

Town of Underhill
Development Review Board Minutes
Chairperson Scott Tobin
March 15, 2010

Board Members Present:

Chuck Brooks
Stan Hamlet
Will Towle
Peter Seybolt
Scott Tobin, Chair

Also Present:

Kari Papelbon, Zoning Administrator

6:31 PM: Chairperson Scott Tobin called the Kusserow and Lassiter boundary line adjustment hearing to order.

Applicants Present:

Suzanne Kusserow
P.O. Box 125 (BE053)
Underhill Center, VT 05490

Craig and Susan Lassiter
5 High Meadows Rd.
Underhill, VT 05489

Consultant Present:

Brad Holden
60 Covey Rd.
Underhill, VT 05489

Others Present:

Robert Lair
39 Beartown Rd.
Underhill, VT 05489

Justin Willis (Consultant for next hearing)
Tom Moore (Applicant for next hearing)
Ed and Betty Moore (Applicants for next hearing)

Identifier: Contents:

ZA-1	Suzanne Kusserow and Craig and Susan Lassiter's Application for Boundary Line Adjustment (dated 2-26-10);
ZA-2	A copy of the survey prepared by Brad Holden for Suzanne Kusserow and Craig and Susan Lassiter (dated 3-1-10);

ZA-3 A copy of the tax map for BE053 and HI005;
ZA-4 A copy of the exemption language from the VT Wastewater Rules;
ZA-5 A copy of the hearing notice published in the *Burlington Free Press* (2-25-10);
ZA-6 Staff report prepared by ZA Papelbon
S-1 Draft Warranty Deed for the transfer of land

- Chairperson Tobin began the meeting by explaining the procedure for the boundary line adjustment hearing. He then swore in all interested parties and entered the above items into record.
- Brad Holden, consultant for Mrs. Kusserow and Mr. and Mrs. Lassiter, provided an overview of the proposed boundary line adjustment. The remainder of an existing 2.5-acre parcel deeded to Mrs. Kusserow in 1969 is the acreage under review. The northeasterly portion of the lot was adjusted and added to the adjoining parcel owned by Dan Close and his wife in 1993. He passed around several plans showing the evolution of the properties in question. The remainder is proposed to be added to the Lassiters' lot.
- Board Member Stan Hamlet asked for clarification on where the 2.5-acre parcel was on one of the maps. Mr. Holden and the Board provided such.
- Mr. Holden provided additional details, including a plan from 2001 showing the parcel as having merged with the overall acreage referred to as the "pond lot" or 53 Beartown Road.
- Board Member Peter Seybolt asked for clarification as to who owns the piece originally owned by Bassett. It was stated that Boyson owns the property now.
- Board Member Scott Tobin stated that the adjustment would reduce the "pond lot" from just over 10 acres to 9.2 acres. He then stated that since the adjustment would bring the parcel below 10 acres in a 5-acre zone that the "pond lot" would not be eligible for subdivision. The Lassiter lot, part of a previous subdivision, is a non-conforming lot. Mr. Holden stated that there is a state wastewater permit for the "pond lot," and that the draft warranty deed includes the notice of permit requirement language per the VT Wastewater Rules.
- ZA Papelbon stated that the deeds and survey showing the exchange of acreage will need to be recorded.
- Mr. Holden further explained that the plan is to deed the remainder of the "pond lot" to her daughter and son-in-law after the boundary line adjustment.
- Chairperson Tobin asked for public comment. Sue Kusserow, 37 Beartown Road, asked if the parcel code for the "pond lot" should be 37 instead of 53.

Mr. Holden explained that the parcel code is correct and that her residence parcel code is 37.

6:45 PM: Chairperson Scott Tobin asked if there were further questions from the Board. There were none. Board Member Stan Hamlet made a motion, seconded by Board Member Will Towle, to approve the boundary line adjustment. The motion was passed by all Board Members present.

Board Member Will Towle, Suzanne Kusserow, Robert Lair, and Craig and Susan Lassiter left at this point.

6:48 PM: Chairperson Scott Tobin called the Moore preliminary 3-lot planned residential development hearing to order.

Applicants Present:

Ed and Betty Moore
118 Stevensville Road / P.O. Box 63
Underhill (Center), VT

Tom Moore
118 Stevensville Road / P.O. Box 131
Underhill (Center), VT

Consultants Present:

Justin Willis
Willis Design Associates, Inc.
P.O. Box 98
Richmond, VT 05477

Brad Holden
60 Covey Rd.
Underhill, VT 05489

Identifier:	Contents:
ZA-1	Edwin T. Moore, II & Elizabeth W. Moore and Edwin T. Moore, III & Deborah A. Moore's Application for Subdivision: Preliminary Hearing (dated 2-24-10);
ZA-2	A copy of the completed Subdivision Checklist: Preliminary Hearing;
ZA-3	A copy of the plans prepared by Justin Willis of Willis Design Associates, Inc. for Edwin T. Moore, II & Elizabeth W. Moore and Edwin T. Moore, III & Deborah A. Moore (Sheets S1, D1, and D2 dated 2-25-10);
ZA-4	A copy of the Preliminary Plat prepared by Brad Holden for Edwin T. Moore, II & Elizabeth W. Moore and Edwin T. Moore, III & Deborah A. Moore (dated 2-25-10);
ZA-5	A copy of the letter to Randy Clark, Chief of the UJFD (dated 2-22-10);
ZA-6	A copy of the letter from James Massingham, Co-Superintendent of Chittenden East Supervisory Union #12 (dated 2-26-10);

ZA-7	A copy of the draft Findings of Fact (dated 2-25-10);
ZA-8	A copy of the waiver requests (dated 2-25-10);
ZA-9	A copy of the tax map for ST118;
ZA-10	A copy of the minutes from the 2-1-10 Sketch Plan Meeting;
ZA-11	A copy of the hearing notice published in the <i>Burlington Free Press</i> (dated 2-25-10);
ZA-12	Staff report prepared by ZA Papelbon
S-1	A copy of the revised Sheet S1 (revised 3-10-10);
S-2	Draft Warranty Deeds for the proposed lots and boundary line adjustment
S-3	A copy of the Letter from the UJFD (dated 3-11-10)

- Chairperson Tobin began the meeting by explaining the procedure for the preliminary planned residential development hearing. He then swore in all interested parties and entered the above items into record.
- Mr. Edwin T. Moore, II spoke, providing a short overview of the original idea for the project, and commended the Board, consultants, and ZA Papelbon for their work. A short discussion unrelated to the application ensued.
- Justin Willis, Willis Design Associates, Inc., provided an overview of the project to date. The boundaries of the open space are 100 feet north of the northerly boundary of Clay Brook to the rear property lines. The project includes reduced setbacks for the existing buildings. The closest portion of the existing house on Lot 1 to the proposed shared boundary line with Lot 2 is 40 feet, which requires a 10-foot waiver. The closest point of the existing house on Lot 2 to the proposed shared boundary line with Lot 1 is 43 feet. Brad Holden provided a brief explanation of how the common boundary line was determined.
- ZA Papelbon recommended determining the front lot line for Lot 2 to get the waiver amounts and language correct. Mr. Moore provided additional details as to how the boundary line was determined. Chair Tobin stated that the waiver, depending on which line was the front, would be either 28 feet (front) or 3 feet (side). Tom Moore asked who determines which lot line is the front. Chair Tobin explained that in subdivisions, it has been DRB practice to consider where the driveway enters the lot as the front lot line. A short discussion of the front setback distance ensued. It was determined that a 32-foot waiver for the front lot line setback to the house on Lot 2 was required.
- Mr. Willis explained that the driveway to Lot 3 has been proposed to be owned rather than an easement over the Lots 1 and 2 access. The driveway is slightly closer to the shared lot line with the McClellan property than the required 20 feet, but that could be changed. The curb cut is less than 20 feet from the proposed shared boundary line with Lot 1. A discussion of moving the proposed lot line on Lot 1 ensued. ZA Papelbon explained that the decision is ultimately up to the Selectboard, but that they would probably defer to the Road Foreman's opinion. The waiver would be 20 feet.

- Mr. Willis stated that the building envelope had changed since the sketch plan meeting to accommodate a new house and garage design. State septic permits will be applied for after preliminary approval is received. A request to waive the driveway profile and engineering plans since the driveway is existing for the most part (utilizing a logging/farm road). He suggested the Board require following the State's *Low-Risk Site Handbook for Erosion Prevention and Sediment Control*, which in this case would necessitate the installation of silt fence around the construction area. A brief discussion of the silt fence and installation requirements ensued.
- Mr. Willis stated that draft warranty deeds had been submitted. The open space language is included in the deeds. Board Member Peter Seybolt asked if the boundary line adjustment had been done or whether it was part of the proposed plan. It was stated that it was part of the proposed plan.
- Board Member Chuck Brooks asked about the road frontage for Lot 3. It was stated that such would require a waiver. ZA Papelbon stated that since the curb cut for access to the lot is off of Stevensville Rd. that Lot 3 does have 80 feet of frontage, and a waiver of 220 feet would be required. It is not a waiver of a right-of-way, but the minimum frontage requirement. Mr. Ed Moore provided additional information as to why a right-of-way access was changed to using the existing logging/farm road for the driveway on Lot 3.
- Chair Tobin asked if there was a driveway cross-section contained in the plans. Mr. Willis explained that a waiver for such requirement was requested. He stated that a copy of the B-71 state standard and/or the Underhill Road Policy section could be included in the final plans.
- A discussion of the waivers and plan changes occurred. The remaining outbuildings on Lot 2 also require waivers. Mr. Holden suggested providing a comprehensive list of waiver requests.
- ZA Papelbon spoke, stated that she spoke to Brad about including the zoning district on the survey. The B-71 standard or the Road Policy section will be included as part of the final hearing application to address the missing item on the checklist. The *Low-Risk Site Handbook for Erosion Prevention and Sediment Control* as part of the plans will address any erosion control concerns. State permits will be applied for after preliminary approval is received. Draft warranty deeds have been received that include language regarding the easements and maintenance of the shared driveway. Language stating that the lots cannot be further subdivided is missing from the deeds and will need to be included. The UJFD submitted a letter and Harry Schoppmann spoke to ZA Papelbon stating that they have no issues with the development.
- Chair Tobin asked Mr. Willis to review his Findings of Fact. Mr. Tom Moore asked how many PRDs there were in Town. ZA Papelbon stated that PRD

language is included in the current zoning regulations dated 2003. A discussion of this ensued. Mr. Willis reviewed the proposed Findings. The Board had no questions or issues with the proposed Findings of Fact.

7:43 PM: Chairperson Scott Tobin asked if the Board felt they had enough information to make a decision as to whether the preliminary application met the requirements for subdivision. The Board stated that they did. Board Member Stan Hamlet made a motion, seconded by Board Member Chuck Brooks, to enter a closed deliberative session. The motion was passed by all Board Members present.

7:53 PM: Board Member Stan Hamlet made a motion, seconded by Board Member Chuck Brooks, to move into open session. Board Member Stan Hamlet made a motion, seconded by Chair Scott Tobin, to approve the preliminary application with the following conditions:

1. The final application shall include a complete list of waiver requests.
2. Evidence of submission to the State for a wastewater permit shall be submitted to the Zoning Administrator prior to scheduling the final hearing.
3. The deeds to the lots shall be revised to include language stating that they cannot be further subdivided.
4. Driveway standards from B-71 and/or the Underhill Road Policy shall be included on the final plans.
5. The final plans shall reference the requirement to follow the *Low-Risk Site Handbook for Erosion Prevention and Sediment Control*.
6. The final plans shall reflect the revised building envelope.
7. A note stating the front lot line for Lot 2 shall be contained on the final plans.
8. The zoning district shall appear on the final survey.
9. The proposed driveway on Lot 3 shall comply with the 20-foot setback requirement at the curve.

The motion was passed by all Board Members present.

8:00 PM: Meeting adjourned.

These minutes of the 3-15-10 meeting of the DRB were accepted

This _____ day of _____, 2010.

Chairperson Scott Tobin

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.