

Town of Waitsfield
DEVELOPMENT REVIEW BOARD
Meeting Minutes
Tuesday, September 23, 2008

- 1. CALL TO ORDER:** Brian Shupe, Chair, called the meeting to order at 7:30p.m. at the Waitsfield Town Office.

MEMBERS PRESENT: Brian Shupe (Chair), Gib Geiger, Mike Kingsbury, Eleanor D'Aponte, David Galfetti (Alternate).

MEMBERS ABSENT: Jamey Fidel, Mark Sinclair, Hallie Tamez.

STAFF PRESENT: Vickie Trihy, Planning and Zoning Administrator

APPLICANTS AND THEIR REPRESENTATIVES - SUB-08-04: Wren Compere, Richard Bell (Surveyor), Jill

INTERESTED PARTIES: Louise Moulton and son, adjacent land owners

- 2. SUB-08-04, Wren Compere and Flemer Trust.** Proposal to partition three lots located on Main Street into five. One of the proposed new lots contains the "Polo Field", and would be gifted to the town of Waitsfield; the other lots would partition the land differently among the current owners.

Brian Shupe acknowledged before there was talk about the subdivision he was involved in a committee, at the request of Charlie Hosford (Selectboard Chair), including Ted Joslin and Phil Lundblad of the Conservation Commission, to discuss the gift of the property to the Town and some issues and ideas associated with the property. He further stated there were a couple of meetings with Wren and only at the last meeting was the subdivision mentioned. Brian stated he did not make any commitments, promises, or any indication what the Board might do. Under our rules of procedures it does state any changes need to be divulged at the start of the process. Jill ? stated they did not have any discussion about the subdivision. Jill further stated discussion was limited to the Polo Field as they did not know about the subdivision until they got together with Richard Bell and other people at the site and found out just where property lines were going to be set.

Brian Shupe stated a staff report from Vickie Trihy, Wren Compere's letter to neighbors explaining what has been proposed, and a site map have been made available for

discussion. Brian then turned discussion over to Richard Bell as a representative of the applicant, to explain the different divisions.

Richard explained the whole parcel consists of +/- 73 acres. Lot 1 is the remainder of the 76 acres which would be approximately 58.8 acres going uphill with an approximately 9 acre buffer between the lot and a conservation easement that currently exists. Brian Shupe stated this parcel is also known as the bend parcel.

Richard stated Lot 2 is known as the Polo Field and it is broken out with some limits of 50' off a well that exists by the barn and using the existing brook as a property line. The brook is at the bottom of the slope and drains back toward Old County Road. Richard further explained they presented a 50' wide protective easement for the brook and 50' leading up to it to keep things out of the brook. In addition, on the outside of the 50' easement is a 25' easement for access to Lot 3 which is the barn lot. He further explained this will be the secondary access, not the primary to Lot 3

Richard stated Lot 3 is the barn lot and is a 4.75 acre parcel, and includes all existing barns behind the duplex. The 25' setbacks from the barns will be kept as well as the 50' setback from the well. The access to Parcel 3 would be along the access that runs next to the Main Street Condominiums. He stated they are proposing to leave a 50' easement to give them a 50' frontage on Main Street they would not normally have. They are encroaching somewhat on the existing septic bed and replacement recently put in the duplex lot. Richard feels we will have to allow a protective easement for this area.

Richard stated Lot 4, the Duplex Lot, would be proposed at 1.19 acres, and meeting the setbacks and minimum requirements for lot size.

Richard explained Lot 5, the Farm Stand Lot, would be proposed at .85 acres. He further stated that again there is some talk about presenting this parcel to the Village or Town, but also maybe leaving a walking easement through there for access to the Polo Field. Jill ? asked to clarify that Richard Bell is working for the Town, and not representing the applicant as stated by Brian Shupe earlier. She further stated he surveyed the original lots for the Town, and will give the applicant a separate bill for survey work done on the additional property lines. Jill said the Compere and Flemer families have offered up the Farm Stand lot, informally, to the Town, but it will be a separate sale. In the meantime, discussions will be held regarding a license or temporary easement for pedestrian access. In addition, part of the reason the Compere and Flemer families are considering sale of this lot to the Town is because it will be difficult to prevent people from accessing the Polo Field from the Farm Stand lot, and they would not like their other properties crossed to access the Polo Field. Richard Bell stated the only other issue he would address is the

septic for the Main Street Condominiums as it is within 5' of the property line, and we may want to leave a protective easement on the Farm Stand Lot. Brian Shupe asked if there is a setback for septic fields. Jill required there are many including property lines and septic. Jill believes the setbacks for foundation footing is 25' to 35'. Brian questioned if they were creating non-conformities by drawing boundaries. Jill believes they are not because the boundary where the septic already exists is not new. She further explained they are extending the existing boundary further out back toward the barn. Jill explained before the subdivision of this parcel there exists three legal plots: one the duplex lot which is a little bit shorter by deed than is shown on the map; another separately deeded lot is the "L" shaped piece of land behind Odd Fellows, above and to the left of the duplex; and then the balance of the land. Jill stated it is important to note the three lot parcel is now divided into five lots. Jill believes they have taken care of putting boundary lines where they will not encroach on the existing buildings. She further explained while it seems to make sense to make the duplex lot wider, the barn and the other building behind, are pretty substantial buildings in great condition, and there aren't any plans for usage of those buildings yet but we should keep options open for access.

Brian Shupe asked Jill to address anticipated or proposed uses for the different lots. Jill explained the duplex lot will stay the same. The piece with the barns currently has no plans, but there are some ideas, with nothing formulated at this time. There are no current plans for the bend lot,. Most of this lot is enrolled in the current use program and is subject to grant of development rights to the Vermont Land Trust. The Farm Lot we plan to sell to the Town of Waitsfield.

Mike Kingsbury asked if a curb cut would be needed off Old County Road. Jill explained a curb cut permit would be needed for any use other than an agriculture use. Mike also asked if the same proposed curb cut would be used to access lot 3 or will there be a need for two. Brian Shupe said using the current entrance as a vehicular right of way would trigger a second curb cut permit. Jill cited the entrance to Main Street Condominiums is within strip, but an increase or a different use by the barn lot would require an additional curb cut application. Significant use of barn piece for residential use, may need 50' right of way, and would be up to the Town. Brian Shupe asked Jill, given what she said about the Vermont Land Trust easement, and knowing they don't want to take an area zoned for residential area, is a 25' right away enough, given the septic encroachment, to meet town standards should a residential area be planned in the future. Jill believes the Compere and Flemer families would like to keep the encumbrances over the Polo Field piece to a minimum, and knowing the septic system from the duplex might encroach a little on that access, our thinking was if there was ever a significant use of that barn piece for residential use, that perhaps having both so there

can be an entrance and an exit might negate the need for a 50' right of way. Mike Kingsbury asked if this would also be the entrance to Bend Lot. There is another right of way by Moulton and Findlay Roads. Jill stated this is something they could discuss and come back to the hearing with a definitive resolution. Richard also stated the septic on duplex lot only encroaches on the setback, not the septic itself. Brian Shupe stated even though there are no development plans for the back parcel, the land does seem very wet. He continued to say they usually try to see where the development envelope is, and try to determine what resources might be impacted in development. Brian stated the Board may want to have, as a condition, further review for future development plans especially for that area.

Louise Moulton and her son did not have questions, but do want to be kept abreast of developments to the parcel. Wren Compere said she has had conversations with Louise and understands her concerns. Wren further stated she would be sure to keep in contact with Louise, and other adjoining landowners, as work progresses. Brian Shupe explained there would be a future hearing, and comments and concerns from the Moultons, and others, would be considered.

Mike Kingsbury asked if five lots would turn into four should the town purchase the Farm Stand Lot in addition to acquiring the Polo Field Lot. Jill explained it would not as the Polo Field would come with some stringent restrictions, but the Farm Stand Lot would not. Jill stated they would get a deferral waste water permit from the state. Brian Shupe asked if the Board needs to know of any other issues with the state. Jill explained one issue with the state is to clarify the parcel identification numbers as some parcels are made up of smaller deeded lots that still reference the main parcel number. She further explained they will need to obtain a deferral for the farm lot, barn lot, bend lot, and the polo field. Brian Shupe asked Jill if she knows what the soils are like. Jill replied not at this time. Brian further stated that in Jill's letter to the neighbors, you mention sewage disposal is still an option provided it meets all other objectives. Jill explained this is true, but emphasized it is still a ways off. She went on to say information is being gathered informally and has been brought to her attention that it is not a good idea to graze cattle over a septic system as it can compact the soil and affect the biomass. She further explained human activity that takes place in a typical residential property is not a concern, but if this public green were to see the kind of use the Compere and Flemer families are hoping for, it would not be appropriate for sewage disposal. In addition, the Compere and Flemer families do not want to see sewage disposal take precedence over a public green. Brian Shupe feels the Compere and Flemer families will place greater restrictions on uses of the property than would the Board. Jill stated the property is to be used as a public green for recreational purposes, and that there will be absolutely no above-ground structures. Brian asked if any part of the property would be used for

parking. Jill said limited parking over by the 25' easement to lot 3, but not interfering with the 50' buffer to the stream, has been discussed. The parking area would need to be gravel and pavement.

Brian stated with regard to the sketch plan review the Board needs to take action tonight by classifying it as either a major or a minor subdivision. He explained the minor classification would include fewer than five lots, and because it started out with three and only two were being created, this classifies it as a minor. There are no waivers being requested of our standards or procedures. There are no recommendations for changes in subsequent submissions for request of additional studies or documentations. MOTION: A motion was made, seconded, and unanimously carried to classify the sketch plan review as a minor. Vickie Trihy confirmed the hearing date is set for the October 14 meeting.

3. **RULES OF PROCEDURE:** Brian Shupe said he spoke with Joe McLean about the process of issuing draft decisions. Brian said he thought we should amend the rules of procedures and make it clear we are not opening up negotiation sessions as Joe advised, but just releasing them and having a comment period explaining what we might do in response to comments such as make amendments or doing nothing. He will prepare a draft for future consideration.

Eleanor D'Aponte asked Brian if he has started having lunch with other Board members. Brian stated he has not as yet, but did acknowledge the Selectboard thought doing so to be a good idea. Eleanor asked if the DRB, as a group, should clarify the process in terms of having a handout, web presence, or samples of previous applications. Eleanor has collected samples from different towns of application process instructions and suggested devoting some time to their perusal at a future meeting. Vickie Trihy offered her applicant instructions for perusal as well. Brian also mentioned creating a questionnaire on the application process and suggested obtaining a copy of the permitting survey used in Mt. Pelier for ideas. Mike Kingsbury asked Brian Shupe if the DRB has retained the requested right for waiver from the Planning Commission. Brian Shupe stated he received recent emails with regard to the requested waiver and it is an item listed in the bylaw revisions. Mike said there are 2-3 minor things the Planning Commission could put through in the next couple months that would make the DRB's job much easier, such as the sign issue. Mike also suggested the DRB show some initiative and attend Planning Commission meetings to show support and lend assistance. Brian stated he did attend a PC meeting and assisted in drafting the waiver provision. Brian offered to contact Steve Shea and offer the DRB's assistance at future meetings.

4. **APPROVAL OF MINUTES:** Minutes of the September 9 meeting were approved with minor changes.
5. **OTHER BUSINESS:** Mike Kingsbury asked Vickie Trihy if Jason has contacted her about the license renewal for Full Circle Auto. Vickie said she has yet to make contact with Jason, but will continue to try as he needs to contact her by next week to avoid license expiration.

Eleanor D'Aponte asked Brian if a banner announcing town events, such as the one in Northfield, is available for use by the town of Waitsfield. She further explained having a banner strung across the street by the Wait House would be a great asset to the town. Brian said he believes our sign regulations allow for such a banner, and he would approach the Planning Commission with regard to this possibility at a later date.

Vickie Trihy is writing a proposal with regard to the gravel pit. Brian stated the DRB will discuss the proposal at a later meeting and present it to the Selectboard for approval before a vote is scheduled.

6. **ADJOURNMENT.** The hearing closed at 8:30pm.

Respectfully submitted,
Nancy Myrto