

**TOWN OF WESTMINSTER
DEVELOPMENT REVIEW BOARD
August 1, 2022**

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

Others Present: Anthony Perri, David Walter, Mary Dodd, Murray Krugman, Nancy Dalzell, Jonathan Whitman, Rachael Brown, Peter Biolsi, Cynthia Fine, Peter Terrell, Patricia Terrell, Addie Terrell, Donna Dawson, Richard Foley, Pamela Long, Chris Harlow, Peter Lefcort, Kelley Thayer (Clerk) and Alison Bigwood (Interim 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: Tim Harty made a motion to accept the minutes as presented from the June 6, 2022, meeting with Oliver Brody seconding it. Hearing no discussion, the Chair called for a vote and the motion passed 5-0.

4. Communications and Public Comment: None

5. New Business: (Discussion / Action):

**Application # 22-33
22-34**

Application #22-33 & 22-34 David Walter (Owner & Applicant)) properties located at 545 & 575 Daigel Road. The Applicant is requesting a Minor Subdivision on both properties with a Lot Line Adjustment and the R.O.W to be moved to an existing location. This Application will be reviewed under **Section 311 Site Plan Review; Section 447 Rural Residential District; Article VIII Subdivision of Land (Minor Subdivision);** of the adopted 2017 Zoning Bylaws.

Tim Harty opened the Hearing reading the application and requesting that David Walter discuss his proposals. Mr. Walters wants to sub-divide an acre from his family property and add it to his property. Mr Walter's approached the DRB members table to give a brief description of the exhibit map of his property provided by DiBernardo and Associates. He showed the DRB that the driveway and right away to the properties would be combined to follow the existing driveway. He also explained the lot line adjustments that were made on the survey map. He explained that the lot lines were also changed to clean up boundaries and angles of the old lots. For the most part he simply explained the survey map, so the DRB members were clear on the description. The Board received a letter from both David Walter and Anthony & Rosemary Vastola stating their knowledge and agreement of the 80' setback vs. the 100' setback it should be and are both okay with that. (Letters are in the zoning files). Hearing nothing further, Ed closed this application # 22-33 & 22-34 @ 6:43 pm.

Application # 22-35

Application # 22-35 Anthony Perri & Elaine Ingraham (Owner & Applicant) property located at **3366** US Route 5. The Applicant is requesting to renovate the building (Brown Building) into a Child Care Facility. Application will be reviewed under **Section 311 Site Plan Review; Section 445 Historic Village District; and Article IX Historical Preservation Overlay District** of the adopted 2017 Zoning Bylaws.

Don Anderson opened the hearing reading the application and requesting that Tony Perri state his intentions and proposal for the “Brown Building” (Old Restaurant). Tony Perry told the DRB that he would like to turn the Brown Building into a Child Care Facility. Tony feels the location is ideal, but he said he was also approached to use the Brown Building for an Elder’s home. Tony stated that there are programs available for funding for the Child Care. He would plan on Monday – Friday only. Mary Dodd asked Tony what the capacity of the building was for Child Care. Tony stated that he believed it was 35 sq. ft. per child. Don read from the bylaws and wanted to make Tony aware that he would need legal permitting from the State. Cynthia Fine asked if Tony had been in touch with other childcare facilities. Mary Dodd asked Tony if he would need a fence for the Child Care Facility. Tony said yes but it will be up to the Child Care Provider. Peter Terrell told the DRB that Holly from SEVCA said that they didn’t have a waiting list and still have spots available. Peter & Patricia Terrell stated for the record that they were opposed to the idea of a daycare next door. Don stated that every Abutter has a right to appeal. Chris Potter stated that the Village District Zone does allow a Child Care Facility as one of it’s permitted uses. Chris read the permitted uses from the 2017 Zoning Bylaws.

B. Permitted Uses: The following are permitted by right:

- | | |
|-------------------------------|------------------------------------|
| 1. Agriculture | 7. Minor Subdivision |
| 2. Forestry | 8. Accessory Uses |
| 3. One & Two Family Dwellings | 9. Child Care Home |
| 4. Bed & Breakfast | 10. Group/Residential Care Home |
| 5. Professional Office | (serving not more than 8 persons – |
| 6. Cemetery | see Section 616) |

Chris Potter stated that before we move forward on this application, that more research needs to be done. Tony Perry stated that he will get them any information they will need.

The HRB was okay with all the outside renovations being proposed:

*With regards: OLD RESTAURANT BUILDING: **HRB RESPONSE***

“all approvals that exist as per previous permits

*removal and replacement of 3 pressure treated wood steps with precast concrete units. **Not a concern***

*repair and replace exterior rotted wood and trim and re-paint building existing colors. **Repairs permitted***

paint roof existing color. *Repairs permitted*

repair and replace exterior glass structure with new materials. *I clarified this, he is replacing the old glass panels with new ones. Repair permitted*

installation of mini split hvac system. *Not a concern* “

Hearing nothing further, Don closed this application # 22-35 @ 7:13 pm.

Application # 22-36

Application # 22-36 Anthony Perri & Elaine Ingraham (Owner & Applicant) property located at **3338** US Route 5. The Applicant is requesting a minor subdivision & renovation of the existing framed structure into a Bed & Breakfast. Application will be reviewed under **Section 311 Site Plan Review; Section 445 Historic Village District; and Article IX Historical Preservation Overlay District; and Article VIII Subdivision of Land (Minor Subdivision)** of the adopted 2017 Zoning Bylaws.

Chris Potter opened the hearing reading the application and requesting that Tony Perri explain to the DRB his intentions and proposal for the “Old Motel”. Tony stated that his plans for the existing framed structure was to turn it into a Bed & Breakfast. Tony had provided some plans when he turned in his application that showed his renovation intentions for the new proposed Bed & Breakfast. Tony was also requesting to sub-divide this piece solely, which stood on approximately .50 acre. Chris Potter said that this is a .50 acre shy of a permitted lot size and in circumstances like this you must prove a reason or a hardship for this variance and in most cases this is not an easy task to prove the hardship. Murray Krugman had submitted some detailed paperwork for the DRB before the hearing. (This can be viewed in the Town Office). During the hearing Murray submitted additional documentation to the DRB outlining his opinion of the above applications and waivers/variances he felt were necessary to complete applications 22-35 & 22-36. Chris Potter accepted this documentation into the record as written by Murray Krugman.

The HRB gave the DRB there opinion for this application requesting the renovation of the “Old Motel” into a Bed & Breakfast. The recommendation was as follows:

*“With regards: OLD MOTEL BUILDING: **HRB RESPONSE:***

*removal of existing pressure treated exterior decking in certain areas. **Not an HRB concern***

*remove existing asphalt curbing. **Not an HRB concern***

*add decorative columns as per drawing. **We looked at these on the design submitted and approve of them***

new metal roof (green), We are ok with a green metal roof, mostly because it's not an 17th century historical building

new double hung windows in existing openings(vinyl replacement) Not an HRB concern

build deck off back of building's French door. We do not believe this would have an effect on the view from Main Street

plant shrubbery around building. Not a concern

2 new entrance doors (one large, one smaller) Not a concern

add siding to the entire structure with horizontal clapboard (white) Easy approval as this would be original siding

remove and replace existing soffit(white), repair same is permitted

installation of mini split hvac system. Not a concern"

Hearing nothing further, Chris closed this application # 22-36 @ 7:35 pm.

6. Unfinished Business: None

7. Other Business (Discussion / Action): Foley / Long Appeal

The DRB heard the appeal to permit 23-04, in which an Abutter opposed the building of a home on Bump Road due to concerns that they would be building in a Ridgeline and Agricultural Overlay zone. The DRB has determined that the applicants are not in the current overlay boundaries in question (Ridgeline and Agricultural Overlays). The DRB approves/upholds permit 23-04 with no restrictions.

The DRB upheld the Foley/Long permit unanimously, Tim Harty made the motion and Ed Harty seconded it and it passed 5-0.

8. Date of Next Meeting: Tuesday, September 6, 2022 at 6:30 PM in the Town Hall

DELIBERATIVE SESSION: Upon coming out of deliberative session, Tim Harty made a motion to approve David Walter's application as requested and a motion to grant a waiver for the 80' setback, Ed Harty seconded and the motion passed unanimously 5-0.

Tony Perri's application # 22-35 for the renovation of the "Brown Building" into a childcare facility as stated was approved (renovation only) but will need more information on state requirements for the childcare facility and parking in order to proceed with the childcare facility as requested. The DRB is requesting that Tony get this information and resubmit his application for the childcare facility. Tony Perri's application # 22-36 was not adequate for the proposed plan. More information is needed by Mr. Perry and a new hearing will be needed to move forward on this proposed application to turn the "Old Motel" into a Bed & Breakfast.

9. Adjournment: Chris Potter made a motion to adjourn at 8:41 PM with Don Anderson seconding. The motion passed 5-0 and the meeting was declared over by the Chair, Chris Potter.

Signature of Clerk

Date

Prepared by Kelley Thayer

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