

NORWICH DEVELOPMENT REVIEW BOARD

MINUTES

March 21, 2019
Tracy Hall Meeting Room

Members present: Dean, Lawe, Teeter, Carroll, Stucker

Members not present: Rotman

Alternates present: McCabe, Pitiger

Alternates not present:

Clerk/Staff: Rod Francis

Applicants: Antoinette Jacobson, Glyn Elwyn

Public: Nate Stearns Esq. (for #3BLA19), Chris Holzwarth (for #36BSUB17, #47BSUB17) Timothy Schaal, P.E. (for #47BSUB17)

The meeting was called to order by Chair Dean at 7:17 PM

1. Call to Order, Roll Call

2. Agenda – Approved

3. Public Comments & Announcements – None

4. Minutes: 11-1-18

Carroll moved and Pitiger seconded approval of minutes as submitted. Motion Passes 7 — 0

5. Administrative Issues –

- a. **Ernie Ciccotelli** has resigned term expiring 4-30-20 — Don McCabe communicated an interest in serving as a full member of the Board
- b. Membership Status – Terms Expiring 4-30-19
 - i. **John Carroll** — John. Carroll communicated an interest in continuing his membership
 - ii. **Stanley Teeter** — Stanley. Teeter communicated an interest in continuing is membershipClerk Rod Francis will convey to the Assistant to the Town Manager the intentions of Messrs. McCabe, Carroll and Teeter. Members were advised to provide written notice of their intentions, and be prepared to appear before the Selectboard to be considered for (re)appointment at the regular April 24, 2019 meeting.

6. Boundary Line Adjustments

- a. **#3BLA19:** The Boundary Line Adjustment proposes to:
Transfer – An exchange of approximately ±150SF between 16-107.000 Glen Gurman and Lijuan Wei, (developed, 22 US Route 5 N) and 16-108.000 Timothy & Lynn Porter and Thomas & Misty Porter, (developed, 28 US Route 5 N). Both are pre-existing non-conforming lots (<2 acres) in the Rural Residential District. The ±150SF transfer to 16-107.00 will increase the frontage by 4 feet to 154 feet. Lot 16-108 has frontage over 200 feet. The effect of re-setting the boundary line subtracts the same area (±150SF) from the rear of parcel 16-107.000 and adds to the front of 16-108.000.

The Board, after reviewing the BLA application, determined that it complies with the criteria for a BLA.

Carroll moved and McCabe seconded a motion that the proposed Boundary Line Adjustment #3BLA19 conforms to the criteria in Section 2.1(E)(1) NSR and therefore the Zoning Administrator is authorized to issue an administrative permit for the Boundary Line Adjustment.
Motion passes 7 — 0

- b. **#6BLA19:** The Boundary Line Adjustment proposes to:
Transfer by merging ± 0.5 acres of 12-1.4 (undeveloped, Norwich Associates) with 12-3.01, (developed, Norwich Associates), currently ± 1.7 acres. The resulting parcel will be a conforming lot in the Rural Residential district of ± 2.2 acres. 12-1.4 is a separate lot with frontage on two public ROWs; Farrell Farm Rd and Starlake Lane.

Simultaneously transfer by merging; approximately 1.3 acres of 12-1.4, (undeveloped, Norwich Associates) and ± 0.1 acres of 12-3.01, (undeveloped, Norwich Associates with 12-3.2 (developed, Twin Pines Housing Trust). The 0.1 acres lies immediately to the east of Starlake Lane. Parcel 12-3.2 increases in area from 14.2 acres to 15.6 acres. All lots will be conforming.

The Board, after reviewing the BLA application, determined that it complies with the criteria for a BLA.

Stucker moved and McCabe seconded a motion that the proposed Boundary Line Adjustment #3BLA19 conforms to the criteria in Section 2.1(E)(1) NSR and therefore the Zoning Administrator is authorized to issue an administrative permit for the Boundary Line Adjustment.
Motion passes 7 — 0

7. Public Hearing

- a. **#36BSUB17:** Preliminary/Final Plan Review of a Subdivision Application by Antoinette Jacobson, Applicant and Geraldine Jacobson, Landowner, to divide Lot 10-012.500 into 2 lots of approximately 3 acres and 23 acres at 519 Bragg Hill Road. Application to be reviewed under the Norwich Subdivision Regulations.

The record in this case includes the following documents:

Submitted by Applicant

- A-1 Application #36BSUB17 (10-2-17)
- A-2 Subdivision Plan, by Rockwood Land Services, LLC (1-1-19)
- A-3 State Wastewater Permit (1-31-19)
- A-4 Narrative, by Applicant Antoinette Jacobson and Landowner Geraldine Jacobson (2-15-19)

Submitted by Zoning Administrator

- ZA-1 Documents and Interested Parties list, dated 2-19-19
- ZA-2 Checklist for Development Envelopes, 2-11-19
- ZA-3 Density Calculation Sheet, dated 12-3-19
- ZA-4 Email from Upper Valley Land Trust, 11-28-18
 - a. Grant of Development Rights and Conservation Restrictions, 12-22-94
 - b. Partial of Recorded Survey by Bruno Associates, Map Slide 255B, 11-23-94

The Chair opened the Public Hearing at 7:35 PM.

Present Members: Dean, Lawe, Teeter, Carroll, Stucker

Present Alternates: McCabe, Pitiger

Clerk: Rod Francis

Applicant: Antoinette Jacobsen, Geraldine Jacobsen (owner)

Interested Parties: Chris Holzwarth, Nora Jacobson, Wayne and Karen Kniffin, Lucyna Bojanowska, Robert Cantor

Site Visit Report: There was no site visit

Presentation of Application:

Carroll moved and McCabe seconded to accept all of the exhibits listed in the hearing document (ZA-1) into the record. Motion Passes 7 — 0

After some discussion the Board proceeded with the hearing as a preliminary hearing. If during deliberation the Board determines that all necessary materials have been furnished to make a final decision it will do so.

Cantor: I have received correspondence from VT DEC concerning possible conflict with my wellhead protection area. I would like some explanation

Holzwarth: This is a notice requirement that references a potential conflict in the future, not an existing actual conflict. Your well is already in existence. VT is a “first come, first served” state with wells and wastewater permits, therefore your well cannot be legally compromised by a subsequent permitted site.

Carroll moved and Stucker seconded to close the hearing at 7:58pm. Motion Passes 7 — 0.

Dean: This matter will be deliberated on at a subsequent meeting. The board will decide whether a final subdivision application and hearing is needed, or if we have enough information before us to issue a permit.

- b. **#47BSUB17:** Final Plan Review of a Subdivision Application by Glyn Jones Elwyn, Applicant and Landowner, to divide Lot 11-126.000 into 4 lots of approximately 3.9 acres, 2.2 acres, 2.0 acres and 98.2 acres at 720 Union Village Road. Application to be reviewed under the Norwich Subdivision Regulations.

The record in this case includes the following documents:

Submitted by Applicant

- A-1 Application #47BSUB17, dated 12-14-17
- A-2 Narrative, by Millbrook Design, LLC, dated 12-12-17
- A-3 Subdivision Site Plan, by Millbrook Design, LLC, dated 12-12-17
 - a. Conceptual Site Development Plan;
 - b. C1 - Preliminary Overall Site Plan;
 - c. C2 - Preliminary Parcel Plan;
 - d. C3 - Preliminary Development Layout;
 - e. C4 - Preliminary Private Highway Site Plan; and
 - f. D1 - Preliminary Private Highway Profile
- A-4 DE Review Table, by Millbrook Design, LLC, dated 12-12-17
- A-5 Subdivision Site Plan Cover Sheet, by Millbrook Design, LLC, received 3-4-19
 - a1. Subdivision Plat, Survey Sheet 1, dated 2-26-19;
 - a2. Remaining Lands Inset Sketch, Survey Sheet 2, dated 2-6-19;
 - b. C1 - Overall Compilation Map, dated 2-11-19;
 - c. C2 – Parcel Sketch, dated 2-26-19;

- d. C3 – Private Highway Site Plan and Profile, dated 12-3-19;
- e. C4 – Private Highway Site Plan and Profile, dated 12-3-19;
- f. C5 – Private Bridge Layout, dated 9-24-18;
- g. C6 – Overall Site Plan, dated 2-26-19;
- h. C7 – Parcel 1 Site Plan, dated 2-26-19;
- i. C8 – Parcel 2 Site Plan, dated 2-26-19;
- j. C9 – Parcel 3 Site Plan, dated 2-26-19;
- k. C10 – Parcel 11-126.000 (Remaining Lands) Site Plan, dated 2-26-19;
- l. C11 – Wetland Impacts Plan, dated 11-28-18;
- m. E1 – Bridge Abutments Erosion Control Plan, dated 2-26-19;
- n. E2 – Private Highway Erosion Control Plan, dated 2-26-19;
- o. E3 – Parcel 1 Erosion Control Plan, dated 9-24-18;
- p. E4 – Parcel 2 Erosion Control Plan, dated 2-26-19;
- q. E5 – Parcel 3 Erosion Control Plan, dated 9-24-18;
- r. D1 – Erosion Control Details, dated 9-24-18;
- s. D2 – Site Details, dated 9-24-18;
- t. D9 – Potable Water Supply Details, dated 9-24-18
- A-6 Individual Wetlands Permit from Vermont Agency of Natural Resources, Department of Environmental Conservation, dated 1-28-19
- A-7 Access Permit Application, dated 2-21-19
- A-8 DE Review Table, by Millbrook Design, LLC, revised 3-1-19
- A-9 State Wastewater Permit WW-3-2890R for Parcels 1-3, (revised) dated 3-18-19
- A-10 Email from Schaal Engineering, re: Driveway to Parcels 1-3, dated 3-5-19
- A-11 Photo of Flags Delineating Centerline of Driveway, by Schaal Engineering, dated 3-6-19

Submitted by Zoning Administrator

- ZA-1 Documents and Interested Parties list, dated 3-19-19
- ZA-2 Density Calculation Sheet, dated 12-21-17
- ZA-3 Ortho Base (2016) Photo of Site Plan, dated 1-18
 - a. Overall Site Plan; and
 - b. Close-up of proposed three new lots
- ZA-4 Public Works Department Review, dated 1-27-18
- ZA-5 DRB Preliminary Plan Review, dated 5-30-18
- ZA-6 Norwich Fire Chief Review of Driveway Plans email, dated 3-18-19

Submitted by Interested Party

- IP-1 Email from Susan Jennings, abutter at 176 Blood Hill Road, dated 1-29-18
- IP-2 Letter from John Vincent, abutter at 80 Blood Hill Road, dated 2-26-18
- IP-3 Letter from Suzanne and Graham Wallis, abutter at 154 Blood Hill Road, dated 2-23-18
- IP-4 Letter from Suzanne and Graham Wallis, abutter at 154 Blood Hill Road, dated 3-29-18
- IP-5 Letter from Suzanne Wallis on behalf of Susan Jennings, abutter at 176 Blood Hill Road, dated 4-19-18

The Chair opened the Public Hearing at 8:02 PM.

Present Members: Dean, Teeter, Carroll, Stucker (Lawe recuses)

Present Alternates: McCabe, Pitiger

Clerk: Rod Francis

Applicant: Glyn Elwyn, (with: Timothy Schall P.E., Chris Holzwarth)

Interested Parties: John and Jean Lawe, Courthey Dobbins, Carla and John Vincent, Nancy LaRowe

Site Visit Report: There was no site visit

Presentation of Application:

Carroll moved and Pitiger seconded to accept all of the exhibits listed in the hearing document (ZA-1) into the record. Motion Passes 6 — 0.

Holzwarth made a presentation explaining in some detail materials contained in the exhibits (see list).

Carroll: can we make an access permit a written condition?

Francis: Yes.

Carroll: I notice segments of the proposed driveway at 12% slope or more.

Holzwarth: These are short distances and they meet the standards implemented by the Town. The intention is to minimize the disturbance caused by cut and fill.

Carroll: Why is one parcel indicated as being 1.95 acres? Isn't the minimum parcel size 2 acres?

Holzwarth: In discussions prior to the preliminary application we had discussions with the then ZA who I understand allowed for a density calculation. I don't specifically recall the method he used.

Carroll: ZA can you explain?

Francis: I am not sure I can. I am operating on the understanding that minimum parcel size in Rural Residential is 2 acres.

Holzwarth: It is easy for us now to reset survey pins in the field and make this parcel 2 acres.

Carroll: Can we make this a condition?

Francis: Yes

Stucker: Is the applicant's intention to sell the lots created by this subdivision?

Holzwarth: Yes, most likely individually.

Stucker: What, if any scope, is there for homebuilders to make changes from these submitted plans

Holzwarth: We have provided for contractors all that is required to meet minimum standards under applicable state permits (wetland, wastewater). It is possible for a contractor to amend the permit(s).

Pitiger: So are we agreeing that these are minimum permit standards for state permits?

Holzwarth: Yes, exactly.

Carroll: How do you ensure compliance by the contractors?

Holzwarth: In different jurisdictions the process is different. For example, NH has certified installers.

Carroll: Can we set a condition regarding compliance with the state permits

Francis: I don't believe the NZR, NSR provide the Board the authority to do that.

Francis: What we can do is ensure as far as possible that the actual construction of the driveway and the houses conform to the plans as approved. In some instances issues arise making it

necessary to amend the plans and change the actual construction. When this occurs 'as built' plans are needed so that we have a record of how things actually got built and there is no contradiction between what is on the ground and in our files. We can make providing 'as built plans' a condition.

John Vincent: Do the plans go with the sale of the parcels?

Schaal: Yes. All permits and the supporting materials (including plans) are attached to the deed.

John Vincent: Do the erosion control plans assume 2 acres of development at a time?

Holzwarth: There are two logical low risk phases; construction and stabilization. The phasing could allow more than one house construction site to be active at a time. Any change will require permit amendments.

Stucker: Can more lots be created subsequently?

Holzwarth: The physical limitations of the site and the stringency of the permitting requirements preclude it (wetlands etc.).

Stucker: Questions have been raised about previous work on the original parcel (11-126-000 ±108 acre) and subsequent silting or other impacts on a pond on abutting property (11-128-000) what can be done to ensure damage doesn't happen this time around?

Holzwarth: Apparently the installation of the culvert triggered an incident at the pond. Corrective actions were taken. The stream alteration and wetland permits issued for this project now all account for this previous impact. We have prepared detailed drawings and obtained all necessary permits from VT DEC and the Army Corps of Engineers including for the construction of bridge (stream alteration permit), the driveway and the houses within designated development envelopes. The construction permits show appropriate run-off and erosion controls for construction. We cannot give an undertaking that these will be followed, because no work is being proposed as of now. This team has joined the project well after these issues raised here were identified. This team and the applicant are trying to ensure compliance with the permits we have obtained as far as possible.

John Vincent: there is some confusion about the pond (at 11-128-000), there are two incidents some time apart, the first involved silting the second involving some effort at repair that led to slumping of the walls.

Francis: I want to make clear that the DRB has the authority to require "all necessary state and federal permits have been obtained". However, a failure to comply with such permits would be a matter for the permit issuing authorities. State permits issued as part of this project are not the purview of this board. Any interested person can appeal a subdivision permit issued by the DRB within 30 days to the Environmental Division of the VT Superior Court.

Stucker moved and Carroll seconded to close the hearing at 9:25PM. Motion Passes 6 — 0.

c. Appeal of Zoning Administrator Decision; concerning alleged zoning violations (height of fence(s) and side setback), by John Eller, Appellant and Landowner at 194 Kendall Station Road, Lot #06-072.000. Application to be reviewed under the Norwich Zoning Regulations.

Action: Consider Motion to Continue hearing to a date certain per request of party

Carroll Stucker and Stucker seconded to continue the hearing to 6:30 pm April 4, 2019. Motion Passes 7 — 0.

8. Other Business – None

9. Adjournment

The meeting adjourned at 10:00PM

Respectfully submitted,

APPROVED 4-18-19

Rod Francis, Clerk

Future DRB Meetings: April 4

Development Review Board Agendas & Minutes are available at: <http://norwich.vt.us/development-review-board/>