

Town of Underhill
Development Review Board Minutes
Chairperson Scott Tobin

September 21, 2009

Board Members Present:

Scott Tobin, Chair
Penny Miller
Matt Chapek
Stan Hamlet
Chuck Brooks

Also Present:

Kari Papelbon, Zoning Administrator, Brian Christie, applicant for the next hearing

6:35 PM: Chairperson Scott Tobin called the Danis sketch plan meeting to order.

Applicant(s) Present:

Robert Danis
898 VT Rte. 15
Underhill, VT

Consultant Present:

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

Identifier: Contents:

ZA-1	Robert Danis' Application for Subdivision: Sketch Plan (dated 8-5-09)
ZA-2	A copy of the completed Subdivision Checklist: Sketch Plan
ZA-3	Subdivision Overview prepared by Gunner McCain of McCain Consulting for Robert and Patti Danis (Sheet 1 of 1, revised 9-1-09)
ZA-4	A copy of the area USGS topography map with wetlands and deer wintering areas
ZA-5	A copy of the parcel map for VT898
ZA-6	A copy of the Underhill Flood Hazard Zoning Bylaw
ZA-7	Staff report prepared by ZA Papelbon

- Chair Tobin began the meeting by explaining the procedure for the sketch plan meeting.
- Gunner McCain, McCain Consulting, provided an explanation of the project. The access will be off of the existing curb cut for the ~20-acre piece of land. Wetlands have been delineated and that the impacts are anticipated to be under the 3000 square foot reporting requirement for the Army Corps of Engineers. Mike Adams from the ACoE has met with Mr. McCain at the site to review the potential wetlands impacts and the proposed stream crossing, which would be a culvert. The plans will be submitted to Mr. Adams and/or Chris Brunelle at the State. Alan Quackenbush of the VT Wetlands Office has also conducted a site visit as a Class II wetland is situated to the east of the parcel. All of the wetlands on the property are Class III wetlands that are not connected to the Class II wetland. Soil testing for the septic systems was conducted with Bill Zabiloski from the VT Wastewater Management Division.
- Board Member Stan Hamlet stated that the plans show a stream running through the houses. Mr. McCain replied that the major stream runs along the eastern property line but that the smaller stream will be crossed and that 100-foot streambank setbacks for the house sites will be met. Some waivers will be requested for wetlands setbacks for Lots 3 and 4.
- Chairperson Tobin asked what kind of setback distances would be requested. Mr. McCain showed where the wetland extends on Lots 3 and 4.
- Board Member Penny Miller asked if the setback is per topography or the plan. Mr. McCain replied that it was on the plan, a horizontal distance not a slope distance.
- Mr. McCain stated that the Town's wetland setback regulations require larger distances than the State or Federal requirements. He also stated that a portion of the property is in mapped floodplain. All of the sites are 20 feet above the streams and flooding should not be an issue. ZA Papelbon explained that the effective flood maps do not provide base flood elevations along the portion of The Creek in this area. Mr. McCain stated that the site visit would show that the flood elevations from the streams would not impact the proposed house sites. ZA Papelbon suggested that the way to answer any floodplain questions would be to have State Floodplain Management Coordinator Rob Evans attend the site visit.
- Chairperson Tobin asked if the project would be a conventional subdivision to which Mr. McCain responded it would. Chairperson Tobin

asked if there would be any other variances required besides setbacks from the wetlands. Mr. McCain responded that there would not be.

- Board Member Miller asked if the proposed driveway continued on Lot 3 past the house site. Mr. McCain explained that it did not, that those areas are existing woods roads or trails.
- Chairperson Tobin commented that the lots were “jigsaw puzzle” shaped. Mr. McCain explained that the rationale for such configurations was to allow access to the streams and that two moderately-priced house sites would better suit the housing needs of the Town than a large expensive site.
- ZA Papelbon then spoke, stating that there is an issue as to where the floodplain exists on the property. She had emailed a copy of the site plan to Rob Evans at the State Floodplain Office to see if the Town’s GIS layer showed the floodplain in the wrong location, but that he stated it seemed that a portion of at least Lot 2 was in the floodplain. This would be confirmed at a site visit and Mr. McCain responded that that was fine.
- Board Member Miller asked what the concern was regarding structures in the floodplain—damage to structures or to the waterway? Mr. McCain stated that it was a combination. ZA Papelbon stated that it was also a floodplain insurance issue and provided a brief explanation of the National Flood Insurance Program. She also stated that any work in the floodplain, including the driveways, would at least need a permit from the Town.
- Board Member Matt Chapek asked if Rob Evans would come up with an elevation at the site. Mr. McCain stated that some areas have a design book and a Flood Insurance Study (FIS). ZA Papelbon stated that there is an FIS for the Town, but that it wouldn’t help in this situation because no base flood elevations have been determined in this area at all.
- ZA Papelbon then asked Mr. McCain whether his surveyor had conducted a preliminary survey yet because the deed stated that the parcel was in two pieces that each meets the zoning district requirements. Mr. McCain stated that he had done some deed research but no full traverse of the property. ZA Papelbon asked if any of the proposed lot lines follow the original parcel lines. Mr. McCain responded that they did not. ZA Papelbon stated that while she didn’t want to overstate the issue if there is one, she did not see specific language in the deed that merged the two lots into one and recommended that the Applicant verify with his attorney that this won’t be an issue for title purposes.
- Chairperson Tobin then reviewed the checklist for sketch plan. He asked if the proposed curb cut would require widening of the existing driveway.

Mr. McCain replied that the existing curb cut is quite wide (no need to widen) and that some of the driveway might need to be widened. ZA Papelbon recommended determining a name for the road.

- Chairperson Tobin asked if all of the utilities would be underground, to which Mr. McCain responded that some would be underground and some would be above ground.

7:03 PM: Chairperson Scott Tobin asked if the Board felt they had enough information to make a decision on whether the requirements for sketch plan had been met. The Board stated that they did. Board Member Stan Hamlet made a motion, seconded by Board Member Chuck Brooks, to accept the sketch plan application as presented. The motion was passed by all Board Members present.

7:09 PM: Chairperson Scott Tobin called the Christie final subdivision hearing to order.

Applicant(s) Present:

Brian Christie
50 Mullen Rd.
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: Final (dated 8-8-09)
ZA-2	A copy of the completed Subdivision Checklist: Final Hearing
ZA-3	Plans prepared by Gunner McCain of McCain Consulting for Brian and Janice Christie (Sheets 1-2 of 2, revised 8-7-09)
ZA-4	A copy of the survey prepared by Keith Van Iderstine of McCain Consulting for Brian and Janice Christie (dated 8-7-09)
ZA-5	A copy of the State wastewater permit WW-4-2121-2 (dated 8-11-09)
ZA-6	A copy of the bridge design from the Michael Tatro 2-lot Subdivision (Sheet 5 of 5, revised 9-14-05)
ZA-7	A copy of the finalized Proposed Findings of Fact
ZA-8	A waiver request for the bonding requirement (dated 8-13-09)

ZA-9 A copy of the hearing notice published in the Mountain Gazette
(dated 9-3-09)
ZA-10 Staff report prepared by ZA Papelbon
S-1 A copy of the revised site plan (Sheet 1 of 2, dated 9-16-09)

- Chairperson Tobin began the meeting by explaining the procedure for the final subdivision hearing. He then swore in all interested parties and entered the above items into record.
- Gunner McCain, McCain Consulting, provided an overview of the final plans, which did not change much from the preliminary hearing.
- Chairperson Tobin asked about the information for the existing bridge. Mr. McCain stated that the submitted Sheet 5 of 5 was from the previous Tatro subdivision that created the Christie lot currently under subdivision review. The bridge was designed to accommodate flood waters. Only anecdotal information exists regarding the structural integrity of the bridge, which is that Mr. Tatro had loaded gravel trucks drive across the bridge. Additionally, the Christie's had cement and gravel trucks drive over the bridge during their home construction. No changes to the bridge are proposed.
- Chairperson Tobin stated that he recalled some previous discussion on guardrails. It was determined that the guardrails were discussed for the other bridge on the current Tatro lot. ZA Papelbon stated that the Fire Department had requested that the bridge be widened. After a brief discussion of the bridge, Mr. Christie stated that the roadway beyond the bridge was widened to 22 feet in 2007 when he built his home. There is plenty of room for a car to pull off to the side should another one be on the bridge.
- Board Member Chuck Brooks asked what the conditions from the preliminary decision were. ZA Papelbon read the conditions.
- Chairperson Tobin stated that he recalled there were no setback issues because the lot line was changed. Mr. McCain stated that was correct.
- ZA Papelbon then spoke, stating that the revised Sheet 1 of 2 addressed most of the concerns in the discussion section of her info packet. As for the bridge there is no additional information beyond what was discussed and there were no revisions made to the road maintenance agreement or easement deed language.
- Board Member Brooks asked if the Selectboard approval for the driveway design was still needed. ZA Papelbon stated that she would be submitting

the information to the Selectboard with the waiver request for the bonding requirement.

- Board Member Penny Miller asked for a short synopsis of the alternative wastewater system. Mr. McCain explained the system.
- Chairperson Tobin read the bonding requirement for which there had been a waiver request. He stated that this applies to the driveway cut off the existing Mullen Road extension.
- ZA Papelbon asked if there were any underground utilities. Mr. McCain explained that some of the utilities would be underground past the existing power pole. ZA Papelbon stated that the underground utilities would be included in the bonding requirement but that as long as the Selectboard approved of such it would not be a problem.
- Mr. Christie asked ZA Papelbon about the effective building permit for the barn. In order to pour the slab for the barn he had to rough in a “driveway.” He also had an electrical contractor look at putting in underground power to the barn. He asked if he had to stop. ZA Papelbon stated that he technically should. The driveway rough in is usually what is required in lieu of the bonding requirement. A brief discussion ensued. ZA Papelbon asked Mr. Christie if the underground power was scheduled to be installed, to which Mr. Christie replied that it was not. ZA Papelbon stated that Mr. Christie would probably have Selectboard approval prior to the trucks going to the property.
- Chairperson Tobin stated that there were no revisions to the Findings of Fact that were reviewed at the preliminary hearing and asked if the Board wanted to review them again. The Board indicated that it was not necessary.

7:33 PM: Chairperson Scott Tobin asked if the Board felt they had enough information to make a decision on whether the application fulfilled the final hearing requirements for subdivision. The Board stated that they did. Chairperson Tobin asked if the Board would like to deliberate in open or closed session. The Board indicated that they would deliberate in open session.

7:34 PM: Board Member Chuck Brooks made a motion, seconded by Board Member Matt Chapek, to approve the final subdivision application as presented at the hearing contingent upon approval of the driveway design by the Selectboard and that the DRB recommends a waiver of the bonding requirement to the Selectboard. After a suggestion was made to add underground utilities to the Selectboard approval, the motion was passed by all Board Members present.

The Board discussed their upcoming schedule and miscellaneous items.

8:04 PM: Board Member Stan Hamlet made a motion, seconded by Board Member Chuck Brooks, to adjourn. The motion was passed by all Board Members present.

These minutes of the 9-21-09 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.