

Town of Underhill
Development Review Board Minutes
Chairperson Charles Van Winkle

May 16, 2011

Board Members Present:

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

Also Present:

Kari Papelbon, Zoning & Planning Administrator

6:32 PM: Vice Chairperson Penny Miller called the Isabelle Baslow Life Estate 2-lot subdivision combined preliminary and final hearing to order.

Applicant Present:

Marty Baslow
65 Colonel Page Rd.
Essex, VT 05452

Consultant Present:

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

Other(s) Present:

Elizabeth Baslow
65 Colonel Page Rd.
Essex, VT 05452

Identifier:	Contents:
ZA-1	Marty Baslow's and Michael Baslow's Applications for Subdivision: Final (dated 2-25-11 and 4-25-11)
ZA-2	Copies of the completed Subdivision Checklist: Preliminary Hearing and the completed Subdivision Checklist: Final Hearing
ZA-3	A copy of the survey prepared by Keith Van Iderstine of McCain Consulting, Inc. for Michael Baslow and Marty Baslow (dated 4-20-11)
ZA-4	A copy of the Flood Insurance Rate Map Panel 0010 B for the property
ZA-5	A copy of the Wastewater System and Potable Water Supply Permit #WW-4-2103-2 (dated 2-5-11)

ZA-6	A copy of the letter from Harry Schoppmann of the Underhill-Jericho Fire Department (dated 4-25-11)
ZA-7	A copy of the completed School Impact Questionnaire from Superintendent of Schools John Alberghini (dated 2-23-11)
ZA-8	A copy of the Proposed Findings of Fact
ZA-9	A copy of the proposed Private Roadway Agreement
ZA-10	A copy of the waiver request for the bonding requirement (dated 4-21-11)
ZA-11	A copy of the sketch plan meeting minutes (dated 2-21-11)
ZA-12	A copy of the tax map for BS013
ZA-13	A copy of the hearing notice published in <i>Seven Days</i> (4-27-11)

- Vice Chairperson Miller began the meeting by explaining the procedure for the hearing. Chairperson Charles Van Winkle arrived and assumed Chair duties. He swore in interested parties and entered the above items into record.
- Gunner McCain, Consultant for the Baslows, provided an overview of the plans. The proposal is to create a 12-acre parcel around the existing house. No new development is proposed. A draft Road Maintenance Agreement has been submitted as was requested at the sketch plan meeting. Mr. McCain continued by stating a shed that will not meet the front setback with the new lot line was discussed at the sketch plan meeting. What to do with the shed is up to the DRB—it will be moved if necessary. The preference is to keep the shed in its current location.
- Chairperson Van Winkle asked if the proposal was for a boundary line adjustment. Mr. McCain stated that it was always a subdivision request with no new development proposed.
- Board Member Miller stated that a waiver of the bonding requirement had been requested. Mr. McCain stated that it was submitted as there was no new development planned and therefore nothing to bond. Board Member Miller asked if the bonding requirement existed. ZA Papelbon explained that it was a procedural “check-in-the-box.” Board Member Miller stated that ZA Papelbon mentioned in the information packet that the DRB should formally recognize that engineering plans are not required. ZA Papelbon stated that such is for the record.
- Mr. McCain stated that a state wastewater permit was required for the project and had been received.
- Board Member Miller stated that there was a typo in the acreage for the Road Maintenance Agreement. It was stated that the typo will be fixed. She also stated that the minutes from the sketch plan meeting required the zoning district boundary lines to be shown on the plans. Mr. McCain showed where the district line appeared on the survey. The district line does not affect the property under subdivision review.

- Board Member Peter Seybolt commented that the remaining acreage was of a strange shape.
- Board Member Will Towle asked Mr. McCain to broadly describe the project. Mr. McCain described the land in its current state and the proposed plan to subdivide 12 acres with Isabelle's house. Board Member Peter Seybolt asked how much land was between the driveway and the Bosley land. Mr. McCain stated that it was approximately 2 acres.
- Board Member Miller asked whether the land on the opposite side of VT Rte. 15 would remain with the balance of land. Mr. McCain stated that it would.
- Board Member Towle asked about the status of the estate. Discussion ensued.
- ZA Papelbon spoke, stating that the property across VT Rte. 15 is a preexisting, nonconforming lot that can be conveyed separate from the remaining land. She also stated that aside from the shed, which the DRB needs to address, the plans looked fine. Board Member Seybolt asked for clarification on the shed, which is too close to the proposed property line. Mr. Baslow stated that the shed had been in that location for 20 years. A brief discussion ensued.
- Chairperson Van Winkle asked for public comment. There was none. Chairperson Van Winkle asked if there were further comments from the DRB.
- Board Member Seybolt asked about whether the variance request for the shed could be considered if requested at the hearing. Discussion ensued. Board Member Towle stated that the applicant has expressed their desire for the location of the shed, and suggested discussing the shed in deliberative session. Discussion continued. Mr. McCain stated that they were requested whatever was necessary, including a variance, for the shed.

6:56 PM: Chairperson Van Winkle asked if there were further comments. There were none. Chairperson Van Winkle asked if the Board had enough information to make a decision on the application. The Board indicated that they did. Chairperson Van Winkle stated that the evidentiary portion of the hearing was closed. Board Member Chuck Brooks made a motion, seconded by Board Member Will Towle, to enter a deliberative session. The motion was passed by all Board Members present.

Gunner McCain, Marty Baslow, and Elizabeth Baslow left at this point.

7:18 PM: Board Member Will Towle made a motion, seconded by Board Member Matt Chapek, to move into open session. The motion was passed by all Board Members present. Board Member Will Towle made a motion, seconded by Board Member Matt Chapek, to approve the subdivision subject to the following:

1. The Road Maintenance Agreement shall be revised to reflect the correct acreage.
2. The shed is approved for a variance in its current location. Routine maintenance and repair are allowed; however, any expansion or change of use will require additional approvals.
3. The waiver for the bonding requirement will be recommended for approval to the Selectboard.
4. Per the Underhill Subdivision Regulations, final approval of the subdivision is granted upon filing of the final subdivision plat in the Underhill Land Records. No transfer or sale of property may occur prior to recording the final plat and all applicable permits in the Town of Underhill Land Records.
5. The shared driveway maintenance agreement shall be recorded in the Land Records. A reference to this agreement shall appear in the deeds to the lots.
6. All required State and local permits shall be recorded in the Land Records.
7. Prior to recording the final Mylars, the applicant shall submit a copy of the plat in digital format. The format of the digital information shall require approval of the Zoning Administrator.
8. All subdivision fees shall be paid in full to the Zoning Administrator prior to filing the final plat.

The motion was passed by all Board Members present.

The Board signed minutes and discussed the Rules of Procedure.

8:52 PM: Adjourn.

These minutes of the 5-16-11 meeting of the DRB were accepted

This _____ day of _____, 2011.

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.