

TOWN OF ST. GEORGE
DEVELOPMENT REVIEW BOARD MINUTES
July 9, 2008

Board members in attendance: Marie Mastro, chair for agenda items 1 and 3; Scott Baker, chair for agenda item 2; Lisa Beliveau; Matt Palmer; Connie Kendall; Dan Pillsbury

Also in attendance: Ray Berard; Tom Walsh, attorney for Lake View Farm; Sheila McIntyre, Summit Engineering; Ray Martel; Rita Martel; Jane Stowell; Ken Couture; Charles Scott; Don Taub; John Aleong; Ed Hanson, zoning administrator.

The meeting was called to order at 7:30 pm due to the deliberative session scheduled from 7:00 – 7:30.

Agenda item #1: Sketch Plan Review for the Berard Subdivision

A description of the application was read and Marie stated that the board would be conducting an informal discussion of the proposed 2 lot subdivision.

Ed offered that no decision would be written as a result of the sketch plan review but requested that if the board had any suggestions or requirements for preliminary plat review that they be listed in a letter to be sent to the applicants, Ray and Jacqueline Berard.

Marie then asked Ray Berard to make a presentation of his proposed subdivision. Ray said that he was proposing to subdivide his lot into 2 lots allowing for an additional building site. A 3 bedroom modular home would be built on the newly developed lot. The access to the new lot would be from Barber Road.

Marie asked where the existing septic system is located for Ray's home. Ray pointed out the location of the septic system on the plan that he was showing to the board. Ed clarified that Ray's property was not a part of the town's municipal septic system. Ed asked if Ray was going to connect with the town's water system, Ray said no.

It was discussed that the dry well (a waste water seepage pit) to the north of Ray's property would continue to be used for Ray's house. It is currently being used as the leach field/ septic system for Ray's house. The drawing showed where a new replacement septic system would be located if the dry well would fail. Marie asked if an engineer has looked at the dry well septic system – Ed said yes, and that it was determined that it was not failing. A new septic system is proposed for the new home and was shown on the drawing.

Connie questioned if Ray had considered the town's proposal that he give up his dry well and the land surrounding it (the land that forms a strip on the north side of Ray's property) in exchange for being connected to the town's municipal water well. The town expressed an interest in this strip of land for expansion of the municipal septic system. Ray said that he was not willing to give up the dry well and surrounding land so he did not accept the town's offer.

Marie asked where the well will be located for the new proposed home. Ray said that the water will be coming from his well. Marie asked if Ray's well had sufficient water to service two homes. Ray said that the flow rate has not been tested in recent years but he has been told that it would be possible to dig another well on the new proposed lot if needed – or another option would be storage tanks. Scott offered that sufficient water will be established when the driller does the well yield report.

Scott asked if a well located on a different property is allowed by the state. Ed answered, yes, - one well can serve multiple properties as long as it has sufficient water. It would require a water easement.

Connie asked how Ray arrived at the proposed location for the new house. Ray said that his son-in-law walked the property and made the decision on the location - the engineer agreed.

Scott said that in a village center it is generally advisable to have the frontages of the buildings run parallel to the street. Scott recommended that the proposed house be rotated so it would be parallel to Barber Road. Also, that parking be located either on the side of the house or in the back of the house – rather than in the front.

Connie asked the board to consider other design requirements since the proposed home would be located in the village center; such as street lighting, street trees, sidewalks, etc. Ed added that the curb cut on Barber Road would be something for the town's road commissioner to consider and approve.

Connie pointed out that further consideration on the location of the house will have to be discussed since the current zoning regulations require a 30 foot set-back. The drawings show the location of the proposed house as being set back only 20 feet. With the rotation of the home, so that it is parallel to Barber Road, the set-back of 30 feet should be feasible.

Marie said that the regulations require that the home be compatible with surrounding properties – such as Ray's historic home. Ray said that the design will be decided by his son-in-law but he described the home as a modular home. Lisa asked Ray if he could supply the board with a picture of the proposed home since he is working with a modular home company. Ray thought that he could.

Connie asked if the board will be doing a site visit. It was decided that a site visit would occur as a part of the next hearing on the subdivision. This could easily be accomplished since the proposed property is very close to the town hall.

With no questions from the public, Marie closed the sketch plan meeting by saying that the board will follow up with a letter that will list the additional information needed as discussed in this meeting.

Agenda item #2: Final Plat Plan Review for Lake View Farm.

A description of the application was read and after reviewing the order of events, Scott Baker, chair, asked for any disclosure of conflicts of interest or ex parte communication. There was none.

Ken Couture asked Scott to review the definition of an interested person. After hearing the definition, he declined interested person status.

Scott requested that all who will be giving testimony, the applicants and their representative take the oath.

Scott asked if there was any written information to be presented to the board. Tom Walsh stated that, at the June 11 hearing, the board asked for revisions to the Declaration of Covenants, Conditions and Restrictions to include architectural standards to minimize the visual impact of the proposed homes. Tom handed out copies of the revisions that had been made.

Scott then requested that Tom and Sheila continue their presentation of the final plat plan from where they left off at the last hearing.

Tom first asked for a clarification – it was his understanding that they would receive a written letter from the board responding to the points he made in his March 20, 2008 letter. Scott said that the board’s written response was mailed out to everyone on June 27, 2008. Tom said that he did not receive a copy of this letter. This was noted by the board.

Tom then agreed to begin by going over the questions from the board. Scott began by asking Sheila about the clearing limits that are delineated on the final plat plan – could the plan be marked with the actual dimensions rather than just the “bubble clouds” as shown. Ed will need to enforce the permit and will need actual dimensions to follow. It was agreed that the building envelopes will be dimensioned on the final plat plan.

Scott then asked Sheila if she was able to space the wells 200 feet apart on lots 3 and 4? Sheila answered, yes.

Scott said that another request from the board was for architectural standards to be added to the home association declarations that would visually blend the proposed homes with the current homes and the existing natural vegetation. Scott said that the board will review the architectural standards that Tom just handed out to the board.

Scott asked if Sheila was including trees to be planted along the northeast side of the storm water basin – as suggested by Michael Lawrence in his visual impact study. Sheila answered, yes – and further clarified the area as being on lot 3.

With no further questions from the board, Scott opened the hearing to the public.

John Aleong spoke of his concern about the water availability – that data shows that there is very little water in this area – except for some springs. He added that the State has been concerned about interference. Williston requires wells to be pre-drilled to show water availability and that there will be no interference with neighboring wells. John stated again that he does not have water – that he has to depend on a spring. Springs in this area seem to be doing fine – but not wells. John also spoke about his concern that the proposed homes at a higher elevation will cause irreversible pollution to his spring. With homes spaced at one per 10 acres, there is not as much of a problem – but this subdivision puts the houses much closer together.

Marie said that she also is concerned about the potential for pollution of her water. In order to get water, she had to cut the well casing – water is now collected at a higher elevation – closer to ground level.

Marie requested that board consider that several of the wells be pre-drilled – “perhaps one at the top, at the middle and at the bottom of the subdivision” - as a way to determine what effect the wells may have on surrounding shallow wells and springs. The pre-drilled wells may reveal possible contamination or impact to surrounding wells. Pre-drilling 2 or 3 wells would be a compromise rather than pre-drilling all of the wells – to show potential impact.

Scott asked Sheila – what is the likelihood that the subdivision’s septic systems would pollute surrounding water sources? Sheila answered that it is very unlikely. The State has very specific standards for set-backs from springs and surrounding wells. Matt asked if they take elevation into account – Sheila said that they measure for slope and distance. Scott added that you have greater set-back distances if areas to be protected are down hill.

Tom said that we had a discussion at the last hearing about pre-drilling wells – “pre-drilling does not solve the issue”. Marie said that the studies talk about what should theoretically work “but I know the reality”. She restated to the board the tremendous difficulties she has had in gaining and maintaining a reasonable amount of water – all at a great expense to her. Pre-drilling at least a few wells could resolve many of the anxieties

she and her neighbors have when faced with the potential that more wells will be placed near their homes.

Scott asked Sheila how long a pre-drilled well would have to be monitored to determine the long term impact – you might get water for the first month but then it could fall off. Sheila said that she would have to defer to the testimony already given on this issue by the hydrogeologist, Craig Heindel. Tom added that neither of the hydrogeologists (Craig Heindel or Christopher Stone) suggested that pre-drilling would solve this issue.

Connie stated her concern that many residents have come forward expressing their concern with water availability in this area. “Both hydrogeologists have stated that this area being considered has some unique problems and the best they can do is say probably there will be sufficient water. They also say that there is sufficient recharge – if that is so, why do residents with existing wells in this area report that they do not have sufficient water? To give some reassurance to surrounding neighbors and to help me as a board member say that I have done all that I can to - I am in favor of requiring that two test wells be pre-drilled prior to granting the permit for the subdivision.”

Don Taub said that if you pre-drill and get 4 gallons a minute – “the board is off the hook” but if you only get 1 or 1 ½ gallons, then you know you will have a problem – especially since Craig Heindel has said that the driller’s estimated yield roughly represents one-half of the long-term sustainable yield of a well. Pre-drilling gives the board some kind of framework so they can make a judgement.

Scott offered that Chris Stone said that if there was anything else he could help us with – we could give him a call. Scott said he wondered if it would be helpful to give both Chris and Craig a call and ask them their opinion on this question. The question would be – if you pre-drill a well, what is the likelihood that it will provide useful information about long-term water usage. Marie added that the concern is also interference – at this point, we all are on 10 acres – these additional homes will be on considerably smaller lots – in a concentrated area – a situation that has not tested in this area before.

Scott reworded the question for the hydrogeologists to include whether or not pre-drilled wells would demonstrate interference on existing, neighboring wells.

Tom made the point – if residents and board members are going to continue to ask questions and make statements about Craig Heindel’s study, the fair thing to do, for the applicants, is to ask Craig to return to defend his conclusions. The board is to make their decision based on the evidence. Scott said that it would be fine to have Craig return but he was trying to save time by having Craig and Chris respond in a letter rather than having them return to the next hearing in September.

It was agreed that a letter from Craig and Chris would be useful. Scott will contact Chris and Tom or Sheila will contact Craig. Tom requested that Scott word the questions that are to be asked of Craig and Chris and share the wording with him so that both hydrogeologists are sure of getting the same questions.

With no further questions, Tom asked if Lake View Farms will be on the agenda for the next meeting. Scott reminded everyone that the DRB does not meet in August and that most likely, Lake View Farms will be on the agenda in September.

Sheila will send the final plat plan to Ed Hanson to be distributed to those on the service list. It was discussed once again that some have not received copies of past mailings. The list was reviewed and Scott said that all those on the list will receive future mailings from the board.

With no further discussion, Scott made the motion to recess the hearing to the regularly scheduled meeting time, September 10, 2008. Lisa seconded the motion. With no discussion, the motion passed unanimously.

Agenda item #3: Update from the zoning administrator.

Ed said that he has not seen any activity on the re-planting of dead or dying landscaping surrounding the convenience store. He will be following up on that issue.

Ed reported that he had a phone conversation with Dennis White who owns property on Martel Lane. Dennis was in the process of putting the property on the market. Currently, the only building on the property is a barn / garage type of structure. Dennis is proposing that a home be placed on the property – a building permit was granted but has now expired with a septic design done in 1988. Another building permit will have to be obtained.

Dennis also questioned the use of a neighboring property – the Steadman property on Martel Extension. The Steadmans operate a landscaping business on their property – town records only show a certificate of occupancy for the property although there is a letter on record from the Steadmans to Dick Ward – past zoning administrator – stating that they wanted to operate their landscaping business from their residential lot. There is no permit application or permit on file. The certificate of occupancy from Dick Ward to the Steadmans does authorize them to operate their landscaping business as a home occupation on the property. Ed said that this landscaping business does not meet the town's regulations which were in place at that time. The board further discussed the definition of a home occupation and agreed that what exists now does not meet the definition. Marie suggested that this use is most likely not allowed in the homeowners association and that the association members could or should enforce their regulations.

It was agreed that the Steadmans probably feel as though they have something from the town allowing the use and are most likely unaware of how their business has evolved into something that does not adhere to the town's regulations. Further questions on this issue should be directed to Ed Hanson the town's zoning administrator.

Agenda item #4: Approval of minutes for May 14, 2008 and June 11, 2008

The board discussed the idea of adding clarification notes to the end of minutes to point out where the actual decision written by the board differed from what was discussed at a hearing. Several examples of this occurred during the May 14 hearing for King George Homes – the board's decision, written after the hearing, later differed from what was discussed at the hearing. (Changes were made during deliberative sessions.) The concern was that residents would only read the minutes from the meetings but not the final decisions.

It was agreed that clearly the board could not change the minutes to reflect later changes and that residents would need to be aware that they should always read the board's decision – not just the minutes. It was decided that no additional notes would be added to the minutes. It was also reviewed that if a resident reads the minutes, after they have been approved by the board and posted, and they disagree with what was written about their testimony – the resident can submit a letter to the board stating their recollection of what was said and their request for a correction.

With no corrections to the minutes and no further discussion – Marie made the motion that the board approve the minutes from the May 14 and June 11 DRB meetings. Scott seconded the motion. With no further discussion, the motion passed unanimously.

The meeting was adjourned at 9:45 pm.
