

WEST WINDSOR DEVELOPMENT REVIEW BOARD

Draft Minutes
August 25, 2014

Present: Shannon Harrington, Barbara Truex, Genevieve Lemire, Dick Beatty, Jay Van Brunt, Adam and Christine Wagner, Martha Harrison

1. Call to Order – DRB Chair Shannon Harrington called the meeting to order at 7:00 PM, following a site visit to the Wagner property on Brownsville-Hartland Road (parcel #9-37) in connection with the public hearing on the agenda for tonight.
2. Changes or Additions - None
3. **PUBLIC HEARING** – Shannon opened the hearing on application #2564 by Adam Wagner & Christine Rovinski-Wagner for a bank stabilization project at 3431 Brownsville-Hartland Road (parcel #9-37). The proposed development is subject to review under Sections 2.3-3, 3.5 and 4.12 of the West Windsor Zoning Regulations. Shannon asked if any board members have a conflict of interest or have had any ex parte communication with the applicants. None of the members reported any conflicts or ex parte communications. Shannon swore in the applicants, who were the only interested parties present. Christine explained that she and Adam have a very steep slope behind their house, which has been continually eroding. Christine said they would like to control the erosion using natural materials – filter fabric, boulders, clean fill and plantings that will help hold the bank in place. Christine said the sketch shows a terrace but, since they don't know whether there is ledge under the dirt or not, they don't know whether it's feasible to construct a terrace; their goal is to control the erosion. Barbara asked if they would carve out more of the bank to make a gentler slope if the terrace is not feasible. Christine said no; the contractor needs to pull out dirt to see if there's ledge underneath. Christine said there won't be any blasting or carving of stone; whatever rock is there naturally will stay. Shannon asked what equipment the contractor is going to use and how he's going to do the work. Adam said the contractor will use a track hoe to pull dirt away, starting at the edge, partway up the slope. Christine apologized for the contractor's absence and said she gave him the wrong date. Christine said the contractor has to scrape the dirt away to see what's there. Christine said the contractor who built the house had to blast to clear a site so she presumes that there is still a lot of ledge there. Barbara asked the applicants if they have seen any water seepage through the ledge. Christine said that there was a lot of water during Irene but it's hard to say where it was coming from. Other than that, Christine said, the rain comes down, the mud comes down and the rocks come down. Barbara asked Christine if she is concerned about a crevice opening up. Christine said if that happens, we'll have to get an engineer to figure out how to deal with it. Shannon asked if the applicants are going to haul in rock or if they have enough natural rock on site. Christine said they are going to use the rock that's already on site. Shannon noted that the setback in the Rural-Residential district is 50'. Shannon asked Martha if she considers the project a wall. Martha said she sees it as a bank stabilization project. Christine agreed. Shannon noted that the setback would not be applicable in that case. Shannon read the definition of development and noted that the project is considered "development," which is why it needs a permit. Regarding Section 3.5, Shannon noted that the sketch was not drawn to scale. The applicant said there are no surface waters.

Shannon said if the DRB determines that the erosion control plan is inadequate, they may require the applicants to have a plan developed by a professional engineer. Christine said she talked to the Permit Specialist today, who said no state permits are needed for the project. Barbara suggested that the applicants contact their gas company to see if they have any concerns. Christine said the contractor will use fabric for erosion control and hay bales to protect the house. Christine said she is planning to consult with a landscaper about plantings that will help stabilize what's there. Shannon suggested that Christine consider consulting with someone ahead of time. Dick asked the applicants if they have considered using rip rap, which might be more practical. Christine said no. Shannon said that's why she suggested getting a couple of opinions because it is kind of intricate back there. Christine said she hates rip rap; she'd rather sell the house. Shannon read Section 4.12, and said that the first criterion would apply to areas that are not already stabilized with rock. Regarding the second criterion, Christine said there are no drainage flows that will be diverted onto adjacent property. Regarding the third criterion, Shannon noted that the DRB did not observe any water bodies or wetlands during their site visit. The fourth criterion does not allow the placement of fill to result in a slope greater than 25% within 50' of the property line. Shannon noted that the existing slope exceeds those limits. Martha said she thinks the purpose of the fourth criterion is to prevent water from running onto a neighboring property but, since water doesn't run uphill, that wouldn't happen in this situation. Genevieve noted that the regulations don't allow the placement of fill to result in a slope greater than 25% but, in this case, the applicants are removing soil, not adding it. Christine said she and Adam talked with Maria Hale, their uphill neighbor, and she had no problem with their plans. Dick asked the Wagners if they have a survey. Christine said yes; there is a survey on file. **Barbara moved to close the public hearing. Genevieve seconded the motion, which passed unanimously.** Shannon explained that the DRB will deliberate privately and issue a decision within 45 days. Shannon said there is a 30-day appeal period on the decision but there was no one present to appeal. Christine asked what would happen if they don't finish the project this fall. Martha said permits are good for a year and can be renewed.

4. Deliberative session – **Barbara moved to go into deliberative session. Genevieve seconded the motion, which passed unanimously.** After discussion, **Genevieve moved to come out of deliberative session. Shannon seconded the motion, which passed unanimously.**
5. Minutes – August 13, 2013: **Shannon moved to approve the minutes of August 13, 2013. Barbara seconded the motion, which passed with Jay abstaining. July 15, 2014: Shannon moved to approve the minutes of July 15, 2014. Genevieve seconded the motion, which passed without objection.**
6. Other Business – None
7. Adjourn – **Shannon moved to adjourn at 7:55 PM. Barbara seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison

Development Review Board minutes August 25, 2014