

**WESTFIELD DEVELOPMENT REVIEW BOARD HEARING
MINUTES**

December 3rd, 2024 @ 6:00 p.m.

Westfield Community Center, 59 North Hill Road

Town Officials In Attendance: Pat Sagui, Development Review Board Chair; Loren Petzoldt, Development Review Board Vice Chair; Ellen Fox, Development Review Board; Kitty Edwards, Development Review Board; Brian Dunn, Development Review Board; Will Young, Zoning Administrator; Niki Dunn, Development Review Board Clerk; Jacques Couture, Selectboard Chair; Richard Degre, Selectboard; LaDonna Dunn, Town Clerk

Others In Attendance: Anastasia Rousseau, Applicant; Cyrus Eastman, Applicant; Mike Piper; Rosemary Croizet; Gerard Croizet; Jan Degre; Kerry O'Brien, Vermont Land Trust (zoom), Ann Holdridge; Jennifer Grimaldi (zoom); Wayne Chalker (zoom)

- A. Welcome Participants:** Pat Sagui brought the meeting to order at 6:02pm. This hearing is a continuance regarding application 2024-19 for the property located at 922 Crawford Trail, which is in the rural agriculture district, brought forth by Cyrus Eastman and Anastasia Rousseau. The hearing was continued for the DRB to have time to find more information to make a decision.
- B. Admissible Evidence:** The admissible evidence from the first hearing is: Exhibit A – Information packet which includes the permit application, letter from Cyrus Eastman and Anastasia Rousseau, site visit summary from Wheeler Environmental Services, Eastman/ Rousseau Deed, Prue Deed, town maps, certificate of highway mileage 1990, certificate of highway mileage 2023, Crawford deed, Austin deed, photos of road work, letter from Dan Pepin Excavating and Trucking, letter from Wayne Chalker and Jennifer Grimaldi, letter from Dorothy Sheltra and Dennis Fournier, VT Statute Title 19, Letter from Beth and Joe Berchick, Town Attorney legal opinion. Exhibit B – Daigle Deed, Book 19 Page 364. Exhibit C – Book 17 Petition for Alteration of Certain Highways and Report of the Doings of the Selectmen, 1961. Exhibit D – Testimony from Rosemary Croizet as well as photographs and copies of newspaper articles from 1997 flood. New evidence submitted includes Exhibit E – Opinion from town attorney regarding right of way for Crawford Trail submitted after viewing additional information found in the Westfield land records.
- C. Interested Parties:** Parties who gave testimony separate from the applicants, DRB Board and Zoning Administrator were Jennifer Grimaldi and Wayne Chalker.
- D. Oath:** The oath was previously signed by Pat Sagui, Loren Petzoldt, Ellen Fox, Kitty Edwards, Brian Dunn, Cyrus Eastman, Anastasia Rousseau, Jacques Couture, Dennis Vincent, Richard Degre, Will Young, Rosemary Croizet, Gerard Croizet, Mike Piper and Tim Austin. The oath from the first hearing carries over to this hearing. During this hearing Jennifer Grimaldi and Wayne Chalker also took the oath.
- E. Questioning Period:**

Ellen read an email sent by Jonathan Croft at VTrans on November 14th. He noted that there is limited information on TH11 (Crawford Trail), although he did find where it was reclassified to a legal trail in 1987. He also noted that it does not show on the 1931 highway map, but it does show on the 1941 highway map. There are no documents in their files regarding width of the road or right of way. VTrans does not have a standardized width for legal trails, although there is a state statute that does note a standard width of 50 feet.

Ellen was looking into aerial imagery from 1962 and was able to find some, however it was not in a resolution where the road width can be measured. The map was viewed on a laptop by all people interested in seeing it. Town records show the road changing to a legal trail sometime in 1961/62.

Anastasia asked for clarification on the right of way opinion that the attorney submitted. Will explained that his interpretation of their opinion is that the entirety of Crawford Trail has a 50-foot right of way. He did note that there is nothing in the attorney's letter stating how far Crawford trail goes. Will believes Crawford Trail ends about 800 feet before the Eastman/ Rousseau property line based on his measurements.

Pat explained that barring further evidence or questions the DRB will go into deliberation. If the board comes to a decision tonight Will can let the applicants know the decision, however it does not become official until the Notice of Decision is published, which can take up to 45 days.

Loren motioned to go into deliberative session at 6:13pm and he invited Will Young, Jacques Couture and Richard Degre to stay. Kitty seconded.

Jennifer Grimaldi and Wayne Chalker asked for clarification on what the board is deciding tonight. Ellen explained that the board is deciding what the right of way is and whether they will be approving the change of use application. Jennifer explained that they own roughly 76 acres on Crawford Trail and would like to live there someday. The road is typically unsafe, and Cyrus has maintained the road well. She would like the board to consider them when coming to a decision as it is important to them as well. Pat questioned if they testified last time. Jennifer explained that they live in Ohio and were not able to attend last time. LaDonna gave them both the oath over zoom.

Ellen asked Jennifer and Wayne what their understanding is of the width of the right of way for their parcel. Wayne noted that in his deed they have right of way access and it lists Crawford Trail, he also believes it states a width. Ellen explained that she was curious what his understanding of it was. She questioned if he believes the right of way is for him only or for others to cross his property to access other properties. Wayne explained that he knows its deeded for them or they would not have purchased the property, he does not know beyond that. Ellen explained further that you may have access across a property but not the ability to maintain the access. Wayne noted that his lawyer explained that because it's a private road the landowners all maintain the road since the town does not maintain the road. He would like the road to be able to be maintained by the landowners to get safe access to all the properties on the trail. He wonders why if people have a deeded right of way and it's a private road then why can they not maintain it.

Rosemary clarified that Wayne referred to it as a private road, and it is actually a legal trail.

Wayne asked for clarification on whether the town maintains the trail as it is his understanding that they do not. Will explained that the definition of a legal trail in Vermont is a trail that was formerly a town road or created for the purpose of recreational access and is not maintained by the municipality, but the town retains the right of way that it travels over. Wayne clarified then that if a tree falls across the road, he has to remove it, but he can't put a tree across it. Will agreed with him.

The DRB went back to the motion and second and took a vote on it. Motion passed at 6:25pm. DRB entered deliberative session.

The board came out of deliberative session at 8:49pm.

Loren motioned to approve application 2024-19 subject to conditions concerning zoning bylaws 801 and 811 and an agreement with the selectboard regarding the legal trail. The notice of decision will have final conditions of approval. Ellen seconded. Motion passed.

Loren motioned to close the hearing at 8:51pm, Ellen seconded. Motion passed.

Kitty motioned to go back into deliberative session at 8:51pm to craft the notice of decision and final conditions, Ellen seconded. Motion passed. The board is in deliberative session until the Notice of Decision is finalized.

Westfield Development Review Board Approval

Date: _____ **with** _____ **change(s)**

Westfield Development Review Board:

X

Pat Sagui
Development Review Board Chair

X

Loren Petzoldt
Development Review Board Vice Chair

X

Ellen Fox
Development Review Board

X

Kitty Edwards
Development Review Board

X

Brian Dunn
Development Review Board

Minutes Respectfully Submitted by Niki Dunn.