

Town of Underhill
Development Review Board Minutes
Chairperson Charles Van Winkle

October 29, 2012

Board Members Present:

Charles Van Winkle, Chair
Penny Miller
Chuck Brooks
Will Towle (recused)
Matt Chapek
Karen McKnight

Staff/Municipal Representatives Present:

Kari Papelbon, Zoning & Planning Administrator

6:32 PM: Chairperson Charles Van Winkle called the Niles final subdivision hearing to order at the Underhill Town Hall.

Consultant(s) Present:

Justin Willis
Willis Design Associates, Inc.
P.O. Box 98
Richmond, VT 05477-0098

Identifier:	Contents:
ZA-1	Thomas and Roxanne Niles' Application for Subdivision: Final (dated 10-3-12)
ZA-2	A copy of the completed Subdivision Checklist: Final Hearing
ZA-3	A copy of the proposed site plan prepared by Justin Willis of Willis Design Associates, Inc. (dated 10-3-12)
ZA-4	A copy of the proposed survey prepared by Albert W. Harris of Harris Surveying & Land Dispute Resolution (dated 10-2-12)
ZA-5	A copy of the completed Subdivision Standards Findings Checklist
ZA-6	A copy of the hearing notice published in The Burlington Free Press on 10-11-12
ZA-7	A copy of the ANR Natural Resource Atlas Maps (printed 10-23-12)
ZA-8	A copy of the tax map for RV137

- Chairperson Van Winkle began the meeting by explaining the procedure for the hearing, which comes under the 2012 Unified Land Use and Development Regulations and the 2002 Road Policy. He then swore in interested parties present and entered the above items into evidence.
- Justin Willis, Willis Design Associates, Inc., provided an overview of the project on behalf of Thomas and Roxanne Niles. Mr. Willis stated that the existing parcel is approximately 101 acres with an existing 4-bedroom home and the proposal is to create a ± 9.1 -acre lot with the existing house (Lot 1) and the remaining ± 92.4 acres would be undeveloped (Lot 2). Contours, wetlands, floodplains, water supplies, septic systems, replacement water supplies, replacement septic systems for the existing house are depicted on the plans.
- Board Member Penny Miller asked about missing items identified on the final hearing checklist. Mr. Willis responded that the missing items have been included on the site plan, and that he will add requested notes regarding open space areas for wetlands and that the parcel is in a designated source protection area.
- Mr. Willis stated that the Niles own the abutting land, but they do not wish to do a boundary adjustment with the Orchard Rd. property at this time. There are no plans at this time to develop the remaining land.
- Board Member Miller asked ZA/PA Papelbon whether the lot with the house needed a building envelope. ZA/PA Papelbon indicated that it was not necessary.
- Chairperson Van Winkle asked whether the DRB would become involved if someone purchased Lot 2 with intentions to build a house. ZA/PA Papelbon stated that she did not believe so because the DRB was not restricting it to a non-buildable lot. Discussion ensued as to whether there would be a requirement to go back to the DRB if a single-family dwelling was proposed in the future.
- Chairperson Van Winkle asked ZA/PA Papelbon if there were other items to be discussed besides the proposed conditions. ZA/PA Papelbon stated that there were not.
- Board Member Karen McKnight stated that when she was on the Planning Commission they began to require more complete details for subdivisions that were coming in and requesting subdivided lots year after year. She asked whether the DRB wanted to know such plans for Lot 2 in this case. Discussion ensued.
- Board Member Matt Chapek asked whether the Niles did not want to merge the two properties, to which Mr. Willis stated that they did not.
- Board Member Miller asked whether the DRB had to acknowledge in the decision that the existing driveway did not meet the side setback requirement. ZA/PA Papelbon stated that she only mentioned it as an observation and that she did not think anything was necessary because it is preexisting and there is

nothing that can be done other than requiring to be moved, which does not make sense.

- Board Member Chapek asked whether access to the land had to be declared or whether the frontage along River Road was the primary access. Chairperson Van Winkle stated that the property code would be OR043 and that an assumption was made that the access would be from Orchard Rd. ZA/PA Papelbon explained that the OR043 parcel code was given due to the fact that the Niles purchased the abutting property at OR043, which allows direct access. However, if the Niles wish to propose a new access that was not a logging access, the parcel code and process would depend where the proposed access would be.
- Board Member Chuck Brooks stated that a parcel code for Lot 2 was not on the site plan. Mr. Willis stated that it would be added as he just received the code.
- Board Member Chapek asked if Orchard Rd. was right on the property line. Mr. Willis stated that it is a private right-of-way that does not appear on the site plan as Surveyor Terry Harris did not include it on his plat.
- Chairperson Van Winkle asked if the access would be required off of Orchard Rd. with the parcel code assigned. ZA/PA Papelbon explained that she discussed the issue with Lister Pam Shover and Ed Moore, who creates the tax maps, and while she initially thought a separate code would be issued, they thought the land should contain the same parcel code as it would merge for tax purposes with the lot at 43 Orchard Rd. At such time a new access is proposed a new code would be issued. Chairperson Van Winkle asked what would happen if the Niles sold 43 Orchard Rd. ZA/PA Papelbon stated that a new code would be issued at the time they decide to sell.

6:54 PM: Chairperson Van Winkle asked if the Board felt they had enough information to make a decision. Board Member Towle stated that he would like to recuse himself due to a potential professional conflict concerning an outstanding right-of-way issue that may affect the Niles parcel.

6:57 PM: Chairperson Van Winkle asked if the Board felt they had enough information to make a decision. The Board indicated that they did. Chairperson Van Winkle asked whether the Board wished to deliberate in open or deliberative session. The Board indicated that they wished to deliberate in open session. Chairperson Van Winkle stated that the evidentiary portion of the hearing was closed.

Board Member Chuck Brooks made a motion, seconded by Board Member Matt Chapek, to approve the proposed subdivision as presented at the hearing with the proposed conditions. Board Member Karen McKnight asked if there were known rights-of-way on the property. Mr. Willis stated that there were not any identified on the plat, and the only right-of-way being proposed is for a water line. Chairperson Van Winkle called the vote. The motion was passed by all Board Members present (Will Towle was recused and did not cast a vote).

6:59 PM: End of hearing. Mr. Willis left at this point.

7:01 PM: Chairperson Charles Van Winkle called the Jacobs conditional use hearing to order at the Underhill Town Hall.

7:02 PM: The hearing was continued to December 3, 2012 at 6:30 PM. All interested parties were notified that the hearing would be continued.

The Board discussed a procedural issue, a letter to the Selectboard regarding a previous hearing, and upcoming schedules.

7:57 PM: End of meeting.

These minutes of the 10-29-12 meeting of the DRB were accepted

This 3 day of December, 2012.



Charles Van Winkle, Chairperson

These minutes are subject to correction by the Underhill Development Review Board. Changes, if any, will be recorded in the minutes of the meeting of the DRB.