



**Minutes**  
**Moretown Development Review Board**  
**Thursday, September 26, 2024**

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

**Members Present:** Paula Mastroberardino-Woods (Vice-Chair), Greg Nagurney, Jim O’Neill, Craig Oshkello, John Riley (Chair)

**Staff Present:** Carol Chamberlin, Zoning Administrator

**Others Present:**

John Riley called the meeting to order at 6:37 pm

**Application #24-19CU:** Conditional Use Application by John and Evelyn Lynch for construction of a pond at 197 South Hill Road (Parcel ID 06-043.001) per Sections 3.15 and 5.3 of the Moretown Zoning and Subdivision Regulations.

It was noted that a site visit had been held just prior to the meeting, attended by Mr. Riley, Ms. Woods, Mr. Nagurney, Mr. O’Neill, Ms. Chamberlin, and Rick Scarzello, the contractor who completed the original pond work and who would likely be doing any repair work approved by the Board. Those at the site were able to observe the breach in the earthen berm serving to retain the pond’s water, the soil composition of the area, and the various sources of water flowing into the pond area.

After the meeting was called to order, Ms. Mastroberardino-Woods explained that she had noticed the breached pond when visiting the Lynch residence; subsequently she provided them with the relevant information from Moretown’s Zoning and Subdivision Regulations, and informed Ms. Chamberlin of the situation.

There was some discussion of the nature of the field surrounding the pond, and its being an historically wet area. Mr. Scarzello had indicated at the site visit that there was a pond in the same location in the past – likely several decades ago; nobody present was able to recall this being the case, although most were not extremely familiar with the area. There were also questions raised regarding the possibility that the pond’s breaching exacerbated the flooding along Bradley Road during the July 10 storm, which is when the embankment failed.

Board members then reviewed the regulations outlined in Section 3.15 of the Zoning and Subdivision Regulations. It was confirmed that the pond capacity is not large enough to require a permit from the Vermont Department of Environmental Conservation in accordance with 10 VSA Chapter 43. Regarding Section 3.15 (2) addressing alteration of a stream, it was noted that it had been observed at the site that the pond is generally fed by multiple small water inlets, and therefore unlikely that a Stream Alteration permit is required. Mr. O’Neill had observed evidence of what appeared to be an older watercourse through the meadow west of the pond site; other Board members noted that it did not appear that the pond had diverted water from a stream bed in that area.

It was then discussed that the exit overflow originally put in place for this pond was a horizontal pipe, which Mr. Scarzello indicated had worked as anticipated during the rain event of July 2023, but had subsequently been damaged by frost in the winter of 23-24. This led to the pond's breaching the berm at the pipe outlet, lowering the water level from eight feet to four feet. Mr. Scarzello had explained that the intent for repair is to lower the horizontal pipe to be level with the bottom of the pond and supplement it with a vertical standpipe, which will allow for excess water to be directed into the runoff area through the two pipes as necessary. No specifications of this plan were submitted with the application.

The sharp drop off observed at the pond's overflow was discussed, as well as the potential for an engineer's requiring a concrete wall rather than an earth embankment. Removal of the pine tree in the vicinity of the berm was also noted as likely to be beneficial.

Due to the nature of the pond construction, and the berm constructed to retain the water, the Board agreed that an engineer's certification and appropriate plans must be submitted before the application can be considered complete.

**MOTION:** *Mr. O'Neill moved to continue the hearing for this application until October 24, 2024 at 6:30 pm, in order to allow the applicant to submit a complete application that meets the requirements of Section 3.15 of Moretown's Land Use Regulations. The motion was seconded by Mr. Oshkello, and passed unanimously.*

It was noted that a portion of the pond is on Wimble property, and that the notification of abutters only addressed those parcel adjacent to the Lynch property.

Board members summed up that what is needed for further review is submission of a plan, certified by an engineer, and that the engineer would likely be able to determine for the Lynches if a Stream Alteration permit is needed.

#### **Other Business**

Ms. Chamberlin noted that a subdivision application, along with a request for waiver of DRB review, may be available at the next meeting.

#### **Adjournment**

The meeting adjourned at 8:32 pm.

Respectfully submitted,  
Carol Chamberlin, ZA