

**Fairlee Development Review Board**  
**May 12, 2009**

7:05 PM Meeting called to order.

Board members present: David Fracht (Chair), Ray Coffin, Peter Berger & Anthony Gahagan; Also Present: Tracy Thurston, ZA, Gary Caponigro, Itagaki & Aya Kazuhiko and Peter Lange.

Minutes from April 14, 2009 meeting presented.

MOTION: (PB) To accept minutes from the April 14, 2009 meeting as presented

> SECOND: (AG) > no discussion > VOTE: unanimous (3-0).

Minutes from March 10, 2009 tabled to next board meeting on June 9, 2009.

7:09 PM

**Conditional Use Application # 09-C-2 (Gary Caponigro)** < sworn in by Fracht  
Gary Caponigro is requesting approval for a year round residence located in the Lakeshore District. The property is located at 4513 Lake Morey Road East and further identified as Tax Parcel # 24-20-20.

ZA Thurston outlined by saying that Gary Caponigro had sent in applications for year round residence from seasonal. In regards to access information, the ZA said the residence had a very steep driveway.

7:12 Board member Kostas Amanatidis joined the meeting.

Mr. Caponigro explained that a \$25,000 bond was accepted by the town and was put in place incase the driveway washed out and to cover the town's liability. Caponigro said he had installed stone to hold the bank about three years ago.

ZA Thurston said she could not found the application.

Berger asked if they used the driveway in the winter and Caponigro informed that they plowed it and walked in.

Fracht went through the Conditional Use Permit Criteria and questioned fire protection during the winter. Caponigro said it was about 150 yards from the road to the house. Ray Coffin said they would take hoses up to the house and that fire coverage was by the town. Caponigro explained that winter parking was not in the right of way and he had the area plowed for he and his wife's parking. He said it was a turnaround on a decent flat area. ZA Thurston said there were three houses with the same distance, all with parking off the right of way.

Chair Fracht asked for comments from Board members.

MOTION: (RC) To accept Conditional Use Application # 09-C-2

> SECOND: (PB) > no discussion > VOTE: unanimous (5-0).

Anthony Gahagan recused from Board for Gaywalden Subdivision Application.

**Subdivision Application # 09-SUB-2 (Gaywalden L.P)**

Anthony Gahagan < sworn in by Fracht.

Mr. Gahagan requested a continuance to next warned meeting.

MOTION: (PB) To grant a continuance as requested to next Board meeting on June 9, 2009.

> SECOND: (RC) > no discussion > VOTE: unanimous (4-0).

Other Business: Board member Peter Lange joined the table. Tracy Thurston, ZA, began by informing the Board (and supplying a handout with further information) of a

workshop. The workshop (Getting Good Decisions Out the Door) will be lead by Kevin Geiger, AICP, the Senior Planner at the Two Rivers Ottauquechee Regional Commission and will take place at the Fairlee Town Office on May 26, 2009 from 7 to 9 pm.

Thurston also supplied Board members with copies of an email from Ann Fenton, Administrative Assistant to The Selectboard of the Town of Fairlee. The email stated that the Selectboard wanted to schedule a discussion of the Colby Block, as requested by some community members, on June 1<sup>st</sup> or June 8<sup>th</sup> of this year. The Board decided upon June 8, 2009 as the best date for the discussion.

Alternate Board member Peter Lange will be on the Board for the next meeting on June 9, 2009.

The Board decided that the ZA would send unsigned Notice of Decisions to former Chair Zalinger for his signature with a signed and stamped return envelope.

Thurston informed the Board that William Bittinger had requested a refund of all fees paid to the town. Thurston said the total fees were 498 dollars. She also said she had not totaled the cost to the town as of yet, but could break it down. She said there were 47 mailings and it cost the town 57 dollars to warn the meetings in the Journal Opinion. Chair Fracht stated that Bittinger had requested a recess and did not return for ten minutes at which point he withdrew his applications, thus no refund. Thurston, ZA, will write a letter of refusal to Mr. Bittinger.

Peter Berger is researching a new recording device for Board meetings.

The Board worked on editing and fine-tuning the Town of Fairlee Development Review Board Procedural Rules (henceforth-renamed Procedural Rules and Conflict of Interest Policy of The Fairlee Development Review Board). Kostas Amanatidis left the meeting. The Board also discussed an addition to the bottom of Agenda to read: Agenda times are approximate and will vary and interested parties should be present from the beginning of the meeting to speak to a particular item as it is addressed by the board.

MOTION: (PL) To accept changes to Procedural Rules and Conflict of Interest Policy of The Fairlee Development Review Board > SECOND: (PB) > no discussion > VOTE: unanimous (4-0).

MOTION: (RC) To adjourn.

> SECOND: (PB) > no discussion > VOTE: unanimous (4-0).

Adjourned 9:31 PM

Respectively submitted

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Irene Wheeler

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David Fracht, Chair

