

**TOWN DEVELOPMENT REVIEW BOARD
MEETING MINUTES
January 11, 2022**

Members Present: Malcolm Teale, Chair
Members Virtual: Elisa Clancy; Tom Wawrzeniak, Mary Walz
Members Absent: Craig Fowler
Guests Virtual: None
Guests Present: Ron Rodjenski, Town Zoning Administrator; Jim Harrison; Peter Garceau, Cross Consulting; Dean Hewitt; Frank Pastor; Michael Foss and Robert Foss; GMATV did not videotape this meeting.

Mac called the meeting to order at 5:00 p.m.

1. **Welcome & Public Comment** – No public comment received and no changes to the agenda.

2. **Public Hearing - Morrisville Sand & Gravel** – Mac opened the hearing on application #2021-64 which was closed on December 7, 2021 but the DRB voted to re-open and request additional documents and testimony. Peter Garceau stated that the application has been adjusted to move the access road to turn along the berm so it is lowered the south side and the large berm remains higher longer. The Board reviewed the new site plans which consists of Sheets C-1 through C-5. Tom asked if there was a written reclamation narrative and Peter advised that the reclamation plan phases are notes on the site plan sheets. Mac asked about the slope of finished slopes and Peter explained that they could make the finished slopes 1:2 even though plans are 1:1, noting that a typical stable slope is 1:2 or 1:3. Tom asked about the state stormwater permit and Peter explained that no water leaves the pit as it is self-contained. The reclamation plan uses grass for stabilization and no trees are proposed. Elisa asked how 1 on 1 slope could be stabilized, and Peter stated that the final plan will include 1:2 slopes up to 1:3 slopes. Mary asked about Phase 1 reclamation and Peter explained that phase will take three years with temporary stabilization starting at the south end of berm with permanent stabilization for phase 1 estimated to occur in years 3 and 4. Mary asked what final reclamation will look like and Peter stated it will look like a hidden meadow and could be sold for a new use or could revert to agricultural land. Peter stated that the request is for 75,000 yards removed per year with a maximum of 40 trucks per day noting that currently they are operating at about 60,000 cubic yards a year and about 30 trips per day with December to April 1st shut down, and only withdrawal during winter months. Jim Harrison confirmed that no processing occurs in the winter and withdrawals are only from stockpiles as needed. Peter stated that the Act 250 condition is for intermittent winter use and much lower withdrawal rates. Mary asked what the proposed pit bottom elevation is and Mac stated the plans show 1040-feet. Peter noted that the pit life quantity is changed and was about 800,000 cubic yards but will be adjusted depending on the final permit conditions for slope. Mary asked if there was any data on the recent truck trips and annual extraction amount, and Peter stated about 65,000 cy per year and 35 truck trips on average. Mary noted that prior permits anticipated 50% of truck traffic to use the Ferland Pit Road to Morristown and Route 15 and now the proposal is 100% to use Garfield Road. Peter stated that 40 trips per day can be accommodated by Garfield Road. Mac asked if anyone had additional questions or comments, none stated. Motion by Mary to close the public hearing and move into deliberations, seconded by Tom, so voted.

3. **Public Hearing Michael and Portia Foss**, Application #2021-78. Mac read the public notice - Michael Foss was present with adjoining landowners Frank Pastor and Dean Hewitt. Mr. Foss is asking that the prior subdivision permit conditions requiring road construction from Green Park West Road to the Green Park East Road "T-3" turnaround be amended. Michael stated that the 57 acres past (easterly) of his proposed single-family house lot is good for one house as the land contains ponds and wet areas that limits house sites. Ron briefly explained road history of phases T-1, etc. which resulted in the subdivision permit condition to build new roads to the lots they will serve before new house construction permits are applied for by new landowners. Dean stated that they are concerned with the proposed house being close to the Hewitt and Pastor homes which was not what they understood to be the development plan for 114 Green Park East Road. Dean noted that there is a no build zone on the portion of 114 Green Park East Road closest to the Hewitt and Pastor boundary lines. Frank stated that the developer of the Green Park

subdivision, Ralph Larson, added the no build zone to the survey, recorded in Slide 107, Page 676 and the no build zone is clearly shown as being 3.28 and about 2 acres was added for the house site in Jan 2017, making the Foss parcel 5.28 acres. Dean state that Mr. Larson added the no build zone to protect the Hewitt's views from their home. Dean felt the no build zone was to protect neighbors - and his desires should not be swept away, asking if the Foss real estate person showed a house site that was in a no build zone and not disclosing the subdivision permits road costs? Dean stated many potential buyers of 114 Green Park East Road had been discouraged due to no build zone and permit conditions. Mac asked Michael if he wanted to build the house on the knoll in he no build zone and Michael stated yes, as that is where the wastewater system site plan shows the home. Frank stated that the surveyor confirmed there is a no build zone and Dean asked how a recorded survey doesn't matter. Frank noted that the no build zone is in the Foss deed. Ma summarized that the neighbors feel the no build zone needs to be respected. Dean stated that the neighbors felt protected and not sure why the septic permit house location was not amended to match the recorded survey. Michael stated that it would be a big issue for him to move the house off the knoll as he has planned which matches how it was explained to me as a valid house site. Mac stated that neighbors see the no build zone on the survey, but Michael received different information when he was considering purchasing the lot. Michael stated that the did not see the survey before purchasing an just reviewed aerial photos. Frank noted that the survey with no build zone was on the survey before Michael purchased the land. Mac wondered why the closing attorneys didn't say anything. Mary suggested that it doesn't feel like a DRB matter even though the restriction is on the survey. Mr. Foss presented an engineering letter from David Ring stating that the Town Fire Chief Brad Carriere is ok with the proposed house site, even though the last 50-feet to the house is steep. Mr. Foss's engineer stated that the 8% maximum driveway grade can be met with final grading in the spring. Motion by Elisa to close the hearing and move into deliberations, seconded by Town, so voted unanimously.

4. **Adjourn:** Motion by Elisa to adjourn, seconded by Tom, meeting adjourned at 8:04 p.m.

Submitted by Ron Rodjenski