

## WEST WINDSOR DEVELOPMENT REVIEW BOARD

Draft Minutes

May 11, 2011

Present: Shannon Harrington, Barbara Truex, Hal Pyke, Genevieve Lemire, Bruce Sahler (DRB alternate serving in place of recused member Glenn Seward), Glenn Seward (recused for erosion control review), Arthur and Frederica Steinberg, Martha Harrison

- 1) Call to Order – DRB Vice Chair Shannon Harrington called the meeting to order at 6:35 PM, following a site visit to the Steinberg property.
- 2) Erosion Control Review – Freddy Steinberg said they are planning to build a 36' x 42' garage and barn with a road along the south side. Arthur said jute mats and seeding are going to be required because a portion of the slope is over 20%. In order to do this project, Arthur said, they're going to have to move the little "house" to a new location and they have received a permit for that. Shannon said she has no issues with what the Steinbergs are proposing. Barbara asked if Dan Lesnick would address any drainage problems that may arise. Arthur and Freddy said yes. Shannon read Section 3.5 of the Zoning Regulations. **Hal made a motion to approve the plan for the location of the garage/barn, the road and the fill. Bruce seconded the motion, which passed unanimously.**
- 3) Additions or changes to the agenda – Shannon noted that the site visit to Mile Long Field and the associated public hearing are no longer on the agenda due to the negative vote at last night's special town meeting.
- 4) Other Business – Martha said the Planning Commission recently discussed the erosion control section of the zoning regulations. Martha asked the DRB what they think of this section of the regulations from an enforcement perspective. Martha said the word "may" bothers her although it does not bother the Planning Commission. Martha said there are no guidelines on what is "adequate." Hal said he thinks the problem can be solved by removing the word "adequate." Genevieve said that she went to a workshop where the attendees were cautioned by a Vermont judge about not being specific enough with regulations. Shannon said the state has a great set of erosion control guidelines. Shannon suggested coming up with a list of requirements that apply, for instance, when there is a stream at the bottom of the slope. Martha said she thinks it would be helpful to specify that the plan has to be to scale, has to show topographical contours, and has to show the existing and proposed grade, for example. Glenn said some applicants are going to be overwhelmed. Glenn said the Selectboard is starting to see some push back from the public on the zoning regulations. Shannon said the contractor should be able to help the applicants. Glenn said some contractors are not going to want to stick their necks out and end up being potentially liable. Shannon said the contractor is potentially liable whether the plan is on paper or not. Martha said isn't it better to give a few simple, clear guidelines than to say the plan has to be "adequate" with no explanation of what that means. Barbara suggested including some examples in the regulations. Hal said he wouldn't put the examples in the regulations. Martha suggested a handout. Shannon said she thinks the applicant needs to provide contours, otherwise how are we going to know that the slope is over 20%. Martha said she used her inclinometer to measure the slope at the Steinberg's property. Shannon said she doesn't think Martha should be measuring slopes because of the potential liability for the town. Glenn disagreed. Unless it's a commercial development, Glenn said, he thinks the town should provide as much

assistance as possible. Glenn said not everyone is computer literate and comfortable with downloading contour maps. Barbara said zoning regulations are for the well being of the general public so the question is, if the bank sloughs, where is it going to go? Is it going to impact public property, natural resources, or neighboring properties? Shannon said the map has to be to scale and has to show streams and wetlands. Martha asked if 20% is the right cutoff point or should it be 25%. Shannon suggested keeping it at 20% if there are wetlands or streams within a certain number of feet of the slope. Glenn said it should also be clarified when a professional engineer will be required because that has a huge impact on the scheduling and cost of the project. Shannon suggested specifying that the plan has to be prepared by an engineer if it's a commercial project. Shannon offered to draft some language. Martha asked if a professional engineer would ever be needed for a single family home. Glenn said he would prefer not to require an engineer for a single family residence, although the plan should be to scale. Glenn said if the site visit shows the house within 25' of a swamp, then additional review by state agencies may be required. Martha said if she measures a slope at 23% and the applicants disagree with her determination, they can always appeal to the DRB. Shannon said we should definitely ask for contours for commercial projects but do we want contours for residential projects. The DRB agreed that 20' contour maps are readily available on line. Genevieve asked how often contours are relevant to the DRB's decision. Shannon said it really depends on the project. A majority of the DRB members felt that requiring contours for residential projects is unnecessary as long as the applicant indicates the slope. Everyone agreed that site visits should be required for all projects, including residential projects. Glenn said most local contractors do not have inclinometers. Shannon said she will make a table for the DRB to consider. Martha said the erosion control section just refers to a "review" not a "conditional use review." Martha asked the DRB if that's okay with them. The DRB said they are comfortable with the existing language in that regard.

- 5) Minutes – March 8, 2011: **Hal made a motion to approve the minutes of March 8<sup>th</sup>. Shannon seconded the motion, which passed unanimously.** April 4, 2011: The minutes of April 4<sup>th</sup> were tabled.
- 6) Adjourn – **Genevieve made a motion to adjourn at 7:30 PM. Hal seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison