

## WEST WINDSOR DEVELOPMENT REVIEW BOARD

Draft Minutes  
February 9, 2010

Present: Glenn Seward, Shannon Harrington, Genevieve Lemire, Hal Pyke, Pete Ladd, Martha Harrison, Dennis & Nancy Brown, David Jaacks

1. Call to Order: Chair Glenn Seward called the meeting to order at 7:00 PM.
2. Changes or Additions: None
3. PUBLIC HEARING: Glenn opened the public hearing on the Final Plat approval of application #2371 by Dennis & Nancy Brown for a 2-lot subdivision of parcel #3-214 at 452 Route 44. Glenn noted that the application is subject to review under the West Windsor Subdivision Regulations. Glenn asked the DRB members if they have had any ex parte communication with the applicants. All said no. Interested parties present at the hearing were Dennis and Nancy Brown and David Jaacks. The interested parties were sworn in by Glenn. Glenn asked Dennis and Nancy if they had any new information to mention; they did not. The DRB reviewed the Final Plat for conformance with the requirements listed in the written determination on application for subdivision (sketch plan review). Glenn noted that the application form was submitted with the sketch plan. Martha said Dennis signed a statement indicating that the information on the sketch plan application is still accurate. Glenn asked Martha if the application fee has been paid. Martha said yes. Glenn asked if the Browns received a statement of compliance from the Planning Commission. Hal said he wrote the Browns a letter to that effect. The DRB noted that the survey was plotted at 1" = 135'. Glenn noted that the DRB had agreed to accept the 100-year floodplain line in lieu of a stream buffer because the floodplain is larger than the stream buffer. Shannon asked the Browns if there are any existing or proposed easements. The Browns said no. David asked if his well is referenced as a deed restriction. Glenn asked David where his well is located. David said the well is mentioned in his deed and asked if it is also a restriction in Dennis and Nancy's deed. Dennis said he doesn't know. David pointed out the approximate location of his well, which is not shown on the Mylar. David said he doesn't want to interrupt the subdivision approval process but he wants to ensure that the location of his well is recorded. Genevieve said she thinks the deed is the controlling document. David said he is not that worried about it because it is in the deed. Glenn asked Dennis if the well is mentioned in his deed. Dennis said he has no idea. Shannon suggested attaching a copy of David's deed to the decision. Martha said the book and page numbers of David's deed could be referenced in the decision. The DRB agreed. **Shannon made a motion to approve the Final Plat of the Subdivision proposed by Dennis and Nancy Brown in application #2371, as submitted with the inclusion of a reference to David Jaacks' deed. Hal seconded the motion, which passed unanimously.**
4. Minutes - January 12, 2010: **Shannon made a motion to approve the minutes of January 12, 2010 as written. Genevieve seconded the motion, which passed with Hal abstaining.**
5. Other Business – Ted Emerson's driveway: Shannon asked about the status of Ted Emerson's driveway project. Glenn said Ted contacted Patrick Ross who said that, because the drainage area for the stream is less than 10 square miles, Ted's project is fine

as long as he's not doing work in the stream. Glenn said Patrick suggested that Ted contact the Army Corps, which Ted did, and apparently he's okay there too. Glenn said he looked at the site again to gauge the sight distances since Ted has safety concerns. Glenn said Ted does not have adequate sight distance but Glenn thinks raising the level of the driveway would improve the sight distance. Glenn said Ted has applied for a variance. Martha said Ted will go to the Selectboard first, for access approval, on March 8<sup>th</sup>. Shannon said this is the kind of site for which there should be a site plan. Glenn said the issue is working in a stream buffer. Glenn asked the DRB if they would like to do another site visit prior to the variance hearing. The DRB did not think another site visit would be necessary. Glenn asked if the DRB can discuss the adequacy of the application as submitted. Martha said she thinks that's fine. Hal agreed that the DRB can discuss whether the application is complete as submitted or whether they need additional information. Martha asked if the slope at the site is greater than 20%, in which case the application would have to include an erosion control plan. Glenn said yes. Hal asked if our regulations say anything about what someone can do in a stream buffer. Glenn said they can't do anything. Martha agreed that West Windsor's regulations don't allow any development in a buffer, which is probably too strict. Glenn noted that the zoning regulations have no waiver provision. Hal agreed but said the DRB does have the authority to grant variances. Martha said at a minimum, she can ask Ted for an 8 ½" x 11" drawing to scale. The DRB agreed that they would like to see a scale drawing showing the design of the driveway relocation, the limits of fill, erosion control measures, and existing and proposed sight distances. Genevieve noted that the requested variance is from the provisions of Section 3.14 and 4.11 and asked if Ted would also need a variance from Section 3.2-1. Martha said Ted's neighbor is willing to do a boundary line adjustment but it doesn't make sense to do that until he knows whether his variance request is approved or not. In general terms, the DRB discussed whether an existing, grandfathered stream crossing is the same as an "approved" stream crossing. Martha said she does not consider them the same. For example, Martha said, there are existing driveways that are too steep for a fire truck to get up and she would not want to call them "approved" driveways. Shannon agreed that they should be called "pre-existing" and not "approved." Hal agreed that they are "grandfathered" but not "approved." Shannon said if there were a change of use associated with a pre-existing, grandfathered structure, then it would have to get approved.

6. Brown Mylar – Glenn and Hal signed the Mylar for the Brown's subdivision.
7. Adjourn – **Genevieve made a motion to adjourn at 7:53 PM. Shannon seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison