

Town of Underhill
Development Review Board Minutes
Chairperson Charles Van Winkle

February 6, 2012

Board Members Present:

Chuck Brooks
Matt Chapek
Will Towle
Penny Miller, Vice/Acting Chairperson

Staff Present:

Kari Papelbon, Zoning & Planning Administrator

6:34 PM: Vice/Acting Chairperson Penny Miller called the Deane Squabetty Trust Conditional Use and Site Plan Review hearing to order at the Underhill Town Hall.

Applicant(s) Present:

Duncan McLane, Trustee (via phone)
Deane Squabetty Trust
2117 Granger Way
Lummi Island, WA 98262

Other(s) Present:

Peter Czaja, neighbor
Gunner McCain, consultant for next hearing
Dan Sweet, consultant for next hearing
Larry Plouffe and Nancy Devold, neighbors for next hearing

Identifier:	Contents:
ZA-1	Duncan McLane's Conditional Use Review Hearing Request (dated 11-30-11)
ZA-2	A copy of the Squabetty Trust Stream Stabilization Project plans prepared by Engineered Earth Systems (Sheets 1-15 dated 9-11-11)
ZA-3	A copy of the Conditional Use Review Standards Findings Checklist
ZA-4	A copy of the Site Plan Review Standards Findings Checklist
ZA-5	A copy of the letter from Army Corps of Engineers Chief Frank DelGiudice approving the project (dated 10-25-11)
ZA-6	A copy of the VT ANR Project Review Sheet (dated 11-9-11)
ZA-7	A copy of the email from VT ANR Stream Alteration Engineer Chris Brunelle approving the project (dated 11-10-11)
ZA-8	A copy of the waiver request letter (dated 11-16-11)
ZA-9	A copy of the letter to Mr. McLane from Engineered Earth Systems (dated 11-23-11)

ZA-10 A copy of the tax map for DE165
ZA-11 A copy of the hearing notice published in *Seven Days* on 1-11-12

S-1 The application binder submitted by Duncan McLane for the project

- Vice/Acting Chairperson Miller began the meeting by explaining the procedure for the conditional use and site plan review hearing, which comes under the 2011 Unified Land Use and Development Regulations. She then swore in all speakers entered items ZA-1 through ZA-11 and item S-1 into record.
- Duncan McLane, Trustee and Applicant, provided an overview of the proposed plan. The walls of the existing bridge on the property suffered structural failure and recommendations from the engineer included stream stabilization measures to mitigate future bridge failure. State and Army Corps of Engineers permits have been obtained.
- ZA/PA Papelbon spoke, stated that although Mr. McLane submitted a waiver request she did not believe it was applicable, and gave her recommendation for approval of the project with waivers of standards of Sections 5.4 and 5.3 not applicable to the application.
- Vice/Acting Chairperson Miller asked for public comment. No members of the public spoke.

6:41 PM: Vice/Acting Chairperson Miller asked if the Board had enough information to make a decision on the application. The Board indicated that they did. Vice/Acting Chairperson Miller stated that the evidentiary portion of the hearing was closed and asked whether the Board wished to discuss the application in open or deliberative session. The Board agreed to discuss the application in open session.

6:42 PM: Board Member Chuck Brooks made a motion, seconded by Board Member Will Towle, to approve the conditional use/site plan review application with the recommendations from the Zoning and Planning Administrator staff report. Board Member Matt Chapek asked what a thalweg was. ZA/PA Papelbon stated it was part of the stream. The motion was passed by all Board Members present.

Vice/Acting Chairperson Miller explained the procedure for the decision and closed the hearing.

6:44 PM: End of hearing. Peter Czaja left at this point. The Board discussed various items prior to the start of the second hearing.

7:00 PM: Vice/Acting Chairperson Penny Miller called the Brent Goplen 5-lot subdivision preliminary hearing to order at the Underhill Town Hall.

Consultant(s) Present:

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

Dan Sweet
Hunger Mountain Forestry, Inc.
P.O. Box 250
Waterbury, VT 05676

Others Present:

Richard and Andrea Phillips
211 River Rd.
Underhill, VT 05489

Larry Plouffe and Nancy Devold
7 Romar Dr.
Underhill, VT 05489

Kathryn Barickman
2 Lower English Settlement Rd.
Underhill, VT 05489

Identifier:	Contents:
ZA-1	A copy of Brent Goplen's Application for Subdivision: Preliminary (dated 12-13-11)
ZA-2	A copy of the completed Subdivision Checklist: Preliminary Hearing
ZA-3	A copy of the plans prepared by Gunner McCain of McCain Consulting, Inc. (Sheets S-1 (State) through S-6 and SW-1 through SW-2 dated 12-8-11)
ZA-4	A copy of the survey prepared by Keith Van Iderstine of McCain Consulting, Inc. (dated 12-13-11)
ZA-5	A copy of the letter dated 12-20-11 from Mr. McCain to ZA/PA Papelbon
ZA-6	A copy of the completed School Impact Questionnaire from Superintendent of Schools John R. Alberghini (dated 11-29-10)
ZA-7	A copy of the letter to VT ANR Permit Specialist Jeff McMahon (dated 12-9-11)
ZA-8	A copy of the VT ANR Environmental Interest Locator map depicting deer yards, wetlands, and prime agricultural soils (printed 12-8-11)
ZA-9	A copy of the VT ANR Environmental Interest Locator map depicting Source Protection Areas (Sheet 1 printed 3-29-11)
ZA-10	A copy of the VT ANR Environmental Interest Locator map depicting Source Protection Areas (Sheet 2 printed 3-29-11)
ZA-11	A copy of the VT ANR Well Locator map (printed 10-27-10)
ZA-12	A list of the nearby drilled wells (no date)
ZA-13	A copy of the 1988 Flood Insurance Rate Map for the parcel area

- ZA-14 A copy of the Goplen Subdivision – Deed & Home Owners Association Information (no date)
- ZA-15 A copy of the Existing General Forest Stand Descriptions and Harvest Recommendations (no date)
- ZA-16 A copy of the map depicting clearing and tree stands prepared by Hunger Mountain Forestry, Inc. for Brent Goplen (no date)
- ZA-17 A copy of the tax map for LE020
- ZA-18 A copy of the minutes from the 7-18-11 Sketch Plan meeting
- ZA-19 A copy of the letter to Brent Goplen from ZA/PA Kari Papelbon (dated 8-1-11)
- ZA-20 A copy of the hearing notice published in *Seven Days* on 11-12-12

- S-1 A copy of the letter from Underhill-Jericho Fire Department Duty Officer Harry Schoppmann (dated 2-6-12)
- S-2 A copy of the FEMA Digital Flood Insurance Rate Map (50007C0193D, effective July 18, 2011)
- S-3 A copy of the Vermont Agency of Natural Resources and Natural Resources Board Project Review Sheet (response date 12-19-11)

- Vice/Acting Chairperson Miller began the meeting by explaining the procedure for the preliminary hearing, which comes under the 2011 Unified Land Use and Development Regulations and the 2002 Road Policy. Vice/Acting Chairperson Miller asked for comments to be addressed to the Board and sidebar comments kept to a minimum. She then swore in all speakers entered items ZA-1 through ZA-20 and item S-1 through S-3 into record.

- Gunner McCain and Dan Sweet, Consultants for the Applicant, provided an overview of the project. Mr. Sweet discussed the proposed tree-cutting/clearing plan. He explained that the plan, according to best silvicultural practices, is to remove one-third of the trees identified in each of the identified stands (#1 – 17 acres and #2 - 4 acres), with poor quality trees prioritized for removal. Mr. McCain clarified that Mr. Sweet performed an inventory of the land, approached from a forest management/best practices standpoint, and determined that 1/3 of the trees would need to be removed even if no development were to occur. The trees that will be cut will be marked by a forester and cut by the developer. Mr. McCain also stated that the areas of 100% clearing would be cut by the developer to construct the road.

- Board Member Will Towle asked if the timber is worth anything. Mr. Sweet responded that some marginal value could be gained in Stand #2, poor quality white pine in Stand #1 has very little value. Board Member Towle asked what would happen if none of the trees on the parcel were removed. Mr. Sweet stated that the large white pine trees on the property would continue to fail, there could be some catastrophic failures, and it depends on weather events. Discussion ensued. Mr. Sweet stated that after the 30% cut the forested area would not look much different than it does now. Mr. McCain added that the intent of the “forest zone” is to

maintain a continuous forest cover. Discussion continued. When asked about runoff, Mr. Sweet stated that no significant impact to existing runoff would result from removal of the trees. Board Member Towle asked what aesthetic effect the 50% cut zones would have. Mr. McCain stated that the end-user of each lot will determine the cutting plan for the 90% cut zones based on where the house will be sited within the building envelope. Three-quarters of an acre will be cleared for a house site and another 3/4 acre will be thinned for views (per lot). Discussed continued.

- Board Member Towle asked Mr. Sweet to address how the 50% cut zones would look compared to the adjoining forest and what the effect would be on runoff. Mr. Sweet stated that the proposed clearing, barring pavement of the clearing and excepting the driveways, would not impact runoff significantly. Initially, the land will look like a heavily-cut/patch-cut forest; over time, the cut areas will fill in. Whether the buildings will be seen depends upon the location and species of trees to be retained.
- Board Member Towle asked how the proposed cutting plan would be regulated. Mr. Sweet stated that oversight would be required with measurements before, during, and after any treatment. Mr. McCain stated that a condition was proposed in his letter regarding the cutting plan and issuance of building permits.
- Vice/Acting Chairperson Miller provided her personal experience with forest management on her property.
- Vice/Acting Chairperson Miller asked for public questions for Mr. Sweet.
- Richard Phillips, 211 River Road, stated that older trees are not protected and subject to blow-down once cutting occurs, he has a concern for water runoff and off-site trees would be affected.
- Andrea Phillips, 211 River Road, asked whether the entire lot would be thinned. Mr. Sweet stated that such was correct. She then stated her concern for blow-downs close to her property line as there are similar trees on her adjoining property that she wants to preserve. Vice/Acting Chair Miller clarified that the previous proposal included a buffer. Mr. McCain added that such was not included in the current plan. Mrs. Phillips requested a buffer area where trees would be untouched, similar to the former plans.
- Board Member Towle asked the Phillips whether their concerns were more for aesthetics or the health of the forest area. Mr. Phillips responded that both were concerns. Discussion ensued. Board Member Towle asked what would be safer to address the blow-down concerns – leaving the forest in tact or the 1/3 thinning proposed. Mr. Sweet replied to encourage the long-term health of the property, he recommends the 1/3 cutting plan. He added that a few blow-downs would probably occur initially after thinning, but the stand will stabilize and blow-downs should not occur long-term. Vice/Acting Chair Miller clarified her experience with blow-downs.

Discussion continued. Mr. Sweet stated the higher ridge to the south acts as a natural buffer from southerly wind, and thinning trees on the Goplen property to retain a minimum of 60% stocking in well-spaced trees without large holes should result in maintained stand stability.

- Board Member Towle asked whether the first 1/3 of the land would be thinned immediately regardless of whether the lots are sold. Mr. McCain and Mr. Sweet explained that the developer, Mr. Goplen, would do the 1/3 tree cutting as per the proposed plan as well as build the development road. It was stated that the land is mostly sandy, well-drained soils that allow for infiltration. There are also stormwater plans, to be permitted by the State under their stormwater program, which requires no adverse impact due to the development.
- Larry Plouffe, 7 Romar Drive, stated that water currently pools by the barn on the proposed Lot 1. He stated that his concerns were for runoff affecting his property along the hand-dug trench, and asked how long the land would be left without trees.
- Mr. Sweet stated that removing trees will not affect runoff and that runoff would be addressed by the proposed stormwater plan. Vice/Acting Chair Miller asked if no trees were cut and the development went through, would there be more or less runoff. Mr. Sweet stated removing the trees would remove less water from the soil, but there might be a slight, but not significant, increase in runoff with removing the trees. A definite increase would be seen if the land were clear cut.
- Board Member Towle asked how important it is to clear the entire 1/3 of the trees from the site. Mr. Sweet responded that the health of the forest would be compromised by not cutting one-third of the trees. Mr. McCain stated that a buffer would be a preferable condition over a prohibition of cutting outside of the proposed 50% and 90% cut areas and some language that would allow end-users to remove hazard and blow-down trees.
- A discussion of the road from the Montgomery subdivision ensued. Mr. Sweet left at this point.
- Mr. Plouffe expressed his concern for the drainage from the proposed road, the existing runoff issues in the area, and the affect of both on the existing farm ditch behind his property on Romar Drive.
- A brief discussion of previous comments regarding existing drainage concerns ensued. Mr. McCain stated that his conversations with Road Foreman Rod Fuller revealed that a drainage problem exists but that Mr. Fuller did not feel the project would have an adverse impact on the existing issues. Mr. McCain acknowledged that water does pond at a low point in the field, and stated that the stormwater management plan would address runoff issues and a new culvert would be installed at the intersection

of the proposed road, at the current driveway, and Lower English Settlement Road. Discussion ensued.

- Mr. Plouffe asked about the impact of the proposed culvert on the existing drainage ditch behind Romar Drive and maintenance responsibility for the culvert. The Board stated that the discussion was not for the culvert across Lower English Settlement Road, but for the existing driveway culvert. Mr. Plouffe reiterated his concern as the water nearly ran over the road during the flooding last summer.
- Vice/Acting Chair Miller asked Mr. McCain to address the culvert issue. Mr. McCain stated that the culver under Lower English Settlement Road would not be changed, but the existing driveway culvert will be changed for the development road access. The direction of flow through the curb cut culvert is toward River Road, and the proposed road is designed to direct runoff to the south side except for a small section where the water will be directed into a stormwater pond. Mr. McCain continued, stating that stormwater facilities are designed to handle a 25-year storm. Post-development will not affect the impact of storms from the pre-development condition.
- Vice/Acting Chairperson Miller asked when the stormwater pond would be installed. Mr. McCain stated that it would be installed shortly after the impervious surface is created, but it could be built prior to any new impervious surface from the creation of the development road if required by the Board.
- Mr. McCain continued to provide a summary of the changes to the project: building envelopes are smaller, the road has changed significantly, and the building envelope on Lot 2 will be revised to comply with setbacks. A discussion of front lot lines ensued. Mr. McCain stated that the road is only about 50 feet to Station 1+00, beyond which it serves 3 lots and is a shared driveway. Discussion of required submissions according to the ZA/PA staff report, front lot lines, frontage, roads vs. driveways, and slope ensued. Mr. McCain stated that approximately 800 feet of the road would be at 12% grade. No significant changes to the stormwater runoff have occurred as a result of the changes to the road. State permits will be obtained for the stormwater runoff and erosion control infrastructure.
- Board Member Towle asked Mr. McCain to address the runoff concerns of the neighbors. Mr. McCain stated that the existing condition is that there is a hydraulic divide (water will run both north and south) at the existing driveway, culverts are proposed to direct runoff to the stormwater pond, the land is mostly sand, and that the post-development effect would not be noticeable to the adjoining properties as a requirement of the State.
- Vice/Acting Chairperson Miller asked for input on obtaining information about the existing drainage conditions on Lower English Settlement Rd. Discussion ensued.

- Vice/Acting Chairperson Miller asked if there were further questions or comments.
- Mrs. Phillips asked if there was enough water to supply the subdivision. Board Member Towle stated that available water is one criteria reviewed by the Board, local well yield logs are presented with an application, and that generally in Vermont water can be found if a well is drilled deep enough. If the Board feels that the proposal will adversely affect the nearby wells they may not approve the application.
- Discussion continued regarding obtaining Road Foreman testimony about the existing drainage conditions.

8:52 PM: Board Member Chuck Brooks made a motion, seconded by Board Member Matt Chapek, to continue the hearing to February 16, 2012 at 6:30 PM to obtain information from the Road Foreman. Vice/Acting Chairperson Miller asked if there were comments. There were only comments regarding process. Board Member Will Towle voted against, Board Members Chuck Brooks, Matt Chapek, and Penny Miller voted in favor.

8:52 PM: End of meeting.

These minutes of the 2-6-12 meeting of the DRB were accepted

This 27 day of February, 2012.

Penny M. Miller
Penny Miller, Vice 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.