

**Montpelier Development Review Board
December 19, 2005
City Council Chambers, City Hall**

Subject to Review and Approval

Present: Mr. O'Connell, Vice-Chair; Alan Blakeman; Douglas Bresette; Roger Cranse; Jack Lindley; Guy Teschmacher; Kenneth Matzner
Staff: Stephanie Smith, Administrative Officer

Call to Order

The meeting was called to order by Mr. O'Connell.

I. Public Hearing - Combined Conditional and Final Subdivision Review

Property Address: 6 Parkside Drive
Applicant: David W. And Jean Jolley
Property Owner: David W. And Jean Jolley
Zone: MDR

- Modifications to a previously approved two-lot subdivision
- Interested Parties: David W. Jolley, Jean Jolley, Mark Billian, Gene Bowen

All persons wishing to speak on the application were sworn in by Mr. O'Connell. Ms. Smith described the application for combined conditional and final review of a previously approved two lot subdivision. She said that, in a decision of an appeal of the prior approval, the Environmental Court required the applicant to file a revised subdivision plan incorporating evergreen planting adjacent to the Sayles' property. She said that the revised plan was also required to show a drainage design for the driveway. Ms. Smith said that the DRB previously conducted a sketch plan review of the revised plan on November 7, 2005.

Mr. Jolley said that the plan was basically the same as the sketch plan. Ms. Smith said that a storm water culvert draining into a detention pond was shown on the sketch plan but had been added since the original approval. Mr. Jolley said that the subdivision of the 10-acre lot resulted in one lot containing nine acres and another lot containing one acre. He said that the Environmental Court approved a single family dwelling on the one acre lot with a grass swale for the runoff. He said that ledge was encountered during construction resulting in the need to relocate the driveway turnaround. Mr. Jolley said that the culvert and a temporary pond were installed because of the new location of the driveway.

Mr. O'Connell asked if whether the Board's current review was focused on the one acre lot. Ms. Smith said that was correct since the changes only occurred on that lot. Mr. Jolley said that any development of the nine-acre lot will have to go through the development review process. Jean Jolley said that the drainage pattern is not changed since the culvert follows the natural drainage swale. Mr. Bresette asked for a description of the soil below the pond outlet. Gene Bowen said that it is woods soil and that any runoff would just discharge naturally into the woods. Mr. Bresette asked whether the culvert would add more water to the natural drainage course. Mr. Bowen said that the engineer said that there would be no additional runoff and any discharge will just spread out into the woods. Mr. Jolley advised the Board that there was a letter from the engineer in the application materials. Mr. Jolley said that there will be about 1,000 feet before the water exits his property. Mr. Bresette said that it appeared that the land sloped away fairly steeply from the outlet. Mr. Bowen said that the stormwater will just run off as it always did. Mr. Bresette said that he was worried that the pipe might cause soil washouts by focusing the drainage at the pipe outlet. Mr. Bowen said that there will be stone rip-rap at the end of the pipe. Mr. Jolley said that the pond will dissipate stormwater into the

ground and only the overflow will discharge through the pipe.

Ms. Smith advised the Board that the Public Works Department looked at the design and said that it was adequate. Mr. Jolley referred to the engineer's letter which stated that the pond is sized to retain runoff to pre-development conditions. Mr. Cranse said that Section 823 of the General Development Standards states that the storm sewer system shall be consistent with the plans approved by the Director of Public Works. Ms. Smith said that Tom McArdle was aware of the project and had reviewed the plan, although there was no written approval. She added that Mr. McArdle has visited the site.

Mark Billian, of 37 Bailey Avenue, said that he had raised concerns during the original review of the proposal regarding the water issues faced by the residents on Bailey Avenue. He said that all of the drainage from the park runs off in the direction of the properties on Bailey Avenue. Mr. Billian said that he called Ms. Smith this fall regarding a larger volume of silt laden runoff draining onto his property. He said that he asked Ms. Smith whether the development was being constructed according to the approved plans. He said that question had resulted in this hearing. He said that it is very important that the residents not be flooded out. He asked what would happen this spring as the drainage improvements are not fully installed. Mr. O'Connell said that a property owner would have the right to sue for any damage to their property. Mr. Billian said that he was more interested in seeing the project constructed correctly. Mr. O'Connell said that the DRB would take note of Mr. Billian's concern, but relied on Mr. McArdle for expertise on these types of matters.

Ms. Smith suggested that any approval include a condition the receipt of written comments on the proposed stormwater design from Tom McArdle prior to the issuance of a zoning permit or a condition requiring an inspection by the applicant's engineer upon completion of construction. Mr. O'Connell said that both conditions were good suggestions.

Mr. Bresette asked Mr. Bowen if he was comfortable that the engineer's design would not add additional water flow to the swale. Mr. Bowen said that he was comfortable with that. He added that Mr. McArdle spoke to him on the site while looking into the concerns about silt. Mr. Bowen said that the silt did not come from the Jolley's site. He said that it would be good if Mr. McArdle and the applicant's engineer both inspected the site upon completion of construction. Mr. Matzner asked how much construction had been completed on the pond and culvert. Mr. Bowen said that the pond has not been installed. He said that there are stone and a silt fence at the end of the pipe. Mr. Lindley asked who would maintain the pond. Mr. Jolley said that he thought that the pond should operate as designed in perpetuity. Mr. Bowen said that once the grass cover was established on the site, there should be no silt in the basin at all.

Mr. Cranse said that it was not unusual to get written findings from Tom McArdle and he was hesitant to approve the application without something in writing. Mr. Lindley asked whether Mr. Cranse would accept a condition requiring that no permit is issued unless Mr. McArdle approves the plans. Mr. Cranse said that would be acceptable. Mr. Jolley said that he recalled showing the plan to Mr. McArdle and getting his verbal approval. Ms. Smith said that she had an e-mail from Mr. McArdle from a date prior to the receipt of the plan. She said that the e-mail said that the culvert might remain if the rate of discharge is mitigated through the use of a detention pond. Ms. Smith said that she did subsequently transmit the plans to Mr. McArdle.

Mr. Teschmacher asked how the Board could ensure that the post development inspection occurs. Mr. O'Connell said that the approval could be conditioned upon a joint inspection and approval by the City's engineer and the applicant's engineer.

Mr. Lindley made a motion that the Board grant conditional and final subdivision approval with the staff and advisory

comments and the condition that written approval of the drainage design by the Department of Public Works Director be received prior to the issuance of a zoning permit. Mr. Blakeman seconded the motion. Mr. Bresette said that there should also be the condition requiring an as-built inspection of the pond and written confirmation that it was installed pursuant to the plan. Mr. O'Connell agreed, but suggested that the reference be to the Department of Public Works rather than specifying the Director. Mr. Lindley and Mr. Blakeman agreed to the amendments. Mr. Jolley asked if he could get a time frame for Mr. McArdle's review of the plan. Ms. Smith said that she thought that he would get back to her within the appeal period of the approval. Mr. O'Connell asked Ms. Smith to restate the motion with the amendments. Ms. Smith said that the motion was to grant conditional and final subdivision approval with the staff and advisory comments and the following conditions:

1. That written approval of the drainage design by the Department of Public Works be received prior to the issuance of a zoning permit.
2. The City's engineer and the applicants' engineer shall conduct an as-built inspection of the pond and provide written confirmation that it was installed pursuant to the plan.

The motion was approved by a vote of 6 to 1 (Mr. Cranse opposed).

Minutes

Mr. Blakeman made a motion that the minutes of the December 5, 2005 meeting be approved. Mr. Lindley seconded. Mr. Blakeman said that the third sentence of the second paragraph on page 3 should be corrected to say that Mr. Lindley asked about the sidewalk material. Mr. Lindley said that minutes should also be corrected to state that he made the motion to approve the application that was the subject of the first public hearing. The Board voted 4 to 0 to approve the minutes with those changes (Mr. O'Connell, Mr. Teschmacher and Mr. Matzner abstained).

Adjournment

Mr. Lindley made a motion to adjourn. Mr. Teschmacher seconded. The Board unanimously approved the motion to adjourn.

Respectfully submitted,

Stephanie Smith
Administrative Officer

These minutes are subject to approval by the Development Review Board. Changes, if any, will be recorded in the minutes of the meeting at which they are acted upon.