

**Fairlee Development Review Board
July 28, 2009 (DRAFT)**

7:00 PM Meeting called to order.

Board members present: David Fracht (Chair), Ray Coffin, Peter Berger, Anthony Gahagan.

Also Present: Tracy Thurston, ZA, Lillian Gahagan and Noel Walker.

Minutes from July 14, 2009 meeting presented. Revisions with final approval tabled to next DRB meeting. In the future minute pages will be numbered for easier reference.

Lillian Gahagan asked for subdivision timelines. Fracht referred to Subdivision Regulations manual for timelines and said they expected an application and a Mylar.

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

Gaywalden L.P. propose to divide their parcel into four lots as follows: Lot 1: 95 acres, Lot 2: 95 acres, Lot 3: 144 acres and merged with abutter of 21 acres totaling 165 acres, Lot 4: 81 acres. The property is located at 399 Gaywalden Road and is further identified as Tax Parcel # 2-00-44.1.

Anthony Gahagan and Peter Berger recused from Board for Gaywalden Subdivision Application. Alternates Kostas Amanatidis and Peter Lange joined the board as their replacements.

Present: Ray Coffin, Peter Lange, Kostas Amanatidis and David Fracht.

Also Present: Tracy Thurston, ZA and Lillian Gahagan, Noel Walker & Anthony Gahagan.

Fracht summarized the last meeting as a very informal discussion regarding the Gaywalden proposal. A quorum was not met and the board agreed that anything said was strictly off the record and no action would be taken. Fracht further explained that the purpose of the “this” hearing was to again go over what we went over last time and to take it as far as the applicant has information for us. The Gaywalden L.P proposal is a major subdivision due to the number of lots.

Lillian Gahagan, Noel Walker & Anthony Gahagan < sworn in by David Fracht.

Zoning Administrator Tracy Thurston photocopied revised proposal for board members. David Fracht presented forms for interested parties to Lillian Gahagan, Anthony Gahagan and Noel Walker to fill out in the interim.

Fracht explained that the board was in format transition and the initial discussion phase took place at the last meeting. Due to the changes on the application, this meeting was in the initial discussion phase and hearing phase.

Thurston distributed photocopies to board members. Five copies are required for consideration. Lillian Gahagan apologized to the board for not having the copies ready.

Lillian Gahagan informed that she had edited the application to reflect the change from a minor subdivision to a major subdivision application. The division reflects lots to heirs without any new development. The Gaywalden House Lot will be offered for sale. The date on the proposal was changed to July 28, 2009.

Amendments typed in red did not print as the Town copier does not print in color.

Lillian Gahagan explained the changes on page four of the Gaywalden L.P major subdivision proposal. A waiver request, determined to be within Section 4 of the Fairlee Subdivision Regulations, was made by applicants on the basis that articles E,F,G,H,I,J,K,L,M & N on pages 9 and 10, are not applicable as lots remain unchanged. David Fracht went through E-N of the Subdivision Regulations.

Fracht asked for questions and comments from board members.

Peter Lange asked, in regards to the map, what lots were to be retained and which lot was to be sold with merger from adjoining lot. Lillian Gahagan informed that the land merged would come from her lot and that they were The Gaywalden Partnership. They intend to sell their parent's house and retain their own residences. Lange pondered why this division to four lots wasn't considered development. Chair Fracht said the training session led by Kevin Geiger from Two Rivers gave the concept that there can be a no use/no development subdivision as this was creating lot lines without development. ZA Thurston corresponded with Kevin Geiger for clarification and David Fracht read his response. According to Two Rivers, the applicant would have to apply for a no use subdivision permit that would just apply to lot lines. The condition of no use would exist. Future owners would have to apply for an amendment to the subdivision permit if they wanted to further develop the lot. The language of the deed and a note explaining the condition attached to the Mylar and filed with the town clerk would enforce the no use condition.

Peter Lange added that he was not informed that he was needed as an alternate until that day and further explained the difficulties of being requested as an alternate on short notice and the need to be informed sooner in the future.

Lange expressed concerns with future development of said lots. Fracht said the Two Rivers correspondence said there might or may not be modification to the no use condition in the future. The matter would have to come before the board for consideration. Fracht interpreted that if one party of the four lots wished to make changes all four parties would have to be involved because of the no use clause. Others interpreted differently. Fracht will clarify this with Kevin Geiger for the next meeting.

Noel Walker explained the parcels and accesses that remain unchanged. In regards to items on waiver request and future development of individually owned lots Lange said that he didn't feel they were doing their job if they ignored the things they usually talk about when there is a subdivision of this magnitude. Fracht feels that as long as there is a requirement before anything else takes place that it has to come back to the board and all criteria has to be gone through. Clarification will be obtained regarding whether the owners of the four lots will have to act together or as individuals in changes to the no use requirement.

The Gaywalden Partnership wants to absolve their partnership, sell their parent's house and move on individually.

Anthony Gahagan explained that the roads to the properties were Class 4 and are not maintained by the town. He said if he was to do anything, he might build a camp in the future.

Noel Walker expressed that they had originally applied for a minor subdivision because a lot of things were not applicable as they didn't plan developing the lots and changed the application to a major subdivision due to the number of proposed lots.

Fracht said this needed to be discussed further in deliberate session and asked if it was the preference to have this kept at a 4-lot division. It was, but as time goes on it was costing a lot of money to maintain the home and lot that they wanted to offer for sale.

Anthony Gahagan added that if a condition was that all four owners had to meet for further changes then they would erase the lot lines dividing Lot 1 and 2 and put this into a minor subdivision. He does not feel it would be fair to impose such conditions to a buyer.

Lillian Gahagan expressed that it was up to the board to help us accomplish what we need to do.

Lange said he did not feel it was expressed why things needed to be waived. Lillian Gahagan responded that she had thought of not putting them in there at all but then I thought it should be specified because it is in the regulations.

Fracht said they would deliberate this and let them know in a couple of weeks. Assuming they have no major changes in directions and requirements imposed, other than what was already discussed, then they should be able to get the surveying done and go to the next step.

Fracht explained that they were at the preliminary stage and were not deciding if they got the subdivision or not. They were going to be deliberating on whether they would waive E-N and to decide what direction the applicants needed to take. Final plan is due within six months of DRB decision.

Fracht asked the board if they wanted to deliberate on what they had heard tonight and then alternates would not have to come back until they had a final plan. The board decided to deliberate tonight after the meeting adjourns.

John Adams said he had his subdivision all ready to go and did not feel he had to put in screening as requested by abutter. He said he would have to go another route if his right for a minor subdivision is denied. He said he might have to take a legal route. John Adams added he had already lost one sale because he couldn't come up with a subdivision and that time was of the essence.

Adjourned 9:28 PM

Respectively submitted

Irene Wheeler

David Fracht, Chair

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