

**Monkton Development Review Board
Meeting Minutes
March 26, 2013
Re-Approved: 4/23/13**

Attendance:

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

DRB Members Absent: Marsha Abramo, Janet Dermody and Curtis Layn.

DRB Alternate Present: Thea Gaudette (voting)

Others in Attendance: Ken Wheeling, Jason Barnard, Michael Hinsdale, Ted Palmer, F. Vincent Gomez, Nancy A. Gomez, Jeff Parent, Dennis Casey, Adam Driscoll, Mike White, Robin Hopps, Melissa Cook, Sally Dean Sam Burr, and Wendy Sue Harper.

Peter Close, Board Chair, called the meeting to order at 7:30pm.

Administrative:

1. Minutes from the March 12th meeting were reviewed and corrected.
Thea Gaudette moved the minutes as amended and Chris Acker seconded. Vote: 4-0-0.
2. The Board discussed materials received related to the Palmer project; they will officially accept the correspondence into the record when the hearing is opened at 9:10pm.
3. The Board discussed correspondence from Mary Gerdt; they will respond to her in writing.
4. Brisson Stone LLC/Burchfield Management Application 2012-02 Change of Use
The Board received a copy of an appeal to Vermont Superior Court.
5. Marjorie Susman and Marian Pollack, Orb Weaver Farm, Waiver on Lime Kiln Road 2013-03-WAI
Marjorie Susman and Marian Pollack asked to be on the agenda; they were put on the agenda for 8:35pm on April 9th.

Old Business

6. Sketch hearing of Michael Hinsdale 2013-02-Maj 8:00pm

Michael Hinsdale and Jason Barnard were sworn in. Jason Barnard reviewed the project, which is a 50-acre forested PUD with 8 homes in the RA5 District. 20% or 10 acres will be permanently undeveloped; it has logging trails throughout the property. One common access road will provide access to the property. The other 20 acres is in the ridgeline overlay district. Michael Hinsdale said he was not seeking to subdivide the property further. There is one 25-acre lot with a building envelope that could be put into current use. They are 600 feet from the Town Road. The Board discussed that the project would likely have to bring the section of the class 4 road, from Bennett Road to their project driveway,

up to current road standards. Ken Wheeling read the UPD Section 536 driveway turn-around regulations for driveways over 300 feet. The Board raised the concern that the land set aside for common land is a part of only one lot. Other lot configurations were discussed.

The Board ran the checklist; it was complete. Thea Gaudette moved to grant sketch approval, and Chris Acker seconded it. Vote: 4-0-0.

A site visit was set for Saturday, April 20th at 10am.

7. Continuation hearing for Palmer project on Turkey Lane 2013-01-Con 9:10pm

Peter Close mentioned that to be an interested person one must participate in the hearing.

The Board dealt with issues and concerns first.

1) Neighbors are noticed for the first hearing of a conditional use; after that it is a persons' responsibilities to follow when hearings are scheduled to continue them.

2) The issue of Peter Close recusing himself was discussed. Peter Close mentioned at the last meeting that he employed Mr. Palmer on two jobs when he was in business, but he retired 3 years ago that is why he didn't recuse himself.

3) Site visits were discussed. It was noted that they are not public hearings and no testimony is taken. Melissa Cook thought neighbors should be able to hear what is said.

Letter from Wayne Preston, Monkton's Road Commissioner was read; he does not have concerns about the impacts of this project to Turkey Lane.

Jason Barnard addressed concerns brought up at the last meeting.

Concerns about equipment on Turkey Lane: The 8/10 of a mile on Turkey Lane was measured and varies 18 feet to 24 feet. Ted Palmer's trucks were measured they are 8.4 to 8.6 feet wide.

Water quality and stormwater runoff: 1.15 Acres will be disturbed so they have applied for a storm water permit and it will be issued. A long-term storm water permit is not needed. Topsoil from a pile on site will be added to the site once the ground thaws. Any water would travel through a grassy field before reaching the Lewis Creek. Slopes greater than 30% have been mulched.

Storage of chemical fluids on site: they will create a spill prevention plan.

Ted Palmer is the sole operator with several employees. One Port-O-Let will be on site, but it will be screened.

The wetland inventory map was reviewed. There is a wetland on the property it is 250 feet from where Mr. Palmer does his work; the pond is 50 feet away, which meets the buffer requirements.

Screening: Mr. Palmer agreed to put screening on the L-leg of the property that touches Turkey Lane if required.

Contractor yards are a permitted conditional use in the RA5 district.

Mr. Palmer intends to have livestock in his agricultural field; he will improve the property.

ANR maps were reviewed there are no deer wintering yards or endangered species on the property.

The project has been well thought out. Mr. Palmer will apply for all permits required.

At the site visit they discussed screening along Mr. Palmers access for the neighbors benefits.

Two letters were read. Butternut Lane neighbors praised Mr. Palmer upkeep of his property and his value as a neighbor. McGee Hill Road neighbor praised Mr. Palmer's property upkeep and care in moving of heavy equipment.

Floor was opened for discussion.

Melissa Cook was sworn in. She read a 3-page statement with many questions and raised issues of soil compaction, Act 250 Permit Application, Ted Palmer and a Google satellite map. She submitted her letter to Geoffrey Green (Land Use Panel for Addison County).

Jason Barnard said local permits are needed before an Act 250 permit can be applied for. Once local permits are received they will apply for an Act 250 permit. Mr. Palmer intends to reside on the property.

F. Vincent Gomez was sworn in. He did not think screening on the L would do much to screen the building—as you can see the sheds and boulders right now. Mr. Gomez is mainly concerned about the traffic. Snowy conditions can force people off the road. The first ½ mile on the Monkton side of Turkey Lane is very narrow. Cars have to be careful as they pass each other. Turkey Lane is used as a by-pass for commuters. Vehicles often drive fast on the lane. There are lots of kids on Turkey Lane north of the property. There is a tremendous amount of walkers, joggers, horse-back riding, and bicyclers. There are foxes, turkeys, bears and a deeryard east of the property. He wants a dense screen between Ms. Cook's and Mr. Palmer's properties.

Adam Driscoll was sworn in and noted that Mr. Palmer will have excess weight permits required by the Town to be on the road.

Jeff Parent was sworn in. He said he overheard the conversation between Ms. Cook and Mr. Palmer when Mr. Palmer bought the property.

Sam Burr was sworn in. He asked the Board to look at the general standards #2 for conditional use on page 36 in the United Planning Document. Number 2 says the quality of character should have no undue adverse impact. He also read the Town plan goals 2.5-2.7

which speak to directing growth that is compatible with an existing area. He said the Board should utilize conditions to protect the character of Turkey Lane.

John Winsor mentioned that it should be noted that at the Hinesburg Select Board meeting of March 18th the issue was brought up that the Select Board had not reviewed the project before the Town Administrator had sent the letter to Monkton.

Robin Hopps was sworn in. She thought the project had been going along for a while with assumptions that it would be allowed—that is taking a chance. She thinks the project does not meet the conditions of Town Plan and United Planning Document. She said businesses tend to grow. Once a project is approved and grows the Town cannot cap it at that point. She read page 21 from the Town Plan that discusses Monkton's goal of preserving its gravel roads.

Wendy Sue Harper presented a letter to the Board; she outlined its contents. She described two sections in the Town Plan: 1) section 2.5-2.7 (page 7) in the Goals Section, which refers to the compatibility of growth and that existing town infrastructure can limit growth; 2) the Facilities and Service Section (page 21) that say it is a goal of Monkton is to preserve gravel roads. She also reviewed Section 360 in the Unified Planning Document (UPD) on general standards for conditional use. She said that the standards say that a conditional use must not result in any undue adverse effect on the character of the area. She said that the Road Commissioner looks at roads from the perspective of being able to fix them, e.g. if they get bumpy they can be graded or paved. If Turkey Lane was widened and paved the trees that line the road would have to be removed and this would dramatically change the character of the lane and the neighborhood. She said a solution could be to limit vehicle trips per day.

Ken Wheeling responded to an issue raised by Melissa Cook, that the Select Board was not aware of the application. Boards in Monkton operate autonomously. The DRB maintains files for people to look at; it is up to the Select Board to examine DRB projects.

Melissa Cook stated she did not understand how the project got along this far without stipulations. Projects must have permits when they build something. There is no local permit required for compaction.

Robin Hopps asked what happens next. Peter Close said they would close the evidentiary part of the hearing, but not make a decision tonight.

Mr. Palmer gave the Board a Christmas card he got from Ms. Cook in which she states that she appreciated his help and thought he was a good neighbor.

Ken Wheeling said you need a permit before digging a foundation.

Melissa Cook asked what good this construction yard will do for Monkton. John Winsor said it would increase the tax base. Peter Close said the issue is about if any harm is done by a project. People have a right to use their property.

Robin Hopps ask what the closing of the evidentiary hearing would mean.

Ken Wheeling said this is an important point. If any one had any other testimony to give they need to give it tonight.

Peter Close asked if there was any other testimony to be given.

John Winsor moved to close the Palmer conditional use evidentiary hearing, and Thea Gaudette seconded it. Vote: 4-0-0. Thea Gaudette move to not deliberate on the project tonight.

Adjournment

Thea Gaudette moved to adjourn the meeting at 10:37pm. The motion was seconded by Chris Acker and passed 4-0-0.

Respectfully submitted,

Wendy Sue Harper
Recording Secretary