

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

Board members in attendance: Marie Mastro, chair; Scott Baker; Lisa Beliveau; Matt Palmer; Connie Kendall; Ron Arms.

Also in attendance: Dan Pillsbury; Dennis Hill, attorney for applicants; Ed Hanson, Zoning Administrator; Sarah Tischler

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The meeting was called to order at 7:05.

**Agenda item #1:** Continuation of the Final Plat Plan Review for the Pillsbury Subdivision.

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

Marie asked Ed if there was any new information to submit to the board. Ed said that there was no new information.

Marie turned the meeting over to Dennis. Dennis reviewed what was discussed at the last meeting and said that he felt there was an agreement on most of the issues that were raised in the letter that he submitted to the board on December 5, 2007.

Dennis summarized the points where he felt there was agreement:

- (1) The Pillsburys agree to include language that would alert purchasers of the 7 lots of the existence of the VELCO transmission line ROW and if VELCO asks for any changes or increases in the line the purchasers would waive any claim that would require the town to take a position as a result.
- (2) They agree that they will be drilling the individual wells and they will provide the purchasers with the information regarding the well yield. They also will have to meet the State Permit requirements.
- (3) It is their understanding that a maintenance road will be allowed up to the septic easement area to act as an access road to service the septic system. This road will include a 35 to 40 foot hammerhead in addition to the road which will be approx. 1,000 feet in length.
- (4) The management of the forested area would be overseen by the county forester.

Dennis then said that this left two items that continue to be a concern to everyone:

- (1) The area that the Pillsburys want to designate for future development.
- (2) The ridgeline area the town has requested for conservation.

Dan said that it would be at least 10 years before the proposed conservation easement area would come into play as far as any future development consideration. Dan requested that the board postpone any decision on this area for at least 5 years. This area has been conserved since 1935. About 25 years ago, Dan was approached by a tower company wanting to build a tower in this area - Dan rejected their offer. Dan said that in the past he has conserved this area and he will most likely continue to conserve the area but he did not want to “sign on the dotted line at this time. I agree with the philosophy, but I am not ready to sign that off”.

Matt questioned what kind of open space conservation was taking place as required in the regulations. (sec. 815.1 (5) - the regulation requires conservation of open space. Marie said that open space is required in the regulations as well as conservation of features recognized as important in the Town Plan – “the two are separate. There is a subdivision standard that you have to have open space and there is a standard that says features that are stated in the Town Plan that are worthy of conservation be conserved.”

Scott offered that it may be best to start with the first issue, lot #8 and the area designated for future development. Dan said that part of the problem was that the regulations require a minimum of 50 acres for a PUD. Dennis stated that they are not proposing to subdivide lot #8 but that they wanted to put potential property buyers on notice that we may come back after a five year period and ask for additional building lots. The lot lines would be designated at that time. Scott agreed that it would be best to make the potential property owners aware of the possibility that there could be additional development. Marie said that the difficulty arose when lines were drawn around the future development. Marie offered that the compromise may be to find some language that will give the potential property owners a clear understanding that lot #8 may be further developed in the future but that the DRB has in no way approved the future development at this time. This language may be on the site plan as well as in the covenants - also, specific lines would not be drawn on the plan that could suggest a subdivided lot. Marie said that a minimum number of acres will be required to be left as open space when the future development is considered. Dan offered that it could be stated that a minimum of 31 acres of lot # 8 would be left open. Dennis said that the transfer of the open space to the homeowners association would not happen until all development was complete.

Ed asked for clarification – “has it been suggested that a homeowners association would not exist until the last lot is sold?” Dennis said that the homeowners association would exist when a lot is sold but the Pillsburys will control the homeowners association until they deed the open space to the association. Ed offered that his past experience was that the developer was a member of the association and the association was formed with the sale of the first property. At that point there are two members. At some point, the

developer may choose to turn the association over to the other members entirely. Dennis said that in this case, that would not happen until the entire PUD is developed.

Marie then moved to the second item - the conservation area as stated in condition 6 and 7 of the board's decision dated September 26, 2007. Marie recognized that Dan had previously made the statement that the Land Trust did not offer to purchase the conservation area.

Connie pointed out that Sarah Tischler was in the audience and at previous hearings, the board talked about expanding their understanding of what was happening with the adjoining land to this proposed conservation area. Sarah said that her parents owned the parcel to the west of the proposed conservation area. She said that she did not want to go on record saying precisely what her parents plan to do with the property but that she didn't think either her family or her parents had any desire to see this area developed in any way. Their preference would be that it be kept open. Dan asked if they have established any type of conservation on their land. Sarah said no - but they have had discussions with the Land Trust and that it would have more appeal to the Land Trust, the Nature Conservancy or the Public Trust if "we were looking at something together - making this a larger parcel". Sarah pointed out an area on the other side of Rt. 116 that is preserved by the Nature Conservancy because it is a watershed area. Dan said that he called the Nature Conservancy 6 to 8 weeks ago and told them that "we have a place that is an overlook to all of the birds, bugs and bees that you have down there - are you interested - but the guy said no, which surprised me". Dan said that he would be interested in knowing about any dealings that Sarah may have with the Nature Conservancy. Marie asked Sarah when her family may begin to consider conservation efforts in this area - Sarah said possibly in the next year.

Marie asked Dan if it is a case that he is more opposed to the timing of the conservation and not so much that he is opposed to the idea of the conservation. Marie said that the board has to look at the whole property to be subdivided in a unified way - the board has to look at lot 9 as well. Marie said that the condition does not indicate a specific timing but maybe as a compromise it could be modified so that it meets the same goal which is the preservation of the ridgeline - but somehow releases you from a specific time frame - or somehow we cap the time frame. "It doesn't have to happen for you to file your final application but that the goal is that it will be conserved within some sort of period of time using a method you deem appropriate." Scott added that the mechanism wouldn't have to be determined now, but at some point it would have to be done - "it postpones it and I think that could be a good idea". But Scott pointed out that if the subdivision is approved without the area being conserved, it would be vulnerable to a single family home being built on the ridgeline. Ed added that before someone could build in this area, they would have to subdivide lot 9 - and that would have to come before the board. Scott said that the lot would not have to be subdivided if the current house were torn down.

Dan said that he is interested in any conversations that could take place regarding conservation but that he also was not willing to go any farther than what he has at this point. Even if it jeopardizes the whole PUD at this time, he can't go along with the

required conservation area. Connie asked for the board to continue considering what Marie had proposed - allowing Dan to determine how he would conserve the land at a later time. Marie said that there needed to be more exploration but there may be some possibility in addressing the issue of timing. Connie added that the delay could allow for input from the Land Trust or the Nature Conservancy as well as further collaboration with Sarah Tischler and her family. Maybe there is a better location for the conserved area.

Dan said that he would not be stopping what the regulations require - a delay would still be guiding the property in the right direction. Scott said that the board has the opportunity to conserve the area now. Marie added that it is an obligation of the board to conserve the areas listed as important in the Town Plan.

Marie concluded that there are areas that need further exploration and she asked if there were any further questions. With no further questions, she made the motion that the board conclude the testimony related to the letter provided to the board by Dennis in December and that the board will reconvene for final plat plan review on April 9. Scott seconded the motion. With no discussion, the motion passed unanimously.

Marie said that a letter will be provided to Dan and Dennis that will outline the response of the board members.

Dennis thanked the board members for their thoughtful consideration and approach to the issues that were raised.

**Agenda item #2: Update from the Zoning Administrator**

Ed asked if everyone received a copy of his last monthly report that he distributed by e-mail because Barbara Young, town clerk, said that she did not receive a copy. Marie asked Ed if he was using the group e-mail address - Ed said yes. Board members said that they did receive the monthly report.

Ed reported that he still had not received any information from Sheila McIntyre on the Martel Subdivision. Scott said that they did not realize that they needed to submit a final plat application. Ed reviewed that the sketch plan is not warned and is informal - the preliminary plat review has a 7 day warning . . . Scott said that they are now aware that they have to file a final plat plan review application before coming to meet with the board again.

Ed reported that he may have an application for a hearing submitted by Jim Emerson who lives on Forest Road. Jim plans on selling his house which he bought in 1993 - just at the 15 year amnesty provision. Two accessory outbuildings were built on the property without permits and he is trying to correct that situation now. These buildings are within the setbacks (two feet from the boundary) and, if they remain, will require a variance. Amnesty may apply.

**Agenda Item #3: Approval of February 13, 2008 Minutes**

Dan requested that an addition be made to the minutes. The addition to page 8 will read, “Dan reminded the board that he did not request a density bonus and no density bonus was granted.”

With the addition, Marie made the motion that the minutes be approved. Matt seconded the motion. The motion passed unanimously.

**Agenda Item #4: Annual election of officers**

Lisa made the motion to re-elect the current slate of officers for the Development Review Board. Matt seconded the motion. Discussion: The current officers said they were willing to maintain their positions; Marie Mastro, chair; Scott Baker, vice-chair; Connie Kendall, clerk. The motion passed unanimously.

The meeting was adjourned at 8:55 pm.