

TOWN OF ST. GEORGE  
DEVELOPMENT REVIEW BOARD MINUTES  
June 11, 2008

Board members in attendance: Scott Baker, acting chair; Lisa Beliveau; Matt Palmer; Connie Kendall.

Also in attendance: John Klesch, attorney for the town of St. George; Tom Walsh, attorney for Lake View Farm; Sheila McIntyre, Summit Engineering; Rita Martel; Jane Stowell; Ray Martel; Marie Mastro; Lisa Steadman; John Aleong; Don Taub; Tim Williams; Patrick Williams; Ed Hanson, zoning administrator.

---

The meeting was called to order at 8:00 pm. due to the deliberative session scheduled from 6:00 – 8:00 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.

Lisa Steadman asked for clarification on how residents on Martel Lane have been made aware of the meeting. She was concerned that residents were not made aware of the proceedings. Ed answered that all adjoining landowners received notification and the hearing was warned in the Williston Observer.

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 to the board. Scott said that he received a letter from John Aleong this evening prior to the start of the hearing and that he would mail out copies of the letter to all adjoining landowners and interested persons.

Scott said that he also received an e-mail from Charles Scott stating his support of the proposed PUD subdivision. Scott will be sending out copies of this e-mail to all adjoining landowners and interested persons.

Scott then turned the hearing over to Tom Walsh. Tom said that at the last hearing in May, the review of his letter to the board was completed. Also, the review of Jim Donovan's visual analysis evaluation was completed. The item that was not covered

at the last hearing was the evaluation done by Christopher Stone of the water analysis that was submitted by Craig Heindel dated December 12, 2007.

Tom recapped Craig Heindel's report that was submitted during the preliminary plat review. Craig researched and analyzed two questions: (1) Is there sufficient water supply to support the proposed seven houses? And, (2) Will the proposed seven houses unreasonably interfere with the existing water supplies of neighboring uses?

Tom said that Craig answered the first question with a yes - "The town hired Stone Environmental to do an independent review of Craig's analysis and I think it is fair to say that Stone Environmental agreed with Mr. Heindel's analysis on question one - that there appears to be a sufficient water supply for the proposed seven houses".

For the second question that was asked, Tom reviewed that Mr. Heindel said that while it is not possible to give a definite answer of no interference - he characterized it as being low. Craig suggested several measures that would further minimize the probability of interference. One of the suggestions was to locate the wells at a minimum of 200 feet apart.

Tom said that Sheila brought a map to show the locations of the proposed wells and the existing wells on neighboring properties. Except for lots 3 and 4, all of the newly proposed wells are at a minimum of 200 feet apart from each other. The current plan shows the wells for lots 3 and 4 at 180 feet apart but there is enough room to increase their separation to a minimum of 200 feet apart. This change could be made for the final plat review.

Tom said that since they do not know exactly where the neighboring wells are located on all neighboring properties, Sheila has located the wells for the proposed seven lots at a minimum of 200 feet from the boundaries of neighboring properties.

Tom concluded that both Craig Heindel and Stone Environmental have agreed that there is low probability that there would be interference and the biggest measure that would further minimize that possibility would be the 200 feet separation distance between the wells - and that has been included in this project.

Tom stated again that Craig suggested other measures that would increase the chance that the wells would be successful in supplying water to any one of the seven house sites. Tom concluded that he felt that the Stone Environmental study supported the Heindel study.

With the completion of Tom's recap of the water analysis - Scott referred to a discussion that took place at the previous hearing about Jim Donovan's visual impact analysis. Jim's report stated that the houses could be visible from different angles and at different

times of the year. Based on that evaluation, Scott reviewed that there was some agreement at the last hearing that some architectural restrictions would be placed on the houses – such as house color, size and reflectivity of glass. Scott asked Tom, that since he expressed a willingness to do this in the past, would he draft language that would achieve a camouflage effect for the seven houses that would be similar to the houses that are up there now. This language would be included in the declarations which the board would then review. The goal is to reduce or minimize the visual impact of the homes.

Scott clarified that there is to be no development on lot 8 – specifically that an additional house lot would not be allowed on lot 8. Tom agreed and verified that lot 8 is the prime ag acreage. Connie read the description from the application which states: “Parcel 8 is primary agricultural soils and will be protected as conservation land with restrictions requiring that it be conserved for agricultural use” “9.7 acres primary agricultural soils conservation land (no development)”.

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

John Aleong asked for further clarification that lot 8 could not be developed in the future. Scott asked John Klesch to further explain. John said that he could respond to what the board’s intention and understanding is – which is: if the board grants a permit for this PUD, with a condition that lot 8 be conserved for agricultural purposes only with no land development – the owners of lot 8 would not be allowed to come back sometime later and ask for a subdivision application for that parcel - no one would have the opportunity to seek approval to construct homes or any other structures on the lot. Scott added that the board’s decision would be final. John Aleong requested that it be stated that the agricultural portion of lot 9 would also not be developed. Scott referred to the definition of no land development in chapter 117 – no land development would mean no subdivision of land, no single family house, no drilled well, no buildings, no structures, no mining – “it’s pretty comprehensive”.

Lisa Steadman asked if the 235 acres of lot 9 will be in a conservation easement with the Vermont Land Trust. Scott asked Tom to respond. Tom said that they are “trying to do that but it cannot be done in advance of the permit – the attempt is to work with the Vermont Land Trust as a conserved parcel – they may accept it and they may not”. Scott said that a conservation easement is not necessary to prevent development. The decision and conditions of this board can accomplish that.

Marie spoke of the difficulties she has had with having no water. Marie asked the board to consider a condition that would ask the applicants to drill the wells in advance of selling the lots so potential buyers would have the opportunity to walk away from the purchase if there is insufficient water. “There are no gusher wells over there – the existing wells in the area are typically low yielding and the proposed wells will most likely be low yielding as well”.

Marie said that the studies talk about ways to create more water storage by digging a deeper well or putting storage tanks in the basement – “I’ve done all of that”. “What the studies don’t talk about is how to actually get more water”. One thing Marie said she was hopeful would work for them is to drill a second well or even a third well to provide enough water for the household. Marie said that she would like the board to consider a solution if one of the homeowners has to drill a second well. On a smaller lot, they may have difficulty finding a location for a second well on their property.

Tom said that the recommendations made by Craig Heindel, such as an 8 inch casing and digging deeper would most likely increase the water yield. Marie said that she has tried all of Heindel’s recommendations and still she does not have water.

Scott asked Tom to consider Marie’s first suggestion of predrilling the wells before selling the lots. Tom responded that predrilling would be “an onerous burden”. The Heindel and Stone Environmental studies will be provided to the buyers in advance of selling the lots - so the buyers will be on notice and they can decide for themselves.

Marie said that the Heindel study surveyed 15 wells. Two are not actually wells – they are springs – one is not a residence but a barn “or something like that”. If you read through the notes, six of the wells listed indicate that there are problems – of the twelve wells listed, half of the wells have problems. So, I don’t know how it could be said that there is not a problem in this area. The board has set a precedent requiring applicants to predrill wells – something that can be added to the price of the lot.

Matt asked Marie if her well, when first dug, yielded sufficient water. Marie said yes – at first they were able to get a minimum yield but the yield dropped quickly. Matt said that if the wells were predrilled, the yield may show sufficient amounts to begin with but this could drop dramatically. Marie agreed and said that this would be the risk the buyers would be taking – “it remains in this area that there is a very high probability that the wells will be low yielding”. The well digger that she has been working with says that the bedrock and soil type in this area does not hold or transmit water well – her hope is that two wells will supply a sufficient amount of water.

Don Taub asked about the requirement that the wells are to be predrilled for the lots in the Pillsbury subdivision – why would an area that has more water predrill (the Pillsbury subdivision) but the requirement would not be applied to this area that has minimal water? Scott offered that there were no water studies done for the Pillsbury subdivision but this subdivision has had two studies done. Marie said that the studies are based on the theory that there will be water. Connie read portions of the Stone Environmental study that referred to the unique situation in the Lakeview Farm area. Chris wrote: “Unfortunately in the vicinity of the proposed subdivision the bedrock apparently does not have great storage and transmissive qualities”.

Matt asked what the state minimum water yield requirement is – it was agreed that it is around  $\frac{3}{4}$  of a gallon. Matt asked if the state minimum requirement would protect the potential buyer.

Tom said that the burden to the applicants is that the infrastructure would have to be built in order to create the access to the proposed well locations. Tom also said that the burden is not justified when two hydrogeologists have said that wells drilled in this vicinity should be capable of delivering sufficient water. Matt asked, “isn’t the infrastructure work going to have to be done regardless, at some point?” Tom answered that the Martels originally came in with a proposal for two lots – this board asked for a master plan. Whether or not they build out more than two lots is an unknown. If they do, it might be sometime in the future. But what you are considering is putting in a condition to drill a well before they can sell a lot”. Matt added – “If they decide not to sell a lot, they wouldn’t have to drill a well – the well would not be drilled until they decide to sell the lot”. Tom restated that what the board would be asking is for the applicants to spend money to take down the trees, trees that the board is anxious to protect, to build the infrastructure – the road, storm water drainage - to build a well. There would be substantial work that would need to be done before they could build a well. Tom pointed out that this is the 8<sup>th</sup> or 9<sup>th</sup> hearing – the Martels are running low on cash. The Martels might get their permit and decide to sell to a developer – the board would take that ability away from them.

Tom said that two engineers have done studies, at the expense of the applicant, and their opinions are that there is water supply. Matt added that they said there is a potential for water supply – “you don’t know if there is water until you drill”.

John Aleong agreed that the studies talk about the potential for water and the potential for increased storage if certain things are done. But the studies cannot prove that there is water to begin with. John referred to the letter that he supplied to the board and to the letter from Laurence Becker, Vermont State Geologist and Director. Laurence makes the statement that the only way to know the quantity and quality of the water is to drill and assess the yield of the well. John also questioned Craig Heindel’s numbers for the recharge rates of the area. There is no data supporting Craig’s recharge rates (Craig used an average for the entire state) and no data that shows the existence of a reasonable amount of water - “all we are hearing are hypotheses and assumptions”. John also referred to the Vermont State Geologist’s report that says “the state is concerned about the interference question” – a study has been commissioned – “and this study is to understand the interference in areas at least where there are data to address the concern”. Williston has information (April 2008 DRB minutes) that show interference between test wells that were dug in the vicinity of Oak Hill Road. The test wells were required for the permitting process. John concluded that, based on all he has referred to – it was of no surprise to him that he and others “have no water”.

Lisa Steadman asked what will protect her well – what is her assurance that seven additional homes on Martel hill will not cause her well to go dry. She said that she was concerned since people have already spoken about their lack of water – six out of the twelve wells that were considered, show that the water is “not up to par”.

Tom asked if the board does require predrilling of the wells, how long will the board require the wells to be in use? How could that determine whether or not there will ever be a problem? “When do you have enough evidence?”

Marie said that what she is presenting to the board is that there is evidence that there are problems with water in this area. There are examples of insufficient water close to the locations of the proposed houses. Marie said that her intention is not to burden the Martels, “but someone is going to have to pay the price”. The Martels can add the expense of predrilling the wells to the cost of the lots.

Lisa Steadman asked the board to consider requiring that two wells be predrilled “and see how that goes”. Scott said that the board would take that suggestion into consideration.

Lisa asked if the proposed homes will share in the cost of maintenance for Martel Lane and Martel Extension. Tom answered yes – the application proposes a pro-rated share based on the portion of the road used. Lisa said that she was concerned that the increase of traffic from the new homes will add to the maintenance problems they already have with the road. Sometimes the road is almost unusable. Also, will there be a requirement that damage to the road from construction trucks be repaired? Tom said that there is a road maintenance agreement which will address road damage at the time of construction and road maintenance going forward - those questions are also answered in the application.

Lisa asked if the right-of-way across her property will be used during the construction process - Sheila and Tom both answered, no.

Tom asked if the board was going to address in writing the points he made in his March 20, 2008 letter. Scott said yes, the board will put their responses in writing. Tom asked if they will be on the agenda again next month. Scott said yes.

Scott made the motion to recess the hearing until July 9. Matt seconded the motion. With no discussion, the motion passed unanimously.

**Agenda item #2** - Sketch Plan Review for a 2 lot subdivision submitted by Raymond Berard was postponed to July 9.

The meeting was adjourned at 9:15 pm.

