

Brandon Development Review Board Hearing

March 22, 2016

Conditional Use #5783a

Applicant: Midway Oil Development

Landowner: MT Associates

Board Members Present: Samantha Stone – Chair, Eric LaRock, Bob Clark, Tom Bohler

Others Present: Charlene Bryant – Secretary, Anna Scheck – Zoning Administrator, Frank Trombetta, Laura Merone Walsh, Jane Young, Shari Vaccarella, Erik Sandblom, Tony Vaccarella, Katharine Briggs, Dave Atherton, Steven Beck, Linda Stewart, Robert Black, Kjell Thompson, Tanner Romano, Bill Moore, Steven Zorn, Linda Thompson, Seth Hopkins, Dan Dukeshire

The hearing was opened at 8:32 PM.

The warning was read and found to be in order.

Sam Stone called for any interested parties to state their name and reason and noted all interested parties would be carried over to the next hearing.

Interested Parties:

Sherry Vaccarella – 3 Conant Square – Adjoining Neighbor

Kelly Yuncker - 41 Prospect Street – Adjoining Neighbor

Jane Young – 8 West Seminary Street – Adjacent Neighbor

Katharine Briggs, Managing Member of Briggs Lane Brandon LLC - 8 Conant and 14 Conant Square - Neighbor across the Street

Steven Beck – Adjacent Property Owner

Anna Scheck, Erik Sandblom, Jane Young, Steven Beck, Kjell Thompson, Jeff Guevin, and Dave Atherton were sworn in.

Sam Stone stated the DRB will hear the applicant's presentation for conditional use in a special flood hazard area.

Erik Sandblom, civil engineer for KAS, reported this special flood hazard area has been defined and demarcated on the print. This is considered a flood plain and not a flood way and there was concern with the activities in this limit. He reported the only activities in the area are the removal of the existing canopy and pump island and a slightly regraded area of replaced pavement. None of the new island will be in this area. Part of the canopy supports and part of the canopy will be cantilevered above the area. They submitted information based on the regulation, Section 803(c) in identifying how each item was addressed to show compliance. Anna Scheck has submitted the information to the State Flood Plain personnel, Scott Jensen, who has responded to the information. One thing not allowed is additional fill in

Brandon Development Review Board Hearing

March 22, 2016

Conditional Use #5783a

a flood plain. The letter from Mr. Jenson asked for consideration for future construction of a sidewalk island. In the memo submitted, it indicated there was a net decrease as a result of the material. In reviewing this again today, the addition of a sidewalk island results in a site net balance. Even with that consideration, due diligence has been done with a reduction of 234 cubic feet and an addition of 220 cubic feet. As far as the material of construction, it is flood worthy. Mr. Sandblom reiterated that consistency is being maintained with the Segment 6 project and the storm water improvements that will happen as a result of the project.

Anna Scheck stated there had been a site meeting and review of the site. Other than the one statement of the fill that was addressed, it meets all of the town's Flood Hazard regulations and minimum standards for the National Flood Insurance Program.

Jane Young asked what is meant by the reduction of fill, but there were references to several spots that had slight depressions that would be raised.

Erik Sandblom stated there are some areas that will be refilled and some areas that will be cut. Within the area in question, it will be equal. Outside the flood area, there will be additional fill primarily in the area of the proposed car wash.

Sam Stone stated the only area of discussion during this hearing is the front area of the property.

Erik Sandblom stated additional fill is not allowed in the flood plain due to potential obstruction. In his understanding with discussing this with several people about the nature of Irene, the Neshobe flooding that occurred jumped the banks further up the road and the flood work proposed for the Segment 6 project will alleviate that issue. Jane Young's concern is the house that was there was flooded due to this tributary. Mr. Sandblom stated the catch basin will collect and send to the Route 7 side of the property.

Steven Beck questioned what will be done in the area where the yellow house had been. Erik Sandblom stated it would be a paved area and the car wash would be in an area behind where the house was. There is a retaining wall near the church property that will be left as is.

Jane Young asked in the event of damage, who owns the retaining wall and who is liable. Erik Sandblom stated the retaining wall is right on the property line and the wall appears to be stable.

Kjel Thomson asked what elevation the building will be. Mr. Sandblom stated the existing grade is approximately 55 feet and the new building has a floor elevation of 55 feet. The car wash floor will be at an elevation of 53.5 feet.

Jeff Guevin asked why this is a separate conditional use application. Sam Stone stated the first application was due to moving Commercial I to Commercial II that is a conditional use for the CBD. Because a portion of the project is in the special flood hazard area, it had to have a separate conditional use for that area. Mr. Guevin noted he still did not understand why it has to be two different applications. Sam Stone stated the way they are done are completely separate issues.

Kjel Thomson stated it was his understanding that the marble culvert underneath was caved in. Dave Atherton stated there had been issues through the years and he had heard there had been a problem in this area in the past. The town is going to now take the drain lines and run them into the town sewer. Mr. Thompson asked if the town sewer can handle the catch basins.

Erik Sandblom stated Segment 6 is to alleviate the problems. The storm drain will go into the catch basin, and this will be replaced. Sam Stone suggested anyone with questions regarding the Segment 6 project could contact the town office. Mr. Thompson asked about the storm water runoff, and whether are there any provisions made. Mr. Sandblom stated there are two on-site treatment practices prior to the catch basin that will be for the grit from the car wash and an oil/water separator.

Tom Bohler stated the remainder is treated through the town wastewater.

Jane Young asked what the estimated time of completion for this project versus the Segment 6 project will be. Sam Stone stated there is not a definitive answer for this noted.

Dave Atherton stated it depends when this project is started, as Segment 6 is anticipated to begin the summer of 2018.

Exhibit A was submitted from the Zoning Administrator – packet included letter from Scott Jensen of Department of Environmental Conservation, Letter dated 3/17/16 from Steven Zorn, Charles Powell and Brent Buehler and additional information provided by KAS Environmental Science & Engineering that included a letter and memo to ZA regarding the Special Flood Hazard Area, a copy of the MT Associates letter from State of VT Department of Environmental Division, MT Associates Land Use Permit #5788, Brandon PWD letter certifying sufficient wastewater capacity and Town of Brandon Tap Permits #C-302 and C-303

Exhibit B was submitted from KAS Environmental Science and Engineering – conceptual design drawing

Sam Stone called for an end to the hearing and advised the DRB has 45 days to render a decision.

Being no further testimony, the hearing closed at 8:53PM.

Respectfully submitted,

---

Charlene Bryant