

NORWICH DEVELOPMENT REVIEW BOARD

April 7, 2011

Tracy Hall Meeting Room

Members present: John Lawe, Stanley Teeter, George Loveland, Nancy Dean, Ernie Ciccotelli

Members not present: Folger Tuggle, Mindy Penny

Alternates present: Don McCabe, Arline Rotman

Alternates not present: Christopher Ashley

Clerk: Phil Dechert **Others:** Ann Kynor, Nelson Kasfir, Deborah Boettiger, Susan and Jake Blum, Stephen P. Gaughan and Emily R. Newick, Chip Hedler, Nancy Gardner, Tamar Kitzmiller, Heather Cantlin, Ann Marie Smith, Susan and Richard Haedrich,

1. The meeting was called to order by the Chair, John Lawe, at 7:18 PM.

2. **Minutes** – March 17, 2011 – Approved with changes.

3. Administrative Issues:

- Future Schedule & Agendas
 - 4-21-11 – Hardy Ridgeline Review and Redpath Subdivision – Final Review
 - Site Visit 4:30 PM – 1515 New Boston Road
- Membership – Tuggle and Ciccotelli are requesting to be re-appointed. Rotman is requesting to be appointed as a regular member. Penny is requesting to be appointed as an alternate. Ashley has not requested to be re-appointed. Selectboard interviews are scheduled for April 27. New terms start May 1.

4. Public Hearings

#6BSUB11 – Preliminary Plan Review of a Minor Subdivision Application by David Bartlett and Jennifer L. Moyer, Applicants and Landowners, to divide Lot 20-183.000 into 2 lots of 2.0 acres and 3.06 acres at 59 Carpenter Street.

Members Participating: Lawe, Teeter, Loveland, Dean, Ciccotelli, McCabe, Rotman

Applicant: Ann Kynor – Pathways Consulting, representing landowner.

Interested Persons: Nelson Kasfir and Liz Blum, Deborah Boettiger, Susan and Jake Blum, Stephen P. Gaughan and Emily R. Newick, Maria Cabri (represented by Chip Hedler), Nancy Gardner, Tamar Kitzmiller, Heather Cantlin, Ann Marie Smith, Daniel Haedrich (represented by Susan and Richard Haedrich).

The record in this case includes the following documents:

Submitted by Applicants

- A-1 Application #6BSUB11, submitted by Applicant, dated 3/21/11.
- A-2 Project Description, submitted by Applicant, dated 3/18/11.
- A-3 Site Plan for David V. Bartlett and Jennifer L. Moyer (Sheet 1), prepared by Pathways Consulting, LLC, dated 3/17/11.
- A-4 Subdivision Plan for Bartlett Property, prepared by Pathways Consulting, LLC, dated 3/18/11.

Submitted by Zoning Administrator

- ZA-1 Documents and Interested Parties list, dated 3/24/11.
- ZA-2 Ortho Base (2009) Photo of Site Plan, submitted by ZA, dated 3/11.
- ZA-3 Preliminary Subdivision Review Questionnaire, submitted by ZA, dated 4/4/11.
- ZA-4 Norwich Fire Department Report, dated 4/5/11.

Submitted by Interested Parties

- IP-1 Memorandum, submitted by Nelson Kasfir and Elizabeth Blum, abutters at 48 Cliff Street, dated 4/6/11.
- IP-2 Letter from Daniel Haedrich, delegating Susan and Richard Haedrich to attend the public hearing on his behalf as an abutter at 49 Cliff Street, dated 4/7/11.

John Lawe, Chair opened the hearing at 7:36 PM.

The board agreed to give provisional Interested Person status to everyone who had signed in as an Interested Person and would review the list later.

Ciccotelli stated that he worked with one of the abutters on the Board of Listers, but they had not discussed the case and he indicated that he could make a decision based on the merits of the case.

The Interested Persons were sworn in by the Chair.

Site Visit Report – Dechert reported there was a site visit a 4:30 PM prior to the hearing attended by members Lawe, Teeter, Loveland, and Rotman; the DRB Clerk, Dechert; and Ann Kynor for the applicants/landowners. Abutters and neighbors present included: Nelson Kasfir, Elizabeth Blum, Susan and Richard Haedrich (representing Dan Haedrich), Deborah Boettiger, and a few others.

Starting on Cliff Street at the 36 foot wide strip of the parcel providing access to Cliff Street, Ann Kynor led the group along the path of the proposed driveway across the wetland around to the wastewater system site and the proposed development envelope for Lot #2. At the request of some neighbors, members walked over to Cliff Street and looked at the stream of water coming off a cliff from the Hawk Pine area. Members decided there was no need to visit Lot #1 and the existing development there.

Review of the proposed development began with addressing each criteria of the subdivision regulations.

Density - Dechert stated that the maximum density for the 5.4 acre lot is 11 lots based on a minimum lot size of 20,000 square feet.

Waivers - The waiver request (Exhibit A-2) was submitted by applicant for a 36 foot wide driveway right-of-way across Lot #1 to Lot #2 instead of the required 50 foot wide right-of-way. The Board will rule on the waiver request at the end of the Preliminary Plan Review. Copies of Exhibit A-2 were distributed to the audience.

Site Plan - Ann Kynor, using Exhibit ZA-2 projected on the screen, described the proposed subdivision plan including property lines, development envelope, driveway, wastewater site, and wetlands. Kynor explained that the 36 foot wide piece of land fronting on Cliff Street is part of Lot #1 and the right-of-way to Lot #2 will be within that portion of Lot #1. The waiver request is

to allow a portion of the right-of way to Lot #2 to be 36 feet rather than 50 feet wide. A neighbor commented that using a right-of-way rather than actual frontage was not in the spirit of the regulations.

Development Envelopes – Dechert stated a development envelope had not yet been established for the existing house but will be at the final hearing or before. A small development envelope is shown on Lot #2. There was concern expressed by abutters regarding the amount of surface water in the area around the development envelope. Kynor stated that any drainage from the building site would be captured and routed around the site and not increase flow onto other properties. There were additional concerns expressed about surface water issues including the “Carpenter Street swale” which is located around the houses on Carpenter Street away from the proposed development envelope.

Protection of wetlands – [Exhibit A-3 Site Plan – Projected on screen]. Kynor showed delineated wetlands and buffers and described the wetlands and water flow. There were questions regarding what is the “Carpenter Street swale”. Jake Blum showed that it is around the Carpenter Street houses and was designed to lower the water table to alleviate basement flooding and failed septic systems. The ditching between the property and the Senior Housing may not be part of the “swale”. Other interested persons contributed additional information regarding the water issues and the effect on their properties.

Kynor explained that the wetland delineation was performed by a soils scientist employed by Pathways and trained in wetlands delineation. A District Wetlands Ecologist from the Department of Environmental Conservation had visited the site with the soils scientist. Kynor explained that wetlands were defined by the presence of wetland hydric soils, wetland vegetation, and the presence of water within 12 inches of the surface for major portions of the growing season. If the project is approved by the DRB, a state wetlands permit will still be needed for the driveway to cross the wetlands. A state wastewater permit will also be required prior to construction of a house on the new lot.

Concern was expressed by abutters and neighbors regarding the delineation process and A request was made to have more expert testimony presented. It was also suggested that the DRB should make a wetlands decision independent of the state permit process.

In response to additional questions on the wastewater system, Lawe explained that the approval of the wastewater system was not under town jurisdiction. Kynor gave an additional explanation of the wetland delineations on the site plan and more details of the wetland delineation criteria. Rotman suggested it would be helpful to have a wetlands expert testify. David Haedrich stated he was an aquatic ecologist and he agrees with Kynor’s description of wetlands delineation but added that water flow and wetlands are interrelated. A neighbor requested the DRB to take into account the accumulative effect of development in the area on surface water.

In response to a question from an abutter if the land between the Cantlin house and the Gardner house was designated as a wetland, Kynor stated that, although it was wet, it had not been designated as a wetland.

The review of additional Criteria in the subdivision regulations continued:

Steep slopes, Ridgelines and Prominent Knolls – None in areas to be developed

Wildlife Habitat and Natural Areas – Other than wetlands that will be protected by buffers, no mapped habitat or natural areas

Historic Resources – None identified

Farmland – No farmland

Forest Resources - No large blocks of forest land

Scenic Resources – Property not in mapped Scenic Area

District Settlement Patterns - The plan conforms to the Town Plan in terms of Village density and there are similar to lots in surrounding area, however, abutters are concerned with impact on their properties

Storm Water Management and Erosion Control - Minimal issues with steep grades and slopes, but concern with amount of surface water on the site. It has not been determined whether the driveway surface will be paved or hard-pack.

In response to a question from an abutter, it was explained that all construction except the driveway and the wastewater systems, must be within the designated development envelope which will be 8 feet from the property lines on the north and as shown on the plan to the south. The specific measurements will be shown on the plan submitted for the final hearing. Kynor said the development envelope as shown is around 3,200 square feet.

Lawe requested the applicant address surface water and wetlands issues in greater detail and bring a wetlands expert familiar with the site and data to the next hearing. He also requested the abutters and neighbors to send any additional questions or concerns to the Clerk, Phil Dechert, at least four days before the next hearing.

Dean moved to continue the public hearing to 7:30 PM on Thursday, May 5, 2011. The motion was seconded by Rotman and approved 7-0.

The hearing was closed at 9:50 PM.

The meeting was adjourned at 9:51 PM.

Phil Dechert

APPROVED 4/21/11