

**TOWN OF WESTMINSTER
DEVELOPMENT REVIEW BOARD
January 3, 2022**

Members Present: Chris Potter (Chair), Don Anderson (Clerk) Oliver Brody, and Ed Harty

Absent: Tim Harty

Others Present: Anthony Perri, Elaine Ingraham, Eli & Victoria Reed, Nancy Dalzell, Jonathan Whitman, Rachael Brown, Murray Krugman, Mary Dodd, Cynthia Fine, Michael Leno, Christine Biolsi, Kelley Thayer (Clerk) and Russell Hodgkins (ZA).

1. Call to Order: Chris Potter (Chair) called the meeting to order at 6:30 P.M.

2. Adjustments to Agenda: None

3. Acceptance of Minutes: Oliver Brody made a motion to accept the minutes as presented from the December 6, 2021, meeting with Don Anderson seconding it. Hearing no discussion, the Chair called for a vote and the motion passed 4-0.

4. Communications and Public Comment: None

5. New Business: (Discussion / Action):

Application # 22-19

Anthony Perri & Elaine Ingraham – property located at 3338 US Route 5, are requesting to add a deck and handicap ramp to the old restaurant building. Also considered is a request for a planked fence (10' high) on the south & east sides of the Reed property. The application was heard with the review of **Section 311 Site Plan Review; and Section 445 Village District Zone; and Article IX Historical Preservation Overlay District.**

Ed Harty opened the Hearing reading the application and requesting that Anthony Perri discuss his proposals with detail. Anthony explained that he wanted to place a deck on the back of the brown house (formerly the restaurant) and a handicap ramp. Cynthia Fine asked if someone could tell her where the Route 5 side of the proposed construction was. Anthony explained that the ramp was on the Route 5 side of the building and the proposed deck was on the back of the building facing east. After no further questions regarding these two items on the application, Anthony started explaining the proposed fence and why he thinks this is necessary. Anthony told the Board that the height of the fence is negotiable. He didn't realize that this was going to cause such a problem. He has the boards and was just going to recycle them into a fence. Anthony explained that he didn't receive these letters that were in the packet before the meeting, so he was a little unprepared to respond. Anthony continued that he needs this fence as his neighbors are not being considerate of the boundary line that he had surveyed twice. The first time, Anthony claimed that Eli Reed pulled the stakes and declared that this was not the property

line and responded that Anthony cut down his trees. Also bearing evidence on the need for a fence was the fact that a pond was dug both on the Reed's property as well as Perri's by the Reeds. Anthony continued that he, multiple times, requested that the pond be filled in and moved to a new location on their own property, but they refused. Anthony continued that he also has issues with the Reed's dead trees that keep falling on his land. There is one right now that has hit his remaining portion of the former Motel. Eli Reed said that he was concerned that the fence won't preserve the green mountain views which is what Vermont is all about along with community. The Reed's offered to plant shrubs to show the property line between the two neighbors. Anthony mentioned that another reason he would prefer to build a fence is because there is trash that keeps blowing into his yard from the renters of the Reed property and felt that this would prevent this from continuing and furthering frustrations. The Residents were concerned that this fence was to cause annoyance, or otherwise called a "Spite Fence". Exhibits 4 & 5 (Vermont Statutes on Fences) were discussed and the resident's expressed concerns. Anthony once again said that the height of the fence is negotiable, and that this was not a Spite Fence but a Boundary Fence and felt that in these circumstances a fence was more appropriate than shrubs. Cynthia Fine hoped that this could be resolved another way so the fence won't block the view of the field. Christine Biolsi asked the Board that if the Reed's were willing to fill in the pond would there be a need for a fence? The Reed's stated that they are excepting the boundary lines but do not agree with the fence. There was continued discussion about a cosmetic fence such as a "Cattle Fence". Anthony said that he will withdraw the fence portion of this application "for now" until he can go over the State Statutes with his Lawyer and will revisit at a later date. Chris Potter, hearing no further comments, closed the application at 7:30 PM.

6. Unfinished Business: Russell Hodgkins (ZA) addressed the Board about the Ranney Farm application and the F.O.F's (Findings of Fact). He told the Board that if everyone is in agreeance with the presented documents that he would need the F.O.F's approved by vote and signed for the Ranney Farm Application. Russell told the Board that it was brought to his attention that on Page 4 the phrase "Permitted Use" s/b "Conditional Use". Russell changed this to read correctly and that copy was given to the DRB Clerk to be signed upon approval. Chris Potter approved the F.O.F. for the Major Sub-Division for the Ranney Farm, which is in care of Peter Shumlin, application # 21-70, Parcel # 014037.000. Ed Harty Seconded. This was approved 4-0 with Tim Harty verbally excepting over the phone with the ZA at 3:15 pm on 01/03/2022.

7. Other Business (Discussion / Action): None

8. Date of Next Meeting: Monday, February 7, 2022 at 6:30 PM in the Town Hall if a new application is received.

DELIBERATIVE SESSION: Upon coming out of Deliberative Session at 8:00 PM, Ed Harty made a motion to approve the deck and handicap ramp construction as presented and accepted the withdrawal of the fence construction from the application, which was done by the Owner, Anthony Perri. Chris Potter seconded the motion and it passed 4-0.

9. Adjournment: Don Anderson made a motion to adjourn at 8:14 PM with Oliver Brody seconding. The motion passed 4-0 and the meeting was declared over by the Chair, Chris Potter.

Signature of Clerk

Date

Prepared by Kelley Thayer & Russell Hodgkins

(Note: These are unapproved minutes. Corrections, if necessary, will be found in the minutes of the next DRB meeting.)