

Monkton Development Review Board
Meeting Minutes
October 9, 2012
Approved: 11/13/2012

Attendance:

DRB Members Present: Peter Close, Philip Russell, Marsha Abramo, and John Winsor, Chris Acker, and Curtis Layn.

DRB Members Absent: Janet Dermody.

DRB Alternate Present: Thea Gaudette (voting).

Others in Attendance: Ken Wheeling, ZA, Paul and Paulette Leclair, David and Anne Layn, Peter and Michael Norris, and Robert and Deborah Masi.

Peter Close the Chair called the meeting to order at 7:30pm.

Administrative:

Review of the Minutes from the August 28th was continued. Several corrections were made. Review will be continued next time.

Old Business

1. Mike Norris Subdivision for Property on Mountain Road 2007-06-MAJOR

Michael Norris discussed changes he would like to see in the minutes from the DRB meeting of June 12th, 2012. Mr. Norris and his father, Peter Norris, thought that they were suppose to come back to Final Plat to make some corrections to septic easements, but this is not reflected in the minutes. They would like to have the minutes to reflect that conversation. They did not think they had an approved subdivision, because of these needed corrections.

Mr. Norris provided an email note from Marsha Abramo to applicant stating which items were missing for the project and that the applicant would be set for final hearing when the material was submitted. Issues were septic and utility easements to Helen Norris aka Hartwell.

They have a signed Mylar from August 2011 permitting 5 house sites.

Thea Gaudette remembers the discussion at the June 12th meeting and remembers that the Board thought they should start at final plat.

At the end of the meeting the Board took some time to examine available maps and the ANR permit for Mr. Norris' subdivision. The Board looked at notes from several members. Board member's notes said that the applicant discovered missing information after the Mylar was signed. To correct this omission they must add the missing information to the

Mylar and add language to the deed. The Board told the applicant to amend the project they would allow Mr. Norris to re-open the hearing at the final plat stage.

A Mylar was signed: 8/8/2011; the Board will verify this. The Board discussed the issue and language for a response.

Thea Guadette made a motion to continue this discussion on 10/23/2012 when the Mylars, deed language and other information can be examined thoroughly. Marsha Abramo seconded the motion. Vote: 6-0-0

2. Robert and Deborah Masi application for a variance, 2012-06-VAR

Hearing was convened at 8pm. The Masis are seeking a 19-foot variance on the north side of the property on the Bristol-Monkton Road. They want to buy the property and put a doublewide home on it to replace the house that burned on the north side of the garage. They are trying to keep the garage and hook up to the existing septic system. This is the only way to put the house on the property without moving the garage. If they put the doublewide on the existing footprint they would violate setback for both the road and north side.

Thea Gaudette asked what the size of the lot is; it is 0.9 acres.

Ken Wheeling said the lot is a preexisting lot before 1978 zone; lot goes back to the 1920's.

Ken Wheeling shared some information on the siting the house. ANR has some rules on how applicants must hook a new home up to an existing septic system. ANR says that all four corners of the new home must be within 50 feet of the old home footprint to connect to the existing septic system with no modifications to the system. They need to either keep in the ANR house envelope on the ANR map or get an exception from ANR. As sited the doublewide is currently within the ANR home envelope—if it violates the north boundary setback.

Peter Close asked the audience if they had any comments.

David Layn, the adjacent landowner, suggested a boundary adjustment; they are willing to do that as a neighbor.

Paulette Leclair asked if ANR looked at the septic system? Mr. Masi said that ANR said they could run a test but it would be inconclusive. Mr. Masi said the bank would loan additional money if the septic system ended up having a problem.

Paul Leclair asked where the existing septic tank is; it is on the south side.

Ken Wheeling asked the Board to consider that the grandfather rights to rebuild the existing home as they only expired in February 2012. Tom Cousino, the current owner, was very upset over the loss of the home; the grandfather date got by him.

State allows a property owner 2 years to hook to an existing septic system.

Thea Gaudette said a boundary adjustment would make the property compliant. It allows other work, like adding a porch, to be done without coming back before the Board.

The Masis need to have a bank appraisal done before buying the property.

Marsha Abramo explained that the Masis likely do not meet many of the requirements of a variance so a boundary adjustment would solve this problem.

The Board was advised not to do variances or waivers, because they set a precedent.

David Layn said he is in partnership with his father and must speak with him first, but he does not see a boundary adjustment to be a problem. The Board said it appears the property needs 25 feet to get the 50-foot setback.

The Board recommended that they do a boundary adjustment and will send a letter to the Masis and Tom Cousino, the property owner. Marsha Abramo discovered that she does not have a letter from Tom Cousino saying the Masis were his agent.

The Board discussed the project in light of the checklist; they went through the variance checklist voting on each item. Curtis Layn abstained from voting.

1) There are unique physical circumstances or conditions, including irregularity, narrowness, topography or other physical conditions and that the hardship is due to these condition and not the circumstances or provisions of the bylaw in the district in which the property is located.

Vote: 0-5-1

2) Because of these conditions or circumstances, there is no possibility that the property can be developed in strict conformity with the bylaws and that therefore a variance is necessary to enable the reasonable use of the property.

Vote: 0-5-1

3) The unnecessary hardship has not been created by the appellant.

Vote: 2-3-1

4) The variance, if authorized will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable resources or be detrimental to the public welfare.

Vote: 0-5-1

5) The variance will represent the minimum variance that will afford relief and will represent the least deviation possible from the plan.

Vote: 4-1-1

Thea Gaudette made a motion to deny the request for a variance, as it did not meet the required conditions. John Winsor seconded the motion.

Vote: 5-0-1

3. Brisson Stone LLC/Burchfield Management Change of Use 2012-02- Change of Use

The Board received several hundred pages of new material. The hearing is set for October 23rd at 8:00pm.

New Business

4. New Forms

Peter Close asked the Board to start looking at new forms.

Adjournment

Curtis Layn moved to adjourn the meeting at 9:42pm. The motion was seconded by Chris Acker and passed 6-0-0.

Respectfully submitted,

Wendy Sue Harper
Recording Secretary