

**Montpelier Development Review Board**  
**February 16, 2010**  
**City Council Chambers, City Hall**

*Subject to Review and Approval*

**Present:** Jack Lindley, Acting Chair; Alan Blakeman, Daniel Richardson, Jeremy Hoff, Roger Cranse, and Ali Sarafzadeh.  
Staff: Clancy DeSmet, Planning and Zoning Administrator

**Call to Order:**

Jack Lindley, Acting Chair, called the meeting of the Montpelier Development Review Board to order at 7:00 P.M. on February 16, 2010.

**Review of January 19, 2010 Minutes:**

Upon motion of Mr. Blakeman and Mr. Cranse the minutes of the February 16, 2010 were adopted on a vote of 4 to 0.

**I. Final Plan Review for Three Lot Subdivision**

133 Towne Hill Road – LDR  
Applicant/Owner: James Nagle

The applicant has appeared before the Development Review Board and has been sworn in. Mr. Lindley administered the oath to Mr. Nagle.

Mr. Lindley asked the applicant to review the changes he has made. They have the final drawings received on the 25<sup>th</sup> of January. They are all familiar with the application and perhaps he could just give us a brief overview of the changes he made.

Mr. Nagle said what they are looking at the way in changes are minor ones. The first one has to do the wastewater systems for Lots 2 and 3. Initially, they were going to be shared systems. Based on the recommendations from the Public Works Department they have decided to go with separate force mains for all of the proposed houses, so there will be three separate lines going up to Towne Hill Road. They all have separate pump systems, also, so there is a separate piping and pump system and will go right up to the sewer lines at Towne Hill Road. They will all be maintained separately by the owners.

The second change is a minor change. Actually, it is just incorporating what is already on the property, which is an emergency turnout for the Fire Department and other emergency vehicles. It is right across the driveway from Lot 3. When the Fire Department came down to check on the Lot 3 house for the preliminary certification for occupancy they came down with two engines and indicated they had no problems getting in or out. That is when they came down to check on the sprinkler system for that house. It is in good shape. It was about a month ago when they did that.

The third change is just putting in some natural features. The site plan shows where the tree lines are and the water courses are in a little more detail than previously depicted. The fourth change is just articulating the setbacks for all of the structures to all of the new proposed boundary lines. You can see those distances from the original house on Lot 1 and then the proposed setbacks and house on Lot 3. Those were additional changes.

Then, the final change is that in the survey it outlines the agreement that the owners of all three lots will share in the maintenance of the driveway. Those are either based on new recommendations or recommendations by Public Works.

Mr. Lindley asked if he could explain why in Lot 2 that lower house is going to use a drilled well rather than city water. Is there any reason he wouldn't use city water?

Mr. Nagle replied there has been an issue around the reliability of city water with some of the mains breaking. The reason for the lower lot having a drilled well rather than taking it from Towne Hill was a cost factor.

Mr. Lindley said he is sure as a developer he figured that pretty tightly. The water for his development comes off of Connor Way, which is 600,000 gallons, and there has been no interruption with all of the activity downtown at this point in time. It must be the cost of digging the line down to that structure that he thinks is more expensive than it is to drill a well. Is that correct?

Mr. Nagle replied that was the rationale. The existing house on Lots 1 and 3 have wells so there is no existing water main coming down from Towne Hill Road.

Mr. Lindley asked as he got further down the road would he like the flexibility to go with the well or come on to the city system.

Mr. Nagle replied when they decide to actually apply for a building permit they will look at that. Even though this house is on the plan it is not proposed to be built for another 5 to 7 years. At that time when the permit is applied for to build it that would be a conversation that the Public Works Department and the owner would have whether it would be more feasible to bring up a water line when they bring the sewer line down.

Mr. Blakeman said the Public Works Department wanted everything on one sewer system. Is that correct?

Mr. DeSmet said not necessarily. When working with the applicant's engineer they came up with a better way that there was less likelihood of problems with different connections. They came up with a way to have all three systems go to the street and to the sewer by just rectifying a design problem. It eliminated problems that could happen along each of the connections.

Mr. Nagle said it was a design issue and not a legal issue. The Public Works Department felt that having three separate lines with three separate pumps would make it easier for the owners to rectify any problems they have with their own individual systems rather than relying on some type of community property sharing agreement. When Tom McArdle talked to Don Marsh, the engineer on this project, they agreed that separate lines would be more effective and might even cost less.

Mr. Lindley asked if he had addressed the issue of maintenance of the driveway. How is he handling that legally?

Mr. Nagle said on the actual survey it makes reference to an agreement that the owners will have, and that agreement will also be in the deed itself, which is pro rata based on distance. The three owners will agree to maintain the driveway and contributing to their pro rate contribution based on how much of the driveway they actually use. Lot 3 uses about half of the driveway. They will actually have the feet and convert it into a percentage, and then those percentages will be allocated to the three owners. That will be articulated in both the deed and another agreement outside of the recording process. That is why they made reference to it in the survey because the survey will be recorded first.

Mr. Lindley said obviously it is a wider driveway they are putting in than what exists there now.

Mr. Nagle said the DRB recommended it to be 20 feet based on a recommendation from the Fire Department. In some places it is 20 feet and in some places it is wider, but as they develop the property they are going to widen it. When the house is built on Lot 2 they will widen the road appropriately.

Mr. Lindley said the house already exists on Lot 3 so he will have to do 20 feet down to that existing house.

Mr. Nagle replied yes.

Mr. Lindley said then the Fire Department will have 20 feet all the way down to Lot 3 and a turnout.

Mr. Nagle replied the turnout is already there.

Mr. Richardson asked if he knew that the Department of Public Works or anyone has measured the existing driveways or emergency services to determine if they are adequate.

Mr. Nagle said when the Fire Department came down to inspect the sprinkler system for Lot 3 said the driveway was sufficient for their engines as it existed a month ago.

Mr. Blakeman said let's say 20 years down the road and Lot 2 on its own end of the road has a structural problem that needs fixing. Does that mean that all three lots have to chip in for that?

Mr. Nagle replied they would for the common driveway.

Mr. Blakeman said even though it doesn't affect Lots 1 and 3 this would be paid for by all three to fix the road.

Mr. Nagle asked if he was talking about their own private driveway or the common driveway.

Mr. Blakeman said for the common driveway that makes sense. He is talking about the driveways that go into the specific houses.

Mr. Nagle replied that would be paid for the owner of the house. The way the note is written it indicates that it is the responsibility of the common owners is only for the common driveway from the top of Towne Hill Road until it meets their own private driveway.

Mr. Blakeman asked if this was going to be paved.

Mr. Nagle said none of it is paved. It's all crushed stone.

Mr. Blakeman asked if the snow plowing would be done by the city or privately.

Mr. Nagle replied he would love to have the city do the plowing but as of right now it is a private driveway and it would be paid on a pro rata share by the landowners.

Mr. Cranse told Clancy he didn't see the measurements of the setbacks on the drawings the committee has. Is there a drawing where they are actually measured out?

Mr. DeSmet replied it is showed on the survey. He said staff has looked at the setbacks and they are all appropriate. He said it was in the report.

Mr. Richardson said in reviewing Tom McArdle's e-mail it is his understanding that it is acceptable with the city for the sewer design with the original shared main version of this problem.

Mr. DeSmet replied that is correct. Public Works just wanted a better design.

Mr. Richardson asked if it made sense to have both options.

Mr. Nagle said the separate mains actually make more sense for the sewer. Once he learned how these pumps work it makes more sense to have separate lines.

Mr. Blakeman said the pond goes with Lot 2, and that is their responsibility.

Mr. Nagle replied yes, it is.

Mr. Cranse moved approval of the final plan for 133 Towne Hill Road, including approval of the permanent easement or right-of-way on the plan. The Board has to give their approval because the frontage is not a component. He is also including the recommendations from the Department of Public Works and the property association agreement stipulated in the plan. Mr. Richardson seconded the motion.

Mr. Hoff said he understands they are talking about a condition of easement for the shared driveway. They are making a finding that this is permissible even with the nonconforming frontage, that there is a homeowners' agreement for maintenance of the shared driveway in accord with the representation in the plan and that the sewer system follows the development that is recommended by the Department of Public Works and accepted by the applicant.

The vote on the motion was approved on a vote of 6 to 0.

**Other Business:**

None.

**Adjournment:**

Upon motion by Mr. Richardson and Mr. Blakeman, the Development Review Board adjourned on a vote of 6 to 0.

Respectfully submitted,

Clancy DeSmet  
Planning and Zoning Administrator

Transcribed by: Joan Clack