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Christopher Lindgren Subdivision Preliminary Plat - Public Hearing March 18, 2021

The Weston Planning Commission held a duly warned Public Hearing on the proposed Christopher Lindgren Subdivision Preliminary Plat on Thursday, March 18, 2021 at 7 pm by Zoom video and teleconference. A map of the proposed Subdivision Preliminary Plat is posted at the Town Office.

The Public Hearing opened at 7:11 pm.

Present were members of the public:

Denis Benson
Noreen Benson
Kathleen Bower
Paul Emmanuel
George Joseph
Susan Kwasneski
Jim Linville
Patricia Romalo

Also present were members of the Planning Commission (and Zoning Administrator):

Brad Ameden
Anne Degan
Christopher Lindgren
Nicki Pfister
Kim Price
Bob Vesota
Will Goodwin, Zoning Administrator

Christopher Lindgren, chairman of the Planning Commission, recused himself from the proceedings.

Nicki Pfister assumed the role of Chair. Anne Degan assumed the role of Secretary.

Computer connection was difficult and spotty. It was agreed at the outset that the hearing would be continued to ensure that anyone unable to connect via computer or telephone on March 18 could participate in the hearing at a later date.

Christopher Lindgren introduced his project as a 15.5-acre plot divided into six buildable lots accessed by an existing unnamed roadway, existing work road, and Route 100 at a location just north of Maple Hill Road on Route 100. Mr. Lindgren noted that the proposal supports the objectives of the Weston Town Plan for residential development in the Rural Residential (RR) zoning district. He described the site as having very good septic soils and close access to Route 100 in what is already an established residential area.

The plan includes a state-approved five-unit community septic system located in the middle of Lot 4. The pressurized septic system will serve Lots 1, 3, 4, 5 and 6. A separate individual septic

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system is state-permitted for Lot 2. Mr. Lindgren said he intends to keep Lot 4 and sell the remaining lots. He stated that the existing unnamed roadway off Route 100 will need to be upgraded to town specifications and will provide right-of-way access to Lots 2, 3, 4, 5 and 6. All lots are to share equally in the maintenance of the roadway. Right-of-way access along the existing work road will provide driveway access to Lots 5 and 6. Lot 1 is directly accessed from Route 100. Approximate lot acreage is as follows: Lot 1, 2 acres; Lot 2, 1.2 acres; Lot 3, 2 acres; Lot 4, 7 acres; Lot 5, 2 acres; Lot 6, 1.4 acres.

Property abutter Denis Benson expressed concern about existing storm water runoff onto his property and said he believes the proposed project will compound the problem. Mr. Benson said he would like the existing water runoff addressed before the project goes any further.

Neighborhood resident Susan Kwasneski said the water runoff had gotten a lot worse in the last two years and should be addressed before the subdivision is approved.

Mr. Lindgren said any storm water issues will be addressed at the Final Plat stage. He said he is aware of the concerns, but he said it is difficult to address storm water runoff before creating the Final Plat with known impervious surfaces identified. He said any plans to address and treat storm water runoff might include improved roads and ditching, and those are remedies that would be addressed at the Final Plat stage.

Planning Commission member Brad Ameden noted there are two culverts running east and west under Route 100. He said the Commission will review storm water runoff issues during the timeframe between the subdivision Preliminary and Final Plat stages.

Abutter George Joseph wondered about the size of the houses and setback requirements, and expressed concerns about the proximity to his house, the exact boundary lines, potential trespassing problems, and construction noise. Mr. Joseph also questioned why the access leading to Lots 5 and 6 extends all the way across the top of the lots, rather than entering from below at a shorter distance.

Mr. Lindgren noted that the driveway access for the top lots was planned to avoid the steepest grade.

Members of the Planning Commission explained that the required 35-foot side setback for the RR district is specified in the Town Zoning Bylaws. House size is not regulated by the town, but the allowable number of bedrooms is typically included in the state septic permit on file with the Vermont Department of Environmental Conservation (DEC). Mr. Ameden noted that each lot will be surveyed and pins placed at the lot boundaries during the Final Plat stage.

In response to Mr. Joseph's concern that abutters are relying only on the Lindgren survey to establish the lot boundaries, abutter Paul Emmanuel identified himself as a former real estate broker and said he had never encountered an issue with surveyed and certified lot boundaries.

Neighbor Patricia Romalo asked about the fire protection source and the cost to provide it. Mr. Lindgren said he is looking into restoring an existing, but now defunct, hydrant at the Windsor & Windham Housing Trust pond on Maple Hill, or adding a new hydrant at the neighboring West River Properties pond. Mr. Lindgren said he will be consulting Green Mountain Power about the

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utility lines. He said the primary power feed to the lots will be above ground, and it will be up to future owners to decide whether they want above- or underground power lines on individual lots.

Abutter Kathleen Bower said she is concerned about living below a sizable community septic system, the potential for storm and well water runoff, and the proximity of the septic system to a brook running along the property. It was noted that the state, and not the town, regulates septic systems; the Lindgren subdivision septic permit is on file with the state DEC.

Mr. Benson, now speaking as Chairman of the Weston Select Board, stated that the Select Board is not in favor of the town taking over any more roads. Mr. Lindgren said he has not petitioned the town to take over the existing unnamed road and he has no plans to do so.

In closing, Mr. Lindgren said his project fulfills a local need by adding housing for Weston residents, creating some economic vitality and improving the land. He said he plans to adequately address and treat storm water runoff during and after construction.

Motion made by Brad Ameden (seconded by Bob Vesota) to recess the Lindgren Subdivision Preliminary Plat Public Hearing until April 5 at 7 pm via Zoom and teleconference.

Unanimously approved.

Hearing recessed at 9:05 pm.

Christopher Lindgren Subdivision Preliminary Plat Public Hearing, Reopened April 5, 2021

The Public Hearing reopened at 7:04 pm.

Members of the public present:

Denis Benson
George Joseph
Jim Linville
Charles Goodwin

Members of the Planning Commission (and Zoning Administrator) present:

Brad Ameden
Anne Degan
Christopher Lindgren
Nicki Pfister
Kim Price
Bob Vesota
Will Goodwin, Town of Weston Zoning Administrator

Christopher Lindgren, chairman of the Planning Commission, again recused himself from the proceedings.

Nicki Pfister reassumed the role of Chair. Anne Degan reassumed the role of Secretary.

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Chair Nicki Pfister stated that the March 18, 2021 Public Hearing was recessed and reopened to ensure that anyone who may have had computer or telephone connection issues in March would still have an opportunity to attend.

The Chair acknowledged receipt of an email from abutter Kathleen Bower addressing her concerns about the septic system and storm water drainage. The Chair noted that the state, not the town, has jurisdiction over septic systems, and the storm water drainage will be addressed at the Final Plat stage.

Abutter Denis Benson said he is confused as to why the runoff issue would be addressed only at the Final Plat stage. He asked what would be done to address the possibility of runoff from overflowing wells.

Brad Ameden explained that the Planning Commission cannot determine how the water course might change until there is a Final Plat plan to review. He said the state addresses criteria for storm water treatment, and the Planning Commission will be able to review the issue as it pertains to the town's zoning bylaws and major subdivision regulations once it knows more about the water patterns, impervious surfaces, etc.

Abutter George Joseph asked what weight is given to abutters' concerns. The Chair and Mr. Ameden explained that the Commission examines the Preliminary Plat to be sure it is in compliance with criteria specified under the Major Subdivision regulations, including legal access, roadways, right-of-ways, state septic permits, easements, lot size, boundaries, etc. Going forward at the Final Plat stage the Commission will examine any major impacts and can consider imposing contingencies or stipulations as needed.

Select Board member Jim Linville asked if the access roads were only for use by this property. It was noted that if the town took over the unnamed road, the road could be used to access other parcels but there are no plans for that. Mr. Lindgren said the Preliminary Plat shows both 25-foot and 50-foot right-of-ways. The 50-foot right-of-way along the existing work road to the upper lots will accommodate utility access and a distribution tank, he said. Mr. Lindgren said the Final Plat stage will involve town engineers because the unnamed roadway off Route 100 must be upgraded to meet VTrans A-76 and town road standards. He said he has no thoughts one way or the other on the town taking over the road. Mr. Ameden noted that the Planning Commission could stipulate that the unnamed roadway not be taken over by the town. He noted that part of the Planning Commission's responsibility is to ensure that all the necessary easements and access right-of-ways are in place for prospective buyers.

Hearing no further comments, motion moved by Mr. Ameden (seconded by Bob Vesota) to close the Christopher Lindgren Subdivision Preliminary Plat Public Hearing. Unanimously approved.

Public Hearing closed at 7:40 pm.