**Town of Weston**

**Planning Commission**

**Minutes of Hearing**

**July 5, 2022**

**Present:** Deborah Granquist (Acting Chair), Anne Fujii, Laura Katz, Tom Foster

**Absent:** Jeff Lennox,

**Public:** Will Goodwin, Zoning Administrator (ZA)

 Chris Lindgren, Applicant

 Jeff White, Project Attorney

 Jessica Rizio, Weston Town Engineer

The meeting was held at the Weston Town Office with Ms. Granquist, Mr. White and Ms. Rizio attending remotely on Zoom. By mistake, the meeting was not recorded.

H**earing**: **Chris Lindgren Subdivision Final Plat Review**

Deborah Granquist, Acting Chair, called the hearing to order at 5:05 PM, noting that this was a recessed hearing from the previous June 7, 2022 hearing.[[1]](#footnote-1)

Ms. Granquist began the hearing by stating that the Planning Commission had learned of the death of Mr. Krueger, the project engineer, and offered condolences to Mr. Lindgren and his family. She asked Mr. Lindgren if he had identified a new engineer for the project. Mr. Lindgren has spoken with Frank Parent of Long Trail Engineering, PC, who seems inclined to become involved.

Ms. Granquist then said that she wanted to accomplish two things before turning back to the Subdivision regulations. She has a list of items that are needed before the matter can proceed to completion, and she wants clarification of some of the elements of the proposed project that she finds confusing.

Ms. Granquist said she was confused by the meaning of “existing work road” v. “proposed driveway”. She did not realize until a conversation with the Town Engineer, Jessica Rizio, that the existing work road is actually going to be a driveway, but would be constructed of gravel and not of geo pavers. All of the other “access roads” which are labeled proposed driveways, as well as the actual driveways to each lot, are required to be constructed with geo pavers, even though they are difficult to maintain. Ms. Fujii stressed the need for a detail drawing of the “existing work road”, including confirmation that this work road does not exceed the 10% grade restriction. Mr. Lindgren said he would be looking for a waiver for the 10% requirement. When asked to what grade he would like a waiver, he said he did not have an answer at this time. He also could not answer how the cost of the geo pavers impacts the cost of construction compared to the the gravel work road driveway.

There was also discussion of the need for an amendment to the existing Wastewater permit. The Planning Commission has been asking for this amendment for at least a year. The approved permit is based on a 7 lot subdivision whereas the current subdivision is 6 lots. Mr. Lindgren expressed doubt as to whether the amendment could be gotten in a timely fashion. Ms. Granquist said the amendment would be required before final plat approval. Mr. Lindgren countered that he would request that we approve the subdivision subject to getting the amendment.

At the last hearing, concern was expressed about the width of the proposed driveways and the existing work road driveway for purposes of ingress and egress for fire and other emergency vehicles and whether there is a need for a fire pond and/or hydrant(s). Ms. Granquist stressed the need of input from the Weston Fire Department as a matter of public safety.

Concern was also expressed at the last hearing on the lack of governance for the subdivision (i.e. no Homeowners’ Association). The project delegates responsibility to each lot owner for many compliance matters – from building and maintain roads/driveways, to compliance with storm water exemptions, to maintaining the community septic system, to maintaining any needed fire hydrants -- but there is no mechanism for remedies in case a lot owner does not comply with these requirements.

There was much discussion on the lack of a State Storm Water permit. In lieu of obtaining a permit, Mr. Lindgren has chosen to operate under the 1-acre exemption. Mr. Krueger’s Storm water plan demonstrates that there are .909 acres of impervious surfaces so the project just falls within the 1-acre exemption. It was noted by Mr. Foster that the 1-acre exemption has been changed to ½ acre effective July 1, 2022. The question arose about how the subdivision would be affected by this change. Mr. Lindgren said there is a two year transition period and as long as a substantial portion of the work is done, the project would still be subject to the 1-acre exemption. Ms. Rizio said she did not think the change in rule was as simple as portrayed by Mr. Lindgren and has suggested that given the original concern of the town and abutters, we get a jurisdictional opinion from ANR. She is pretty sure that if any of the lot owners fails to comply with the requirements of the 1-acre exemption that the ½ acre would immediately go into effect.

The question also arose about who Mr. Lindgren about the role of a new engineer and what plans/opinions the new engineer would be responsible for. Ms. Granquist said that this is in part a legal question which she would be posing to the Town Attorney.

After much discussion between the PC members and Mr. Lindgren, the following motion was made by Ann Fujii and seconded by Tom Foster:

*To recess the hearing until August 15, 2022 at 5 PM to be preceded by a site visit at 3 PM, with the following items to be submitted to the Zoning Administrator by August 5th. If*  *an item is not ready, Mr. Lindgren shall submit a status report regarding the missing information.*

1. *Name of replacement engineer and what plans/opinions he/she would be responsible for.*
2. *Road details of the Existing Work Road (which will actually be a driveway).*
3. *Amended waste water permit to reflect the proposed subdivision.*
4. *Confirmation of Weston Fire Department on the ability of the Fire department and other emergency vehicles to use the proposed driveways and whether a fire pond and/or fire hydrants are needed.*
5. *A jurisdictional opinion from ANR on the applicability of the new ½ acre exemption to the project.*
6. *All deed restrictions, including who is responsible for what, what the remedies are, and how violations will be handled to protect the public.*
7. *List of all waivers requested by the Subdivider and on what grounds the PC should grant a waiver.*

*The motion passed unanimously.*

It was agreed that the goal of the next hearing would be to review these items and for Mr. Lindgren to testify why the project is in compliance with the open issues in Article II and all of Article III of the Subdivision Regulations.

Minutes taken by

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Deborah Granquist

1. Since this is a recessed hearing, everyone continues to be under the oath taken at the previous hearing. [↑](#footnote-ref-1)