Wastewater permit has been approved by the State.

Upon reviewing the submitted Mylar it was discovered:

- The proposed well on Lot #2 was not moved as indicated in the August 18, 2016, Findings and Decision; and as Heffernan indicated that he would do.

The Findings and Decision state: “the final plat will show the well for lot #2 moved up near and possibly onto lot #1 and; if the well for lot #2 is located on lot #1, an easement from lot #1 to Lot #2 will be shown on the final plat”.

The DRB’s concern is that the applicant didn’t comply with what they said they would do and what is stated in the DRB August 18, 2016 Finding and Decision. The DRB doesn’t feel comfortable approving something that is different than what the DRB originally approved.

Bouton made the motion to approve the Mylar.

There was no second to the motion.

A discussion ensued to the time line of events; and to the DRB's concern that procedure was not followed

The Chair suggested that Zoning Administrator (ZA) send a letter to Heffernan, Peter Viau and Jason Barnard expressing:

The DRB has received the Mylar and the Mylar does not conform to the requirements that the DRB put in to the Findings and Decision on August 18, 2016. During the August 1, 2016 DRB meeting, Heffernan and Viau had a private conversation out in the hallway. Coming back into the DRB meeting Viau and Heffernan indicated both parties discussed Viau's water concerns and Heffernan is willing to move the location of the well on Lot #2 nearer to Lot #1 and possibility onto Lot #1. This would permit Viau additional 20 to 30 feet more to site a replacement well on his property. Viau indicated his approval of the change of the well location on Lot #2.

Based on these facts, the DRB cannot sign the Mylar because the Mylar does not reflect what was agreed on between Heffernan and Viau and does not reflect what was put into the August 18, 2016 Findings and Decision. Heffernan should submit a new Mylar and file for a new wastewater permit or file an amendment showing the well as depicted on the current Mylar.

Bouton suggested sending a letter requesting from the applicant that evidence is provided that there is undue hardship to move the well on Lot #2, nearer or onto Lot #1; and include a statement from Viau that the well is fine where it is located on Lot #2 as depicted on the Mylar that was submitted to the DRB at tonight's meeting.

The ZA suggested a letter to the applicant that a new application be submitted for a new hearing.

The DRB in agreement will let the ZA write a letter to Heffernan, Viau and Barnard, expressing the DRB's concerns.

**b) *Review Golden Well Farm evacuation plan for yurt structure***

A map was provided showing the flood evacuation plan. Occupants of the yurt would evacuate uphill to the meeting point (X as marked on the map) then proceed to follow the property boundary line to a driveway that exits on to South Street.

The evacuation plan was not clear. DRB is requesting a more detailed map ledger with directional arrow markers showing the path of evacuation. The ZA will approve the yurt with a condition of the approval being the flood evacuation plan is amended as below:

- A detailed map ledger must be provided
- Directional arrow markers showing the path of evacuation must be provided on the evacuation map and along the evacuation route
- The flood evacuation plan must be posted inside the yurt

**c) *Review minor change to siting of building #7 Ethan Allen Highway Storage***

Dupoise would like to change the size of Building #7 from 36 feet wide to 40 feet wide, the building length would remain at 140 feet. The additional width would be added to the west side of the building and the entire building would move closer to the boundary line; as there needs to be 75 feet of footage between Building #7 and Building #1 for vehicle maneuverability. With this increase of footage there still is sufficient footage to meet the required setback. The location of Building #7 would also be shifted to the north from what was approved in the 2012 site plan to accommodate a larger storm water pond.

Is this request a significant change to the 2012 approved site plan, or is the DRB requiring an amended site plan?

The DRB is requesting a final as built drawing from Dupoise.

Barrett made the motion to allow the Zoning Administrator to administratively approve the minor changes to the original approved 2012 DRB-07 decision.

Bouton seconded

Discussion – none

Vote: Yes – 4 (Barrett, Bouton, Charbonneau, Fyles)

No- 0

Abstention – 1 (Johnston)

Motion carries

#### 4. Correspondence

- October 20, 2016 letter from John Madden regarding Zoning issues for the Horn and Dupoise properties.
- December 17, 2016 letter from John Madden regarding the present owners of parcel #0788-100, map #12, located at 46 River Road (present owners: Silver Maple Construction; former owners Horn)

#### 5. New Business

- Expiration of term for DRB members: Bolduc, Bouton and Fyles. Fyles indicated that he is willing to continue on the DRB.
- The next scheduled DRB meeting will be March 20, 2017.

#### 6. Old Business - none

#### 7. Discussion

Johnston is working on the subdivision survey for Pat Palmer. At the DRB meeting on December 5, 2016, there was discussion regarding two alternating ideas for this proposal. Palmer listened to the DRB's pro and cons and will contemplate on the discussion as he moves forward with the proposed subdivision.

Charbonneau, Bouton were the parties that felt if Palmer had the ability to make two conforming lots when he subdivides, that is what should be done.

Johnston indicated that in discussion with Palmer the reason for the non-conforming lot it was to keep a sugar bush and pasture land intact. Bouton felt, use of land is not more important than conformity.

Barrett indicated that maybe a site visit by the DRB would be beneficial.

Bouton made the motion to adjourn

Charbonneau seconded

Discussion – none

Vote: Yes - 5 (Barrett, Bouton, Charbonneau, Fyles, Johnston)

No – 0

Abstention – 0

Motion carries

The meeting was adjourned at 8:30 PM

Respectfully Submitted By

Karen Gallott




Kathy Barrett, Chair



Tim Bouton, Vice Chair



Donald Johnston, Clerk



Carol Charbonneau



Tom Fyles