

Development Review Board/Panton Planning Commission

October 3, 2013

Present: Zoning Administrator Ed Hanson, Deeny Marshall, Barbara Fleming, Louise Giovanella, Heidi Mahoney, Jim Darragh, Kirsten De La Cruz, Committee Chair David Raphael

Others present: Wendy Knight, Lisa Stearns, Kevin Brennon, Lynn Jackson, Rick Cloutier, Rod and Mary Rudd, Edith Kneeshaw, Rebekah Condon

DRB

Meeting convened at 7:04p.m. with the hearing for the Gouette and Stearns preliminary plat review for a sub-division at the intersection of Lake Road and Spaulding Road. All those giving testimony were duly sworn in. On behalf of the applicant Jason Barnard submitted to the town a complete application submission on September 27, 2013. Also a legal draft of a Declaration of Protective Covenants, Restrictions and Easements was submitted. Jason Barnard presented the project description. Kevin Brennon explained lot covenants. Town road foreman Rick Cloutier explained the present road condition and placement of culverts and recommended upgrades pertaining to Spaulding Rd. Jason Barnard explained the waterline placement. Committee Chair David Raphael explained the possibility of road maintenance/ upgrades that could be the responsibility of the applicant. Abutter Rod Rudd posed a question concerning waterlines in the proposed lots. Committee Chair David Raphael responded by explaining that there is the possibility of conditioning the approval with individual site plan reviews.

Rod Rudd asked about height limitations and septic line locations. Committee Chair informed Mr. Rudd that the town height limitation is 35'. Jason Barnard explained the placement of the septic lines and all mounds will not be more than 4 bedrooms. Kevin Brennon addressed owner responsibility of wastewater. Wendy Knight asked for clarification of the no-cut zone of lot #6. Jason Barnard explained the location of the no-cut zone and grading of lot#6. Wendy Knight questioned the perking of the land involved in the sub-division. Jason Barnard explained the process and that the wastewater capacity tests were viable and met regulations. She then asked Kevin Brennon to explain his position as representing the developer and working for the town of Panton. Kevin Brennon stated that if there were a dispute he would make a decision of one over the other. Wendy Knight stated the septic system seemed flawed to her. Jason Barnard explained that owner responsibility is in the easements and covenants and that the state of Vermont has jurisdiction over septic systems. Mary Rudd asked why not have an association based septic. Jason Barnard explained that the history of association septic systems has not always been successful and that the individual ownership and responsibility has proven more successful. Kevin Brennon restated that he would resign his representation with the town if there was a conflict with him representing the tax sale of the sub-division. He then explained that according to the easements and covenants the responsibility for the individual septic systems rests solely with the owners.

Wendy Knight expressed concern of the sub-division not conforming to the Town Plan and urged the DRB to make sure they were staying within the vision of the Town Plan. Wendy Knight mentioned there were other town residents that have opinions and concerns concerning this sub-division and asked the DRB to seek them out. Committee Chair David Raphael said that if there were other town residents who wished to express their opinions and concerns concerning this sub-division they need to participate whether by coming to the public forum or send a letter. It is not the responsibility of the DRB to seek out anyone. He then stated that the Town Plan was a legal document and that all development is weighed in light of the zoning regulations and the guidelines stated in the Town Plan and a balance is sought. He also

stated that all DRB/PC meetings are open to the public. Kevin Brennon spoke to the Town Plan as an enabling document and explained that the town can change their plan as needed. Zoning Administrator Ed Hanson stated that the town plan is a vision document but the implication of the town plan is the zoning regulations and sub-division regulations.

A discussion of house locations took place. Rebekah Condon expressed her concern of sub-division buyers planting trees in the fields and loss of view. Jim Darragh stated that members of the DRB take their positions on the board responsibly and strive to do due diligence to each application and that they will not rush anything concerning the sub-divisions. Wendy Knight stated that she feels that the process of development aligns to the developers and not the residents. Mary Rudd expressed her concern of the possible loss of open land and that it seems the process of development planning is far along before abutters can weigh in. Kevin Brennon spoke to the DRB having the jurisdiction to make changes and that the applicant is working with the town to address many of the concerns. Committee Chair David Raphael restated that the DRB will take its time and endeavor to strike a balance between the rights of the land owners and the rights of the abutters and the future of the town. He then stated that unless the applicant was not in compliance or there was a compelling impact the DRB does not have a basis for denial of an application. The DRB has the right to apply conditions that responds to the concerns of the abutters or the vision of the town plan and will make this development as best as is possible for the future of the town. Jason Barnard responded to the question of mound system placement that the state has control over mound system placement.

Committee Chair David Raphael asked for a motion to waive approval of the preliminary plat plan one more month because: 1. The condition of Spaulding Rd. has to be investigated. 2. Building envelopes have to be established that limit areas where homes can be placed within reason to protect existing view sheds. 3. Articulate the protection of the existing woodland. 4. Address what we need to do about the impact to the road condition. 4. Review the covenants. 5. Condition an approval of having an option for the DRB to have individual site plan review for each of the proposed buildings and the board to exercise landscaping if appropriate. 6. Request underground utility service to each lot. A discussion on storm water drainage and building envelopes took place. Louise Giovanella motioned to recess to November 14, 2013. Heidi Mahoney 2nd. Unanimously approved.

A vacancy on the DRB/PC has been created by the resignation of Gary Norton. September's meeting minutes were tabled. A discussion of lot #3's driveway took place. Jim Darragh motioned to adjourn the DRB Kirsten De La Cruz 2nd. Unanimously approved.

PC

No PC was held.

Respectfully submitted,
Marjorie Huff,
Clerk