

NORWICH DEVELOPMENT REVIEW BOARD

MINUTES

September 15, 2011

Tracy Hall Meeting Room

Members present: John Lawe, Stanley Teeter, George Loveland, Folger Tuggle, Nancy Dean, Ernie Ciccotelli, Arline Rotman,

Members not present:

Alternates present: Bill Lyons

Alternates not present: Don McCabe, Mindy Penny

Clerk: Phil Dechert **Others:** Lisa Baer, Ken Gorlin, Bonnie Parker, Maria Cabri, Deborah Boettiger, Nancy Gardner, Susan Blum, Jake Blum, Ann Marie Smith, Polly Johnson, Chip Hedler, Heather Cantlin, David Bartlett (via speaker phone) and Ann Kynor

1. The meeting was called to order by the Chair, John Lawe, at 7:07 PM.

2. **Minutes** – June 16, 2011 was approved and July 7, 2011 was approved with a minor change

3. Administrative Issues:

- Future Schedule & Agendas
 - September 29, 2011 – Bartlett Subdivision – Continued from 9/15/11
 - October 6, 2011 – No Hearings Scheduled
 - October 20, 2011 – Nothing scheduled, but probably will be
- Mindy Penny has submitted a letter of resignation from the DRB to the Selectboard.

4. Public Hearings

#34BCU11 – Conditional Use Application by Kenneth Gorlin and Lisa Bauer, Applicants and Landowners, for a 12' x 12' two story addition to an existing single family home in the Flood Hazard Overlay District Floodway and the Primary Shoreline Protection Area at 37 Campbell Flats Road, Map/Lot 06-014.000.

Members Participating: John Lawe, Stanley Teeter, George Loveland, Folger Tuggle, Nancy Dean, Ernie Ciccotelli, Arline Rotman, Bill Lyons (Alternate)

Applicants/Landowners: Lisa Baer, Ken Gorlin

Interested Persons:

John Lawe, Chair opened the hearing at 7:16 PM.

Lyons will participate as an alternate and will not participate in deliberations unless needed.

The record in this case includes the following documents:

Submitted by Applicant

A-1 Application #34BCU11, dated 8/10/11.

A-2 Site Plan (proposed addition to existing Single Family Home), prepared by Borealis Design, dated 7/5/11.

A-3 Narrative, prepared by Pathways Consulting, LLC for Applicants, dated 08/12/11

- A-4 Floodway Evaluation Map (showing conveyance shadow), prepared by Pathways Consulting, LLC for Applicants, dated 8/4/11
- A-5 Aerial Map of Property, received 8/15/11

Submitted by Zoning Administrator

- ZA-1 Document and Interested Parties List, dated 9/19/11
- ZA-2 Zoning Administrator Review Summary, dated 8/19/11.
- ZA-3 Ortho Base (2006) Photo of Site showing Floodway and Special Flood Hazard Area, dated May, 2010.
- ZA-4 E-mail to and response from Kari Dolan, Vermont Floodplain Manager, dated 7/25/11
- ZA-5 Five photo views of existing single family home, dated 9/13/11.

There was no site visit. Photographs of the existing house were provided to the Board. (ZA-5).

Dechert presented the application for the applicants and landowners due to the technical nature of the criteria.

Shoreline Protection Area. There is a 100' set back requirement. Existing house is 12' from the river bank. The proposed addition is approximately 35' from the river bank. Since the addition was no closer to the river bank than the existing building, the addition is allowed.

Flood Hazard Area Floodway. Minor additions of less than 500 square feet are allowed. The 12' x 12' addition will add 144 square feet. The proposed addition will create no increase in flood levels during the occurrence of the base flood because it is located within a "conveyance shadow." (A-3 and 4).

The application was submitted to the Vermont Floodplain Manager on 7-25-11 and approved by her with an addition of the "conveyance shadow" study on 7-26-11.

Dean moved to close the public hearing. The motion was seconded by Rotman and approved 7-0. The hearing was closed at 7:25 PM.

#6BSUB11 – Public Hearing for the 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 (Continuation from April 7, 2011, May 5, 2011, June 2, 2011, and July 7, 2011).

Members Participating: John Lawe, Stanley Teeter, George Loveland, Folger Tuggle, Nancy Dean, Ernie Ciccotelli, Arline Rotman, Bill Lyons (Alternate)

Applicants/Landowners: Ann Kynor, Pathways Consulting, LLC, on behalf of Applicants and David Bartlett via speaker phone

Interested Persons: Maria Cabri, Deborah Boettiger, Nancy Gardner, Susan Blum, Jake Blum, Ann Marie Smith, Polly Johnson, Chip Hedler, Heather Cantlin

John Lawe, Chair opened the hearing at 7:46 PM.

Lyons will participate as an alternate and will not participate in deliberations unless needed.

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.
- A-5 Request for Continuance of Hearing to June 2, 2011, submitted by Applicant, dated 4/26/11.
- A-6 Correspondence re: supplemental information, from Pathways Consulting, LLC, dated 5/25/11.
- A-7 Revised Wetland Delineation Plan, prepared by Pathways Consulting, LLC, dated 5/23/11.
- A-8 Revised Site Plan for Bartlett Property, prepared by Pathways Consulting, LLC, dated 5/25/11.
- A-9 E-mail correspondence to Rebecca Chalmers, District Wetland Ecologist re: wetland determination, from Tim McCormick, Pathways Consulting, LLC, dated 5/24/11.
- A-10 E-mail response from Rebecca Chalmers, District Wetland Ecologist to Tim McCormick of Pathways Consulting, LLC's e-mail re: wetland determination, dated 5/31/11.
- A-11 E-mail correspondence from Ann Kynor, Pathways Consulting, LLC, dated 6/2/11.
- A-12 Revised Site Plan for Bartlett Property, prepared by Pathways Consulting, LLC, dated 7/1/11.
- A-13 Driveway Profile and Sections, prepared by Pathways Consulting, LLC, dated 7/1/11.
- A-14 Request for Continuance of Hearing to September 15, 2011, submitted by Applicant, dated 7/5/11.
- A-15 E-mails between Tim McCormick of Pathways Consulting, LLC and Martha Abair, US Army of Engineers, submitted on 9/15/11.
- A-16 Driveway Profile and Sections, prepared by Pathways Consulting, LLC (A-13), with written notations from Ann Kynor, submitted on 9/15/11.

Submitted by Zoning Administrator

- ZA-1 Documents and Interested Parties list, dated 9/13/11.
- ZA-2 Ortho Base (2009) Photo of Site Plan, submitted by ZA, dated 3/11.
- ZA-3 Zoning Administrator Report, submitted by ZA, dated 4/4/11.
- ZA-4 Norwich Fire Department Report, dated 4/5/11.
- ZA-5 Revised Ortho Base (2009) Photo of Site Plan, submitted by ZA, dated 5/26/11.

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.
- IP-3 Letter from Deborah Boettiger, abutter at 31 Cliff Street, dated 4/29/11.
- IP-4 Letter from Richard Haedrich, 47 Cliff Street, received 5/4/11, dated 4/24/11.
- IP-5 Letter from Maria Cabri, abutter at 38 Cliff Street, received via fax 5/27/11.
- IP-6 Letter from Richard Haedrich, abutter at 47 Cliff Street, dated 5/30/11.
- IP-7 Memo from Nancy Gardner, abutter at 24 Cliff Street, dated 5/31/11.
- IP-8 Memo from Nelson Kasfir and Elizabeth Blum, abutters at 48 Cliff Street, dated 5/31/11.
- IP-9 E-mail from Johnson/Cantlin Family, abutters at 32 Cliff Street, dated 6/1/11.
- IP-10 E-mail from Martha Graber, abutter at 39 Carpenter Street, dated 6/1/11.
- IP-11 E-mail from Ann Marie Smith, abutter at 25 Carpenter Street, dated 6/14/11.
- IP-12 Memorandum to DRB from Nelson Kasfir and Elizabeth Blum, with attached letter from P. Scott McGee, Esq. and part of Applicants' revised site plan (7/1/11) enlarging area of proposed driveway, abutters at 48 Cliff Street, dated 7/4/11 and 7/5/11 respectively.
- IP-13 Memorandum to DRB from Richard L. Haedrich, abutter at 47 Cliff Street, dated 9/12/11.
- IP-14
 - a. E-mail from Heather Cantlin, abutter at 32 Cliff Street, dated 9/15/11.
 - b. Photos of Cantlin property lines with vegetation, submitted by Heather Cantlin on 9/15/11.

Exhibits A-15, A-16, IP-13, IP-14a and b were accepted during the hearing.

The consensus of the Board is that the adverse possession claims asserted by abutters Blum and Kasfir (IP-12) are not relevant to DRB proceedings unless until there is a court order.

Anne Kynor reviewed the updated Site Plan (A-12 and A-13):

1. The driveway design contains more details, contours, road profile and cross-sections, and revisions to the drainage.
2. A culvert was eliminated under the driveway Section "B-B" near the Blum property across to the wetlands adjacent to proposed Development Envelope ("DE").
3. The dual culverts under the proposed Driveway are at grade to provide connectivity between the wetlands on either side of proposed driveway.
4. Several stormwater retention "Rain Gardens" were added to absorb runoff from roofs and other impervious surfaces.

Abutters expressed concerns with drainage to wetlands and questioned some of the grades on slopes on the plans. Wetland delineations were also questioned. The delineations on the plans by Pathways Consulting plans will be confirmed in the State and Federal review process.

Ann Kynor provided correspondence between Pathways Consulting and US Army Corps of Engineers, Martha Abair, and Vermont Wetlands Specialist, Rebecca Chalmers, regarding the review process of the wetlands determinations prepared by Pathways Consulting. (A-15).

Once the "rain gardens" are established, there is very little maintenance.

Several abutters are concerned about water flowing through the property from or to other properties. It was explained that surface water is not necessarily wetlands.

Discussions of qualified testimony and evidence for quasi-judicial hearings were ongoing during the hearing. Abutters were also requested to not interrupt each other or board members.

Kynor questioned whether a decision could be conditioned on the applicant obtaining the necessary state and federal wetland permits to allow the applicant to determine whether a town permit would be approved before spending additional funds to obtain the other permits.

Jake Blum questioned the accuracy of the wetlands delineation by Pathways based on the presence of water on parts of the property near his property and in test holes. David Bartlett agreed that he would grant permission for the abutters to have a professional review the wetlands delineation within a reasonable time frame. There was a discussion of the process of having another wetlands specialist review the delineations.

Heather Cantlin stated that there are wet areas along the property line between her property and the development envelope that are not delineated as wetlands. She submitted pictures and a memo (IP-14 a. & b.) relating to this area.

Chip Hedler was granted permission to show pictures from his computer of the porch side of the Cabri House, 38 Cliff Street, adjacent to the proposed driveway and the slope from the driveway to the house. Photos showed the slope not as steep as on Exhibit A-3, Section A-A. These pictures were not submitted to the Clerk or accepted as an exhibit at the hearing as of September 26, 2011. Section A-A profile shows 45% slope but does not appear to be that steep.

Ann Kynor explained that the slope being looked at is not where grading will occur and there may be an error on the plan relating to using the elevation of the deck rather than the elevation of the ground under the deck.

Exhibit A-16 was submitted by Ann Kynor. It is the same as A-13, Driveway Profiles and Sections, with notations by Ann Kynor showing edge of Cabri deck and property line on Section A-A.

Kynor explained the design and purpose of the "level lip spreader" to distribute water from a driveway drainage ditch over a larger area for absorption into the ground.

Rotman moved to continue the hearing to September 29, 2011 at 7:30 PM. The motion was seconded by Tuggle and was approved 7-0. The hearing was closed at 9:59 PM.

The meeting was adjourned at 10:05 PM.

John Lawe, Chair

APPROVED 9/29/11