

Town of Montgomery, Vermont
Development Review Board Public Hearing
Unapproved Minutes
Thursday, September 16, 2021

Members present: Parma Jewett (chair), Sue Wilson, Wendy Howard, John Kuryloski, Mark Brouillette, Lynda Cluba (absent)

Applicant: Tim Murphy

Visitors: Interested Parties/Abutters/Adjacent property owners: Sheila St. Cyr, Victoria Monty, Nathan Monty
Other visitors: James Marshia, John Harrocks, Pat Racine

Parma explained the process of the hearing to all in attendance. Montgomery is an on-the-record town, so everything is recorded. All information from the applicant and the Zoning Administrator is submitted as evidence.

Parma called the meeting to order at 6:32pm.

Parma read the Notice of Public Hearing. The Application is for a subdivision of **parcel 00005.007X between Green Mountain Road and Brook Road**. The application is to subdivide two existing lots into four lots. As one of the new lots does not have enough road frontage to meet requirements for Village 2 zoning, the applicant seeks access by right-of-way to this lot, which requires Development Review Board approval.

Parma gave an oath to all present at the hearing; all confirmed.

Evidence submitted by the Zoning Administrator, noted as A1, includes: Notice of Public Hearing, Notice to Abutters, Application to DRB, Application for Building/Zoning permit, Wastewater Permit, Notes from the Zoning Administrator, E-mail communications between Applicant and Zoning Administrator, and Site plan map

Tim Murphy explained that earlier this year, he submitted an application to subdivide his parcels. Parcels 2 and 3 are existing, and 4 and 5 are proposed. Parcel 4 has enough road frontage, Parcel 5 does not, according to the Zoning Administrator. This parcel does not meet the required 75 feet of road frontage. Lot 5 would gain its access by a deeded right-of-way (ROW).

Parma noted that the Board is only acting on a request for Lot 5 to have a ROW, not a decision on any subdivision. Mark asked where the ROW would be; Tim responded that it would be between the Gerstein and Baker properties, off of Brook Road. Tim explained that he has subdivided a number of lots from his original property, these parcels are in Village zoning, and this land is part of his wealth.

Parma said that the DRB has looked at several ROWs and one question that comes up is whether the ROW is going to be large enough for emergency vehicles to move through. Tim responded there should be good frontage and that he is happy to write any language to allow for that into a deed. Wendy mentioned that part of a driveway permit process should account for this need. Sue asked Mark how big emergency vehicle access needs to be, and Mark responded that they need 30 feet.

Wendy commented that the lots would likely be for single-family homes. Sue asked if the ROW would only be going to Lot 5. Tim responded that there is a ROW to Lot 3 and from there a ROW to access Lot 5.

Parma called on Sheila St. Cyr to speak. Sheila submitted **Evidence A2**: letters from Suzanne Pelletier (townsperson) and Dana and Jennifer Kennison (abutters) to give permission for Sheila to represent them as well as their written comments and photos for the DRB.

Sheila, representing Suzanne Pelletier: Suzanne is acquainted with the Green Mountain Road property; her property receives a lot of seasonal runoff at the base of Green Mountain Road. She is concerned with the amount of water runoff that would potentially come to her and her neighbor's (Backman) back meadow. She asks what measures will be undertaken to mitigate this faster flow in volume. She notes that the septic systems for two of the lots are on another lot, which might indicate that the land cannot handle excess development.

Parma responded that the DRB is not acting on any subdivision permits, just a ROW. Tim said they want to comply with any necessary stormwater issues; he is understanding of these issues. He said neither building would have a basement, and he thinks the land can be built and have the stormwater managed safely. Parma called on Mark as Road Foreman to see if he had any concerns around this plan. Mark said a stormwater plan would likely have to be put into place. Wendy said that water issues have been an issue in front of Suzanne and the Backman's properties. This could be a good opportunity for the Town to improve that situation. Sheila added that Fuller Bridge is Town property, and water is a chronic problem for Fuller Bridge road.

Sheila, representing Jennifer and Dana Kennison: Dana and Jennifer submitted two photos from the October 2019 storm, showing lots of water running down the hill. They mentioned that the site plan map does not show where development on Lot 3 would occur. They are concerned about the driveway onto Lot 3 and its impact on Brook Road and traffic on the road. They ask if the Road Commissioner has looked at the specifics of a ROW off of Brook Road and mention that Zoning regulations say that the DRB may ask for roadway improvements around ROWs. They are concerned about stormwater runoff from the Green Mountain Road area near/on Lot 4, as there is currently much standing water and significant erosion from storms. They ask if it is a condition of this proposal that these issues will be taken into account. They state that it is difficult to determine from the Zoning Regulations whether the Brook Road river corridor is in the flood hazard overlay district or not. If Brook Road is not included, they suggest it would be worth looking at an amendment to account for the impacts of large storm events in this district.

Tim responded that with Lot 3, there is no current development plan, but there is a lot of reserve septic capacity. To the best of his knowledge, the DRB does not impose particular building standards. He said he would like to improve drainage around Lot 5. As for specific State regulations, he explained that the state does have a number of regulations, and he has kept to all of them. Parma said that this is a public road, and the DRB is only looking at the access. She does not see the DRB requiring conditions for the public road. Mark mentioned that Brook Road is a narrow road, and he does not see any issue with this ROW access on the road. Sheila said she is concerned with the paving of a driveway displacing water, which will cause more water to flow onto the road. John Kuryloski said he does not understand the topography or how the ROW would impact enough to comment.

Victoria Monty asked, regarding road frontage, if all of the proposed lots were to come off of Brook Road. Wendy explained that one of the new proposed lots would be accessed from Green Mountain

Road.

John Harrocks acknowledged that Tim has owned the land for years and **he has** understood that it would eventually be developed. He is mainly concerned about the water and runoff and its intensity at times. He wonders what will happen when lots are put in and if there are enough mitigation measures to account for the development. **Tim responded that he feels that this is the chance to fix these issues, as the Town is not going to do it. If there are no lots going in, these water issues will not be addressed.** John suggested that the engineering should come first; Tim said the engineering came first from the State, **and he feels that the State is typically tougher with regulations.**

James Marshia **put forth** one solution of a potential retaining pond to deal with water.

Parma **said** that the Board will go into Executive Session.

Sue made a motion to go into Executive Session at 7:18pm, Wendy seconded.

Mark made a motion at 7:30pm to come out of **Executive Session**, Sue seconded.

Sue made a motion to approve the request for proposed Lot #5 access via **right-of-way** from Brook Road, John seconded. Vote: 5-0, Aye.

Meeting adjourned at 7:31pm.

Respectfully submitted,
Genevieve Lodal-Guild