

TOWN OF ST. GEORGE  
DEVELOPMENT REVIEW BOARD MINUTES  
May 14, 2008

Board members in attendance: Marie Mastro, chair for agenda items 2-4; Scott Baker, chair for agenda item 1; Lisa Beliveau; Matt Palmer; Connie Kendall; Dan Pillsbury, agenda item 1, 3 and 4; Todd Pillsbury, agenda item 1, 3 and 4.

Also in attendance: Rita Martel; Jane Stowell; Sheila McIntyre, Summit Engineering; Tom Walsh, attorney for Lake View Farm; Jim Donovan, Broadreach Planning & Design; Don Taub; Kelly Sayre; John Aleong; Debra Bell, Trudell Consulting Engineers; Dennis Hill, attorney for King George Homes; Ed Hanson, zoning administrator.

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The meeting was called to order at 7:05 pm.

**Agenda item #1:** 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.

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

Scott asked if there was any written information to be presented at this time. Tom Walsh asked that his letter, dated March 20, 2008, be added to the record. Scott acknowledged that the board did receive this letter.

Connie added that since the last hearing, three documents have been added to the record:

1. A letter from Tom Walsh, attorney – dated March 20, 2008 - asking for reconsideration of several aspects of the DRB's January 23, 2008 preliminary decision.
2. A letter from Jim Donovan, Broadreach Planning & Design – dated May 1, 2008 – an evaluation of the visual analysis done by Michael Lawrence and Associates of the proposed Lake View Farm Subdivision.
3. A letter from Christopher Stone, Stone Environmental – dated May 2, 2008 – a review of the Heindel and Noyes evaluation of groundwater availability for the Lake View Farm Subdivision.

Marie Mastro expressed concern that these documents were not made available to interested persons prior to the hearing – making it difficult for audience members to prepare questions and comments. Tom Walsh added that without a certificate of service or a list of interested parties, anyone that files a document with the town would not know

where to send the document to. Ed Hanson said that two of the letters were called for at a previous hearing and so it would be known that they would be coming in.

Scott turned the meeting over to Tom Walsh to review the seven points that Lake View Farms would like for the board to reconsider – as listed in Tom’s March 20 letter to the board. The seven points are listed as A through G in the letter.

Points A, B and C: Tom pointed out that the site plan shows each of the building lots and identifies the proposed clearing limits. The clearing limits are identified as proposed clearing limits vs. existing tree lines. There are elements that are within each of the lots such as septic areas and drainage areas that require clearing - the houses cannot go in these areas. Absent those restrictions, the houses can be placed in the areas proposed.

Scott said that the board had asked that the clearing limits be dimensioned rather than shown as a cloud line. The request is that, on the final plat, the clearing limits be dimensioned specifically.

Sheila asked if the exact dimensions are to be shown for just the house site/ building envelopes or for the septic, swale and drainage areas as well. Scott thought that the exact dimensions would only be needed for the cleared area around the houses – since he was not as concerned that someone will try to clear-cut a septic field, for example. The clearing limit dimensions should be shown around each house site so that potential buyers of the lots will know specifically what the clearing limits are.

Connie asked if any changes will be made on the final plat plan to the proposed building envelope/ clearing limited areas. Sheila said that she could not say for sure that there will be no changes to the cleared limits as shown since they have not done the final storm water and grading design yet – as that develops the clearing limits may have to change a little bit to accommodate that. Connie pointed out that some of the tree buffers are thin and if the clearing limits shift to a greater extent, it would change the aesthetic evaluation. Sheila said that what we see is very close to what will be shown on the final plan – any changes would be “very minor”.

Points D and E: Tom asked for clarification and acknowledgement that a portion of lot 9 will not be included in the permanently conserved area – namely, the subdivision access road and the 16.25 acres of agricultural land. Scott acknowledged that the road is a portion of lot 9 as well as the acreage that will be in continued agricultural use. Connie pointed out that the road only touches the agricultural portion of lot 9 – not the 235 acres that are to be conserved. Agreement was achieved that the road and the 16.25 acres of agricultural land is excluded from the permanently conserved area which is the remaining land of lot 9.

It was also agreed that the conserved area of lot 9 will not be developed. Connie asked what the Martels are proposing for the 235 acres of conserved land. Tom answered that

the acreage to be conserved is in the current use program and will be used for forestry purposes. Matt said that the conserved area is to remain in its current state. Scott said the intent of the board is that the conserved area be used for silvicultural practices, under a forest management plan, and that the agricultural acreage be used for agricultural purposes. Tom asked Jane Stowell if that was what their intention was – Jane answered, yes – and that they currently work with the Chittenden County Forester and with his recommendations.

Scott announced that there were only 15 minutes remaining on this agenda item and since Jim Donovan was in attendance Scott suggested that the board turn to the visual analysis prepared by Jim.

Jim Donovan's report - Scott referred to the letter that Jim wrote to the board in response to the board's request for an independent study of the potential visual impact of the proposed subdivision. Jim evaluated the visual analysis that was done by Michael Lawrence of Michael Lawrence and Associates on behalf of Lake View Farms.

Scott asked Jim to give a summary of his conclusions. After Jim pointed out the highlights of his letter – Scott opened up the discussion to questions from the board.

Connie said that she reviewed the letter and noted that Jim reported that the homes on lots 3, 4, 5 and 6 could be visible to some extent and most likely would not be totally screened by vegetation - and the homes on lots 1 and 2 could be visible if the offsite vegetation is removed. Connie quoted Jim's report: "The partial views of a proposed house on lots 3, 4, 5 and 6 would most likely be of only the upper story or roof" and that "such views would blend into the existing views from the surrounding area as long as they were not significantly different in size or of a bright color that calls attention to itself".

Connie said that at past hearings, the Martels have seemed willing to require that the homes be of some sort of camouflage color to lessen the visual impact. When it was noted that the homes that have already been built on Martel Lane were all of brown color – the Martels seemed willing to consider a similar color requirement.

Scott asked Jim for his advice on colors that would blend best considering that the visibility may be the greatest during the winter months when there is no foliage – green roofs, grey roofs. . . colors of siding? Jim answered that it is probably easier to say which color do not blend such as bright colors - some blue roofs – bright reds – bright yellows – bright whites – bright blues and greens. Many of the toned down colors could work especially the muted browns. Scott offered that low reflectivity glazing should also be considered for at least the upper stories.

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

Marie Mastro asked about Jim Donovan's statement on page 3 of his report that said that portions of the houses or roofs on lots 5 and 6 may be visible either year round or during the portions of the year when the leaves are off of the trees. Marie asked if these homes would be less visible or not visible if they were moved more to the west or down lower on the hill. Marie added that she recalled that the previous report indicated that there would be enough vegetation to screen the houses. Jim pointed out on the site plan at what angles the houses could be visible.

Marie asked if anything were to be built on lot 8 – would it be more visible that the homes built on lot 5 and 6. Jim said that since lot 8 was designated as prime ag soil, he did not make an analysis of lot 8 but he felt that, yes, anything built on lot 8 would be more visible.

Marie asked what house would be the most visible – Jim answered the house on lot 3 since more of the vegetation is proposed to be removed for the emergency road and the stormwater basin. Connie mentioned that Michael Lawrence had suggested that trees be planted along the exposed side of the stormwater basin #2 to screen the house. Jim agreed that “if anything were to be planted, that might be the only area that it would be necessary”.

Scott asked if there were any more questions for Jim Donovan pertaining to his visual analysis. With no further questions, Scott returned the discussion to points F and G of Tom Walsh's letter.

Point F: Tom asked for reconsideration on condition number 5 - and requested that the annual inspections would not have to be done by an engineer. Scott said that he was fine with the state's inspection and maintenance procedures. Connie agreed and said “strike engineer”.

Point G: Tom asked for clarification on condition number 11. Scott said that in looking at the zoning regulations - section 815.2 - the board wanted to have the locations of streams, steep slopes or wetlands considered in the final plan review so adjustments could be made for those features as necessary. These areas had not been discussed during the preliminary plan review.

Scott announced that because this agenda item had gone over its allotted time, the discussion of the water analysis done by Stone Environmental would be postponed to the next DRB hearing.

Scott made a motion to recess the hearing to the next regularly scheduled meeting on June 11, 2008. Connie seconded the motion. With no discussion, the motion passed unanimously.

**Agenda item #2: Continuation of Final Plat Plan Review for King George Homes.**

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

Marie then asked the applicant and his representatives to take the oath. Dan Pillsbury, Dennis Hill and Debra Bell stepped forward to take the oath.

Marie requested that the board's letter dated March 27, 2008 be entered into the record. The board's letter was in response to Dennis Hill's letter dated December 5, 2007.

Marie asked Deb Bell to point out the changes that have been made on the plans as a result of the board's conditions. Deb asked Dennis to point out the changes.

The changes were as follows:

1. The name of the subdivision changed to King George Homes
2. The specific acreage has been clarified for the entire project.
3. The conservation area on lot 9 has been delineated.
4. The location for future development is shown on the master plan with clear notation that it does not constitute approval for the future development.
5. Appropriate revisions have been made to the covenants.
6. Additional information will be provided as each of the wells are drilled.

Dennis then went through the acreage of each of the areas:

The Lots 1 – 7 area is 3.18 acres

The limited common elements is 4.19 acres

Potential future development is about 11 acres

The open space after the future development is 41 acres

Matt asked if the 41 acres will be association property. Dennis answered, yes.

Marie asked about article 17 of the covenants and how it is to be worded to conserve lot 9's conservation area – since the covenants could be changed at a later time. Dennis said that if the covenants were changed at some point in the future, the changes would have to be approved by the board. Connie made the point that the conservation requirements would have to be a part of the board's conditions. Marie agreed that the board's final decision will have the appropriate conditions that will state that the area will have to be conserved and the covenants will reference the board's decision. Dennis offered that the deeds will also reference the conditions of approval.

Dennis said that the conservation area will be held permanently and substantially in its natural state. By saying “substantially” rather than “entirely” this would allow for silvicultural practices as directed by the county forestry plan. Marie said that it will be up to the board to word the conditions accurately so it is clear what the board intended to have happen with the conserved area.

Marie said that the board requested, in their response letter to Dennis, that the area marked for potential future development has accompanying text that clearly indicates that the board has not authorized the future development. Deb Bell pointed out that they included that wording in the general notes - #13. Dennis pointed out that the wording is also on the subdivision plat (# 10) and the Master Plan – in paragraph 15.

Dennis said that the goal is to make it clear to the buyers that the Pillsburys are reserving the right to develop in the future – without creating another lot at this time. Marie requested that the future development area on the plan be marked with a number 13 to guide viewers to the explanation in the general notes. Deb agreed. Dennis offered that the area could be marked with a number 15 as well.

Matt asked when the 41 acres will be conveyed to the association? Dennis answered that they will be conveyed when the final sale is complete on the final lot and after five years. Matt asked if that was to avoid Act 250 – Dennis answered, yes. Matt asked if the property owners will have an easement on the 41 acres? Dennis answered, yes – since they will be association members.

Marie asked if there were any further questions from the board. With no further questions, Marie opened the hearing to public comment.

John Aleong thanked the Pillsburys for the conservation area and asked if it will be held as conservation land into perpetuity? Dennis answered, yes – the wording is on the master plan and the plan will be recorded. (#13)

John Aleong expressed his continued concern that there is minimal water available in St. George and sited Williston’s procedures for documenting sufficient water and for water testing. John requested that the board consider Williston’s procedures and regulations for predicting and resolving water issues.

Marie noted that earlier in the hearing process, the board considered the use of a well on the property that had a substantial water yield but it could not be considered because of the close proximity to a septic field. Marie asked if the septic field had not been there, could the well be used? Deb suggested that the Pillsburys proceed with predrilling the wells as planned and “let’s see what happens”. Dennis said that the well is Larry’s – but there were other issues with using that well for this subdivision proposal. Dan added that the yield of Larry’s well is 50 gallons per minute. Deb said that using this one well for

the 7 lots would require a more elaborate community system and would require greater separation distances – distances that cannot be achieved.

Matt asked for the acreage of the conservation area. Dennis answered, approx. 9.8 acres. Matt asked if the acreage total could be added to the plan – Deb answered, no, because it would create a separate lot. Matt pointed out where the specific acreage of 11.1 acres is shown in the general notes (#16) for the area marked for future development. Deb offered that they showed the 11.1 acres to make it clear how much acreage will remain for open space and that she felt the general notes made it clear that another lot had not been created. Matt asked, then, if the acreage was shown for the future development area, could the acreage be shown for the conservation area in the general notes. Deb asked Dennis if he would agree that the acreage could be added to the general notes for the conservation area – Dennis agreed.

Marie asked about the difference in the lines that mark the conservation area vs. the future development area – dark dashes vs. light dashes. Deb said that there was no significance to the difference.

With no further questions or comments, Marie made the motion that the board go into deliberative session. Scott seconded the motion. With no discussion, the motion passed unanimously.

With the return of the audience members, Marie asked Dennis, Deb or Dan if they had any further questions. Dennis said that there were no further questions and they will be submitting the final mylars with the changes that were requested.

Marie made the motion that the hearing on the King George Homes Subdivision be closed. Scott seconded the motion. With no discussion, the motion passed unanimously.

Marie said that the board will issue a written decision within 45 days. It was agreed that Deb could wait on finalizing the mylars until Marie had a consultation with the town attorney. Deb asked for clarification on when the final mylars were due – the regulations require them for final review. Marie said that the mylars will not be needed until the final decision is issued.

**Agenda item # 3: Update from the zoning administrator.**

Ed reported that he will be following up on the landscaping issues with the Handy's Convenience Store. Several trees have died and need to be removed and replaced.

The Emersons are no longer considering submitting an application for a variance. A variance was required in order to allow a shed to remain standing within the setback requirements. The Emersons will be removing the shed instead.

Jenifer and Norm Burnett reported to Ed that they finished their sign for the Rocky Ridge Golf Course.

**Agenda item # 4:** Approval of the March 12, 2008 Minutes.

Marie made the motion to approve the minutes for the March 12 DRB meeting as written. Lisa seconded the motion. With no discussion, the motion passed unanimously.

The meeting was adjourned at 9:45 pm.