Town of Underhill

Development Review Board Minutes
Chairperson Charles Van Winkle

March 19, 2012

6:00 PM: Site Visit at [redacted] Cilley Hill Road [redacted] for the Morton Final Subdivision Hearing.

Board Members Present:

Chuck Brooks
Penny Miller
Matt Chapek
Will Towle
Charles Van Winkle, Chair

Staff Present:

Kari Papelbon, Zoning & Planning Administrator

Also Present:

Brad Holden and Justin Willis, Consultants for William and Elaine Morton; William Morton, Applicant; Terry Steiner, Llanda Richardson, and Judy Bond, neighbors.

The Underhill Development Review Board does not take testimony during a site visit. The purpose of the visit is to afford the Board Members and interested parties the opportunity to familiarize themselves with the existing conditions of the project site. Any discussion, comments or communication made during the site visit is not considered as testimony and is therefore not part of the official record or evidence submitted for consideration.

At the conclusion of the site visit the DRB traveled back to the Underhill Town Hall for the hearing.

Board Members Present:

Chuck Brooks
Penny Miller
Matt Chapek
Will Towle
Charles Van Winkle, Chair

Staff Present:

Kari Papelbon, Zoning & Planning Administrator

6:31 PM: Chairperson Charles Van Winkle called the continued Goplen subdivision hearing to order at the Underhill Town Hall.

Applicant(s) Present:

William Morton
P.O. Box 115
Underhill, VT 05489

Consultant(s) Present:

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

Brad Holden
60 Covey Road
Underhill, VT 05489

Others Present:

Terry Steiner
Llanda Richardson
P.O. Box 251 (CH451)
Underhill, VT 05489

Identifier:	Contents:
ZA-1	William and Elaine Morton's Application for Subdivision: Final (dated 2-2-12)
ZA-2	A copy of the completed Subdivision Checklist: Final
ZA-3	A copy of the plans prepared by Justin Willis of Willis Design Associates, Inc. (Sheets S1 and D1 dated 2-16-12)
ZA-4	A copy of the driveway design prepared by Civil Engineering Associates, Inc. (Sheets C1.0, C2.0, and C2.1 dated Jan. 2012)
ZA-5	A copy of the survey prepared by Brad Holden (dated Feb. 2012)
ZA-6	A copy of the email from Alan Quackenbush, State Wetlands Office (dated 10-11-11)
ZA-7	A copy of the letter from Justin Willis of Willis Design Associates, Inc. to Todd Fischer of the Underhill Jericho Fire Department (dated 2-6-12)
ZA-8	A copy of the letter from John Alberghini of Chittenden East Supervisory Union (dated 2-8-12)
ZA-9	A copy of the VT Project Review Sheet (dated 3-5-12)
ZA-10	A copy of the completed Subdivision Standards Findings Checklist
ZA-11	A copy of the minutes from the 12-5-11 Sketch Plan Review Meeting
ZA-12	A copy of the tax map fo[redacted]
ZA-13	A copy of the hearing notice (published in *Seven Days* on 2-29-12)
ZA-14	A copy of the procedure checklist and staff memo for this hearing
S-1	A copy of the letter from Harry Schoppmann of the Underhill-Jericho Fire Department (dated 3-19-12)

- Chairperson Van Winkle began the meeting by explaining the procedure for the final hearing, which comes under the 2011 Unified Land Use and Development Regulations and the 2002 Road Policy. He then swore in all interested parties and entered the above items into record.

- Justin Willis and Brad Holden, Consultants for the Applicants, provided a brief summary of the project. Mr. Willis explained that the land was actually in two pieces, but there was not a recorded survey showing such. The 21-acre piece of land is being treated as one piece to be resubdivided or reconfigured. Updates to the plans were made based on comments from the sketch plan review meeting. Lot 2 has been modified to comply with minimum frontage requirements, which necessitated the "dog-leg" for Lot 1. A replacement septic area has been identified for Lot 1, which contains an existing duplex. Driveway plans have also been submitted. The curb cut has been approved by the Selectboard.

- Board Member Chuck Brooks asked why the driveway could not be shared. Mr. Willis stated that the existing driveway slope could not be brought into compliance with the current regulations. Mr. Holden added that the presence of wetlands on the property also contributed to the driveway issues.

- Chairperson Van Winkle asked whether there were any comments regarding the Fire Department letter, which requires a driveway to remain at a maximum of 10% grade. Mr. Willis stated that he respects the Fire Department concerns but states that it is a conflict even in Jericho. A brief discussion ensued. The proposed driveway does not exceed 12% grade.

- Chairperson Van Winkle asked what the yield is for the existing drilled well on Lot 1. Mr. Willis stated that it was in the 20-30 gallons per minute range, and added that yields in the area are good.

- Board Member Penny Miller asked about sight lines. Mr. Holden stated that there is a hump and trees that need to be cleared on the proposed Lot 2 for sight distances. ZA/PA Papelbon read the Road Foreman's comments on the Access Permit application. A brief discussion of the driveway ensued.

- ZA/PA Papelbon asked for clarification of the comment regarding the bank on Lot 2. She asked if there was a stone wall, to which Mr. Holden stated there was and that it was the right-of-way boundary for Cilley Hill Road. ZA/PA Papelbon stated that missing items - parcel codes and open space for the wetlands – are recommended to be included on the plans as conditions of approval. She added that she recommends waiving standards in Article VIII determined to be not applicable to the application.

- Chairperson Van Winkle asked for public comment.

- Terry Steiner and Llanda Richardson, 451 Cilley Hill (mailing address above), stated that their understanding of the replacement disposal area that encroaches on their land is advisory until installed. Chairperson Van Winkle explained that the State has permitting jurisdiction and that the septic shield would prevent the installation of a well in that area. Mr. Steiner asked whether another public review process would occur prior to installation of the replacement field. The process was further explained. Ms. Richardson asked whether a well could be installed before the septic system would be installed. Mr. Willis explained that according to the State it is on a "first come, first served" basis and that a well would have to be installed very quickly. Further discussion ensued.

- Board Member Miller asked for setbacks on future site plans. Discussion ensued.

- Chairperson Van Winkle provided a summary from the checklist.

- ZA/PA Papelbon provided her comments on the completed checklists. She recommended waiving standards considered not applicable. Discussion ensued.

- Ms. Richardson stated that she was confused about whether multifamily dwellings in the zoning district. Chairperson Van Winkle and ZA/PA Papelbon stated that duplexes are allowed in the district.

7:27 PM: Chairperson Van Winkle asked if the Board felt they had enough information to make a decision on the application. The Board indicated that they did.

7:28 PM: Chairperson Van Winkle asked if the Board wished to deliberate in open or closed session. The Board indicated that they would like 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 of the final application with conditions and waivers as discussed. The motion was passed by all Board Members present.

7:30 PM: End of hearing. Mr. Morton, Mr. Steiner, and Ms. Richardson left.

7:43 PM: Chairperson Charles Van Winkle called the Kusserow/Lewis final planned residential development and boundary line adjustment hearing to order.

Applicant(s) Present:

Suzanne Kusserow
P.O. Box 115
Underhill, VT 05489

Consultant(s) Present:

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

Brad Holden
60 Covey Road
Underhill, VT 05489

Others Present:

Tom Fetters
49 Beartown Rd.
Underhill, VT 05489

Identifier:	Contents:
ZA-1	Suzanne Kusserow's and William Lewis' Application for Subdivision: Final (dated 1-24-12)
ZA-2	A copy of the completed Subdivision Checklist: Final
ZA-3	A copy of the plans prepared by Justin Willis of Willis Design Associates, Inc. (Sheets S-1, D1, and D2 dated 2-10-12)
ZA-4	A copy of the road plans prepared by Civil Engineering Associates, Inc. (Sheets C1.0, C2.0, and C2.1 dated Feb. 2012)
ZA-5	A copy of the survey prepared by Brad Holden (dated Feb. 2012)
ZA-6	A copy of the waiver request list
ZA-7	A copy of the Sample Warranty Deed
ZA-8	A copy of the Sample Road Maintenance Agreement
ZA-9	A copy of the letter from Justin Willis with responses to the Evaluation Considerations (dated 2-10-12)
ZA-10	A copy of Preliminary Decision (dated 9-11-11)
ZA-11	A copy of the minutes from the 9-11-11 Preliminary Hearing
ZA-12	A copy of the hearing notice (published in *Seven Days* on 2-29-12)
ZA-13	A copy of the procedure checklist and staff memo for this hearing
S-1	A copy of the email from Brigid Scheffert (dated March 18, 2012)
S-2	A copy of the driveway design prepared by Civil Engineering Associates, Inc. (Sheets C1.0, C2.0, and C2.1 dated Feb. 2012)
S-3	A copy of the subdivision survey by Walter L. Urie for Suzanne Kusserow showing the Fetters lot (Sheet 1 of 3 revised February 2001)

- Chairperson Van Winkle began the meeting by explaining the procedure for the final hearing, which comes under the 2011 Unified Land Use and Development Regulations and the 2002 Road Policy. He then swore in all interested parties and entered the above items into record.

- Justin Willis, Consultant for the Applicants, provided a summary to date of the plans. Approximately 0.33 acres will be joined with the existing Lewis lot through a boundary line adjustment for better sight distance for that driveway. A conventional subdivision layout has been prepared to demonstrate that the subdivision could meet the density. Additional open space (1.3 acres) has been added to Lot 1 next to the proposed road to further justify the building envelope setbacks proposed on Lot 3. The building envelope on Lot 2 has been revised to meet minimum setbacks. An updated waiver request has been submitted.

- Discussion of the waivers and potential reconfigurations of the Lot 3 building envelope ensued.

- Sue Kusserow, Applicant, stated that there would be deed restrictions on each of the lots. Discussion of the setbacks continued.

- Board Member Chuck Brooks asked if there was a minimum building envelope size that is considered feasible. A brief discussion ensued, but no decision was made. The current envelope is approximately 50'-70' in depth, but there is not a set size for a building envelope. Discussion continued.

- Mr. Holden provided a survey showing the adjoining Fetters lot to aid conversations regarding the Lot 3 building envelope setback discussion. The house site is situated in the middle of the lot, which is approximately 150-160 feet to the side lot line. Ms. Kusserow suggested a compromise setback of 40 feet to the shared lot line with the Fetters lot.

- Board Member Chuck Brooks asked about the note on the Site Plan Sheet S-1 which refers to the northeast corner of open space area subject to a state permit. Mr. Willis stated that he found an old environmental permit (deferral) that he noted for state permitting requirements.

- ZA/PA Papelbon provided her comments on the application: the road name and parcel codes are missing. The road name Acer Ridge (AR) has been approved by the Selectboard. The road name and parcel codes will be required on the final plans. She added that language prohibiting future subdivision of the lots shall appear in deeds per the regulations, and stated that no Project Review Sheet from the State had been received. Mr. Willis stated that a log in sheet from the State had been received, but Project Review Sheets were slow.

- Ms. Kusserow stated that the right-of-way over Lot 3 would only be used by the Kusserow/Lair lot for access to the existing house. A separate right-of-way to access the pond lot exists elsewhere. A discussion of the right-of-way ensued.

- ZA/PA Papelbon stated that her recommendation is to recognize that some of the subdivision/PRD standards are out of date. She asked if the waiver requests would be updated to include a waiver of the bonding requirement. Mr. Holden stated that they would. ZA/PA Papelbon recommended approval for the boundary line adjustment. Mr. Holden stated that the adjustment was to improve the Lewis lot for sight distance purposes.

- Thomas Fetters, 49 Beartown Rd., stated that he assumed the proposed development would not affect permits on his existing lot. It was stated that his assumption was correct. Mr. Fetters asked if the right-of-way near Beartown Road was affected by the mound shield. Mr. Willis stated that a well could not be located in that area.

- Board Member Towle asked Mr. Fetters if he had any concerns for locating the building envelope on Lot 3 closer than 50 feet to the shared property line. Mr. Fetters stated that he preferred the setback to be maintained, but that he does not have strong feelings about such and that he does not feel that an adjustment to the property line would have a negative impact.

- Ms. Kusserow stated that there would be a tree cutting restriction in the deeds. A brief discussion of deed restrictions ensued. Ms. Kusserow also provided an explanation of the existing 60-foot right-of-way near the Fetters lot.

- Board Member Matt Chapek asked whether the front lot line on Lot 3 would be Beartown Road. Discussion ensued, including revising the proposed setbacks on Lot 3 to 40 feet.

- Chairperson Van Winkle stated that a revised proposal for a 40' setback from the shared property line with the Fetters lot and a request to waive the bonding requirement have been submitted. Mr. Holden and Mr. Willis clarified that request is for the building envelope to be 40' from the right-of-way and 40' from the shared lot line with Fetters.

- ZA/PA Papelbon provided her comments on the PRD and subdivision requirements. The prohibition of future subdivision of the parcels will be required in the deeds. Parcel codes and the road name will be on the final plans as a condition of approval. Monument requirements are out of date and ZA/PA Papelbon recommended recognizing such and approving the survey markers noted on the survey. She added that the Selectboard would be reviewing the road and driveways, but the DRB would make recommendations for their approval.

- Mr. Holden asked if Beartown Road is considered the front yard. Discussion ensued. Chairperson Van Winkle recommended keeping the language in the written request the same, just switch the numbers.

8:43 PM: Chairperson Van Winkle asked if the Board felt they had enough information to close the evidentiary portion of the hearing. The Board indicated that they did. Chairperson Van Winkle asked if the Board wished to deliberate in open or closed session. Board Member Chuck Brooks made a motion, seconded by Board Member Penny Miller, to deliberate in closed session. The motion was passed by all Board Members present.

Mr. Holden, Mr. Willis, Ms. Kusserow, and Mr. Fetters left.

9:34 PM: The Board by unanimous decision moved into open session. End of meeting.

These minutes of the 3-19-12 meeting of the DRB were accepted

This 16 day of april, 2012.

Charles Van Winkle

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.