

**Monkton Development Review Board
Meeting Minutes
February 26, 2013
Approved: 3/12/2012**

Attendance:

DRB Members Present: Chris Acker, Peter Close, Curtis Layn, Philip Russell, and John Winsor.

DRB Members Absent: Marsha Abramo and Janet Dermody.

DRB Alternate Present: Thea Gaudette (voting)

Others in Attendance: Ken Wheeling ZA, Will Patten, Stevie Spencer, Deirdre Erb, Andrea Regan, Gay Regan, Melissa Cook, Sam Burr, Robin Hopps, Suzy Mead, F. Vincent Gomez, Nancy A. Gomez, Joel English, Jason Barnard and Ted Palmer, and Wendy Sue Harper.

Peter Close, Board Chair, called the meeting to order at 7:31pm.

Administrative:

1. Minutes from the February 12th meeting were reviewed and corrected. Chris Acker moved the minutes as amended and Thea Gaudette seconded them. Vote: 4-0-0.

Old Business

2. Marjorie Susman and Marian Pollack, Orb Weaver Farm, Waiver on Lime Kiln Road 2013-03-WAI

Peter Close read a letter from Orb Weaver Farm into the public record; the applicants asked if they could be granted a waiver but not do the subdivision until a later date to avoid being taxed on a building lot that was still used to grow vegetables. Thea Gaudette sent an email to them letting them know their letter was received and would be discussed by the Board.

The Board discussed the request and options available. Any property in current use has a lower tax rate. There are some cases currently before the Vermont courts that could help clarify these questions. The lot the applicant hopes to create crosses the boundary of two current lots; a quitclaim deed should come before the waiver. Waiver language could be written not to set a precedent. The applicant is working with the Vermont Land Trust to conserve most of the land. The Board discussed the option of having the lot stay at 5 acres.

The Board discussed having the applicant complete their quitclaim and then come before the board to discuss the project. Thea Gaudette will write to them detailing the issues discussed.

3. Michael Hinsdale 8 lots subdivision on Bennett Road 2013-02 MAJ.

The Board received the requested list of names and addresses of the abutters.

4. Subdivision application will have an administrative change in the language to “*proof of*” the recorded deed restrictions and easements. The Planning Commission recommended this change.

5. Ted Palmer Site Plan Application and Conditional Use on Turkey Lane 2013-01-Con
The hearing was called to order at 8pm. Peter Close said to be an interested party a person must sign-in and be a part of the discussion.

Jason Barnard presented the project to the Board. The project is a contractor’s yard with a 40’ by 60 ‘ building in a barn-like style with a cupola. Equipment would mostly be kept in the building and on job sites. The tandem usually would remain on his job sites, as Mr. Palmer likes to move equipment from job-to-job. The project is well screened and no landscaping will be necessary. Project is well isolated from Turkey Lane. It is less than mile to paved roads in either direction. The equipment of the business includes, excavators, skid steers, tractors, dump trucks, bulldozers, etc. Trips to and from the yard will be occasional rather than routine, as equipment will be left on job sites.

Peter Close stated that when he was in business (he is no longer is in business) in the past he used Ted Palmer as a contractor.

Peter Close read a letter from the Town of Hinesburg. The Hinesburg planning and zoning commission would not approve this project in Hinesburg because of its proximity to a neighboring resident. The letter also discussed this issue of equipment weight on the roads and use of roads during mud season when they are posted.

Repair and routine maintenance of equipment will take place on-site. What precautions will be put in place? They will have storage containers for chemicals. Any plans to prevent spills from running outside? They will use SpeedyDry and spill kits will be on site.

General standards were reviewed. The project is a contractor’s yard. It is well screened from Turkey Lane. It will generally have one trip per week. It will have one 40’ x 60’ structure with two security motion lights. It will operate between the hours of 7am and 7pm. Other than Mr. Palmer, the business has 1 full-time employee, and 2 part-time employees in summer. There will be tanks on site to store fuel for equipment. Used oil may be burned in a stove to heat the building. There will be a Port-o-let on site for employees, as the new building will not have a septic system.

Floor was open for discussion.

Melissa Cook was sworn in. She presented a petition and a letter from her property’s co-owner. She was concerned about adverse impacts on her property, Turkey Lane and the neighbors. She showed a satellite photo taken in May 2012 showing the developed contractors yard before a permit for a yard was given. Ms. Cook said she was not notified of the hearing in October. She complained about noise and traffic at 7am, trucks and other equipment that came during the day and at night. Her property is visually impacted because it looks down sloping land at his site. She is concerned about spills, erosion and run-off on impacts to the pond, ravine, and Lewis Creek. She is concerned about how the project will change the nature of her property and its value. She has a path system that is open to the public for dog walking. She said Turkey Lane is in constant used by people for

walking, biking, and horseback riding. She is concerned about the impact of the project on Turkey Lane. She is concerned about toxic materials storage on site, dust, noise, and lights at night that will shine into her yard when animals turn them on. Turkey Lane is a real treasure for Monkton and Hinesburg. She reviewed the regulations.

Ted Palmer said when he bought the property he moved soil that was left from the construction of the existing garage; he was improving the property. The file contained an example of the letter with an October date to abutters; this one was written to Erle and Suzy Mead, but it was only an example for the Board and not sent to anyone.

Melissa Cook reviewed issues in the Zoning Regulations that she thought were violated. She does not want to live the rest of her life next to a construction yard with all the issues she cited above. No screening is suggested and she can see everything from her property and her developed paths. She believes that there should be penalties from Mr. Palmer's use of his property as a contractor's yard before he had a permit.

Jason Barnard said they spoke to the Vermont Storm Water Division and they will be applying for a storm water permit even though the impervious site is less than an acre and they do not need this permit.

Vincent Gomez was sworn in. He also listened to construction noise all last summer over 3-4 months. He is unhappy that no notification was given at that time. He is concerned about the traffic and the speed of the traffic as he walks his dog. He mentioned the value of Turkey Lane for walking, biking, and horseback riding. Turkey Lane in Monkton is not as wide as it is in Hinesburg, and he is concerned about large equipment on the lane. He said equipment could be seen on Mr. Palmer's property from Turkey Lane currently. Turkey Lane's character is a country lane.

Thea Gaudette explained that by law a Conditional Use project only needed to notify abutters 15 days before a hearing; it does not need to notify other neighbors.

Deirdre Erb was sworn in. She is concerned about vehicles passing each other with a tandem on the lane. She worries about Mr. Palmer's business expansion as it grows.

Andrea Regan was sworn in. She walks the 5-mile loop and organizes the Turkey Trot each year. She opposes commercial development on Turkey Lane, and she is concerned that Mr. Palmer's property isn't owner occupied. She is concerned about the impact of this project on the area and impact on the single lane road. She wanted to know how many pieces of equipment Mr. Palmer has, as currently there are not a lot of large trucks on Turkey Lane.

Mr. Palmer said he would have 3-5 pieces of equipment outside and some equipment inside.

Robin Hopps was sworn in. She is opposed to the project because it is not suited to the existing traffic patterns and the character of lane itself. She wonders how the lane will hold up and the suitability of the project to the lane, and the choosing this site for the project. She thinks the project is out of place with the character of the current neighborhood. She read from page 21 in the Town Plan, which discusses the preservation of gravel roads as a fundamental asset to the rural character of the Town for multiuse and traffic calming

effects with the exception of essential safety upgrades. She thinks this project will change the cultural traffic patterns and the character of the lane.

Sam Burr was sworn in. He passed out maps of his farm and discussed conservation of land along Turkey Lane. He mentioned the general standards for the conditional use #2 on page 36 in the Unified Planning Document:

“the proposed conditional use will not result in any undue adverse effect on any of the following general and specific standards:

2. The character of the area is affected as defined by the purpose or purposes of the zoning district within which the proposed conditional use is located and specially stated policies and standards of the municipal plan.”

Turkey Lane is a peaceful rural lane and this project represents a change of use.

Joel English was sworn in. He recently moved to Turkey Lane; he has a young family. He would not have bought the property if he knew about the project before hand. He is concerned about additional traffic on the lane.

Will Patten was sworn in. He said everyone has said what he thought very well. He said a site visits should occur and at different times so the Board could understand the nature of the neighborhood. People enjoy the character of the lane. Both Hinesburg's and Monkton's Town Plan show this project is not an appropriate use.

Gay Regan was sworn in. She believes she will be able to see the project from her home on Lewis Creek Road.

Wendy Sue Harper was sworn in. She was concerned about heavy equipment impacts to the lane that would lead to its widening and paving, which would be costly to the Town and change the essential character of the neighborhood.

Stevie Spencer was sworn in. She asked about the number of pieces of equipment the project has.

Mr. Palmer has 7 pieces of large equipment and several pick-up trucks for about 10 vehicles in total.

Stevie Spencer is very concerned about potential spills, noise, impacts to Lewis Creek and local wildlife.

Mr. Palmer said he is improving the property for wildlife; it is a beautiful piece of property.

The Board continued the hearing to 9:10pm on March 26th. Monkton will notify the Town of Hinesburg.

The Board set a site visit for March 16th at 10am.

The hearing was adjourned at 9:31pm.

The Board discussed the project further. Thea Gaudette said the roads are for vehicle traffic and that Wayne Preston should be contacted to weigh in on the project.

6. Brisson Stone LLC/Burchfield Management Application 2012-02 Change of Use

The Finding of Fact was signed by Board members; it will be sent to interested parties.

Adjournment

Curtis Layn moved to adjourn the meeting at 9:39pm. The motion was seconded by Thea Gaudette and passed 5-0-0.

Respectfully submitted,

Wendy Sue Harper
Recording Secretary