

Town of Underhill
Development Review Board Minutes
Chairperson Scott Tobin

November 19, 2007

Board Members Present:

Scott Tobin, Chair
Chuck Brooks
Matt Chapek
Peter Seybolt
Charlie Van Winkle
Penny Miller
Deb Shannon

Also Present:

Chris Murphy, Zoning Administrator
Kari Papelbon, Zoning Assistant

6:31 PM: Meeting called to order. Chairperson Scott Tobin began the meeting by reading the procedure for preliminary hearings.

6:34 PM: Phil Jacobs preliminary hearing commenced.

Jacobs
16 Harvest Run

Applicant Present:

Phil Jacobs

Consultant Present:

Paul O'Leary, O'Leary Burke Civil Associates
1 Corporate Drive, Suite 1
Essex Junction, VT 05452

Other Interested Parties:

Bob Covey
14 Harvest Run

Shelly Jurkiewicz
34 Sugar Hill

Dori Richiedei
12 Harvest Run
Ruth Nelson
2 Sugar Hill

Identifier:	Contents:
ZA-1	Copy of the revised preliminary plans dated 11-12-07 prepared by Paul O'Leary and Howard Snider of O'Leary-Burke for Phil Jacobs
ZA-2	A copy of the letter dated 10-19-07 from the Richiedeis
ZA-3	A copy of the letter sent to Phil Jacobs dated 10-22-07
ZA-4	A copy of the letter from Howard Snider dated 11-13-07
ZA-5	A copy of the letter from Jeffrey Severson of Oakledge Environmental Services, Inc. dated 11-14-07
ZA-6	A copy of the revised justification for the variance request for the building envelope setback requirement from the wetland on Lot 1 dated 11-12-07

- Chairperson Scott Tobin read the Preliminary Hearing Checklist.
- Board Member Chuck Brooks asked for the revision dates for the maps be reflected in the minutes.
- Paul O'Leary of O'Leary-Burke provided information regarding the revisions made to the plans from requests made at the previous preliminary hearing, and a revised 24-foot variance request. The plans are for a 6-lot subdivision with 5 new building lots.
- Board Member Charlie Van Winkle asked about the letter from wildlife biologist Jeffrey Wallin, which recommended large separation between proposed and existing houses and "wide bands of forest cover that act as travel corridors for wildlife..." Mr. O'Leary read the letter from the 9-17-07 hearing. Board Member Van Winkle stated that the letter does not call for a wildlife corridor, but rather says the wildlife will adapt if sufficient wooded areas behind and between houses are kept. Chairperson Tobin asked whether "no-cut zones" would be added to the plans. Phil Jacobs stated that due to the presence of large ravines, "no-cut zones" would be unnecessary. Board Member Van Winkle requested that a specified undisturbed buffer be depicted on the plans. Board Member Penny Miller asked whether it would be a problem to put a "no-cut zone" designation in the ravine areas. Mr. O'Leary stated that they would be willing to label a 50-foot "no-cut zone" on either side of the stream. He added that he would want to be allowed to cut with an approved forest management plan. Board Member Van Winkle said that would be unnecessary and that he is trying to prevent clear-cutting from a new lot-owner and therefore would like to see a buffer. Mr. O'Leary stated that he would like to come back for final with a line depicted a "maximum clearing extent" on the plans. Board Member Miller asked about cleaning up fallen trees after a storm and whether the new landowner would need to get permission from the Board. Board Member Peter Seybolt stated that the landowner would not need permission from the Board.
- Zoning Assistant Kari Papelbon asked what the current distance between the leachfield and the wetland is as depicted on the plans. Mr. O'Leary responded it is between 33 and 34 feet at its nearest point.

- Board Member Penny Miller asked where the sewage replacement area for Lot 1 would be. Mr. O'Leary explained that the new State rules do not require a replacement area if they are constructed to State specifications.
- Board Member Matt Chapek asked if Lot 1 needed a pump station. Mr. O'Leary explained that a booster station would be required for the house on Lot 5. Board Member Van Winkle asked if that would be inside the house and have backflow prevention. Mr. O'Leary responded yes to both questions.
- Zoning Assistant Papelbon asked whether there were plans to use a crusher on-site to produce the crusher-run gravel as labeled on the plans. Mr. O'Leary responded that the plans were incorrect and that there will be 12 inches of bank run gravel topped with 4-6 inches of crushed gravel from an off-site source. ZA Murphy added that Rod Fuller's, Town Road Foreman, concern was that if the Town wants to take over the road, it should be up to spec and ready for paving with appropriate subsurface. Mr. O'Leary added that the specifications will be the same for the driveways. Board Member Miller asked whether the gravel used from the on-site gravel bank will be used in the future. Mr. O'Leary stated that once the lots with the bank are sold the bank will be seeded and mulched. Zoning Assistant Papelbon asked if that is where the stockpile would be, to which Mr. O'Leary responded yes.
- Zoning Assistant Papelbon asked whether the road would be constructed with a 20-foot traveled way and 1-foot shoulders. Mr. O'Leary responded that it would.
- Board Member Deb Shannon asked how the gravel bank would be brought down to grade. Mr. O'Leary explained that there is a grading plan showing that they are just going to level it off.
- Zoning Assistant Papelbon read the letter from the Richiedeis stating their concerns with construction traffic. Mr. O'Leary responded that he would be fine with reducing the hours for heavy equipment truck traffic to 7 am to 4 pm Monday through Friday. Saturday heavy equipment truck traffic would be eliminated.
- Zoning Assistant Papelbon explained the new subdivision checklist and provided requests for missing information as per the subdivision checklist: show property codes, building locations, and pertinent zoning regulations on the survey, and identify abutting neighbors and setbacks for building envelopes on the engineering drawing.
- Chairperson Tobin asked for public comment.
- Bob Covey asked Mr. O'Leary to show him where the house on Lot 1 is on the plans.
- Shelly Jurkiewicz asked Mr. O'Leary to show her wildlife buffers on the plans. Mr. O'Leary showed her the 75-foot undisturbed buffer on Lot 1 and part of Lot 2.
- Dori Richiedeis asked for assurance that the existing waterways would not be disturbed. ZA Murphy stated that there are no plans showing an

impact to the streams and the stormwater plans are to keep the streams from being disturbed.

- Ruth Nelson asked where the turnaround is located on the plans. ZA Murphy stated that it was the “Y” at the end of the road. She then asked if there were plans to extend the road. Mr. O’Leary provided explanations of the maps to Mrs. Nelson.
- Ms. Jurkiewicz stated that there is also bear and moose where the wildlife consultant had spotted wild turkeys. She asked if the consultant was asked to consider other animal corridors and habitats or just for the animals seen. Mr. O’Leary explained that they did not give the consultant direction for specific animals, just to evaluate the area. Phil Jacobs stated that he asked Paul to get a wildlife consultant evaluation to allay concerns of adjoining property owners, and that there were no denning areas.
- Chairperson Tobin asked for additional questions from the Board or comments from the applicant.
- Mr. Covey asked if previous testimony would be used to make a final decision. Chairperson Tobin and ZA Murphy responded that all comments would be taken into consideration.

7:15 PM: Chairperson Tobin asked if the Board had enough information to make a decision on whether the preliminary application meets the Underhill regulations. Board Member Van Winkle made a motion, seconded by Deb Shannon, and approved by all Board Members present.

Board Member Van Winkle asked what the next steps would be. ZA Murphy explained that there are modifications to the plans and if the Board has questions about the variance to ask the applicant before going into deliberative session. Chairperson Tobin reiterated that the variance request is for a 24-foot variance from the wetland setback to the building envelope.

Board Member Van Winkle provided his interpretation of the previous hearing’s decision and his concerns. ZA Murphy explained that the modifications discussed at the hearing were to the plans before them, not changing the number of lots as with the previous hearing. She also restated that if the Board has questions regarding the variance request that they should ask them before moving to deliberative session. Chairperson Tobin added that the Board is either approving or denying a 6-lot subdivision. A discussion of the variance from the previous hearing and this hearing ensued. Board Member Van Winkle stated that the Board could grant the lot without the variance, to which Mr. O’Leary responded that he would request such action by the Board if the variance gets denied.

7:24 PM: Chairperson Tobin asked if the Board had enough information.

Board Member Matt Chapek asked if, rather than extending the road to create another lot above Lot 5, there could be a shared driveway. Mr. O’Leary stated

that they need the frontage for the lot. ZA Murphy stated that they could encumber Lot 5 to obtain the frontage.

Chairperson Tobin asked for final questions. Board Member Van Winkle asked if the applicant received recommendations on the road. ZA Murphy stated that it would be reviewed further. She then reiterated Mr. Fuller's recommendations. She also stated that Mr. Fuller requested a right of inspection to ensure that the road construction meets the Town requirements should the Town take it over in the future.

Board Member Deb Shannon asked about the change in grade for the driveways. Mr. O'Leary responded that the driveways had been changed per Town Engineer Mike Weisel's suggestions at the previous hearing. Dori Richiedei asked if the construction of the gravel road included all of Harvest Run. ZA Murphy responded that the existing part of Harvest Run would be widened to 20 feet with 1-foot shoulders. Mr. O'Leary provided additional grading information.

7:34 PM: Chairperson Tobin asked for final questions and a motion for deliberative session. Board Member Peter Seybolt made a motion, seconded by Chuck Brooks, to move to deliberative session. The motion was passed by all Board members present.

9:01 PM: The Board moved out of deliberative session and voted unanimously to approve the preliminary plan for a 6-lot subdivision, and to deny the variance request for the wetland setback requirement for the building envelope on Lot 1. Board Member Chuck Brooks presented information which was discussed by the Board. Minutes from the 11-5-07 hearing were accepted and signed, along with Minutes from previous hearings. The Board discussed the meeting schedule for December.

9:25 PM: Meeting adjourned.

These minutes of the 11-19-07 meeting of the DRB were

Accepted

This 29th day of November, 2007

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.