

**Fairlee Development Review Board
March 09, 2010**

7:00 P.M. The Fairlee DRB meeting was called to order by Chairman David Fracht.

Present: Ray Coffin, Jr. Anthony Gahagan, Peter Berger, David Fracht, Chairman, George Smith, Zoning Administrator, Merideth Babbott, Frank Babbott, Andy Hoak, Engineer for the Babbotts, David Babbott, David Conard Lawyer for the Babbotts, Stephen Keller (Maxxum), Don Davenport, Mike Weils, (NorthStar), Bob Maddock, Leon Marsh, Ken Gulick.

7:00 Review and approve DRB minutes from prior meeting. The minutes for the Feb. 23rd meeting were unavailable and will be provided at the March 23rd meeting.

7:05 Building Permit Application # 10-Z-1:

James and Doreen Gramling propose to build a second single family home on their 100 acre + or –parcel. The property is located at 1645 Maurice Roberts Memorial Highway and is further identified as Tax Parcel # 2-00-23.

A request was made to the Gramlings to postpone the hearing until the next DRB meeting.

MOTION (DF) To continue the Gramling hearing until March 23.

SECOND (RC) No Discussion; Accepted VOTE: Unanimous (4-0)

7:07 Application #10-V-1: Meredith Babbott (Frank Babbott acting as Agent) requests a variance to build a year round residence on Anna Dodge Lane. The property is located at 277 Anna Dodge Lane and is further identified as Tax Parcel # 20-00-24 and Tax Parcel # 20-00-25.

This is a continuation of the hearing from 02/23/2010. David Conard was sworn in and presented a memo to the ZA and the Board regarding the status of the Babbott property. An update of the discussion as to whether the parcels were considered merged, the site visit to the property and the pertinent information regarding the application. Andy Hoag presented a 2000 sq ft drawing of what was to be a proposed year round residence on the property.

Mr. Conard, Lawyer for the Babbotts provided a memo on the lot merge citing State Statutes as to whether the lots are merged or individual. He stated with this statute time is essential. Citing the Chimney Ridge and Weeks decisions and the changes in case law which happened on April 27, 1998. The Babbott property was obtained January 6th 1998 making these separate lots legally. He also stated that he would also argue that the application could be moved forward on inaction from the Town on the initial application.

The second point the Board needs to deal with is the criteria on the validity of a variance request. The Babbotts requested that the application for a variance request be changed to a waiver request. The suggestion was to rewarn this application as a waiver request. This needs to be done formally to adhere with the warning process to allow the abutting property owners to be notified. The Babbotts felt that continuing the hearing and rewarning would be the best method to proceed.

**MOTION (PB) To continue the Babbott hearing while the warning for the waiver process is put in place on the Babbott application until April 13.
SECOND (RC) No Discussion; Accepted VOTE: Unanimous (4-0)**

7:30 Conditional Use Application # 10-C-1:

Maine PCS proposes to add additional antennas to the SBA Cell Tower on the land of George and Hazel Pratt. The property is located at 289 Alan Lane and is further identified as Tax Parcel # 2-00-27.

Stephen Keller speaking for Maxxum on the installation of a third antenna at 67', this will be the lowest antenna on the tower. There is to be no additional changes to the structure or the footprint as this will be co-location on an existing tower. To clarify this situation SBA owns a lease tower agreement with George Pratt, the owner of the actual property that the tower sits on. This will add an additional antenna and to then offer to a third carrier to expand service in the area. No Act 250 is required in this matter. The Board felt that this was a pretty straight forward application.

**MOTION (PB) To adjourn to a deliberative session in the matter of the PCS application.
SECOND (RC) No Discussion; Accepted VOTE: Unanimous (4-0)**

7:40 Site Plan Application #10-S-2: Don and Mary Davenport propose to change the use of their Rte. 5 North property from Service (Hair Salon) to Retail (Fireworks Sales.) The property is located at 404 US Rte. 5 North and is further identified as Tax Parcel # 24- 21-60.

Don Davenport turned the discussion to Mike Weils retail manager for NorthStar Fireworks. He went through a presentation discussing what the activity at the retail store would be, his intention is to sell Class C fireworks. All customers would need to be over 18 and have a valid town permit from the town where they plan to use the fireworks. He expects that each customer would have a local permit from the Fire Dept. in the town where the display is to take place.

He is planning on having a security system in place with cameras. Both Leon Marsh and Bob Maddock both spoke well of the operation at this time. Mike stated that he has had no problems with any of the locations and the current plans require an additional exit, three fire extinguishers. He also has trained the local Fire Departments on handling any situations that will arise. The State is very stringent on the regulations for these types of

operations. Mike will provide HAZCOM (Hazardous communication) training, Fire related safety, Fire evacuation plan, Bomb threat training.

**MOTION (PB) To adjourn to a deliberative hearing on application #10-S-2.
SECOND (RC) No Discussion; Accepted VOTE: Unanimous (4-0)**

Other Business:

George presented the Gaywalden NOD and Mylar. The Board signed both.

George presented the Pratt subdivision and Mylar which were signed by the Board.

George presented the Hook NOD for the RailRoad station property which was signed.

**MOTION (PB) To adjourn to a deliberative hearing/
SECOND (RC) No Discussion; Accepted VOTE: Unanimous (4-0)**

**The results of the Deliberative session was Board approval for Conditional Use
Application # 10-C-1**

**The results of the Deliberative session was Board approval for Site Plan Application
#10-S-2.**

Peter Berger

David Fracht - Chairman