

**TOWN OF THETFORD
DEVELOPMENT REVIEW BOARD**

**MEETING MINUTES
4/28/15**

Members Present:

Bill Bridge	Jesse Anderson	Don Longwell	Sean Mullen (chair)	Tim Taylor (vice-chair)	Mary Ellen Parkman (ZA)	Diane Osgood (Zoning Assistant)
Absent	X	X	X	X	X	X

Attendees: Bernard Manning, Heinz Trebitz, Elise Tillinghast, Virginia Davenport, Vic Henningsen, Robert Jenks, Sally Sweet-Jenks, Patrick Perry, Mark McElroy

Sean Mullen called the meeting to order at 7:11 PM and moved directly to Agenda Item #1.

1). 1). Warned Hearing on Application (TSD #662) for Minor Subdivision, by Bernard Manning, to subdivide one lot w/2 buildings to separate them. This property is located in the Rural Residential district at 4957 Route 113, Thetford Center, VT

Mr. Mullen asked the applicant to join the DRB to describe his proposal. Bernard Manning indicated that he would like to subdivide a parcel that has a residence on it and a garage with an apartment so that each building has its own lot. Both residences have an existing driveway. The survey plan includes a proposed mutual 30' wide access to access the land behind the garage. Lot #1 will be 4.9 acres and contain the garage/apartment and Lot #2 will be 2.4 acres and contain the residence. No new septic systems are proposed.

The property line will be greater than 15' from the house.

Tim Taylor made a motion to approve the final plat with the following conditions:

1. The final plat meet the content requirements of §4.01 and §4.02 of the subdivision regulations and the following:
 - The existing driveways should be shown on the final plat.
 - The shading used for the shared access should be shown in the legend.
 - The property line between the house and garage shall maintain a 15 foot setback from the existing residence and the new property line.
 - A signature block is shown on the final plat. The Site Plan was reviewed for compliance with Sections 4.01 and 4.02.

The vote carried unanimously:

Bill Bridge	Jesse Anderson	Don Longwell	Sean Mullen (chair)	Tim Taylor (vice-chair)
Absent	X	X	X	X

Mr. Mullen then moved to Agenda Item #2,

2). Warned Hearing on Application (TSD #663) by Robert and Sally-Sweet Jenks for a Boundary Line Adjustment of previously subdivided parcels. This property is located in the Rural Residential district at 496 Schoolhouse Hill Road, North Thetford, VT

Mr. Mullen asked the applicant to join the DRB to describe their application. Mr. Robert Jenks explained that his wife was the owner of both properties subject to this application.

The properties were subdivided in 1989 under TSD#411. This Subdivision created the two parcels. The intent of this application is to re-subdivide the lots to adjust the boundary line between the two. Lot#1 will remain 2.07 acres and will gain land up to the stream but lose land on the western edge of the property to maintain the acreage of 2.03 acres for Lot #1.

The lot sizes will remain the same but the lots will be more functional with the boundary to be moved from its current location to follow the brook except to the West.

The DRB reviewed the draft final plat. This plat was recorded as a boundary line adjustment previous to this proceeding. Dan Grossman determined that this required Subdivision review as it is a resubdivision.

Tim Taylor made a motion to approve the final plat with the following conditions:

1. The final plat meet the content requirements of §4.01 and §4.02 of the subdivision regulations and the following:
 - The final plat needs a signature block.
 - A note shall be added to the plans that this is a re-subdivision of land previously subdivided under the Town of Thetford Subdivision Regulations.

The vote carried unanimously:

Bill Bridge	Jesse Anderson	Don Longwell	Sean Mullen (chair)	Tim Taylor (vice-chair)
Absent	X	X	X	X

Mr. Mullen then moved to Agenda Item #3,

3). Warned Hearing on Application (Permit #4062) for Conditional Use by Victor W. Henningsen, III and Susan R. McCaslin to replace 225 feet of fence which is within 25 feet of the centerline of public highway. This property is located in the Rural Residential district at 360 Colby Road North, Thetford Center, VT

The DRB asked Mr. Henningsen to join them and to present his application. The proposal is to rebuild 225 ft of an existing split rail fence with wire fence backing on their property that was built in the mid-to-late 80's by a previous owner. The existing fence is showing its age and is in need of replacement.

The existing fence is 12 feet from the center of Colby Road North and 30'-6" from the front of the house. The fence was constructed to separate the property from the road, keep animals out of the yard and to create a barrier to access to a 2 acre pond. These concerns still apply.

The proposed fence will be located 12 feet from the center of Colby Road North in the same location as the existing. The fence will be a three rail split rail fence approximately 4'-6" high and may have woven wire fence backing if the need arises. The bushes near the fence will be removed if the fence is replaced.

Colby Road North has many obstructions in the vicinity of this property that are much closer to the center of the travelled way than 25 feet. The Roadway is 18'-6" wide as it approaches the property in question and narrows at the applicant's barn to 16'-8". Utility poles, trees, a barn and stone wall are all less than 25 feet from the travelled way in this area. Near the proposed replacement fence location there is a bush that is only 8 feet from the center of the road and a stump of a tree removed by the Town in 2001 that is 7'-9" from the centerline.

Ms. Parkman indicated that the acting Public Works Director indicated that the fence location is not an issue for the Town in terms of road maintenance. He would like to see the bush removed if the fence is replaced.

Ms. Parkman indicated that there were two emails from neighbors in support of the project. There were no other comments from interested parties.

The DRB conducted a Site Plan/Conditional Use Review waiving any requirements and standards that were not applicable. The Public Works Department doesn't consider the fence an issue with winter maintenance, access or visibility on Colby Road North. The new fence will match the existing which has existed in this neighborhood for over 30 years. The character of the neighborhood is not altered.

Tim Taylor made a motion to approve the application:

The vote carried unanimously:

Bill Bridge	Jesse Anderson	Don Longwell	Sean Mullen (chair)	Tim Taylor (vice-chair)
Absent	X	X	X	X

4). Warned Hearing to consider an Appeal of a Notice of Alleged Violation (NOAV) by Ruth Dwyer. This hearing will be held for the DRB to review the Zoning Administrator's Actions in issuing an NOAV for an unpermitted wall. This property is located in the Rural Residential district at 2604 Sawnee Bean Road, Thetford Center, VT

Ms. Parkman noted that she had scanned and emailed to the DRB earlier in the day a letter addressed to the DRB from Ms. Dwyer.

Ms. Parkman also indicated that she had a message on her machine from Ms. Dwyer asking for a 2 week postponement of the hearing to allow her sufficient time to gather evidence.

The DRB discussed the request for a delay and noted that the hearing had to be convened so that it could be continued so that it would not have to be re-warned. Mr. Taylor indicated that we regularly continue hearing, most often because the DRB has insufficient evidence to make their decision, but none the less, Ms. Dwyer should be allowed the same opportunity but the ZA should send a letter to Ms. Dwyer indicated that we will not continue this again solely for this purpose.

Mr. Taylor gave the group some guidance in that It is the responsibility of the appellant to present evidence that shows that the ZA erred in issuing her NOAV letter.

Ms. Parkman entered into evidence the NOAV letter addressed to Ms. Dwyer and her definition of "wall" as used to make her determination.

Interested parties in attendance were somewhat displeased that the hearing was continued. They took the time to gather their own evidence and attend.

Mr. Taylor made a motion to continue the Hearing for Ruth Dwyer to May 12, 2015..

The vote carried unanimously:

Bill Bridge	Jesse Anderson	Don Longwell	Sean Mullen (chair)	Tim Taylor (vice-chair)
absent	X	X	X	X

Mr. Mullen adjourned the meeting at 9:15 pm.

Respectfully submitted,
Mary Ellen Parkman
Diane Osgood

Approved on the ____ day of _____, 2015.

Sean Mullen, Chair