



Minutes
Moretown Development Review Board
Thursday, September 24, 2026
-Draft-

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

Members Present: Deborah Feldman, Joe Gabaree, Paula Mastroberardino-Woods (Vice-Chair), Jim O'Neill, Greg Nagurney, John Riley (Chair)

Staff Present: Carol Chamberlin, Zoning Administrator; Sasha Elwell, Selectboard Assistant

Others Present: Travis Blodgett, Bob Halpin, Trevor Hoskins, Jeff Martin, Katie Martin, Leisha Martin, Tom Martin (Selectboard)

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

1. **Application #26-25A:** Appeal by Travis Blodgett of the Zoning Administrator's failure to act in response to a complaint filed regarding a berm constructed the property of Jeffrey Martin (Parcel ID 5B-044.000) located at 5861 Moretown Mountain Road.
2. **Application #26-26A:** Appeal by Travis Blodgett of the Zoning Administrator's failure to act in response to a complaint filed regarding fill placed the property of Joseph Martin (Parcel ID 5B-043.000) located on Moretown Mountain Road.
3. **Application #26-27A:** Appeal by Travis Blodgett of the Zoning Administrator's decision regarding a berm constructed the property of Jeffrey Martin (Parcel ID 5B-044.000) located at 5861 Moretown Mountain Road.

Mr. Blodgett requested that the hearings be continued in order to provide appropriate warning, as he believed that the hearing notice was not published in a timely manner; he also noted that a site visit had not taken place. He submitted some exhibits related to this. Mr. Riley explained that the Board had decided that a pre-hearing site visit was not necessary, and also noted that site visits are not required. Ms. Chamberlin reported that she had confirmed with the Vermont League of Cities and Towns that the timing of the notices' publication was adequate. Mr. Riley indicated that it appeared that nobody was harmed by the lack of a site visit, and none of those in attendance indicated that there were others anticipated to be at the hearing that were not present due to the timing of the notice publication. Mr. Riley noted that he had driven to the site earlier in the evening on his way to the meeting.

MOTION: *A motion to reschedule the hearing to allow for publication of another notice failed unanimously.*

Throughout the hearing, Mr. Blodgett submitted various exhibits, including an outline of those exhibits. Mr. Riley indicated that all parties participating in the hearing should receive copies of these submissions.

Application #26-25A: Appeal by Travis Blodgett of the Zoning Administrator's failure to act in response to a complaint filed regarding a berm constructed the property of Jeffrey Martin (Parcel ID 5B-044.000) located at 5861 Moretown Mountain Road.

Mr. Blodgett spoke of an email he sent to Ms. Chamberlin on September 18, 2024, requesting information regarding any permits which may have been issued to Jeff Martin subsequent to the July 10, 2024 flood event and referring to the Interim Zoning Ordinance adopted by the Town following that flooding. He then spoke of a response provided by Ms. Chamberlin on June 30, 2024, as well as referring to information from August 3, 2011. Mr. Riley explained that Mr. Blodgett needs to show that the Town has jurisdiction over the fill material placed on the Jeff Martin property; Mr. Blodgett produced an email from a DEC staff attorney stating that the Town does have such jurisdiction for material being placed outside of the floodway.

Ms. Chamberlin explained that the Interim Bylaw put in place was to allow for the Zoning Administrator to work directly with DEC for any house/structure repairs which were necessary as a result of the flooding. She confirmed that this Interim Bylaw had no impact on work taking place on Mr. Martin's property, and that there had been no modification by the Zoning Administrator of any provisions of Moretown's Zoning and Subdivision Ordinance.

Ms. Chamberlin indicated her recollection of receiving communication from both Ned Swanberg (DEC Floodplain Manager) and Mr. Blodgett regarding the piles of fill on Mr. Martin's property. She confirmed that the fill had not been placed in the floodplain, and contacted Mr. Martin as well as Jaron Borg (DEC River Engineer) to discuss Mr. Martin's plans for use of that fill. She noted that Mr. Borg, and subsequently Rachel Czar (DEC River Engineer who took over management of this portion of the State), worked with Mr. Martin in applying for and obtaining a Stream Alteration Permit. Much of the fill which had been brought to the property was used for construction of the berm which was approved through this Permit. Mr. Blodgett has appealed this Stream Alteration Permit, and he indicated that there was currently a stay imposed on the Permit, but could not locate his copy of the judge's order stating so.

Mr. Blodgett then asked to present pictures of the flooding along this area of Cox Brook during Tropical Storm Irene; Mr. Riley indicated that it would be difficult to say that Ms. Chamberlin should have taken action in 2011.

Ms. Chamberlin provided a copy of the Stream Alteration Permit which had been issued to Mr. Martin on August 5, 2026. It was confirmed that the Permit authorizes work which was previously completed. Mr. Riley indicated that issuance of the State permit does not necessarily mean that a municipal permit should not have been issued as well. Mr. Nagurney inquired of Mr. Blodgett what permit he believes should have been issued by the Town, noting

that Section 4.11 of the Moretown regulations indicates that the State permit covers local regulation requirements for stream alteration work.

Mr. Blodgett spoke of photos and videos he had emailed to the Town Clerk and Zoning Administrator the previous day; Mr. Riley confirmed that these emails had been forwarded to Board members, and noted that the other parties involved in the hearing are entitled to this information.

Mr. Blodgett proposed that the photos of the Irene flooding indicate there was no berm in place on Mr. Martin's property at that point; Mr. Riley noted that this information was not directly relevant to a challenge of the Zoning Administrator's action in 2024. He also indicated that it would not be efficient for the Zoning Administrator to take any action while the Stream Alteration Permit is being appealed.

Mr. Riley spoke of his cursory observation while at the Martin property, describing some logs piled up along the stream bank as well as an earthen berm covered with vegetation. Mr. Blodgett submitted a notice of alleged violation from DEC, which Mr. Riley acknowledged, indicating that this had been followed by the issuance of the Stream Alteration Permit. Mr. Blodgett indicated that there are still fill materials piled within 50 feet of the stream. Mr. Nagurney noted that Section 4.6 of Moretown's Zoning Regulations states that "Topsoil, rock, stone, gravel, sand and other earth materials may be used for site grading;" the exemption for placement or grading of fill included in Section 6.3 was also noted.

Mr. Blodgett then spoke of one of his requests for information from the Town, outlining that the Road Foreman had explained that there are no records pertaining directly to material deposited at the Martin property; it had further been explained that the Foreman had been in communication with the contractor that this was not an approved location, but it was understood by the Foreman that that State had become involved and that Mr. Martin was allowed to keep some of the fill on site for berm construction.

Ms. Chamberlin pointed out that this appeal was regarding the Zoning Administrator's lack of action in these matters. She outlined that she had worked with the State in 2024, and had received no further related communication from Mr. Blodgett until his Notice of Flood Plain Violation and Municipal Fraud Complaint had been presented to the Selectboard on August 3, 2026. Subsequently, on August 14, 2026, Mr. Blodgett filed this appeal, noting the Zoning Administrator's failure to act.

Mr. Blodgett submitted further exhibits, and there followed some discussion by the Board of what the appeal that is the subject of the first hearing is addressing, and how that relates to the third appeal to be heard. Mr. Martin indicated that under the terms of the Stream Alteration Permit he will be using more of the fill to protect his septic system. Ms. Chamberlin spoke of the difference between State regulation of the floodway by the Rivers Program and the flood plain by the River Corridor and Floodplain staff. She explained that she had been in conversation with staff from both programs, and noted that Moretown's regulations do not address fill in the floodplain, but only in the floodway. Mr. Blodgett produced another exhibit, from DEC staff attorney Sage Culbertson, dated June 30, 2026, where she explained that fill and

new structures are allowed in the flood plain under certain conditions and noting that no State permitting is needed for the proposed development.

Mr. Blodgett then provided his master list of exhibits and indicated the he had other materials on a flash drive (these had been forwarded by email to the Board by Ms. Chamberlin). The Board indicated that they would not accept a flash drive due to computer security reasons. Mr. Riley confirmed that Ms. Chamberlin had email information for those present so that information could be forwarded.

Ms. Chamberlin then asked that Board to determine whether Mr. Blodgett has standing for this appeal as an interested person, as he had spoken of but not actually demonstrated that any work which had taken place on the Martin properties had impacted his property. Mr. Blodgett indicated that the photos presented are physical proof of where the floodwater goes and that he is an aggravated abutting landowner. Mr. Riley indicated that denying the appeal due to a lack of standing would provide a strong argument for the DRB's decision to be appealed.

Ms. Chamberlin then outlined her communications with Mr. Blodgett for the time frame from August 3, 2026 to August 14, 2026, explaining that she had responded to let Mr. Blodgett know that she was looking into the matter. She provided a copy of a summary of those emails. Ms. Chamberlin also indicated that there is no 15-day statutory window for a lack of action on the Zoning Administrator's part, and that she had concluded her investigation and provided a decision on August 18, 2026.

Ms. Chamberlin explained that her decision issued on August 18, 2026 is the subject of the third appeal on the agenda, but that the first appeal being heard is related to the timing of her investigation and response.

Mr. Riley indicated that the first and third items (appeals) on the agenda have been covered, with Mr. Blodgett arguing that a permit from the Town is needed for the work that Mr. Martin has done.

Ms. Chamberlin provided copies of her decision regarding Mr. Martin's property, along with a map of the lower portion of that property, with the flood plain demarcated.

Mr. Blodgett asked that all the evidence submitted during the first hearing be included in the record for the third hearing.

MOTION: *A motion to include all material submitted by Mr. Blodgett for both appeals related to Jeff Martin's property passed unanimously.*

MOTION: *A motion to close the hearing for both appeals related to Jeff Martin's property passed unanimously.*

Application #26-26A: Appeal by Travis Blodgett of the Zoning Administrator's failure to act in response to a complaint filed regarding fill placed the property of Joseph Martin (Parcel ID 5B-043.000) located on Moretown Mountain Road.

Mr. Riley verified that all Board members present had participated in the recent hearing regarding a setback variance for Mr. Martin.

Mr. Riley asked Ms. Chamberlin if she was still considering the matter. She provided a summary of emails between herself and Mr. Blodgett regarding this issue. Mr. Blodgett claimed that this continues to be postponed. Ms. Chamberlin provided the text of the emails contained in the summary, including the questions she posed for Mr. Blodgett which have not yet been responded to.

There was some discussion of materials being brought to this parcel after Tropical Storm Irene and whether it is appropriate for Mr. Blodgett to claim that Ms. Chamberlin should have initiated enforcement action based upon activities which took place two years ago to over five years ago or longer. Mr. Blodgett provided some further exhibits, and noted that Ms. Chamberlin had in 2024 indicated that DEC was addressing these matters.

Ms. Chamberlin outlined that this hearing is about her not responding to Mr. Blodgett's concerns; that email correspondence indicates that she is still looking into the matter, but needs further information in order to make a final determination.

Mr. Blodgett again raised the topic of the 2024 Interim Zoning Bylaw, stating that the date after it was signed Mr. Martin had begun to bring in material. Ms. Chamberlin explained the Interim Bylaw purpose, and explained that the timing of when Mr. Martin brought in material was purely coincidental.

MOTION: *A motion to close the hearing for the appeal related to Joe Martin's property passed unanimously.*

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The evidence collected during the appeal for #26-25A is to be included for this appeal.

Other Business

It was decided to postpone approval of the minutes for the September 10, 2026 meeting. Ms. Chamberlin reported that no further materials related to the VELCO application had been submitted.

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

Mr. Blodgett noted he would step outside, and asked to be notified when the Board was back in open session.

Deliberative Session

The meeting entered Deliberative Session at 9:04 pm and returned to open session at 9:30 pm.

Mr. Blodgett was invited back into the building.

Adjournment

The meeting adjourned at 9:35 pm.