

Monkton Development Review Board
Meeting Minutes
February 28, 2012
Approved: 4/24/12

Attendance:

DRB Members Present: Peter Close, John Winsor, Chris Acker, Janet Dermody, Curtis Layn, Philip Russell, Marsha Abramo

DRB Alternate Present: Thea Gaudette (voting until 8:00pm)

Others in Attendance: John Phillips, Ken Wheeling, Stephen Pilcher, David Shlansky, Sandra True, John True, Alan Huizenga, Rebecca Dowdy, John McNerney, Sam Burr, Ric Wolak, Brad Washburn, Marjorie Dickerstein, Gregor Masefield, Hannah Mueller, Lily Jacobson, Gene Hall, Darrel Duffy, Dianne Hall, Matt Schlein

The meeting was called to order at 7:35pm.

Burchfield Management

The board received information regarding the appeal of the zoning administrator's denial. Thea Gaudette made a motion to hold any action on this appeal until the board can consult with the attorney. Janet Dermody seconded the motion and it passed 5-0. Philip Russell and Marsha Abramo arrived after this vote.

New Zoning regulations

The new zoning regulations are in effect as of February, 23rd 2012 as voted on by the town's people.

Dion

The board received a mylar to be signed from Kirk Dion that showed a boundary adjustment; however the mylar was not accompanied by an application. John Winsor made a motion to send a letter to Mr. Dion requesting a boundary adjusting application be completed. Janet Dermody seconded the motion and it passed 6-0. The DRB clerk will send Mr. Dion a letter regarding this matter. Marsha Abramo arrived after this vote.

Willowell- 2012-02-CON

This is the continuation of the conditional use hearing from February 14th, 2012. Peter Close requested that Matt Schlein explain the Willowell foundation and what programs have been done. Mr. Schlein also spoke to the friction between Willowell and some of the neighbors. Janet Dermody asked about the number of students at Walden Project. There were 15 students last year; there are no plans to expand. There would be up to 20 students in the preschool. The Walden staff are part of Addison Northwest Supervisory Union staff. The school district pays \$8,000 for the use of the property and \$10,000 for consultants to come in. Thea Gaudette asked about the home site location in the agricultural reserve. Mr. Schlein stated that the idea was to centralize most of the activity in one area instead of it being all over the property. The Walden Project is set up to be ½ structured time and ½ open for student directed learning. Peter Close asked about the lot 6 building envelope and why it was not used. Mr. Schlein said that they are trying to centralize the building and disturbance to the neighbors.

Gregor Masfield reported that there were extensive studies to see where septic was suitable. A wetland study was also completed to see if there could be entry from State Prison Hollow Rd. The wetland is a class 2 or 3 wetland and is not accessible. Thea Gaudette requested to have the wetland study submitted to the DRB. Janet Dermody asked questions regarding the hours of operation and the location of the Walden School. Mr. Schlein reported that the Walden School hours are 8:45- 2:00 on school days. There are also summer camps that are from 9:00-3:00. The Walden campus is located in a cedar grove on northern area of the campus. Mr. Schlein stated that there is currently a cabin in that area and they will not be building anything else down in the cedar grove.

John True stated that there were 4 lots for houses and the remaining lands were to be placed in agricultural reserve. He stated that there was minimal information shared with the homeowners regarding the plans to expand. Mr. True expressed concerns about the plans meeting state and local regulations, road maintenance, and the effect on land values, water levels in homeowners' wells, and the timeline of building. This letter was entered into evidence and is part of the file. Sandra True also presented a letter stating her concerns regarding the water use, culvert run off, increased traffic and road maintenance, impact on current residents, lighting, view scape, and land zoning. This letter was put into evidence.

Darrel Duffy expressed concerns about the maintenance of the driveway and stated that although it is part of the road agreement, Willowell has yet to pay for any maintenance on the road. He feels that the foundation should be held responsible for the driveway expansion and maintenance of that area. Mr. Duffy also stated that traffic issues have already been a concern and he worries about increased issues as the traffic increases. He expressed concern about the safety of his kids walking home from bus and being safe in the area with increased people around. Mr. Duffy asked about the policy regarding people sleeping on the property as there have already been people sleeping on the property in the woods.

Ric Wolak, who lives directly below the barn and garden, stated that he supports the mission of the foundation and the Walden Project. He noted that there has been a lack of respect when handling issues such as; trash left behind, poor use of the toilet facilities, disrespectful driving by students and some staff, and additional maintenance of the road. Mr. Wolak noted that the view scape would be greatly affected. It was also noted that the letter sent to residents from Willowell was disrespectful. Gene Hall stated that when he was in the educational system respect was demanded and that the Willowell students are not monitored properly.

Sam Burr stated that he is very supportive of Willowell's mission. He felt the project would be an asset to the town; however he is concerned about the location. He read from the deed restrictions on lot 6 (currently Willowell). It was noted that a new access to community center is required. It was noted that maintaining the agricultural area is vital and feels the center should be kept in building envelope. Mr. Burr asked if the DRB can override the deed restrictions. This letter was submitted to the board and it will be entered into evidence.

Ken Wheeling updated the DRB on history of Willowell and their interactions with the town during the permitting process. He noted that permits are not signed by a consistent person. Mr. Wheeling noted that this process has to follow the town process for permits. He reported that there is a history of serious issues with hygiene, sleeping over night, relationship with neighbors, and trash. He suggested

the DRB request contact information for people who will be responsible for this project financially, including but not limited to the maintenance, safety, and health. Janet Dermody asked about 501c3 office out of Bristol. Mr. Schlein noted that it was registered with state of Vermont. Janet suggested Willowell create a Performa in writing that would include; timeline, income, expenses, upkeep, insurances, and compliance with ADA regulations, effects of traffic on main road, safety, and respect of neighbors' land. Ms. Dermody noted that there seems to be a lack of seriousness in which Willowell has treated the town and neighbors. Thea Gaudette suggested that the DRB have a site visit when everything is accurately marked out. Brad Washburn stated that the drawings are up to date on building and ADA codes. The Walden cabin is currently being updated to meet ADA codes.

Mr. Washburn stated that Willowell is here to see if the community center is an allowed use for this area as a first step; however it has not been detailed to the level that others are looking for. Margie Dickerstein submitted the application and signed the attached letter. Marsha Abramo stated there were a lot of comments regarding the uses beyond the education of students (daycare, teach kitchens, art gallery, etc). Ms. Dickerstein noted that those were all listed as acceptable uses in the zoning regulations. The land is in RA2 and RA5.

John Winsor asked if the deed restrictions and road access were taken into account when this project was created. Mr. Washburn noted that the 2 suitable septic areas were both in the agricultural reserve. The current septic area is too small to handle the amount of flow that would be created from the proposed center. John Winsor noted that land use is different from deed restricted agricultural land. Thea Gaudette stated that the purpose of the deed restriction was to preserve scenic view shed of the subdivision. Peter Close asked if Willowell provided a map that shows the areas that would be reserved. Brad Washburn noted that a road agreement and maintenance plan can be written out. He also stated that they are applying for conditional use for a community center. The road way was designed to serve a house, they are interested in switching the single family home for the community center. John Winsor stated even if granted conditional use Willowell would still need to uphold the deed restrictions. He also stated that the DRB doesn't have the authority to grant changes in deed restrictions. Willowell would need to talk to neighbors and change it legally.

Darrel Duffy expressed concerns regarding future development and its affect on the agricultural reserve. He stated that he feels Willowell is not showing the respect for the agricultural land by putting a house and septic in that area. Brad Washburn stated that other towns have allowed this to happen. He also said that Willowell didn't plan to put the septic in the reserved land, but it's the only spot that allows the septic capacity needed. John Winsor asked how does the flow rate for the community center compare to a single family home. Brad Washburn stated that it is similar to four 3bedroom homes. It was noted that the septic system can be split up into smaller mounds; however it is difficult. Alan Huizenga stated that there is another septic site however it is in the other agricultural reserve on the north side of the drive.

Ken Wheeling stated that perhaps the board would want to see how the road access from State's Prison Road could be rehabbed to be used and how much would it cost. He also expressed concern regarding further development. Brad Washburn asked if a site visit is necessary to approve that this is an appropriate conditional use. Thea Gaudette stated that the site visit will help the board make that decision. Alan Huizenga asked what should be marked out. The DRB will provide list of what should be staked.

Gene Hall asked if the deed restrictions prevent this project to continue. Peter Close stated that this is the question for DRB to answer. John Winsor suggested that the board give Willowell the option to continue and prepare for site visit or adapt the project regarding the deed restrictions. Alan Huizenga said that Willowell may want to seek legal advice before moving forward. Janet Dermody made a motion to continue the hearing in order to give the residents, applicant, and DRB time to seek legal consultation. Chris Acker seconded the motion and it passed 6-0. Marsha Abramo made a motion to set the hearing for April 10th, 2012. Curtis Layn seconded the motion and it passed 6-0. The hearing will be continued on April 10th, 2012 at 8:00 pm.

Adjournment

Curtis Layn made a motion to adjourn, Janet Dermody seconded the motion and it passed 6-0. The meeting adjourned at 9:41pm.

Respectfully submitted,

Bailee Layn-Gordon