

FAIRFAX DEVELOPMENT REVIEW BOARD

November 4, 2015

8:00 PM – Request of Gabriel Handy, doing business as Sidon Pantry LLC, for Site Plan Approval of a triplex (three units) proposed to be built at 1126 Main Street.

Members Present: Jason Heyer, Nick Hibbard, Michelle Dufresne, Claude Rainville

Public Present: Gabe Handy, David Burke, Leebeth Ann Lemieux, Tom Fontaine, Randy Devine, Ivan Patry, Skip Taylor, Z.A.

8:00 PM- J. Heyer called the Hearing. Introductions were made, the warning was read, and parties were sworn in.

M. Dufresne stated that she works with Gabe Handy on projects in her professional career and asked if anyone had any issue with her remaining on this hearing. Nobody stated that they did.

David Burke of O'Leary Burke Civil Associates presented the plan for the Triplex. They are requesting re-development of a parcel with a conforming structure. The building is proposed to be 28'x54' and is approximately 43% of the size of the previous structure which consequentially should lessen the visibility impact that the previous structure had. It will consist of one, two bedroom units and two, one bedroom units. The existing driveway will be widened to 24' to meet regulations. The parking meets requirements. There will be stairs in the garage to go upstairs in the home. The garage will be illuminated by motion lights and the front porches will have canned lights. There will be green space between the front of the building and the Main Street sidewalk, and on the side between Unit 3 and Maple Street. The garbage will be at the end of the driveway like a traditional single family residence and the mailbox location will be determined by the Post Master. There will be a sidewalk located at the front of the building that will be connected into the Town's sidewalk. There also will be an easement provided to the Town should they need to incorporate the sidewalks into the Town's master sidewalk plan.

In regards to the water and sewer that is needed to service the building. **D. Burke** stated "There was a Wastewater Permit issued in 1996 for the Sanderson (should have been Shepardson) Block for two apartments, a bakery and an office. The flows for which were higher than these proposals. That permit remains valid. Per State requirements it remains valid for about another 6 months because it is 2 years or less that it has been removed, or so, unless there is a delay in the process. So this is somewhat a delay in the process and certainly any court proceedings would be a delay in the process. At the state level we received a concurrence and we included it in our submittal that we are ok to go."

D. Burke also stated "I understand that the Town has full jurisdiction and control of allocating water and sewer but they have no jurisdiction to take it back once it's been allocated and there is a valid permit." **D. Burke** states that his office feels that have met the requirements of Section 5.12 of the Fairfax Development Regulations and the project doesn't trigger an amendment to the State Permit.

Public Comment:

Tom Fontaine – Selectboard Chair – "As for the project goes as it is, we contest it. We have ongoing litigation with Mr. Handy and it's based on the allocations (water/sewer). So based on that we think the outcome of that could have a great effect on this project. Because it is in litigation I don't want to say too much more than that. Based on that, until we get some outcome or answers to it, we don't feel that you can do the project as it sits until we find out what those allocations will be."

J. Heyer responded that as long as it meets the criteria of the Fairfax Development Regulations the DRB must make their decision based on that.

L. Lemieux stated she agreed with Tom's statement.

I. Patry stated he had concerns over the right of way access to his property prior to speaking with **G. Handy**. **G. Handy** has gone on record stating that he will provide **I. Patry** with an easement to his property from the side using the driveway for the Triplex. **G. Handy** also agreed to provide an easement at the front corner of his property so that **I. Patry** could access the parking area in front of his residence. **I. Patry** stated he was happy to see something going up there.

Additionally, **G. Handy** expressed concerns over how he felt he was being treated by the Selectboard and Fairfax Water and Sewer Department.

8:50 PM- M. Dufresne moved to close the hearing and move to deliberative. **C. Rainville 2nd**. All in favor.

Respectfully submitted,
Amber Soter,
Planning and Zoning Administrative Assistant

Signed: _____ Date: _____

For the Development Review Board

These minutes are unofficial until approved at the next regularly scheduled meeting. All motions were unanimous unless otherwise indicated.