

Fairlee Development Review Board

October 13, 2009 (Draft)

7:00 PM Meeting called to order.

Board members present: David Fracht (Chair); Anthony Gahagan; Peter Berger; Ray Coffin Jr., Amy Record, Kostas Amanitidis; Peter Lange, Bill Dunnack, George Smith, Zoning Administrator. Terry and Stephanie Lewis, Colin Robinson, Win Ameden joined the meeting at 7:12 PM.

7:03 Review and approve DRB minutes from Sept. 8, 2009 meeting. Item tabled until the next meeting.

7:05PM New Business. George Smith updated the Board on the status of the DRB clerk position. Nothing new to report from the ad in the JO or the listserv. The process was extended to the end of the month.

7:07 PM Other Business- Building permit from Anthony Gahagan for an add-on to his current structure. The ZA amended the current permit to accommodate the applicant.

In regards to the 09 SUB 2 Gaywalden Subdivision, the Zoning Administrator met with the Surveyor and agreed that due to the large (400 acres) size of the subdivision it would be necessary to scale down the maps being provided to the Board from the required 1:100 to 1:200 scale to allow the property to be displayed on two mylar maps on a large size page. This seems to be more agreeable than to have multiple map sheets with the subdivision mapped at the 1:100 scale.

A resolution to the effect that the Gaywalden Limited Partnership be allowed to submit a two sheet 24X36 plat at 1:200 scale for subdivision 09-Sub-2. Said plat is to conform to all state regulations.

Discussion followed with the Board reformed with Anthony Gahagan and Peter Berger stepping down. Kostas Amanitidis and Peter Lange stepped forward to fill the Board.

Motion was made and seconded to accept the resolution as stated. The motion to accept a 1:200 scale plat for the Gaywalden subdivision was passed with a unanimous vote.

7:10 PM The Zoning Administrator continued with additional other business. A notice of decision that adhered to the minutes was presented to the Board for the Fotti subdivision The Board signed the decision.

A notice of decision was prepared based on the minutes for the Arneson property on Grandview lane. This was signed by the Board and provided to the Zoning Administrator for delivery for to Mr. Arneson.

The Zoning Administrator prepared a notice of decision for the Chris Stocking application according to the minutes of the DRB. This was signed by the Board and provided to the ZA for delivery to Chris Stocking.

7:15 PM Application #09-S-2 A Site Plan Application from the Aloha Foundation. The property is located on 2968 Lake Morey Road and is further identified as tax parcel #23-20-5. The site plan is proposing to build a new building to be used for multiple functions and move several buildings near Lake Morey. Win Ameden representing the Aloha Foundation. Anthony Gahagan recused himself as an abutter, becomes an interested party were both sworn in.

The Board on this application will be made up of David Fracht, Chair, Ray Coffin, Kostas Amanitidis, Peter Berger and Amy Record. The address situation was cleared up by Win Ameden for the property as 2968 Lake Morey Road, as different addresses were present on the application and notice.

The building permit was submitted previous to the change in Zoning Administrators, who has since made a site visit to Aloha. One concern that the ZA expressed was that the site plans in place contained no setbacks for the buildings. He requested that a new plan be provided that contained these setbacks for the buildings in question.

The scope of the original project was to move a number of buildings on the Lanikila waterfront to provide for the Lake to be the focus of the view. It was also to include construction of a multi-program building is at this point undetermined and Win explained that if this becomes part of a multi-phase plan he will resubmit a new plan at that time. The current plan and application to the DRB is to be limited to the moving of the buildings at the waterfront and consequently opening up the view of the Lake.

The discussion continued regarding phase 1, which involved having moved three changing areas to different locations away from their current locations and move the Boat storage building away from the primary view of the Lake. A concern expressed by David was that some of the changing area buildings were moved into an area designated as wetlands on the map provided by Aloha. Win stated that the building were moved to and located on hard ground. The question about the map provided by Aloha contains no measurements and with expected setbacks being part of the current Zoning Regulations these are a necessary component of the provided Map. The buildings have electricity and no plumbing. The expected setback is 50 feet.

David suggested and it was agreed that Board tackle each building individually. The first building to deal with is the Boat storage house which hasn't been moved. The distance to the Lake will increase under the plan submitted by Aloha. At this point the discussion turned to the expected setbacks and the fact that there were no measurements on the provided site plan. Without these measurements it is difficult to understand whether they

comply with the existing Zoning Regulations. Waterfront setbacks are defined in the current Zoning Regulations as being from the mean water line. The Board will need a site plan map with measurements on it. The Chair requested a motion to this end.

MOTION: (KA) That this hearing is continued to the next meeting October 29th when Aloha will provide a revised site plan map with exact measurements.

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

7:40 PM Application #09-SUB-7 John & Peter Lange propose to divide their 51 acre parcel into four lots as follows: Lot 1: 4.4 acres with existing residence, lot 2: 2.7 acres. Lot 3: 2.2 acres, lot 4: 42 acres. The property is located on Fairview St and is further identified as Tax Parcel # 22-20-54. The Board for this hearing will be made up of David Fracht, Chair, Kostas Amanitidis, Ray Coffin Jr. and Amy Record.

This is a hearing on the matter which was originally heard approximately a year ago. Due to numerous situations the decision was never issued, the mylar was never submitted to town. All parties are more comfortable to have the application reheard by the Board and a new decision issued.

A primary reason to rehear this application is the increase in the size of one of the parcels which now crosses Burning Moon Road. This was omitted in the original hearing and is now included in Lot 3. Collin Robinson will speak for the Applicant.

The application consists of five map sheets, the primary focus of this hearing will be on sheet one in which the surveyor Tom Otterman has added a tail to Lot 3 which will now appended to this lot and the size increased from 2.7 acres to 3.1 acres. There is a waste water permit for Lot 3 but currently the applicant does not have it in hand at this hearing. It is the intention to provide this document to the town before the appeal period of 30 days expires.

This subdivision was approved by the previous Board with no decision being issued as well as no Plat being provided to the town within the required 180 days for recordation. This non-action voids that application and the Applicant is requesting that the Board understand that this Subdivision has at one point met with the approval of the Board. They are requesting that based on that fact that this Board would again grants approval for this application. The Applicant is requesting a waiver for the scale of map sheet 1 being 1:125 rather than the requested 1:100 which would create a map that is too large to fully display on one sheet.

The applicant is requesting accelerated decision process as all the criteria are met and provided with waiver requests on all the provisions of the required subdivision applications. The hearing was adjourned and the Chair stated that the deliberation portion would be held later and the ZA would notify the applicant when the decision was ready and signed.

8:15 PM Application # 09-SUB-8:

Henry Fairbrother discussion phase 2 lot subdivision. The Board will be comprised of David Fracht, Chair, Ray Coffin, Jr. Peter Berger, Anthony Gahagan and Amy Record.

The plan is to divide the 89 acres into two lots with the house, barn and buildings included in Lot 1 parcel with the remaining property to be the second lot. The existing septic and water was coordinated by Byron Kidder. The State permit for waste water system and backup is in the file with the ZA. A request was made to the applicant to provide a representation of the whole of the subdivision rather than a detailed map of a single lot. There was also a request to provide the Board with the State waste water design and drawing. It was agreed to continue the hearing until the 29th of October 2009 to allow the applicant to meet the timeframe for their loan.

8:30 PM Application # 09-SUB-9:

Mark Fogarty discussion phase 2 lot subdivision on the Maurice Roberts Memorial Highway. The project is a 10 acre lot. Lot 1 is 3.02 acres, Lot 2 is 6.7 acres.

The applicant has the waste water permits in hand that were created by Bruno associates. There are two access points one for each lot. Each access meets the town specifications for the roads. The hearing for Mr. Fogarty was continued to October 29th.

8:40 Other Business

George Smith submitted the mylar for the Adams subdivision. He is requesting the Board grant a waiver for condition #6 in the language stating that no change of use of this lot is permitted without prior review by the Development Review Board shall be included in any deed granted upon sale, or transfer on any lot created by this subdivision, this condition shall run with the land until modified by the DRB. Condition #7 that this language was included in the mylar which was produced by Byron Kidder before the Board had decided and issued the decision on this subdivision. Both waivers were refused.

Richard and Jesse Hall submitted their mylar for recordation dated August 17th, 2009. Ms Blakney Bartlett is concerned with the use inappropriate language to identify the description of monuments in the mylar submitted by Tom Otterman. Her letter was written on October 13, 2009, and possibly submitted after the 30 day period appeal. There was a question about whether she received a mailing but she was aware in August of this decision. Mr. Otterman is intending to submit a new mylar to the Board and should be available for the October 29th 2009. The Board requested of the ZA to provide the requisite information regarding this application.

MOTION: (PB) To adjourn the meeting and move to deliberation.

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