

Fairlee Development Review Board July 14, 2009

7:00 PM Meeting called to order.

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

Also Present: Tracy Thurston, ZA; Richard and Jesse Hall; John Adams; Noel Walker; Byron Kidder joined the meeting at 7:30. Todd and Janna Pierson and Thomas Otterman joined the meeting at 8 PM; Lillian Gahagan joined the meeting at 8:15.

Minutes from June 23, 2009 meeting presented.

MOTION: (PB) To accept minutes from the June 23, 2009 meeting as amended.

SECOND: (RC) > discussion and amended minutes > VOTE: unanimous (4-0).

7:10 PM Discussion phase for Richard and Jesse Hall Subdivision Application (Richard Hall)

Richard and Jesse Hall propose to divide their 3.88 acre lot as follows: Lot 1: .671 acres; Lot 2: .998 acres and Lot 3: 2.131 acres with shop.

The property is located on 698 Route 5S and is further identified as Tax parcel # 8-3-18.

Richard Hall presented a map describing the plans to divide the property at 698 Route 5S into three lots. The maps show a proposed minor subdivision with town water and septic on Lot #2. Currently there is no development on the remaining two lots. Mr. Hall is requesting a minor subdivision with “no development.” The Board proposes no changes to the subdivision application and requests that it be submitted to the Zoning Administrator. This will require a final plan within six months, final hearing, a survey, and a mylar to be submitted with the application.

This was continued to the August 11, 2009 date contingent on the applicant having the Survey and State septic permit.

7:20 PM Hearing Phase for Subdivision Application: (John Adams)

John Adams was sworn in to proceed in the Hearing phase. The property is located at 63 US Route 5S and is further identified as Tax Parcel # 9-00-15. Tracy Thurston provided a letter from the State septic board. Mr. Adams stated that the Septic application was filled out in error and that now the correct information has been provided to the State. He is waiting for their response to his application.

Mr. Adams presented to the Board some changes that correct the map to show that the two lots will be 3.0 acres for Lot #1 and .85 acres for Lot # 2. He also presented a map of the septic design provided to the State. Currently he is seeking approval of the subdivision application. Lot # 1 will be entered as with “no development” and Lot #2 will

have an approved septic design. The Board will require the mylar and the State septic approval.

Noel Walker is requesting that the vegetative barrier be allowed to remain in place and would appreciate this as a condition of the sub-division. At issue is the minimum of setback on the Walker property. Tracy Thurston stated that adhering to any conditions set with the subdivision would be easier to enforce rather than having no conditions placed on the subdivision. The board will need to have any of these recorded on the mylar.

7:40 PM Preliminary and Final Hearing on Minor Subdivision Application #09-SUB5 (Matthew Foti and Theresa Leung)

The application is proposing to divide the 9.6 acre lot into two lots, Lot 1: 5.4 acres with existing residence and Lot 2: 4.2 acres. The property is located at 1791 US Route 5 S, Tax Parcel 08-03-4.0.

Byron Kidder representing the applicants in this matter. The property was sold to Mr. Foti and Theresa Leung with an un-described life estate reserved by Ken Driscoll. Mr. Foti has no plans to develop. The two properties will be split by a shared ROW. The existing structures on the survey map will need to be removed. The septic and wastewater design permits have been sent to the state and are in hand. Lot 2 is bisected by a High Voltage line with a restricted 100' ROW. Potentially Lot #1 will have two structures, the existing and a new house site. Lot #2 will have one new house site.

MOTION: (PB) To have a public deliberative session on the Subdivision Application #09-SUB5.

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

MOTION: (PB) To approve the Subdivision Application #09-SUB5

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

The Motion being accepted the Board directs the Zoning Administrator to issue the approved Subdivision permit per the application once the mylar is provided.

8:00 PM Continuation of the Major Subdivision Application. # 09-SUB-1 (William Pierson)

William Pierson proposes to divide his 28 acre parcel into nine lots as follows: Lot 1: 8.4 acres, Lot 3: 0.4 acres, Lot 4: 0.5 acres, Lot 5: .96 acres, Lot 6: .84 acres, Lot 7: .87 acres, Lot 8: .86 acres, Lot 9: .98 acres. The property is located on 501 Route 5 S and is further identified as Tax Parcel # 8-3-10.1. These are corrected values for the Subdivision from the Applicants map dated June 01, 2009.

This map shows a reconfigured plan with septic disposal for each of the lots to be improved along with water supply from the Fairlee Town system with a six inch header pipe to be delivered underneath Route 5 to the subdivision and then to individual lines to each of the developed lots. The method is to provide water at a reasonable cost to each of

the lots and an individual shut off at the header pipe location. The feeling is that there are numerous hydrants to service the lots on Route 5 S.

It also shows an additional access easement from the Private road through Lot #2. The applicant is in the process of applying for a short form Act 250 permit for the Subdivision and to apply for a wastewater management permit from the Wastewater management division. They have also contacted the Department of Agriculture with the Prime Agriculture matrix to provide proof that this Subdivision is meeting the requirements of preserving the necessary open land.

The expected plan is for the applicant to retain the rights to Lot #1 and to be decided in the future but will be considered open 'green' land to observe the Act 250 requirements for mitigating the Prime Ag land to be developed. The applicant will provide the actual survey map of the reconstituted property lines on a survey plat. The applicant has a number of covenants that will go along with each of the lots and is included in the application.

In order for the applicant to proceed to an Act 250 the Board will provide a conditional approval based on a decision by the State Board. Tracy to follow up with Linda Matteson to verify that we provide what is necessary as acceptable for the Act 250 Board.

8:30 PM Continuation of Subdivision Application # 09-SUB-2 (Gaywalden L.P)

Gaywalden L.P. proposes to divide their parcel into four lots. The property is located at 399 Gaywalden Road and is further identified as Tax Parcel # 2-00-44.1. The hearing is to be continued until the July 28th meeting based on the lack of members.

The discussion phase of the Subdivision took place with no decision expected:

The applicant is also requesting a waiver per Section 4 of Subdivision Regulations to be heard as a minor subdivision due to the lack of any new development and the sale of only one parcel. According to the Regulations a minor subdivision is two or more but less than four.

The Gaywalden property is being broken into four lots and the Board defines that as a Major Subdivision which is four or more lots. Since the subdivision meets the "no development" criteria the Board is only requiring the survey of the property inclusive of the Lot boundaries and then providing the Board with only a mylar, waiving sections e through n of the Subdivision regulations, as there is no intention of to develop any of the lots other than to change into four individual Lots.

If the Gaywalden L. P. provides the Board with an edited original showing the necessary changes to the application to a Major Subdivision, the Board will be satisfied with that application.

The Board needs a clarification of the “no development” process with an existing developed lot as part of the process. Tracy will follow up with TRORC and Kevin Geiger about how this applies to this process.

Gaywalden L.P. will attend the July 28th, Board meeting to continue the Major Subdivision application. For approval the applicant should provide the Board with the mapped results of the Survey within six months of this date. The applicant will then have 90 days from the submission of the mapped survey to provide the mylar with the results of the Survey.

Subdivision Application # 09-SUB-2 (Gaywalden L.P) continued to next Board meeting July 28th

9:10 PM:

MOTION (RC) For the Board to enter into Deliberative session.

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

MOTION: (RC) To adjourn > SECOND: (AR)

Adjourned 9:37 PM

Respectively submitted

Peter Berger

David Fracht, Chair