

TOWN OF ST. GEORGE
DEVELOPMENT REVIEW BOARD MINUTES
November 12, 2008

Members in attendance: Marie Mastro, chair; Scott Baker; Matt Palmer; Lisa Beliveau; Connie Kendall; Dan Pillsbury; Ron Arms

Also in attendance: Eugene O'Brien; Larry Young, Summit Engineering; Diana and Michael Burritt; Susan Raimy; Richard Antone; Raymond Berard; Ed Hanson, zoning administrator.

The meeting was called to order at 7:00 pm.

Agenda item #1: Final Plat Plan Review for Eugene O'Brien's 2 lot subdivision.

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

Marie then asked if anyone was requesting interested person status. After reading the definition of an interested person, Diana and Michael Burritt requested interested person status.

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

Marie asked if there was any written information to be presented to the board at this time. Ed submitted an amended "Notices to Abutting Landowners" list showing changes to addresses and he reported that the proper notices had been sent out.

Ed also reported that the town has not received the State Wastewater or the State Potable Water Supply permits.

Marie asked Eugene O'Brien to present his proposal to the board. Larry Young, from Summit Engineering, began the presentation by handing out copies of the plat plan and stating that nothing had changed from the original proposal offered at the sketch plan review.

Larry pointed out the existing easement that is shared with Charles Scott off of Willow Brook Lane – "this easement will not be changed at all". Larry pointed out that the new driveway will be over the existing field drive and woods drive to the new house site.

Larry said that they did make some minor changes to the lot sizes (Lot #1 changed from 10.2 acres to 10.12 acres and Lot #2 changed from 32.1 acres to 30.96 acres) - he assured the board that Lot #1 would meet the minimum 10 acre requirement.

Larry reported that they had not applied for the Wastewater or Potable Water Supply permits yet. He said that the state engineer was on site with them when they did the test pits –“it is a state designed mound system”. Larry said that he was aware of the Burritts’ well which is down stream and aware of their septic system which is on the east side of their lot (to the right of their house). Larry verified with the Burritts that their well is on the west (or to the left) of their house. The Burritts said that was correct.

Larry said that the distance from the proposed septic field to the Burritt property line is about 350 feet. A typical set back from a drilled well is 200 feet so he felt they met the set back requirements from a well. Also the well being proposed on Lot #2 is 500 feet from the Burritts’ septic system which is uphill – so their proposed well meets the isolation distances.

Ed reminded Larry and Eugene that the board cannot approve the plans and create the new lots until the septic permit is in place and recorded. Larry acknowledged that they understood that.

Connie asked for clarification of the utility easements - where the power to the house will come from. Eugene said that he met with the Vermont Electric Coop and was told of two possibilities: the power pole at the north-east corner of Lot #2 or the pole on Susan Raimy’s property. Eugene said that Susan gave him a verbal agreement that he could come off of the pole on her property. Larry agreed that if the pole on the Raimy property is used, an easement would need to be granted by Susan Raimy.

The board discussed if the right-of-way off of Willow Brook Lane should become a named road. Connie pointed out that, with approval of this subdivision, the ROW would service three homes with the potential for further development. Ed suggested that the board check with the 911 administrator for the town, Phil Gingrow, since he has to assign 911 addresses for all homes regardless if the road is named or not – “if no one else has assigned a name to the road, the 911 administrator will do so”.

Connie cited the regulation (800.7) that all dwellings must be accessible to emergency and service vehicles and that the town requires a 40 foot radius turn around for emergency vehicles. Ed pointed out that the 40 foot radius is for public roads and this is a private road. Larry said that he was quite sure that a fire truck could turn around in the area at the end of the ROW but offered that they would get a letter from the supporting fire department verifying that both of the proposed lots would be accessible as required. (It was unclear if the supporting fire department for these lots would be from Hinesburg or Williston.) It was agreed by the board that the turn around area that is shared by Scott

and O'Brien either be a 40 foot radius or be approved by the fire department as sufficient for a fire truck to turn around.

Marie referred to section 805 of the town's zoning regulations which requires that the proposed development not create an undue adverse effect on the character of the area. Eugene showed the board drawings of the house that he intended to build – a story and a half structure with stonework – colors of stone, tans and browns. Connie said that the proposed house site is up on the hill and asked what the elevation is where the house is to be built – Larry answered approx. 700 to 800 feet.

With no further questions from the board, Marie opened the hearing to public comment and questions.

Diana Burritt, adjoining landowner, said that she had spoken with Eugene about her concerns that her well is located down hill from the proposed septic area. "Having a mound septic system up hill from our well makes me nervous". Michael Burritt added that mound systems are known to fail on a regular basis. Michael said that he was also concerned that there are two natural stream beds within 200 feet of any test pit shown on the wastewater site plan and asked if that had been taken into consideration – the environmental issues; the possible health issues. Michael asked, with 30 acres of land, why couldn't the septic system be placed closer to the house? Larry said that other areas had soils "that were not as conducive to septic – the soils would probably fail more out here than where it is". Larry pointed out that the septic system will have to pass the scrutiny of the state – "the state's engineer will have to review this". Larry said that in ground systems fail more often than mound systems and their proposed location "more than meets the set backs". Diana added that their well location was the only place they could drill their well. Marie asked what the depth and yield of the well is – Michael answered, 333 feet deep with a 5.3 gallon a minute flow rate. Michael said that they have had their water tested and they monitor it on a regular basis. Marie asked Michael to draw the location of their well on the plat plan that the board was looking at. The distance from the Burritts' well and the proposed septic system was estimated at 350 feet or more.

Marie asked Ed if a replacement septic system is required. Ed answered that a replacement or secondary septic system is only a requirement with a conventional septic system that depends on appropriate soils for both locations. A mound system does not depend on the native soils. Larry said that a mound system does require appropriate soils for at least the first two feet.

Susan Raimy asked if she would be notified if future development were to take place on Lot #2. Marie said that since she is an adjoining landowner, she would be notified.

With no further questions, Marie made a motion that the board meet in a short deliberative session. Lisa seconded the motion. With no discussion, the motion passed unanimously.

After the deliberative session, Marie said that the board needed more information on the shared ROW off of Willow Brook Lane and that the board will be consulting with the town's attorney. If more information is needed from Eugene, the board would try to notify Eugene prior to the next DRB meeting. Marie also requested that Eugene supply the board with a letter from the fire department stating that the ROW and proposed driveways meet the requirements for emergency vehicle access.

Marie made the motion that the hearing be continued on December 10, 2008. Scott seconded the motion. With no discussion, the motion passed unanimously.

Agenda item #2: Final Plat Plan Review Ray Berard's 2 lot subdivision.

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

No one requested interested person status. Marie asked Ray to take the oath.

Marie asked Ray to point out to the board any changes that had been made to the plat plan. Ray said that the only change he was aware of was the position of the proposed new house site – the change made the house parallel to Barber Road.

The board looked at the changed position of the proposed house site and discussed if it was truly parallel to Barber Road. It was noted that the position was changed but the question was if it was changed enough. Ed offered that, if the subdivision is approved, he could further work with the location of the house when he receives the application for the building permit.

Marie asked Ray if he had drawings or elevations of the proposed new home. Ray said that he had photographs of the proposed house and he passed the photographs around to the board members.

Marie asked if Ed could clarify the letter from the selectboard, dated August 8, 2008. In this letter, from Tom Carlson to Dean Grover of Grover Engineering, Tom talks about the 100 foot sewage disposal isolation easement that is on Ray's property. Ed said that Tom's concern was that "if they ever elected to use the neighboring property, the lot adjacent to Ray's residential lot, Ray's dry well which he is using for the existing dwelling is located near the northern border of his property and it has a 100 foot well

shield around it. A state rule is that from a dry well within 100 feet of relatively level ground you can't drill a well on this property. Tom was concerned – his original interpretation when they set up this 100 foot shield in the original definition of the village center was that you could not put a septic system in that area. The only thing the 100 foot shield limits is where you can drill a well on that property. But it was never the village center's intention to have a well on that property in the first place. All the properties are on the public water system – so it is not an issue. This does not constrain the town from doing anything they had proposed to do.” . . . “Ray could put a septic system just about anywhere on the property – it would have to be set back at least 10 feet from the northern boundary – 10 feet from any property line.” . . . (and 25 feet from a drilled well on an adjacent property).

Marie asked if Ray was going to connect the new home to the town water supply. Ed answered that the Village Center Board seemed to be willing to have Ray connect the new home to the public town water supply. At one point, the Village Center Board was considering connecting public water to both of the homes in exchange for the abandonment of the dry well but it has been determined to “not be necessary because that easement does not prevent the town from doing anything on that property - except for drilling a well”. Lisa added “the town cannot drill a well but they could do more septic capacity if necessary with the way it is now”. Ed said that was correct.

Ray said that he did not need to connect his home to the public water system since his well was “doing fine” but that Tom did grant approval for the new home to go on town water. The board discussed having an easement written in Lot B's warranty deed that would allow for future expansion of the town's water system to Ray's lot, Lot A. Connie pointed out that the town's water supply is “not endless” and that the system was set up to service specific properties - Ray's property does not lie within the town water system. Ed agreed that, in the Village Center agreement, Ray's property is “specifically excluded”. Marie said that, for her, the easement made sense since this area is where the town is planning for higher density. Scott suggested that the easement should not be a requirement but rather an option for Ray. Matt agreed that the board should not require the easement - “Ray has water now – I don't think we want to start requiring subdividers to lay out alternate means of gaining water”. The board reviewed Tom Carlson's letter, dated August 8, 2008, and agreed that further information from Tom Carlson and / or the Village Center Board would be helpful.

Connie asked for clarification of the “notes” portion of the final plan plan – specifically the last sentence that reads “Recognition of the 4 rod right-of-way to Vermont Route 2A is an adjustment to the above mentioned survey”. Ray said that, in 1994, the state changed Route 2A from a 3 rod road to a 4 rod road. Marie asked if the change had any impact on the subdivision proposal – Ed said that it did not. Marie asked about the sign on Ray's property – was it placed at the correct distance from the road. Ed said he would check on that. Connie went on to say that the “notes” portion also referred to an additional adjustment: “also adjusted is the width of the Vermont Electric Cooperative

Easement". Ray was unsure of what that meant – he was unaware of any adjustments. Ed offered to look at Ray's deed to see what the original easement width was – if it is different from the 30 foot ROW shown on the plat plan. Connie pointed out that the proposed house site on lot B touches the Vermont Electric Cooperative easement at the south east corner. Connie requested that Dean Grover be asked to explain his note on the plat plan pertaining to the adjustment of the Vermont Electric Cooperative easement.

With no further questions from the board, Marie made the motion that the board recess the hearing to December 10. Scott seconded the motion. With no discussion, the motion passed unanimously.

Agenda item # 3: Other Items

Update from the Zoning Administrator

Ed reported that he had been doing research on the Village Center Water District and found out that it is actually called the Fire District #1 Water System. In looking at the maps, it extends down Route 2A – to include the St. George Villa, the Village Center, St. George Estates and part of the Forest area – with a branch that could service Winterbottom Road. Ed was still researching how many people are on the system – how much of it actually exists. He could establish that St. George Villa and the Village Center were on the system.

Ed said that he had received some information from T-Mobile about their interest in placing antennas on the Mt. Pritchard Tower – but that he had not received an application from them yet. Ed said that he informed T-Mobile that if they are planning an installation or any modification to the tower on Mt. Pritchard that they would have to come before the DRB for a permit.

Approval of September 10, 2008 minutes

Several minor changes were made. With those changes the minutes were approved.

The meeting was adjourned at 9:05

