

Monkton Development Review Board
Meeting Minutes
May 8, 2012
Approved

Attendance:

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

DRB Alternate Present: Thea Gaudette (not voting)

Others in Attendance: Stephen Pilcher, Matt Schlein, Gregor Masefield, Marjorie Dickstein, Alan Huizenga, Brad Washburn, John True, Sandra True, Ric Wolak, Darrell Duffy, Gene Hall, Dianne Hall, Jacquelin Fefee, Lily Jacobson, Hannah Mueller, Sam Burr, Elaine Pentalen, David Savage, Elizabeth Hoag, Kevin Brennon

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

Administrative

Janet Dermody made a motion to approve the minutes from the April 24th, 2012 meeting as amended. Curtis Layn seconded the motion and it was passed 6-0.

Chris Acker made a motion to approve the minutes from the March 13th, 2012 meeting as amended. Marsha Abramo seconded the motion and it passed 6-0.

Willowell- 2012-02-con

This is a continuation of the Willowell hearing from April. All people speaking were sworn in.

Willowell submitted updated and more detailed information on the project to address the concerns of the neighbors.

Brad Washburn described the improvements for the site in hopes to address the concerns of the neighbors and the DRB. He described the traffic flow and drainage improvements from the road and land including; a holding pond, maintenance of the first 400ft of the road (the area which covers Willowell's use), a septic system, drilled well- testing will not allow it to affect neighbor's wells. A wet lands study was discussed of the other access road (State Prison Hollow rd) is considered wetlands (on Vermont map class 2 wetlands); which is not allowed to be developed according to the state. Other class 3 wetlands have been identified in the building site (which is considered insignificant and would be allowed some development).

Marjorie Dickstein from Studio 3 noted that Willowell submitted information regarding the business structure. She also noted that they are in good standing with the state. The ADA requirement plans were discussed; such as ramp locations, wheelchair access, pathways from the parking area to the building that are accessible, the reports regarding the ADA codes.

Sam Burr reported that he doesn't feel that this should be considered a conditional use; he stated it is a development. ACT 250 states that they will not supersede the current restriction. He feels that the Mylar would need to be changed and the deed restrictions revised. He noted that the seller did not

provide Willowell with the proper deed restrictions. He feels the agricultural reserve is not appropriate for a septic system. He stated that ACT250 states that the agricultural reserve can be mitigated by land that is equal to or better than its prior state. This is not possible with what is being requested by Willowell.

Sandy True stated that she has her property for sale. The realtor told her that they did not receive an offer due to the uncertainty of the Willowell property. Darrell Duffy stated that it is his understanding that the Stoney Meadow Lane is for residential access. He reported that this road should not be accessed unless they have a residence on this land.

Matt Schlein stated that Willowell had another title search done. He read from that letter which stated that there are no restrictions on the land for lot 6. Gregor Mansfield stated that there was a title search done in 2007 and they were unable to find the restrictions in the town files at that time as well.

Sam Burr read from the May 8th 2001- preliminary hearing. The document stated that the land owners were required to bring language for the deed restrictions. Although it is no one at fault that there is information missing; he felt that the development was not meant for that type of development. Ric Wolak stated that all the other landowners were told prior to and after the sale of their land that this would be a residential development. Gene Hall noted that his deed does not match what Willowell reported in their deed.

Peter Close noted that the seller's statement on the conformance with the town plan was for the residents to be over the hill so that they were not seen from the road. The DRB is charged with answering: What is allowed in this zone. Peter Close stated that although this is on the list of the approved conditional uses; this project extends beyond the building envelope and needs further review.

Peter Close asked how Willowell felt about scaling back the project because of the neighbors' concerns. Matt Schlein stated that this plan is the whole vision and that doesn't mean it would be done in the next year. He also noted that the footprint is the same size and location that the old barn.

Sandy True stated that she feels that it is a residential site and not a business site. Darrell Duffy stated that daycare is not considered agriculture and should not be allowed.

Ric Wolak felt shocked and disappointed that no one from Willowell discussed this project with the neighbors before the first DRB hearing. Matt Schlein stated that he thought conversations took place before the DRB meeting. He is willing to meet with the neighbors and discuss how they can support the project and how they can come to a compromise. Ric Wolak stated that he is opposed to the location of the project, not the project itself.

Janet Dermody stated that there is a more important issue to answer first; the people who purchased homes have a certain set of facts regarding deed restrictions. She stated that the board needs to decide what is allowed as far as zoning regulations in this area. Alan Huizenga stated that there may need to be two tracks: one landowners get together and discuss and the board decide on the legal course.

Marsha Abramo made a motion to continue the hearing to date certain. Janet Dermody seconded the motion and it was passed 6-0. The hearing will be continued on June 12th, 2012 at 8:00pm.

Curtis Layn noted that this was a subdivision; that is not changing. There are several questions to be answered including if the mound is considered a structure. It is important to know that wet lands are regulated by the state not the town, and that people cannot block access to someone else's land. He suggested that everyone think about if the scope of the project is the only reason this is before the board. If this was a 3 bedroom house in the building envelope then it would be a permit only.

Janet Dermody stated that it will be important that the landowners reach a true consistence where all parties agree.

Hal Saunders 2010-01-MAJ

Kevin Brennon was present representing Mr. Saunders. Mr. Brennon discussed the information required for the final; including the septic design, impact to the wetlands, storm water, and provided a copy of the proposed covenants.

Final Plat Checklist for Subdivision:

****Items marked with an 'X' have been received. Please see the 'Final Plat Data' checklist form for additional details. Items below have been summarized.****

X	Information required on Preliminary Plat is updated and accurate.
X	Final Septic Design.
X	Final copy of any legal restrictions or agreements.
X	Final copy of any protective covenants.
n/a	Performance bond if required.

Marsha Abramo made a motion to approve the subdivision pending the storm water amendment, waste water permit, and finalized mylar. Curtis Layn seconded the motion and it passed 6-0.

Hartwell

The board received a mylar and filing check for the Hartwell subdivision. This will be discussed at the next meeting.

Adjournment

Janet Dermody made a motion to adjourn, Philip Russell seconded the motion and it passed 6-0. The meeting adjourned at 9:51pm.

Respectfully submitted,
Bailee Layn-Gordon