

Town of Underhill
Development Review Board Minutes
Chairperson Charles Van Winkle

October 22 & 24, 2011

October 22, 2011

8:45 AM – 9:45 AM: Site Visit at 27 Moose Run (MO027) for the Potvin Preliminary Subdivision Hearing.

Board Members Present:

Penny Miller
Matt Chapek
Will Towle
Charles Van Winkle, Chair

Also Present:

Kari Papelbon, Zoning & Planning Administrator; Larry Young and Sheila McIntyre, Consultants for Tim and Theresa Potvin; Timothy Potvin, Applicant; John and Tammy Boudah, 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 parties to the application 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.

October 24, 2011

Board Members Present:

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

Also Present:

Kari Papelbon, Zoning & Planning Administrator

6:28 PM: Chairperson Charles Van Winkle called the Timothy and Theresa Potvin preliminary subdivision hearing to order at the Underhill Town Hall.

Applicant(s) Present:

Timothy Potvin
P.O. Box 135 (27 Moose Run)
Underhill Center, VT 05490

Consultant(s) Present:

Larry Young, P.E.
Sheila McIntyre
Summit Engineering, Inc.
50 Joy Dr.
South Burlington, VT 05403

Other(s) Present:

Tammy Boudah
318 Pleasant Valley Rd.
Underhill, VT 05489

Identifier:	Contents:
ZA-1	Timothy and Theresa Potvin's Application for Subdivision: Preliminary (dated 9-9-11)
ZA-2	A copy of the completed Subdivision Checklist: Preliminary Hearing
ZA-3	A copy of the plans prepared by Larry Young of Summit Engineering, Inc. for Timothy and Theresa Potvin (Drawings B1, S1, S2, PP1, D1, D2 dated 9-9-11)
ZA-4	A copy of the letter from Larry Young of Summit Engineering, Inc. (dated 9-9-11)
ZA-5	A copy of the email from Patti Green-Swift of the State of Vermont to Sheila McIntyre of Summit Engineering, Inc. (dated 8-24-11)
ZA-6	A copy of the letter from John Alberghini of Chittenden East Supervisory Union to Sheila McIntyre of Summit Engineering, Inc. (dated 9-16-11)
ZA-7	A copy of the letter from Sheila McIntyre of Summit Engineering, Inc. to the Underhill Jericho Fire Department (dated 8-26-11)
ZA-8	A copy of the responses to the Evaluation Considerations (dated 9-9-11)
ZA-9	A copy of the Roadway Maintenance Agreement
ZA-10	A copy of the Proposed Easement Language
ZA-11	A copy of the minutes from the 3-21-11 Sketch Plan Meeting
ZA-12	A copy of the tax map for MO027
ZA-13	A copy of the hearing notice published in the <i>Burlington Free Press</i> on 10-7-11
S-1	A copy of the highlighted plans (Drawings S2 and PP1 dated 10-24-11)

- Chairperson Van Winkle began the meeting by explaining the procedure for the preliminary subdivision hearing. He then swore in all speakers. Board Member Chuck Brooks stated that a survey from 1997 was referenced in the submitted plans which had been created by his brother. Board Member Brooks stated that he was not doing

survey work at the time, did not assist his brother with this survey, and did not recognize the names. Chairperson Van Winkle entered items ZA-1 through ZA-13 into record.

- Sheila McIntyre, Consultant for Timothy and Theresa Potvin, provided a summary of updates made to the plans since sketch. Updates include: setbacks on the plans in red for visibility, revised acreage (130 acres based on research), proposed road off of Pleasant Valley Road, building envelope locations in relation to town requirements and land conditions.
- Board Member Will Towle asked if the shield for the spring shown on the current plans was missing on the previous plans. Larry Young, consultant for Timothy and Theresa Potvin, stated that the shield for the Boudahs' dug well is depicted with a 500' shield on the plans. He explained that the streams on the property act as barriers between the proposed septic systems and the Boudahs' well, and without them the septic site for Lot 4 would need to be moved.
- Chairperson Van Winkle asked whether comments from the Underhill Jericho Fire Department (UJFD) had been received. It was stated nothing had been received to date.
- Mr. Young spoke about the road profile grades, stating that the beginning of the proposed road will be around 6% and then taper off to 1-2%. He added that the grade for the Lot 5 driveway has not yet been determined but it will meet the 10% requirement. Ms. McIntyre added that a truck turnaround is shown and can be modified as necessary to meet the requirements of the UJFD. Mr. Young stated that the proposed design for the turnaround is a better choice than a "Y" turnaround given the lay of the land.
- Board Member Penny Miller discussed her questions raised at the site visit. She stated that a buffer and setback area had been shown on the plans for Class II wetlands but not Class III wetlands. Ms. McIntyre stated that showing the 100-foot buffer to the Class III wetlands would be confusing, but that the 100-foot buffer to the Class II wetlands was shown where it impacted development. Board Member Miller stated that septic systems are within the Class II wetland buffers. It was explained that a State Wetland Permit is required for the encroachment into the 50-foot buffer for the construction of the septic systems on Lots 2 and 3. Board Member Will Towle asked whether waivers were still being requested for the 100-foot setback to Class III wetlands to the building envelope on Lot 2. Ms. McIntyre explained that they were. Discussion ensued.
- Ms. McIntyre asked about the frontage requirement for Lot 5. After some discussion, the Board indicated that it meets the criteria for right-of-way access as depicted.

- Board Member Miller asked if the land had been previously subdivided, to which it was replied that the Ely lot had been created from the land in the 1980s. Board Member Miller asked about wildlife habitat, to which Ms. McIntyre replied that the Vermont Agency of Natural Resources had no habitat identified and mapped for the site.
- Board Member Matt Chapek asked about the setback from the road to the Lot 2 building envelope. Ms. McIntyre stated that the setback is from the property line, not the road, so the 200-foot setback is shown to the property line. Lot 2 is bordered by Pleasant Valley Road, Moose Run, and the proposed road. Discussion ensued.
- Board Member Miller stated that the Conservation Commission should review the plans as the Madonna Vasa trail is accessed through the property.
- Board Member Towle raised the issue of the purpose of the Scenic Preservation zoning district. Discussion of such with the setback and yard requirements for the proposed lots ensued.
- Board Member Chapek asked what determined the rear line of the building envelope on Lot 2. Ms. McIntyre stated that there were Class II wetlands present.
- Chairperson Van Winkle asked why there was not a building envelope shown on the “high” side of the proposed road on Lot 4. Ms. McIntyre stated that the intent was to minimize impact for clearing and that the proposed envelope meets all of the requirements for setbacks, septic, and well.
- Zoning and Planning Administrator Kari Papelbon provided her comments. She asked whether utilities would be above ground or buried. Mr. Young explained that the utilities would be underground from the pole on the property line, which would need to be moved a bit into Lot 2. Underground utilities would follow the proposed road. ZA/PA Papelbon stated that there were some items missing from the plans. ZA/PA Papelbon asked about stormwater. It was stated that stormwater plans had yet to be determined. ZA/PA Papelbon asked if there was a proposed road name yet. It was stated that no name had been chosen yet.
- A discussion of waivers, variances, and minimum yard requirements ensued.
- Chairperson Van Winkle called for public comment.
- Tammy Boudah, 318 Pleasant Valley Road, stated that she had a concern about the shield around the well at her pump house and a concern for preserving the hillside view. She also stated that the proposed road looked close to her property. Mr. Young stated that they have moved the limits of construction off of the Boudah property.

- Mr. Potvin stated that his intentions were to create a lot for each of his children, but that he would sell the lots if the children did not want them. He added that his family has owned the property since 1941. Mrs. Boudah stated her respect for the property being in the family.

7:27 PM: Chairperson Van Winkle asked if the Board had enough information to make a decision on the preliminary application. The Board indicated that they did. Board Member Chuck Brooks made a motion, seconded by Board Member Will Towle, to close evidence and enter a deliberative session. The motion was passed by all Board Members present. Chairperson Van Winkle stated that the evidentiary portion of the hearing was closed.

Larry Young, Sheila McIntyre, Timothy Potvin, and Tammy Boudah left at this point. Board Member Will Towle left during the deliberative session.

8:47 PM: By consensus, the Board moved into open session. Board Member Chuck Brooks made a motion, seconded by Board Member Penny Miller, to approve the preliminary application with conditions. The motion was passed by all Board Members present (Charles Van Winkle, Matt Chapek, Chuck Brooks, and Penny Miller).

8:48 PM: End of meeting.

These minutes of the 10-22-11 and 10-24-11 meetings of the DRB were accepted

This _____ day of _____, 2011.

Penny Miller, Vice Chair
(for Chairperson Charles Van Winkle)

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.