

**Town of Underhill
Development Review Board Minutes
November 4, 2013**

Board Members Present:

Charles Van Winkle, Chairperson
Shani Bartlett
Matt Chapek
Mark Hamelin
Karen McKnight
Penny Miller
Will Towle
Helen Wagner

Administrative Officer Present:

Brian Bigelow

Applicant Present:

Marc and Jane Maheux
38 Poker Hill Road
Underhill, VT 05489

Others Present:

Gunner McCain
Roy Dunphey
Alex John
Julia Northrup
Ryan Goslin
Larry Young
Tom Moore
Andy Grab

Marc and Jane Maheux Preliminary Subdivision Plan Hearing

Documentation presented:

1. Property Code: PH038 Application for Subdivision: Preliminary Plan
2. Copy of Subdivision Checklist: Preliminary
3. Copy of survey and plans prepared by David Tudhope, LS Project #759
4. Copy of Tax Map for PH038
5. Copy of VT DEC ANR Wastewater and Potable Water Supply Permit (Project#: WW-4-4126) dated October 21, 2013
6. A copy of the Findings Check list
7. A copy of the draft warranty deeds for each lot.
8. A copy of the Project Review Sheet from the VT dept. of Environmental Conservation & Natural Resources Board (dated 10-14-13)
9. A copy of the application for water allocation from Jericho-Underhill Water District for the proposed two units (810 gpd: 6 bedrooms @ 135 gals per day) on the newly created lot#1
10. A copy of the letter from Harry Schopp, of the Underhill Jericho Fire Department dated Oct 29, 2013

11. A copy of the input from Chittenden East Supervisory Union dated Oct 25, 2013
12. A copy of the tax map for PH038 overlaid with watercourse, wetland and flood zone information
13. A copy of the minutes from the April 16, 2013 Sketch Plan meeting
14. A copy of the hearing notice as published in the Burlington Free Press, and posted in 6 location and mailed to abutter
15. A copy of the procedure checklist
16. Memo from Town of Underhill Administrative Officer

Chairperson Van Winkle began the meeting by explaining the purpose of the preliminary plan meeting. The purpose is to review a draft subdivision plat and supporting documentation to determine preliminary conformance with the municipal plan, regulations and other municipal ordinances in effect at the time of application; to identify issues or concerns with the plan; and to make recommend modifications necessary to complete conformance; and to identify any additional information required for final subdivision review.

When asked by the applicant, the Chairperson explained the subdivision is subject to review under the 2012 Unified Land Use and Development Regulations.

Testimony

- Marc Maheux, the applicant, provided an overview of the proposal which includes creating a 1-acre parcel on the southwesterly side of the land with the existing home. The plan is to leave the remaining 14.2 acres intact to build a new home. The applicant wants to retain lot#1. The existing barn on the 1 acre lot is to either be torn down or moved to a different part of parcel.
- Discussion of preliminary plan included Applicant's responses within Subdivision Standards Findings Checklist and responses to questions about the septic, visual screening, wetland(s), and location of driveway (curb-cut) and building envelope.
 - Building envelope is located "where it's likely to be".
 - Subdivision lies in the Flood Hazard Overlay District, improvements are out of the flood hazard area.
 - In regard to surface water, the ground will need to be reconfigured to provide drainage.
 - Discussion of ANR Wastewater and Potable Water Supply permit
- Discussion of the requirements of Sections 8.2, 8.3, 8.7
 - The applicant does not intend to make major alterations to the natural foliage screens;
 - In regard to wetlands, wetland requirements will need to be upheld including that the applicant will meet the required set-backs if such wetlands are to be found on the property.

Chairperson Van Winkle asked whether the board had sufficient information to close the hearing. Board felt it had sufficient information. Chairperson Van Winkle asked whether Board would like to discuss the application in open or closed session. Board will discuss in Open session after the three other applicants/ hearings on the agenda.

Combined Sketch and Final Hearing on the Application of Alex and Monica John for a revision to the 2006 Northrup 4-Lot Subdivision

Documentation presented:

Alex and Monica John application for subdivision final plan (9-24-13)

1. Copy of completed subdivision check list: final hearing
2. Copy of site plan: Site plan of lot 1 Alex & Monica John building envelope revision and amendment to WW-4-2495.
3. Zoomed copy of site plan
4. Copy of hearing notice as published in the Burlington Free Press, posted at six locations and mailed to abutting land owners.
5. Copy of input from Chittenden East Supervisory Union dated Oct 25, 2013

The proposal is to modify the location of the Building Envelope on Lot 1 of the 2006 Northrup 4-Lot subdivision and changes to the wastewater design (WW-4-2495) necessitated by the proposed change of house site.

Chairperson Van Winkle began the meeting by explaining the purpose of the final plan hearing for a revision to the 4-lot Northrup subdivision on the property they own at 419 Irish Settlement Road in Underhill, VT.

The purpose of the final subdivision review is to determine final project conformance with the municipal plan, regulations and other municipal ordinances in effect at the time of application.

Testimony

- Roy Dunphey, Gunner McCain Consulting explained that the Johns want the location of their home site to a more private location which is where the leech field is situated on the site plan.
- Status of the accessory dwelling: Concern in relation to the deed restriction that precludes accessory apartment. Mr. Dunphey / Alex John explained this is space over the garage with a kitchen and bathroom. This is between parties in a private covenant (DRB).
- No comments from the public

Chairperson Van Winkle asked whether the board had sufficient information to close the hearing. Board felt it had sufficient information. The evidentiary portion of the hearing was closed. Chairperson Van Winkle asked whether Board would like to discuss the application in open or closed session. Board will discuss in Open session.

- Motion to approve. DRB member Penny Miller; seconded by DRB member Matt Chapek. Approved 7-0

Note: 7:29 DRB member Will Towle exits the meeting due to illness.

Combined Sketch and Final Plat amendment hearing on the application of Deborah and Edwin Moore for a modification to the dimensional requirement to locate an accessory structure closer to an interior lot line than the Zoning District setback of 20 ft. on lot 3 of the 2010 3-lot Moore Planned Residential Development at 122 Stevensville Road, Underhill, Vermont.

Documentation presented:

- Copy of Edwin Moore III and Deborah Moore's Application for a revision to the PRD Subdivision
- Copy of Findings Checklist: Final hearing.
- Copy of 2010 plan by Willis Design for Moore with revision by Applicant. Applicant has modified the drawing to indicate the preferred location for proposed garden shed.
- Copy from the Underhill-Jericho Fire Dept. dated 10/29/13.
- Copy of letters of support from adjoining property owners Elizabeth & Edwin Moore II .
- Copy of waiver request.
- Copy of subdivision permit. Six waivers granted at the time are identified.
- Copy of procedure checklist.

Testimony

- Edwin (Tom) Moore III explained that they would like to locate the shed in a manner identified with the abutters (Elizabeth and Edwin Moore II) as mutually preferred. Shed will be on a 16' x 22' slab and will have a zero foot set-back from property line. PRD's are allowed to waive certain requirements in order to get best location that works for the land.
- This is an amendment to the waiver list that has already been granted.
- No public comment.

Chairperson Van Winkle asked whether the board had sufficient information to close the hearing. Board felt it had sufficient information. Chairperson Van Winkle asked whether Board would like to discuss the application in open or closed session. Board will discuss in Open session.

- Mark Hamelin made the motion to approve; Seconded by Matt Chapek. Motion approved 7-0.
- DRB will issue a written decision within 45 days.

Preliminary Subdivision Plan hearing on the application of Andrew Grab for preliminary subdivision approval for a 2-lot subdivision on the property he owns at 449 Irish Settlement Road (IS449) in Underhill, VT.

Documentation present:

1. Andrew Grab's Application for Subdivision: Preliminary Plan dated 10/07/2103.
2. Copy of Subdivision Checklist: Preliminary
3. Copy of survey and plans prepared by Summit Engineering, Project #8263 dated 10/07/13
4. Copy of map created using the VANR Atlas.
5. Copy of a portion of the NFIP/FIRM panel 185D
6. Copy of part of VT Agency Of Transportation Standard B-71 "Standards for Residential and Commercial Drives"
7. Copy of the tax map for IS449
8. Copy of the DRB 7/29/13/ Sketch Plan minutes meeting.
9. A copy of the hearing notice as published in the Burlington Free Press on 10/17/13, and posted in 6 location and mailed to abutting property owners
10. Copy of October 25, 2013 input from Chittenden East Supervisory Union
11. Copy of October 29, 2013 input from Underhill-Jericho Fire Dept.
12. Memo from TOU Administrative Officer

Chairperson Van Winkle began the meeting by explaining the purpose of the preliminary subdivision hearing. The purpose of the preliminary subdivision review is to determine preliminary final project conformance with the review a draft subdivision plat and supporting documentation to determine preliminary conformance

- The subdivision is subject to review under the 2012 Unified Land Use and Development Regulations.

Testimony

- Larry Young Summit Engineering, Inc., the applicant, provided an overview of the proposal. Driveway grade is under 10% and doesn't need a culvert onto Irish Settlement Road. Discussion of building envelope and location of isolation field.
- Ryan Goslin of 429 Irish Settlement Road asked about the isolation shield, the well protection zone from onsite wastewater systems
- It was noted the power lines will provide some visual obstruction of the view.
- The utility easement is 28 feet from proposed housing site.
- Ryan Goslin requested the border of trees be retained for buffering the proposed house placement.

Comments:

- Plat must show set-back from stream
- Site visit is scheduled for Saturday, November 16th after the 10 Bridle Trail Site Visit.
- Applicant must obtain curb cut approval from the Selectboard.

Chairperson Van Winkle asked whether the board had sufficient information to close the hearing. Board felt it had sufficient information.. Chairperson Van Winkle asked whether Board would like to discuss the application in open or closed session. Board will discuss in Open session. Mark Hamelin made the motion to approve the preliminary application; seconded by Helen Wagoner. Motion approved 7-0.

DRB moves to open session deliberation of Maheux Preliminary Subdivision Plan

Discussion

The purpose of the preliminary subdivision hearing is to review a draft plat and support documentation in support of local land use regulations, and to identify particular issues or concerns. Based on the merits of the documentation, the DRB finds the application deficient, and therefore did not close the evidentiary portion of the hearing.

Deficiencies include:

- Response to Section 8.2 on page 9 of application package
- Response to Section 8.3 on page 13 of application package
- Response to Section 8.7 on page 24 of application package
- The applicant must provide more detail on the map, as it is unclear to the board specifically what is being proposed.
- The board finds Section 3 to be incomplete. Verbal testimony at the hearing did not match the application/description.
- The DRB requests all supplemental materials that are referenced in the application, be resubmitted to the board in support of the application.

SUCH AS THE
CONDITIONAL
USE PERMITS
C.V.W.
11/12/13

The board will request the applicant provide additional information outlined above in time for adequate review by staff and board members prior to the December 2nd 2013 hearing.

The board reviewed and corrected the meeting minutes from October 7th.

The board has continued the Maheux hearing until December 2nd, 2013 at 6:45 PM.

Adjournment: Motion to adjourn made by Board member Wagner; seconded by Board member Miller.

- Meeting adjourned at 9:40 p.m..

Respectfully Submitted by:
Karen B. McKnight, Secretary, DRB

These minutes of the 11-04-13 meeting of the DRB were accepted:

This 18 day of November, 2013.



Charles Van Winkle, Chairperson, DRB

Town of Underhill
Development Review Board
04 November 2013

SIGN IN SHEET

	NAME	ADDRESS	AGENDA ITEM
1	Marc Makeux	P.O. Box 236 Underhill	Sub #2 Division
2	CUNNER McCAN	93 So MAINE ST SUITE 1 WATERBURY VT 05676	JOHN
3	Roy Dumphrey	20 Stevensville Rd. UNDERHILL 05489	JOHN
4	Alex John	293 Last Nation Rd Essex Jct., Vt. 05452	JOHN
5	Judith Marthrop	414 Irish Settlement Rd. Underhill 05489	2+4
6	RYAN COSUN	429 IRISH SETTLEMENT RD Underhill	JOHN GRAB
7	LARRY YOUNG	SUMMIT ENG 1293 STEVENSVILLE RD. SO. BURL	GRAB
8	Tom Moore	122 Stevensville rd	#3
9	Andy Grab	444 Irish Settlement Rd	#4 Grab
10			
11			
12			
13			

John

John & Grab

Moore