

Town of Berkshire Vermont
DEVELOPMENT REVIEW BOARD

Thursday, September 12, 2024

UNAPPROVED MINUTES

DRB Members Present: Dustin Broe, Claude Charron, Jason Doe, Russ Ford, Jason Jutras, Carl Ruprecht, Margo Sherwood

DRB Members Absent: Kris Lantz

Zoning Administrator / DRB Clerk: Ann Lavery

Interested Parties: Samuel Lagasse and Alex Smith; Representing Barnard & Gervais, Walter Elander, Patrick Lamoureux, Diane McGarry,
Mark StPierre and Michael Gervais

Meeting called to order at 7:10 PM

A quorum was present.

- **Dmitri Hudak / Mary Lussier Final Hearing Two-Lot Subdivision**
Total lot size 11.57 acres. As presented Lot One is 6.55 acres, Lot Two 5.02 acres.
Spring on Lot Two supplies Lot One and has a 10 foot easement. Both lots meet all of Berkshire's requirements.
Moved by Margo, Second by Claude to approve this subdivision. **Unanimous**

- **Pierre & Nicole Etienne Preliminary Plat/Plan Review Hearing Nine-Lot Subdivision**
Alex Smith read a detailed description of this proposal into the minutes. (Exhibit A) Carl asked for DRB Comments. Margo/Russ asked about Lot 6 Frontage on Town Highway 28 that is a Class Four Road. Carl pointed out that DRB was following Table 7.1 on page 37 of the Bylaws. The DRB has 45 days to make a decision on this proposal. Ann asked about "WL" and "WB". These should be included in the Legend. Carl asked for a proposed time line for this project.
Floor was opened to interested parties. Walter Elander commented that the intersection of Reservoir and Watertower Roads was a bad spot for traffic and could get worse.
Hearing was closed. Final Plan/Plat Approval Hearing scheduled for October 17, 2024.

- **Recognition of Visitors**
Diane McGarry is interested in adding housing for farm employees. Initial DRB response is that she would need to subdivide because Berkshire only allows one dwelling on a lot. She is in the Village District where lot size is ½ acre and frontage is 75 feet. More research will be done on her request.

- **Minutes**
July 11, 2024 Moved by Jason D., second by Russ to approve with the spelling correction of "adjourned".
Unanimous approval
August 15, 2024 Moved by Claude, second by Jason J. **Unanimous approval**

- Mylar for Trayah-Messier signed.

- Adjourned by motion of Russ and Jason J.

Respectfully Submitted, Ann E. Lavery

Exhibit A
DRB Meeting: September 12, 2024

BARNARD & GERVAIS, LLC

Land Surveyors, Licensed Designers, Environmental Consultants

www.barnardandgervais.com



Subject: Pierre & Nicole Etienne 9 lot subdivision and boundary line adjustment

Dear Board Members,

I apologize for not being available in person. I am putting this letter together to go over the main points of the proposed subdivision and boundary adjustment and Sam & Alex will be there to answer any follow up questions.

Pierre & Nicole Etienne are proposing to subdivide their 144.5 acres, (38.5 acres west side of road & 116 acres east side of the road), into 9 lots and convey 1.5 acres to Cole Dudley through a boundary line adjustment. Five of the lots are for proposed houses, one is for the existing house and the other three are vacant land with no proposed development at this time.

We have two sheets of the Survey Plat to help with your review. The first sheet is specific to the boundary lines, easements and general survey information. The second sheet has the ortho image and wetlands in addition to the lot lines, easements, existing features and proposed features.

There was a question from Ann Lavery about the need for ACT250 permitting for this subdivision. This subdivision is not subject to ACT250 permitting because Pierre & Nicole have not subdivided any other lots in the past five years within the district and the 9 proposed lots will not put them over the 10-lot limit. The area being conveyed to the neighbor through a boundary line adjustment does not count as a lot because it can not be sold as a separate lot and is just increasing the size of the neighbor's parcel.

All areas with proposed development have been delineated for wetlands by Sam Lagasse and reviewed by Krystal Sewell, the State's Wetland Ecologist for our area. A wetland permit has been started and will be submitted to the State after local preliminary approval. Krystal has reviewed the proposed site plan and given a preliminary okay.

The propose drives have not been approved by the Town Road Commissioner at this time. We plan on meeting with them after your review and pending approval of this preliminary subdivision plan. The locations we show are based on our field observations and finding the least impacts to wetlands. We are utilizing existing accesses where possible and believe the other accesses will be in safe locations with good sight distances.

All wastewater system areas have been tested and are in the application phase. All proposed water and wastewater systems meet the State's regulations.

Proposed Lots:

Lot 1:

Lot 1 is a vacant lot with 83 acres. It has access on Reservoir Road in two locations as well as access on Town Highway 28 in two locations. No development or easements are proposed for Lot 1.

Lot 2:

Lot 2 will be 13 acres with a proposed single-family dwelling, onsite wastewater system and shared well. The well will have a 20'x20' easement around it for access and maintenance for Lot 2 & Lot 3. There is a small portion of wetland along Reservoir Road where the drive will be coming in

Lot 3:

Lot 3 will be 5 acres with a proposed single-family dwelling, onsite wastewater and shared well located on Lot 2 as mentioned above. There is a small easement on Lot 3 to benefit Lot 2 for construction and maintenance of the proposed wastewater system.

Lot 4:

Lot 4 will be 5 acres with a proposed single-family dwelling, shared wastewater system located on Lot 5, shared well located onsite and a shared drive located on Lot 4 & 5. The location of the shared drive is along an existing logging road and has been selected based on conversations with Krystal Sewell, the State Wetland Ecologist.

Lot 5:

Lot 5 will be 5 acres with a proposed single-family dwelling, shared wastewater system with Lot 4, shared well with Lot 4 and shared drive as mentioned above.

Lot 6:

Lot 6 will be 5 acres with a proposed single-family dwelling, onsite wastewater system and drilled well.

Lot 7:

Lot 7 will be 10 acres with no proposed development at this time. If development is proposed in the future additional wetland delineation will be required. An easement has been reserved on Lot 8 for a potential wastewater system but will not be permitted at this time and may not ever be permitted. The reason for retaining the easement is because most of Lot 7 has shallow ledge and a suitable area on the lot was not observed for a wastewater system. By retaining the easement, it allows for potential future use of the lot should it not be purchased by a neighbor or someone wanting pasture or hunting land.

Lot 8:

Lot 8 will be 10 acres with the existing house, garage, onsite wastewater, onsite backup wastewater to be located between the house and garage, drilled well and the easement for Lot 7 mentioned above.

Lot 9:

Lot 9 will be 7 acres of vacant land with no proposed development. No soils testing or wetland delineation has been performed on Lot 9.

Boundary Adjustment Area:

The Boundary Adjustment Area will be 1.5 acres of vacant land that will be added to the lot currently owned by Cole Dudley to give him more room around his house which is located close to the line to be dissolved.

Thank you for your time and review. I understand this is a larger subdivision than you review most of the time and we have done our best to make all the information as clear as possible. All lots have been created to meet the Town Regulations and keep as uniform shape as possible while meeting the character of the land and desire of the landowners. I hope I have answered the majority of your questions and feel I am leaving you in good hands to answer any other questions you may have.