

Monkton Development Review Board
Meeting Minutes
Monkton Town Hall & via Zoom
January 22nd, 2024
(Approved: February 12th, 2024)

Attendance:

DRB Members Present: Curtis Layn, Jaime Schulte, Scott Gordon, Stephen Pilcher

DRB Members Absent: Chris Acker, Philip Russell, Mark Boltz-Robinson, Vicky Stern (alternate)

Others in Attendance: Steven True (Zoning Administrator), Jeff Olesky (Catamount Consulting), Mike New, Ivor Hughes, Raymond Shepard.

The meeting was called to order at 7:44pm by C. Layn. The late start was due to waiting for quorum to be available.

Regular Business

- Review Agenda - no changes made
- Questions and Comments from the Public Not Related to Agenda - none offered
- Moved to the Pomarico hearing first and returned to ZA Update afterward.

Old Business

1. **Public Hearing for a Preliminary Plat Application #24-901 of Steven Pomerico for a 1-lot 7-unit Planned Unit Development (PUD) located at approximately 325 Pond Road (tax map id no: 05.215.021.000) in the Rural Agricultural (RA-5) district.**
 - a. C. Layn called the hearing to order at 7:46pm.
 - b. Printed plats were not available at the hearing. Discussed whether these will be needed to approve. It is a requirement of Preliminary approval, although we do have electronic copies.
 - c. J. Olesky (Civil Engineer for the project representing S. Pomarico) provided an overview of updates since the Sketch Plan review. Act 250 review is needed for this project, due to S. Pomarico's recent project on Hardscrabble Rd. Two duplexes and one triplex with a total of 7 dwelling units. Split rail fencing will be put by the two units to the north to mark the wetland buffer and along both sides of the driveway, for the same reason.
 - d. Described how a wastewater force main line will go west under the VELCO corridor and gas pipeline to a community shared mound septic system.
 - e. R. Shepard requested that the development be shifted further north on the parcel. J. Olesky explained that there is no flexibility to do so due to the Class II

wetland and its 50' buffer on the north. It is already as far as possible in that direction.

- f. R. Shepard requested screening, such as a privacy fence, between the project and his property to the south. There have been an increasing number of quality of life concerns over the years that have reduced the Shepards' enjoyment of their property and they would like to minimize the further impact of this project. J. Olesky will discuss with S. Pomarico.
- g. I. Hughes asked J. Olesky about the plans for directional drilling and whether a metal pipe would be used or if wires are involved. The pipe will be plastic. J. Olesky has been working with VT Gas and has their approval for the design. I. Hughes encouraged J. Olesky to obtain an easement certificate to do the utility work. I. Hughes also encouraged the crew working on the project to be aware of safety grounding for equipment under the high-voltage lines.
- h. R. Shepard asked if J. Olesky would send a letter to residents on Pond Rd. J. Olesky reviewed the notification requirements for the Preliminary Plat and intends to fully adhere to the town rules and Act 250 rules.
- i. I. Hughes provided J. Schulte with a written copy of his remarks and requested that they be included in the minutes (see Appendix A below).
- j. S. Pilcher reviewed the logic of how we arrived at 3 buildings and 7 units for this PUD (detailed in the minutes of previous meetings).
- k. Discussed whether the 50' between the building closest to R. Shepard would be cleared or remain vegetated. The existing line of pines by the driveway would likely be at least partially removed. The 50' setback could be cleared. J. Olesky will discuss screening with S. Pomarico.
- l. The public departed at this point.
- m. Reviewed the Preliminary Plat checklist and need some items before Preliminary approval (in the motion below). Discussed whether an Act 250 application is needed. It is not needed to approve Preliminary. Discussed the DRB's expectations with regard to permits that are known to be needed and the timing of those with the Preliminary Plat process. Is a permit in hand needed vs. the applications prepared? The applicant would like to have preliminary approval before undertaking the cost of applications. DRB is OK with applications prepared for Preliminary. Applications then need to be submitted before Final. Some may need to be received by Final. Mylar/building permit not issued until all applications are approved and permits issued.
- n. **S. Gordon moved to continue Preliminary Plat Application #24-901 of Steven Pomerico to Monday, February 26th, 2024, and require the following conditions:**
 - i. **2 paper copies of Site Plans/Plats and related materials that conform to standards**
 - ii. **Description of proposed easements.**

- iii. **Electronic receipts for the certified mailing**
- iv. **Written confirmation of conformance to the general performance standards**
- v. **Approved curb cut application**
- vi. **Evidence of application for wastewater, stormwater, Act 250, and wetland permit**
- vii. **S. Pilcher seconded.** There was no further discussion. **All were in favor (4-0-0).**

New Business - none

Regular Business, continued

- Review of Meeting Minutes - postponed to next meeting.
- Zoning Administrator Update
 - a. S. Pomarico has submitted an after-the-fact building permit for the third of a planned five residences at his project on 18 Blossom Rd, off of Hardscrabble Rd. That construction is already in progress. S. True asked if there is a larger fee for after-the-fact permits? No, but discussed whether the approval of the Final Plat a couple of years ago equates to a building permit. It helps, but is not the same thing. The DRB recommended that the ZA instruct S. Pomarico to cease work until a building permit is approved. S. Pilcher noted that the DRB approves the site plan and the ZA approves the building permit and that it complies with whatever flexibility the site plan allows. Construction likely needs to stop for the 15 day appeal process for the building permit. J. Schulte noted that permits should be published online in addition to being posted at the site.
 - b. The former zoning administrator issued a building permit for the former Russell Memorial Library structure, now owned by Bob Wahl, as a short-term rental property, but that should have been a Conditional Use. S. True will ask VLCT or the town attorney how this kind of situation should be handled.
 - c. Request for a building permit for a new structure while continuing to use an existing mobile home as a rental unit, until the new structure is ready for occupancy. Unclear if S. True can approve. He will continue working with the applicant.
 - d. Old town hall building: change of use requested for use as light office/retail space. S. True asked the board about parking being required for this use. The old Town Hall exists on only 0.06 acres and has only two parking spaces. There does not appear to be a parking requirement in the zoning regulations.

Adjournment

S. Pilcher moved to adjourn the meeting at 10:00pm. So Voted (4-0-0).

Appendix A - Written remarks from Ivor Hughes, which he requested be entered into these minutes.

Developing land in proximity to the Vermont Gas pipeline and VELCO high voltage transmission power line.

It is understood that the proposed development's septic system will need to transit both Rights of Way of the VGS gas pipeline and the VELCO transmission power line. Note at certain points the VGS gas pipeline may run within the VELCO ROW.

In the interest of safety the following are some recommendations (note it is the developers responsibility to check facts and figures).

- 1) For the VGS high pressure gas pipeline. ROW 50'.

The waste water pipe should pass below the gas pipeline deep enough so as not to disturb the pipeline integrity. It should be of non electrical conducting material so as not to interfere with the gas pipeline corrosion prevention system and the AC decoupling system. In addition there are associated wires that also run in parallel with the pipeline so the waste water pipe should ensure it passes below these also.

It is advised that the developer apply and receive an "Easement Certificate" from VGS signing off their design for working and crossing within their ROW.

- 2) For the VELCO electrical 115KV high voltage transmission line. ROW 150'. The waste water pipe should be of non electrical conducting material. However waste water can also be of a conducting nature so the pipeline should intersect the transmission lines perpendicular. Any accompanying electrical wires that may be involved should also intersect the power line perpendicular so as to minimize any induced electrical currents. Grounding should be applied where necessary to reduce any electrical shock hazard. Any activity in the power line ROW should observe the safety requirements such as grounding equipment to preclude any electrical shock from induced currents.

It is advised that the developer apply and receive a "Right of Way Usage Application" from VELCO.