

**Town of Underhill  
Development Review Board Minutes  
December 1, 2014**

**Board Members Present:**

Charles Van Winkle  
Will Towle  
Karen McKnight  
Penny Miller  
Jim Gilmartin  
Mark Hamelin

**Staff/ Municipal Representatives Present:**

Sarah McShane, PZA

**Others Present:**

Warren Palmer (Applicant- 1<sup>st</sup> hearing)  
Courtney Palmer (122 Skunk Hollow, Jericho, 1<sup>st</sup> hearing)  
Louis Lawton (Resident, 13 Warner Creek Rd., 1<sup>st</sup> hearing)  
Bill West (Resident, 24 Sawmill Lane, Westford, 1<sup>st</sup> hearing)  
Katie Robinson (Resident, 24 Sawmill Lane, Westford, 1<sup>st</sup> hearing)  
Arnold Baizley (Applicant- 623 Pleasant Valley Road, 2<sup>nd</sup> hearing)  
Paula Baizley (Applicant- 623 Pleasant Valley Road, 2<sup>nd</sup> hearing)

**6:30 PM- 12/1/2014 DRB Public Hearing**

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- DRB members convened at Town Hall at 6:30 PM. Chair Van Winkle called the meeting to order at 6:30 PM.
- Chair Van Winkle asked for public comment. There were no public comments.

**6:30 PM- Subdivision Amendment (DRB 14-15) W.Palmer, 21 Warner Creek**

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- Chair Van Winkle began the hearing by explaining the procedure for Subdivision Review and the definition of interested party. He stated that the Applicant, Warren Palmer, is before the board for approval to revise the location of the building envelope and re-subdivide Lot 2 of the Isabel Baslow subdivision at 21 Warner Creek Road.
- Chair Van Winkle swore in hearing participants and exhibits and asked if any board members had a conflict of interest or ex parte communications. There were no conflict of interest or ex parte communications. PZA Sarah McShane added a copy of the *Declaration of Covenants, Conditions, Agreements, Easements, and Restrictions for Warner Creek* to the list of exhibits and provided a copy to Board members.
- Applicant Warren Palmer provided a brief overview of the application. He stated that he is requesting approval to revise the building envelope on Lot 2 and to re-subdivide Lot 2 to include 10.7 acres of common-land. He explained that the common-land would include Warner Creek Rd. and would be owned by the Home Owners Association. He also stated that it was probably an oversight that Lot 2 was approved in the current configuration.
- Board members reviewed the provided plans.
- PZA Sarah McShane reviewed her notes. She stated that the wetlands indicated on the plans do not specify whether or not they are Class 1, 2, or 3. She stated that they are not on the State

Wetlands Inventory and are likely a Class 3. If they are Class 3, the wetland buffer is 25 ft. The Applicant stated that the State Wetlands Officer is scheduled to visit the site later in the week.

- Applicant Warren Palmer stated that it is often seen as desirable to have sensitive areas held in common rather than in private ownership.
- Chair Van Winkle asked for public comment.
- Louis Lawton (Resident- 13 Warner Creek) stated that he was concerned that construction vehicles were crushing the culvert on Warner Creek. He stated that the culvert is close to the Rt. 15 intersection.
- Applicant Warren Palmer stated that there is a 5' galvanized steel culvert on Warner Creek Road that has a shallow amount of top material. He stated that the culvert is in likely need of maintenance.
- Board member Will Towle asked if the Home Owners Association had been created. Applicant Warren Palmer provided a copy of the *Declaration of Covenants, Conditions, Agreements, Easements, and Restrictions for Warner Creek*. Board members reviewed the document. Board member Will Towle pointed out that portions needed to be updated to reflect this particular subdivision.
- Chair Van Winkle stated that a Roadway Agreement and Home Owners Association was referenced and required in the previous DRB decision.
- Chair Van Winkle asked for additional public testimony and if the Board had enough information to make a decision.
- Discussion continued. Board members discussed whether or not they needed a site visit. Majority of Board members agreed they did not need a site visit.
- Board members reviewed the zoning district map and agreed that it appeared that more than ½ of the lot was in the Rural Residential zoning district. Applicant Warren Palmer provided testimony that more than 3 acres was in the Rural Residential zoning district.
- Board member Will Towle made a motion, seconded by Penny Miller, to close the evidentiary portion of the hearing and discuss the application in closed session. The motion passed by all Board members present.
- The evidentiary portion of the hearing closed at 7:35 PM. Chair Van Winkle stated that the Board will issue a decision within 45 days.
- The Applicant departed at 7:40 PM.

#### **7:40 PM- Preliminary Subdivision Review (DRB 14-04) Baizley- 623 Pleasant Valley Road**

- Chair Van Winkle began the hearing by explaining the procedure for Preliminary Subdivision Review and the definition of interested party. He stated that the Applicants, Arnold & Paula Baizley, are before the board for preliminary approval of a 2 Lot subdivision on property located at 623 Pleasant Valley Road.
- Chair Van Winkle swore in hearing participants and exhibits and asked if any board members had a conflict of interest or ex parte communications. There were no conflict of interest or ex parte communications. PZA Sarah McShane provided a copy of an updated draft deed to be included as part of the public record.
- Applicant Arnold Baizley provided an overview of the application. He stated that the property is in a Farmland Trust easement and they are only allowed to subdivide one additional lot. He stated that they are proposing to use the existing driveway off from Pleasant Valley Road.
- Board members discussed frontage. Board member Will Towle stated that he felt the frontage was obtained from Pleasant Valley Road and that a waiver should not be required.

- Board members discussed improvements to the driveway. PZA Sarah McShane stated that portions of the existing driveway are within the mapped floodplain (Special Flood Hazard Area). She stated that unless specifically exempted, any development within this area would likely need to be reviewed by the State Floodplain Coordinator and meet the Town's Flood Hazard Regulations. She recommended that the required driveway pull-offs be located outside of the mapped floodplain.
- Board members discussed whether or not to schedule a site visit prior to the next hearing. Majority of board members felt they did not need a site visit. The Applicants stated that if Board members would like to visit the property, they could do so on their own. Board members Karen McKnight and Penny Miller stated that they would like to visit the property.
- Chair Van Winkle asked if Board members had enough information to make a decision.
- Board member Karen McKnight made a motion, seconded by Penny Miller, to close the evidentiary portion of the hearing and discuss the application in open session. The motion passed by all Board members present.
- Chair Van Winkle reviewed the items required prior to scheduling the Final Subdivision Review; an approved Access Permit from the Selectboard, a copy of the waste water permit or application for permit, and updated plans which include the required pull-offs. The PZA will solicit input from the Fire Department and Conservation Commission.
- At 8:30 PM Board member Will Towle made a motion, seconded by Karen McKnight, to approve the application for Preliminary Subdivision Review. The motion passed by all Board members present. The Board will issue a written decision within 45 days.

#### **8:35 PM- Old Business**

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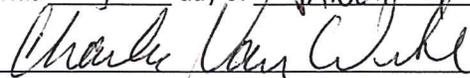
- Board members reviewed the minutes from 11/17/2014. Board member Penny Miller made a motion, seconded by Jim Gilmartin to approve the DRB minutes from 11/17/14 as submitted. The motion passed by all Board members present.
- At 8:40 PM Board member Will Towle made a motion, seconded by Penny Miller, to enter executive session to discuss DRB 14-15 (Palmer- Subdivision Amendment). The motion passed by all Board members present.

Meeting adjourned at 9:45 PM.

Submitted by:  
Sarah McShane, PZA

These minutes of the 12-1-2014 meeting of the DRB were accepted

This 5 day of January, 2015.



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.*

