

**Town of Underhill**  
Development Review Board Minutes  
Chairperson Charles Van Winkle

May 14, 2012

**Board Members Present:**

Charles Van Winkle, Chair  
Matt Chapek  
Peter Seybolt  
Chuck Brooks  
Penny Miller

**Staff/Municipal Representatives Present:**

Kari Papelbon, Zoning & Planning Administrator

**6:37 PM:** Chairperson Charles Van Winkle called the continued Marsh Site Plan Review/Access hearing to order at the Underhill Town Hall.

**Applicant(s) Present:**

John and Barbara Marsh  
35 S. Summit St.  
(264 Stevensville Rd.)  
Essex Junction, VT 05452

**Consultant(s) Present:**

Don Foote  
(Blue Spruce Realty)  
P.O. Box 1099  
Jericho, VT 05465

**Others Present:**

Will Towle (recused)  
260 Stevensville Rd.  
Underhill, VT 05489

3 others

<b>Identifier:</b>	<b>Contents:</b>
ZA-1	A copy of the Easement deed (dated May 7, 2012)
ZA-2	A copy of the Acknowledgement and Confirmation (dated May 8, 2012) and Exhibit A

ZA-3 A copy of the Right of First Refusal (dated May 7, 2012)  
ZA-4 A copy of the Winter Road Maintenance Agreement (dated May 7, 2012  
and May 8, 2012)

- Chairperson Van Winkle began the meeting by explaining the procedure for the continued hearing, which comes under the 2012 Unified Land Use and Development Regulations and the 2002 Road Policy. He then swore in interested parties present and entered the above items into evidence.
- Don Foote, on behalf of Attorney Dennis Hill and the Marshes, provided a brief overview of the project. The lot was part of a previous subdivision with language attached regarding change of use from seasonal to year-round. The process has changed in the current regulations. A wastewater permit for a 3-bedroom house has been received for the lot and was submitted at the previous hearing. Agreements have been signed with neighbor Will Towle.
- ZA/PA Papelbon asked whether the Underhill Jericho Fire Department had reviewed the plans and submitted comments. Mr. Foote stated that no comments had been received. ZA/PA Papelbon stated that she had not received comments from the Selectboard or Road Crew regarding the project.
- Will Towle, 260 Stevensville Rd., provided a brief summary of the agreements that had been signed. He confirmed that as a neighbor his concerns were for the capacity and condition of the road past the Class III portion. The Town does not maintain the road past the Maple Leaf Farm property, with the exception of the drainage improvement project completed last year. The Class IV portion of Stevensville Road is maintained ad hoc and with no formal agreement by residents. There have been issues with the State in the past with regard to maintenance.
- Board Member Matt Chapek asked whether the State pays for maintenance or plows. Mr. Towle stated that traditionally John French plowed, but other contractors have been brought in at times. Board Member Chapek asked whether costs were shared 50/50. Mr. Towle stated that it was not.
- Chairperson Van Winkle asked about the length of the road from the point where Town maintenance stops to the project area. Mr. Towle stated that an estimate is one mile with varying widths and conditions.
- Chairperson Van Winkle asked for further public comments. There were none.

**6:58 PM:** Chairperson Van Winkle asked if the Board felt they had enough information to make a decision. The Board indicated that they did. Chairperson Van Winkle stated that the evidentiary portion of the hearing was closed.

**7:00 PM:** Chairperson Van Winkle asked if the Board would like to deliberate in open or closed session. The Board indicated that they wished to deliberate in open session. The Board reviewed the Site Plan Review Standards Checklist with responses provided by

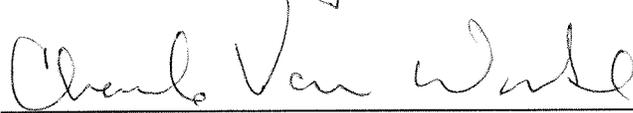
the applicants. Chairperson Van Winkle asked if the Board would recommend approval to the Selectboard, to which the Board responded that they would.

**7:11 PM:** Board Member Matt Chapek made a motion, seconded by Board Member Chuck Brooks, to approve of the application with the condition that a review from the Underhill Jericho Fire Department was presented to the Selectboard for their review. The motion was passed by all Board Members present.

**7:12 PM:** End of meeting.

These minutes of the 5-14-12 meeting of the DRB were accepted

This 21 day of June, 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.*