MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD
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Minutes of November 8, 2001

Members Present: Gary Nolan, Theresa Breault, Mary Brainard, Paul Trudell, David Silverman

Members Absent: Carol Jennings, Jean Wickart

Guests: Gerald Sutton, David Peatman, Paul Bergeron, Gert Lepine, Becca Reggio, Daniel Dougher, Scot Bidwell, Randy Bidwell, Kevin Lane

The meeting was called to order at 7:30 PM. by Gary Nolan, Chair.

Theresa made a motion to approve the minutes of October 11, 2001, as written. Mary seconded the motion and it passed unanimously.

RECESSED HEARING, ANNUAL REVIEW, GERALD SUTTON, BRIDGE STREET

Gary opened the annual review hearing by stating that the site still needs to be cleaned up a bit more; he and others were still getting complaints of trash remaining in the truck overnight, although less frequently.

Mr. Sutton explained that his trash collection run on Tuesdays does not gather enough trash to justify going to the dump in Stowe. The collected items, mostly cardboard and household items, not garbage, remains in the truck overnight until he makes his Wednesday run and takes it to Stowe. Mr. Sutton stated that no trash remained on his property more than 24 hours.

Gary asked Mr. Sutton to redouble his efforts to reduce or minimize any trash kept overnight on the site. The smell is not a problem during the fall and winter months, but can be a problem in the summer. Perhaps Mr. Sutton could rearrange his route schedule so that no trash remains overnight. Mr. Sutton said he would consider doing so.

Paul stated that this remains a continuing problem and that the Selectboard wants the DRB to re-emphasize the conditions of Mr. Sutton's zoning permit. He directed the Zoning Administrator to provide Mr. Sutton a letter with comments and recommendations to bring his property into compliance with his permit.

The next annual review of this permit will be due in June or July of 2002. Mr. Sutton should contact the Zoning Administrator at that time to schedule a hearing.

RECESSED HEARING, PAUL BERGERON, SIX LOT SUBDIVISION, MUD CITY LOOP:

The hearing had been recessed on three previous occasions over the preceding two months. A site walk was conducted on October 13, 2001. Gary read a letter from Kevin Lane into the record.

Theresa administered the sworn oath to the interested parties present.

Paul Bergeron (Applicant) stated that this was the fourth meeting on this application. Since the last time he was before the board he had put grade lines on the site plan and relocated the private access road to comply with wetlands requirements. He presented a profile of the road and indicated where he had realigned it to provide better drainage. He had asked for a review of the wetlands plan from the Agency for Natural Resources (ANR) and had been granted a Conditional Use Determination by ANR.

Becca Reggio asked what grade is the road. Mr. Bergeron stated that it was 9 ½ %. Kevin Lane pointed out that between the 600' and 650' distance along the road the grade was greater than 10%.

Gert Lepine asked how many culverts there would be along the road and where will water running down the road go, into the wetlands? David Peatman, licensed surveyor hired by the applicant, stated that the state wetlands assessor stated in the ANR Conditional Use Determination that the road won't adversely impact the wetlands.

Daniel Dougher expressed concern whether the proposed subdivision's leach field would be at least 50' from his property. Mr. Peatman stated that it would in fact be much farther way.

Becca Reggio stated that the septic system design did not seem to correspond to the plan on file. Some test pits seem to be misidentified or incorrectly located on the plan. She asked the applicant for a copy of the engineer's report and findings. She further asked what size house (i.e., number of bedrooms) was factored into the septic plan design. Mr. Bergeron replied that the subdivision permit, if approved, would require prospective homeowners to comply with the design provisions of the septic plan.

Daniel Dougher asked if the applicant would consider offering adjoining landowners "right of first refusal" on any lots put up for sale. Mr Bergeron replied that he would consult with Gert Lepine and other landowners before selling any lots.

Kevin Lane expressed concern over the risk of having a single lot hosting the septic system for a number of other adjoining lots. Gary Nolan stated that this was not uncommon in Vermont given the soil conditions in the area.

Daniel Dougher asked if the DRB would consider Act 250 criteria of whether the proposed subdivision was "out of character" with the surrounding properties. Gary replied that that was one of the criteria in the Bylaws (Section 810) which the board had to consider in making its decision.

Gert Lepine asked the board to note lands that have been conserved as public lands that adjoin the applicant's land when considering this proposal. She stated that her family had put much of its property in conservation trust to preserve the unique character of the area and that this subdivision would undermine that goal.

David sought to clarify the board and town position on relying on a single professional engineer under the employ of an applicant to certify a septic plan design. Gary stated that the board has on occasion hired its own engineer to review a plan and can require an applicant or opposing parties to hire an independent reviewer if there is a concern about the engineer's objectivity. He doubted that an engineer would risk his or her professional license by rendering an inaccurate or insufficient design.

Mary made a motion to approve the application and Paul seconded her motion. David asked that the motion be withdrawn to allow for a motion to deliberate. The motion was withdrawn.

Paul made a motion to recess the meeting to deliberative session. David seconded the motion and it passed unanimously.

David made a motion to approve the application with standard subdivision conditions. Paul seconded the motion and it was approved unanimously

Gary made a motion to adjourn the meeting at 9:00 PM.
Paul seconded the motion and it passed unanimously.

Respectfully submitted,

Mark Leonard, Scribe