

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

September 17, 2012

**Board Members Present:**

Charles Van Winkle, Chair  
Penny Miller  
Chuck Brooks  
Will Towle

**Staff/Municipal Representatives Present:**

Kari Papelbon, Zoning & Planning Administrator

**6:34 PM:** Chairperson Charles Van Winkle called the Rainville & McKegey Final Subdivision hearing to order at the Underhill Town Hall.

**Applicant(s) Present:**

Michael Rainville  
Kevin McKegey  
80 Cemetery Rd. (DM008)  
Jericho, VT 05456

**Others Present:**

Tyler Hansen  
Mike DiTomaso  
Johnson State College Students, Land Use Planning Class

| <b>Identifier:</b> | <b>Contents:</b>   |
|--------------------|--|
| ZA-1               | Michael Rainville's Application for Subdivision: Final (dated 8-13-12)   |
| ZA-2               | A copy of the plans prepared by Christopher Leister of Hogg Hill Design, LLC. (Sheet 1 revised 7-15-12, Sheets 2 & 3 dated 2-17-12, Sheet 4 revised 7-30-12) |
| ZA-3               | A copy of the survey prepared by Christopher Haggerty of Button Professional Land Surveyors, PC (Survey date 4-3-12, Plat date 4-15-12, signed 5-15-12)      |
| ZA-4               | A copy of the approved JUWD Application for Water Allocation for Lot 2 (dated 5-7-12)  |
| ZA-5               | A copy of the approved JUWD Application for Water Allocation for Lot 1 (dated 8-6-12)  |
| ZA-6               | A copy of the Wastewater System and Potable Water Supply Permit (dated 8-20-12)  |
| ZA-7               | A copy of the Draft Warranty Deeds for Lots 1 and 2  |

|       |  |
|-------|--|
| ZA-8  | A copy of the completed Subdivision Standards Findings Checklist         |
| ZA-9  | A copy of the final hearing requirements letter (dated 7-9-12)           |
| ZA-10 | A copy of the Preliminary decision (dated 7-6-12)                        |
| ZA-11 | A copy of the minutes from the 6-18-12 Preliminary Hearing               |
| ZA-12 | A copy of the hearing notice (published in <i>Seven Days</i> on 8-29-12) |
| ZA-13 | A copy of the test pit logs for the septic systems                       |
| ZA-14 | A copy of the B-71 standard for driveways                                |

- Chairperson Van Winkle began the meeting by explaining the procedure for the final hearing, which comes under the 2011 Unified Land Use and Development Regulations. He then swore in interested parties present and entered the above items into evidence.
- Mike Rainville, Applicant, stated the he believed all requirements had been submitted.
- Chairperson Van Winkle asked how many total acres the project started with. Mr. Rainville stated the parcel was just over 2 acres. Chairperson Van Winkle provided a brief overview of the project for the guests present.
- Board Member Will Towle asked if it was correct that a new septic system for the existing house on Lot 1 and a septic system for Lot 2, located on Lot 1, would be separate. Mr. Rainville stated that such was correct.
- Board Member Towle asked about the triangular piece of land discovered during the surveying process. Mr. Rainville explained that it is a separate lot just over 1/8 acre, a preexisting, nonconforming lot. There are no immediate plans for developing the property. Board Member Towle asked which lot would assume ownership. Mr. Rainville stated that it would go with Lot 2. Discussion ensued. Board Member Towle stated that it should be a requirement that the deed should include the triangular piece.
- Board Member Penny Miller asked if the preliminary decision conditions and requirements for final hearing had been fulfilled. ZA/PA Papelbon stated that, with a couple of exceptions, all of requirements in the decision were fulfilled.
- Board Member Chuck Brooks mentioned that the acreage in the deeds did not match the acreage on the survey, a revision date is required on the survey, and such changes are required. ZA/PA Papelbon provided further explanation on the required survey revision date.
- Board Member Towle mentioned that the triangular piece is not mentioned in the submitted draft Warranty Deeds and reiterated that the deed needs to include that. Discussion ensued.
- Board Member Chuck Brooks mentioned the two remaining bullet items from ZA/PA Papelbon's staff report notes. Discussion of the septic easement language and ownership ensued. Board Member Towle and ZA/PA Papelbon stated that they did not believe ownership was an issue. Discussion continued. The septic lines for each unit of the proposed duplex on Lot 2 go to separate leach lines. Board Member Towle stated that there is no description of the septic easement. Discussion ensued. It was explained that the maps are scaled and that the engineer would have to certify that the septic systems were installed according to the approved plans.

- Board Member Miller asked for clarification on the ownership issues discussed previously, specifically who owns the land if the units are owned separately. After brief discussion, it was explained that the zoning regulations do not address ownership unless it is with an accessory dwelling, and it would probably be considered a condo.
- Board Member Miller asked about the Lot 2 septic easement language in the staff memo. ZA Papelbon stated that the discussion was to disregard that note. Board Member Towle stated that his opinion was that the easement language was lacking. ZA/PA Papelbon stated that she had the same comment about the shared driveway maintenance agreement, to which Board Member Towle stated he had the same opinion. Discussion of the driveway and easement language ensued.
- Chairperson Van Winkle swore in Kevin McKegney, co-applicant.
- ZA/PA Papelbon mentioned that there are no parcel codes on the map. The reason is complicated - the E-911 office at the state has recognized that this situation will occur more often, where previous numbering schemes have not allowed room for infill development. The standard for numbering has changed from being based on 1/10 mi to 1/1000 mi. Since there are no gaps between the codes on Dumas Rd., there will need to be changes to existing parcel codes as well as the new subdivision. There was no other way around renumbering and new codes will not be available until after Wednesday (September 19). The new codes will be required to be on the Mylars. Discussion ensued.
- Chairperson Van Winkle asked if there were further comments. There were none.

**7:20 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 asked whether the Board wished to deliberate in open or deliberative session. After discussion, the Board decided to deliberate in open session.

**7:22 PM:** Chairperson Charles Van Winkle made a motion, seconded by Board Member Penny Miller, to close evidence. The motion was passed by all Board Members present.

Mr. Rainville and Mr. McKegney departed.

Open deliberations ensued. Topics discussed: include the triangular lot in the deeds as owned by Lot 2, the septic and driveway easements, including E-911 codes on the Mylars, the survey revision date, ensuring the acreage in the deeds matches the acreage on the survey, and standard conditions of approval.

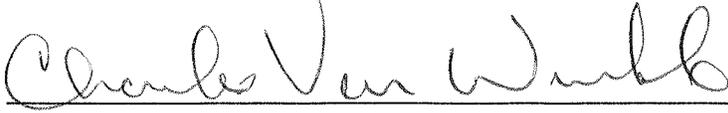
**7:50 PM:** Guests departed.

**8:25 PM:** Board Member Penny Miller made a motion, seconded by Board Member Chuck Brooks, to approve the application with conditions as discussed. The motion was passed by all Board Members present.

End of meeting.

These minutes of the 9-17-12 meeting of the DRB were accepted

This 4 day of OCTOBER, 2012.

A handwritten signature in cursive script, reading "Charles Van Winkle", written over a horizontal line.

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.*