

**Town of Underhill**  
Development Review Board Minutes  
Vice Chairperson Charles Van Winkle

January 18, 2010

**Board Members Present:**

Penny Miller  
Stan Hamlet  
Matt Chapek  
Charles Van Winkle, Vice Chair

**Also Present:**

Kari Papelbon, Zoning Administrator

**6:32 PM:** Vice Chairperson Charles Van Winkle called the Wilcox/Davis final subdivision hearing to order.

**Applicants Present:**

Richard Wilcox  
Benjamin Wilcox  
152 Weed Road  
Essex Junction, VT 05452

William Davis  
36 Hill Crest Ln.  
Underhill, VT 05489

**Consultant Present:**

Brad Holden  
Vermont Land Surveyors  
4050 Williston Rd., Ste. 112  
South Burlington, VT 05403

**Others Present:**

Craig Schneider  
569 Irish Settlement Road  
Underhill, VT 05489

Timothy Crowell  
609A Irish Settlement Road  
Underhill, VT 05489

**Identifier:    Contents:**

---

ZA-1	Richard, Laurie, and Benjamin Wilcox's Application for Subdivision: Final Hearing (dated 12-30-09);
------	--

- ZA-2 William and Debbie Davis' Application for Subdivision: Final Hearing (dated 12-30-09);
- ZA-3 A copy of the survey prepared by Brad Holden of Vermont Land Surveyors for Richard and Laurie Wilcox, Benjamin Wilcox, and William and Debbie Davis (dated 12-30-09);
- ZA-4 A copy of the tax map for PG060;
- ZA-5 A copy of the waiver request from Brad Holden (dated 1-6-10)
- ZA-6 Staff report prepared by ZA Papelbon

- Vice Chairperson Van Winkle began the meeting by explaining the procedure for the final subdivision hearing, explained that this was a combined preliminary and final hearing, and swore in all interested parties. He then entered the above items into record. Email correspondence between ZA Papelbon and John Thomas, 65 Tupper Road was discussed. The email included questions regarding the proposed project and right-of-way over Page Road.
- Brad Holden, Vermont Land Surveyors, asked that the email correspondence between ZA Papelbon and Mr. Thomas not be considered part of the record and that Mr. Thomas not be given interested party status. He stated that the right-of-way questions do not pertain to the proposed subdivision. A discussion of the email and party status ensued. Board Member Stan Hamlet made a motion to exclude Mr. Thomas as an interested party. Board Member Penny Miller stated that she would like to know more before casting a vote. Board Member Matt Chapek echoed her concerns. Board Member Hamlet stated that he had no problems with tabling the motion. Vice Chair Van Winkle tabled the motion upon agreement by the Board.
- Brad Holden provided an explanation of the proposed subdivision. The Wilcox family and Davis family jointly own the property at 60 Page Road. The Davis family will retain the parcel to the south to be included in their current land. An existing right-of-way across the lands of Davis will be used to access the Wilcox parcel. No development is being proposed on either lot and deferral language from the state will be included in the deeds to the lots.
- Vice Chair Van Winkle summarized the proposal: 136 total acres, 66 acres on the north side will go to Wilcox and 70 will go to Davis on the south. The lot division will occur at the northern boundary of the existing woods road. The preliminary plat also depicts a line of agreement with the Schneider parcel to the north (IS569). Mr. Holden explained that this is to clarify the deed and that no evidence was found in the field to support the line as shown on the tax map and the plat as "Line reputedly blazed by Richard Villeneuve."
- ZA Papelbon stated that there will be deed and decision language stating that the lots will be used strictly as woodlots, no development. Any change of use will require approval of the DRB. Structures exempt from local zoning per the Agency of Agriculture's Accepted Agricultural Practice Regulations are allowed. As the current subdivision regulations do not explicitly address the

creation of woodlots, Town Attorney Vincent Paradis was consulted for an interpretation of the regulations. Per his recommendations, a request to waive the subdivision regulations was received and the condition that a change of use of the parcels will require a hearing and approval before the DRB. She added that her opinion of the Thomas email is that no information was provided and no demonstration given that the subdivision would violate the municipal plan or bylaws as required under the rules of procedure. A brief discussion of the location of Mr. Thomas' land ensued. ZA Papelbon stated that her impression was that Mr. Thomas was asking questions for clarification.

- Vice Chair Van Winkle asked for public comment. Timothy Crowell, 609A Irish Settlement Road, stated that he and his family ski and walk the land and would like to continue to do so after the subdivision is finalized.
- Dave (William) Davis, 51 Page Road, stated that he has no problem with Mr. Crowell continuing to cross-country ski on the land.

**6:55 PM:** Vice Chairperson Van Winkle asked if the Board felt they had enough information to make a decision on the application. The Board stated that they had enough information to proceed. Vice Chair Van Winkle stated that the evidentiary portion of the hearing was closed. Board Member Stan Hamlet made a motion, seconded by Board Member Matt Chapek, to enter deliberative session. The motion was passed by all Board Members present.

**7:11 PM:** Board Member Stan Hamlet made a motion, seconded by Board Member Penny Miller, to move into open session. The motion was passed by all Board Members present. The Board addressed the email from John Thomas, 65 Tupper Road. As Mr. Thomas was not an adjoining landowner, did not request party status, and did not provide information from the Town Plan or Regulations stating if/why the proposed project would violate such if approved, the Board concluded that he would not retain interested party status for this application.

**7:13 PM:** Board Member Stan Hamlet made a motion, seconded by Vice Chairperson Charles Van Winkle, to approve the request to waive all requirements for subdivision as described in the subdivision regulations. The motion was passed by all Board Members present.

Board Member Penny Miller made a motion, seconded by Board Member Matt Chapek, to approve the final application for subdivision as discussed with the following conditions:

1. The subdivided lots shall be used solely for woodlots. No structures, except those which are exempt from local zoning per the Vermont Agency of Agriculture's Accepted Agricultural Practices, or improvements shall be allowed on the parcels.
2. Any change of use of the lots shall require additional review and approval by the Development Review Board prior to such change.

3. The final plat shall include the new parcel codes for the lots.
4. Proposed deeds for the lots shall be submitted to the Zoning Administrator prior to filing the final plat.
5. Any state approvals or letters regarding exemption from §1-304(a)(2) of the Vermont Wastewater System and Potable Water Supply Rules shall be submitted to the Zoning Administrator prior to filing the final plat.

The motion was passed by all Board Members present.

The Board discussed their upcoming schedule.

**7:20 PM:** Meeting adjourned.

These minutes of the 1-18-10 meeting of the DRB were accepted

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

---

Vice Chairperson Charles Van Winkle

***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.***