

Town of Underhill
Development Review Board Minutes
Chairperson Scott Tobin

June 15, 2009

Board Members Present:

Scott Tobin, Chair
Matt Chapek
Peter Seybolt
Chuck Brooks
Stan Hamlet
Charlie Van Winkle
Penny Miller

Also Present:

Kari Papelbon, Zoning Administrator

6:00 PM: A site visit at the property, 50 Mullen Rd., commenced. At the conclusion of the site visit, the Board traveled to 424 VT Rte. 15 to conduct a site visit. At the conclusion of the site visit, the Board traveled to the Underhill Town Hall to conduct hearings.

6:51 PM: Chairperson Tobin called the McCaulley variance hearing to order.

Applicants Present:

Shannon and Malachi McCaulley
424 VT Rte. 15
Underhill, VT

Others Present:

Gunner McCain
McCain Consulting
93 South Main Street
Waterbury, VT 05676

Brian Christie
50 Mullen Rd.
Underhill, VT 05489

Identifier: Contents:

ZA-1	Shannon McCaulley's building permit application for the fence (dated 5-11-09)
ZA-2	A copy of the Plat of Survey for the parcel (dated 5-28-91)

- ZA-3 A copy of the site plan
- ZA-4 A copy of the parcel map for VT424
- ZA-5 A copy of the hearing notice published in the Mountain Gazette (dated 5-21-09)
- ZA-6 A copy of the memo from ZA Papelbon to the Selectboard
- ZA-7 A copy of the Selectboard minutes approving the waiver of hearing fees
- ZA-8 Staff report prepared by Kari Papelbon

- S-1 Updated Proposed Findings of Fact

- Chairperson Tobin began meeting by explaining the procedure for the variance hearing. He then swore in all interested parties and entered the above items into record.

- Shannon McCaulley, Applicant, explained that she and her husband wish to build a fence to give their dog a safe area to play in. The house was built approximately 3 feet from the side property line and thus a variance is needed.

- Board Member Penny Miller stated that the fence would not be more non-conforming than the house since the house itself is 3 feet from the property line and the fence will also be 3 feet from the property line.

- Chairperson Tobin asked how tall the fence would be, to which Mrs. McCaulley replied 6 feet. Chairperson Tobin stated that the setback requirement is 15 feet from side property lines, thus a variance of 12 feet is required. He also explained that a fence meets the definition of a structure in the zoning regulations, and all structures must comply with setbacks.

6: 57 PM: Board Member Stan Hamlet made a motion, seconded by Board Member Chuck Brooks, to approve the variance request. The motion was passed by all Board Members present.

7:00 PM: Chairperson Tobin called the Christie preliminary subdivision hearing to order.

Applicant Present:

Brian Christie
 50 Mullen Road
 Underhill, VT

Consultant Present:

Gunner McCain
McCain Consulting
93 South Main Street
Waterbury, VT 05676

Identifier:	Contents:
ZA-1	Brian and Janice Christie's Application for Subdivision: Preliminary
ZA-2	A copy of the completed Subdivision Checklist: Preliminary
ZA-3	Plans prepared by Gunner McCain of McCain Consulting for Brian and Janice Christie (Sheets 1-2 of 2, revised 5-6-09)
ZA-4	A copy of the survey by Keith Van Iderstine for Brian and Janice Christie (dated 5-11-09)
ZA-5	A copy of the Amended Construction General Permit and Authorization of Notice of Intent from Heather Mack (dated 3-31-09)
ZA-6	A copy of the draft Private Roadway Agreement (dated 4-13-09)
ZA-7	A copy of the School Impact Questionnaire (dated 4-15-09)
ZA-8	A copy of the letter from Underhill-Jericho Fire Department Duty Officer Harry Schoppmann (dated 5-11-09)
ZA-9	A copy of the letter from Wastewater Management Division Regional Engineer Ernest Christianson (dated 5-28-09)
ZA-10	A copy of the Attorney's Report and Opinion on Title
ZA-11	A copy of the draft Proposed Findings of Fact
ZA-12	A copy of the hearing notice published in the Mountain Gazette (dated 5-21-09)
ZA-13	A copy of the parcel map for MU050
ZA-14	Staff report prepared by Kari Papelbon

S-1 FEMA Flood Insurance Rate Map for the property

- Chairperson Tobin began 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, consultant for the Christies, provided details for the proposed subdivision. Plans call for the subdivision of an approximately 10-acre parcel of land at the end of Mullen Road into two parcels of 7 acres and 3 acres. The existing house will remain with 3 acres. The new driveway will be less than 100 feet. A septic permit from the State is in process and the Construction General Permit for the project has been received. Operational Stormwater Permits are not required for the project. A letter from the Underhill-Jericho Fire Department requested the existing bridge to be widened from 11' to 14'. The Applicant is requesting to keep the bridge 11' wide as it was approved in the previous Tatro subdivision (2006).

- Board Member Peter Seybolt asked how wide the Fire Department's largest truck is. Mr. McCain responded that he did not know, but he stated that a typical one-lane highway is less than 11' wide.
- Board Member Stan Hamlet asked how wide the bridge on the current Tatro lot is. Mr. McCain replied that it is also 11' wide.
- Board Member Charlie Van Winkle asked if the bridge was rated to hold 35,000 pounds. Mr. McCain replied that the bridge is rated to hold more than that. He stated that a loaded gravel truck and a crane had both driven over the bridge.
- Chairperson Scott Tobin stated that the lot lines had changed since the sketch plan and that the setbacks for the existing and proposed homes were different. Mr. McCain explained that the change occurred after the discussion of frontage and front lot lines at the previous hearing. The lot line is no longer the centerline of the driveway.
- Board Member Penny Miller asked if the 180' line was now considered the front lot line. Mr. McCain stated that the front starts where the driveway forks and continues along the frontage to the individual driveway. A discussion of this ensued.
- Board Member Penny Miller asked if the existing house would have a right-of-way over the new lot's driveway. Mr. McCain stated that it would have a 60-foot right-of-way along the entire length of the shared drive.
- Board Member Stan Hamlet commented that an email from ZA Papelbon sent to the DRB in March regarding frontage from the ZA Handbook. After a brief discussion of frontage, Chairperson Tobin asked what the distance was between where the driveway accesses the property to the road. Mr. McCain stated that each lot has approximately 700 feet of frontage because the property line is the middle of the shared drive for approximately that long. A discussion of the right-of-way ensued.
- Board Member Chuck Brooks commented that he believed the intent and purpose of frontage requirements was to prevent "spaghetti lots" from forming.
- Board Member Miller asked about the property lines on the survey. Mr. McCain stated that there were segments as the property line follows the brook.
- Board Member Matt Chapek asked what drove the configuration of the lots, especially the rear portion of the proposed 7-acre lot. Mr. McCain explained that the Christies wanted to retain that piece for a garden spot.

- Chairperson Tobin asked if the new lot will have a conventional septic system. Mr. McCain explained that the septic system will be a mound system with a pump station. The design has not yet been finalized. He then stated that a letter from Ernie Christianson, Engineer with the State Wastewater Division, pointed out that a swale above the septic system was missing. This will be included in the final septic plans.
- Board Member Seybolt stated that a neighbor had concerns about tree cutting and requested a buffer zone. It was determined that that request was for the Tatro subdivision.
- ZA Papelbon stated that the front lot line should be solidified. It was determined that the front lot line is the continuous line along the shared right-of-way to the driveway. Setbacks will be determined from the closest part of that front lot line to the building envelope. ZA Papelbon stated that there is a shared part of the right-of-way that will serve 4 houses and becomes a road. She asked Mr. McCain if the right-of-way had been designed to Town Road Policy road specifications. Mr. McCain stated that there were 3 houses proposed to share the right-of-way during the Tatro subdivision, but that he had not specifically looked at such for this application since it had received previous review.
- Brian Christie, Applicant, stated that he had widened the section of road that was shared to 22 feet wide as part of the Tatro subdivision requirements. ZA Papelbon asked if the road was named since it will now serve at least 4 houses. It had not been a requirement to have the road named during the Tatro subdivision when it served 3 houses, but that information will be provided to the Selectboard for their review. ZA Papelbon then stated that the Road Foreman requested 5"-7" stone in the culvert headwalls and that stone-lined ditches be installed at grades 5% and above. Mr. McCain stated that both requests would be included in the final plans. ZA Papelbon then asked about the swale depicted over the proposed driveway. Mr. McCain stated that a swale exists there now and that the swale will be rerouted.
- Chairperson Tobin stated that the checklist showed all requirements were submitted. ZA Papelbon interrupted that there was one minor typo on the survey—MO049 should be MU049. Board Member Chuck Brooks requested language on the bridge from the Tatro subdivision for the final application.
- Chairperson Tobin then asked Mr. McCain to explain the Proposed Findings of Fact on the 13 evaluation criteria. There were no questions or revisions on the Findings.

7:40 PM: Chairperson Scott Tobin asked if the Board felt they had enough information to make a decision on whether the preliminary subdivision application fulfills the requirements of the regulations. The Board stated they did. Chairperson Tobin stated that the evidentiary portion of the hearing was closed. By consensus, the Board entered an open deliberative session.

There was some discussion on the bridge and the previous Tatro subdivision. Chairperson Tobin asked if the only outstanding requirements were the requests from the Road Foreman. ZA Papelbon stated that those and a few minor revisions were outstanding (the swale and survey typo). There was additional discussion on the bridge.

7:40 PM: Chairperson Scott Tobin made a motion, seconded by Board Member Peter Seybolt, to approve the preliminary application as presented with the revisions and additional information discussed and requested during the hearing, including the additional information on the bridge. The motion was passed by all Board Members present.

7:50 PM: Hearing concluded. The Board discussed their upcoming schedule, and approved minutes and decisions.

8:10 PM: Board Member Stan Hamlet made a motion, seconded by Board Member Peter Seybolt, to adjourn. The motion was passed by all Board Members present.

These minutes of the 6-15-09 meeting of the DRB were

Accepted

This _____ day of _____, 2009.

Chairperson Scott Tobin

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