

## **Fairlee Development Review Board December 22, 2009**

**7:00 Development Review Board Meeting called to order.**

**Present:** Ray Coffin, Jr. ; Anthony Gahagan; Peter Berger; David Fracht, Chairman; George Smith, Zoning Administrator. Peter Lange as applicant.

**7:03** Review and approve DRB minutes from November 24th, 2009 meeting. Tabled until the Dec 22, 2009 meeting.

**7:05 Updates** from the Chair,

**Babbott** sub-standard lot on Lake Fairlee, submitted septic plans to the State, no further action taken.

**Smith & Vansant, Architect:** Property on Lake Morey, requested information on tearing down a building. ZA instructed him that this was permissible, the existing footprint only would be available for a year hence.

**Machely(sp)** This is on hold waiting for language to address waivers in the Fairlee Zoning Regulations. Language has been submitted to the PC, they will provide to the SelectBoard the appropriate language.

Letter to Aloha: ZA has the N.O.D. but hasn't written the letter.

**7:10 Application #09-SUB-12 Minor Subdivision Final Application # 09-SUB-12.**

Peter and Cyrie Lange propose to divide their 4.02 acre parcel into 2 lots as follows: Lot 1: 1.87 acres with existing residence, lot 2: 2.15 acres. The property is located on Burning Moon Road and is further identified as Tax Parcel # 22-20-23. Peter Lange presenting the application to the Board. The Board consists of Ray Coffin, Jr.; Anthony Gahagan; Peter Berger; David Fracht, Chairman.

Mr. Lange presented this as a new application to a previously approved Minor Subdivision with no real changes. This was complete and approved by the Board but no Mylar was provided to the Board within the appropriate timeframe and the permit expired. All the necessary State permits continue to be in place with the applicant. Discussion about this application took place by the Board with these conditions in mind.

**Motion:** (RC) To approve Application #09-SUB-12 Minor Subdivision as provided in the application.

**Second** (PB): The motion was passed unanimously (4-0).

**7:20 Application #09-S-3 Site Plan Review Application # 09-S-3.**

Ray and Annie Coffin propose to divide existing single unit commercial building into a 2 unit commercial building. The property is located on Rte 5 North and is

further identified as Tax Parcel # 06-00-28. Ray Coffin removes himself from the Board to present the application. Peter Lange will sit on the Board for this application with Anthony Gahagan; Peter Berger and David Fracht, Chair.

Mr. Coffin presented an updated map to the Board for this application that provides for the changes to the proposed businesses and buildings on Rt 5 North property. The applicant is proposing to split the existing building into two businesses, providing space for a computer business. The lot size is 1.6 acres and with multiple businesses the Board had questions about the Land Use, Structural requirements and whether they meet the requirements of the current Zoning Regulations. Mr. Coffin then provided a list of parcels in the Town of Fairlee that had multiple businesses that didn't meet the current Zoning requirements regarding lot size; they were Cumberland Farms (3 businesses); Chapman's (3 businesses); Champlain Farms (3 businesses); Subway (2 businesses); Britton's multiple businesses but with the required property. Parking on the Lot was discussed but is not an issue as there is ample space to meet these requirements (Page 8 Subsection 4.9)

The Board then discussed the various methods needed to approve this application, one of which is using waiver language, not currently available but is being discussed as an interim bylaw between the DRB, the Planning Commission and the SelectBoard. This was tabled to sort out the status of the appropriate language to approve the application.

**7:30 Application #09-SUB-11 Minor Subdivision Final Application # 09-SUB-11.** DeWitt Mallary proposes to divide a 60 Acre parcel into two lots. Lot 1 being 35 acres +- and Lot 2 being 25 acres +-. The property is located on Mallary Road and is further identified as Tax Parcel # 03-00-1. Ray Coffin joined the Board which now consists of Anthony Gahagan; Peter Berger; Peter Lange; David Fracht, Chair.

DeWitt Mallary was sworn in to present the application to the Board, he requested that the Board introduce themselves to him. His application is to divide his property into two pieces, retaining the northern piece. An ortho photo, the town tax map and the survey map. Bradford and the abutters in Bradford have been notified.

The ZA has been in touch with the Act 250 Board, the folks at the Agency of Natural Resources and since there is no development, no additional permitting is required.

The Board questioned whether this was a no change in use development, Mr. Mallary notified the Board that this development is designed as no change of use, he expects this to be sold in the next year and any change of use will fall on the next owner. The Board requests that a representation of the whole of the subdivision be provided with the application. Mr. Mallary will work with George Smith to provide the Board with a clearer map of the expected subdivision.

**Motion (RC):** To Adjourn this hearing until Jan. 12<sup>th</sup>, 2010.  
**Second: (PB)** Vote unanimous (5-0)

Motion (RC) To adjourn hearing to deliberative session.  
Second (AG) Vote unanimous (4-0).

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Peter Berger

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David Fracht - Chairman

**Other Business:**