

**Town of Underhill**  
Development Review Board Minutes  
Chairperson Charles Van Winkle

August 29, 2011

**Board Members Present:**

Peter Seybolt  
Chuck Brooks  
Deb Shannon  
Penny Miller  
Charles Van Winkle, Chair

**Also Present:**

Kari Papelbon, Zoning & Planning Administrator; Nancy McRae, Underhill Trails Committee; Howard McRae; David Demarest, Underhill Trails Committee; Karen McKnight, Underhill Trails Committee; Steve Owen, Selectboard; Brad Holden, Selectboard; Rod Fuller, Road Foreman; Trevor Squirrell, Underhill Conservation Commission; Marcy Gibson, neighbor; Jeff Moulton, neighbor.

**6:30 PM:** Site Visit at 77 New Road commenced. Returned to Town Hall at the conclusion of the site visit.

**7:48 PM:** Chairperson Charles Van Winkle called the Underhill Trails Committee Conditional Use/Site Plan Review hearing to order at the Underhill Town Hall. All Board Members who attended the site visit and Zoning & Planning Administrator Papelbon attended the hearing.

**Applicants Present:**

Carol Butler, Underhill Trails Committee  
Nancy McRae, Underhill Trails Committee  
David Demarest, Underhill Trails Committee  
Karen McKnight, Underhill Trails Committee

**Other(s) Present:**

Steve Owen, Underhill Selectboard  
Trevor Squirrell, Underhill Conservation Commission  
Karen McKnight, Underhill Conservation Commission

David Demarest  
111 Fuller Rd. (P.O. Box 191, 05490)  
Underhill, VT

Jeff Moulton  
49 Highland Rd.  
Underhill, VT 05489

1 interested party

<b>Identifier:</b>	<b>Contents:</b>
ZA-1	The Underhill Trails Committee's Conditional Use Hearing Request (dated 7-25-11)
ZA-2	A copy of the site map and descriptions
ZA-3	A copy of the proposed crossings and signs
ZA-4	A copy of the completed Conditional Use Review Standards Findings Checklist
ZA-5	A copy of the Site Plan Review Standards Findings Checklist
ZA-6	A copy of the tax map for NR077X
ZA-7	A copy of the hearing notice (published in <i>Seven Days</i> on 8-10-11)

- Chairperson Van Winkle began the meeting by explaining the procedure for the Conditional Use/Site Plan Review hearing. He then swore in all interested parties and entered the above items into record.
- Carol Butler, Nancy McRae, Karen McKnight, and David Demarest of the Underhill Trails Committee provided an overview of the proposal to create a perimeter trail on Town-owned property. The new trail will have signage to keep users off of private property. Parking options, kiosk information and locations, 3 wet area crossings, one trail closure, and trail arrows were discussed.
- Chairperson Van Winkle stated that the kiosk proposed off of New Road would not meet the setback requirement. Discussion ensued. Mrs. McRae stated that the Underhill Trails Committee would like the kiosk to be closer to the road and asked for a waiver. Discussion of the directional trail signs ensued. None of the signs would be illuminated and all would be wooden.
- Chairperson Van Winkle asked if there were erosion control plans for the closing and creation of the trails. The Trails Committee responded that the trails will be "serpentine" configurations to mitigate the potential for erosion. The trail will also be rerouted around muddy areas, a boardwalk is proposed to cross a wet area, and a waterbar was discussed but not included in the plans.
- A discussion of parking ensued. The Trails Committee proposed signs to allow approximately 4-5 cars to park on New Road at the present location of the metal dumpster, as well as a "No Parking" sign on the Town Garage gate.
- Discussion ensued regarding the use of the trail—whether motorized vehicles would be allowed. It was stated that motorized vehicles would not be allowed on the trails. Board Member Peter Seybolt asked if horses and bicycles would be allowed on the trails. The Trails Committee responded that both would be allowed and that dogs must be on leashes. Bicycles may be limited in the future if problems with erosion arise.
- Chairperson Van Winkle asked if there was a management plan in place for the trails. The Trails Committee provided a copy of their Handbook, which was entered into record.

- Discussion continued on the three proposed crossings. Board Member Seybolt asked if there were any major crossings, to which the Trails Committee responded in the negative.
- Board Member Penny Miller asked if there was liability for the Town with allowing trails on public land. Discussion ensued.
- Chairperson Van Winkle asked how many parking spaces the Trails Committee would like. It was stated that they would like 6-8 diagonal spaces without the metal dumpster, but on only one side of New Road if possible. A discussion of parking ensued. Selectboard Member Steve Owen stated that the Selectboard is currently discussing moving the metal dumpster.
- In response to Board Member Miller's question of whether the road sees vehicular traffic, Jeff Moulton, 49 Highland Rd., stated that the courts are reviewing the use of New Road for vehicular traffic.
- ZA/PA Papelbon asked if parking would be proposed on Irish Settlement Rd. in the future. The Trails Committee stated that they hoped not, but that if such was necessary they would come back at a later date. ZA/PA Papelbon stated that she had spoken to Ross Environmental, the firm conducting the well monitoring for the Town, who confirmed with the State that the proposed brush-hogged trail should be restricted to walking for erosion concerns. A brief discussion ensued. Chairperson Van Winkle asked if a letter to that effect had been provided, to which ZA/PA Papelbon stated there had not.
- A discussion of off-street vs. on-street parking ensued.
- Board Member Chuck Brooks asked about the source protection area regulation with regard to the application. ZA/PA Papelbon explained that Maple Leaf Farm had a public well that creates a Source Protection Area (SPA), but that the location was more than 200 feet from the proposed trails. Chairperson Van Winkle also provided information on SPAs.
- Discussion of the signs regulation with regard to the application ensued.
- Chairperson Van Winkle called for public comment.
- Jeff Moulton, 49 Highland Rd., stated his concerns for parking and the increased number of trail users, crowd control, kids playing on a former dump site, winter vs. summer activities, and parking on the road. He stated that the parking lot should either be big or have a limited number of spaces and suggested moving the proposed parking area to the Town-owned land south of the Garage. Mr. Moulton also stated his belief that allowed activities should be very specific or else there should be no restrictions at all.
- Dave Demarest, 111 Fuller Rd./P.O. Box 191, 05490, stated his preference for moving the parking south per Mr. Moulton's suggestion. He then expressed his concerns for sensitive ecological areas, the use of his driveway as a parking area, and for an increase in illegal dumping on his land should the metal dumpster be moved or removed.

- Karen McKnight, Vice Chair of the Underhill Conservation Commission (UCC), mentioned that the UCC has been involved with a connectivity study and that they believe the trails will have no negative impact on wildlife. She stated that there was an initial concern for grouse breeding periods, but the closure of short side trails will alleviate that concern.
- The Trails Committee stated that they are interested in an alternate parking location as was suggested by Mr. Moulton. They also stated that the conservation area may limit what would be considered permitted activities on the land. Group gatherings, such as school trips, would have to obtain special permission from the Trails Committee prior to use of the trails. Otherwise, the trails will be used by small groups of local residents.

**9:10 PM:** 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 and asked if the Board wished to enter a closed deliberative session or deliberate in open session. Board Member Peter Seybolt made a motion, seconded by Board Member Deb Shannon, to enter a deliberative session. The motion was passed by all Board Members present.

All interested parties left at this point.

The Board continued their deliberations on the application.

**9:50 PM:** Meeting ended.

These minutes of the 8-29-11 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.*