**Town of Weston**

**Development Review Board**

**DRAFT\* Minutes of Meeting**

**January 11, 2023**

**\*Draft Minutes were prepared prior to being able to listen to the recording of the proceedings and,**

**therefore, are subject to modification, as needed.**

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**DRB Members Present:** Deborah Granquist, Susan Morris (remote), Debra Lyneis (remote), Jeff Lennox, Annie Fujii, Laura Katz (remote)

**DRB Members Absent:** Tom Foster

**Public:** Will Goodwin, Zoning Administrator (ZA)

Jessica Rizio, Town Engineer (remote)

 Piero Abballe

 **For Little Pond Partners:**

James Murphy, Applicant, Little Pond Partners, LLC

William Dakin, Attorney

Ted Reeves, Engineer

Ms. Granquist, chair, called the meeting to order at 5:05 PM at the Weston Town Office. The meeting was recorded.

**Minutes.** Ms. Fujii moved and Mr. Lennox seconded the approval of the Minutes of 12/7/2022 which passed unanimously with minor typographical corrections.

**Hearing. Little Pond Partners Subdivision - Final Plat.**

At 5:05 PM Ms. Granquist reopened the preliminary and final plat hearing recessed on 12/7/2022.

There were no disclosures of conflict of interest or *ex parte* communications. Ms. Granquist explained

that only participants have a right to appeal a decision. The oath of evidence administered on 11/9/22

and 12/7/22 is still in effect. The hearing is being recorded.

**Hearing paused for Public Comment at 5:10 PM.** Mr. Abballe asked to speak about the new commercial

use of neighboring property on Lawrence Hill Rd. [The DRB does not have jurisdiction in the matter until an application is pending before the DRB. Additionally, the DRB has no enforcement power if an application is required but is not filed.]

**Little Pond Hearing resumed at 5:12 PM.** After the November meeting, the DRB met in deliberative

session and reached the decision to approve the Little Pond Preliminary Plat subject to the conditions

subsequently set forth in the minutes of the 12/7/22 hearing. Tonight, the DRB will go through the

decision, section by section, and give the applicant the opportunity to address any open issues and

conditions.

Mr. Dakin, Mr. Reeves and Mr. Murphy addressed the open issues and conditions in the December 7th decision.

**Section 210. Information required on all plats.**

(6) Existing land restrictions including easements, covenants and zoning boundaries are on the Preliminary Plat. *Applicant confirms that all easements and/or covenants have been included on the Final* *Plat.*

(8) Streets that are proposed, mapped or built are on the Preliminary Plat. Utilities will be made

available to the edge of each lot; estimated location of utilities is shown on the *Final* Plat *and may be*

*relocated by Green Mountain Power. The applicant confirmed that they have provided a 50’ ROW for utility easements.*

**Section 240 Subdivision Preliminary Plat Procedure**

(5c) The DRB will state the amount of improvements or the amount of all bonds it will require.  *This will*

*be a* ***CONDITION TO FINAL PLAT APPROVAL****. DRB is waiting for Town Engineer information on cost of*

*improvements.*

**Section 241 preliminary plat data**

(3) Survey of the tract boundary lines and deed description giving bearings and distances provided by a

land surveyor are on the Preliminary Plat*; Applicant confirms that final certification of boundaries are*

*included on the* ***Final Plat****.*

(10)(a) Proposed provision of water supply and wastewater. ***CONDITION TO PERMIT:*** *Language in the deeds will include information on water supply and wastewater permits. To be confirmed by Town Attorney. Applicant stated that the plans show feasible well locations and that the deeds contain information about water supply and wastewater permits.*

(10)(b) Fire protection.  *Applicant confirmed that the type, location, and fittings of the fire hydrant are shown on* ***Final Plat****.*

***CONDITIONS OF APPROVAL:*** *(1) each house will be required to be connected to a 24-hour monitored fire alarm service and (2) each house will be required to have a “Knox box”. Confirm with Town Attorney whether included in deeds.*

(10)(c) Disposal of Sanitary wastes. Each lot except lot #11 has an approved sanitary wastewater system. *The applicant confirmed that the deed for Lot #11 contains appropriate deferral language.* *Confirm with Town Attorney.*

(10)(d) Storm water drainage. The applicant is applying for a storm water permit and a wetlands permit. *Obtaining both permits is a* ***CONDITION TO FINAL PLAT APPROVAL****. The applicant confirmed that the storm water permit has been applied for and that the wetlands permit is pending and that they have a verbal ok. The Applicant asked for* ***WAIVER*** *that getting the storm water and wetlands permit not be a condition to final plat approval but rather that it be a Condition to the permit. There was discussion of which comes first – final plat approval subject to obtaining these permits or that obtaining these permits be a condition to final plat approval. It was noted that the road improvements cannot be installed until these permits have been received. Furthermore, if the State makes any modifications which would require modifications to the road, it would mean that the road as depicted on the “approved” final plat would not be correct. It was also noted that the Town Engineer is required to “sign off” on all required improvements before Final Plat approval. There was no discussion of how this would be accomplished if Final plat had already been approved. Mr. Murphy suggests that the ultimate protection for the Town is to approve the subdivision but not allow for any sale of lots until state permits are obtained and all required improvements installed.*

**Section 250: Subdivision Final Plat approval procedure*:***

(5) see discussion under Section 310

(7) Certified check for 1% of estimated cost of improvements. *The Applicant submitted a cost estimate for required improvements of $115,904.10. Estimated costs are to be reviewed by Town Engineer. Receipt of check for 1% of approved estimated costs is a* ***CONDITION TO FINAL PLAT APPROVAL****.*

**Section 257: Information Required on Construction detail drawings*:*** *Review and approval of construction detail drawings by Town Engineer is a* ***CONDITION TO FINAL PLAT APPROVAL.***

**Section 260: Legal Data:** *Review and approval of legal data by Town Attorney is a* ***CONDITION TO FINAL PLAT APPROVAL****. Town attorney has signed off on the legal documents to date subject to any changes required by the DRB decision.*

**Section 261: Performance Bond:** (*See discussion under Sections 250 and 310.)*

**Section 270 – Final Plat decision.** *Discussed later; see below.*

**Section 271 – Filing Final Plat.** *Discussed later; see below.*

**Section 310. Required Improvements**

This Section requires that “required improvements shall be installed to the satisfaction of the Town Engineer prior to Final Plat approval, or alternatively, the subdivider shall post a performance bond.” Required improvements are: monuments, streets, sidewalks, street signs, street lights, curbs, gutters, water mains, sanitary sewers, storm drains, fire hydrants and trees. *See Sections 250 and 265.*

*The Applicant asks to skip the bond requirement because he plans to build the road asap. It was noted that he can’t build the road until he gets storm water permit. Applicant requests a* ***WAIVER****-- that in lieu of a performance bond he would provide an irrevocable letter of credit from JP Morgan Chase to the Town as the beneficiary in the amount of the estimated costs of improvements stating that this would give the town the same or better protection as a performance bond.*

**Section 320. Streets, Design Standards.**

*The DRB granted a waiver to reduce the road width which is subject to the following* ***CONDITIONS TO THE PERMIT****;*

1. *The development road as proposed is approved in writing by emergency services.  (Applicant has a letter from the Fire Chief.)*
2. *The development road as proposed is used to access only 5 lots as shown on plans.  No additional lots or subdivision of lots should be allowed to access this development road without further review of road width waiver*
3. *There are no future changes to the development road which would potentially allow it to be used as a “through road”.*
4. *Guardrails should be installed per VTRANS A-76 Standard.  Proposed guardrail locations should be noted on plans and should be reviewed by Town Engineer prior to Final Plat approval. The Applicant testified that they did not have time to put the guardrails on the Final plat but will do so in the next week or so and submit to the DRB for review.*

**Section 321. Streets, Planning Standards.**

*(7)* ***CONDITION TO FINAL PLAT APPROVAL:*** *The Applicant confirmed that the deeds for the Weston lots contain a restriction requiring that the minimum setback for each lot is 100’. Confirm with Town Attorney.*

 **Section 331. Lots – Planning and Design Standards**.

***CONDITION TO FINAL PLAT APPROVAL****. The Applicant confirmed that the deeds for the Weston lots contain a restriction requiring that each driveway to the future houses on such lots will not exceed a grade of 10%. Subject to TOWN ENGINEER review. Confirm with Town Attorney.*

**Section 335. Required Easements for Utilities, Drainage and Access.**

***CONDITION TO FINAL PLAT APPROVAL****. Part of legal data. Subject to TOWN ATTORNEY review.*

**Section 336. Required Monuments.**

The Applicant asked for a waiver which was granted.Applicant requested monuments as follows: *iron pins of ¾’” rebar with plastic caps appropriately labeled.* ***CONDITION TO FINAL PLAT APPROVAL.***

**Section 337. Required Street Name Signs.**

*Weston Selectboard confirmed that it is ok with the name Barn Owl Lane.*

**Section 346. Preservation of Natural Features and Trees.**

*The Applicant confirmed that the topsoil preservation plan is part of the storm water permit.*

**Section 350. Required Storm water drainage improvement.**

The Applicant testified that the subdivision meets the requirements of Section 350 and will apply for a State storm water permit*.* ***CONDITION TO FINAL PLAT APPROVAL****. There was discussion about whether the storm water permit can be obtained before Final Plat approval. See earlier discussion.*

**Section 380. Required Public Utility Improvements**

1. Fire protection: hydrants. ***CONDITION TO FINAL PLAT APPROVAL*** *as specified by Weston Fire Department.*
2. Street Lights: *WAIVER GRANTED*
3. Electricity: location subject to change*.* ***CONDITION TO PERMIT***.

**Comments from Weston Town Engineer:**

1. Needs to see guardrail plan. *Will be forthcoming next week.*
2. Do we have a letter from the Fire Chief on hydrant and fire pond? *Yes, see email of December 1, 2022.*
3. Observation – lot 11 has no frontage in Weston as required by Weston zoning regulations. *Discussion.*
4. Did applicant do an impervious count? *Applicant – yes, part of storm water permit.*

**Sections 270 & 271.***There was discussion about the process for approving a final plat and filing the mylar. There seemed to be some confusion/differences of opinion.*

**Next Steps.** Given that there are still a few open issues and that we are waiting for the guardrail drawings, the Chair suggested that the hearing be recessed to the next DRB meeting date and that the DRB would use its best efforts to hold a deliberative session prior to that date.

Mr. Lennox moved and Ms. Lyneis seconded **a motion to recess the hearing** until February 1, 2023 at 5:00 PM. The motion passed unanimously. The hearing adjourned at 6: 36 PM.

Respectfully submitted,

Debra Lyneis, Development Review Board Secretary