

NORWICH DEVELOPMENT REVIEW BOARD

MINUTES

September 29, 2011

Tracy Hall Meeting Room

Members present: John Lawe, Stanley Teeter, Nancy Dean, Ernie Ciccotelli, Arline Rotman,

Members not present: George Loveland, Folger Tuggle,

Alternates present: **Alternates not present:** Don McCabe, Bill Lyons

Clerk: Phil Dechert **Others:** Ann Marie Smith, Deborah Boettiger, Maria Cabri, Chip Hedler,
Stephen Gaughan, David Bartlett (via speaker phone) and Ann Kynor

1. The meeting was called to order by the Chair, John Lawe, at 7:22 PM.

2. **Minutes** – September 15, 2011 approved without changes

3. Administrative Issues:

- Future Schedule & Agendas
 - October 6, 2011 – No Hearings Scheduled
 - October 20, 2011 – No Hearings Scheduled

4. **Public Hearing #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, Nancy Dean, Ernie Ciccotelli, Arline Rotman

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

Interested Persons: Maria Cabri, Deborah Boettiger, Ann Marie Smith, Chip Hedler, Stephen Gaughan

John Lawe, Chair opened the hearing at 7:30 PM.

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.
- IP-15 Letter from P. Scott McGee, Esq., submitted for Nelson Kasfir and Elizabeth Blum, abutters at 48 Cliff Street, dated 9/23/11.
- IP-16 Memorandum with photos from Chip Hedler, submitted for Maria Cabri, abutter at 38 Cliff Street, on 9/29/11.

Exhibit - IP-16 was accepted during the hearing.

John Lawe reported that DRB members had met at the site on September 20, 2011 in a deliberative session to look at the slopes along the proposed driveway and wet areas around the proposed development envelope. He stated that some areas contained surface water but did not appear to be wetlands.

With Exhibit A-12 projected on the screen, Ann Kynor explained that the pair of 24” culverts under the proposed driveway between two wetlands were oversized and, in response to concerns about the height of the driveway, had been reduced to 8” culverts. She explained that 8” culverts are adequate for the amount of water being moved, but that a larger size would require less maintenance and would be less likely to freeze closed. After more discussion Kynor suggested that 12” culverts would probably be a better size.

Exhibit IP-15 is a letter from Scott McGee, attorney for interested persons Nelson Kasfir and Elizabeth Blum, stating that he had filed a complaint on September 23, 2011 claiming title by adverse possession against the applicant to a portion of the adjoining land that is titled in the applicants’ name. As stated previously, the consensus of the Board is that the adverse possession claims asserted by abutters Blum and Kasfir are not relevant to DRB proceedings unless or until there is a court order.

Stephen Gaughan questioned if the agricultural potential of the land had been considered. Dechert reviewed the GIS agricultural soils layer and determined that mapping showed a large portion of the property classified as Prime agricultural soils. However, the mapping did not indicate any wetlands or hydric soils on the property, but site investigation had determined extensive wetlands. Dechert questioned whether this parcel would conform to the definition of “Farm Land” in the zoning regulations due to the limited farm land available.

In response to questions from the Board, Kynor explained how the ditches on either side of the driveway and a culvert would convey water from Cliff Street out to the wetland area in the center of the property.

Dean moved to close the Preliminary Plan Review hearing. The motion was seconded by Rotman and was approved 5-0. The hearing was closed at 8:24 PM.

The meeting was adjourned at 8:46 PM.

John Lawe, Chair

APPROVED 11/3/11