

Town of Underhill
Development Review Board Minutes
Chairperson Scott Tobin

July 19, 2010

Board Members Present:

Will Towle
Matt Chapek
Penny Miller
Deb Shannon
Scott Tobin, Chairperson
Chuck Brooks
Peter Seybolt

Also Present:

Kari Papelbon, Zoning Administrator

6:06 PM: Chairperson Scott Tobin called the Shapiro sketch plan meeting to order.

Consultant Present:

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

Others Present:

Brent Goplen (applicant for next sketch plan)
Andrea Phillips (neighbor for next sketch plan)
7 others for next sketch plan

Identifier: Contents:

ZA-1	Elena Shapiro's Application for Subdivision: Sketch Plan (dated 7-12-10)
ZA-2	A copy of the completed Subdivision Checklist: Sketch Plan;
ZA-3	A copy of the site plan prepared by Peter Lazorchak of McCain Consulting, Inc. for Elena Shapiro (Sheet 1 of 1 dated July 6, 2010)
ZA-4	A copy of the USGS map for the area
ZA-5	A copy of the tax map for PH647
ZA-6	Staff report prepared by ZA Papelbon

- Chairperson Tobin began the meeting by explaining the procedure for sketch plan review.
- Peter Lazorchak, consultant for Elena Shapiro, provided an overview of the proposed 2-lot subdivision. The plan is to split the parcel of ±10.1 acres into two lots. The new lot will be ±6.3 acres, accessed off of Bill Cook Rd., and

±3.8 acres will remain with the existing house, accessed off of Poker Hill Rd. Access for the new lot will require a stream crossing and a variance of 50 feet is required for the building envelope setback to the Class III wetland. The new lot will be served by a mound system located outside of the proposed 50-foot wetland buffer.

- Chairperson Scott Tobin asked if the frontage will meet the district requirements for both lots. Mr. Lazorchak stated that both lots would exceed the minimum required.
- Board Member Penny Miller asked what the lower-numbered flags represented on the map. Mr. Lazorchak explained that they were the driveway route.
- Board Member Peter Seybolt asked if all wetlands on the property were Class III wetlands. Mr. Lazorchak stated that they were based on a delineation done by Nicole Fitch of McCain Consulting. She will confirm whether the Class III wetlands are connected to a larger Class II wetland located in the area.
- Chairperson Tobin asked if a variance of 50 feet was requested on all sides of the building envelope. Mr. Lazorchak explained that he worked backward to create a building envelope within a 50-foot buffer—the buffer area was drawn first.
- Board Member Will Towle asked if the rest of the lot contained wetlands. Mr. Lazorchak stated that while there may be some upland areas, most of the lot is largely wetland meadow.
- Board Member Towle asked why the septic system force main was routed such that it needed an easement. Mr. Lazorchak stated it was partly due to the wetland and stated that it would make more sense to have it completely on Lot 2. Board Member Towle stated that the septic system could be located outside of the delineated wetland by flag A23. Mr. Lazorchak provided a brief overview of the drainage on the land.
- Board Member Towle asked if the existing stone wall was historic, to which Mr. Lazorchak replied that it was.
- Board Member Seybolt asked if the well location had been tested for water. Mr. Lazorchak stated that they typically do not test for water, but that based on other wells in the area it is assumed there will be adequate water.
- Board Member Towle asked about the notes on the plans regarding the setbacks and septic system. After a brief discussion it was suggested that the note box clarify that they are State requirements for wastewater.

- Board Member Seybolt stated that the driveway did not look steep. Mr. Lazorchak confirmed such.
- Chairperson Tobin asked if the proposed well shield was in the best possible place or if it was possible to contain the shield on the lot. Mr. Lazorchak stated that the only way to keep it fully on the lot was to create a larger impact to the wetland buffer. He stated that the applicant owns both of the lots and there is not much potential for further development, so it may not matter if the shield encroaches on Lot 1.
- ZA Papelbon asked why the house site was chosen near the wetlands instead of in the meadow and whether it was based on septic suitability. Mr. Lazorchak stated that the meadow is mostly wetland.
- Chairperson Tobin asked if the stream would be crossed utilizing culverts, to which Mr. Lazorchak replied it would. He explained that the crossing would probably be with a natural bottom squash culvert similar to the Danis project. ZA Papelbon asked if it would need a permit from Chris Brunelle. Mr. Lazorchak stated that he did not believe the drainage area was large enough to require a permit. Chairperson Tobin asked what the threshold was for a permit requirement, to which Mr. Lazorchak replied it was a drainage area of 10 square miles. He added that they would work with Mike Adams from the Army Corps of Engineers.
- Board Member Miller asked for clarification on the lines on the map. Mr. Lazorchak explained them to her.
- Board Member Towle asked if, except for the setbacks, the well could be moved closer to the wetland to get the well shield and septic system fully on the proposed lot. Mr. Lazorchak stated that was correct. He added that the well driller might have an easier time with the well being in its proposed location rather than moving it.
- Chairperson Tobin asked if there were further variance requests, to which Mr. Lazorchak stated there were not.
- ZA Papelbon asked if the corner of the building lot was 50 feet from the lot line, to which Mr. Lazorchak replied that it was not. He stated that such would be fixed to comply with setbacks, probably with changing the lot line.
- Board Member Miller asked whether the Town could allow the setback to the leachfield to change. Mr. Lazorchak stated that it was outside of the Town's jurisdiction.
- ZA Papelbon asked if the State legislation regarding well shields had gone through. Mr. Lazorchak stated that it had, and provided a brief explanation of the change.

- Board Member Towle asked if the proposed lot line could be bent to address the septic and well shield issues. Mr. Lazorchak stated that there may be some flexibility to achieve such. A brief discussion of moving the septic system ensued.
- Chairperson Tobin asked for public comment. There were no comments.

6:34 PM: Chairperson Scott Tobin 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. He then asked if the Board would like to deliberate in open or closed session. The Board agreed to deliberate in open session. Chairperson Tobin stated that the wetland setback would be a potential issue. Board Member Penny Miller asked whether a 50-foot variance was needed for the southern portion of the proposed building envelope, to which Mr. Lazorchak replied it was not as the line would be revised to meet the setback to the property line. Chairperson Tobin stated that the 50-foot variance to the setback requirement to the wetland was required on the east, west, and north sides of the building envelope. Board Member Peter Seybolt made a motion to accept the sketch plan application. There was some discussion regarding adding recommendations or conditions, however it was decided that conditions could not be added. It was agreed that the Board would like to see their concerns regarding the septic system and well shield addressed. Board Member Penny Miller seconded the motion. Mr. Lazorchak asked if the Board would be opposed to move the well closer to the wetland buffer. After a brief discussion, there were no objections. The motion was passed by all Board Members present.

6:43 PM: Chairperson Scott Tobin recused himself from the Goplen sketch plan meeting. Acting Chairperson Chuck Brooks called the Goplen sketch plan meeting to order.

Consultant Present:

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

Applicant Present:

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

Others Present:

Scott Tobin (recused)
6 Orchard Rd.
Underhill, VT 05489

Andrea Phillips
211 River Rd.

Underhill, VT 05489

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

Anne Jobin-Picard
13 Lower English Settlement Rd.
Underhill, VT 05489

5 others

Identifier:	Contents:
ZA-1	Brent Goplen's Application for Subdivision: Sketch Plan (dated 6-30-10)
ZA-2	A copy of the completed Subdivision Checklist: Sketch Plan
ZA-3	A copy of the proposed site plan
ZA-4	A copy of the tax map for LE020
ZA-5	Staff report prepared by ZA Papelbon
S-1	Plan A Sketch Plan (dated 7-19-10)
S-2	Plan B Sketch Plan (dated 7-19-10)

- Acting Chairperson Brooks began the meeting by explaining the procedure for sketch plan review.
- Brent Goplen spoke, stating that he would like to change his application from a conventional subdivision to a 5-lot Planned Residential Development. He would like to reduce the impact of the proposed road, costs, etc. His land ranges from approximately 750 to 960 in elevation, which would require extensive switchbacks for a road. He stated that Peter Lazorchak brought two potential plans to share with the Board.
- Peter Lazorchak, acting consultant for Brent Goplen, stated that since submitting the initial application, Brent had contacted McCain Consulting (Gunner McCain will be the consultant after this point). Two layouts rough layouts were presented to the DRB. One layout proposes an access road off of the existing driveway to the existing house up to four proposed house sites (flatter area). The plans are still in the very early concept stages.
- Board Member Penny Miller asked if there was any idea of what percent grade the proposed road might be. Mr. Goplen stated that the land increases in topography quite a bit. Mr. Lazorchak stated that while he was not familiar with the property, there might be a request for a waiver for the grade. The earth disturbance to try to meet the 10% maximum restriction might not be worth it.

- Board Member Peter Seybolt asked if the proposed lots were approximately 1.7 - 1.8 acres each. Mr. Lazorchak replied that they were. Board Member Seybolt stated that the land is located in a 5-acre zone. Mr. Lazorchak explained that they were requesting a PRD. Mr. Goplen's original concept shows what could be done with a conventional subdivision and the PRD options envision common land. Board Member Seybolt asked if the main reason for proposing a PRD is because of the steep land. Mr. Lazorchak stated that it made more sense, the impacts are lessened, and each lot can enjoy a large yard space. Board Member Miller stated that there is more common land between the lots and the neighbors with the PRD design. Board Member Seybolt asked if the land would be owned in common, to which Mr. Lazorchak replied it would. Board Member Seybolt stated that a maintenance agreement would be required, to which ZA Papelbon stated it would be a Homeowners Association.
- Board Member Miller stated that in order for the DRB to be able to grant approval for a PRD it must be demonstrated that the land could be subdivided through conventional means. ZA Papelbon added that there is no density bonus, so at most Mr. Goplen could create 5 house sites to meet the density of the zone.
- Board Member Miller asked if there were wetlands on the property. Mr. Lazorchak stated that there was drainage on the northern side of the property, but the rest of the land is fairly dry.
- Mr. Lazorchak proceeded with discussion on the second proposal, where the house sites are closer to Lower English Settlement Road and around the existing meadow. He also stated that there might be a hybrid of the two options.
- Board Member Seybolt stated that on this plan Lot 1 would retain the open land. Mr. Lazorchak confirmed that the layout showed such, but that such was not required and there might be a revision to show a smaller lot around the existing house with the open space excluded. Board Member Miller asked if creating a smaller lot for the existing house would be required in order to create common land. Mr. Lazorchak stated that he believed it would still meet the requirements of the PRD to conserve and limit development on the back portion. Board Member Miller stated that she did not realize that the applicant did not have to create common land. ZA Papelbon explained that the requirement was for the creation of open space per the PRD regulations. ZA Papelbon added that there is a restriction that the land would never be developed. Board Member Seybolt added that the land could never be further subdivided. Mr. Lazorchak stated that they would also add a building envelope to the proposed Lot 1 to show the full impact.
- Acting Chairperson Chuck Brooks asked ZA Papelbon if she had anything to add. She stated that since the two plans were just options, there are no specifics and required waivers are unknown. She asked Mr. Goplen if he had

any preference, to which he stated he prefers some combination of the two. The first option has all of the lots situated in the back part of the property, which requires extensive infrastructure and higher costs. A portion of the land with the barn is meadow and could be sold as the first lot. He then explained a few options.

- Acting Chairperson Brooks stated that one of the requirements is a site plan for the Board to accept. Since both of the options are substantially different, the Board needs to know which plan is proposed in order to act. He stated that if a plan is not chosen for this meeting, it could be continued to another night. ZA Papelbon stated that another option is for the DRB to choose the site plan. A very brief discussion of whether the Board had enough info ensued. Mr. Lazorchak stated that it made sense to continue the application and they would fine-tune the sketch plan for review at another time. ZA Papelbon stated that she agreed and recommended that the DRB continue the meeting.
- Acting Chairperson Brooks opened the meeting to public comment.
- Anne Jobin-Picard, 13 Lower English Settlement Road, stated that she thought there was a requirement for 5-acre lots and asked how the proposed lots were able to be reduced to 1 acre each. Acting Chairperson Brooks explained the requirements for and flexibility of PRDs. Ms. Jobin-Picard stated that her concern was that anyone with 5 acres could subdivide. Acting Chairperson Brooks stated that such was incorrect and provided further explanation of the PRD process. Ms. Jobin-Picard stated that she is concerned for the loss of the urban character of Underhill, the loss of wildlife habitat, and the proposed road located in front of the existing house (headlights pointed toward her driveway and the maintenance of the road). She also asked who pays for the private road. It was explained that the private road would be the responsibility of the lot owners. Ms. Jobin-Picard also stated that she was concerned for the height of new houses to block her view. Acting Chairperson Brooks explained that there is a height restriction. A brief discussion of the house sites, height restrictions, and the driveway ensued.
- Board Member Miller asked if there were any mapped deer yards on the property, to which ZA Papelbon responded that there were not.
- Scott Tobin, 6 Orchard Rd., stated that he did not believe that item 4 on the checklist, which is to show the existing and proposed layout of property lines, and the locations of existing and proposed easements or covenants, had been satisfied.
- Carol Warren, 1 Romar Drive, stated that her concern was for her dug well and whether the development will change the direction of the current water flow. Acting Chairperson Brooks stated that there was not yet enough information to answer her question. Mr. Lazorchak added that they would

stay out of the wetter part of the land, but that there might be more stormwater runoff from the project that may require State stormwater permitting to mitigate impacts. Board Member Seybolt asked if the concern was for too much or too little water, to which Ms. Warren stated it was for too little water.

- Andrea Phillips, 211 River Rd., stated that she hadn't heard anything mentioned regarding wells, septic systems, and asked if any perc tests had been done. Mr. Lazorchak stated that the land had not yet been tested for septic nor had any designs for water or wastewater been done yet. Mrs. Phillips then stated that she believed the development was far enough away that it would not affect her shallow well. She stated that her concerns were also for the animal habitat and that she would like to see the least amount of disturbance to the vegetation. Mrs. Phillips likes the open space plan (option A).
- Acting Chairperson Brooks stated that there were questions about streetlights, but that streetlights would be highly unlikely. Board Member Seybolt added that there is a light pollution prohibition, but that the DRB would highly discourage streetlights.
- A question was asked if neighbors could request setbacks for the houses. Acting Chairperson Brooks stated that they could, but that there are requirements in the regulations for setbacks. A question was also asked if the current house lot would be sold, to which Mr. Goplen replied he was not sure.
- Acting Chairperson Brooks then discussed the checklist and asked for input as to continuing the meeting. A discussion of continuing the meeting ensued.
- Mrs. Phillips added that she has a concern for washouts affecting her field for haying purposes.

7:30 PM: Acting Chairperson Chuck Brooks made a motion, seconded by Board Member Deb Shannon, to continue the meeting to August 16 at 6:30 PM. The motion was passed by all Board Members present.

The DRB signed minutes, a decision, discussed their upcoming schedule.

9:00 PM: Meeting adjourned.

These minutes of the 7-19-10 meeting of the DRB were accepted

This _____ day of _____, 2010.

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.