

Town of Underhill
Development Review Board Minutes
Chairperson Scott Tobin

January 15 & 17, 2011

JANUARY 15, 2011

Board Members Present:

Will Towle
Matt Chapek
Penny Miller
Charles Van Winkle, Vice Chair

Also Present:

Kari Papelbon, Zoning & Planning Administrator; Gunner McCain, Consultant; Brent Goplen, Applicant; Doug Robie, neighbor; and Gerald Aldrich, neighbor.

9:00 AM: Site Visit at 20 Lower English Settlement Road commenced.

10:30 AM: Site Visit ended.

JANUARY 17, 2011

Board Members Present:

Will Towle
Matt Chapek (recused from Geise)
Penny Miller
Peter Seybolt
Chuck Brooks (recused from Geise)
Charles Van Winkle, Vice Chair

Also Present:

Kari Papelbon, Zoning & Planning Administrator; Gunner McCain, Consultant; Brent Goplen, Applicant;; Gary and Carol Warren, neighbors; Kathryn Barickman, neighbor.

6:48 PM: Vice Chairperson Charles Van Winkle called the continued Geise subdivision amendment final hearing to order.

Consultant Present:

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

Others Present:

(Applicant and neighbors for subsequent hearing listed above)

- Vice Chairperson Van Winkle provided a brief summary of the hearing held on December 6, 2010. He then swore in Gunner McCain.
- Gunner McCain, acting consultant for the Geises, provided an overview of the plans. The proposal is to move the apartment and related septic allocation for Lot 2 to the barn on Lot 1. The DRB had required the adjoiner at 7 Vermont Farmhouse Road to be a co-applicant to the project. Mr. McCain produced a copy of the State wastewater application signed by Joseph Greenough, owner of 7 Vermont Farmhouse Road, and the Geises. He then explained that while the Town's application was forwarded to Mr. Greenough for his signature, it was not returned to McCain Consulting. Mr. McCain provided further testimony that the Geises reserved the right to move the apartment and related septic allocation in the deed to 7 Vermont Farmhouse Road.
- Vice Chairperson Van Winkle entered the wastewater permit application signed 1-14-11 into record.
- Board Member Will Towle asked whether Mr. Greenough could be persuaded to sign the Town's application as a co-applicant to the project. After a discussion, ZA Papelbon asked if requiring a signature on the Town's application as a condition of approval would satisfy the request. Board Member Towle indicated that it would. The discussion continued.
- ZA Papelbon read the proposed conditions of approval, including the additional requirement that the Town's application must be signed by Joseph Greenough to indicate his consent, and submitted prior to submission of the Mylars and issuance of the permit. Mr. McCain stated he was in agreement with the conditions.

6:59 PM: Vice Chairperson Van Winkle asked if the Board had enough information to make a decision on the application. The Board indicated that they did. Vice Chairperson Van Winkle asked the Board if they wished to deliberate in open or closed session. The Board indicated that they wished to deliberate in open session.

7:00 PM: Board Member Peter Seybolt made a motion, seconded by Board Member Penny Miller, to approve the project as presented with the following conditions:

1. Prior to submitting the final Mylars and prior to issuance of a permit for the project, the Applicant shall submit a copy of the Town's application form signed by Joseph Greenough, 7 Vermont Farmhouse Road.

2. Per the Underhill Subdivision Regulations, final approval of the subdivision is granted upon filing of the final subdivision plat in the Underhill Land Records. No transfer or sale of property may occur prior to recording the final plat and all applicable permits in the Town of Underhill Land Records
3. All conditions of the DRB approval dated 10-1-07 for the subdivision remain effective, except as specifically amended herein.
4. The survey plat shall be revised to reflect the new septic easement and allocation for the barn/accessory apartment Lot 1.
5. All required State and local permits shall be recorded in the Land Records.
6. Prior to recording the final Mylars, the applicant shall submit a copy of the plat and Sheet 1 in digital format. The format of the digital information shall require approval of the Zoning Administrator.
7. At such time the barn is converted into an accessory apartment, a new 911 code shall be required and shall be posted concurrent with the issuance of a zoning permit.
8. All subdivision fees shall be paid in full to the Zoning Administrator prior to filing of the final plat.

The motion was passed by all Board Members present. Board Members Matt Chapek and Chuck Brooks were recused and did not cast votes.

7:03 PM: Vice Chairperson Charles Van Winkle called the Goplen preliminary subdivision hearing to order.

Applicant Present:

Brent Goplen
20 Lower English Settlement Rd.
Underhill, VT 05489

Consultant Present:

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

Others Present:

Gary and Carol Warren
1 Romar Dr.
Underhill, VT 05489

Kathryn Barickman
2 Lower English Settlement Rd.
Underhill, VT 05489

Identifier:	Contents:
ZA-1	Brent Goplen's Application for Subdivision: Preliminary (dated 11-11-10)
ZA-2	A copy of the completed Subdivision Checklist: Preliminary Hearing
ZA-3	A copy of the plans prepared by Gunner McCain of McCain Consulting, Inc. for Brent Goplen (Sheets S-1 – S-5 dated 11-2-10)
ZA-4	A copy of the preliminary survey prepared by Keith Van Iderstine of McCain Consulting, Inc. for Brent Goplen (dated 11-10-10)
ZA-5	A copy of the letter from Nicole MacHarg of McCain Consulting, Inc. (dated 11-19-10)
ZA-6	A copy of the School Impact Questionnaire from Superintendent of Schools John Alberghini (dated 11-29-10)
ZA-7	A copy of the List of Waivers (dated 11-10-10)
ZA-8	A copy of area mapped Class II wetlands and mapped deer wintering areas
ZA-9	A copy of the ANR Well Locator map and list of nearby drilled wells;
ZA-10	A copy of the Flood Insurance Rate Map
ZA-11	A copy of the draft Findings of Fact (dated 11-19-10)
ZA-12	A copy of the tax map for LE020
ZA-13	A copy of the minutes from the 7-19-10 Sketch Plan Meeting
ZA-14	A copy of the hearing notice to published in <i>Seven Days</i> (12-22-10)
S-1	A copy of the email to ZA Papelbon from neighbor Doug Robie (dated 1-17-11)

- Vice Chairperson Van Winkle began the meeting by explaining the procedure for the preliminary hearing. He then swore in all interested parties, entered the above items into record, and provided a brief summary of the site visit conducted on Saturday, January 15, 2011.
- Board Member Chuck Brooks stated that he had conducted a solo site visit that morning.
- Gunner McCain, Consultant for the Applicant, provided an overview of the 5-lot Planned Residential Development plans. A copy of the site plan was colored for ease of identifying conserved or restricted areas. Light green areas are open fields outside of building envelopes where no development can occur. The dark green areas are wooded areas that will remain wooded. Light green areas with dark green dots are areas of allowed cutting with requirements for the number of trees that must remain. Mr. McCain then stated that there was a borrow pit seen at the site visit, and that the lower $\frac{3}{4}$ of the lot is sand with no watercourses or drainages. The only wet area is a wetland on the northern boundary close to Lower English Settlement Road, which is protected through a buffer. A brief site visit with the Road Foreman and Zoning Administrator to view potential drainage issues on Romar Drive was held after the sketch plan meeting. Mr. McCain indicated that the Road

Foreman believed that the new subdivision would not impact Romar Drive in terms of drainage. Drainage issues on that road are preexisting. Mr. McCain further explained that the project was designed to shed water away from Romar Drive, and there will be just over an acre of impervious surface, requiring a State Stormwater Permit.

- Board Member Peter Seybolt asked where the stormwater infrastructure would be located. Mr. McCain explained that the plans had not yet been done, but stormwater infrastructure would be scattered throughout the site. The stormwater design work cannot be completed until the road, building envelopes, and impervious surface infrastructure are mostly finalized.
- Mr. McCain stated that the cutting restrictions are defined on the plans, and open space and buffer areas, with allowed and restricted activities, are identified on the plans as well. Board Member Seybolt asked if such information would be recorded somewhere. Mr. McCain replied that it would be on the plans and survey. Board Member Seybolt asked if the restrictions would also be in the deeds, to which Mr. McCain replied they would.
- Mr. McCain stated that the road has been lengthened since the sketch plan hearing due to the incorporation of curves. With the exception of an approximately 200-foot section from 8+00 to 10+00, the road is at 10%. The last section of the road and some driveway sections are around 12%. The first curve to the right is an 80-foot radius at a 10% grade. Mr. McCain stated that he met with Harry Schoppmann from the UJFD, but he needed to speak with the Chief prior to issuing a letter on the project.
- Vice Chair Van Winkle asked what is used for house size to determine impervious surface. Mr. McCain stated that they use a 3000 square-foot figure for rooftops, garage, and parking. Part of the ANR program includes some flexibility to allow up to a 5000 square-foot extension without a permit amendment. Mr. McCain added that some of the stormwater management infrastructure might extend into the current locations of conserved areas. The total parcel is 28 acres and 15 acres are considered conserved or protected.
- Board Member Matt Chapek asked about the building envelope for Lot 5, which is shown on the plans as being 25 feet from the lot line (a 25-foot buffer area). Mr. McCain explained that there is a larger buffer area on the adjacent Lot 4 because it would be unrealistic to get up to the higher area on that lot. Lot 5 is easier to traverse so the building envelope is larger.
- Board Member Penny Miller asked whether a building envelope would ever be reduced. Mr. McCain explained that part of the design of a building envelope considers the site and its sensitivity. The goal is to allow as large of a building envelope for the end-user as possible while still protecting natural features.

- Board Member Seybolt asked whether the locations of the proposed drilled wells were chosen due to known sources of water. Mr. McCain stated that the locations were chosen to meet the appropriate setbacks to septic systems, etc. They also researched well logs for the area.
- Board Member Will Towle stated that he prefers to see well shields contained entirely on the lot, and asked why the well shield on Lot 3 extends onto Lot 4. Mr. McCain stated that one of the shields is for an existing spring, not a proposed well. Mr. McCain stated that well shields that extend onto adjoining lots are not cause for concern, especially for internal overlap in a subdivision. Mr. McCain stated that the State's rules are still first come, first served, but adjoining landowners need to be notified. Board Member Towle asked if the well location could be moved so that the well shield is contained on the lot. Mr. McCain stated that if the well is moved downhill it would affect the septic system and septic systems are prohibited in well shields. Buildings, driveways, and wells are not prohibited in well shields. Mr. McCain added that isolation zones for all leachfields will be required per the State to be on the final plans, and any neighbors affected by that shield will receive notice. A discussion of the above ensued.
- Board Member Towle asked if the spring was currently in use. Mr. McCain and Mr. Goplen stated it currently serves the barn on Lot 1. It would be disconnected at some point. Board Member Towle asked if the spring on Lot 3 is going to be discontinued could the well or property lines then move so that the well shield would not intrude onto Lot 4. A discussion of the well and septic location ensued.
- Board Member Towle asked if deed language would be submitted for the final hearing. Mr. McCain stated that the open space language is on the plans already, but deed language for such as well as the maintenance agreements would be provided for final. An association will be required, partly due to the requirement for the stormwater permit. Lot lines are shown to the centerline of the road for ownership and maintenance requirements.
- Vice Chairperson Van Winkle stated that the plans do not include vertical curve information or finished grades for each station. He requested such for the final hearing.
- Board Member Miller asked if the proposed open space on Lot 5 is currently wooded. Mr. McCain replied that it is heavily wooded. A discussion of the requirement for 25 trees per acre as proposed ensued. The goal is to screen the houses and break up facades while retaining a view from under the canopy for the house. Board Member Miller asked if the thinning could be to create a yard. Mr. McCain stated that the area on Lot 5 is not suitable for a yard. Thinning is proposed to create views, but no clear-cutting is proposed. Board Member Chapek asked whether the minimum number of trees per acre was a forestry standard. Mr. McCain replied that it was not, but it was a common practice for his firm. Board Member Chapek asked what size trees

- would be preserved. Mr. McCain responded that trees 24" or greater in diameter are prioritized, and smaller trees would be preserved where larger ones were not abundant. Preservation of a mix of ages and varieties is intended.
- Board Member Towle asked if the proposal called for underground utilities following the road, to which Mr. McCain responded in the affirmative.
 - Board Member Miller stated that she recalled from the Town Plan the desire to protect open meadows. She asked if the adjacent lot to Lot 1 is meadow. Mr. McCain explained that the adjacent properties' current conditions. A brief discussion of the Lot 1 building envelope and potential house locations ensued. Board Member Chapek asked whether the replacement leachfield could be moved back onto Lot 2. Mr. McCain explained that the existing well used the suitable lawn area, and the existing leachfield was not unearthed due to lack of knowledge of what is in the ground. There is also a large drop-off, and no soil testing was done in that area.
 - Board Member Miller stated that one of the neighbors' concerns was for a house in the meadow, and that a house would be better backed up to the existing treeline. She asked if the building envelope could be reduced so that the house would need to stay against the treeline. Mr. McCain stated that part of the consideration is for character of the area, which consists of a house every 200 feet or so. Board Member Miller explained that it is valuable to have open land across from houses. Board Member Towle asked what a reasonable building envelope size would be if the DRB were to restrict the size on Lot 1. Mr. McCain replied that a 150-foot wide envelope beginning parallel to the shared lot line with Lot 2 would be sufficient.
 - ZA Papelbon spoke, stating that the DRB will need to determine frontage for Lots 4 & 5 as well as front lot lines. She then asked Mr. Goplen if he had any thoughts on a road name. Mr. Goplen will send a few ideas to ZA Papelbon for the next hearing. Mr. McCain asked for clarification on frontage and front lot lines. ZA Papelbon stated that even though waivers may be granted in a PRD, front lot lines and frontage still need to be established. ZA Papelbon stated that #5 in the proposed Findings of Fact should be revised to incorporate the waiver requests, and waiver requests should be updated where necessary. She then asked Mr. McCain what the required isolation distance is between a leachfield and a property line. Mr. McCain stated that it was 25 feet.
 - Vice Chair Van Winkle asked for public comment.
 - Gary Warren, 1 Romar Drive, stated that he is still concerned about water runoff to Romar Drive. Mr. McCain stated that it is agreed Romar Drive currently has drainage issues, but the proposed subdivision will not exacerbate those issues based on input from the Road Foreman. A brief discussion of the width and design of the road ensued. Mr. McCain explained

that the proposed road is designed to capture the water and directing it to the south side of the development road.

- Katherine Barickman, 2 Lower English Settlement Road, stated that most of her concerns had been addressed. She would like to see the house sited away from hers, she has no current issues with drainage, but she does have a concern for an increase in traffic on Lower English Settlement Road due to the current condition of the road. She stated that she would like to see any buildings on Lot 1 sited away from the road.
- Vice Chairperson Van Winkle suggested keeping the evidentiary portion of the hearing open pending information from the Fire Department. He also stated that he would like to have the road design reviewed by the town engineer. Vice Chairperson Van Winkle also stated that he would like to have the stormwater management plans reviewed by the town. Mr. McCain stated that he would like some sense that the plans are headed in the right direction before stormwater plans are created. Vice Chairperson Van Winkle stated that he would like the endorsement from the town engineer before recommending approval to the Selectboard of the 12% grades that are proposed. Mr. McCain stated he would put some information together to address concerns. Vice Chairperson Van Winkle also asked for proposed deeds, easements, maintenance agreements, Homeowner Association documents (including funding).
- Board Member Towle asked whether there was a stream by the wetlands. Mr. McCain and Mr. Goplen stated there was not a stream. Mr. Goplen indicated that water runoff from the barn collects in the wetland at the lower portion of the property. A brief discussion of local regulations ensued. ZA Papelbon asked whether the State had classified the wetland as a Class II. Mr. McCain replied that the State had been to the site after it was delineated by Nicole MacHarg. ZA Papelbon stated that erosion control plans are typically included with plans for the road, and that compliance with the State's Low-Risk Site Handbook is required.
- Mr. McCain requested a letter for requirements for the continued hearing. ZA Papelbon stated she would provide a letter. Vice Chairperson asked how much time would be necessary to produce the required plans. ZA Papelbon suggested February 21 for the continued hearing. The Applicant agreed with the continuance.

8:24 PM: Hearing continued to Monday, February 21, 2011 at 6:30 PM. Vice Chairperson Van Winkle requested from Mr. McCain the revised plans including a point of study regarding pre- and post-development impacts of the culverts by February 7, 2011.

All interested parties, the applicant, and Mr. McCain left at this point.

The Board signed decisions, and discussed recusal issues and their upcoming schedule.

9:00 PM: End of meeting.

These minutes of the 1-15-11 and 1-17-11 meetings of the DRB were accepted

This _____ day of _____, 2011.

Vice Chairperson Charles Van Winkle

These minutes are subject to correction by the Underhill Development Review Board. Changes, if any, will be recorded in the minutes of the meeting of the DRB.