

WEST WINDSOR DEVELOPMENT REVIEW BOARD

Draft Minutes

November 10, 2009

Present: Glenn Seward, Shannon Harrington, Genevieve Lemire, Hal Pyke, Martha Harrison, Vickie Nieduski, Lindsay D'Anna, Maggie Garrand, Phil & June Hathorn

Absent: Pete Ladd

1. Call to Order: Chair Glenn Seward called the meeting to order at 7:00 PM.
2. Changes or Additions: Hibler application
3. PUBLIC HEARINGS: Glenn read the notices for both scheduled public hearings. The first hearing was on application #2376 by Margaret Garrand for a 22' variance of the front setback requirement and a 13' variance of the stream buffer requirement to allow a 7'x 8'x 8' entryway roof at 2253 Brownsville-Hartland Road (parcel #5-108). The application is subject to review under Sections 2.3-3, 3.14, and 6.8 of the West Windsor Zoning Regulations. There was a site visit to the Garrand property at 6:45 PM. The second hearing was on application #2377 by Philip and June Hathorn for a 2-lot subdivision of parcel #9-38 at 211 Farm Road. The application is subject to review under Sections 2.3-3, 3.2, 3.8 and 3.18 of the West Windsor Zoning Regulations. The application was also subject to review under the West Windsor Subdivision Regulations. There was a site visit to the Hathorn property today at 4:00 PM. Glenn asked the members of the Development Review Board (DRB) if there was any conflict of interest or any ex parte communication. All said no. Glenn reviewed the definition of an interested person. Glenn swore in all those present. Glenn asked Maggie for an overview of her project. Maggie described the roof and said its purpose is to prevent snow from falling on people using the existing entry ramp. Glenn said his understanding is that the existing ramp qualifies as a ramp in the zoning regulations and therefore doesn't need to meet setback requirements. Glenn stated that the house is old and situated there by someone else, therefore holding a 50 ft. buffer to the brook does not seem necessary. Shannon asked if the DRB could jump past the variance review and **she made a motion to approve the variance requested. Glenn seconded the motion** and stated that, for the record, the DRB should read through the steps. The five variance criteria were read and discussed. A vote was taken. **All voted in favor.** Glenn stated that the variance was granted. Maggie thanked the board and left.

Review of the Hathorn subdivision under the Zoning Regulations began. Glenn asked Phil Hathorn to make a statement about the proposed subdivision. Phil stated that they do not have adequate frontage for two lots so they propose a 50 ft. access to run along the stone wall along the easterly boundary as their first choice. Glenn asked if it would be a permanent right of way and if Phil had spoken with the Selectmen yet regarding this access point. Phil said the Selectmen met last night and approved it. Vickie Nieduski asked what the setback from the property line would be for the driveway. Glenn said 10'. Shannon asked what the Selectmen approved. Phil said they approved the curb cut/driveway at the proposed location in lieu of not having 600 feet of frontage. Hal stated that he was present at the meeting, concurred that the Selectmen approved the access drive location, and stated that the Selectmen deferred to the DRB for further review. Vickie Nieduski asked about using the existing driveway for the back lot and Phil stated that they considered it, but it would cut through their existing property with the 50 ft. right of way and the front lot may not be owned by the Hathorns someday creating problems down the road. Phil stated that with the 50 ft right of way along the easterly boundary they could maintain the existing fencing and continue the farming/pasture use as is. Phil stated that the grade to the back wall is gradual for the driveway. Shannon stated that once a driveway is shared, a higher standard is

required for construction. A request was made that the 50ft right of way be shown on the boundary survey. Glenn reviewed the regulations further with the board. Glenn stated one house per lot. Site distance at the access seemed acceptable. Glenn stated that no trees can be planted at the entry way to block vision. Vickie Nieduski asked how many acres the Hathorns own. Phil stated eighteen. Vickie asked if the Hathorns plan to give five acres to their other daughter. Phil said not at this time. Regarding water and wastewater, Glenn stated that the owners should know that nothing can be done on the lot until that is taken care of. Phil said he would get the ball rolling on that. With the Zoning review completed, the Subdivision review began. Glenn asked Phil to explain the subdivision. Phil stated that his property is a rectangle with approximately eighteen acres, not surveyed yet. Phil stated that there are about eight acres with the house and about ten acres behind the wall. Phil said they propose to cut the back woods area in half in a straight line from the wall to Tom Kenyon's property in the rear, giving his daughter and son-in-law five acres in the northeast corner plus the deeded 50' right-of-way. Glenn asked everyone to look at the application/sketch plan. The applicants have asked the DRB to waive Preliminary Review and go directly to Final Review after this Sketch Plan Review. Glenn asked the board if they wanted to review the checklist and Design Criteria at this time. Shannon stated that she thought it would be helpful for the applicant although at present the DRB does not have much to look at. Glenn suggested briefly looking at the Design Criteria then adjourning to a Deliberative Session and getting back to the applicant. Glenn asked Phil if he would like the DRB to briefly review and comment on the Subdivision Criteria. Phil said yes. The DRB proceeded to look at the Design Criteria in the Subdivision Rules. Glenn stated that wetlands and streams need to be identified and shown on the plan, and a 50' buffer must be maintained. Glenn said the area is not likely in the floodplain, but that must be confirmed. Glenn said the applicant should check on the presence of wildlife habitat and threatened or endangered species. Glenn said any agricultural impacts, as identified by the Conservation Soils Service, should be mitigated. Shannon stated that she thought, due to the continued use of the farm, there is likely no agricultural impact. Glenn concurred and stated that he felt the only impact was the access and it would be minimal. Glenn said the ridgeline criteria do not apply. Regarding the wooded area criteria, Glenn felt the impact from a single family dwelling would be minimal. Genevieve stated that she felt the review under Wildlife Habitat would address these criteria. Glenn said Historic & Cultural Resources and existing recreation trails would need to be identified, but the Open Space Criteria is for larger subdivisions. Glenn said the road/access needs to be reviewed and approved under the criteria. The DRB discussed the difference between a road and a driveway and agreed that driveways must meet the B71 standard. If an additional use is added at a later date, Glenn suggested that the applicant keep in mind the improvements that would be necessary at that time. Glenn said the intersection criteria might apply to future development. Regarding Storm Water Management and Erosion Control, Glenn told the applicant that any construction of one acre or more would require more state review than it used to. Phil said he did not anticipate one acre of disturbance. Glenn stated that the traffic and pedestrian criteria appear geared toward a larger subdivision. The Board concurred. Glenn said Utilities & Energy Efficiency need to be addressed. Glenn asked if the applicant intends to run overhead power. Phil said he has a call into the utility company to discuss the best option. Hal stated that the Town Plan recommends underground power. Phil said no street lights are planned for the driveway. Water and wastewater were discussed under the Zoning Regulations with no additional discussion under Subdivision. Glenn said the energy conservation criteria are geared toward larger subdivisions, as mentioned previously. Glenn said noise and construction impacts need to be addressed because there are nearby neighbors. Shannon told the applicant to notify the neighbors if there is any blasting. Phil stated that he hoped there will be none. Regarding Municipal, Governmental, and Education Services, Glenn stated that they do not appear applicable for a single family lot. The Board concurred. Glenn said the board will review the application further and get back to the applicant after a deliberative session. Hal stated that he sees the application as a straight forward subdivision and does not feel a Preliminary Review is

necessary. Hal suggested that trees could be planted along the Nieduksi property line if noise is a concern at a later date. **Glenn made a motion to waive the Preliminary Review. Hal seconded the motion.** Shannon stated that she wanted the applicant to know that although the Board will review the checklist and provide comment that it did not represent a Final review. Glenn said that the DRB could require additional information later if needed; once the survey is done, the DRB may have other questions. Phil stated that he recognizes that the process is different than it was a while back. **The motion to waive Preliminary Review was approved unanimously.** Glenn asked for any other comments by the Public. None were offered. Glenn closed the Public Hearing. The public left. **A motion was made by Hal to go into Deliberative Session and seconded by Glenn. All were in favor.**

4. Other Business: Following the deliberative session, Glenn asked the board to review Section 3.5 in regards to Mr. Hibler of Yale Heights. Mr. Hibler intends to construct a single family house and garage. Glenn and Martha measured the affected slope to be 22%. Construction on a slope in excess of 20% requires an Erosion Control (EC) Plan. The regulations state that the DRB may require the plan to be done by a professional engineer. Glenn asked the DRB if they want to be that formal. Martha questioned the DRB to see if they felt that they should tell him what he needs for an EC Plan. The board discussed whether an EC Plan was required or not and whether they should allow the applicant or his contractor to prepare the EC Plan in lieu of a professional engineer. Glenn stated that, in his opinion, based on Section 3.5, an EC Plan is required but since the slope is 22% (vs. 25% or 29%) he did not feel that a professional engineer would be required and the owner could prepare his own plan for review. Martha stated that the finished grade on the driveway must be no more than 15%. Genevieve suggested that the DRB advise Mr. Hibler that a 15% grade must be maintained. Martha said Mr. Hibler has submitted a sketch only at this time. Shannon stated that the EC Plan must be drawn to scale. Shannon asked if there is a standard for driveway design. The standard is that it must be approved by the DRB if over 15%. Genevieve asked what Mr. Hibler could do before the EC Plan is prepared. It was determined that no construction may take place until Mr. Hibler has a permit. It was determined that applications need to be drawn to scale, and the majority felt that Mr. Hibler needs a driveway design in order to show the EC Plan in context with the driveway. It was determined that Mr. Hibler needs a driveway drawn to scale and an EC Plan. It was discussed that the owner can ask the DRB for a variance if he cannot maintain the 15%. Arvidson resignation: Phil Arvidson resigned by letter to the DRB after years of serving on the board. Glenn said he asked the Selectboard to reduce the size of the DRB from seven members to five, which they did so the DRB is officially a five-member board now.
5. Minutes: October 13, 2009 (site visit) – **Shannon made a motion to approve the minutes of the October 13, 2009 site visits. Genevieve seconded the motion, which passed with Hal abstaining.** October 13, 2009 (hearing) – **Shannon made a motion to approve the minutes of the October 13, 2009 meeting. Genevieve seconded the motion, which passed with Hal abstaining.** October 20, 2009 – **Hal made a motion to approve the minutes of October 20, 2009. Glenn seconded the motion, which passed unanimously.**
6. Adjourn – **Genevieve made a motion to adjourn at 9:45 PM, which passed unanimously.**

Respectfully submitted,

Shannon Harrington