

TOWN DEVELOPMENT REVIEW BOARD

MEETING MINUTES August 25, 2020

Members Present: Malcolm Teale, Chair; Craig Fowler; Jim Fontaine
Members Virtual: Mary Walz,
Members Absent: One vacancy, Melvin Harvey, Tom Wawrzeniak
Staff Virtual: Ron Rodjenski, Town Zoning Administrator
Guests Virtual: Nick Lange
Guests Present: GMATV did not videotape this meeting.

Mac called the meeting to order at 6:00 p.m.

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

Application #2020-49 submitted by Nick Lange and Emma Marvin for a Pond with embankment at 2423 Cleveland Corners Road (Parcel ID 10-007-115.001). The property is in the Conservation 10 Zoning District and the application will be reviewed under Section 8.7, Ponds and Section 9.12, Conditional Use Review of the 2020 Town Land Use and Development Regulations.

Mac opened the hearing at 6:02 p.m. and read the public notice then swearing in Nick Lange. Nick reviewed the proposed pond project noting that his engineer is available by phone if needed. Mac reviewed the town staff report, previously provided to the applicant, and read through the questions for the public hearing. Nick testified that the plans were prepared by a licensed Vermont engineer. Nick stated that the pond will be lined with existing clay-like materials and the contractor will inspect the material to ensure they are suitable for pond construction. Mac asked about the 5-foot setback to property lines that are noted on the plans with the pond's toe of slope meeting up with that 5-foot setback line on the westerly and northerly boundary lines. Mac asked what would happen if during construction the 5-foot appears to be at risk of not being met and Nick responded that the pond could be shrunken, or a boundary adjustment could be done with the neighbor. Nick stated that the pond maximum storage capacity is 70,000 cubic feet which is well below the state permit threshold of 500,000 cu feet. Nick stated that the Army Corps is not required to be involved because no work is happening in the nearby stream on the southerly side of the property. The Board reviewed the downstream impacts if the pond failed and Nick stated that no structures or improvements are below the pond for at least 1,000 feet and the area is wooded which will disperse the flow over that distance and not cause damage. Mary asked if the engineer should provide testimony or if Nick's testimony on what he understands be sufficient, noting Section 8.7 that requires documentation from a licensed engineer. Nick stated that he has a statement from the engineer of no impact and will send that email to the Board. The Board reviewed the definition of structure requiring that setbacks be met and found "pond" defined as a structure, thus a setback waiver is required to allow the 5' setback as proposed. Motion by Jim to close the public hearing and move into deliberations. Seconded by Craig. Voting: 4 in favor, 0 against, motion passed.

Other Business – None.

3. **Minutes:** Deferred.
4. **Adjourn:** Motion by Jim to adjourn, seconded by Craig, meeting adjourned at 6:41 p.m.

Submitted by Ron Rodjenski