

TOWN OF ST. GEORGE
ONE BARBER ROAD
ST. GEORGE, VT

DEVELOPMENT REVIEW BOARD
~ MINUTES ~

March 14, 2007
7:00 p.m.

DRB Members present:

Marie Mastro, Dan Pillsbury, Matt Palmer, Connie Kendall, Lisa Beliveau.

Guests:

Ed Hanson, Phil Beliveau, Joseph Handy and Jeremy Matosky from Trudell Consulting Engineers

Final Plat Plan review:

Marie called the meeting to order at 7:00 pm and read the warning of the hearing:

The Final Plat Plan Review is in accordance with Section 410 of the St. George Subdivision Regulations and 24 VSA 117 section 4418, 4460(e)(8) and 4464(a)(1). The proposed minor subdivision is 2.6± acres from a parent parcel of 313.55 acres located on the east side of Vermont Route 2A. An application has been submitted by Philip Beliveau on behalf of the Harriet G. Beliveau Revocable Trust.

Marie reviewed the order of events and reminded all present that the board will be following the Rules of Procedure and Ethics Manual.

Lisa Beliveau recused herself – otherwise, there were no conflicts of interest or ex parte communications. Lisa requested interested person status.

Phil presented an update of the proposed parcel to be subdivided including a copy of the agreement with the adjoining landowner, Carol Richards for an easement to a replacement leach field. Half of the replacement leach field is on the proposed parcel and the other half is on Carol Richards' property. Phil also stated that the State Wastewater Permit is still pending. Marie asked Ed Hanson for clarification of whether the board can proceed without the permit and make it a condition of the permit. Ed agreed but further clarified that the board cannot actually sign the mylar until the wastewater permit is on record.

Marie asked if the trustees of the Harriet G. Beliveau Revocable Trust had agreed to the proposed subdivision. Phil said yes and that there would be a letter stating that. Lisa added that the letter would state that the other trustees will agree to the DRB's findings.

Marie questioned if the proposed lot is still considered part of the Huttonlock lot. The warning of the hearing stated that the proposed lot is part of a 313.55 acre lot and not the smaller Huttonlock lot. Marie stated that there is a difference between the deeds and the tax records. Ed stated that the deeds show two separate lots while the tax records show the properties as merged and that this is a technical deficiency, but not a disabling deficiency. Marie requested that this be clarified in the DRB's decision.

Marie questioned the status of a road named "Woods Road" that runs through the proposed parcel and was it an ancient road? Phil said no – and that it was never a public road – it was always considered a private road and "an object for mapping".

Marie questioned if Carol Richards was aware that the well shield also crosses onto her property. Phil stated that she has seen the map. Marie questioned if it is okay that the existing leach field is within the existing well shield. Ed stated that we have not seen the final septic proposal and that it will be that final proposal that the permit will be based on. Marie asked Phil to request clarification from the engineer.

Matt questioned why the 17.4 acre Huttonlock lot was shown on the Final Plat Plan. Ed stated that the 17.4 acre lot does not have separate existence in the town – it has a separate deed, but it does not exist as a separate lot in the Revocable Trust Estate. Matt further questioned how we can subdivide what the town does not show on its tax maps. Ed stated that if the proposed lot is approved, it will show up on the tax maps as a separate lot with a new parcel number assigned to it. Matt stated that it appears we are approving a two lot subdivision rather than one if we allow the designation of the 17.4 acre lot to appear on the Final Plat Plan. Connie questioned, also, why the 17.4 acre lot continues to show up on the Final Plat Plan. Phil stated that he is creating only one new lot – not two. Marie agreed that it appeared that a 2.6 acre lot was being subdivided from a 17.4 acre lot. Matt stated that it could be argued that we approved two lots, a 2.6 acre lot and a 17.4 acre lot and why couldn't it be removed from the plat plan. Ed stated that as it was shown, the 17.4 acre lot would never stand as a separate subdivided lot and that the decision would state that the 2.6 acre lot would be created out of the 313.55 acre lot. It was agreed that the designation of the 17.4 acre lot be removed from the Final Plat Plan.

Marie asked for clarification of the power pole location. Phil stated that power for the proposed lot would come from the power pole located in the Goose Creek Road public right and that the transformer was located on the power pole.

After further questions about the well shield area, Marie requested that Phil's engineer address the concerns by answering a list of questions in writing. The answers will be placed in the record.

Dan noted that the Final Plat Plan was dated January 18, 2007. He pointed out that an adjoining lot did not show the proper, current ownership. Lot 2-20-5 should show Todd and April Pillsbury as owners as of April 6, 2006 and that this correction should be made.

Ed stated that this correction should be made on any recorded documents including the mylar. Dan pointed out that the proper adjoining landowners were not notified. Ed stated that the warning arrived at the proper address, just not with the correct owners' names and that they may have had the opportunity to read the warning. Phil said that he had talked to Todd about his proposal.

Marie asked if there were any further comments. Connie moved that we consider this the hearing final public hearing on this issue and that we make our final decision in writing after we receive the additional information that was requested. Marie stated that if we close the public hearing, we have 45 days to make our final decision and asked if there was any further discussion. Dan stated that he was comfortable with what was presented, Matt stated that he was comfortable contingent on the changes that were requested. Phil reminded the board that the questions about the wastewater will be judged by the state- the state will be making their decision on the wastewater permit and our approval will depend on their decision.

Dan moved that we close the public hearing on the proposed subdivision.
Connie seconded the motion. All were in favor.

The hearing was closed.

Marie clarified for Phil that he will receive a written decision from the board in 45 days. Phil asked to make one more statement, "I want to remind the board that this is a preexisting house and that a decision no will make me have to move boundaries on the map" and that "it won't change where the septic is and where the house is – it will only make me change the map".

Phil requested a written list of all questions and changes to be made.

Sisters' and Brothers' Convenience Store Alterations:

Marie invited Jeremy Matosky from Trudell Engineering to provide an update to the board on the progress of the convenience store and review a letter from Abigail Lisius, project manager at Trudell Consulting Engineers, outlining several revisions to the plans since the original submittal. Jeremy brought copies of the plan showing the revisions and stated that the changes to the building, parking and landscaping were not substantial.

Jeremy recalled that the DRB's decision required them to keep the town informed of any changes during construction as well as to include the town on all state permits.

Jeremy stated that they applied for a Highway Access Permit to do the work within the State right-of-way. After several discussions with the state, they ended up with the current plan as shown – with a slight change to the path and drainage. Ed asked for

clarification that these changes were reflected in revision # 9 as shown on the side of the plan.

Jeremy explained that as they go through actual construction, they find that there are small things that need to be dealt with. Ed offered the example of the change to the fuel tanks. Jeremy stated that he felt that the design intent is the same as before.

Jeremy commented that the storm water permit process was a surprise to them because the lot is less than 1 acre. The state's interpretation was that the town center is a common plan of development so that every project in the town center, regardless of its size, will require a storm water discharge permit. This was the first permit issued for the town center. After a few minor revisions, they were able to obtain their storm water permit.

The State of Vermont has an underground storage tank permit process. Joe hired a consultant and a change in the location of the tanks had to be made.

When Joe was out to get final bids for the building, they decided an automated door would be better for the entry which required that the entrance and landscaping be changed. Marie stated that the entry design, which showed a vestibule, was included as an exhibit of the water and septic capacity allocation agreement negotiated with the selectboard. Jeremy thought the agreement had to do with the color, dormers and a few other building changes. Marie asked if the selectboard had approved the removal of the vestibule entrance. Both Jeremy and Joe thought that the selectboard had approved the change. Marie stated that the DRB is not party to the agreement, but would require a letter from the selectboard agreeing to those changes. Having no vestibule is in agreement with the DRB's decision, but in conflict with the subsequent water and septic capacity allocation agreement negotiated by the selectboard. The DRB does need to approve the final site plan.

Joe recalled that the selectboard suggested the dormers and the bigger trees. . . and that there was a discussion about the color. Marie agreed that the selectboard had consulted with the DRB about the color change, dormers and bigger trees but not the change to vestibule. Jeremy questioned if there was a concern about the design? Marie stated that there was concern as financial consideration had been given to the town for the septic capacity which included the building of the vestibule. Jeremy agreed that the changes need to get clarified with the selectboard and would do so in writing.

Jeremy continued with the list of revisions – that there were a few minor changes to the mechanicals on the north side of the building. Connie questioned when the cross walks were to be installed – Joe said just before the opening of the building. One change was that the cross walk over Route 2A will not be painted. Jeremy explained that the state highway permit suggests that low volume cross walks not be painted as it gives pedestrians a false sense of security. The cross walk signs will be standard design. Ed offered to talk to the selectboard about the sidewalk and lighting that needs to be done on Barber Road – Jeremy wanted to find out if there are specifics that need to be authorized by the selectboard.

Marie asked if they had looked into the landscape bond included in the DRB's decision. Joe said, not yet. Joe agreed to the landscape bond. Marie further stated that the signs need to be approved by the DRB as well as all outside displays. Ed stated that the other town center occupant, Planet Hardwood, proposed that the entrance sign could be replaced with an integrated sign that would show all occupants of the town center, including the town office.

Dan questioned the automated doors as far as energy savings. Lisa mentioned how much the wind whips through this area.

Connie asked for further clarification of how the pedestrian traffic will be directed that will primarily come from across the street. Jeremy offered that the sidewalk along the pumps would be done in red concrete to help direct foot traffic to that safer area. Also that fencing and landscaping were being added along Route 2A to direct pedestrians traffic to safer areas. Jeremy also added that lighting had been placed along the sidewalk which was needed since there was no other lighting along Barber Road and the intersection. Several other lighting questions were answered – that there are three Arlington lights and the exterior parking lot lights will be on a timer. Joe stated that a few lights will be left on inside the store as well as a few inside the canopy – for security. Marie stated that there are some lighting suggestions and restrictions listed in the Town Center Regulations. Jeremy felt that their lighting plan was not obtrusive and that they could get back to us with the timing of the lights.

Marie requested that they come back in for another meeting to discuss the signs, outdoor displays and lighting as outlined in the decision. Jeremy questioned if the meeting needed to be warned. Marie stated that it would be a warned public hearing.

Joe is hoping to open by May 15.

Monthly update from the Zoning Administrator, Ed Hanson:

Ed stated that he mostly has been working on processing remedial permits for the mobile homes that are being replaced in St. George Villa or have been replaced in St. George Villa without any permits. Ed has been working with Clyde Bovat to reach an understanding that it is the title owner, Mr. Kaufman, that is responsible to see that these people get the proper permits when they replace mobile homes and if a notice of violation is going to be issued, it will be issued to Mr. Kaufman. Three mobile home owners have come in to get their permits. Ed emphasized, again, that the responsibility should be the owner of the property, Mr. Kaufman. Mr. Kaufman is responsible for the mobile home park. Before, it was left up to the mobile home owners to take care of this – which Ed states is not correct because the individual mobile home owners do not own the land their trailer is sitting on.

The other major change was that the selectboard adopted the new fee schedule on February 15. One of the new features of the fee schedule is the cost of replacing a mobile home on one of the St. George Villa sites. Before it was \$10.00 – now it is \$100.00 – with the penalty of not getting a permit, it is \$150.00. The selectboard did come up with a few minor changes which Ed reviewed. They are on the new fee schedule. We discussed that we may want to reconsider the fee for major projects. The selectboard suggested \$10.00 for every \$100.00 of project cost – they did state that they would agree to a change if the DRB comes up with a better formula or model. Marie thought that we should come up with something that is not based on estimated project costs – instead consider something that is easier to measure, like square footage. Ed said that the goal is to cover the costs of administrative action.

Ed mentioned that he will also be working with Clyde Bovat and Mr. Kaufman to address the number of curb cuts on Route 2A that do not have State permits – that are not approved. Matt pointed out that they do not have mailboxes at these curb cuts. Ed said that this situation is something they will be working on.

Ed gave the DRB a copy of Shoreham's wastewater management commission documents to use as an example for creating our own wastewater management commission and ordinance for the town center properties. We agreed that this issue should be revisited during the zoning bylaw re-write beginning later this year.

Ed reported that we will have a sketch plan review on April 11 with Lakeview Farms that is 9 to 10 lots.

Another sketch plan review will be a proposed subdivision on Dan Pillsbury's property. A 10 lot subdivision is proposed which will have to be done as a PUD because of the size of the residential lots – the lots are too small for the district in which they are located. The design has been prepared like a PUD with allowances for open land and agricultural land. Ed questioned if we wanted to do both sketch plan reviews in one night. Marie stated that both subdivisions are will be classified as major subdivisions.

Dan questioned how it was figured that his proposed subdivision has a total of 10 lots. He had intended to subdivide only 9 lots. Ed confirmed that what was shown on the plan was a 10 lot subdivision and that if Dan wanted to change it, he would give Dan's engineer a call the next day. Ed said that the change would require developing a different site plan and that may delay the project from being discussed on April 11 – although, since it is a sketch plan review, the changes could be resolved during the sketch plan review. Ed will let us know if it is still scheduled for April 11.

The meeting was adjourned at 10 pm.