

## **TOWN DEVELOPMENT REVIEW BOARD**

### **Draft Minutes**

**September 26, 2017**

**MEMBERS PRESENT:** Frederick Hunt, Charles Wilson, Kim French  
**MEMBERS ABSENT:** Don Bourdon, Ingrid Moulton Nichols  
**OTHERS PRESENT:** Frank Procopio, Wayne Wilson, Greg McKenney, Mike Willis, Barbara O'Connell, Frank O'Connell, David Beilman, Robert Hutchinson, Michael Brands

#### **I. CALL TO ORDER:**

Vice-chair Hunt called the meeting to order at 7:30 p.m..

#### **II. APPROVAL OF MINUTES:**

The minutes of the July 25, 2017 meeting were approved as submitted.

#### **III. PUBLIC HEARINGS:**

##### **A. Old Business:**

##### **1. T-4682-16 Meadow Ridge Farm, LLC**

Application is for Conditional Use & Conservation District Overlay Approval to relocate the existing driveway with a 1100 l.f. driveway within the Wetland Buffer. The property is located at 963 Grassy Lane and is zoned Residential 5 Acres / Conservation District.

The TDRB agreed to review both applications, T-4682-16 and T-4683-16, together as the driveway runs through the two abutting parcels which are owned by the same person. Two applications are required, one for each parcel.

Mr. McKenney and Mr. Willis of Willis Consulting Engineers, Inc. presented the application. Mr. Procopio, property manager, and Mr. Wilson, contractor, were also present.

The hearing had been continued at the February 28, 2017 meeting to allow time for a State Wetland permit to be issued.

The State issued the Individual Wetland Permit on August 22, 2017. The TDRB received the decision prior to the meeting. The six-page decision was reviewed by Mr. McKenney. The State noted: "In summary, the project is enhancing wetland and buffer to offset impacts."

The State wetland buffer is 50'. The Town has a 100' wetland buffer.

Two maps showing the driveway site plan with wetland overlay were used to illustrate the State's approved mediation of the as-built driveway.

A no-mow zone in blue cross hatch is established between the driveway and the wetland to the north of the driveway. This area is to be left as is to grow back naturally. Over time trees and shrubs will grow in.

The area marked in blue dots at the easternmost portion of the driveway on the inside of the "elbow", is to be planted with the appropriate wetland plants. A list of plants was supplied.

An area marked in orange just north of this is to be re-excavated to fill in a swale. This is meant to keep water from flowing into the wetlands and the adjoining stream. The swale had been built during the driveway construction.

The former driveway is to be removed and planted with vegetation. A small portion located within the 50' wetland buffer is to be replanted with the appropriate wetland plants. The rest is within the no-mow zone.

At first the State recommended a slight relocation of the driveway near the culvert at the north end. After consideration, it was decided that additional excavation would damage the wetland more than benefit it. The driveway is constructed between two wetlands and relocation would have a negative impact on either or both of them. Therefore, the driveway will remain as built.

The Army Corps of Engineers were contacted. After a quick review, they agreed that they did not have jurisdiction in the matter.

The remediation work will be conducted this Fall if the appropriate wetland plants are available. If not, the work will be completed next spring.

The TDRB reviewed Section 403 B. 2. Wetlands with the applicant.

Testimony was voted close.

## **2. T-4683-16 Meadow Ridge Farm, LLC**

Application is for Conditional Use & Conservation District Overlay Approval to relocate the existing driveway with 1100 l.f. driveway within the Wetland Buffer. The property is located at 857 Grassy Lane and is zoned Residential 5 Acres / Conservation District.

The TDRB agreed to review both applications, T-4682-16 and T-4683-16, together as the driveway runs through the two abutting parcels which are owned by the same person.

Mr. McKenney and Mr. Willis of Willis Consulting Engineers, Inc. presented the application. Mr. Procopio, property manager, and Mr. Wilson, contractor, were also present.

The hearing had been continued at the February 28, 2017 meeting to allow time for a State Wetland permit to be issued.

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The State wetland buffer is 50'. The Town has a 100' wetland buffer.

Two maps showing the driveway site plan with wetland overlay were used to illustrate the State's approved mediation of the as-built driveway.

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The area marked in blue dots at the easternmost portion of the driveway on the inside of the "elbow", is to be planted with the appropriate wetland plants. A list of plants was supplied.

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The former driveway is to be removed and planted with vegetation. A small portion located within the 50' wetland buffer is to be replanted with the appropriate wetland plants. The rest is within the no-mow zone.

At first the State recommended a slight relocation of the driveway near the culvert at the north end. After consideration, it was decided that additional excavation would damage the wetland more than benefit it. The driveway is constructed between two wetlands and relocation would have a negative impact on either or both of them. Therefore, the driveway will remain as built.

The Army Corps of Engineers were contacted. After a quick review, they agreed that they did not have jurisdiction in the matter.

The remediation work will be conducted this Fall if the appropriate wetland plants are available. If not the work, will be completed next spring.

The TDRB reviewed Section 403 B. 2. Wetlands and Section 518 Landscaping/Grading with the applicant.

Testimony was voted close.

**B. New Business:**

**1. T-4758-17 Stacie and Keith Pearson**

The application is for Conditional Use, Riparian Buffer & Conservation District Overlay Approval to replant riparian vegetation. The property is located on River Road and is zoned Residential 5 Acres / Conservation District.

The Conservation Commission has not made a decision and, therefore, the application is continued.

**2. T-4761-17 200 Westerdale, LLC**

The application is for Non-Conforming Use and Structure Review Approval to make a nonconforming structure more complying and the nonconforming use to remain the same. The property is located at 200 Westerdale Road and is zoned Residential Five Acre.

Mr. Beilman, architect, presented the application. Mr. and Mrs. O'Connell were present.

Vice-chair Fred Hunt stated that he is an abutter, but feels he is able to make an unbiased decision on the request.

The TDRB reviewed site plans, photographs and renderings of the proposed structure.

The building is located directly on the corner of Westerdale Road and is within the Town road right-of-way.

The west and east facing porches have been removed. The west porch location was the most non-conforming portion of the building.

The east facing porch contains a wooden fire escape. Fire egress would be rebuilt on the rear of the structure, as that is the most conforming area of the building and least visible.

The structure would retain the same number of units. Currently there are two units in the existing structure. Each unit would have two bedrooms and 2.5 baths.

Zoning permit T-4761-17 was granted in July to remove and rebuild two other buildings on the 8-acre property, each with three bedrooms.

The use is conforming as only two units are allowed per the five-acre designation. There are four permitted residential units on the parcel.

There would be no parking in the front of the structure as is the current practice.

Mr. Hutchinson, the abutting property owner to the north, questioned the location of the two buildings approved via zoning permit T-4761-17.

Mr. Beilman stated the structures would be further from the Town road and noted they would be shorter than the previous structures due to the proposed knee-wall cape design

that would reduce the height.

The TDRB reviewed Section 707 Non-conforming uses with the applicant.

Testimony was voted close.

**IV. OTHER BUSINESS:**

**A. Zoning Officer's Report**

The report was discussed.

**B. Riparian Buffer Update**

The Town Planner noted the riparian planting is underway at the Farmhouse Pottery property. Once the planting is completed, the access road would be removed to bring the river bank back to its original conformation.

**V. DELIBERATIONS:**

**A. T-4682-16 Meadow Ridge Farm, LLC**

**After discussion, the following findings of fact were established:**

1. The TDRB reviewed an updated site plan and numerous photographs.
2. A 1100' long driveway was built late Fall/early Winter 2015 without a permit.
3. The owner did not want uninvited visitors turning around at his home. The previous driveway comes off a Class IV road at the point that it becomes impassable by a regular vehicle. The new driveway crosses through and is located south of a large Class II wetland. However, the entire driveway is located within the 100' wetland buffer area. The driveway also exceeds the threshold for a Conditional Use permit which is for excavation more than 5000 square feet.
4. To resolve the issue, the owner hired Willis Consulting Engineers, Inc. to secure all necessary permits. Both State and local permits are required. Willis Consulting Engineers, Inc. then hired Art Gilman of Gilman & Briggs Environmental to delineate the wetland.
5. The site plan includes the Gilman wetland delineation, the 100' buffer and the 1100' driveway.
6. The 1100' driveway is placed between two wetlands, Complex "A" (Class II) abutting the town road and Complex "B" (Class III) located further south and east. The 100' buffer areas overlap each other.
7. The Conservation Commission's recommendation was read. Although, the CC felt the driveway should be removed as it had been built without a permit in a very sensitive area, they all agreed that removal of the driveway would create a negative impact on the two wetland areas. The driveway appears to be well built with little evidence of erosion except near the area of the 24" culvert where it crosses the stream. The CC agreed to support the State Wetland Office's decision on the issue.
8. The State issued the six page Individual Wetland Permits on August 22, 2017. The State noted: "In summary, the project is enhancing wetland and buffer to offset impacts."

9. Two maps (revised 7/25/17) showing the driveway site plan with wetland overlay illustrate the State's approved mediation of the as-built driveway.
10. A no-mow zone in blue cross hatch is established between the driveway and the wetland to the north of the driveway. This area is to be left as is to grow back naturally. Over time, the trees and shrubs will grow in.
11. The area marked in blue dots at the easternmost portion of the driveway on the inside of the "elbow", is to be planted with the appropriate wetland plants. A list of plants was supplied.
12. An area marked in orange just north of this is to be re-excavated to fill in a swale. This is meant to keep water from flowing into the wetlands and the adjoining stream. The swale had been built during the driveway construction.
13. The former driveway is to be removed and planted with vegetation. A small portion located within the 50' wetland buffer is to be replanted with the appropriate wetland plants. The rest is within the no-mow zone.
14. The Army Corps of Engineers were contacted. After a quick review, it was agreed that they do not have jurisdiction in the matter.
15. The remediation work will be conducted this Fall if the appropriate wetland plants are available. If not, the work will be completed next spring.
16. The TDRB reviewed Section 403 B. 2. Wetlands and Section 518 Landscaping/Grading with the applicant.

**After further discussion, Mr. Wilson moved with a second by Ms. French to approve the application as presented. The motion passed with a 3-0 vote.**

**B. T-4683-16 Meadow Ridge Farm, LLC**

**After discussion, the following findings of fact were established:**

1. The TDRB reviewed an updated site plan and numerous photographs.
2. A 1100' long driveway was built late Fall/early Winter 2015 without a permit.
3. The owner did not want uninvited visitors turning around at his home. The previous driveway comes off a Class IV road at the point that it becomes impassable by a regular vehicle. The new driveway crosses through and is located south of a large Class II wetland. However, the entire driveway is located within the 100' wetland buffer area. The driveway also exceeds the threshold for a Conditional Use permit, excavation more than 5000 square feet.
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7. The Conservation Commission's recommendation was read. Although, the CC felt the driveway should be removed as it had been built without a permit in a very

sensitive area, they all agreed that removal of the driveway would create a negative impact on the two wetland areas. The driveway appears to be well built with little evidence of erosion except near the area of the 24" culvert where it crosses the stream. The CC agreed to support the State Wetland Office's decision on the issue.

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**After further discussion, Mr. Wilson moved with a second by Ms. French to approve the application as presented. The motion passed with a 3-0 vote.**

**C. T-4758-17 Stacie and Keith Pearson Continued**

**D. T-4761-17 200 Westerdale, LLC**

**After discussion, the following findings of fact were established:**

1. The TDRB reviewed site plans, photographs and renderings of the proposed structure.
2. The building is located directly on the corner of Westerdale Road and is within the Town road right-of-way.
3. The west and east facing porches have been removed. The west porch location was the most non-conforming portion of the building.
4. The east facing porch contains a wooden fire escape. Fire egress would be rebuilt on the rear of the structure, as that is the most conforming area of the building and least visible.

5. The structure would retain the same number of units. Currently there are two units in the existing structure. Each unit would have two bedrooms and 2.5 baths.
6. Zoning permit T-4761-17 was granted in July to remove and rebuild two other buildings on the 8-acre property, each with three bedrooms.
7. The use is conforming as only two units are allowed per the 5-acre designation. There are four permitted residential units on the parcel.
8. There would be no parking in the front of the structure as is the current practice.
9. The TDRB reviewed Section 707 Nonconforming Uses and Nonconforming Structures with the applicant.

**After further discussion, Ms. French moved with a second by Mr. Wilson to approve the application as presented.**

**The motion passed with a 3-0 vote.**

**VI. NEXT MEETING:**

The next TDRB meeting is scheduled for October 24, 2017.

**VII. ADJOURNMENT:**

The TDRB adjourned at 8:00 p.m.

Respectfully submitted,

Michael E. Brands, AICP  
Town Planner