



**Minutes and Decision**  
**Moretown Development Review Board**  
**Thursday, February 20, 2025**

-Draft-

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

**Members Present:** David Russo, Craig Oshkello, Paula Mastroberardino-Woods (Vice-Chair)  
**Staff Present:** Carol Chamberlin, Zoning Administrator  
**Others Present:** Sam Rosenburg

Ms. Mastroberardino-Woods called the meeting to order at 6:30 pm

**Adjustments to Agenda**

No adjustments to the agenda were necessary.

**Public Input**

No one requested time to address the Board.

**Application #24-26CU:**

Conditional Use Application by Steve, Sam, and Sarah Rosenberg, and Sybil Schlesinger for construction of a retaining wall on very steep slopes at 2318 Moretown Common Road (Parcel ID 07-045.000) per Sections 4.16 and 5.3 of the Moretown Zoning and Subdivision Regulations.

The applicants had submitted an Addendum to the Application for a Zoning Permit, including a timeline of events and some photos of the property both before and after the wall was constructed. The after photos were taken in the winter, when the wall was covered with snow and not visible.

The applicants had requested that the Board find that no Conditional Use permit is necessary. The applicants also requested that should the Board require a Conditional Use permit, that the Board waive the need for the required documents specified in Section 4.16 of the Zoning Ordinance.

Mr. Rosenberg reviewed with the Board the materials which had been presented as part of the waiver request.

Mr. Russo asked what the preexisting slope at the site was; Mr. Rosenberg explained and others confirmed that the slope had not changed, the driveway had originally been constructed at the area of the pre-existing slope.

Ms. Chamberlin indicated that, during a site visit held by USDA staff to evaluate whether the property qualified for funding through the Emergency Watershed Protection Program, it had been noted that the stormwater runoff coming from behind the house and being directed to a culvert along the northeasterly corner of the garage was the cause of the damage to the steep side of the driveway. Ms. Chamberlin expressed concern that the possibility of future excess runoff had not been addressed, and that a heavy rain event may cause damage to the new retaining wall, potentially causing the newly-placed boulders to tumble down toward the Moretown Common Road. She had asked that the Rosenberg's submit a Conditional Use application for development on steep slopes.

Mr. Russo noted that development on very steep slopes (over 25%) is allowed in the regulations, if necessary to accommodate development on a more level area of the property. It was confirmed that the original house construction and development of the driveway took place before there were erosion control standards included in the Zoning Regulations.

Mr. Rosenberg reiterated that he, as well as the contractor doing the retaining wall work, was not aware that a permit would be needed for construction of the wall.

DELIBERATIVE SESSION: The meeting entered Deliberative Session at 6:52 pm and returned to Open Session at 7:36 pm.

**MOTION:** *Mr. Russo moved to waive the need for Conditional Use of this application based on Section 4.8.(D) of the Zoning Ordinance: the nonconforming development and continued use of the driveway may be allowed as there is no assessed value assigned to the driveway area and the reconstruction of the retaining wall has not increased the degree of non-conformity.*

**Section 4.8(D) Any nonconforming structure damaged by any means to an extent greater than 50% of the current assessed value shall be permitted to be reconstructed only if the future use of the structure and the land on which it is location is in conformity with these regulations...**

*The motion was seconded by Mr. Oshkello, and passed unanimously.*

#### **Other Business**

No other business was taken up by the Board

#### **Adjournment**

The meeting adjourned at 7:42 pm