

WEST WINDSOR DEVELOPMENT REVIEW BOARD

Draft Minutes

June 12, 2012

Present: Glenn Seward, Shannon Harrington, Hal Pyke, Genevieve Lemire, Jon Murphy, Mark Isenberg, Wanda Rohloff, Gaynor Coassin (at site visit only), Martha Harrison

1. Site visit – At 6:30 PM, the DRB conducted a site visit to 485 Hammond Hill Road (parcel #6-98) in connection with the public hearing on application #2484.
2. Site visit – At approximately 6:45 PM, the DRB conducted a site visit to the Brownsville General Store (parcel #3-163) in connection with the public hearing on application #2489.
3. Call to Order – DRB Chair Glenn Seward called the meeting to order at 7:10 PM.
4. Changes to the agenda – None
5. Glenn asked the DRB members if there are any conflicts of interest or if there has been any ex parte communication with regard to either application. There were none. Glenn read the definition of “interested party.” Glenn swore in Jon Murphy, Mark Isenberg and Wanda Rohloff.
6. Public Hearing - Glenn opened the public hearing on application #2484 by Stephen and Lisa Knight for conditional use review to allow construction of a 5,000 square foot pond in a Class 2 wetland, within the 50’ stream setback, at 485 Hammond Hill Road (parcel #6-98). The application was subject to review under Sections 2.3-3, 3.13, 3.14, 4.12, 4.19 and 5.3 of the West Windsor Zoning Regulations. Jon Murphy was present on behalf of the Knights. Jon had no additional written information. Jon reported that State Permit Specialist Jackie Carr should be sending a Project Review Sheet shortly, and Stream Alteration Engineer Todd Menees is going to come and look at the site. Regarding Section 3.13, Glenn asked Jon how any wetlands, streams or wildlife habitat will be affected by the proposed pond. Jon said State Wetland Ecologist Patricia Greene-Swift was not concerned about the wetland on the lawn portion of the property; she was more concerned with the wetland on the uphill side where the cattails are. Wanda said she wants to make sure the wetlands are not touched and there is some sort of buffer to protect the stream and the wetlands from construction debris. Wanda said she is also concerned about drainage after the pond is put in with regard to the wetlands and the impact it will have on those wetlands. Glenn noted as evidence a statement relating to the wetlands dated April 23, 2012 from Vermont Wetland Ecologist Patricia Greene-Swift. Glenn read the statement. Glenn noted that Section 3.14 requires conditional use review for development in a stream or wetland buffer. Glenn said Section 4.12 deals with landfill and asked Jon how the excess material will be handled. Jon said it will all be placed on the lawn near the slope, away from the upland wetland. Glenn said the fill can’t result in a slope greater than 25% within 50 feet of a property line. Shannon asked if the fill will be outside the 50’ stream buffer. John said if it needs to be, then yes. Regarding Section 4.19, Glenn said it appears that the pond is going to be a hole with no dam. Jon said that is correct, although it may look that way, depending on where the fill goes. Jon said it will basically be level from one side to the other; it might be a foot or so different. Glenn asked Jon how the water level will compare to the road. Jon said he thinks the water level will be lower than the road by a couple of feet. Martha said she gave Mike Spackman a copy of the application and asked him to provide comments, as Fire Chief and/or Road Foreman, if he had any comments. Martha said Mike has not provided any comments. Regarding Section 4.19(5), Shannon noted Martha’s memo about her conversation with Mike Adams at the Army Corps of Engineers. Shannon also noted Martha’s letter to the applicants encouraging them to get a written statement from Mike Adams. Jon said he has asked Mike for something in writing and Mike has said that the Army Corps does not like to put anything in writing if they don’t have jurisdiction. Shannon said the threshold for Army Corps approval used to be 3,000 square feet but since it’s a Class 2 wetland, rather than a Class 3 wetland, maybe he doesn’t have jurisdiction since Vermont has jurisdiction over Class 2 wetlands. Genevieve asked if there are any criteria for depth. Glenn said no; it goes by cubic feet. Glenn asked Jon how deep the pond is going to be. Jon said about 10’. Glenn read the first

conditional use criterion from Section 5.3. Jon said no; the project will not have an adverse effect on community facilities or services. Glenn asked Jon about the landowner's willingness to have a hydrant installed. Jon said the landowner is willing to do that. Glenn read the second conditional use criterion. Jon said no; the project will not have an adverse effect on the neighborhood or district. Wanda said her only concern is her well, which is 245' deep and provides good water quality at 6 gallons per minute. Wanda said if her well is impacted, she wants some recourse from the Knights. Glenn asked Wanda if she has had an engineer weigh in on the possible impacts. Wanda said her attorney and her well consultant both assured her that there would be no concerns but they can't guarantee it. Shannon asked Wanda about the location of her well. Wanda said it's at the top of the hill, parallel to the proposed pond site. Shannon asked Wanda if she knows the distance between the two. Wanda said no but offered to measure it. After discussing it further with Wanda, Shannon estimated the distance between the proposed pond and the well to be over 100'. Glenn read the third conditional use criterion. Jon said no; it will not have an adverse effect on traffic or roads in the vicinity. Glenn read the fourth conditional use criterion. Jon said yes; it complies with the bylaws now in effect. Glenn read the fifth conditional use criterion. Jon said no; it will not have an adverse effect on renewable energy resources. Glenn read the first specific standard for conditional use. Jon said no; there's going to be a buffer on both sides. Glenn read the second specific standard for conditional use. Jon said no; the project will not deny neighboring properties access to light or block existing views. Glenn read the third specific standard for conditional use. Jon said yes; the project will allow for public utilities and infrastructure. Glenn said, given that additional information is anticipated from Jackie Carr and Todd Menees, he thinks the hearing should be continued. The DRB members agreed. **Glenn moved to continue application #2484 until June 25th at 6:30 PM. Genevieve seconded the motion, which passed unanimously.**

7. Public Hearing – Glenn opened the public hearing on application #2489 by Yates & Wentworth, Inc. for conditional use review to allow additional conditional uses within the existing Brownsville General Store building, and a 3' x 3' sign associated with those additional uses, at 871 Route 44 (parcel #3-163). The application was subject to review under Sections 2.3-1, 3.11, 3.15, and 5.3 of the West Windsor Zoning Regulations. Glenn reminded Mark that he has been sworn in. Mark had no additional written information to submit. Regarding Section 2.3-1, Glenn noted that the store is in the primary growth district and that "retail store" is a conditional use. Regarding Section 3.11, Glenn noted that the regulations require one parking space for every 300' square feet of floor space. Glenn said he added the square footage of each use and came up with a total of 3,886 square feet so the number of spaces required would be 13. Glenn asked Mark how many spaces there are. Mark said between 15 and 18 depending on how people park. Shannon asked about the Friday night dinners. Glenn said that use would be incorporated in the store. Shannon agreed and noted that the dinners are also at a different time. Martha noted that the parking would be adequate for that use as well, according to Table 3.11. Regarding Section 3.15, Glenn asked Mark to describe the requested signage. Mark said plans and dimensions for the sign were provided with the application. Mark added that the sign will be flush mounted to the side of the building. Shannon asked why the third panel on the sign is blank. Mark said that panel will probably have information about the dinner menu, which will vary from week to week. Glenn noted that the dimensions of the sign are 36" x 36". Mark said the sign will be made of wood and wrought iron and will be in keeping with the aesthetic of the building. Mark said the sign will not be internally lighted, produce glare, flash, oscillate or revolve. Glenn asked if it will be within 10' of a side or rear lot line, or within the highway right-of-way. Mark said no. Glenn asked if it will stand less than 10' above a public walkway. Mark said no. Glenn read the first conditional use criterion. Mark said no; the proposed uses will not have an adverse impact on existing or planned community facilities or services. Glenn read the second conditional use criterion. Mark said no; the proposed uses will not have an adverse impact on the character of the neighborhood, area or district. Glenn read the third conditional use criterion. Mark said no; the proposed uses will not have an adverse impact on traffic or highways in the vicinity. Glenn read the fourth conditional

use criterion. Mark said yes; the proposed uses comply with the bylaws now in effect. Glenn read the fifth conditional use criterion. Mark said no; the proposed uses will not have an adverse effect on renewable energy resources. Glenn read the first specific standard for conditional use. Mark said no; the proposed uses will not unreasonably interfere with access to, use or enjoyment of adjacent properties. Glenn read the second specific standard for conditional use. Mark said the proposed uses will allow reasonable access to light and will not block any views. Glenn read the third specific standard for conditional use. Mark said yes; the proposed uses will allow for construction or maintenance of public utilities or infrastructure. Shannon asked if any state permits are required. Martha said she's not aware of any required state permits. Martha said she attached to the application a summary of the existing sign permits for the general store, which should be entered into the record. Martha said the General Store itself has maxed out their allowed signage so the proposed new sign will go with the proposed new uses, if they are approved as additional uses within the existing store. The DRB reviewed the sign allowances in Section 3.15-2. Martha noted the following sentence in Section 3.15-2(D): "If one sign is requested for a group of non-residential uses, it shall be considered one of the signs permitted for each of those uses..." and said she interpreted that to mean that each approved use has its own sign allowance. Martha said it's not clear to her whether each additional use is allowed 15 square feet or 30 square feet. Glenn said the DRB can discuss that in deliberative session. **Glenn moved to close the hearing.** Shannon asked if any of the additional uses - "Show Pony," "Prudent Living," or the "Brownsville Consignment Shop" - have additional employees. Mark said no. Shannon said if there are no additional employees, there's no concern about parking, water or sewer. **Hal seconded the motion, which passed unanimously. Glenn moved to go into deliberative session. Shannon seconded the motion, which passed unanimously.**

8. Minutes – June 4th: **Hal moved to approve the minutes of June 4th. Shannon seconded the motion, which passed with Glenn abstaining.**
9. Adjourn – **Glenn moved to adjourn at 8:15 PM. Hal seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison