

Sharon Planning Commission
Development Review Board
Meeting Minutes
March 8, 2022 FINAL

This fully-remote meeting was held electronically, with audio, video, and telephonic connectivity in compliance with the Vermont Open Meeting Law January 2022 Amendments.

DRB MEETING:

Attending via Zoom: DRB members Ira Clark, Sue Sellev, Paul Kristensen, John Roe, Lee Simek (joining after public hearing); Robert Townsend, Surveyor, representing applicant Michael Chase; Margy Becker, Selectboard Assistant (taking minutes), Abutters to Chase Property Participating in proceedings: Lee Julich and James Gelinias.

Ira Clark convened the Development Review Board at 7:03PM;

7:00PM Public Hearing and Final Subdivision Review: Application by Michael Chase, 128 Rte. 14: For subdivision of parcel No. S14477L comprised of 3.3 acres, a contemporary 1-story dwelling, a mobile home site, and accesses from Rte. 14 into three lots: Lot 2=1.1 ac; Lot 3=1.0 ac; Lot 4=1.0 ac.

Robert Townsend presented the final survey and site plan for review and discussions. The subdivision creates 1 more lot than originally permitted under the existing wastewater and water supply permit for Lot 1(now owned by Rhonda Walz). The amended wastewater water supply permit would include approval for 3 new wastewater systems and 2 new wells.

The site plan presents the overshadowing lines for existing and proposed wells and septic systems. Because of the small lot size, there is some overshadowing onto adjacent lots.

Lot 2 will have a new primary and replacement leachfield. Lot 2 hosts a drilled well. Lot 3 plans include a proposed septic replacement area. There is an existing well adjacent to the house.

Lot 4 is served by an existing well which is located up behind the abutting Gelinias property. There is an existing water easement. Rob is also proposing a replacement well and a replacement wastewater system for Lot 4.

Abutter to the north of lot 4, James Gelinias, expressed concern about the status of his well and the fact that it provides water to the mobile home site. He explained he had no idea about water rights to the mobile home park, and that he needed to follow-up with Mike Chase. Rob Townsend explained he is proposing a new well for lot 4. The Gelinias well is a grandfathered well and there is no overshadowing of this existing well.

James Gelinis spoke of an underground stream at the proposed leachfield replacement area for Lot 4 noting this corner of Lot 4 accumulates storm water. Rob Townsend stated the test pits dug on October 29, 2021 indicated only sand, which is why the leachfield is proposed at this location adjacent to Rte. 14 and below the Gelinis driveway. James Gelinis noted the overshadowing of the proposed septic system location onto the southern end of his property. He also pointed out his driveway provides shared access to Lot 4. The site plan also illustrates an alternative access to Lot 4 from the internal drive running parallel to Rte. 14.

Lee Julich also expressed concerns about overshadowing of the Lot 4 leachfield replacement area and inquired about potential impacts on her ability to sell her property. She owns the house, with a recently-drilled well, across Rte. 14 from Lot 4. Rob Townsend explained the degree of overshadowing would prevent her from drilling a new well in the shadowed area. He also explained that the well shield for her new well (drilled within the past 5 years) limits the siting of the leachfield replacement area on Lot 4. Finally, Rob noted that the proposed Lot 4 replacement system would be further from Lee's well than the existing Lot 4 in-ground septic and therefore pose less risk.

Lee Julich stated her satisfaction that the site plans as they are will not really pose negative impacts to her property. Rob Townsend concurred, indicating she could still build a new house or even install a septic system on her parcel.

Paul Kristensen inquired whether the proposed subdivision was within 500 feet of the Hartford town line. Rob Townsend calculated the southernmost property line to be 529 feet from the town line. The Town of Hartford therefore does not need to be notified of the subdivision application.

Ira Clark asked Rob Townsend to speak again to the concerns raised regarding overshadowing. Rob Townsend indicated he always tries to keep overshadowing on the subject parcel. In this case it was very hard to do so. He has submitted these plans to VT DEC, but is still awaiting approval from Teri Shearer.

John Roe stated his preference for individual wells for each lot. Rob Townsend stated his agreement. James Gelinis, after being assured by Rob Townsend that his well is grandfathered, stated he had no other questions. Lee Julich stated she had no further questions.

Rob Townsend noted septic systems have to be at least 25 feet from a property line. James Gelinis stated his concern regarding the culvert in the area of the proposed septic system for Lot 4 could fail and water then goes right into the White River. John Roe noted the culvert is within the State's right-of-way to Rte. 14, and it is not in the Town's jurisdiction. Rob Townsend reiterated he invites the VT DEC to site visits and all that was found in this location was good sand. James Gelinis stated satisfaction with the Town's purview over the proposed subdivision.

Rob Townsend indicated he is still waiting to hear from VTRANS regarding whether the subdivision will be considered a change in use and whether the VTRANS will require new access permits to Rte. 14.

John Roe made the motion to close the public hearing at 7:39PM. Paul Kristensen seconded. The motion carried unanimously.

Lee Simek joined the meeting at 7:40PM.

John Roe indicated he felt that though the subdivision plans indicated a crowded site, he views the application to be straightforward.

Discussion and summary of testimonies received: Ira Clark summarized that though there is overshadowing onto adjacent lots, overshadowing does not seem to be egregious. Rob Townsend's subdivision plan dodges key existing systems. James Gelinis has agreed he will resolve well issues with Mr. Chase. Lee Julich is okay with the degree of overshadowing onto her property, and the impacts there are minimal. The Rhonda Walz Lot 1 overshadowing as discussed by Rob Townsend yet not illustrated on the proposed plans, is a non-issue. Rob Townsend still needs to obtain his wastewater and water supply permit. If the VTRANS requires shared accesses, this would be consistent with the Town Plan.

John Roe made the motion to approve the Michael Chase subdivision conditioned upon receipt of the State wastewater and water supply permit and VTRANS' curbcut approvals. Paul Kristensen seconded. The motion carried 4-0-1 with Clark, Sellew, Kristensen, and Roe voting in favor and Lee Simek abstaining.

It was agreed that Margy Becker will prepare the original applications for signature, and that she will invite DRB members to sign the applications in-person during the week of March 14th. She will send out email reminders.

Ira suspended the DRB meeting in order to convene the Planning Commission meeting at 7:45PM.

Attending via Zoom: DRB members continued to participate as PC members; Jason and Heath Blackburn, Black River Quarries; Robert Townsend, Surveyor (also representing BRQ); Margy Becker (taking minutes).

Ira Clark noted the SPC has received the most recent set of plans for phased expansion of Black River Quarries from Rob Townsend. But he had not fully-reviewed them and was unaware that BRQ was on the agenda.

Heath and Jason summarized their phased expansion plans in detail. Jason referred to the spreadsheet he had also submitted, which illustrates an approximation of increased truck traffic. The current ACT 250 permit allows up to 21 round trips per day and 10,000 cyds of materials to be hauled per year. Jason estimates it would take BRQ 10 years to reach that limit. He encouraged SPC members to view his spreadsheet, which illustrates phased growth for the periods of 1 – 5 years, 6 – 10 years, and > 10 years.

Ira Clark explained the SPC had met with Two Rivers Ottawaquechee regional planner Kevin Geiger to discuss the re-adoption of the existing town plan and proposed language for the land

use section in the new town plan. The SPC would like to see the details of the ACT 250 application.

Jason Blackburn indicated such a request is problematic for BRQ. He would like the SPC's endorsement of the project before BRQ spends the time and money on preparing the Act 250 application. They are prepared to move a portion of the business elsewhere and out of Sharon.

Rob Townsend said he understood the SPC's concerns. He has been trying to identify the appropriate contact for the railroad, and this has been difficult. He stated that if the Town could clarify the future use of the property in the town plan, then BRQ could move ahead.

Jason explained the first two phases of planned growth are within the scope of the existing ACT 250 permit. They would like to grow beyond that but need to hear from the railroad about signalization before they increase traffic beyond the existing permit. He noted their employee vehicle traffic counts are within the 21 round trips per day limit.

Heath Blackburn stated BRQ's goal is to sell to masonry yards and not to market to local contractors. An increase to 2 – 3 big trucks per day is real growth for BRQ.

Ira Clark indicated the SPC would like to meet to discuss a response to BRQ but a date has yet to be set for this meeting.

Jason Blackburn inquired whether the SPC would divulge the conditions BRQ needs to satisfy? If BRQ could construct the building, it could grow. BRQ needs to decide soon if it can grow in Sharon.

John Roe stated there is no consensus on the SPC concerning a letter of support. The big issues are a) rail crossing safety, b) importing rock from elsewhere, and c) the type of building to be constructed. John said it is now clear this is to be a wholesale operation. He, personally, can be more supportive of a wholesale versus retail operation as this is supportive of the existing use.

Jason stated BRQ already imports stone. The suppliers buy back thin stone.

Paul Kristensen noted the area of proposed expansion abuts a densely-populated area. He is concerned about how a year round business would impact that population.

Ira Clark stated that Kevin Geiger had expressed TRORC's concern to be the angle of intersection of the access road and Rte. 14.

Discussions with BRQ concluded at 8:33PM, with Jason and Heath Blackburn promising to be available for consultation as-needed when the SPC meets to discuss their request for a letter of support.

Special Meeting Schedule: The SPC agreed to hold a special meeting on Sunday, March 20th at 10:00AM in Sharon Town Offices to discuss the proposed expansion of Black River Quarries.

Minutes of March 1, 2022 special meeting:

Paul Kristensen made the motion, seconded by Lee Simek, to approve the minutes of March 1, 2022 without changes. The motion carried unanimously.

Minutes of February 1, 2022 special meeting:

John Roe made the motion to approve the minutes of February 1, 2022 with one minor correction. Lee Simek seconded. The motion carried unanimously.

Other business:

Ira Clark indicated he had attended the recent Selectboard meeting during which Lister Galen Mudgett had presented a request to the SB that it address a long-standing notice of violation of the Flood Hazard Area Bylaw issued by Preston Bristow. This NOV is in regards to the Kendall property on White Brook Road. The existence of the NOV has prevented the Listers from being able to properly assess the property since 2012. Ira noted it is up to the SB and Geo Honigford as to how to rescind this NOV.

Ira encouraged Planning Commissioners to join in the Selectboard's March 10th hearing on re-adoption of the existing town plan.

Adjournment: Lee Simek made the motion to adjourn the PC meeting at 8:50PM. Paul Kristensen seconded and the motion carried unanimously.

Submitted by Margy Becker