

## WESTFIELD DEVELOPMENT REVIEW BOARD HEARING

September 2<sup>nd</sup>, 2025 @ 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

**Others In Attendance:** Dennis Partridge II (Applicant as VT Peak Properties), Pete Koutros (Applicant as VT Peak Properties), Shelly Pfenning, Kyle Blay, Deborah Blay, Durwood Blay

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- A. Welcome Participants:** Pat Sagui brought the meeting to order at 6:00pm. This hearing is regarding application 2025-10 for the property located at 232 Forest Haven Road, which is in the rural/ agricultural district, brought forth by Vermont Peak Properties. Before approval of the change of use may be granted the applicant must obtain Access by Right-of-Way.
- B. Admissible Evidence:** The admissible evidence submitted by the applicant is the permit application (A), realist.com map aerial view of the parcel (B), Warranty Deed from Westfield land records book 62, page 75 (C1 & C2) and a copy of a survey map (D). Evidence submitted by Deborah Blay is a letter from Deborah and Durwood Blay (E1 & E2), a letter from Dennis Partridge II and Pete Koutros to Deborah and Durwood Blay (F), Warranty Deed from Westfield land records book 29, page 191 (G1 & G2), Warranty Deed from Westfield land records book 21, page 364 (H1 & H2). Submitted at the beginning of the hearing by Pete Koutros was a right-of-way plan (I).
- C. Interested Parties:** Interested parties were applicants Pete Koutros and Dennis Partridge II as well as Shelly Pfenning, Deborah Blay and Kyle Blay.
- D. Oath:** Pat read the oath aloud and it was verbally agreed to by the applicants, Dennis Partridge II and Pete Koutros as well as Deborah Blay, Kyle Blay and Shelly Pfenning.
- E.** Pete Koutros explained that he and Dennis Partridge II are co-owners of VT Peak Properties and that company owns the property. Pete explained that they were here to show they have right-of-way access to lot number 8. They explained where on the survey map (D) each right-of-way was noted. They believe this survey map along with the deeds submitted prove they have right-of-way access to the property that is wide enough to warrant a change of use approval. Their future plan for the property is to replace the existing camp with a tiny house. Pat explained that this permit does not permit the building of the house or things like using the property as a short-term rental. To do any of those things they would need to submit another zoning permit.
- Will Young explained that he spoke with Road Commissioner Eric Kennison, and he did not feel an access permit was needed for the point where Forest Haven Road intersects Kennison Road.
- F. Question Period:**
- a. Ellen Fox questioned if the right-of-way is referenced in all the deeds along Forest Haven Road on the way to lot number 8. Pete noted that the deeds do all note a right-of-way and Will agreed that they do. One of the deeds submitted by Deborah Blay shows reference to a right-of-way for lots 10, 11 and 12.
  - b. Loren Petzoldt questioned why the right-of-way lessens in width as the road gets further towards the Pfenning property. Will explained that the way he interprets the survey map is that the intention was for a 50-foot right-of-way the entire length but the angle the property lines intersect with the road changed the right-of-way measurements on the survey map.

- c. Dennis noted that they are looking to hire a surveyor in the future.
- d. Ellen questioned if they would be improving the road. Dennis and Pete explained that they would like to maintain and upgrade the road so that it can be plowed in the wintertime. The road is currently partially grass and needs to be upgraded if used year round. It was noted that this is a private road and not subject to any Class 4 Highway or Legal Trail requirements.
- e. Deborah Blay, who is an abutting property owner, noted that there is ledge on both sides where the road meets her property. She is unsure how the road could be widened. She noted that there is ledge further along the road also. She noted that there is a telephone pole on the right-hand side at one point and a fence post that helps keep snowmobilers on the road and out of her field. There is a large hole in the field that she does not want snowmobiles falling into. From the fence post to the middle of the road is only 18 feet and she does not want the fence post moved. She also noted that she has to have her property hayed to keep her insurance. She owns property on both sides where Forest Haven Road enters off from Kennison Road. She wanted to make sure the applicants understood the way this could affect her property. Pat explained that the only thing the DRB can look at is if the applicants have right-of-way access. The DRB cannot oversee road maintenance for a change of use hearing. Management of private roads are an issue between all neighbors who share the right-of-way on the road. Deborah questioned how the change of use to year-round residential changes the road from a private road. Will clarified that private roads are not maintained by the town; they are maintained by all abutting property owners. Private roads have a shared right-of-way. Deborah questioned who maintains the road if this goes through. Will noted that all abutting property owners can maintain the road. She questioned what happens if she does not want to maintain it. Will explained that people with right-of-way access have a right to maintain the road but don't have to do so. It is an issue for the property owners to work through together.
- f. Kyle Blay felt that the right-of-way was only 25 feet, not 50 feet. He did not feel that the right-of-way was measured from center of the road according to the wording in the deeds. The applicants explained that they do not want to change the road layout, and that the snowmobile trail will be on the opposite side of the road from their fence. Ellen noted that the deeds read that there is 25 feet from center of the road. Will noted that the deeds could be written better but he still agrees that it is 25 feet from center. Loren noted that the deeds are possibly written that way because each lot borders up to the road, which would mean only the right-of-way to the center of the road would need to be mentioned in each deed. It was explained that the right-of-way is different from the width of the road. Roads do not need to cover the entire area of the right-of-way. Kyle questioned if this change would cause the town to take on the plowing costs for the road and it was noted that this would not be the case.
- g. Deborah questioned if the board grants the change of use, how does that affect her property. Ellen noted that it does not change anything for her. She noted that the property assessment for the applicant's property may change but it would not affect the Blay's property assessment.
- h. Pete wanted to clarify that the rural agriculture district allowed single family homes and the board agreed that they are allowed in the rural agriculture district.
- i. Kitty Edwards questioned which parcel is Deborah Blay's property. She noted that lots 12, 5 and 6 are her property. There are other lots she owns that are not affected by this right-of-way.
- j. Deborah questioned if everyone on the board knows what the road looks like now. She felt the board should look at the road before making a decision. The board noted that if they felt it was necessary for making a decision on this hearing then they would look at the road.

- k. Ellen questioned if the applicant's intention would be to move fence lines or impede any infrastructure that exists now. Pete noted that they do not plan on moving the Blay's fence at all and the snowmobile trail will go on the opposite side of the road as the fence.

Loren Petzoldt motioned to move to deliberative session and keep the hearing open and invited Will Young to stay during deliberative session, Kitty Edwards seconded. Motion passed.

Ellen Fox motioned to exit deliberative session at 7:03pm, Loren Petzoldt seconded. Motion passed.

Ellen Fox motioned to approve the change of use on lot 8, 232 Forest Haven Road, from a seasonal camp to a year-round residence as the applicant demonstrated that there is a 50-foot wide right-of-way from Kennison Road to the property; Loren Petzoldt seconded. Motion passed.

The Development Review Board has 45 days to post the Notice of Decision. After that there is a 30-day period for the decision to be challenged in environmental court beyond and only the people who participated in the hearing tonight are able to do so.

Ellen Fox motioned to adjourn at 7:06PM, Kitty Edwards seconded. Motion passed.

DRAFT