

Town of Underhill
Development Review Board Minutes
Chairperson Charles Van Winkle

April 16, 2012

Board Members Present:

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

Staff/Municipal Representatives Present:

Kari Papelbon, Zoning & Planning Administrator

6:34 PM: Chairperson Charles Van Winkle called the Rainville/McKegney 2-lot subdivision sketch plan meeting to order at the Underhill Town Hall.

Applicant(s) Present:

Michael Rainville
Kevin McKegney
(8 Dumas Rd.)
80 Cemetery Rd.
Jericho, VT 05465

Consultant(s) Present:

Chris Haggerty
Button Professional Land Surveyors, PC
20 Kimball Avenue, Suite 203 North
South Burlington, VT 05403

Others Present:

Patricia Gray
10 Dumas Rd.
Underhill, VT 05489

John and Michelle Kapusta
6 Dumas Rd.
Underhill, VT 05489

Identifier: Contents:

ZA-1	Michael and Holly Rainville's and Kevin McKegney's Application for Subdivision: Sketch Plan (dated 11-10-11)
ZA-2	A copy of the completed Subdivision Checklist: Sketch Plan
ZA-3	A copy of the site plan (dated 1-23-12)
ZA-4	A copy of the letter from the Applicants (dated 2-15-12)
ZA-5	A copy of the tax map for DM008

- Chairperson Van Winkle began the meeting by explaining the procedure for the sketch plan meeting, which comes under the 2012 Unified Land Use and Development Regulations and the 2002 Road Policy.
- Michael Rainville and Kevin McKegney, Applicants, and Chris Button, Consultant for the Applicants, provided a brief summary of the project. The proposal is to divide 8 Dumas Road into two complying 1-acre lots with a shared driveway and shared septic system. Percolation tests on the property were conducted in the fall of 2011. A preliminary survey of the property indicates that the property will have 2.01 acres as measured to the most restrictive description (to the Dumas Road right-of-way). Each lot is proposed to have 150 feet of road frontage along Dumas Road and no variance requests are anticipated.
- Patricia Gray, 10 Dumas Road, asked whether the driveway by the existing barn would be used for access, to which the Applicants responded it would not. Chairperson Van Winkle explained the order of speakers procedure for the meeting.
- The Applicants provided further details of the proposal, including the Jericho-Underhill Water District's preliminary determination of their ability to provide water service to the lots. A discussion of the easement for the water line ensued. Chairperson Van Winkle stated it was the Applicants' responsibility to secure easements.
- A discussion of the septic system, proposed as a conventional shared system with individual mound and at-grade replacement areas, ensued. The Applicants and their Consultant stated that there is an area of floodplain on the back corner of the property, and that the triangular area of land between VT Rte. 15 and Dumas Road has been determined to be owned by the Applicants.

- ZA/PA Papelbon provided her comments on the application. She asked why the existing access to the barn could not be used for shared access to the lots. It was explained that the access would have to cut across the lot.
- Board Member Chuck Brooks asked whether the existing driveway for the existing house would be discontinued. Mr. Rainville stated that the driveway is more of a walkway to the house.
- Ms. Gray asked about the garage and stated her concerns for the existing flood light.
- Board Member Penny Miller asked whether the cut-off would be used to access VT Rte. 15. It was stated that the cut-off would be used. Ms. Gray asked whether the proposed driveway would block that access, to which it was replied that the driveway would not block access.
- Board Member Miller asked whether the area was plowed.
- Ms. Gray stated her concerns for runoff for the brook, which had flooded in 1998 and emptied by the existing barn through the current field. She then asked whether there would be any work done on the brook to prevent flooding. It was stated that there were no plans for work in the brook and that the understanding was that a culvert had plugged but was replaced by a larger culvert. Ms. Gray asked whether a fence would be erected between the proposed new lot and her property. The Applicants stated that they would plant shrubbery.
- Board Member Will Towle asked for clarifications on the property lines, the right-of-way, and distance calls on the preliminary survey. Mr. Haggerty provided the information.
- Ms. Gray asked for clarification on the location of the water line.
- John Kapusta, 6 Dumas Rd., asked whether there would be single-family houses or duplexes on the lots. Chairperson Van Winkle provided an explanation of the allowed uses in the zoning district.
- Board Member Towle asked for additional clarification on the lot lines. Discussion ensued.
- Chairperson Van Winkle provided a summary of the proposal and asked for additional questions.

- Board Member Matt Chapek asked what the setback requirements to the floodplain were. ZA/PA Papelbon explained that there were no setback requirements, but that the boundaries on the effective Digital Flood Insurance Rate Maps had a margin of error of +/-30 feet.
- Ms. Gray asked whether there was a grandfather clause for her leachfield.
- Mr. Rainville requested a waiver of the preliminary hearing requirement.
- Members of the Planning Commission arrived for the joint work session meeting with the DRB.

7:10 PM: Chairperson Van Winkle asked if the Board felt they had enough information to make a decision on the sketch plan application. The Board indicated that they did and determined that the proposal qualified as a minor subdivision. Board Members Will Towle and Chuck Brooks expressed concern for waiving the preliminary hearing requirement.

7:11 PM: Board Member Chuck Brooks made a motion, seconded by Board Member Will Towle, to waive the preliminary hearing requirement. There were no votes in favor; all Board Members present voted against. Motion failed.

Chairperson Van Winkle asked if the Board wished to discuss the application in open or closed session. The Board indicated that they preferred an open session. Board Member Will Towle explained that there is a potential for three curb cuts and driveways and stated that a shared driveway may be a requirement. Board Member Chuck Brooks stated that he wished to see utilities, water lines, and the floodplain location on the preliminary plans. Chairperson Charles Van Winkle made a motion, seconded by Board Member Chuck Brooks, to accept the sketch plan application with the recommendations as discussed. The motion was passed by all Board Members present.

7:20 PM: End of sketch plan meeting. All Applicants, consultants, and interested parties left at this point.

The Board quickly discussed nominations for officers.

7:23 PM: The Board voted unanimously to elect Charles Van Winkle as Chair, Penny Miller as Vice Chair, and Matt Chapek as Clerk for another year.

Joint work session meeting with the Underhill Planning Commission began.

Planning Commission Members Present:

Cynthia Seybolt

Irene Linde

Jerry Adams

David Edson

- Introductions were made. Planning Commission Member Cynthia Seybolt briefed the DRB on the redistricting study/project for which a Municipal Planning Grant had been awarded.
- DRB Member Chuck Brooks stated that there is a problem with zoning districts cutting across properties.
- Planning Commission Member David Edson asked the DRB what issues they had found with the regulations. DRB Chair Charlie Van Winkle stated that the regulations “reach deeper” and that there is a continuing need for public education on the new requirements.
- Frontage, including current requirements applied to example applications and intent, was discussed at length.
- DRB Chair Van Winkle asked about the redistricting project. PC Member Seybolt, ZA/PA Papelbon, and PC Member Irene Linde provided details.
- DRB Member Brooks asked whether the PC was considering sidewalks, to which it was stated that they were.
- PC Member Seybolt asked the DRB whether they were comfortable with the increased density allowed and encouraged in the Underhill Flats Village Center district. The DRB indicated that they were provided that all requirements for septic, water, etc. were met. It was stated that there might be an issue with parking requirements.
- DRB Member Peter Seybolt stated his preference to make it easier for commercial operations to be conducted as home-based businesses. Discussion ensued, including the possibility of creating a waiver provision.

8:30 PM: Joint meeting ended. All PC Members left at this point.

The DRB signed minutes and discussed their upcoming schedule.

9:00 PM: End of meeting.

These minutes of the 4-16-12 meeting of the DRB were accepted

This 1st day of May, 2012.

A handwritten signature in cursive script, reading "Charles Van Winkle", is written above a horizontal line.

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.