

**TOWN OF WATERFORD
DEVELOPMENT REVIEW BOARD (DRB)
MEETING DATED MAY 18, 2015
MINUTES**

MEMBERS PRESENT: Andrea Dinneen, Kevin Gillander, Jack Newland, Bernie Brochu, Dot Borsodi, Bob duMaire, John Gillott

MEMBERS ABSENT: none

NON-MEMBERS PARTICIPATING: Chris Brimmer, Bill Willis, Barry Gilbert, James and Carolyn Cross, Phil and Kathy Aucoin, Chad Hickey, and Secretary Carol Priest

Andrea brought the meeting to order at 7:05 P.M.

Andrea introduced new board member John Gillott, who currently serves on the Waterford Planning Commission. An additional member may ensure fewer chances of meetings being cancelled due to a lack of a quorum.

1. March 16, 2015 Minutes

Andrea called for a motion.

Jack moved to accept the minutes of the March 16, 2015 meeting.

Bernie seconded the motion.

Andrea called for a vote and all present approved the motion.

2. Administrative Officer Report

Chris reported that he is continuing to pursue action against violations of the junk/salvage ordinance. He has issued three new permits for accessory structures since the last meeting.

3. Vivian Davis Preliminary Plat 2-lot Subdivision Permit No. 15-SUB-02

Bill Willis, on behalf of Vivian Davis, presented a **preliminary plat** for a 2-lot subdivision at 85 Davis Lane (Tax Map ID: Sheet 05, Block 02, Lot 378). The sketch plat had been approved in January, 2015. The applicant intends to keep lot #1; lot #2 will be conveyed to the applicant's grandson.

Lot 1 = 7.6 acres +/-

Lot 2 = 45.6 acres +/-

Members agreed that the right-of-way on Davis Lane must be extended and shown on the final plat, when presented.

Andrea called for a motion.

Dot moved to accept the **preliminary plat** as presented, with a 200-foot r.o.w frontage on Davis Lane on the r.o.w. that currently exists, subject to state and local regulations (i.e., water, waste septic, and driveway) and not subject to Waterford subdivision regulations.

Jack seconded the motion.

Andrea called for a vote and all present approved the motion. The hearing for the final plat has been warned for June 1, 2015, at 7:00 P.M. The applicant has been notified via certified mail, as required, and the adjoining landowners have been notified via postal mail, as required. Chris will check with the town clerk to determine what fees have been paid.

4. Cheryl Vanderbilt Final Plat 4-lot Subdivision Permit No. 15-SUB-01

Bill Willis, on behalf of Cheryl Vanderbilt, presented a **final plat** for a 4-lot subdivision at 1201 Shadow Lake Road (Tax Map ID: Sheet 11, Block 3, Lot 572). All members and interested parties present met at 6:30 p.m. and visited the site prior to the hearing.

Andrea began by asking for comments and concerns from the interested parties: James and Carolyn Cross, Phillip and Kathryn Aucoin, (adjoining landowners all.)

Phil Aucoin began by citing the Waterford Subdivision Regulations Article 301.2 with the comment that he believed the meeting did not qualify as a legal public hearing since all pertinent data, i.e. waste water permits, etc., had not been received prior to the hearing. He continued with a list of requirements he asserted the application does not meet. He cited the Waterford Zoning Bylaw §301 requirement of a 50 foot r.o.w., not 40, as shown on the plat. He cited §406 of the Subdivision Regulations dealing with the topography of the proposed subdivision and, again, a 50 foot r.o.w. He cited Section 102 bullet 2 of the Subdivision Regulations expressing concerns with potential drainage and run-off. He referenced "A Message From the Planning Commission" in the Zoning Bylaw stressing the desire of the people to retain a rural atmosphere in Waterford. He stated special attention should be paid to the potential impact on the designation in the Town Plan recognizing Shadow Lake Road as a scenic road. He cited §702 of the Zoning Bylaw stating the interpretation of requirements must be held to be minimum requirements adopted for the promotion of public health and safety, etc. Phil concluded with a statement that the burden of proof is on the applicant to show compliance with the regulations and that has not happened yet.

Kathy Aucoin stated she helped prepare and agrees with the list of concerns Phil presented. She followed up with the comment that their own driveway and the applicant's driveway present safety concerns for all given the line of sight and speed of the traffic.

Jamie Cross agreed with the Aucoins's statements. He stated his main concern is lack of privacy and tree removal which will totally change the character of the area. He objected to the lack of contour lines appearing on the plat and to the lack of discussion of drainage with the driveway. He cited a letter submitted by his attorney, William Alexander (Sandy) Fead, to the Zoning Administrator and distributed to the DRB on May 8th, explaining concerns about what is lacking from the requirements for the plat, such as water courses, physical features, culverts, etc.

He presented a new letter submitted earlier in the day (May 18th) to Zoning Administrative Officer Chris Brimmer pertaining to the issue of precedence and subdivisions. No board member had seen the letter, nor had the applicant's attorney, prior to the hearing. Jamie read aloud many entries from the lengthy letter.

Kathy Aucoin reiterated her concern about increased drainage across her property that might result from new driveways for new homes on the new lots.

Mr. Hickey stated that privacy is not an issue to be addressed by the DRB. He pointed out that the Crosses built their house very close to their own property line rather than centering it on their 900 foot lot. He also stated that there is a waiver provision in the statutes that cures the issues that have been raised, noting that the board has handled similar issues that way in the past. He requested that he have 10 days to review the new letter from the Cross's attorney, Mr. Fead, and to prepare a response. Andrea agreed to the request, stating that the board would need time to review the newest letter as well as Mr. Hickey's response.

Bill W. noted that the two original lots have wastewater requirements in place. He stated the applicants will be requesting a wastewater deferral on the other two lots since they may not be developed. He stated that he is willing to defend his survey plat against any questions raised in the document received today.

Jamie stated that there are other places the road can be placed, closer to the middle of the property. Barry stated that the r.o.w. was moved 160 feet from the edge of the property already.

Andrea asked for questions from the board members. John asked the applicant if the lots had passed a perc test and if the driveway to his current house was completed. Barry said the land next to the existing house had been perc tested in the past. He stated the existing driveway is not pertinent to this application. He noted that driveway maintenance would be handled by lot owners, family members. He stated that all ditching will be done on the inside of the proposed driveway, in order to address drainage concerns.

Kevin moved to recess the hearing until June 1st at 7:00 P.M., to allow for Mr. Hickey to prepare a written response to the newest document presented by Mr. Fead and provide time for board members to review both documents.

Jack seconded the motion.

Andrea called for a vote and all present approved the motion.

5. New Business / Other

Bill Willis, on behalf of Clayton Bullock and Kevin Bullock, presented a **sketch plan** for a 2-lot subdivision on Lower Waterford Road. The exact physical address was not given. A 6.2 acre +/- lot will be created. No permit has been applied for nor fees paid at this time.

Andrea called for a motion.

Jack moved to accept the **sketch plan** as presented, subject to state and local regulations (i.e., water, waste septic, and driveway) and not subject to Waterford subdivision regulations.

Andrea called for a vote and all present approved the motion.

The board approved a driveway permit application from John Halloway that was approved by the road foreman Lisle Houghton and forwarded to the board with the condition that a 911 address be provided.

Carol circulated a flyer about the VLCT Planning and Zoning Forum, to be held on June 10th in Fairlee. All members are invited to attend.

Andrea requested that Chris remain present to participate in the Deliberative Session, which began at 8:43 and ended at 9:35 P.M.

Andrea asked for a motion to adjourn the meeting.

Bob moved to adjourn the meeting.

Bernie seconded the motion.

Andrea called for a vote and all present approved the motion.

The meeting adjourned at 9:35 P.M.

Respectfully submitted,

Approved by:

Carol Priest, Secretary