

WEST WINDSOR DEVELOPMENT REVIEW BOARD

Draft Minutes

July 13, 2010

Present at Lyall site visit: Glenn Seward, Hal Pyke, Genevieve Lemire, Jane Hoisington, Martha Harrison, Jim Lyall

Present at Coakley site visit: Glenn Seward, Shannon Harrington, Hal Pyke, Genevieve Lemire, Jane Hoisington, Martha Harrison, Bruce Boedtke, Dennis Lemire, Mark Lather, Jack Geerer, Robbo Holleran, Wyatt & Michelle Kniffin, Bob Cerra, Keith Harrison, Louis & Bonnie Coakley

Present at Town/Church site visit: Glenn Seward, Shannon Harrington, Hal Pyke, Genevieve Lemire, Jane Hoisington, Martha Harrison, Bruce Boedtke, Donald Burke

Present at Public Hearings: Glenn Seward, Shannon Harrington, Hal Pyke, Genevieve Lemire, Jane Hoisington, Martha Harrison, Bruce Boedtke, Dennis Lemire, Mark Lather, Jack Geerer, Robbo Holleran, Wyatt & Michelle Kniffin, Bob Cerra, Jim Kenyon, Tom & Barbara Olivero, Keith Harrison, Jim Lyall, Louis & Bonnie Coakley, Abbie Gregson, Matt Birmingham

1. Call to Order - Chair Glenn Seward called the meeting to order at 7:00 PM and noted that the Development Review Board (DRB) had 3 site visits earlier this evening at the Lyall property, the Coakley property and the Town & Church properties.
2. Changes or Additions – None
3. Public Hearing: Lyall – Glenn opened the public hearing on application #2408 by James and Carol Lyall for a 14' x 14' x 16' storage shed at 3698 Route 44 (parcel #1-32). The application is subject to review under Section 2.3-2, 3.13, 3.14, and 5.3 of the West Windsor Zoning Regulations. The application is also subject to review under West Windsor's Flood Hazard Area Regulations. Glenn said he would like to cover the procedural elements involved in all the hearings before considering the specifics of the Lyall hearing. Glenn asked the DRB if there has been any ex parte communication or conflict of interest. All said no. Glenn reviewed the definition of an interested party and noted that all interested parties must sign in. Glenn swore in all those planning to offer testimony. Jim Lyall said he had provided the DRB with a revised plan at the site visit. On the revised plan, Jim moved the shed about 8 feet and reduced its size to 12' x 14'. Jim said from all the information he has, the proposed shed is not in a flood hazard location. Jim said he has an elevation showing the location of the shed as being about 6 feet above flood level and his own measurements show the location as being 7 feet above the floodplain. Jim said the 12' x 14' shed will be used to store a lawn tractor and will have power for light. Glenn said according to Section 2.3-2, the shed is a permitted use. Section 3.13 notes that development should not have an adverse impact on natural features, including floodplains. Glenn asked if anyone had any comments on the elevation certificate. Shannon read the comment from State Environmental Analyst Rebecca Pfeiffer questioning the BFE, which appears to have been developed using the Flood Insurance Study profile for Mill Brook since there is no profile for Willow Brook. Jim said Mill Brook is approximately 40 feet from his property. Jim said Willow Brook borders his property but Mill Brook is right across Route 44 and is essentially the same elevation. Bruce

said Bruno Associates did the elevation work and the closest reference is closer than you usually get for these certificates. Bruce said the difference between the elevation of Mill Brook and the elevation of Willow Brook at the location of the site visit can't be any more than 6" to 1'. Glenn said Section 3.14 deals with stream buffers and he believes it has been established that the proposed shed is outside the stream buffer. Jim said at question is the normal high water mark and, however you define it, the shed is beyond that. Jim said the shed is fifty feet from the highest point that the water has ever come to in the 30 years he has been living there, and 75' from the normal annual high water mark. Regarding Section 5.3, the DRB found that the shed will not have an adverse impact on the capacity of existing or planned community facilities or services; the character of the neighborhood; traffic on roads and highways in the area; bylaws now in effect; or the utilization of renewable energy resources. Glenn read Section 9(d)(2)(c) from the West Windsor Flood Hazard Area Regulations and noted that certification of the design of the building appears to be required. Jim said it is his opinion that certification would be required if he is in the floodplain and he thinks that, based on his elevation certificate, he is not in the floodplain. Jim said the Mill Brook floodplain is based on studies, but the Willow Brook floodplain is arbitrary. Jim said he paid an engineer to show that he is not in the floodplain and he doesn't have to have flood insurance. Jim said he will meet the requirements anyway but he doesn't think he needs an engineer's certification. Glenn said Section 9(d)(7)(a)-(e) would also apply if the shed is in the floodplain, which deals with specific construction requirements. Martha said the town has to use the maps that FEMA provides to determine whether someone is in the floodplain or not and Jim is correct that he is in an approximate "A Zone," which has not been studied, but it is on the map as a floodplain. Martha said the maps are based on aerial photos which show the house in Zone A. Martha showed the DRB map #50027C0609E and pointed out Jim's house. Shannon asked for the date of the map, which is September 28, 2007. Martha said it is the most recent map. Glenn asked for public comment. Jim asked Bruce if he would comment. Bruce said A Zones are approximate and with elevation certificates, an engineer actually goes out and does the field work to show whether the structure is in or out of the floodplain. Bruce said this work is generally done for insurance purposes; it is taking the next step from the macro mapping - which, Martha is right, that's the line you have to go by for your regulations - to doing the field work to get the elevation and determine whether it's in or out. Bruce said even from a common sense point of view there is so much storage for a flood in that field that it's relatively obvious that the location for the shed is not in the floodplain, it's out. Jane asked Jim if he stated that the floor of the shed, which is going to be stone, is the same level as the garage, which is six feet above the base flood elevation. Jim said yes. Bruce said in this instance, we had some really good information very close to Jim's house, so he (Bruce) is confident that the information holds true 40 feet up the tributary. Glenn asked about the location of the nearest benchmark. Jim said it's on a rock by the bridge across from the Best house. Shannon asked Bruce if he can say that the base of the accessory structure is going to be six feet above the BFE. Bruce said yes. There were no other comments. **Hal moved to close the hearing. Genevieve seconded the motion, which passed unanimously.** Glenn said the DRB needs to set a time to deliberate. Hal asked if that is necessary in this case. Glenn said if Hal would like to move to deliberate in public, examine all the evidence and issue a decision now, we can do so by motion. **Hal moved to approve application #2408 by James and Carol Lyall for a 12' x 14' shed based on the evidence presented that it meets the requirements of the zoning bylaws and from the**

map and the discussion with the professional engineer. Hal said the question of whether it's in the floodplain is really quite clear in this case and is not a significant issue. Genevieve asked if we need to have a motion to deliberate in public before we can consider Hal's motion. Glenn said yes. **Genevieve made a motion to deliberate in public and issue a decision. Hal seconded the motion, which passed unanimously. Hal repeated his motion to approve application #2408 by James and Carol Lyall for a 12' x 14' shed in the location presented at the site visit. Genevieve seconded the motion.** Shannon said since there is a statement from the state questioning the elevation certificate and Bruce has gone on record saying that he stands behind the certificate, **Shannon thinks the motion should be amended to reflect that the approval is based on the elevation certificate. Hal accepted the amendment to the motion, which passed unanimously.**

4. Public Hearing: Coakley – Glenn opened the public hearing on application #2413 by Louis and Bonnie Coakley to appeal the Zoning Administrator's Notice of Violation for development on Sugarbush Road (parcel #2-80) which exceeds the parameters of permit #2146. The appeal application is subject to review under Sections 3.2-1, 3.3, 3.5, 3.12, 4.11, 6.6, and 6.7 of the West Windsor Zoning Regulations. Glenn reminded the interested parties that they are under oath. Zoning Administrator Martha Harrison said that on August 17, 2006, she issued a permit for a 1,140' timber access road to Louis & Bonnie Coakley for their 20-acre property on Sugarbush Road. Martha said her position is that the development exceeds the parameters of that permit in that the road, as built, is beyond what is necessary or typical for a logging road. Martha said she based her opinion on her understanding that logging equipment can safely negotiate fairly steep slopes and that, even when the slope is too steep, a much more rudimentary road will suffice to allow safe logging if logging is the intended use. In addition, Martha said the road doesn't make sense, financially, as a logging road. Martha estimated that the investment in the road far exceeds the logging income that the property has produced or is capable of producing. Citing \$5,400 a week as a typical rate for a contractor with an excavator, and noting that work on this project has continued off and on for the past 4 ½ years, Martha concluded that there is a substantial amount of money invested in this road. Martha also noted that the property isn't large enough to be included in the "current use" program. Martha said most of the logging that has been done on this property was done in 2005 and 2006, and most of the road work, which has included blasting, significant excavation of ledge, and grinding of rock, has been done since then. Martha said it doesn't make sense to log the property and then build a logging road and, in her opinion, the road that was actually used to do the logging back in 2005 and 2006 was the logging road. According to Martha, the road that has been built since then clearly meets the definition for "development," exceeds the parameters of permit #2146, is not necessary for logging purposes and therefore violates West Windsor's Zoning Regulations. Martha said one of the purposes of zoning is to prevent development on one property from having a negative impact on surrounding properties. Martha noted having received a number of complaints and said that this particular development has had a negative impact on immediate abutters, the general neighborhood of Happy Canyon and, to some degree, the southeast corner of town. Martha compared the logging on the Coakley property with the logging on the adjacent Robinson property. Martha said the Robinson property is six times larger and was logged a few years ago with much less disturbance to the community. Glenn noted receipt of the following written information: Permit #2146, a letter from West Windsor to the Coakleys dated 3/30/10, a letter from Happy Canyon Landowners Association to the

Coakleys dated 4/23/10, the Notice of Violation dated 5/4/10, the appeal application from the Coakleys dated 5/17/10, a letter of appeal from the Coakleys dated 5/14/10, a settlement proposal from the Coakleys dated 6/19/10, a letter from Joseph Machera to the Zoning Administrator dated 6/29/10, a letter from Wyatt and Michelle Kniffin to the Zoning Administrator dated 7/1/10, and undated letter from Tom Olivero to the DRB received 7/7/10. Mr. Coakley said he bought the property to “be part of the community and do something positive.” Mr. Coakley talked about the poor condition of the property and his intentions to improve it. Mr. Coakley noted that the snowmobile club and the horse association use the trail that crosses the property. Mr. Coakley said it is not his intention to make money logging or be commercially successful. Mr. Coakley noted his background as an Environmental Planner who has been doing carbon sequestration projects for 15 years, and a member of the Board of Directors for Utilitree Carbon Company. Mr. Coakley said his contractor recommended the proper route for the road. Mr. Coakley said his purpose is not for commercial logging, but for private access for his family to do sustainable harvesting. After cutting a couple of trees, Mr. Coakley said he realized that it was a job for professionals. Mr. Coakley said the preliminary road crested the hill but he almost flipped his 4-wheel drive vehicle and the contractor’s skidders were slipping so he determined that, in order to have access for sustainable forestry on the top part of the property, he needed a “cut through.” Mr. Coakley said the excavated rock is stacked “appropriately.” Mr. Coakley said the road is not a logging road or a timber road, but an access road for timber management, and to say that there is any alternative purpose lacks any standing of fact. Mr. Coakley said he has talked to the State Forester about improving the property and has rejected all inquiries from house builders, well drillers, and septic people because “that’s not our purpose at this point. According to Mr. Coakley, whether the land perks, whether there’s water available at the top, and what the cost of bringing power up there might be, are all things that are still in the future to be considered at the appropriate time. Mr. Coakley said delays in the project were due to illnesses in the contractor’s family. Mr. Coakley said they have gone out of their way to make sure neighbors understood exactly what was going on. Mr. Coakley acknowledged communication problems with the contractor and acknowledged that he received one complaint a couple of years ago from a neighbor. Mr. Coakley said he apologized to his neighbors at the annual homeowners’ association meeting. Mr. Coakley said he had not heard about any setback issues until the site visit today. Mr. Coakley said the purpose is to make a safe access road for himself and his children to do sustainable harvesting with a chain saw so they can give wood to his sister and charitable organizations in Vermont. Mr. Coakley acknowledged that it has been noisy given that the contractor works with heavy equipment. Mr. Coakley said everything you saw today is part of the permit – it’s an access road; it’s got culverts, which very few timber roads have; it’s got rock swales on both sides to control erosion; catch basins; and fabric on the top part of the hill. Mr. Coakley said \$15,000 worth of gravel came from the site and is intended for use as top dressing on the road. Mr. Coakley said he didn’t want trucks on the site because he wanted a sustainable project with everything coming from the property. Mr. Coakley said he recently put up chains to control access for safety reasons. Mr. Coakley said the settlement proposal he submitted includes long term access for snowmobiles and horses, and emergency access for the association and the police. Mr. Coakley said he will put fabric and gravel down by hand if necessary to ensure there is no erosion. Mr. Coakley said he has contacted a surveyor to resurvey the property boundaries, but he has no plans to build anything else on site. Mr.

Coakley said he has historical photos of the property and copies of communications with the police department. Dennis Lemire, representing the snowmobile club, said the Coakleys have allowed use of the trail from day one and, in that regard, have been good neighbors. Wyatt Kniffin said in 2006 he was up on the hill helping retrieve a dump truck that was on his property. Mr. Kniffin said the dump truck got up and down the hill in 2006 before the big switchbacks and stone walls were built. Mr. Coakley said he did not give permission for that access. Mr. Kniffin said the dump truck belonged to Mr. Coakley's contractor who had gotten stuck and needed help getting out. Mr. Kniffin said he had no problem driving the dump truck on the preliminary road and he has never driven one before. Mr. Kniffin said the dump truck was on his property at the time they pulled it out. Mr. Kniffin said the Zoning Regulations require a 20% grade 100' from a boundary and that's an issue for him. (Note: The Regulations read as follows: *"filling of land... is a permitted use... provided that... such filling does not result in a slope greater than 15% within 100' of any property line."*) Mr. Kniffin said he was planning to thin the trees on his property but he doesn't want to look at a 30' stone wall for six months out of the year. When the leaves come off the trees, Mr. Kniffin said, they are looking at an "eyesore" 31 feet from their property line. Mr. Coakley said he talked with Mr. Kniffin about screening at the site visit. Mr. Coakley said that the wall was professionally done to contain storm water, and that a mandatory part of their arrangement with the contractor was not to have any environmental impact on the neighbors. Mr. Kniffin said "There is a stone the size of the hood of my car on my property that got away from this professional." Robert Cerra said "The noise pollution that we have endured over this extended period of time has been extremely rugged for the surrounding houses and into town. I know you can all hear it." Mr. Kniffin said he has been inside his house at 9:00 PM talking to his father on the phone with the doors closed and his father has asked him about the noise. "It has been like that for 4 years now," Mr. Kniffin said. Mr. Cerra agreed that the contractor has worked late into the night with lights on his equipment, which is extremely difficult for him because he gets up early. Mr. Coakley said they would have stopped that if they were aware of it. Shannon asked Martha if neighbors had complained about the noise. Martha said yes and noted that most of the complaints were recent because it had been going on for so long and people wanted to know when it was ever going to stop. Shannon acknowledged that she heard the noise from Harrington Road. Shannon asked if there was ever any discussion about the width of the road. Mr. Coakley said they relied on the professional opinion of the road builder. Shannon estimated the width of the road at 21' to 22' and said that is pretty wide for an access road for logging. Hal said logging roads around here are usually trails and this is far more than that. Hal said if the property is developed for something at some time in the future, you would have to come in for another permit. Mr. Coakley said that for any future development, they would follow the letter of the law as far as property applications. Jane asked if there would be any more work up there. Mr. Coakley said they are looking for guidance because they're supposed to put fabric and gravel down or the road could wash out and cause erosion issues for neighbors. Mr. Coakley said there would be no heavy equipment or noise. Jane asked if there is a grievance protocol within the homeowners' association. Mr. Cerra said they set some times during which heavy equipment could be run, but it's a law with no teeth. Tom Olivero said the hours were just set since this issue arose, not before. Shannon said she assumes that Mr. Coakley has a forest management plan. Mr. Coakley said no, not in writing. Mr. Coakley said the purpose of the project is sustainability. Mr. Coakley said they want to do selective thinning of additional trees at the top but they don't need a

professional forester for that; they can hire neighbors to help out and provide them with firewood in exchange. Mr. Coakley said there will be continued reforestation, but no more rock moving or excavation. Jane asked if the State Forester will report on his meeting with Mr. Coakley. Mr. Coakley said the State Forester said he could not comment. Glenn asked when the property was purchased. Mr. Coakley said 2005. Glenn asked if the intent of the purchase was for sustainable harvesting of wood or for a house site. Mr. Coakley said the intent was to improve the property, but they haven't done any house plans. Mr. Coakley said they allow neighbors access for bird watching but are trying to control access because of liability. Glenn asked how many acres the property has. Mr. Coakley said it has about 22 acres. Glenn asked about the purchase price. Mr. Coakley said \$93,500. Glenn asked if a forester looked at the property prior to purchase. Mr. Coakley said no, but said he has been to many timber situations himself and is somewhat familiar with degraded property. Glenn asked when the initial road construction started. Mr. Coakley said shortly after the permit was received. Mr. Coakley said they came to a crossroads with the accessibility to the top part of the property and the safe removal of trees from the top and the upper half of the face. Glenn asked when the initial road construction stopped. Mr. Coakley said 2007 was quiet and most of 2008 was quiet; most of the road work was restarted in the fall of last year. Mr. Coakley added that there was forestry going on last year and that he has photos of the contractor working firewood up there. Glenn asked if the logging started prior to the road work. Mr. Coakley said yes, they had to clear trees for the access road. Mr. Coakley said there was a flat area which was a staging area for the trees on the lower half of the slope. Glenn asked if logging the face of the slope started prior to the road construction. Mr. Coakley said they started simultaneously because they had to have access to a road to bring down the face trees. Glenn asked if logs were removed from the top of the lot. Mr. Coakley said they were removed from the top and the bottom, but it was easier to bring them down to the staging area at the bottom because of the steepness. Glenn asked about the amount of timber or firewood that came out of the property. Mr. Coakley said he didn't have that data with him but it was very poor quality; the maple was grade C and D, and much was firewood. Glenn asked when the logging stopped. Mr. Coakley said the logging is literally going on; he has a photo of the contractor doing firewood up there last December. Glenn asked if Charlie Fairbanks was the sole contractor for cutting and removing trees. Mr. Coakley said yes. Glenn asked about the dollar amount of the logs removed. Mr. Coakley estimated the amount between \$17,000 and \$20,000 and said that it was not a commercial activity. Mr. Coakley said the trees on the face were cut to provide better growth opportunity and better screening. Mr. Coakley said there's a lot of concern from the neighbors about the rock pile, which you really can't see from the road, but now the undergrowth can grow up and those trees will be a lot healthier. Glenn asked if log skidders were used. Mr. Coakley said he didn't remember. Several neighbors commented that skidders were used. After asking for a description of a skidder, Mr. Coakley said there was a skidder used up top last year for waste wood. Glenn said it sounds like there was a considerable amount of road work done and then it stopped for awhile and then the blasting started. Mr. Coakley said the blasting was in 2007 or thereabouts. Martha said she thinks it was in 2008 or late 2007. Mr. Coakley said that, after the blasting, Charlie wasn't available to remove the rocks for personal reasons. Glenn asked when logging will resume. Mr. Coakley said they would like to start that right away. Glenn asked if there are more trees to be harvested. Mr. Coakley said yes, in a sustainable fashion, which is our whole purpose. Glenn said regarding the stockpile of processed material, that

was done solely for a road surface for log trucks to get up there? Mr. Coakley said yes, it was about \$12,000 – 15,000 to have the smaller rocks ground into gravel, which did create a short-term noise situation. Glenn asked Mr. Coakley if he plans on selling the lot in the near future. Mr. Coakley said that depends on how the community reacts - hopefully we can come to some agreements regarding screening and certainly there are no more noise issues. Genevieve said, you keep talking about sustainable harvesting, what level of activity does that mean to you? Mr. Coakley said it's something that you or I could do. Mr. Coakley said he has promised his sister a couple of trees for firewood and has talked to charitable organizations about donating trees. Mr. Coakley said, "We've done more charity work probably than all the people in this room combined this past year. It's not our intent to try to make money on this hill." Martha said the purpose of a logging road is typically to allow loggers to access the property, not so that an individual can go up in a 4-wheel drive vehicle. Martha said the reason we have zoning regulations on steep slopes, erosion control and noise issues is to protect the community from this type of situation. Martha said if someone is going to build a road for the purpose that Mr. Coakley is discussing, then it should comply with our regulations. Glenn asked Forester Robbo Holleran, given what he saw at the site visit, what there is for timber that should be harvested. Mr. Holleran said there wasn't much cut on the far side of the hill recently, so there's opportunity there. Glenn asked Mr. Holleran if it is unusual in a lot of that size, with challenging topography, to have a log landing at the top. Glenn said if he were cutting logs on that property, he thinks it would be easier for a skidder to drag them down to the road rather than drag them up to the top. Mr. Holleran said that's reasonable. Mr. Holleran added that from the standpoint of perpetual access and due to the fact that a lot of the wood products that are moved nowadays are moved on tractor-trailer trucks or log trucks, roads like that are what we build for timber management. Mr. Holleran said it's a little steep. Shannon questioned the ability of a tractor-trailer truck to make it up that road. Mr. Holleran said, "We get by with less in a lot of cases but then you have zoning commissions complaining about the mess we make." Glenn asked Mr. Holleran if a lot of this size warrants a forestry management plan. Mr. Holleran said he manages a 7,000-acre property that does not have a written management plan. Mr. Holleran said a written management plan is a good idea but not a requirement unless you're in use value appraisal or the tree farm program. Glenn asked about the likelihood of success with reforestation, given the topography and the apparent lack of soil. Mr. Holleran said the best success would be to leave it alone; everywhere you have blackberries is going to be forest some day soon. Mr. Coakley said that the State Forester, Jon Bouton, made the same comment today. Glenn asked Mr. Coakley why the top of the lot was clear-cut. Mr. Coakley said it was clear cut for safety because that whole area had logs; there was a large burn pile that was burned this past winter. Mr. Coakley said they had to regrade it and they did the haying and seeding this past spring. Hal asked if there are environmental concerns if the road is left as is. Mr. Coakley said he would have that concern, but it would be at the discretion of the town how to proceed with putting down the fabric and putting the additional gravel on top. Jim Kenyon asked if this is subject to Act 250. Shannon said no - it's not a commercial operation or a subdivision, unless the elevation is over 2500'. Mr. Holleran said the elevation is 1332'. Dennis said logging can be done on a small scale with a four-wheel drive pickup. Dennis said he rode up there today in a minivan. Tom said he has gone up there in a golf cart. Martha said that's the point - if you want to access a property with a passenger vehicle, or a golf cart, you're talking about a driveway and you need to consider the driveway standards in our regulations. Martha

said access for timber management is a whole different idea. Martha said the top of the property was cleared prior to the blasting. Martha said there appeared to be a road going down from the top on the back side of the property, which looked a lot more like a logging road and is probably accessible with typical logging equipment. Martha said exceptions are made for logging, but she doesn't think they should be made for access by a minivan or a golf cart. Mr. Holleran said there's no way you could use a small tractor and drag stuff all the way over the ridge and down to the road; it would be a safety issue. Glenn asked if it is unusual to see an access road of this magnitude on a lot of 20 acres for timber management. Mr. Holleran said yes. Barbara Olivero said their property is right below this property and they have a pond. Barbara said if the fabric is not put down and soil comes down, they don't want it in their pond. Glenn said he doesn't think the fabric will have a lot to do with erosion control. Bruce Boedtke said that type of fabric is not erosion control fabric; it's a sub base for road building. Bruce said if there is a sufficient drainage system in place that takes the drainage to a place away from the pond into the woods where it can be cleaned up, that would be sufficient. Martha said, "If you can't safely log that property without that road, then how was that property logged without that road?" Martha said the property, including the top section, was logged before the road was blasted through that ledge. Mr. Coakley said the property has been continually logged. Mr. Coakley said they have had additional trucks out there since it's been cut. Martha said they were also out there before. Mr. Coakley said they were there with great safety concerns. Imagine driving over that hump, Mr. Coakley said, the contractor was not comfortable with it and when I first drove it, I almost went over in my 4-wheel drive and I said, "This is not right. This is not safe. We have to improve it." Shannon asked Mr. Coakley if he would agree that sometimes property isn't meant to be logged or constructed on. Mr. Coakley said, "You're looking at it strictly from a logging perspective. We want this property for sustainability; that's the type of people we are." Ecologically, Mr. Coakley said, there are an incredible number of songbirds coming into the area. Mr. Coakley said the wood that was taken out was diseased or damaged. Mr. Coakley said he thinks they have been very responsible in managing the property and will continue to do so in a safe manner, which means they need to be able to get up there potentially in a golf cart if they're taking firewood down. Mr. Coakley said he understands that this has been traumatic for many neighbors but they want to be part of the community and move on from this experience. Mr. Coakley said they want a safe access road to enable them to improve the property. Martha asked Mr. Coakley if the road is a driveway or if he has any intention to use it as a driveway. Mr. Coakley said absolutely not. Mr. Coakley said they will comply with all zoning requirements for any future use of the property, and would like guidance on finishing the road. As there were no further comments, **Shannon made a motion to close the public hearing. Hal seconded the motion, which passed unanimously. Hal made a motion to schedule a deliberative session. Shannon seconded the motion.** The DRB members agreed to meet on Friday night at 6:00 PM. **The motion passed unanimously.** Glenn noted that the DRB's decision is not final until it is issued in writing. Bonnie Coakley asked about the worst case scenario. Glenn said he can't go into that at this point. Mr. Coakley said he understands that an appeal would go to the Environmental Review Board. Matt said it would go to the Environmental Court, which is in Barre.

5. Public Hearing: Town of West Windsor & Brownsville Community Church – Glenn opened the public hearing on Application #2414 by the Town of West Windsor and the Brownsville Community Church for a variance of the stream buffer and landfill requirements of Section

3.14 and 4.11 of the West Windsor Zoning Regulations to allow a stream bank stabilization project on Beaver Brook behind the church and the school at 66 and 108 Brownsville-Hartland Road (parcel #3-158 and 3-182). The application is subject to review under Section 3.5, 3.13, 3.14, 4.11 and 6.8 of the West Windsor Zoning Regulations. Glenn recused himself from the proceedings since he represents the applicant. Shannon said Section 3.14 requires a 50' stream buffer, which is why the applicant is requesting a variance. Glenn said they just need to enter the buffer for access to fix the problem. Shannon asked if there would be work in the buffer. Glenn said yes; there will be tree removal and the slope will be cut back. Jim noted that someone put a red flag on a tree in the area. Glenn said the surveyor did that to mark Donald Burke's property line. Genevieve noted that putting the stones in place would be considered development. Glenn said in the construction area, which is approximately 80' to 100' long, there will be a keyway dug in the brook bed to anchor the rock in the keyway and up the slope to just above the high water mark, and the slope from the top of the stone to the top of the bank will be reduced to help prevent erosion and then seeded and mulched. Shannon asked if the slope is going to be 2:1. Glenn said yes. Genevieve asked what happens to the dirt that is excavated from the keyway. Glenn said it will be removed from the site. Regarding section 4.11, Shannon asked if the proposal involves filling in a floodplain. Martha said the project is not in the floodplain. Glenn said the rock fill is required to stabilize the slope. Regarding Section 3.5, Shannon said she didn't see any erosion control on the plan and wondered why silt fences were not proposed. Glenn said the plan was done for the Army Corps and state permits and they didn't require erosion control. Shannon asked Glenn if he thinks it would be helpful to put some silt fencing at the base of the keyway. Glenn said yes and agreed to do that on the downhill side of the work area. Regarding section 3.13, Glenn said there is damage to natural resources happening now and they want to correct that. Shannon asked about the status of the applications to the Army Corps and the state. Glenn said they are both pending. Glenn said his opinion on the variance criteria #1, 2 and 3, there's an existing erosion problem that is increasing in severity and needs immediate attention. Shannon noted that the hardship was not created by the town. Glenn agreed. Regarding criteria #4, Glenn said he thinks the project will improve the character of the neighborhood. Regarding criteria #5, Glenn said they have reduced the size of the project to minimize the impact. **Hal made a motion to close the hearing. Genevieve seconded the motion, which passed unanimously.** Shannon said she doesn't think it's necessary to deliberate in closed session. **Hal made a motion to approve variance application #2414 as cited. Jane seconded the motion, which passed unanimously.**

6. Discuss Zoning Regulations regarding Campers/Travel Trailers – The DRB agreed that a camper would have to be attached to a permanent foundation, hooked up to water and sewer, and permitted as an accessory dwelling unit. Regarding possible concern from neighbors, Martha said she thinks state regulations would trump the neighbors' concerns.
7. Minutes – May 11, 2010: **Hal made a motion to approve the minutes of May 11, 2010 as written. Shannon seconded the motion, which passed unanimously.**
8. Adjourn – **Glenn made a motion to adjourn at 9:00 PM. Genevieve seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison