

Town of Underhill
Development Review Board Minutes
Chairperson Scott Tobin

June 16, 2008

Board Members Present:

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

Also Present:

Kari Papelbon, Zoning Administrator

6:30 PM: Meeting called to order. Chairperson Scott Tobin began the meeting by explaining the procedure for the boundary line adjustment hearing.

6:34 PM: Luther Martin boundary line adjustment hearing commenced.

Luther Martin
59 Harvey Road

Applicant Present:

Luther Martin
161 St. Paul Street, #304
Burlington, VT 05401

Other Parties Present:

Brian Stowe
UVM Proctor Maple Research Center
P.O. Box 233/58 Harvey Road
Underhill Center, VT 05490

Julie Barrett
UVM Campus Planning Services
109 South Prospect St.
Burlington, VT 05405

John Collins
UVM Campus Planning Services
109 South Prospect St.
Burlington, VT 05405

| Identifier: | Contents: |
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| ZA-1 | Luther Martin's Boundary Line Adjustment application (dated 12-14-07) |
| ZA-2 | A copy of the proposed survey detailing the boundary line adjustment prepared by Ian Jewkes of Krebs and Lansing Consulting Engineers, Inc. (dated 4-11-08) |
| ZA-3 | A copy of the letter to Bill Zabiloski of the VT Agency of Natural Resources from Peter Lazorchak of McCain Consulting regarding the septic replacement area for the property (dated 4-23-08) |
| ZA-4 | A copy of the letter from Bill Zabiloski of the VT Agency of Natural Resources to Peter Lazorchak of McCain Consulting regarding the septic replacement area for the property (dated 4-30-08) |
| ZA-5 | A copy of the current State Wastewater System and Potable Water Supply Rules pertaining to boundary line adjustments |
| ZA-6 | A copy of the parcel map for HA059 and HA059x |
| ZA-7 | A copy of the newspaper warning (published 5-15-08) |
| ZA-8 | A copy of the Boundary Line Adjustment Checklist |

- Chairperson Tobin read the boundary line adjustment checklist and swore in all interested parties. Chairperson Tobin then entered into record documents ZA-1 through ZA-8.
- Luther Martin explained that he has 40 acres and would like to forestall future development. He is selling the property and the house as he has moved to Burlington. The thirty acres in the proposed application on the western side of the property borders the UVM Proctor Maple Research Center and they have expressed interest in incorporating the property into their forest. Ten acres would remain with the house.
- Chairperson Tobin stated that it looked like the frontage on Harvey Road would not change. Mr. Martin stated that it would not.
- Mr. Martin explained that the wastewater exemption applies if the proposed boundary line is more than 500 feet from the septic system, which it will be.
- Board Member Penny Miller asked about the land being in two zoning districts. ZA Papelbon stated that the conveyed acreage was in both districts but that the retained lot was not. Development would have to adhere to the requirements of the district in which it is to occur.
- Board Member Peter Seybolt asked Mr. Martin if the original lot configuration when he purchased the land was the panhandle shape. Mr. Martin explained that the original property was a 75-acre parcel, but he purchased it with the existing configuration.
- ZA Papelbon stated that the property codes, updated owners of record for the adjoining properties, and the 1500-foot elevation restriction should be on the final plat.
- Chairperson Tobin stated that the 10-acre parcel could not be further subdivided. Mr. Martin stated that it could not and would be very difficult to find access.

- Board Member Charlie Van Winkle asked if Mr. Martin were allowed to convey more acreage would he consider selling more land to the University. Mr. Martin stated that the University has expressed interest in more land. Board Member Van Winkle mentioned a planned residential development as an option. Mr. Martin stated that he would have to talk to the University if he were to consider that option. ZA Papelbon explained that a PRD is a form of subdivision and would have to go through the 3-step process. She also stated that a PRD might be very difficult for that parcel with respect to access.
- ZA Papelbon stated that the zoning district boundary lines are not shown on the map and would need to be on the final plat.
- Brian Stowe, UVM Proctor Maple Research Center, expressed his thanks for the Board's consideration of the proposed BLA. He explained that the Center's plans are to do research and maple production on the site, so no development other than sap lines and potentially minimal woods road or trail access would occur. ZA Papelbon explained that if they did decide to build a structure such as a sugar house that would be exempt for agricultural purposes and would only need to meet Town setback requirements. Mr. Stowe stated that he did not anticipate building since electricity would need to be brought to the structure.
- Mr. Stowe stated that the UVM land would be approximately 200 acres.
- Board Member Van Winkle asked how much sap the Center produces each year. Mr. Stowe responded that they average about 1000 gallons. The main function of the Center is the research conducted onsite.
- ZA Papelbon stated that she was incorrect and that the zoning district boundary would be on the retained parcel and the conveyed land. Chairperson Tobin explained that since the retained parcel lies in two districts, the question becomes which one the Board will require for acreage. Board Member Peter Seybolt stated that a PRD might make sense if Mr. Martin could sell more than he plans to. He then asked if the University would be interested in that. Mr. Stowe responded that he could tentatively say yes. Ms. Julie Barrett, University of Vermont, stated that such a consideration would have to go before the University's Board of Trustees.
- Board Member Miller asked about the access. Chairperson Tobin explained that the current frontage was approximately 129 feet with an existing structure. A discussion of a planned residential development ensued.
- ZA Papelbon asked Peter Lazorchak of McCain Consulting if he knew how many acres would be in each zoning district for the retained lot. He did not know.
- A discussion of the zoning requirements ensued. It was determined that the minimum acreage needed for the retained lot is 10 acres.

6:58 PM: Chairperson Scott Tobin asked whether the Board felt they had enough information to make a decision on whether the hearing fulfills the requirements

for a boundary line adjustment. Board Member Chuck Brooks made a motion, seconded by Board Member Charlie Van Winkle, to deliberate in open session. The motion was passed by all Board Members present. Board Member Chuck Brooks made a motion, seconded by Board Member Peter Seybolt, to approve the boundary line adjustment as depicted conditioned upon the final plat including all parcel codes, current owners of record of adjoining acreage, zoning districts, and the 1500-foot elevation restriction. The motion was passed by all Board Members present.

7:00 PM: Hearing adjourned.

7:05 PM: Meeting called to order. Chairperson Scott Tobin began the meeting by explaining the procedure for the conditional use hearing.

7:07 PM: Charles and Ashley Alexander final subdivision hearing commenced.

**Charles and Ashley Alexander
348 Irish Settlement Road**

Applicants Present:

Charles and Ashley Alexander
348 Irish Settlement Road
Underhill, VT 05489

Consultant Present:

Peter Lazorchak
McCain Consulting
93 South Main Street
Waterbury, VT 05676

Identifier: Contents:

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| ZA-1 | Plans prepared by Peter Lazorchak of McCain Consulting for Charles and Ashley Alexander (Sheet 1 revised 5-30-08, Sheet 2 revised 5-2-08, and Sheet 3 revised 5-22-08) |
| ZA-2 | A copy of the survey prepared by Warren Robenstien for Charles and Ashley Alexander (revised 6-2-08) |
| ZA-3 | A copy of the letter from Zoning Administrator Kari Papelbon to John Gobeille, VT Fish and Wildlife Department Wildlife Biologist (dated 4-11-08) |
| ZA-4 | A copy of the letter from John Gobeille regarding the mapped deer yard |
| ZA-5 | A copy of the letter to Mike Adams of the US Army Corps of Engineers regarding the stream crossing (dated 5-5-08) |
| ZA-6 | A copy of the letter from Mary Baril of the VT Wastewater Management Division (dated 5-6-08) |

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| ZA-7 | A copy of the Notice of Intent for Stormwater Discharges (dated 5-8-08) |
| ZA-8 | A copy of the letter to Mike Adams of the US Army Corps of Engineers (dated 5-13-08) |
| ZA-9 | A copy of the letter from Heather Mack of the Water Quality Division (dated 5-27-08) |
| ZA-10 | A copy of the letter from William Zabiloski of the VT Agency of Natural Resources regarding the wastewater application (dated 6-3-08) |
| ZA-11 | A copy of the cover letter to Bill Zabiloski of the VT Agency of Natural Resources from Peter Lazorchak of McCain Consulting regarding Lot 1 requested information (dated 6-11-08) |
| ZA-12 | A copy of the newspaper warning (published 5-15-08) |
| ZA-13 | A copy of the proposed Septic Easement Deed language |
| ZA-14 | A copy of the waiver request |
| ZA-15 | A copy of the Proposed Findings of Fact |
| ZA-16 | A copy of the Subdivision Checklist: Final Hearing |
| ZA-17 | A copy of the e-mail from Jeff and Angela Moulton regarding the subdivision (dated 6-16-08) |
| ZA-18 | Culvert Analysis by Peter Lazorchak of McCain Consulting |
| ZA-19 | Revised Sheet 3 of the plans (revised 6-13-08) |

- Chairperson Tobin read the final subdivision hearing checklist and swore in all interested parties. Chairperson Tobin then entered into record documents ZA-1 through ZA-17.
- ZA Kari Papelbon read the email from Jeff and Angela Moulton. She explained that the Moultons were unable to attend the hearing, however they wanted to retain interested party status and that their concerns are for snow removal. Charles Alexander stated that there is not a blind corner as mentioned in the Moultons' email, but that it is actually a straight road.
- Peter Lazorchak, of McCain Consulting, provided an overview of the subdivision and changes to the plans. The radius ("fan-out") where the proposed driveway meets Fuller Road has been increased to help with site distances and provide more open area for snow. The existing parking area will theoretically remain and would be an additional area for snow.
- Board Member Peter Seybolt asked if there was a steep bank across Fuller Road. Mr. Lazorchak stated that there was. Board Member Seybolt stated that the snow would have to go to either side of the driveway and not across Fuller Road. Mr. Alexander replied that there is approximately 10 feet between the edge of the road and where the bank begins, and added that a pull-off from the driveway is proposed just past the stream crossing where more snow could be directed.
- Mr. Lazorchak provided more details on the changes made to the map, including emergency pull-offs from the driveway at each curve, and the location of the well to keep the well shield on the property as much as

- Board Member Charlie Van Winkle asked Mr. Lazorchak to explain what changes were included in the plans revised June 9. Mr. Lazorchak explained that the plans for the hearing were zoomed in to Lot 2 and did not show details for Lot 1. Mr. Zabiloski was inquiring as to where the water supply for Lot 1 was located, so the plans were revised to show the spring with its spring shield.
- Board Member Miller asked Board Member Chuck Brooks if he noticed that the lot line is shown to the centerline of Fuller Road. Mr. Alexander stated that the rebar for the property is on the opposite side of Fuller Road. Mr. Lazorchak stated that the other change on the plans sent to Mr. Zabiloski included clean-out details for the septic, and a clarification statement regarding the Town wetland buffer so a Conditional Use Determination from the State is not needed. Also, a statement that the current septic system is still functioning was provided.
- Board Member Seybolt asked if the existing grade would be bulldozed. Mr. Lazorchak replied that it would be excavated from station 450 to station 575, around the last curve. The cut would be a 2:1 slope. Board Member Seybolt asked if the grade would be 10% after excavation, to which Mr. Lazorchak replied that it would. Board Member Miller asked if the area was ledge. Mr. Lazorchak replied that he did not know. Mr. Alexander added that he did not see any ledge until the top of the hill.
- Board Member Seybolt asked if the fire department had reviewed the project plans. Mr. Lazorchak replied that they had and the two pull-offs were added to the plans as a compromise.
- Chairperson Tobin asked if the Selectboard had approved the driveway. ZA Papelbon stated that they had approved it conditioned upon submission to the DRB of Mr. Lazorchak's analysis of potential stormwater impact to the existing Town culvert. Mr. Lazorchak provided a brief explanation of the analysis. ZA Papelbon asked if Mr. Lazorchak had included the proposed 5-foot culvert in the analysis. He responded that he did not, but that it would not affect it since the culvert is properly sized for

open channel flow. A separate analysis was conducted that resulted in the proposed culvert being 5 feet rather than 3 feet.

- Board Member Miller asked if the proposed erosion control measures were appropriate for the 2:1 slope on the site. She asked if erosion control matting would be appropriate to use. Mr. Lazorchak replied that erosion control matting was not included in the plans, however it would be appropriate for areas that are 2:1. He added that since the Alexanders have obtained a Low-Risk Construction General Permit they are required to abide by the Low-Risk Handbook, which includes erosion control measures like the matting. Board Member Miller asked if he would inspect the site. Mr. Lazorchak explained that he would provide Town certifications. He added that State engineers are conducting more inspections as well.
- Board Member Seybolt asked if the Alexanders planned to install the driveway prior to selling the lot. Mr. Alexander stated that he was planning on installing the driveway in the fall. ZA Papelbon explained that a proposed condition contained in the information packet stated that the driveway would be roughed-in prior to obtaining a building permit and that the engineer would certify that it was roughed-in at the curb cut. The erosion control measures would be required with the rough-in. The driveway would not have to be finished prior to obtaining a building permit, and the lot could be sold prior to installing the driveway or obtaining a building permit.
- Chairperson Tobin asked if the Town Engineer had any issues with the driveway or erosion control measures. ZA Papelbon stated that she did not have any outstanding issues raised by the Town Engineer and that the Selectboard required the culvert analysis provided by Mr. Lazorchak. She reiterated that the erosion control measures would need to be installed concurrently with the driveway.
- Mr. Lazorchak stated that when the Alexanders sell the lot, the new landowner will need to apply for coverage under the Construction General Permit. Board Member Van Winkle asked for clarification of the Construction General Permit with regard to the driveway. Mr. Lazorchak provided a brief explanation of the requirements for coverage.
- Board Member Van Winkle asked if the well shield had been moved since the plans dated May 30, 2008. Mr. Lazorchak replied that it had been moved down to remain more on Lot 2 than the neighboring lot.
- ZA Papelbon stated that a waiver request had been submitted for the bonding/certification of driveway requirement. The proposed condition in lieu of the bonding requirement is that a certification that the driveway was roughed-in would be required and that the erosion control measures are installed with the driveway. She added that the wetland was not shown on the survey.
- ZA Papelbon asked if Mr. Lazorchak had received any information for the wastewater permit. He replied that he had not, and added that they had already received the Construction General Permit.

- Chairperson Tobin then asked the Board if they would like to review the proposed Findings of Fact. Board Member Van Winkle read the findings. Board Member Chuck Brooks asked about the updated map dated June 9, 2008. Changes on the June 9 plans are not material changes. Board Member Seybolt asked if the stream crossing work was mandated to occur during the driest parts of the year. Mr. Lazorchak explained that it is mandated by the Army Corps of Engineers.
- Board Member Van Winkle then read the submitted waiver request for the bonding/certification requirement.
- Chairperson Tobin then read the proposed conditions for subdivision.

8:00 PM: Chairperson Scott Tobin asked if the Board felt that they had enough information to make a decision on the final application.

8:01 PM: Board Member Chuck Brooks made a motion, seconded by Board Member Matt Chapek, to close the evidentiary portion of the hearing and move into deliberative session. The motion was passed by all Board Members present.

8:38 PM: Board Member Chuck Brooks made a motion, seconded by Chairperson Scott Tobin, to move out of deliberative session. The motion was passed by all Board Members present.

8:38 PM: Chairperson Scott Tobin made a motion, seconded by Board Member Charlie Van Winkle, to approve the waiver request and subdivision subject to final conditions. With the exception of Board Member Matt Chapek, who abstained, the motion was passed by all Board Members present.

8:50 PM: Meeting adjourned.

These minutes of the 6-16-08 meeting of the DRB were

Accepted

This _____ day of _____, 2008

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.