

# UNDERHILL DEVELOPMENT REVIEW BOARD

Monday, January 22, 2024 @ 6:30 PM  
REGULARLY SCHEDULED MEETING  
Minutes Final

## **BOARD MEMBERS PRESENT:**

Charlie Van Winkle, Chair  
Brian Bertsch, Vice Chair  
Matt Chapek  
Karen McKnight  
Meg Armstrong  
Mark Hamelin

Shanie Bartlett  
Dan Lee

## **OTHERS PRESENT:**

Applicant, Michael Steeves  
Applicant's Engineer, Karl Marchessault  
Adjacent property owner, Tyler Mulcahy  
Adjacent property owner, Christine Murphy  
Interim Zoning Administrator, Brad Holden

## **BOARD MEMBERS ABSENT:**

Mark Green

### **6:33 PM – 1/22/2024 DRB Public Meeting**

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- DRB Members convened at 6:33 PM.
- [6:33] Chair Charlie Van Winkle called the meeting to order. No amendments to the agenda were made.

### **6:33 PM – Continuation – Conditional Use Review**

**459 Pleasant Valley Road (PV459), Underhill, VT**

**Docket #: DRB-23-08**

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- [6:33] Chair Van Winkle said this conditional use review was continued from December 18 to January 8 and continued from January 8 due to illness. The board is considering a conditional use application from Michael Steeves and Kaitlin Kohl for property they own at 459 Pleasant Valley Road. The applicants needed conditional use approval because they do not have the required frontage on Pleasant Valley Road. One thing they want to do is build a driveway that conforms to the rules but passes through areas of steep and very steep slopes. The DRB received additional information from the applicants in the form of a site plan showing the driveway and house site. The files on the town website in the packet for this hearing are stormwater runoff calculations, a HydroCAD pdf, a final phase site plan, a site plan dated 1-3-2024, a road profile, a sediment control plan, an access plan and an email from Karl Marchessault. He noted that everyone was still sworn in from the last hearing. He described the procedures to be followed for this hearing. No municipal or state representatives were present.
- [6:37] Applicant's Engineer Karl Marchessault described the outlet device that is now proposed for the stormwater system. A stormwater discharge permit for the state is not needed. A construction general permit from the state is needed. The soils on the site are not even given a rating because they are so rocky that potential for erosion is low. The plan now shows 66 trees to be planted 30 feet on center. A native seed mix is proposed that is basically native wildflowers. He showed a new proposed grading plan that eliminates the swale in one area. He feels that would have less impact on the road. That plan is different from the one previously submitted.
- [6:42] Chair Van Winkle asked about where stormwater will go after it leaves the second pond and after it reaches Pleasant Valley Road. Applicant's Engineer said the whole hillside sheets to Pleasant Valley Road now and the Applicant is just trying to preserve the status quo. The proposed impoundment and spreader create volume that is not there now. Chair Van Winkle asked if a pre-development analysis has been done on the culvert on Pleasant Valley Road. Applicant's Engineer said no, but the runoff rate will be more controlled post-development.

Chair Van Winkle asked if in his opinion the existing culvert size is adequate. Applicant's Engineer said yes.

- [6:46] There was discussion about the direction of flow in the roadside ditches. Chair Van Winkle asked about the trees to be planted. Applicant's Engineer said the current plan is a mix of hardwood and softwood because that is what is present now. If the DRB would rather have more hardwoods or more softwoods they can make changes. Board member Hamelin said what has been presented is not really a planting plan. He suggested that to revegetate the hillside in a more natural way, clumps of trees might be better than a grid.
- [6:49] Board member Hamelin said he has concerns about the roadside ditch aiming right at the bottom of a double-stacked retaining wall. He can't imagine expecting that to hold up. The Applicant said he has built commercial roads and driveways on much steeper grades. It is all in how you perform the construction. There was discussion about the design of the retaining wall.
- [6:53] There was discussion about the grading plan. Applicant's Engineer said he thinks his newest plan with no swale in one area seems preferable. IZA Holden asked him to submit that plan. Applicant's Engineer asked if the DRB prefers the swale or letting the water sheet overland off the new drive. Board member Armstrong said she thinks the new plan makes the most sense.
- [7:00] Applicant's Engineer said the locations of the trees to be planted can be adjusted if the board prefers. He thinks 2-inch caliper is the best size to plant to ensure survival.
- [7:01] There was discussion about whether other designs for the driveway could be workable.
- [7:05] Board member Hamelin questioned whether the proposed development meets the requirements for granting conditional use approval given the amount of site disturbance and the very steep slopes. Board member Bertsch said there was discussion previously that the DRB could give a waiver for a driveway that impacts over 100 feet. There was also discussion about how the 100 feet would be measured. Board member Hamelin said he feels the regulations allow up to 100 feet of driveway on very steep slopes because there are often small pockets that are steep or very steep and going through them has a small impact. He thinks it is very different if the whole site is that steep.
- [7:10] The Applicant said the concept has only been improved since the first DRB hearing. At the second hearing it was discussed that there is no definition of how the 100 feet are to be measured. At the first hearing there was a straw poll of the board that indicated that most board members felt the application could move forward if plans were modified as the board requested.
- [7:14] Applicant's Engineer said that even though the slope is 25% it includes areas that are nearly vertical and areas that are not very steep. The driveway will go along what appears to be an existing maple sugar road. There will be a wall to pile fill against on the uphill side that will limit the area of disturbance. There will be about an acre of disturbance.
- [7:16] Adjoining landowner Tyler Mulcahy asked if there would be any potential stormwater impact to his property. Applicant's Engineer said the water should follow the contours so there should be very little impact to his property.
- [7:17] Adjoining landowner Christine Murphy said at a previous meeting there were comments that the property lines might not be exactly where the stone walls are. The stone walls are clearly delineated as boundaries in the property description in her deed. The site plan that shows the proposed location of the house is based on an old survey from John Marsh. Another survey by Button was mentioned previously. She feels that one would be more reliable. Why not use that one? The Applicant said the survey used was the Button survey. IZA Holden said it appears that the mention of Marsh on the survey used is a reference to a previous survey by Marsh. The Applicant said Button found pins consistent with the rock wall being the boundary.
- [7:25] Christine Murphy asked if a building envelope will be specified and if the board will have specific requirements regarding the retaining wall, landscaping or blasting. Board member McKnight said the regulations say nothing about blasting. Applicant's Engineer said he thinks if there is any blasting it will be minimal. IZA Holden said typically building envelopes are shown in a subdivision situation. The only reason the DRB is reviewing this is because it is a pre-existing

nonconforming lot. Access to a pre-existing nonconforming lot requires site plan review. During the site review it was discovered that the lot has steep or very steep slopes, which meant conditional use review was also needed. Board member McKnight said the DRB generally does require building envelopes. Others said that is for subdivision.

- [7:31] Board member Chapek said it seems like there will be a lot of fill along the boulder. What happens if the driveway has a 12% grade where possible going up to that part of the driveway? Does that make much difference? Board member Armstrong said the driveway would then need to be steeper above that point. Would it be better to have it a little steeper at the top to lower the amount of fill? Would that lessen the overall impact? The Applicant said he doesn't think so.
- [7:36] Applicant's Engineer said he will submit the revised grading plan he showed today.
- [7:37] Board member Chapek said the fire department said they would like to understand the winter maintenance plan. They said, "If it is not down to asphalt year round we will likely not make it with the length and grade of the driveway." It sounds like it needs to be paved. IZA Holden said he doesn't think they are implying it should be paved, just cleared down to the surface of the road. We would get clarification on that.
- [7:40] Board member Bertsch said the final plan showing what the site will look like after the existing house is removed looks a lot less aggressive than the intermediary plan for what will be done before the house can be removed. It has less wall. It makes sense to him to remove the existing house and build on top of the slope. Board member Hamelin asked if wall that was already put in will be removed. Applicant's Engineer said fill will probably be put over it.
- [7:43] Board member McKnight asked, with all the material that will be moved, what will prevent landsliding? Applicant's Engineer said correct construction processes. The rocky soil that is there has a very low likelihood of erosion. Because the soil is so rocky, when more native material is added from on top there will be interlocking. No slopes will be made more steep than they currently are. The area of disturbance will be limited.
- [7:45] Board member McKnight asked how Applicant's Engineer knows taking fill from the top of the hill won't increase runoff from the top of the hill. Applicant's Engineer said because it is flat there. The Applicant said because the ground is flat the water saturates into the ground. Applicant's Engineer said a water bar could be put in if the board is worried about diversion. The Applicant said the area on top has to be graded for septic. IZA Holden asked, it will be a mound system? The Applicant said no, that is not required. It will be a conventional system.
- [7:47] Board member Chapek said he is a little gun-shy about being told how well soils will take rain because of another project where the board was told the soil would absorb everything and there would be no problem. Applicant's Engineer said with rocky soils there is less likely to be a problem.
- [7:49] Christine Murphy said there is an area on her property that collects water. She wants to be sure there will not be water going from the driveway onto her property. If something like a water bar is needed to ensure that doesn't happen, she would like that.
- [7:51] Board member Chapek moved to close the evidentiary portion of the hearing, board member McKnight seconded and the motion was passed unanimously.
- [7:52] Board member Chapek moved to deliberate in closed session, board member McKnight seconded and the motion was passed unanimously.

### **7:55 PM – Other Business**

- [7:57] Board member Armstrong moved to approve the minutes of December 18, 2023 and the motion was seconded and passed with board member Bertsch abstaining and all other board members voting in favor.

Approval of the minutes of January 8 was postponed as not enough members who were present at that meeting were present at this one.

**7:58 PM - Adjourn**

[7:58] Board member McKnight moved to adjourn and move into deliberative session, board member Armstrong seconded and the motion was passed unanimously.

Respectfully Submitted by:  
Donna Griffiths

These minutes of the January 22, 2023 meeting of the DRB were approved at the \_\_\_\_\_ Underhill Development Review Board meeting and are accepted this 1 day of APRIL, 2024.



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Charlie Van Winkle, Development Review Board Chair

*NOTE: These minutes are an abbreviation of the topics discussed during the hearing. For more detail, a video of the meeting is available at <https://www.youtube.com/watch?v=775PLvK1NoQ&list=PLm9Tgjr7n7xePmrmx4P1AwYbnxYkYrXNx&index=5>*