

WEST WINDSOR DEVELOPMENT REVIEW BOARD

Draft Minutes

June 1, 2011

Present: Glenn Seward, Shannon Harrington, Barbara Truex, Hal Pyke, Genevieve Lemire, Kathleen Ladd, Randy Perry, Tom Kenyon, Martha Harrison

- 1) Call to Order – DRB Chair Glenn Seward called the meeting to order at 7:18 PM, following a site visit to the Ladd property.
- 2) Changes or additions to the agenda – Sketch plan extension request by Phil Hathorn
- 3) Erosion Control Review – Application #2439 by The Ladd Family Trust for a reconfiguration of the existing driveway to lessen the slope at 4677 Rush Meadow Road (parcel #7-13.1). Because the project involves development on a slope with a gradient in excess of 20%, the application is subject to review under Section 3.5 of the West Windsor Zoning Regulations. Other pertinent sections of the Zoning Regulations include #3.2-1, 3.13, and 3.14. Glenn read Section 3.5 of the West Windsor Zoning Regulations. Glenn noted the drawing submitted by the contractor on behalf of the applicant showing the existing and proposed slopes and gradient changes. Hal noted that the proposed relocation was well marked on the ground and consistent with the diagram. Genevieve asked about the slope on the downhill side of the driveway. Glenn asked Randy what he plans to do with the steep slope on the downhill side before the last turn. Randy said if he can't come up with sufficient topsoil to get a slope that's not going to erode, then he'll put some heavier rock in the slope and cover it with topsoil and seed it. Randy noted the silt fence on the diagram and asked if the DRB would like hay also. Randy said there is one area where there is high water flow when it rains so he plans to reinforce it with hay bales. Barbara asked Randy if he is going to cut out the existing driveway and use it as fill in the area where the proposed driveway goes out toward the property line and comes back. Randy said he's basically just going to grub off the top, but what comes off the existing driveway will go out there to build that up. Glenn said Section 3.2-1 indicates that gradients shall not exceed 15%. Glenn noted that the plan indicates that the slope of the proposed driveway will be approximately 13% or 14%, which is much better than the existing slope. Shannon asked Randy if he knows that he can't go over 15%. Randy asked what would happen if the slope exceeds 15%. Genevieve said he would have to come back to the DRB for approval. Glenn read Section 3.13 and noted that the ANR map clearly indicates that sensitive areas are quite a ways away. Shannon agreed. Glenn read Section 3.14 and noted that the project is more than 50' from the stream and wetland areas. **Hal moved to approve application #2439. Genevieve seconded the motion, which passed unanimously.** Kathleen asked if she has to wait any length of time or if Randy can get started. Glenn said his sense is that she can go ahead. Martha said she will have to write out the permit. Martha asked the DRB if they intend to have the minutes of this meeting serve as their decision. Martha added that the DRB's decision can be appealed within 30 days so any work would be at the applicant's risk. Shannon noted that no abutters were present at the meeting. Martha said the abutters were notified. Kathleen said she has also spoken with her neighbors; the Potters don't object at all and the Mikitas just wanted to know what she was doing. Glenn stated that the minutes of this proceeding will serve as the decision for this application.
- 4) Minutes – April 4, 2011: **Shannon made a motion to approve the minutes of April 4th as written. Genevieve seconded the motion, which passed unanimously.**
- 5) Other Business – Request for extension of sketch plan approval: Glenn read a letter from Phil Hathorn dated May 31, 2011: "I am writing to request an extension to my subdivision plans that have been previously approved. My daughter and son-in-law still plan to build and the date I hear now is summer of 2012. Everything in the original sketch plan remains the same - house site, driveway access, right-of-way, etc. Thank you for your consideration." Shannon asked if there is anything in the rules limiting the number of extensions. Shannon noted that this is Phil's second extension request. Martha said the determination is in effect for 6 months unless otherwise

approved or extended by the DRB. Martha said there have been no changes in the subdivision regulations so presumably Phil's project is still in conformance. Genevieve asked if the extension went across the change in the zoning regulations would you have to revisit the decision. Martha said the board should not just approve an extension if the regulations have changed in the interim but this is the subdivision regulations and they're not being revised right now. Tom said the owner of the new lot would still have to get all other required permits. Glenn confirmed Tom's statement. **Glenn made a motion to grant Phil Hathorn an extension of his sketch plan approval until May 31, 2012. Barbara seconded the motion, which passed unanimously.**

Appeals: Tom said Martha mentioned earlier that abutters have 30 days to appeal but he has heard that they have to have participated in the original hearing. Shannon said she believes that's true. Glenn said he can't answer that because this was not a public hearing, it was an application for a driveway reconfiguration that the ZA referred to the DRB because of the gradient. Glenn said his sense is that, because there were no interested parties here, the grounds for appeal would be limited but even a normal straight-up zoning permit can be appealed. Tom asked if abutters can wait until the 29th day to appeal if they have not participated in the process at all. Martha said these reviews that don't fall into the "variance" or "conditional use" categories are a little vague, which is why she asked the DRB to specify that the minutes are the decision. Martha added that she thinks someone could appeal on the 29th day. Shannon said you can wait until the 29th day with an Act 250 minor application where there's no hearing. Barbara asked on what grounds someone could object. Barbara said she would think that an appeal would have to be based on the abutter's belief that one of the specific sections of the zoning regulations was being violated. Hal said unless there's a serious infringement of the zoning regulations, he would think that public safety concerns would enter into it. Glenn agreed and noted that the proposed driveway will be a huge improvement for the fire department.

- 6) Adjourn – **Glenn made a motion to adjourn at 7:40 PM. Genevieve seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison

Martha Harrison

The minutes of this meeting constitute the decision of the Development Review Board to approve the erosion control plan submitted with application #2439 by the Ladd Family Trust for a reconfiguration of the existing driveway at 4677 Rush Meadow Road (parcel #7-13.1).

Dated at West Windsor, in the County of Windsor and State of Vermont, this 7th day of June, 2011.

An interested person may appeal the decision of the Development Review Board to the Vermont Environmental Court within thirty days of such decision, in accordance with the requirements of Title 24, Chapter 117, subsection 4471, of the Vermont Statutes Annotated.

By: *Glenn Seward*
Glenn Seward, Chairman
West Windsor Development Review Board