

MINUTES OF THE DUMMERSTON DEVELOPMENT REVIEW BOARD
DUMMERSTON REVIEW BOARD

Minutes of the DRB Meeting
May 21, 2013

Members Present: Jack Lilly, Hugh Worden, Lew Sorenson, Patricia Walior, Steven Jarosak, Samuel Griffis

7:00 pm. The meeting was called to order by Jack Lilly, Chair.

There was discussion concerning the possibility of holding a joint meeting of the Selectboard, the Planning Commission and the Development Review Board. Possible areas for discussion during such a meeting include the difficulty of applying the Zoning Bylaw fairly, given that many Dummerston residents reside on small lots where it is difficult, if not impossible, to meet setback requirements for common development requests that would not be a problem for owners of larger lots. Compounding this difficulty is the fact that small lots are not evenly concentrated in such a way that might make it possible to designate small lot districts. Also, there is concern that variances should be applied fairly: that if a variance is granted in one case then it should apply equally to other, similar cases. It was also mentioned that there are discrepancies within the Zoning Bylaw that can create confusion and differing results depending on how the Bylaws are interpreted.

There was discussion concerning the fact that minutes are not getting done and approved quickly enough was discussed. It was agreed that drafts of minutes be sent out to DRB members by email and comments worked out by email so that minutes can be completed more quickly. Lew Sorenson moved that approval of minutes be tabled for further discussion at the next DRB meeting.

There was discussion concerning the clarification of the term “development” and how the Zoning Bylaw should be applied accordingly. Lew Sorenson provided an example for discussion: a hypothetical situation where a resident wishes to subdivide a parcel of land through which a brook flows and the area around the brook qualifies as a flood zone, but the subdivision separates a parcel with a pre-existing dwelling where the brook and flood zone is not located from a parcel without a dwelling where the brook and flood zone is located. Article 5 of the Zoning Bylaw states that development is any division of a parcel into two or more parcels. The definition of development is more detailed for development within a flood zone. Section 130 of the Zoning Bylaw states that where there is a conflict in definitions within the Zoning Bylaw the more strict definition applies. Lew Sorenson felt that in any case where there is an application for a subdivision and there is a flood zone on the land to be subdivided, whether or not the subdivision would have any effect on such wetland, it is appropriate for such an application to be subject to DRB review. Hugh Worden was of the opinion that if such subdivision has no impact on the wetland then such application need not be subject to DRB review.

The Subject of the DRB meeting consisted of 2 applications: Application #3331 (Landmark Trust USA request for signage at Scott Farm), Application #3309 (Renaud Gravel Inc. request for reduction in required fence height from six to four feet).

7:45. The Board discussed Application #3331 (Landmark Trust USA request for signage at Scott Farm). Tristam Johnson, being duly sworn in, requested that Landmark Trust USA be permitted to place two 2' X 3', unlit, wooden signs, at the entrances to the Scott Farm, with a seasonal sign hanging from them stating “farm stand open” when the farm stand is in fact open, the hanging sign to be removed when the farm stand is not open. Paul Normandeau, being duly sworn, offered testimony to the effect that he had

no objections to the signs that were the subject of the application. However, Mr. Normandeau stated the concern that there are already signs at the Scott Farm, the "thistle signs" in particular, and also stated concern about "sign creep": whether or not additional signs would appear in the future in addition to those already present and whether there was a limit to the total amount of signage that will be allowed on the premises. Tristam Johnson stated that the "thistle, Scott Farm" signs were already in place when he began work at Scott Farm in 2001. Zeke Goodband, being duly sworn, offered testimony to the effect that the "thistle signs" were in place since at least 1975 to the best of his knowledge. There was discussion as to what activities were intended to take place at the Scott Farm and whether or not the proposed signs advertise activities that have not actually been permitted. Tristam Johnson stated that while there were a number of activities that might take place on the premises in the future, no additional uses are being proposed as part of the signage application under consideration at this time. Mr. Johnson stated that the large thistle sign could be taken down prior to the fall apple season and the smaller thistle sign could be taken down as well. Zeke Goodband stated that the intent at this time is only to have enough signage so that visitors know where to go.

Lew Sorenson moved to close discussion, and discussion was closed.

The written decision of the Development Review Board will issue and control.

8:15. The Board discussed the appeal of Application #3309 (Renaud Gravel Inc. request for reduction in required fence height from six feet to four feet). Steve Jarosak recused himself due to conflict of interest in that he works for Stevens & Associates, P.C. Corey Frehsee, being duly sworn, provided two exhibits: a picture of the proposed fencing and a survey showing the location where the fencing is intended to be placed. Corey stated that the reason for the request in reduction in height from six to four feet is that this type of construction fencing does not come in a six foot height. It is only made in four foot height. The fencing is moveable. Corey stated that the appropriate location for the fencing would be along the property line with the abutting landowner where the road will be constructed. At this time, the fencing has not been installed, the road has not been constructed and there can be no activity at the gravel pit until the road is constructed.

Lew Sorenson moved to close discussion. Discussion was closed.

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Respectfully submitted,
Samuel Griffis, Clerk