

Official Minutes approved by the Dummerston Review Board on 10/19/10

Date 8/10/10

Minutes of the DRB Meeting

Members Present: Lew Sorenson, Pat Jaquith, Herb Rest; Alternates John Warren, Rick Sullivan

Also present: Charlotte Neer Annis

Public meeting was called to order by Chair Herb Rest at 7:00 p.m. Minutes of 7.20.10 were approved as revised.

Discussion was held regarding vacant DRB appointments. The selectboard may wish to advertise vacant positions prior to making new appointments to the Board; John Warren was advised to formally apply for the full DRB position. Rick Sullivan will remain on the Board as an alternate; he agrees to maintain the website in lieu of writing decisions.

It was agreed that Herb Rest will circulate final version of decisions to the DRB membership. Herb will sign all decisions, whether or not he writes them.

No new applications have been received for September.

Herb shared a proposed application by Scott Farm submitted to the District Environmental Commission for proposed activities/events. Herb will communicate with the Selectboard about the DRB's prior history with a similar denied application from this applicant.

Public Hearing opened at 7:25pm on application #3238 of Hugh Worden for a front yard setback variance for the proposed removal and replacement of existing steps, within village district front yard setback limits, by steps that will extend 4.5 feet beyond the present stairs.

At 6:00 p.m. preceding the meeting, a site visit was conducted to the site at 138 West Street, West Dummerston. The members, alternates (both of whom are voting on this hearing), and Zoning Administrator named above were present at the site visit, along with Hugh Worden, applicant, and Melissa Worden, wife of the applicant.

Herb Rest disclosed his prior friendship with Mr. Worden and stated that it would not affect his objectivity in considering the application, and asked those present whether anyone felt he should recuse himself. All concurred that their friendship did not constitute a conflict of interest in this case.

The procedures of the hearing were presented by Herb Rest, and Hugh Worden took the oath.

Hugh Worden presented his proposed project: He proposes to remove cement steps that access their main entrance at the north side of the house and replace them with wooden steps that meet current standards for rise/run and a landing of approximately 4'x4' in front of the door. He proposes to build a two-pitched roof over that landing. The reason for the construction is to improve the safety of this main access to the home. The character of this historic house (built between 1910 – 20) will not be changed by the construction. Additional lighting, if desired, will be provided by a single light fixture under the roof over the new landing. The whole project will

extend about 2.5 feet closer to the garage. The overhang of the roof will extend into the front yard setback, requiring about an 18.5 foot variance.

The hearing closed at 7:35. The written decision will issue and control.

At 7:40 p.m. the Board continued a review from June 20, 2010 of the SB Land Partnership permit for reconsideration of terms of the conditional use approval, specifically relating to the performance bond requirement, issued to SB Land Partnership LLC. SB Land Partnership will present proposed alternatives.

Present at the consideration: Members Herb Rest, Lew Sorenson, and Pat Jaquith; voting Alternates John Warren and Rick Sullivan. Also present: Charlotte Neer Annis, Zoning Administrator, and Timothy Severance, applicant. Herb issued the oath to Timothy Severance who described the plan for the reclamation process as he has updated it with Savoy Engineering. Philip Savoy, P.E., proposed eliminating the rough grading that had been proposed in an earlier version prepared by Bill Jewell, facilitator for the application in spring, 2007.

The revised amounts for restoration drop from the original \$100,000 to \$31, 472, as projected by Philip Savoy because the rough grading, with cost estimate of \$67,750, is being done as the work proceeds, and thus will not be required as a final reclamation step.

Based on this estimate, he proposes to take the moneys currently set aside for the project (+/- \$40,000) and put it into a financial vehicle to be decided on with the town whereby neither could withdraw the money without the signature of the other. Mr. Severance said that he would request his attorney, Jonathan Bump, to draw up such a document for consideration. Mr. Severance agreed to cover the Town's attorney fees, within reason, for reviewing the financial agreement.

Lew Sorenson reviewed the conditions of overseeing the final reclamation as set forth in the original permit. Herb Rest will consult with the Selectboard and/or Town Treasurer about the possibility of the Town taking and holding a cash deposit to assure restoration rather than a performance bond. The reconsideration concluded at 9:00 p.m., the public meeting was closed, and the board went into deliberative session.

Respectfully Submitted,

Patricia Jaquith
Clerk