Town of Jericho
Development Review Board
Jericho Town Hall
Thursday, June 9, 2016
Approved June 23, 2016
Minutes

Members Present:	Barry King, Jeff York, Joe Flynn, Bruce Jacobs, Stephanie Hamilton
Members Absent:	None
Guests:	Katherine Sonnick (Town Planner), Amy Richardson (Secretary), Dean Davis, Krystal Shattuck, Diane Davis, Ann Squires, Dennis Hill, Paul Gillespie, Roberta Gillespie, Stuart Alexander

MEETING AGENDA

- A request by The Jericho Historical Society for Conditional Use approval for a change of use. The applicant is proposing to convert 1,360 square feet of space to commercial (personal, professional services, <3,000 square feet) from institutional (preschool). This parcel is located at 5 Red Mill Drive in the Village Center Zoning District.
- A request by Dianne Davis for sketch plan review of a two lot subdivision, and conditional use review to construct a driveway within the River Overlay District. This parcel is located at 89 Raceway Road in the Agricultural Zoning District.
- Approve minutes from May 26, 2016.

Mr. King called the public meeting to order at 7:01 p.m. He read the warning. He asked the members to disclose any conflicts of interest or ex parte communication. There was none. Mr. King read the Interested Persons Law. The public was sworn in at 7:05 p.m.

1. **A request by The Jericho Historical Society for Conditional Use approval for a change of use. The applicant is proposing to convert 1,360 square feet of space to commercial (personal, professional services, <3,000 square feet) from institutional (preschool). This parcel is located at 5 Red Mill Drive in the Village Center Zoning District.**

Applicant's Presentation

Ms. Squires stated the Jericho Historical Society owns the building at 5 Red Mill Drive, which has been a preschool. She said we did not renew their lease for several reasons, but the main one was we were concerned about the leach field. She said the new regulations in the State are going to make it very difficult for us to put in an additional leach field and we are now on our auxiliary leach field. Ms. Squires said we would now like to use the building for a professional office, or something with two, three, or four people in it so the septic system would have a lot less pressure on it. She said that is the gist of it.

Mr. King said I see in application that it is 1,360 square feet is the amount of space. Ms. Squires said that is exactly what we would rent. She noted there is an upstairs, but the upstairs cannot be rented because it is not handicapped accessible and it does not meet the fire codes. She stated we are not making any changes to the building at all, other than we painted the walls. Mr. King asked if she had

seen the staff notes and if there was anything else she wanted to cover. Ms. Squires responded we have gotten approval from the Fire Department and the resource board had no concerns.

Board Questions

Mr. Flynn said you talked about the septic system and a change of use. He said I understand it is definitely going to be less impact on your septic. He stated part of the package we got included a project review sheet; typically, when there is a change of use you at least have to notify wastewater. Mr. Flynn said I know you are using less, but I see that it is checked off no. He asked if this has been fully reviewed. Ms. Squires responded it has, I have a copy from the State. Mr. Flynn said I am looking at the same thing. Ms. Squires stated I spoke with Jeff. Ms. Sonnick clarified it was Jeff McMahon. Ms. Squires said he took it to their Board and they said as long as we were reducing it, that it did not need to go to the State. Mr. Flynn said I have seen cases where even though it was a reduction, a change of use requires an amendment permit. He asked regarding the access, whether they have deeded access over lands of the, noting I cannot read that very well. Ms. Squires responded we have a right of way over that first 40' or so. She added that one person owned whole area and when they broke it apart, they sold the back part with a right of way to it. Mr. Flynn clarified they have deeded access to this. Ms. Squires agreed.

Mr. King asked how many parking spaces do you have available that are for this use in the parking lot. Ms. Squires responded the school used about 20 or 25 in the back. She added the Winooski Park District shares the lot, noting they do not have any control over it or do anything. She said we allow them to use the lot and anyone that wants to walk in the park uses the parking lot. Mr. King clarified they have permission, asking if there is a formal arrangement with who uses what for parking. Ms. Squires responded no, it just always has been used. She stated I have not seen anything in any of the records; I think Blair Williams was responsible for that agreement, but I have never seen anything about it. She said we take care of the parking lot, plow it and everything. Mr. Flynn clarified there is nothing formal in regards to shared maintenance and so on. Ms. Squires responded no.

Mr. King asked if there are designated handicapped spaces in that parking lot; it was not clear from the staff notes if there are. Ms. Squires responded there have never been, but there should be. Mr. King stated I believe that it is required. He said I think it does need to be done, noting it is not difficult to comply with. Ms. Squires said the school never was required to do so. Mr. King said the regulations might have been different at some time in the past; I just know what they are now. Ms. Squires said the school had put up reserved parking for some of their staff, but they never reserved parking for handicapped. Mr. King stated you should just expect that is one conditions of the use changes that it has to be done because it is a standard thing in our regulations. He said the use is classified as commercial professional services less than 3,000 square feet and there are a certain set of rules that apply to that; one is how many parking spaces. Ms. Squires responded we really should do it, but they kind of governed where they parked. Mr. King said this new use will have that condition. Ms. Squires stated that is a good idea.

Ms. Sonnick said the only other thing would be that when you look in the regulations, the reason why this is conditional is not so much the use, but the location. She said that is considered to be a minor road because it is not right on Route 15. She stated because this has been heavily used in the past as a daycare, there is not much concern really, but the regulations require the conditional use review. Ms. Squires noted there has been a yield sign put up on one side, so there is some regulation. Mr. King asked her to explain more about what that is. Ms. Squires responded that as you leave the parking lot there is a State regulated sign that says, "drivers leaving yield to oncoming traffic". She said there is

a stipulated pattern. Mr. King asked at what intersection. Ms. Squires said it isn't really an intersection, it just narrows in the parking lot. She indicated the location on the map, saying two people can easily get through unless there is a delivery truck or something. She stated there is now a sign there that says yield to oncoming traffic, which has not been there until two years ago. Mr. King clarified that is to regulate the pinch point at the narrow point in the driveway near the Mill. Ms. Squires said yes, just at that narrow section, then it widens out again. Mr. King stated just to be clear, there is no anticipated change in the use of the Mill, the craft shop, or its parking area. Ms. Squires said no.

Mr. York asked if there is any request for signage on Route 15. Ms. Squires stated we have the sign up there and there is a blank on that which would be filled in by whoever. Mr. York asked about the number of tenants that might be out there. Ms. Squires responded one, just the downstairs; same footage rented before.

Public Comment
Mr. King asked if there are any letters for the record. Ms. Sonnick said the following were submitted as part of the application: a letter from the Fire Department; the water district; and the State review sheet where they said they didn't need permits. Mr. King said the assumption is the flows are lower, so a wastewater permit isn't needed. Ms. Sonnick agreed, saying once they would get our permits, they need a couple of other permits. She stated they are typical things: for fire safety, public health, which is what they already submitted to us.

Mr. King said we don't do commercial very often. He asked Ms. Sonnick about how those other permits interlock, noting we are not being asked to do a building permit at this point. Ms. Sonnick said often times it makes sense to have these sorts of things tied in with the Certificate of Occupancy, so if they are doing some sort of fit up they would be able to do that process before the Certificate of Occupancy and State inspection. Mr. King and Ms. Sonnick discussed the process further.

Public Comment
Mr. King explained the public comment process.

Mr. Alexander stated I expected to hear a discussion about traffic and about the character of the neighborhood; are those not criteria. Mr. King said I will take that as a question. Since there was no further comments, he closed public comment. He said there was question about the review criteria for traffic, traffic flows, and whether a traffic study is triggered by criteria. Mr. King asked Katherine to discuss what was included in the staff notes. Ms. Sonnick stated the DRB can determine if the traffic generated, or patterns of access or egress will cause congestion or hazard or detriment to the character and they may request a traffic study. She said since the low impact of that type of development, with up to four personnel working there, it is a lower number than what was there with the daycare. She stated the applicant had said there were staff and up to 35 students at the school previously and that operated well, without problem. Ms. Sonnick said this is a reduced number; that low number doesn't trigger the need for a traffic study either.

Mr. King asked if we know what the standard calculation would be for trip ends for something of this size. He noted it is four staff, plus clients. He asked if there is some calculation we could do for that. Mr. King said in any case, the staff had done an analysis and the number of trips are very low compared to before, so it was set aside as a nonissue. He said we didn't cover that in the hearing, but that is the answer to the question.

Mr. Flynn noted there was also a question about character. Mr. King stated there is a criterion about character. He asked Katherine to respond. Ms. Sonnick said that was covered as well, specifically looking at the surrounding area. She stated it is within the Jericho Corners Village Center District, which has other commercial uses, restaurants, shops, and residential; it is a mixed use area. She said a use like this is one that is encouraged for this part of Town and any of our village centers. Ms. Sonnick said being a small business, as opposed to a large business, also fits in with the character. Mr. King said the criterion, what we intend to do is go back and look at the purpose of the District as described in the Plan, as opposed to the regulations per se, and the purpose of the Village Center District where this is located. He said it includes offices, small commercial, mixed with the existing residential uses. He said in the review we noted that it is in keeping with the purpose of the district. Mr. King asked the DRB members and Ms. Sonnick if any other questions; there were none.

Mr. King closed the hearing. He explained the applicant would receive a decision within 45 days, noting it is usually sooner.

2. A request by Dianne Davis for sketch plan review of a two lot subdivision, and conditional use review to construct a driveway within the River Overlay District. This parcel is located at 89 Raceway Road in the Agricultural Zoning District.

Applicant's Presentation

Ms. Davis introduced herself and Ms. Shattuck, her daughter. Mr. Davis said they are just trying to divide the land my brother previously owned; it is Davis and Davis really. Mr. Hill stated he is the attorney for the Nelson Davis estate, saying Paul and Roberta Gillespie are the executors and the sole beneficiaries of the estate. He said we are here to get some feedback from you and make sure there are no red flags with what we would like to do. He stated Dean is correct this was established by Foster Davis. Mr. Davis clarified Foster Davis split the land, saying I got the main part of the land and my brother got the other parcel on Raceway Road. He said the intent originally was to give them two equal halves, but my brother wasn't too hot about splitting it up, so it never got split. He said it stayed this way for the last 35 years.

Mr. Hill stated at one time there was even a partition action in the court, but that got withdrawn and never got resolved. He said now Nelson has passed away and we need to try to resolve this. He said this is a plan we think provides for not a big subdivision up there, it is just two lots; one where Diane is already living. Mr. Hill said the estate paid for Warren Robestine to do this complete survey because there was never a good, complete survey. He said we now have that and information as to where her septic field is located and the replacement field is, the well, and the information that we basically need to come before the DRB. He said we have the survey and we are here tonight to see what concerns we have to address as we go forward.

Mr. Hill said we are not proposing any new access; we are going to have a shared driveway for just a little bit, then a right of way across Diane's land to get to our lot. He stated I think there is an issue of whether we are short just a few feet of frontage on the road for this district. He said whether that is something we can resolve with the Town and proceed, we would like to know and whether our approach is a reasonable approach to allow. Mr. King stated I was trying to establish who owns this and who are applicants, as opposed to interested parties; trying to follow our rules of procedure where we ask the applicant to explain the application. Mr. Hill responded there are two owners of this property, Diane Davis and the Nelson Davis estate are co-owners. Mr. King said I understand you are representing the estate. Mr. Hill agreed. Mr. King said obviously Diane can represent herself; the two of you are the present owners of this parcel. Ms. Davis said I guess that is the way you put it.

She stated it has been surveyed, but it hasn't been divided. Mr. King said I understand that is where we are; we are talking about doing a subdivision to create two lots which are separate from the one lot which is now one lot owned by two parties. Ms. Davis agreed. Mr. King said I am just trying to get this in the record as getting it straight; that is why we are here. He asked if there is anything else that either of you would like to say. Mr. Hill stated it is fair to say, that we are both as co-owners in agreement with the concept of the subdivision as shown on this plan. Ms. Davis agreed.

Board Questions

Mr. King said first of all let's talk about the frontage issue. He stated this lot is a nonconforming lot, is that fair to say. Ms. Sonnick agreed. Mr. King said it is nonconforming in that it doesn't have the amount of road frontage that a separate lot ought to have in this district by the present regulations. He said I don't see a proposal to fix that. He clarified what you are asking to do is create two nonconforming lots from one nonconforming lot I think. Mr. King said they are nonconforming with respect to road frontage. He said the way that you have drawn them, if I understand the proposed subdivision line, neither of the proposed lots meet the frontage requirements. Mr. Hill said no because the whole lot itself doesn't meet the frontage requirements.

Ms. Sonnick stated that is approximately 353 feet currently of frontage. Mr. Hill said we are basically seven feet short for one lot. Mr. Flynn asked if we have a date when this was originally created; how this lot was created; and what the history is behind it. Mr. Davis responded in 1964, it belonged to the episcopal diocese. He said my grandfather leased the land from the diocese and then my father purchased it from the diocese in Burlington. Mr. King clarified the whole part. Mr. Flynn said the 64 +/- acres. Mr. King explained that sketch plan review is less formal.

Mr. Flynn clarified the creation of this lot predates Jericho zoning. Ms. Davis agreed. Mr. King said the subdivision of this 31.68 +/-, split off from the 60 +/- from the original purchase. Mr. Davis stated it is still the 60 acres; they want to split it in half. Mr. Flynn said from my point of view, it is a lot that is nonconforming that was created before Jericho regulations. Ms. Sonnick said if we are talking about the 40s, yes; zoning came into effect in the 60s. Mr. Flynn stated we should know that. Ms. Sonnick said I don't know if it is on there or not. Mr. King and Mr. Flynn looked at the plan, trying to find the date.

Ms. Sonnick said if it does pre-date zoning, like we think it does, we could use those regulations that were in effect for the required frontage. She stated since there were no regulations, there was no required frontage at the time. Mr. King said however, the present regulations do tell us not to make a nonconforming use more nonconforming. He said when we have done subdivisions in the past, there have been some that were front back subdivisions where there was frontage and it was divided, with a right of way that connects the back lot through the front lot. He stated that forms a lot with frontage and a back land lot with no frontage, but with access. Mr. King said my understanding is that that is conforming.

Ms. Sonnick noted that under Section 5.2 you can permit a lot with no frontage. She said doing what you are explaining, you are not making the existing lot less conforming because you are not reducing the frontage. She said that does have the benefit of being closer into conformance for the one lot. Mr. King said I am just trying to figure out how it could be configured so that it wasn't more nonconforming; it was at least as nonconforming as it is now. He noted it is almost in conformance now.

Mr. Flynn said the location where he shows existing driveway, is there an existing farm road there, or a reason you picked that location. Ms. Shattuck stated mom currently lives in a trailer on the land; she already has that driveway and that turnaround. Mr. Flynn said there is a 12' driveway easement to benefit Lot 2, so it is access over Lot 1 to Lot 2. He said my question is whether there are other options to reach Lot 2 besides that path. He asked if there is a reason that path is chosen. Ms. Davis responded there is no other option; that is the only way. She said the part through my driveway and the section he had put off for their driveway; there is no other way you can do it because there are houses behind that own land on this side and the Foothills are on my side. Mr. Flynn clarified there are no other options. Ms. Davis agreed.

Mr. Davis noted it is right next to the bridge. Mr. King said we are familiar with it, but it is not in the record because it is not on the plat. Ms. Sonnick noted there is the River Overlay District in the front as well, which would limit the placement of a driveway in that area. Mr. King said it is not easy to see, but it is in the staff note picture. Ms. Sonnick indicated the location of the River Overlay District on the map. Mr. King asked am I understanding correctly that along that diagonal front portion there, that there are a bunch of small house lots along Raceway. Ms. Davis agreed; also on the other side there is a bunch of small houses that go up beside it. Mr. King clarified on the Foothill side. Ms. Davis agreed, discussing the property and neighboring lots.

Mr. King -just looking on the plat, there are a ton of abutters on both sides of the property. Mr. Flynn said I am just wondering why you can't have an access easement across it. Mr. King agreed; that is what I was suggesting, rather than establish this narrow strip. Mr. Flynn said the question Barry and I have is what is the necessity of keeping that narrow strip; the angle point where the easement is ending, why can't we square it off and have an access easement across this. He said then there is just an easement over someone else's parcel. Mr. King stated you actually show a proposed easement as well as the deeded strip, which is what we are trying to figure out. He said if you have an easement anyway, why is it not just straight across. Ms. Davis responded because of my septic.

Mr. Flynn said no, our question is if the lot line went across there, if Lot 2 had no frontage and the whole frontage stays in Lot 1. Ms. Sonnick said this would remain for access; since you are not using this anyway. Those present discussed the matter further. Mr. Hill stated I think the purpose was to get mathematically equal sized lots. Mr. King said right, you could move the line around to do that. He discussed how the lots could be reconfigure to ensure equal sized lots. Mr. Hill said they may have thought there needed to be frontage on both lots. The DRB members discussed how the lots could be divided differently.

Mr. Flynn said right now, if we take away that narrow strip from Lot 1 and put it in Lot 2; we are really holding as close as we can to the dimensional standards for this district, discussing how that could be accomplished. Ms. Davis asked if they are still going to use the same driveway to come in. Mr. King responded they have to because of the river overlay; the position of the proposed driveway and the easement for it would pretty much have to be there. He said the question is about the long narrow strip of land between the easement and the Lieberman parcel on the left-hand side of the parcel. He stated it doesn't need to be part of Lot 2 to make Lot 2 possible; it could be left as part of Lot 1. Mr. King added the regulations prefer simpler shapes. He said if you did that it would move some amount of acreage across and you would have to move the lot line a small amount to get it equal again. Ms. Davis stated that is okay with me to lose some of the back

Mr. King said if you propose to do it that way it would meet the regulation more closely because it would leave the proposed Lot 1 with as much road frontage as possible, the amount that it has now. He noted Lot 2 would have no road frontage, but that is allowed as long as there is a deeded right of way. Mr. Flynn said in the future if you wanted to get one more lot off from Lot 2 you could still use that access, correct Katherine. Ms. Sonnick agreed. Mr. King said the regulations do anticipate a re-subdivision in the future and the lot layouts accommodate that. Mr. Flynn asked Katherine two or three. Ms. Sonnick responded two. Mr. Flynn asked whether the existing house counts as one. Ms. Sonnick stated a maximum of two lots without road frontage may be served on a private driveway; it doesn't count that one. Mr. King said with the road frontage rules, Lot 2 could in the future be further subdivided as long as the smaller one was at least 10 acres, under the present regulations.

Mr. York clarified that easement would have to be 30'. Mr. King asked about which district this parcel is in. Ms. Sonnick responded agricultural. Mr. King said I thought Foothills was in village. Mr. Flynn said the line runs along it. Ms. Sonnick displayed the district map. Mr. King discussed how the districts were established. Mr. Hill clarified the right of way has to be 30'. Ms. Sonnick stated yes, a permanent easement or right of way of at least 30' in width. Mr. King noted you don't have to do anything to the current driveway, that is a different question. Ms. Davis said not a shared driveway. Mr. King stated the very little bit from the curb cut would be. He said it looks like you have got it essentially forked right at the curb cut. He said I don't think there is any rule that says that is not okay; as long as it is essentially one curb cut. Mr. King said doing a second curb cut requires a road access permit, which is really a road curb cut design permit, and I suspect they would not want to do that. He stated there is no reason to split them. Mr. Flynn and Mr. King discussed the reasons.

Ms. Davis asked do I have to pay to maintain their part too. Mr. Davis said it is maintained to whoever's part it is. Mr. Flynn stated there would have to have documents drawn up in regards to maintenance and care of that. Mr. Flynn said you can decide how to prorate it. Mr. King stated there needs to be an agreement, but it doesn't have to say it is equal. Mr. Flynn said Jeff was right, the easement has to be 30'. Ms. Sonnick agreed, saying the driveway can be 12' or whatever you choose, but the easement has to be 30'. Mr. King noted the driveway has to be at least 12' to meet the public works standards for a driveway; to get a fire truck up it.

Mr. Flynn asked whether there is no intention of developing, no house going up on the lot. Mr. Hill responded that has not been decided. Mr. Flynn said if you do subdivide, you will have to have a deferment in the Lot 2 language for the septic. Mr. Hill agreed, for the State, saying for the house they would have to meet the State rules for the sewer and water. Mr. King stated specifically what has to happen is there is language that has to be in this subdivision plat which describes Lot 2 as having deferred septic design. He said what that means is that the buyer of Lot 2 has no guarantees that there is in fact any location where a septic could be. He said you may know or you may not know whether there is one, but if there is no permit than the language of the deed has to say there has been no design. Mr. King stated it is to protect a future buyer of Lot 2 from assuming because they have a legal lot that they can have a septic and it is undetermined whether there is or not; that is normal language for the deed. Mr. Hill clarified it is required by State statute. Mr. King said that is correct.

Ms. Hamilton asked to see the map that shows the overlays. Ms. Sonnick displayed the map, saying this is very confusing because there is a lot going on. She described the natural resource and wellhead protection overlays. She said essentially two and three allows development, no hazardous materials, that kind of thing, so that is not too much of a restriction. Ms. Hamilton asked whether

they allow a leach field in two and three. Ms. Sonnick said when you look at the general uses it doesn't mention that at all. Mr. Flynn asked isn't that up to the State. Mr. King said I wonder if the regulations don't mention it because it is a separation distance issue in the State wastewater rules. He said that is a concern in that area. Ms. Sonnick added there is a section that talks about conditional use standards, but I don't believe this would fall under that conditional use review. Mr. King stated certainly not the present application.

Mr. Flynn asked if there is an approved wastewater permit for the trailer. Ms. Davis responded it was done before when I put my trailer in; it was done; you can check. Mr. King said I think where Stephanie is going with this is the wellhead protection. Ms. Hamilton asked if there are restrictions on subdividing it. Mr. King noted it is likely that one or more representatives of the Foothills homeowner's association will come to the hearing with concerns about their well. He discussed the separation distance rules and the impact on the septic design, noting it is under the State's purview. He discussed the matter further with Ms. Davis.

Ms. Sonnick pointed out a little bit more about the river overlay, saying it is not a problem to subdivide along the river overlay. She said any sort of development, including an access drive is going to need a little bit more looking into to see how that encroachment can happen, saying that is in the staff report. Mr. King asked her to blow that up a little bit so we can see where the proposed access is in relation to the river overlay. He said it looks like it is right along the edge of it. Mr. Flynn stated I wonder if you will need an engineer to look at the design and the grades and so on. Ms. Sonnick noted it is this striped area. She and the DRB members discussed the location of the proposed driveway and the River Overlay District.

Mr. King said the question at sketch then is whether that meets the criteria for the waiver into the River Overlay District. He said you are not allowed to build a driveway in the River Overlay District, which is the rule. He said we can waive the rule under certain conditions and they are in the regulations. Mr. King noted one of them is that you make the minimum amount of encroachment possible to do what needs to be done. He said when you make the plan and place the right of way; you will want to make sure you do that so that there is a route for the driveway, which can make the requirements for the waiver. He and Ms. Sonnick discussed the matter further.

Mr. King said the design of the driveway and the stormwater runoff, no matter how minimal, have to be considered when it is this close to the river overlay. He stated that will have to be covered as part of the subdivision plan. Mr. York said normally if it is just a subdivision we wouldn't look at the driveway design at this point in the process. Mr. King and Mr. Flynn said it has to have access. Mr. Flynn stated that will force a site plan design, including an accurate map showing the location in relation to the River Overlay District and the impact on it. He agreed, normally this wouldn't be covered at this point, but the location is important in this area.

Mr. York said you can't really know where the easement is until you design the driveway. Mr. King agreed that it has to be within the easement anyway. He said to create the second lot, there has to be access; there has to be a place to put a driveway to that second lot that meets the regulations. He said in order to do that, it either has to not be in the overlay, which we can't do; or the driveway has to be partly inside the river overlay. Mr. King stated for a driveway inside the river overlay, there has to be a design with enough detail to show what the impact is, which usually that means a stormwater plan and exactly where the driveway is and how it is graded. He said it all has to be planned out and shown on the plan, so that we can determine whether or not it meets the regulations.

Mr. King discussed the matter further. Ms. Sonnick stated the regulations go into more detail about how to figure out how to not impact that river overlay, noting an impact study might need to be done. She said if you work with an engineer who is familiar with this, they will understand. Mr. King agreed, saying they can design it so that we can understand. He said there aren't any other big issues. He noted there are a lot of abutters, which is unusual but not a problem. Mr. Hill said it will be a large mailing list; we are not doing ten lots, we are talking two lots. Mr. King said that may reduce the amount of concern, but not the number of abutters; a lot of neighbors up there.

Ms. Sonnick said I don't think we uncovered any new concerns, maybe some good approaches. Mr. King explained the reason for sketch plan review. He said one other one that has come up in this district is the question of pedestrian easement along the road, adjacent to that area. He said do I remember right that it is this corridor. Ms. Sonnick responded yes, as a potential. Mr. King explained that along the not quite sufficient road frontage, we are probably going to ask for a pedestrian easement. He asked how wide is this road. Mr. Flynn stated it is a three-rod road. Mr. King clarified on a three-rod road we would want to do that, right. Mr. Flynn agreed, saying especially with the bridge. Mr. Hill asked if the bridge is temporary. Mr. King agreed it is temporary. Mr. Davis said they are going to put a concrete culvert in there to replace the bridge.

Mr. Flynn asked do you understand what Barry is talking about with the easement. Mr. Davis discussed the area, noting the issue of the ledge, saying the other side might be easier. He and the DRB members discussed how an easement might work in the area. Mr. Davis also discussed the changes in the road since he has lived there. Mr. Hill asked whether the easement is mandatory. Mr. King stated as part of the Town Plan there is a long term pedestrian plan and as properties come up for review, we are trying to put together that string of easements. Mr. Flynn asked how far we are on that evaluation. Ms. Sonnick responded I don't think we have any data from the scoping study. Mr. Flynn said we are letting you know it is a possibility and the scoping study will assist with the decision.

Mr. King stated when this application comes up will have to decide whether the study is completed or not. Ms. Davis said if you get that easement aren't you going to be cutting the land back for less acreage or frontage. Mr. King responded not for the lot size; it doesn't affect your acreage or frontage, but what it does is gives the Town permission to use that strip, usually 15', for a sidewalk. Mr. King stated I don't know how to resolve this. Ms. Sonnick said it is something to consider for final and maybe the study will be further along by the time they come back, so we will have a better idea if this is a suggested route. Mr. Flynn reiterated we are just making you aware that it could be a condition. Mr. Hill said that means that if the Town uses that easement, they pay to take the ledge down. Mr. King agreed. The DRB members and those present discussed what would be involved in creating a pedestrian path in the area.

Mr. Hill thanked the DRB, saying this was very helpful. Mr. King closed the hearing.

3. Approve minutes from May 26, 2016.
On a motion by Ms. Hamilton, seconded by Mr. York, the DRB unanimously approved the minutes from May 26, 2016 as amended.

The Development Review Board entered deliberative session at 8:17 p.m.

The Development Review Board adjourned at 9:40 p.m.