

September 21, 2021

Development Review Board Meeting

Minutes for public hearing before the DRB:

1. Continuation of Appeal of Zoning Administrators decision of Zoning permit #21-21 for Jennifer and Cory Getty's Building Permit on North Road September 21,2021

Board Members Present: Suzanne Stritzler (Chair), Krystal Jenness, Janet Young, Terrance Keating

Zoning administrator: Maurice Rathbun

Interested Parties Present:

Cory and Jennifer Getty – lot owners their attorney Jesse Bugbee Esq

Appellants attorney Laura Gorsky esq who has recused herself from the DRB.

Previous Evidence:

Town of Fletcher Access Permit dated 8/16/21 for 940 access

Town of Fletcher Access Permit dated 3/18/21 for 858 access

Zoning permit 2121 completed 8/9/21 approved 8/11/21 eff 8/26/21

Letter from Mark and Laura Weber dated 8/23/21

Letter from Cory and Jennifer Getty dated 8/27/21

Meeting was called to order at 700 pm, Cory and Jennifer were reminded they are under oath, Both attorneys were sworn in.

Discussion:

The primary issue for this meeting is appealing the issuance of the building permit by the zoning administrator due to concerns over the location of the driveway proposed on wastewater and potable water permit approved by the state (858) and the Getty's wish to use the old and previously established driveway at 940.

In Review The property is a 16.2 acre lot sold by Eva Lancaster to the Getty's on 6/1/21. Jesse Bugbee reviewed the deed included the 940 driveway and discussion ensued this was the driveway used by the Lancaster's when they were building their house. Laura Gorsky reviewed that the sale of the property included a State of Vermont wastewater system and Potable water supply permit #WW-6-3859 dated 4/6/21. The design included a proposed change of driveway location to 858. The Weber's/Lancaster are against the use of the old access at 940 (which was

approved by select board and town road commissioner) as they feel the view of oncoming traffic is obstructed by the ledge. Jesse Bugbee reviewed again the law around waste water permits and that the driveway is not a part of the permit. Should any changes to the well or septic location the Gettys have already been in discussion with the state and the engineer. Jesse reviewed that if the appeal was an issue related to safety of the driveway access the DRB has no jurisdiction over this and this appeal would have needed to be a civil action against the select board and filed within 30 days which was not done.

In summary no new information was presented at the meeting today that would suggest the Zoning administrator did anything wrong in his decision making. The DRB went into deliberative decision at the end of the meeting. The decision will be rendered as quickly as possible to the Getty's to allow them to finalize a building schedule.

This portion of the meeting was closed and the land owners and Appelant attorney left while the DRB discussed a few non related zoning issues with the DRB.

Submitted by,

Krystal Jenness