

Town of Underhill
Development Review Board Minutes
Chairperson Scott Tobin

April 7, 2008

Board Members Present:

Charlie Van Winkle, Vice Chair
Stan Hamlet
Penny Miller
Chuck Brooks
Matt Chapek
Peter Seybolt

Also Present:

Kari Papelbon, Zoning Administrator

6:30 PM: Meeting called to order. Vice Chairperson Charlie Van Winkle began the meeting by explaining the procedure for the sketch plan meeting.

6:31 PM: Timothy Mulvihill sketch plan meeting commenced.

Mulvihill
318 Irish Settlement Road

Applicant Present:

Tim Mulvihill

Other Parties Present:

Dennis Grage
301 Irish Settlement Road
Underhill, VT

Identifier: Contents:

ZA-1	A copy of Timothy Mulvihill's application
ZA-2	A copy of the completed Subdivision Checklist: Sketch Plan
ZA-3	A copy of the parcel map for IS318

- Vice Chairperson Van Winkle read the Sketch Plan checklist.
- Timothy Mulvihill explained that he would like to subdivide 2 three-acre lots for personal financial reasons.
- Vice Chairperson Van Winkle asked if the proposed access would be off of Irish Settlement Road. Mr. Mulvihill stated that it would and that he would like to have a driveway for each lot.

- Vice Chairperson Charlie Van Winkle asked if Mr. Mulvihill had contacted any consultants. Mr. Mulvihill responded that he hired Dean Grover and called Stuart Morrow for survey work.
- ZA Kari Papelbon spoke, stating that there was a mapped deer yard and wetlands on the property. Vice Chairperson Van Winkle stated that he assumed Mr. Mulvihill was aware of the presence of both the deer yard and the wetland as they were depicted on the submitted map. Mr. Mulvihill stated that he was and that he planned to impact them as little as possible by siting the houses outside of those areas while meeting Town setbacks. Board Member Stan Hamlet asked if Mr. Mulvihill would be able to meet the setbacks, to which Mr. Mulvihill responded that he was not sure. Vice Chairperson Van Winkle stated that his concern was regarding the deer yard as the regulations state that the Board must protect natural features including deer yards. He recommended getting a determination from the Vermont Department of Fish and Wildlife regarding the deer yard before proceeding with engineering work.
- Board Member Peter Seybolt asked if Mr. Mulvihill had done test pits. Mr. Mulvihill replied that he had not. Board Member Seybolt then asked where the water supply would be. Mr. Mulvihill replied that he would have drilled wells and that he currently uses a drilled well on the far end of his property. Board Member Seybolt asked if it was located below his leach lines. Mr. Mulvihill replied that it was located between 1/8th of a mile to 1/4th of a mile from the leach lines. Board Member Seybolt then asked Mr. Mulvihill if he thought he would have enough water for all of the lots. Mr. Mulvihill responded that he would research the water supply and that he currently does not have water issues, although he is unsure of his exact flows. He then explained that a camp used to be on the property and that his well served the camp. A discussion of the camp and well ensued.
- Board Member Chuck Brooks asked about the note on the sketch plan map regarding purchasing the adjoining property from the Town. Mr. Mulvihill responded that he was wondering about what the Town would charge for the land. He does not need to purchase the land in order to subdivide. Vice Chairperson Van Winkle stated that such a question should be directed to the Selectboard.
- Board Member Seybolt asked if Mr. Mulvihill saw a lot of deer on his property. Mr. Mulvihill replied that he does see deer and some turkeys, but not as many as in previous years. ZA Papelbon asked if the northern area of the mapped deer yard was heavily wooded. Mr. Mulvihill replied that it was marshy in that location.
- Board Member Seybolt asked if the wetland on the map was from State data. ZA Papelbon responded that it was, but that there could be Class III wetlands on the property that are not shown on the map.
- Dennis Grage then spoke, stating that his concern was for the character of the neighborhood with regard to the placement of homes. Currently, homes are sited off the road and out of sight from adjacent homes. Mr. Mulvihill replied that the proposed home sites would be set back from the

road. Vice Chairperson Van Winkle added that the homes would be at least 75 feet from the front lot line. Board Member Hamlet added that the setbacks in other districts are different. Mr. Grage asked what the required distance between houses would be. Vice Chairperson Van Winkle replied that side and rear setbacks are 50 feet and explained that accessory buildings would be 20 feet from the side and rear lot lines (behind the front plane of the house).

- Board Member Penny Miller asked Vice Chairperson Van Winkle if there were any further recommendations for Mr. Mulvihill beyond contacting ZA Papelbon for information from the Fish & Wildlife contact she had called. Vice Chairperson Van Winkle stated that he could hire a wildlife biologist to give an interpretation of the deer yard. ZA Papelbon recommended also contacting the State Wetlands Ecologist since they will conduct a site visit free of charge.
- Mr. Mulvihill asked if he would still be able to subdivide if a mapped deer yard still exists. Vice Chairperson Van Winkle responded that the map could be incorrect, and that the Board will consider the proposed impact to the deer yard. Board Member Seybolt read the regulation that addresses protection of a deer yard and Vice Chairperson Van Winkle added that the presence of a deer yard is the biggest obstacle for Mr. Mulvihill.
- Mr. Grage asked how a deer yard is delineated and exactly what it is. Vice Chairperson Van Winkle responded that it is a deer wintering area identified by the State, generally in areas of large coniferous trees on south-facing slopes.
- Vice Chairperson Van Winkle explained the process and next steps after sketch plan approval. Board Member Seybolt clarified that Mr. Mulvihill is not required to hire a wildlife biologist and reiterated the recommendation to call the State. Vice Chairperson Van Winkle explained that Mr. Mulvihill could create a woodlot rather than 2 building lots should he so choose. Mr. Mulvihill responded that he needs to pursue building lots for financial reasons. ZA Papelbon added that she would call Mr. Mulvihill with the Fish & Wildlife and Wetlands contacts.

6:54 PM: Vice Chairperson Van Winkle asked if the Board had enough information to make a decision on whether the meeting fulfills the requirements of the Underhill regulations for sketch plan. Board Members Stan Hamlet and Chuck Brooks stated that there were a few things missing from the map. ZA Papelbon explained that the map came from the Town's tax map and that the scale is off. Board Member Peter Seybolt read the requirements for sketch plan. Board Member Stan Hamlet made a motion, seconded by Board Member Peter Seybolt, to move into deliberative session. The motion was passed by all Board Members present.

7:05 PM: Board Member Stan Hamlet made a motion, seconded by Board Member Chuck Brooks, to move out of deliberative session. The motion was passed by all Board Members present. Board Member Chuck Brooks then made a motion, seconded by Board Member Matt Chapek, to accept the proposed sketch plan with the following information to be provided prior to scheduling a preliminary hearing:

1. A determination from the State of Vermont Fish & Wildlife Department on the presence and location of the mapped deer yard shown on the Town of Underhill tax map, including any recommendations for setbacks or buffers for protecting the deer yard.
2. A wetland delineation for the property by the State of Vermont Wetlands Ecologist.
3. Information from test pits for sewage capacity and proposed water supply locations and capacity. A State Wastewater and Potable Water Supply permit will be required for final subdivision approval.

7:41 PM: Meeting adjourned.

These minutes of the 4-7-08 meeting of the DRB were

Accepted

This _____ day of _____, 2008

Vice Chairperson Charles Van Winkle

These minutes are subject to correction by the Underhill Developmental Review Board. Changes, if any, will be recorded in the minutes of the meeting of the DRB.