

WEST WINDSOR DEVELOPMENT REVIEW BOARD

Draft Minutes
September 10, 2019

DRB members present: S.Harrington, B.Trux, B. Boedtke, D.Beatty. Others: Susan Ford, Randy Perry, Jack & Beverly Schofield, Tom Kenyon, Ashley Pakenham, Elizabeth Farley, John Tatlock, Merle & Leone Bushkin, Fred Weremey, Susan Joyal, Robert & Laretta Strout, Kathy Hall, Robert French, Margaret Dunn

1. Call to Order – DRB Chair Shannon Harrington called the meeting to order at 6:37 PM, following the site visit to Rush Meadow Rd (parcel #4-70).

2. Changes or Additions - None

3. **PUBLIC HEARING 2722**– Shannon opened the hearing on application #2721 by Randy Perry (applicant) and Jonathan Schofield (owner) to consider conditional use review to construct a residential bridge on parcel #4-70. Shannon asked about conflict of interest or ex-parte communications. She stated she had talked to Randy about another project but not this particular one. The Board reported no conflict of interest or ex-parte communication. Shannon read the definition of interested persons. She then gave the oath. Susan Ford presented on behalf of Mr. Schofield. She stated that regulations require a plan signed by a VT licensed professional engineer, those plans are in the works, but not yet finished so they are asking for the hearing to be continued to the scheduled DRB meeting of October 8th. Shannon recognizing there were many abutters present, asked if there was any objection to having those present make statements on the project tonight. There were no objections. Then Jack gave a quick overview of the history of his project: In 2005 he bought a 100+ acre farm from the Tatlocks. The 43 acres on the east side of Rush Meadow is blocked by the stream making it basically landlocked from a development perspective. Three years ago, he looked into accessing to the property from the south with the intent of building a house for his daughter, which turned out to be too expensive. Last October, he looked at the site again with Randy and Scott Jenson, State River Engineer. Scott determined for access it would need to have a bridge going straight across the brook from Rush Meadow vs using the old logging road. In a couple of years, he will make a decision about actually building the house if his finances allow. Before moving onto the question/comment phase, Merle requested that if there was a continuance, it not be on October 8th as it was Yum Kippur. John asked for clarification if this hearing was just for the bridge or bridge and house site? Just Bridge. Leone asked if here was a road being built beyond the bridge to the South. Randy answered; it was simply the material from the abutment excavation that he moved up the hill. To limit erosion, he spread the material on the old skidder road, seeded and mulched it, except for the upper section which was not mulched. Merle told the Board he had 4 concerns about the project. #1 Is the bridge actually built in the site that it was authorized, as he could not tell. #2 He requested that house sites be identified because one of the natural possibilities, as he saw it, would be close to their house and have a negative impact to the value of their property. #3 Environmental impact: the site has steep embankment and the zoning regulations require slope to be taken under consideration before a shovel of dirt is turned. In this case they started the project before the site could be evaluated. #4. He believes there was a wonton disregard for the rules and regulations by parties involved. They have so much experience and knowledge under their belts to be starting a project before all permits were in place. He is worried about incremental decisions impacting future land use decisions. He said the penalties for starting work before obtaining a zoning permit are comically low and not a deterrent to doing the right thing and filing an application and going through a review process. Addressing his points Susan said the State is also very concerned about environmental impacts and obtaining the state permit required them to go through a rigorous process. As well, Mr. Schofield has testified under oath that at this time he does not have plans to build a house, and this application was just for the bridge approval. In no way did Mr. Perry and Mr. Schofield mean to disrespect town regulations, they did apply for and receive a state permit, they just weren't aware a local permit for the bridge was necessary. When they were made aware of it, they applied and are working diligently to give the Board all the

information they need to make a decision. Merle read section 3.2 A of the zoning regulations referring to access requirements. He noted that now the DRB cannot see what the slope was only what it is now. Merle said he spoke with Scott Jenson who said he does let parties know that local permits may apply as well as the State permit. Shannon admitted the regulations are not perfect and DRB interprets the rules. The way the rules are written they should have come to the Board for the bridge first. Driveways are typically handled administratively unless something trips a DRB review like crossing a wetland or a steep grade of over 25%. However, the DRB does have the ability to put certain condition on permits. As far as local permits go Barbara pointed out that this project does have an access permit granted by the Selectboard. Shannon said as she understands it, because of this case the Town will be adding language to the access permits to stress the need to check with the Zoning Administrator to see what additional permits may be necessary. Leone said she found the attitude of asking for forgiveness rather than permission very hurtful. When the Scofield's were looking to log their property a number of years ago, they needed to get access through her property to get the logs out, which the Bushkins gave, simply because it was the right thing to do. Leone continued, if indeed a house is built on that log landing it will certainly devalue her property. Ashley commented next. She began by saying she knows everyone in the room. She is not an abutter but has property in the neighborhood and her concern is to ensure proper environmental stewardship of the whole area. She read from a prepared statement which she submitted to the Board. John wanted to add his support to Ashley's comments and asked if he could send his written statement to the Board at a later time. The Board agreed and Shannon asked if anyone else wanted to make statements. Dick said felt they had heard comments from all sides, some of it applicable to the Board's decision, some not. Lastly, Leone made a very strong request for the Board to consider a different date other than October 8th on the basis of religion. There was discussion between the Board and applicants for the possibility of a different date. **Dick moved to continue the hearing to 6:30 PM, Monday October 7th at the Town Hall for further review of application #2722. Jane seconded the motion, which passed unanimously.**

4. Other Business – None

5. August Minutes – Deb said there was a typo in the minutes, hearing #2721 was continued until Tuesday October 8th, not 10th as was written in the minutes. **Jane made a motion to approve the minutes as corrected, Bruce seconded, and the motion passed unanimously.**

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

Respectfully submitted,

Deb Shearer