

**Town of Underhill**  
Development Review Board Minutes  
Chairperson Scott Tobin

June 21, 2010

**Board Members Present:**

Will Towle  
Matt Chapek  
Penny Miller  
Chuck Brooks, Acting Chair  
Stan Hamlet

**Also Present:**

Kari Papelbon, Zoning Administrator  
Tiffany Renaud, property owner  
Gunner McCain, Consultant  
Eric Eckhardt, neighbor  
Steve Walkerman, Selectboard Chair  
Dan Steinbauer, Selectboard Member  
Steve Owen, Selectboard Member

**6:20 PM:** Site Visit at 101 Corbett Road commenced. All Board Members listed above, Steve Walkerman, Steve Owen, Eric Eckhardt, Tiffany Renaud, and Gunner McCain attended. This site visit was followed by a site visit at 79 Poker Hill Road. Chairperson Scott Tobin and the DRB Members above, and 3 neighbors were in attendance with the Applicants.

**7:16 PM:** Chairperson Scott Tobin recused himself from this hearing. Acting Chairperson Chuck Brooks called the Renaud variance hearing to order.

**Applicant Present:**

Tiffany Renaud  
101 Corbett Rd. (mailing address on file)  
Underhill, VT 05489

**Consultant Present:**

Gunner McCain, McCain Consulting  
93 South Main St., Ste. 1  
Waterbury, VT 05676

**Interested Parties:**

Eric Eckhardt  
89 Corbett Rd.  
Underhill, VT 05489

**Others Present:**

Scott Tobin, DRB Chair (recused)  
Steve Walkerman, Selectboard Chair  
Dan Steinbauer, Selectboard Member  
Steve Owen, Selectboard Member

<b>Identifier:</b>	<b>Contents:</b>
ZA-1	Tiffany Renaud's Variance Hearing Request (dated 5-4-10)
ZA-2	A copy of the site plan prepared by Gunner McCain of McCain Consulting for Tiffany Renaud's curb cut (dated 4-30-10)
ZA-3	A copy of the variance request letter from Nicole Fitch of McCain Consulting (dated 5-11-10)
ZA-4	A copy of the proposed Findings of Fact
ZA-5	A copy of the tax map for CB101
ZA-6	A copy of the confirmation email for the hearing notice to published in the <i>Burlington Free Press</i>
ZA-7	Staff report prepared by ZA Papelbon
S-1	Email and attached documents from Mark Templeton (dated 6-17-10)

- Acting Chairperson Chuck Brooks began the meeting by explaining the procedure for the variance hearing. He then swore in all interested parties and entered the above items into record.
- Gunner McCain spoke, explaining the plans for the driveway. The request is for a 12-foot setback to the property lines for the driveway rather than the required 20-foot setback. The closest point of the driveway to the property line is at the beginning of the driveway. They have received a copy of the email from Mark Templeton, but they are not proposing any development that would preclude him from accessing his property. After about 100 feet of Class IV road (which will be upgraded), the driveway will be completely off the Town right-of-way and it doesn't appear that Mr. Templeton would be able to get to his property off the proposed Renaud driveway easily. His access will not change.
- Board Member Stan Hamlet asked whether access to the Templeton property could be made available off of the new driveway if need be. Mr. McCain stated that did not know whether an access to the Templeton property off of the new driveway could be made. Discussions between property owners on the subject could be made.
- Board Member Will Towle asked if Mr. Templeton's property was on the other side of the road, to which Mr. McCain replied that it was. Board Member Towle asked if Mr. Templeton's objection was that he was put in a position where he was asked to improve the Class IV portion of the road and the Renaud parcel would not be. Board Member Penny Miller stated that he would benefit from Ms. Renaud upgrading the road. Board Member Hamlet stated that if Ms. Renaud were to go down the Class IV portion of the road for

the driveway, she would be improving that section which would benefit Mr. Templeton. A discussion of the 2006 plans and approval ensued.

- Board Member Towle asked Mr. McCain to address variance criterion #2 and whether it was possible to develop the driveway in a different location. Mr. McCain stated that it was possible based on the plans from 2006, but pointed out that the statute mentions “reasonable use.” Board Member Towle asked about what the cost would be for the 2006 plans as compared to the current plans. Board Member Miller asked if the 2006 plans met the 10% grade requirement, to which Mr. McCain replied that it showed a 13.6% grade because it was impossible to get to a 10% grade, but the new plan does meet the 10% requirement. Ms. Renaud explained that the estimate for the 2006 plans was approximately \$75,000 - \$80,000 and the estimate for the current plans is approximately \$30,000. Two potential buyers passed on purchasing the lot due to grade concerns as they apply to emergency vehicle access.
- Board Member Towle asked if there were engineering difficulties with the 2006 plans other than grade. Mr. McCain explained that a stream exists at the bottom of a very steep slope, which makes the engineering difficult and costs to rise.
- Board Member Hamlet expressed concerns for the existing Class IV to remain as intact as possible. Mr. McCain stated that approximately 100 feet of the Class IV road will be improved to become part of the driveway, but the remainder would be intact.
- Board Member Towle asked if the Eckhardts had testimony to provide on the application. Mr. McCain stated that Mr. Eckhardt was present and that the boundary line adjustment with Ms. Renaud considered his desire to retain some screening trees along the property line.
- Board Member Towle asked whether the driveway would be within ~20 feet of the property line for most of the driveway until it hits the pre-adjustment property line. Mr. McCain confirmed that most of it was a little less than 20 feet. Board Member Towle asked if the driveway was 250 feet long. Mr. McCain stated that the driveway was actually 500 feet of driveway, including the small portion outside of the adjustment area.
- Acting Chairperson Brooks asked if there were any other questions from the Board. He then asked if Mr. Eckhardt would answer some questions and swore him in.
- Board Member Towle asked Mr. Eckhardt what he thought of the overall plans. Mr. Eckhardt stated that he supported the exchange of property with Ms. Renaud to support the driveway. Mr. Eckhardt stated that he has no issues with the proposed driveway plans. Board Member Towle asked Mr. Eckhardt if he had a preference for one plan over the other. Mr. Eckhardt

stated that he felt that the current plan is better than the 2006 plan because the 2006 plan would destroy part of the trail and is over the 10% grade.

- Selectboard Chair Steve Walkerman asked if there was a problem with parking for those who use the trail, and whether the fill for the driveway would result in a steep dropoff at the intersection of the trail and driveway. Mr. Eckhardt stated that most of the time parking is not a problem. A brief discussion of parking ensued. Mr. McCain stated that there would not be an issue with the transition between the Class IV road and driveway, the grade would blend.
- Acting Chairperson Brooks called for further public comment. He then asked if there were further questions from the Selectboard needed to make a decision on the curb cut. The Selectboard stated that they did not have any further questions. There were no other public comments.

**7:43 PM:** Acting Chairperson Chuck Brooks asked if the Board felt they had enough information to make a decision on the application. The Board indicated that they did. Board Member Stan Hamlet made a motion, seconded by Board Member Will Towle, to enter a deliberative session on the application (to occur after the last hearing for the evening). The motion was passed by all Board Members present.

Tiffany Renaud, Gunner McCain, Eric Eckhardt, Steve Walkerman, Dan Steinbauer, and Steve Owen left at this point.

**7:48 PM:** Chairperson Scott Tobin called the Beaucage Conditional Use/Home Occupation hearing to order. Board Member Penny Miller recused herself.

**Applicants Present:**

Mark and Becky Beaucage  
79 Poker Hill Rd.  
Underhill, VT 05489

**Others Present:**

Ken and Tori Hall  
4 Blakey Rd.  
Underhill, VT 05489

Deborah Towne  
75 Poker Hill Rd.  
Underhill, VT 05489

**Identifier:      Contents:**

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ZA-1	A copy of Mark and Becky Beaucage's Conditional Use Hearing Request (dated 5-20-10)
ZA-2	A copy of Mark and Becky Beaucage's Home Occupation Permit Application (dated 5-20-10)
ZA-3	A copy of the site plan (printed 4-1-10)

- ZA-4 A copy of the drawing for the proposed garage
- ZA-5 A copy of the tax map for PH079
- ZA-6 A copy of the Signs section of the zoning regulations
- ZA-7 A copy of the confirmation email for the hearing notice to published in the *Burlington Free Press* (4-2-10)
- ZA-8 Staff report prepared by ZA Papelbon
  
- S-1 Findings of Fact and sign information (dated 6-21-10)

- Chairperson Tobin began the meeting by explaining the procedure for the conditional use hearing. He then swore in all interested parties and entered the above items into record.
  
- Chairperson Tobin asked Mr. Beaucage to explain his plans to operate a small engine shop. Mr. Beaucage asked what the Board would like to know. Chairperson Tobin stated that the application was for the operation of a small engine repair shop in the garage, that hours of operation had been submitted Monday-Friday 6-8 PM. Chairperson Tobin stated that it sounded from the proposed schedule that Mr. Beaucage had a full-time job outside of the repair shop. Mr. Beaucage stated that he did. Chairperson Tobin asked what types of equipment Mr. Beaucage works on, to which Mr. Beaucage replied that he works on engines that can be pushed into the shop no larger than 2-cylinder. He also keeps used parts on hand for purchase.
  
- Chairperson Tobin asked if the types of engines repaired included push mowers, riding lawn mowers, and weed wackers. Mr. Beaucage stated that he does not fix weed wackers or chainsaws unless they are the higher-end models because the cheaper models would cost more to fix than they are worth.
  
- Chairperson Tobin asked about traffic and how many cars in typical evening are at the property. Mr. Beaucage stated that about 3-4 people per evening will stop by, Saturday mornings about 4 people in 2 hours will go to the property to pick up items, drop off items, or obtain advice.
  
- Chairperson Tobin asked if there would be deliveries for parts, to which Mr. Beaucage stated that he picks up the parts himself—no deliveries.
  
- Chairperson Tobin asked how items were loaded and unloaded at the property. Mr. Beaucage stated that he has a new ramp to help make the loading and unloading more even with the driveway, but before people would have to stop at the end of the driveway. He stated that most people are only at the property for about 10-15 minutes.
  
- Chairperson Tobin asked how often the equipment is run, to which Mr. Beaucage replied he runs the equipment for about 10-15 minutes every hour but not past 8:00 PM. If it is after 8:00 PM the equipment is run in the garage

- Chairperson Tobin stated that at the site visit Mr. Beaucage showed the 5-gallon containers used to store waste oil and gas that are brought to Chittenden Solid Waste. He asked how often the waste liquids were removed, to which Mr. Beaucage replied that it depended on the number of repairs were done because the amounts of liquids removed were only a few ounces per engine, so it takes a while to fill up the containers (of which he has 4 five-gallon containers and several one-gallon containers).
- Chairperson Tobin asked about whether Mr. Beaucage had taken any special measures to prevent spills and leaks from pans. Mr. Beaucage stated that he was not aware of any required State permits or guidelines for such.
- Chairperson Tobin asked if there was a drain in the garage, to which Mr. Beaucage responded there was not, save for cracks in the foundation. He added that if gas or oil spills in the garage he immediately adds “speedy-dry.”
- Chairperson Tobin asked where Mr. Beaucage’s customers come from, to which Mr. Beaucage replied that they come from everywhere and are referred by word-of-mouth.
- Chairperson Tobin stated that while not part of the hearing application, it was stated that Mr. Beaucage was planning to add another garage on the property to store personal vehicles to add additional parking for the shop. Mr. Beaucage agreed. Chairperson Tobin asked if a sign would be on the property, to which Mr. Beaucage stated there would. Chairperson Tobin asked if some vehicles would be on display for sale, to which Mr. Beaucage replied that used items that he has worked on would be for sale, but no new items. Chairperson Tobin asked how many are typically sold, to which Mr. Beaucage replied that it depends on what he takes in and gave current examples. He stated that the most items he has had on display for sale this year has been about 4-5 items at a time. Some of the items seen on the property at the site visit were personal, some were waiting to be picked up.
- Board Member Chuck Brooks asked ZA Papelbon if the garage needed DRB action, to which she replied it wouldn’t as long as it complies with setbacks and explained what the setback requirements were. A discussion of the location, setbacks, and variances ensued. Chairperson Tobin asked if the plans to operate the shop would be contingent upon building the garage, to which Mr. Beaucage stated it was not. Mrs. Beaucage asked why the setback issue was not brought up at the site visit. The Board informed her that such information would have to be brought up at the hearing and not the site visit.

- Chairperson Tobin asked if any of the vehicles or equipment would be stored behind the garage. Mr. Beaucage stated that once the equipment is repaired he stores it behind the house until it gets picked up.
- Board Member Matt Chapek asked if all of the equipment to the right of the house was not being picked up. Mr. Beaucage stated that the ones that are not being picked up are the ones not worth fixing. The equipment must be hauled away if not picked up.
- Chairperson Tobin asked how many vehicles would be left behind at any given period. Mr. Beaucage stated between 3 and 10 are “junk.” He keeps them for about 1.5 - 2 months before they are removed. By the fall most of the equipment is gone (picked up or hauled away).
- Chairperson Tobin asked whether Mr. Beaucage would add screening. Mr. Beaucage stated that a pile of “junk” is stored at the back of the property. A contractor removed some of the “junk” the previous day and was coming back to remove the rest. Mr. Beaucage also stated that he has a stockade fence and tries to keep the lawn clean and mowed.
- Chairperson Tobin asked Mr. Beaucage if he maintains separate insurance for his business, to which he replied he does not.
- Board Member Chapek asked Mr. Beaucage if he has dates for operation. Mr. Beaucage stated that he operates year-round. Items for sale usually sell within approximately 30 days. Board Member Chapek asked if items for sale or storage were on display in the winter, to which Mr. Beaucage replied that snowblowers were on display. Chairperson Tobin asked if Mr. Beaucage worked on snowmobiles. Mr. Beaucage stated that he wanted to, but if they do not start he cannot move them into the garage.
- Board Member Will Towle asked how many items were dropped off in a typical month during summer. Mr. Beaucage stated that an average of 5 – 8 machines per week. Board Member Towle stated for the record that Mr. Beaucage had repaired two pieces of equipment for him. He then asked of the average dropped off in a month how many were repairable. Mr. Beaucage estimated that 80% could be repaired. Presently, 10 lawnmowers are at the back of the house to strip, plus 7-8 push mowers. Board Member Towle asked how many units are resold in a year. Mr. Beaucage stated that only 7 or 8 had been sold this year. Board Member Towle asked if about 5-6 for sale at a time, approximately 10-20 per year. Mr. Beaucage stated that was correct.
- Board Member Stan Hamlet asked how long Mr. Beaucage had been operating his business, to which Mr. Beaucage replied 4 years.
- Board Member Towle asked how often the junk was removed, to which Mr. Beaucage replied that he has someone remove it when there are a couple of

pickup truck-sized loads. The materials removed the previous day were mostly irreparable riding lawnmower decks. Mr. Beaucage pointed on the aerial photo where the junk is kept.

- Board Member Towle asked if there was enough space to store the junk materials out of sight, to which Mr. Beaucage replied that he does so in the southwest corner of his property where it is hidden by trees. Chairperson Tobin asked if there was a stockade fence around it, to which Mr. Beaucage stated it was not yet up. He stated that it was about 10' x 10' or 10' x 20'.
- Board Member Towle explained that his questions on the number of junked items are due to the potential to set a limit for the number of items that can be stored, so he'd like to know what a reasonable amount would be. Mr. Beaucage stated that the load picked up the previous day was over a half-ton, but the weight is dependent upon the type of metal.
- Chairperson Tobin asked about the wooden trellis over the ditch that had items displayed on it. Mr. Beaucage replied that he used to display mowers there, but no longer does. He put the wooden planks in to keep the vegetation down since he cannot easily mow the ditch, but they had weakened over time. Chairperson Tobin asked if there were plans to replace the planks, to which Mr. Beaucage stated he did not. Board Member Hamlet asked if someone from the town had contacted Mr. Beaucage about the ditch, to which Mr. Beaucage stated they had not.
- Board Member Towle asked whether Mr. Beaucage had a specific number of items for display and where on the lawn they would be displayed. Mr. Beaucage stated that it depended on where the new garage would be. A short discussion of the display ensued.
- ZA Papelbon spoke, stating that the sign needs to be outside of the town right-of-way, and that the Road Foreman expressed concerns for the boards in the ditch both for safety and for maintenance—they need to be removed. She stated that the issues with the garage can be worked with either through the variance process or resiting. She also stated that she believed the operation was too small to need State permits, but that the waste oil and gas would have to be stored and disposed of properly. She recommended contacting the VT Permit Specialist to confirm whether permits are required or if there are recommended practices. A brief discussion of the sign ensued.
- Chairperson Tobin asked for public comment.
- Ken Hall, 4 Blakey Rd., spoke expressing his concerns for the protection of his shallow well. He explained the drainage situation and redirect a few years ago, a discussion of which ensued. He then stated that the operation was small, is now getting bigger, and has the potential to change the character of the neighborhood.

- Chairperson Tobin asked if Mr. Beaucage was asking for business hours on Sundays, to which Mr. Beaucage stated he would help someone if he was home but he has no plans to operate on Sundays.
- Deborah Towne, 75 Poker Hill Rd., spoke expressing her neighbors' concerns for parking and the sign in the right-of-way or being reflective. She also stated that she likes the limit or timeframe for removing items. Board Member Hamlet asked if she had concerns for noise, to which Ms. Towne stated that she doesn't but she would like to see some screening of the junk. A discussion of the screening ensued. Chairperson Tobin asked if it would be reasonable for the Board to require that the stockade fence be 4-sided with a door, to which Mr. Beaucage replied that it would. Chairperson Tobin asked if the Board required all the storage of junk items within the stockade fence, what a reasonable timeframe would be for the removal of items. Mr. Beaucage replied every 6 months with the amount of items he receives. The items would be cleaned out periodically in summer and fall, and before winter.
- Penny Miller, 18 Bridle Trail, spoke, commending Mr. Beaucage on his work. She stated that he provides a service to the community, and that the property is uniquely-placed since they do not share a front yard with other properties. She mentioned that she has had some issues with trucks and trailers parked on the road which causes some issues with coming out of her driveway, and Poker Hill Rd. is used frequently by pedestrians. Ms. Miller then read a portion of the Town Plan related to the Rural Residential zoning district. She stated that there are other businesses on Poker Hill Rd., but not as "out front" as the Beaucage business and that sales on the road is new. Board Member Stan Hamlet stated that the Town has generally encouraged home occupations. Ms. Miller agreed, but asked about how many of the junk parts could have oil or gas that could be leaking. Mr. Beaucage stated that if it is leaking, he drains the equipment. If not, the parts and vehicles are taken whole.
- Board Member Stan Hamlet asked where Mr. Beaucage's water source is located, to which he stated it was on the other side of the property.
- Chairperson Tobin asked if the 50 square feet permitted in the Home Occupation regulation is enough for the display of his items for sale. Mr. Beaucage stated that it was small. Board Member Towle commented that others have stated that the property would look better if it was clear that the tractors were not junk, and asked if there was a way to display them that makes it clear that they are for sale and not abandoned junk.
- Chairperson Tobin asked for final comments.
- Ken Hall requested that the screening be kept on the property so that the visual impact of the business is lessened. He stated that he wants to keep his well clean and the road safe.

**9:01 PM:** Chairperson Scott Tobin asked if the Board felt they had enough information to make a decision on the application. The Board indicated that they did. Board Member Stan Hamlet made a motion, seconded by Board Member Matt Chapek, to move into closed deliberative session. The motion was passed by all Board Members present.

**9:24 PM:** Acting Chairperson Chuck Brooks moved the Board into open session. He then made a motion, seconded by Board Member Matt Chapek, to approve the 8-foot variance for the Renaud driveway as presented in the plans dated 4-30-10. The motion was passed by all Board members present with the exception of Chairperson Scott Tobin, who was recused.

The Board discussed their upcoming schedule and voting for Chair, Vice Chair, and Clerk.

**9:35 PM:** Board Member Stan Hamlet made a motion, seconded by Board Member Penny Miller, to nominate and appoint Scott Tobin as Chair, Charlie Van Winkle as Vice Charlie, and Chuck Brooks as Clerk. The motion was passed by all Board Members present.

**9:41 PM:** Chairperson Tobin moved the Board into closed deliberative session on the Beaucage conditional use application.

**10:20 PM:** Meeting continued to Monday, June 28, 2010 to reconvene between 6:00 and 6:30 PM at the Underhill Town Hall.

These minutes of the 6-21-10 meeting of the DRB were accepted

This \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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Chairperson Scott Tobin

***These minutes are subject to correction by the Underhill Development Review Board. Any changes will be recorded in the minutes of the meeting of the DRB.***