

TOWN OF ST. GEORGE
DEVELOPMENT REVIEW BOARD MINUTES
Wednesday, September 12, 2007

Development Review Board members in attendance:

Marie Mastro, chair; Scott Baker; Matt Palmer; Connie Kendall; Dan Pillsbury
Lisa Beliveau

Members absent:

Ron Bovat

Also in attendance: Debra Bell, Trudell Consulting Engineer; John Aleong; Phil Beliveau; Don Taub; Brian Vaughan; Joseph Handy; Ed Hanson, zoning administrator

Meeting was called to order at 7:00 pm

Agenda item #1 –

Continuation of a Preliminary Plat Plan Review – Breezy Valley Farm

Dan Pillsbury recused himself from the board since he is the applicant.

Brian Vaughan requested interested party status.

Debra Bell began by reviewing the additional information that was requested at the last hearing in July. Marie asked if Exhibit A was included in the additional information – Debra answered, yes.

Debra reviewed the well yields of surrounding properties which she said varied from 0 to 150 gallons per minute. Marie asked for a description of the well yields that are closest to the proposed subdivision. It was discussed that one of the two farm wells was not shown on the plan – one farm well has a yield of 12 gallons per minute – the other (not shown) has a yield of 50 gallons per minute. The board reviewed the Neighboring Well Yield Data document that Debra had supplied to the board several weeks earlier. Several board members stated that the well yield data was hard to decipher and there seemed to be a few discrepancies. Marie requested more information on the neighboring wells in order to clearly establish that there will be sufficient water for the proposed subdivision. Several board members spoke about water shortages in several areas of St. George. Marie stated that, as an example, she currently had no water at her home.

Debra stated that in order to obtain the necessary Waste Water and Water Supply Permit they will be required to meet a certain yield. Marie asked if they will be drilling to demonstrate that they meet the required yield. Debra answered that when the well driller drills for each of the lots, the well driller will be required to certify the yield. Marie asked if the wells will be drilled before people purchase the lots. Dan Pillsbury answered that he has had conversations with Jeff Williams, the well driller, and that they have discussed three options: (1) sell the lots prior to any well drilling; (2) The Pillsbury's will

drill the wells prior to selling the lots and pay Jeff Williams half of the cost of drilling. When each lot is sold, the Pillsbury's will then "settle up" for the other half of the drilling cost. This option lets the potential buyer know the well yield before purchasing the lot; (3) The seven lots could establish a shared water system, a community water system, with Larry's well as the source since it yields 50 gallons per minute.

Connie stated that the board needed to be assured that there will be sufficient water and also that adjoining landowners' wells will not be adversely impacted. Debra stated the only way to determine that is by doing a draw down test for 48 hours while monitoring the neighboring wells - a requirement if you have a public water system that serves 25 people or more. Scott said that it is in our regulations that a proposed subdivision cannot have undue adverse impact on existing wells. Dan said that Jeff Williams was not concerned about hitting water. Connie stated again the need for clearer data showing the neighboring well yields in order for the board to determine that there is sufficient water in the area.

Brian Vaughan asked if the water had been tested for metals. Debra answered yes, the existing wells had been tested and they were waiting for the results to come back from the lab.

Marie asked for clarification of the two areas marked as reserved for potential development; the two lots to the north, adjacent to the seven and the upper northwest corner. Debra confirmed that both areas were correctly marked as reserved for potential development - two lots connecting to the seven and potentially five lots in the northwest corner. Marie clarified that at most the subdivision would add five lots to the seven. Debra answered, yes. Marie asked if the proposed septic system is designed to work for twelve lots - Debra answered yes; it will work for twelve lots. Debra said that whatever the Pillsbury's propose will have to come back to the development review board for review and she "hoped that there would not be a condition that they are limited to a total of x number of units".

Marie asked about the covenants that convey the entire lot #8 as open space including the portions marked as reserved for potential development. Debra explained that "the legal documents reference the surveyed plot and then they reference the master plan". "The master plan identifies the common open space as the light shaded dots" - so when the homeowner is considering what they are getting as common space or open space, they are getting the area marked as light shaded with dots. The areas marked reserved for potential development are reserved for some time "down the road if they choose to do that". Marie pointed out that the areas to be reserved have a boundary line drawn around them. Matt asked if there was a legal description to the boundaries surrounding the future development areas. Debra answered, no. Debra said the reserved areas "would become a part of the PUD at some point in time if they ever came back to do that". Connie questioned how they can then be called open space. Debra said that these areas are not open space - they are reserved for future development and that future development cannot be engineered at this time. If future development does not occur then the areas marked for future development will revert to open space.

Connie asked for clarification on lot # 7 - that someone purchasing lot #7 would be told that potentially they would have neighbors in their backyard. Debra answered, yes – based on the drawing document, they could have a homeowner adjacent to them.

Connie asked for clarification on how many lots we are approving in this PUD. Debra answered nine. It was discussed that with future development the PUD would be limited to twelve lots based on the acreage. Ed suggested that twelve lots will most likely be the maximum based on the septic capacity. Debra agreed.

Marie asked why the Pillsbury's didn't submit an application for "the whole thing" - for all twelve lots. Scott added that it is a "little sticky" having a planned unit development that is not entirely planned. Debra said that they are proposing a planned unit development that is planned – "they are reserving the right to maybe come back at a later time to propose additional housing". Matt said that right now, there is no plan – Debra said that there is a concept and the concept is that we have reserved this corner and a lot adjacent to #7. Matt asked if the Pillsbury's will retain ownership of the land adjacent to lot #7 – Debra answered, yes.

Ed added that the same might be said of the Pillsbury Farm itself – that it could be treated as a reserved area because if that were to be developed as a residential addition in the future, it could be developed as an extension to the original PUD.

Marie asked why the northwest corner, that is to be reserved for future development, wasn't "just cut out" and retained with the original farm. As it is shown now, the board is being asked "to approve something that they don't know what they are approving". Matt asked why the Pillsbury's have chosen not to do the additional lot adjacent to lot #7. Debra stated "to be quite frank with you, because we don't want to go through Act 250".

Marie asked about the "finger of land" at the west portion of the development – the upland, forested area – why was the subdivision not squared off? Debra answered that it was very important to the Pillsburys to maintain ownership on top of the ridge. Debra added that the boundary lines of the open space will not be "etched in the ground" and the homeowners will probably hike up to the ridge. The Pillsburys didn't intend to restrict anybody from enjoying the area. For example, the Pillsburys have demonstrated their openness to the VAST trail system. Dan also added that "when you do the math – our area is zoned five acres and twelve times five comes out to be 60 - why would we give up extra acreage?"

Marie asked if there had been any thought to conserving the "finger of land" given that it is a forested hillside and it overlooks the development. Marie asked if this area is developable - Ed added that the slopes are quite steep and may exceed 20% and that septic development would most likely be ruled out. Scott said that every day septic technologies improve and that it is very difficult to rule out development because of steep slopes, septic capacity or water availability - there are ways to get around that - whether the land is developable or not is a mute point. Marie restated that the hillside is a valuable asset. Debra stated that the development review board will "have another crack

at that at some time when they come in with that parcel” – restrictions could be put in place at that time. Marie said that lot #9 is a part of the subdivision the development review board is considering at this time. Scott added that our hillsides and ridgelines are identified natural resources in our town plan and it is the charge of the development review board to protect those natural resources in looking at subdivision review. The town would like to see the ridgeline preserved. Scott asked if Dan would be opposed to putting a conservation easement on the hillside. Dan answered that it was not “out of the question” but that he was not able to make that decision at this time – it would be a family decision.

Marie requested that Debra double check to make sure that the power line easement was labeled correctly – is it a CVPSC easement or a VELCO easement?

Connie asked for clarification of two sections in the Declaration of Planned Community document; Section 13.2 Alteration of Lots and Section 13.3 Amendment to Enlarge Planned Community – would the language in these sections in any way preempt the development review board’s review of future changes or additions to the subdivision? Debra offered that a condition could be made a part of the permit that says that the Declaration of Planned Community for Breezy Valley Farm cannot be modified or altered without the prior approval of the development review board. Marie added that the portions of the Declaration that are particularly important, such as the sections addressing the open space areas, could be put into the board’s decision. Ed added that the unspoken part of the Declaration is that they can develop all of the property – however it has to be done in compliance with the conditions of the original subdivision or PUD approval applied by the DRB and the town’s current zoning regulations. Also that it is customary to record those agreements in the town’s records.

Marie then opened the hearing to the members from the audience and asked if there were any questions. John Aleong asked if the town has looked at the long term effect of PUDs on neighboring areas – we are changing the original zoning of 5 or 10 acres in some areas and exchanging that for more intense development. Much of the discussion has been focused on the details rather than the big picture. Marie answered that during sketch plan review the board felt that the application was structured in a way that met the town plan and vision and that the benefits justified the board classifying this as a PUD. The classification as a PUD does not change the standards that the subdivision must meet – the same standards that are in our regulations apply regardless of how it is classified. John asked if a PUD is granting a variance. Ed answered that the PUD allows the town to waive the minimum acreage requirements in exchange for clustering the development of the residences and preserving open spaces around them. Lisa added that the preservation of open space is important now with so much development happening – so clustering is really important.

With no other questions from the audience, Marie made the motion that the board close the public hearing for the preliminary review of the Breezy Valley Farm Subdivision. Scott seconded the motion. No discussion. The vote was taken; the motion passed unanimously.

Agenda item #2

Continuation of an application for Signage for the convenience store

The hearing began with a discussion of the difficulties Joe was having in locating the free standing sign in the location described in the decision because of set back requirements and the location of the fence and the edge of the asphalt. Joe said that the sign would block the circulation of traffic.

Several board members pointed out that there are a lot of signs out around the parking area and that there is only suppose to be one sign. Joe said that “those signs will go away - I need something out there for now and once I get the permanent sign up, you’re not going to see anything else out there”. Marie restated that there is only supposed to be one sign. Matt pointed out that the flags are signs as well. Joe said that he did not understand that flags counted as signs and if that is the case, he “will get rid of them – it’s not an issue - we’ll pull them all down – I just need my permanent sign”.

It was discussed that the free standing sign cannot block the town sign. Joe stated that the new location that he marked with stakes and pink ribbon would not block the town sign. Ed asked if the board would consider walking over to the convenience store to see where the stakes are located. The board moved the hearing to the new proposed location of the sign. At the site, the board was able to agree with Joe on a new location and measurements were taken. The eastern post of the sign is to be located 40 feet and 6 inches from the center line of the north entrance of Barber Road and 43 feet and 10 inches from the center line of Route 2A.

The board then began the discussion of the two wall-mounted signs. Joe stated that his main concern was the free standing sign. Matt said that our regulations allow for only one sign for each commercial use.

Marie asked if there were any questions. With no questions, Marie made a motion to close the public hearing for the signage for the convenience store. Scott seconded the motion. No discussion. The vote was taken: it passed unanimously.

Marie then made the motion to move into deliberative session to discuss signage for the convenience store. Matt seconded the motion. No discussion. The vote was taken: it passed unanimously.

When the hearing resumed, Scott made the motion to approve the freestanding sign in the location that was agreed upon this evening by the DRB and the applicant in attendance to the location that it was staked out at – also to move the newly planted specimen tree that currently is north of the proposed sign location to the planting strip that is at the west end of the property adjacent to the entrance at Barber Road. Matt seconded the motion. No discussion. The vote was taken: it passed unanimously.

Scott then made the motion that the board approve the two wall-mounted signs on the exterior of the building. Lisa seconded the motion. No discussion. The vote was taken: it was unanimously denied.

Other business:

Ed asked if he could start using the new revised application forms for the DRB hearings. The board decided that Ed could start using the new forms starting with today's date – September 12, 2007. Marie said that she would make sure that the new forms will be made available on our website.

Approval of minutes:

The following minutes were approved:

Planning Commission meeting – June 27, 2007

Development Review Board meeting – May 9, 2007

June 13, 2007

July 11, 2007

Meeting was adjourned at 9:45 pm