WEST WINDSOR DEVELOPMENT REVIEW BOARD
Draft Minutes
October 07, 2019

DRB members present: S.Harrington, B.Truex (by phone), B. Boedtker, D.Beatty. Others: Susan B. Ford, Randy Perry, Jennifer Fitch, Jack & Beverly Schofield, Tom Kenyon, Ashley Pakenham, John Tatlock, Merle & Leone Bushkin, Fred Weremey, Robert Joyal, Bob & Lauretta Strout, Kathy Hall, Robert & Betty French

1) Call to Order – DRB Chair Shannon Harrington called the meeting to order at 6:30 PM
2) Changes or Additions – None
3) Announcements/Public Comment– None
4) **PUBLIC HEARING 2722–** Shannon opened the continued hearing on application #2722 by Randy Perry (applicant) and Jonathan Schofield (owner) to consider conditional use review to construct a residential bridge on parcel #4-70. Shannon disclosed that Susan Ford is her real estate attorney asked the board if they had any issue with that. The Board did not see a conflict and reported no other conflict of interest or ex-parte communication. After reading the Interested Person definition, Shannon gave the oath. She then recapped the facts to the best of her knowledge: Initial highway access received 2/27/19. Stream Alteration permit 3/26/19. Selectboard minutes of 7/22 reflected the discovery of non-permitted development and the ZA's order to stop work until a permit is issued. Bridge application submitted 8/1/19 with hearing held on September 10. The hearing was continued until the owner submitted a PC certified bridge design and a conditional use narrative. Next, Susan Ford presented a letter of review by Jonathan Rugg, PE outlining his recommendations for design changes to meet the required H-20 loading standards. Randy explained the 5 specific changes: #1 Steel stringers will be W24X76. #2 A-558 steel will be used to meet the 50ksi yield strength required for H-20 load standards. #3 The 6x6 timbers shall be #1 SYP PT. #4 2x12 runners shall be #2 PT and installed and securely fastened, to each of the timber deck 6x6's. #5 The 6x6 timbers will be fastened to the steel stringers to resist a minimum 350# uplift at each stringer using the attached Timber Bridge Deck Fastening Detail sketch. Randy testified he will incorporate the 5 items in Mr. Rugg's letter. He also stated Mr. Rugg will inspect and certify the AS BUILT bridge, as is required for the Certificate of Occupancy. Responding to questions raised in the 10/6 hearing Susan Ford said she had emailed Scott Jensen, River Management Engineer. Scott certified the bridge was built in the location on the permit. Conditional Use: Susan provided a narrative. Shannon read it aloud as the public had not seen it yet. #1. Capacity of existing or planned community facilities or services—the Board agreed the bridge would have no impact. #2 The character of the neighborhood—Shannon asked for elaboration on the past consideration of the parcel for subdivision. Jack S. clarified that at the time he bought it, the big hayfield across the street was being considered for subdivision into 5 acre parcels. #3 Traffic The narrative states that eventually there may be one home built being served by the bridge, but that will have minimal impact. Shannon agreed. #4 Bylaws now in effect—The narrative states the bridge complies with Article 3.13-1 the applicant received a State Stream Alteration Permit and approval from the Selectboard. Regrettably, he didn't know he also needed Conditional Use approval. He has now submitted his plans approved by licensed engineer and this narrative. As he has testified, he has no plans to build a house but will submit required applications for that prior to building. #5 The utilization of renewable energy resources—Not applicable. In addition, regarding specific standards—the applicant states the bridge will not interfere with access, to, use, or enjoyment, of adjacent properties. It will not deny neighboring properties reasonable and adequate to light or block existing views. Public utilities and infrastructure are not involved. Shannon then asked if there were any questions, statements or discussion by the public. Mr. Bushkin asked if the project narrative related to the bridge or bridge and house. Susan Ford said it was for just the bridge. Ashley Pakingham read from a statement relating the project to the necessity of protecting the stream and groundwater from contamination as all residents rely on wells for drinking water. She implored the Board to

have independent evaluation by a professional hydrology expert to evaluate the project. Susan assured the board she had contacted Scott Jensen because she understood that there was public concern about environmental matters from to the stream from the bridge and he said design calls for an over-spanned bridge that minimizes impacts to the stream by having the with abutments back from the river banks From a River Management point of view he categorized the project as a low risk. He had visited the site and observed the contractor taking appropriate erosion prevention and sediment control measures. Since the project was put on hold, the contractor added additional erosion control measures to stabilize the bank if the project can't be finished this season. Merle Bushkin wanted to comment. He feels strongly on this concern about erosion, a bridge is one thing, but a house is another. By carving this into individual permit decisions, could lessen the overall impact to the stream. As Ashley said, he would also like a third party to assess the overall combined impact of the bridge and house with a septic system. Shannon responded that for this project application is just for the bridge. Regulation Section 3.13 Development near waterways would apply to this project and it is within the rules to accommodate approved stream crossing structures. Also, germane perhaps could be Section 3.5 Erosion Control and Development on Steep Slopes. There are slopes to the project, but they were not stated to be above 25 percent. Deb looked at the ANR atlas where the bridge was placed, and it was not characterized as greater than 25 percent. Merle said he thought the slopes were greater that 25 percent before the project started but the Board didn't evaluate the slope until the project was underway and they were smoothed out. Susan interjected that for 3.5 the Board needed to be satisfied with the erosion control plan for the project and there is a State Official saying he is satisfied with the erosion control in place. Barbara pointed out that if there is a house built, the slopes all other development criteria will get a fresh look. Driveway, setbacks, slopes, wetlands etc. will be evaluated by the Zoning Administrator and if it doesn't meet the standards it would come back to the DRB for review. Shannon said the Board also has the right to put conditions on the permit as they see fit. Merle said he still has concerns and doesn't think the Board is hearing his point. This whole project is being presented piecemeal. If they approve just the bridge, he wouldn't know where anything else goes. A bridge is not built for no reason, a house will eventually be built. He understands there are only a few sites where a house could be sited. He thinks it is appropriate to look at the combined project bridge and a house and evaluate the environmental impacts and they can understand where the house is in reference to the whole property and they too as abutters can see how they will be impacted. It is an overall view. By looking at the project in pieces you fail to see the whole impact. By carving the project into pieces you are likely to arrive at a totally different decision than you would have by looking at the totality. He asks that the Board looks at the impacts of the total project. Shannon responded that as the regulations exist allowed for a project such as this to be done piecemeal. Also, in all districts, the regulations allow a house to be built if it meets the standards without the going before the DRB. A single-family home is a permitted use. Merle said that they do have a responsibility to protect the environmentally sound for all the residents in the town. It is a material decision of as to where he wants to put the house and it has great potential impact on his property. Susan Ford stated that the owner does not have plans for a house at this time. Shannon said she disregarding what Mr. Bushkin is saying, but the regulations allow for just a bridge to be evaluated. Leone Bushkin said having a bridge with no plans to build a house is an insult. As an abutter She feels that the Development Review board should be protecting them, and she feel s defenseless. Ashley agreed, and stated that because there is a wetland that the property drains into it requires a wholesale approach. She believes this could set the tone for quality and environmental assessment for development. Shannon reiterated that the regulations support single-family homes as a permitted use. Merle said the overall context is what is overall impact on the environment, neighbors and the community in general. Shannon said in the future if the driveway doesn't meet standards to be permitted administratively the project would be back in front of the DRB to evaluate it. Merle said the Board has not yet discussed the draft minutes in which he had sent in comments and corrections. **Dick moved close the public hearing; Barb seconded. Barbara moved to go into deliberative session.** Shannon asked for discussion. Would the Board like to deliberate in public now or in private now or at another time? Dick pointed out that there was a lot of testimony to go over, some just submitted recently, some germane and some not. He was open to public or private deliberation. Bruce

agreed there was a lot of new information and the was a lot to digest so perhaps it would be better to take some time to deliberate. Barbara added they had been advised to make decisions in private deliberative sessions after the public hearing is closed. **Shannon made a motion to go into private deliberative session**. **Jane seconded the motion, which passed unanimously.**

5.. Other Business – None

6.. September 10th Minutes – Passed over to give time to review the comments made by Merle Bushkin .

7.. Adjourn –**Dick moved to adjourn at 7:33 PM. Bruce seconded the motion, which passed unanimously.**

Respectfully submitted,

Deb Shearer