

Glastenbury Planning/Zoning Board Minutes

November 12, 2020

Attending: Board Members Cinda Morse, Chair; Michael White; Mike Gardner; and Jerry Mattison. Also attending Jim Henderson, ZA BCRC; Tom & Linda Gallagher

This Zoom meeting was called to order at 4:00 pm by Chair Cinda Morse.

The agenda was reviewed and no board member had a conflict with anything on this agenda.

Hearing Appeal: At 4:06 the Public Hearing for the Gallagher appeal of Zoning Administrator Henderson's denial of a zoning permit to build a pond within 100' of a stream was opened. ZA Henderson presented his history with the issue including that the pond was already in place without a permit when he became involved in early October. Upon making a site visit, ZA Henderson informed the Gallaghers that the pond violated the Glastenbury Zoning Bylaw section 7.2.1 and that the installation required a state permit in addition to a local permit. ZA Henderson also contacted the State which precipitated a site visit by Jeff Crocker from the Stream Alteration Division. ZA Henderson did not issue a notice of violation to the Gallaghers.

The Gallaghers presented their history with the issue noting that their pond contractor Woodard said "not to worry about a permit". The Gallaghers also said that Glastenbury Supervisor Rickey Harrington knew about the project and didn't tell them they needed a permit.

Vermont law states a pond must be 50' from a stream. A 100' setback from the stream as required by the Glastenbury Bylaw would not be possible in the desired pond location.

Jeff Crocker's visit resulted in some relocation of the pond as well as a reduction in the pipe size taking water from the stream.

A site visit and permit from Fish and Wildlife allowing water to be taken from the stream is still needed.

The Gallaghers are asking the Zoning Board to "bend the rules" to override the permit denial and allow the already installed pond to remain.

Discussion revolved around the pond location and stability. The pond is small, has a 60' liner, is in a relatively flat location, and is deemed stable. The pond has been shifted to meet the State 50' setback requirement but still does not meet the Glastenbury Zoning Bylaw requirement of 100' setback.

With no further testimony or comment, the public hearing was adjourned at 4:30. The board will deliberate and issue a decision within 30 days. The decision will be the record of the deliberation.

The deliberative session closed at 5:15 and Cinda will draft the decision.

Respectfully submitted, Cinda Morse