

UNDERHILL DEVELOPMENT REVIEW BOARD

Monday, March 4, 2024 @ 6:30 PM
REGULARLY SCHEDULED MEETING
Minutes Final

BOARD MEMBERS PRESENT:

Charlie Van Winkle, Chair
Brian Bertsch, Vice Chair
Matt Chapek
Karen McKnight
Shanie Bartlett
Dan Lee

Mark Green
Meg Armstrong

OTHERS PRESENT:

Applicant, Michaela Forsberg
Applicant's Engineer, Reice Branon
Interim Zoning Administrator, Brad Holden

BOARD MEMBERS ABSENT:

6:33 PM – 3/4/2024 DRB Public Meeting

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

6:33 PM –Final Subdivision Review

45 Poker Hill Road (PH045), Underhill, VT

Docket #: DRB-23-06

[6:33] Chair Van Winkle said this is a combined preliminary and final subdivision review on the application by Michaela Forsberg for a proposed 2-lot subdivision at 45 Poker Hill Road. The application is subject to review under the 2011 Unified Land Use and Development Regulations as amended March 6, 2018 and the 2015 Road, Driveway and Trail Ordinance as amended December 18, 2018. It was classified as a minor subdivision during the preliminary subdivision review on October 16, 2023. Chair Van Winkle reviewed procedures to be following during the hearing. No state or municipal representatives acting under their official capacity were present other than Town Administrator and Interim Zoning Administrator Brad Holden. Chair Van Winkle stated that only those interested persons who have participated in a DRB proceeding may appeal a DRB decision to the Environmental Division of the Superior Court. Those who planned to testify were sworn in. No conflicts of interest or ex parte communications on the part of board members were identified. Chair Van Winkle entered into the record the information packet sent out by the Interim Planning and Zoning Administrator prior to the hearing, listed as Exhibits A through L, and 2 additional exhibits which IZA Holden distributed. IZA Holden said Exhibit M is a shared driveway access agreement and Exhibit N is a state wastewater permit.

[6:39] Applicant's Engineer Reice Branon said the total acreage is 7.5 overall. The applicant wants to subdivide one lot, which will be served via a shared driveway. The water supply will be from the Jericho Underhill Water District. There will be a mound system for wastewater on Lot 2. Proposed Lot 1 will be about 6.5 acres gross and 6.43 acres net. The different gross and net figures are because of the proposed right of way, which cannot be counted towards the overall acreage for minimum lot size. Lot 2 will be 1.5 acres. A 2-bedroom single family dwelling is proposed for Lot 2. The lot lines are a little different from what was shown at the sketch plan hearing. At that time a 3-acre Lot 2 was proposed. It was changed because the Applicant is requesting a 100 ft. zoning boundary shift to bring all of Lot 2 within the Underhill Flats District. That allows the wastewater system replacement area for the existing dwelling to be on its own lot and the proposed new wastewater system to be on its own lot. The Applicant has a state wastewater permit, an allocation from the Jericho Underhill water district and a sign-off from the fire department for the proposed driveway. The road commissioner had

no concerns. His understanding is that moving the whole Lot 2 into the Underhill Flats District means the lot meets frontage requirements.

- [6:45] IZA Holden said showing Silvia Forsberg Life Estate on the wastewater permit implies that Silvia Forsberg is still living. Since she is not, he thinks the lot would be in the names of the Applicant and her siblings. He would suggest getting an attorney's advice and possibly getting the wastewater permit amended to show all 3 siblings' names.
- [6:46] Board member Bertsch said it looks like the proposed new house is in the Underhill Flats District. Given that, does the zoning boundary line need to be moved? In the past we have said zoning requirements depend on where the house is located. Applicant's Engineer showed the proposed building envelope. The Applicant would be able to build the house anywhere within that area. To make that possible the Applicant would like to move the zoning district line to allow the entire lot to be buildable under the zoning regulations. Chair Van Winkle asked how the boundary line change affects Lot 1. IZA Holden said the zone the dwelling is in determines which regulations are applied to the whole property. Applicant's Engineer said another benefit to shifting the line is that it would bring the existing dwelling into the Underhill Flats district, where the minimum lot width is 150 ft. That would mean Lot 1 could meet the frontage requirements. Chair Van Winkle said in that case a waiver would not be needed.
- [6:54] Chair Van Winkle asked the Applicant if she is looking to build or sell. She said she is looking to build.
- [6:56] Board member Chapek asked for an explanation of the easement for wastewater. Applicant's Engineer said they wanted to keep the replacement area for each lot on that lot. The mound system has setback requirements from the property line and it didn't quite meet those, so the plan is to put a sewer easement on the property line to accommodate the 25 ft. setback. In the event Lot 1 ever needs to construct a replacement system there is an easement there.
- [6:59] Board member McKnight moved to close the evidentiary portion of the hearing, board member Chapek seconded and the motion was passed unanimously.
- [7:00] Board member Chapek moved to approve the 2-lot subdivision of the Forsberg property at 45 Poker Hill Road as presented with the adjusted zoning lines, board member Bartlett seconded and the motion was passed unanimously. Chair Van Winkle said the board will deliberate in executive session and send a decision within 45 days. He noted that board member Bertsch is job captain for this decision.

7:03 PM – Other Business

- [7:03] IZA Holden said he did not have copies of past minutes for approval. He will distribute them in the future.

Chair Van Winkle asked board members involved in the Steeves decision to respond to his email on it in the next two days as the decision needs to be issued by Thursday.

IZA Holden shared the Butler decision and described some changes that had been made to it.

7:06 PM – Deliberative Session

- [7:06] Board member Bartlett moved to enter deliberative session, board member Bertsch seconded and the motion was passed unanimously.

Respectfully Submitted by:
Donna Griffiths

These minutes of the March 4, 2024 meeting of the DRB were approved at the _____ Underhill Development Review Board meeting and are accepted this 1 day of April, 2024.



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=L-Oujr-omZ4&list=PLm9Tgjr7n7xePmrmx4P1AwYbnxYkYrXNx>