

**DEVELOPMENTAL REVIEW BOARD
MINUTES**

April 12, 2010

MEMBERS PRESENT:

Phil Carter, Chairman	Richard Harrison	Linda Petty
Troy Adams	Julie Nicoll	Rose Goings, Zoning Administrator

MEMBERS ABSENT:

Linda Petty

OTHERS PRESENT:

Kevin Davis	Steve Greene	Lisha Klaiber, Recorder
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1. **CALL TO ORDER**

- A. Meeting opened at 6:02 p.m. by Chairman Phil Carter. All board members present, except Linda Petty.

2. **EXTENSION OF PERMIT**

- A. Phil Carter advised that this is a request to extend a permit for a Real Estate Office at 31 Fox Lane.
- B. Kevin Davis said that due to mostly economic reasons, they did not change the property into offices. There have been no changes to the building and the building is not occupied. He would like to extend the permit.
- C. Phil Carter asked how long he would like the extension to be.
- D. Kevin Davis said he would possibly like to open in December, but is not sure.
- E. Phil Carter asked if a one-year extension would be enough.
- F. Kevin Davis said it would.
- G. Rose Goings advised that permit does not state that it must be a real estate office, just an office.
- H. **MOTION by Julie Nicoll and seconded by Richard Harrison to extend the completion date until April 12, 2011. Motion passed unanimously.**

3. **OPEN THE PUBLIC HEARING FOR STEVE GREENE, ET AL**

- A. Phil Carter advised that this is an application to amend a subdivision by changing lot lines from previous subdivision. Property is located on Town Farm Road in the Town Residential District.

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- B. Rose Goings advised that this is application SUB-06-009 Amendment #1. It has been posted in the Town Hall bulletin boards, advertised in THE VERMONT JOURNAL, and the abutting property owners were notified. She added that this was inadvertently assigned a new subdivision application number, but this is the correct one. She advised that she has received a few calls from abutters, but there were no issues. People were only interested in what was being done. She also advised that this would have just been an administrative item, but conditions had been in the permit saying that any changes to the subdivision must come back before this board. She has spoken to Ralph Michael.
 - C. Phil Carter administered the oath to Steve Greene.
 - D. Steve Greene advised that the Lot #9 is currently 26.3 acres. After the original subdivision, he sold the Farm House and its 10-acre lot. The new owners would like to have more acreage. He would like to take 5.37 acres from lot #9 and sell it to the owners of the Farm House lot.
 - E. Rose Goings advised that the Farm House lot was never a part of this subdivision.
 - F. Phil Carter asked if Steve Greene recalled the conditions on the permit.
 - G. Steve Greene said erosion control.
 - H. Phil Carter added that clearing was part of it and also a green belt and buffer zone.
 - I. Steve Greene said that would continue.
 - J. Phil Carter said the buffer was also there to protect the deeryard.
 - K. Rose Goings said that a couple of the lots are affected by the deeryard.
 - L. Phil Carter said that any conditions imposed on the original subdivision would remain in effect on the property being transferred, along with the remaining property in the subdivision.
 - M. Rose Goings said that Steve Greene also brought the Mylar tonight.
 - N. Steve Greene said that he brought 2 copies and asked the board to sign one of the copies for Mr. Michael's files.
 - O. **MOTION by Richard Harrison and seconded by Julie Nicoll to approve application SUB-06-009, Amendment #1 transferring 5.37 acres from Lot #9 to the owners of the Farm House lot. All conditions imposed on the original subdivision will still apply to the land transferred as well as original subdivision. In addition, Mylar will also be approved and signed. Motion passed unanimously.**

4. **OPEN THE PUBLIC HEARING FOR ANTHONY COSTA ESTATE**

- A. Phil Carter advised that this hearing is for an application for to amend a Conditional Use permit to reestablish retail use of the building. Property is located at 199 Main Street in the Village Residential Commercial District.
- B. Rose Goings advised that Jean Costa-McCutcheon, Executor of the Estate, has requested a recess until further notice and had paid the fees in advance.
- C. Phil Carter said that he would prefer to see this recessed indefinitely rather than reschedule and then cancel, possibly taking up agenda space needed by other applicants. They may call when they are ready to proceed.
- D. Rose Goings said this would be unless she changes the use.
- E. **MOTION by Julie Nicoll and seconded by Troy Adams to recess this hearing indefinitely. Motion passed unanimously.**
- F. **OTHER BUSINESS**

5. **OTHER BUSINESS – JAM GOLF DECISION**

- A. Phil Carter advised that this came before the board before and it is back. It may affect Okemo's appeal of the board's Ranta JAM Golf was a decision by the South Burlington DRB where they denied expansion of a PRD on grounds that it would affect wildlife. The Environmental Court upheld the DRB's decision. However, Supreme Court overturned that decision. They said that the town plan was not specific enough for the DRB to have made that kind of decision. There is nothing that we can do right now. The Planning Commission is in the process of re-writing the town plan and we need to have the strongest town plan possible. It cannot be vague. The Supreme Court said that if a reasonably intelligent person can't understand the town plan and laws, they are not clear enough.
- B. Rose Goings said that the Supreme Court said that the town plan (South Burlington's) was unconstitutionally vague and the DRB took away the rights of the property owner. She said that this may pop up with many cases and we may get more appeals. She said that the statement of questions sent to us by Okemo's attorney, briefly mentions JAM Golf. Our Planning Commission has to look at the town plan and keep this in mind. They may have to change sections that they have already completed. They will also have to change the zoning regulations.
- C. Richard Harrison said that in their Ranta decision, the board members were just trying to preserve what was.
- D. Phil Carter said that was correct, but they will still probably go into JAM Golf.
- E. Richard Harrison said that if this board backs off, everything they have been trying to do will go away.
- F. Phil Carter said this is a lesson to be astute about how we write our decisions and how we pull evidence into those decisions. We were very careful with the wording of the Gravel Pit decision. He added that the list of questions that Okemo submitted even goes into items in Phase I and that they were never mentioned in all the amendments.
- G. Rose Goings said that JAM Golf might allow many silly things.
- H. Phil Carter said that our points were well taken. He said that he spoke to Chris Callahan and he understands our arguments, how we approached it and why we did.
- I. Rose Goings said that Chris Callahan would like to set up a meeting with Rose Goings and Phil Carter and himself this week.
- J. Phil Carter said they could set something up. He added that he read many of Larry Slason's questions.
- K. Rose Goings said that many are Act 250. She added that preserving that area has always been on the maps.
- L. Phil Carter said that the Green Mountain Turnpike was not supposed to be dismantled in Phase I. The house and barn are on the maps and this is nothing new.
- M. Richard Harrison said that he has a map dating back to 1788 and it shows all of the features.
- N. Phil Carter said the decision is in Environmental Court and they may quote JAM Golf.

6. **REVIEW AND APPROVE MINUTES**

- A. Phil Carter advised that the minutes to be reviewed and approved are from January 11, 2010. He added that on page 2, item L should read LPC TV, not Linda Petty.
- B. Troy Adams said that item CC has a typo. "...pipes may has..." should be "...pipes may have..."

- C. **MOTION by Troy Adams and seconded by Julie Nicoll to accept the minutes from January 11, 2010 as corrected. Motion passed unanimously.**

7. **ADJOURN**

- A. **MOTION by Julie Nicoll and seconded by Troy Adams to adjourn. Motion passed unanimously.**
B. Meeting adjourned at 6:40 p.m.

Respectfully submitted,

Lisha Klaiber

Phil Carter, Chairman

Julie Nicoll

Troy Adams

Linda Petty

Richard Harrison