**Town of Weston**

**Development Review Board**

**DRAFT Minutes of Meeting**

**February 1, 2023**

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

**DRB Absent:** Tom Foster

**Public:** Will Goodwin, Zoning Administrator

Jessica Rizio, Town Engineer (remote)

Keith Dewey, near abutter (remote)

**For Little Pond LLC**

James Murphy, Applicant, Little Pond Partners, LLC

Gary Rapanotti, Surveyor

William Dakin, Attorney

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

1. **Minutes.** Ms. Katz moved and Ms. Fujii seconded the approval of the Minutes of 1/11/23 which passed unanimously.
2. **Hearing. Little Pond Partners Subdivision.**
   1. At 5:06 PM, Ms. Granquist reopened the hearing recessed on 1/11/23. 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 and that the previously sworn oaths of evidence still hold. Ms. Granquist explained that since the Preliminary Plat had been approved, the board would now consider outstanding issues for Final Plat approval.
   2. **Open Issues**
      1. **Guardrails.** Ms. Rizio confirmed that the guardrails meet VT standards as specified on the plans. Mr.Rapanotti showed on the diagram that most of the guardrails are in Andover.
      2. **Cost estimate for improvements.** Ms. Rizio noted confusion on Mr. Reeves’s cost estimate for all improvements due to “double-counting” in calculating the portion of the road in Weston. The correct total should be $170,950, which will be confirmed with Mr. Reeves. Also, Ms.Rizio will rely on the State of VT for stormwater and wetlands approvals. The Weston fire chief has signed off on fire hydrant designs.
      3. **Lot 11 easement.**  Town attorney Stasny has approved the easement plans.
      4. **1% check.**  The applicant will submit a check for 1% of the cost of improvements, (once confirmed above) as a condition of approval.
      5. **Documents.** All submitted documents have been approved by Mr. Stasny.
      6. **Performance bond.** The DRB is inclined to permit an irrevocable letter of credit (LOC) issued by JPMorgan Chase in lieu of a performance bond. The DRB is inclined to **WAIVE** the Section 261 requirement that the bond cover road maintenance costs for 2 years because it will be a private road maintained by the homeowners’ association. Regulations (Section 261) require that the term of the bond (LOC) will last until the improvements are completed -- not more than 3 years. The LOC may be canceled when the town engineer inspects and approves all improvements as being satisfactorily completed. Mr.Murphy stated that he has now decided to build the road first (awaiting state permits) instead of posting the letter of credit, with no sales of lots until the road is complete. He requests that the DRB grant Final Plat approval now and hold off on filing the mylar until everything is complete.
      7. **State Permits.** The applicant must secure stormwater and wetlands permits before any road construction can begin (despite long delays at the state level in processing stormwater and wetlands permits). Ms. Rizio stated that the state may require changes to the road plans to meet stormwater and wetlands requirements; the mylar must include all final plans.
   3. **Final comments**
      1. The applicant agrees to submit a 1% check on the amount confirmed by Mr. Reeves and Ms. Rizio. He also agrees to the term of the LOC until construction is complete, not to exceed 3 years. But he reiterated that he would prefer not to provide a LOC or performance bond and instead wants to build the road and other required improvements first.
      2. Ms. Rizio is awaiting the construction estimate and State permits.
      3. There were no comments from the public.
   4. **Close** **hearing.** Ms. Fujii moved and Ms. Katz seconded closing the hearing at 5:47 PM, which passed unanimously. The DRB has 45 days to render a decision. The board then entered deliberative session.

Respectfully submitted,

Debra Lyneis

Development Review Board Secretary