

Town of Underhill
Development Review Board Minutes
Chairperson Charles Van Winkle

February 27, 2012

Board Members Present:

Charles Van Winkle, Chairperson
Penny Miller
Will Towle
Matt Chapek
Peter Seybolt
Chuck Brooks

Staff Present:

Kari Papelbon, Zoning & Planning Administrator
Rod Fuller, Road Foreman

6:31 PM: Chairperson Charles Van Winkle called the continued Goplen subdivision hearing to order at the Underhill Town Hall.

Consultant(s) Present:

Gunner McCain
McCain Consulting, Inc.
93 South Main St., Ste. 1
Waterbury, VT 05676

Identifier: Contents:

ZA-1	A copy of the Findings Checklist (dated 2-9-12)
ZA-2	A copy of the email from neighbor Doug Robie (dated 2-15-12)
S-1	A copy of the parcel and contour map prepared by Brad Holden

- Chairperson Van Winkle began the meeting by explaining the procedure for the preliminary hearing, which comes under the 2011 Unified Land Use and Development Regulations and the 2002 Road Policy. He then stated that all interested parties who were sworn in at the last hearing were still under oath, and swore in Rod Fuller. The above items were entered into record.
- Gunner McCain, Consultant for the Applicant, responded to the concerns for blasting in Mr. Robie's email by stating that his best estimate for needing to blast is low due to the presence of sand. He then stated that some of the Board Members stated at the last meeting that they wanted to hear from Rod about the

drainage issues on Lower English Settlement Road and Romar Drive. Mr. McCain stated that he had met with Rod and Kari at the site previously and that Rod had indicated he felt the subdivision would not exacerbate the existing drainage issues.

- Chairperson Van Winkle asked for a summary of the drainage issue as discussed at the last meeting. Board Members Penny Miller and Chuck Brooks discussed the neighbors' concerns for the culverts, ditches, and water across the road. Mr. Fuller stated that the existing cross-culvert near the field on Lot 1 needs to be upgraded as it is currently a 12" undersized culvert. Board Member Miller asked what the culvert drains, to which Mr. Fuller stated that the field drains through the culvert. He continued to state that a drainage study was conducted in 2000 which revealed that the culvert was also 10" above where it should be for proper drainage. Ultimately, the water flows down to Orchard Road.
- Board Member Miller asked why the neighbors on Romar Drive would have an issue. Mr. McCain stated that one issue is the ditch across from Lot 1 and another issue is the culvert above the driveway that drains into a ditch that runs parallel to Romar Drive. Mr. Fuller stated that the ditch needs to be cleaned out behind the Warrens' property. Discussion ensued. Mr. Fuller stated that he did not feel that it was the Town's responsibility to improve the existing drainage situation on Romar Drive beyond ditching on the upper side of the culvert. The culvert by the field also needs to be upgraded according to the 2000 report. Mr. McCain stated that his project does not affect the drainage situation. Board Member Will Towle asked Mr. Fuller if he agreed with Mr. McCain that the proposed subdivision would not exacerbate the existing drainage issue. Mr. Fuller stated that his only concern was for the amount of water that would be directed toward the proposed stormwater pond on Lot 1. Mr. McCain stated that the water is being directed into the stormwater pond to slow it down and treat it. Mr. Fuller stated that the houses on Lower English Settlement Road below the stormwater pond might see more water. Mr. McCain stated that the total volume of water could go up, but the rate of runoff would not increase. Discussion continued.
- Mr. McCain stated that the property has little runoff as water infiltrates into the sandy ground. Board Member Miller asked about the field, to which Mr. McCain stated that there is a depression in the field which causes it to pond, especially in the spring, for short periods of time. Board Member Miller asked Mr. Fuller if water crosses the road at that point, to which Mr. Fuller stated that he had not seen it.
- Board Member Matt Chapek asked if there was a way to make the Town drainage ditch into a long stormwater pond to alleviate some of the drainage issues. Mr. Fuller stated that the area was lawn. Discussion ensued. Mr. Fuller stated that the 2000 report recommended upgrading the culvert by the field to a 24" culvert. Mr.

McCain stated that upgrading the culvert and lowering the invert by a foot would change the drainage situation more than the proposed subdivision would.

- Board Member Miller asked whether the cross-culvert above the existing driveway would collect more water and direct it toward the Jobin-Picard property. Mr. Fuller stated that the way the project is designed that culvert would receive less water.
- A brief discussion of culverts in the 2000 report ensued. Chairperson Van Winkle stated that his understanding of Mr. McCain's testimony is that the rate of flow is not going to be increased or reducing the rate of flow through the north culvert, and that the rate of flow to the south culvert will not be increased due to the direction toward the proposed stormwater pond. Mr. McCain stated that such was correct.
- A discussion of the State's stormwater rules and requirements ensued. Mr. McCain stated that the project complies with the State's stormwater program.
- Chairperson Van Winkle asked how wide the development road is, to which Mr. McCain stated it is 18 feet wide with 1-foot shoulders. Mr. McCain stated the first 75 feet is "development road," after which it turns into a shared driveway because it serves three lots. Discussion ensued. Board Member Towle mentioned Section 8.6(A)(2)(c) might apply for frontage requirements on cul-de-sac roads. Board Member Miller gave an opinion on the intent of the regulations. Discussion continued.
- Chairperson Van Winkle asked whether utilities would be within the proposed right-of-way. Mr. McCain responded that they would be. Chairperson Van Winkle asked if they would be above or below ground. Mr. McCain responded that utilities would be buried.
- ZA/PA Papelbon asked why the plans show a 60-foot right-of-way rather than the minimum requirement of 50 feet. Mr. McCain stated it was to make it wider, but there was no good reason. ZA/PA Papelbon asked what the area is within the proposed right-of-way. Board Member Miller asked what the relevance was, to which ZA/PA Papelbon responded that Section 8.2 requires the area within the proposed right-of-way to be excluded for density calculations. Mr. McCain stated that the total right-of-way is about 1.5 or 1.6 acres. ZA/PA Papelbon asked how much the area would be reduced by reconfiguring to a 50-foot right-of-way. Mr. McCain stated it would be a reduction of about $\frac{1}{4}$ of an acre. He also stated that the right-of-way at the end with the driveways could be reduced so that it is not "varying." ZA/PA Papelbon stated she assumed Mr. McCain would request a waiver of the requirement, to which he responded that he would.

- ZA/PA Papelbon asked, other than cost, what is preventing a stormwater system designed for a 50- or 100-year event rather than the State's requirement for a 25-year event. Mr. McCain stated that basically it is cheaper to rebuild it than to design to a higher standard. Discussion ensued.
- Chairperson Van Winkle asked if there were more questions from Mr. Fuller. Board Member Towle asked if Mr. Fuller had an opinion if clearing 1/3 of the trees would make the drainage issue better or worse. Mr. Fuller stated that he did not believe it would cause increased runoff once vegetation is reestablished.
- Mr. Fuller asked why the stump dumps were proposed right beside the development road. Mr. McCain stated that they would be off to the edges in fill areas and it was a common practice.

7:24 PM: Chairperson Van Winkle asked if the Board felt they had enough information to make a decision on the application. The Board indicated that they did. Chairperson Van Winkle asked if the Board felt they had enough information to close the evidentiary portion of the hearing. The Board indicated that they did. Discussion ensued.

7:38 PM: Mr. Fuller left. Discussion of stormwater permit requirements ensued.

7:42 PM: Board Member Will Towle made a motion, seconded by Board Member Penny Miller, to close the evidentiary portion of the hearing. The motion was passed by all Board Members present. Board Member Chuck Brooks made a motion, seconded by Board Member Will Towle, to enter a deliberative session. The motion was passed by all Board Members present. Mr. McCain left.

8:24 PM: Board Member Will Towle made a motion, seconded by Board Member Penny Miller, to move out of deliberative session. The motion was passed by all Board Members present. Board Member Will Towle made a motion, seconded by Board Member Peter Seybolt, to approve the preliminary application pursuant to the following:

1. Access is approved per Section 3.2(A).
2. Frontage is waived for the cul-de-sac lots per Section 8.6(A)(2)(c).
3. A proposal for a buffer along the subdivision perimeter is required with the final hearing application.
4. Revisions to the plans as discussed during the hearings shall be incorporated into the final application package.

The motion was passed by all Board Members present.

8:25 PM: End of meeting.

These minutes of the 2-27-12 meeting of the DRB were accepted

This 19 day of MARCH, 2012.



Charles Van Winkle, Chairperson

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.