



Minutes
Moretown Development Review Board
Thursday, July 18, 2024
-Draft-

The meeting was held in person at the Moretown Town Office and online via Zoom.

Members Present: Paula Mastroberardino-Woods (Vice-Chair), Jim O'Neill, John Riley (Chair)
Staff Present: Carol Chamberlin, Zoning Administrator
Others Present: Beki Auclair, Howland Brown, Evan Fitzgerald, Alex Holmes, Ben Holmes, John Svagzdys

John Riley called the meeting to order at 6:30 pm

Application #24-07CU: Conditional Use Application by Bennett Holmes/Kelly Brook Forest LLC to construct a bridge for access to property on Ward Brook Road. (Parcel ID 04-012.000) per Sections 5.2 and 5.3 of the Moretown Zoning and Subdivision Regulations.

This hearing was continued from June 27, 2024.

Mr. Riley summarized that comments had been provided by Ned Swanberg, State Floodplain Manager, explaining that Moretown's regulations call for a demonstration that *'the cumulative effect of the proposed development, when combined with all other existing development and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community'* when no regulatory floodway has been designated.

Mr. Svagzdys and Mr. Fitzgerald indicated that some further modelling data has been made available that may be helpful for the Board's consideration of the proposed bridge, and provided the following information related to that data and the proposed bridge plans:

- There is little separation between the roadway and Kelly Brook, which runs parallel to the road
- The base of the stream is ledge; the bridge will be pinned to that ledge
- Because the Brook is so close to the road, the edge of the ROW is generally located in the middle of the Brook
- The location of the road-side bridge abutment cannot be changed without changing the alignment of the road itself
- The bridge as designed is oversized for the stream flow of Kelly Brook
- As the drawings depict, the end of the bridge is in the road's ROW, but not in the travel lane; full passage for vehicles is provided
- The required Stream Alteration Permit has been issued by DEC
 - The bridge is in line with the rules of the Stream Alteration Permit, and meets the 25-year flood standard
- The abutment details show that the abutments will not protrude above ground level by more than a few inches

- The transition from the roadway to the bridge cannot change without changing the crown/height of the roadway
- Modelling was completed for several different flow rates/heights
 - The BFE for a 100-year flood is not established for smaller streams, so the applicant has established a BFE
 - Modelling indicates a ½-foot rise at points 50 to 100 feet upstream of the bridge
 - The standard included in the Town’s bylaws is for no rise of one foot or more
- Mr. Swanberg’s comments are related to cumulative development; Mr. Fitzgerald modelled development which in combination with the bridge would allow for a rise of over one foot upstream of the bridge
 - Those rises would dissipate quickly, and modelling indicates that at the bridge, the related rise would still be ½ foot
 - The bridge would need to be longer and higher to satisfy the standards related to cumulative impacts
 - Bank full width of the stream is 17’ and the bridge span is 20’
 - The bridge will thus be longer than the Stream Alteration Permit requirement
 - Additional height and length cannot be accommodated by the current road configuration
- A 1’ free board allowance above the 25-year flood has been incorporated in the design, intended to allow for passage of debris
- A copy of the Stream Alteration Permit was submitted as an Exhibit
- There is room on the property – far side of bridge from the roadway – for water and debris to accumulate
- The ‘worst case’ development at either end of the property along the stream was used for the follow-up modelling, planning for a 1’ rise at either end
 - Results indicate a ½’ rise, limited to 100’ of stream distance
- Kelly Brook did not jump its banks until a point downstream from this property in the most recent flood event (July 2024)
- Modelling predicts a negligible change in stream velocity
- The applicants are seeking to construct a bridge that will last, and have sought assurances that the design is viable

Mr. Riley explained the Board’s process regarding deliberations and the time allowed for reaching a decision.

A MOTION to close the hearing for Application #24-07CU passed unanimously.

Application # 24-12CU: Conditional Use Application by Howland Brown to raise the existing house in the Flood Hazard Overlay at 1018 VT Route 100B, Parcel ID 04-039.000) per Sections 5.3 and 5.4 of the Moretown Zoning and Subdivision Regulations.

Mr. Riley opened the hearing for this application, noting that the application materials had been reviewed by Ned Swanberg and comments from Mr. Swanberg provided in a letter dated June 26, 2024.

Mr. Brown and Ms. Auclair explained that the home was inundated with four feet of water in the living room when Tropical Storm Irene affected the area in 2011, and after serious consideration of moving vs raising the house, they have decided to go forward with raising the house. They propose raising the house 10’ in order to have all living space be well clear of where the water level was in 2011.

Mr. Riley outlined each of Mr. Swanberg’s suggested requirements, and Mr. Brown and Ms. Auclair acknowledged their agreement with following all the recommendations proposed. They explained that

the current basement will be removed, including the walls and slab, and the resulting space will be filled with crushed stone, with a new foundation created above the stone fill.

The applicants confirmed that the propane tanks at the property have already been anchored as required.

MOTION: *Mr. O'Neill made a motion to approve Application #24-12CU, conditioned upon four items outlined by Mr. Swanberg and discussed at the hearing:*

- Appropriate flood venting in place
- Construction materials below the DFE will be resistant to flood damage
- Utilities will be elevated above the DFE or floodproofed
- Appropriate Elevation Certificates shall be obtained following construction

The motion was seconded by Ms. Mastroberardino-Woods, and passed unanimously.

Deliberations

MOTION: *A motion to enter into Deliberative Session passed unanimously.*

The meeting entered Deliberative Session at 8:07 pm and returned to Open Session at 8:29 pm.

It was agreed to schedule a further Deliberative Session for Thursday, August 1 at 6 pm for further discussion of Application # 24-07CU.

Adjournment

The meeting adjourned at 8:32 pm.

Respectfully submitted,
Carol Chamberlin, ZA