

**Town of Underhill
Development Review Board Minutes
April 3, 2017**

Board Members Present:

Charles Van Winkle, Chairperson
Matt Chapek
Mark Green
Karen McKnight
Stacey Turkos

Staff/Municipal Representatives Present:

Andrew Strniste, Planning Director

Others Present:

Ronald Racine (18 Krug Road, Underhill, VT)
Beth Racine (18 Krug Road, Underhill, VT)
John Connell (14 Krug Road, Underhill, VT)

6:30 PM – 03/20/2017 DRB Public Meeting

- DRB Members convened at Town Hall at 6:30 PM. Chair Van Winkle called the meeting to order.
- [6:31] Chair Van Winkle asked for public comment. No public comments were provided.

6:32 PM – Racine Sketch Plan Review – 18 Krug Road (KR018)

Docket #: DRB-17-05

- [6:36] Chair Van Winkle began the meeting by explaining the procedure for a sketch plan review meeting, and acknowledged that the meeting was informal in order to familiarize the Board with the proposed subdivision, and therefore, no one needed to be sworn in. The applicants, Ronald & Beth Racine, were before the Board to discuss the sketch plan review application pertaining to the lot located at 18 Krug Road. John Connell, an abutting neighbor, was in attendance.
- [6:38] No conflicts of interest were present, and therefore, no recusals occurred.
- [6:39] Mr. Racine provided an explanation of the proposed subdivision: he and his wife owned six acres located in two zoning districts, and they wished to subdivide the lot into two, keeping one in the Rural Residential district. The land contains wetlands, is flat, and the was recently cleared of trees. The Racines responded to Chair Van Winkle’s question about utilities, explaining that the utilities were above ground from Krug Road to an existing utility pole and to the south to the neighboring property, but below ground from the utility pole to their house. In response to Board Member Green’s question, the Racines answer that they were proposing to subdivide for financial reasons. A brief discussion ensued about the past Boundary Line Adjustment. Chair Van Winkle provided an explanation of the Planned Residential Development (PRD) process, and explained that the Town typically looks for a benefit for the Town. Mr. Racine stated that they were looking to utilize the open space bonus density, which was identified as hatched marks on the site plan. He then informed the Board that the lot had been cleared, which the State supported.
- [6:49] A brief discussion ensued about the location of the stream and the ravine, as well as the various wildlife seen on the property.
- [6:52] Chair Van Winkle continued the discussion about the open space bonus density request, and asked why that would be considered a benefit to the Town. Ms. Racine explained that with the recent clear cutting, more sunlight has been provided to the neighborhood, and that there was still a lot of wildlife that utilized the lot. Chair Van Winkle explained that, as a PRD, once complete, the Racines would not be able to further subdivide, which they explained they had no intention of doing so. Staff Member Strniste provided an

overview on why density bonuses were required for this particular subdivision. Board Member Chapek asked if since the Development were to occur in the Rural Residential zoning district, if they could subdivide normally. Staff Member Strniste explained that the Racines needed 8 acres or they would be creating at least one nonconforming lot; however, the Board could recommend that both lots be three acres in size to better align with the Rural Residential zoning district standards. Staff Member Strniste then explained the Water Conservation District has essentially outgrown its purpose of protecting the shallow wells since better technology can mitigate drinking water contamination.

- [7:05] Chair Van Winkle asked why the Racines could not ask for two 3-acre lots, and Staff Member Strniste answered that a PRD is required regardless, and that under a PRD, both lots could be permitted even though they don't conform with the underlying zoning district. A brief overview of the existing septic system and drilled well was provided. Chair Van Winkle stated that the Board would be looking for the applicants to identify the location of the new drilled well and wastewater systems during the subdivision process, as well as looking for a shared access agreement.
- [7:10] Staff Member Strniste provided an overview of his comments provided in the staff report. Board Member Green expressed his concern about the intent of open space, and with the proposed subdivision, the lot would be developed to its maximum potential. He continued to state with the utilization of the open space requirement in this proposal would be an attempt to work around the Regulations.
- [7:15] Resident John Connell asked a question regarding setbacks, and then stated that he liked the proposed. Board Member McKnight asked a clarification question about the acreage requirement for each of the applicable zoning districts. Board Member Green stated his opinion that he would be more comfortable with the project if the potential new zoning district was in place. Staff Member Strniste stated his belief that the Town Plan supported this proposal, as it calls for greater density in and near the village centers. Chair Van Winkle stated his hesitancy about allowing the open space bonus density.
- [7:21] Ms. Racine stated that in her opinion the benefits to the Town would include greater density, a bigger tax base, and more residents in and near the village center. Chair Van Winkle inquired about the ability of the new owners to locate a duplex on the property. Staff Member Strniste stated that § 9.3.A.4 of the Regulations allows the Board to designate specific uses in a potential PRD. Staff Member Strniste then advised the Racines that group net-metering could be a potential alternative to the open space density bonus. Chair Van Winkle advised that when the Racines meet with the Board again, they should be ready to explain how their proposal (including the bonus density) conforms with the intent of the districts. He also suggested performing an informal survey of the neighbors to ascertain which lots had drilled wells, which could support the assertion that in this area the intent of the Water Conservation District is not as important. Staff Member Strniste also advised that a stated goal in the Town Plan is to realign the zoning districts to property lines. Board Member Chapek asked what were to happen if 22 Krug Road wanted to subdivide, and Staff Member Strniste advised that the lot would need 8 acres even though more than 95% of the lot is in the Rural Residential District. Board Member Green asked if the neighbors were receptive of the proposal.
- [7:37] Chair Van Winkle advised the applicants that the Board was not receptive of the open space density bonus proposal; however, the Town Plan appeared to work in their favor, and therefore, the applicants should be prepared to discuss those points. Staff Member Strniste advised that the applicants would still be need a mechanism to subdivide (i.e. a density bonus). Board Member Green explained his hesitancy of accepting the proposal, as he was worried about the precedent it could set.

- [7:55] The applicants were dismissed with guidance on how to proceed, and left the sketch plan review meeting.

7:57 PM – Other Business

- [7:57] Chair Van Winkle began a discussion about the Racine application, and explained that there was an issue with proposed density bonus, and if the Board was not leaning in a favorable direction, then they should advise the applicants ahead of time. The Board agreed with the subdivision in principle, but could not justify the mechanism to allow it. Board Member McKnight explained that she believed the Board should keep with the intent of the zoning district, and keep with the rural intent of the Water Conservation zoning district. She also advised that the Board will need to balance land owner rights v. environmental rights. Lastly, she explained that the open space bonus density in this case did not give the Town a big enough benefit in return, which is something the Board would like to see when granting a PRD.
 - [8:07] Staff Member Strniste asked for guidance on which bonus densities to recommend to help the applicant achieve subdivision approved.
 - [8:10] Board Member Turkos advised that she was in favor of granting the open space bonus density. While not the best way to approve the proposed subdivision, which the Board seemed to agree with in principle, she believed the benefit to the town would be less density in the future if the new district were to be adopted. Board Member Green reiterated his support for the project in principle, but how the Board arrived at that decision was important, as he did not believe they could justify the open space bonus density.
 - [8:19] Chair Van Winkle asked for volunteers to attend the Planning Commission's April meetings. Board Member Chapek advised that he may be able to attend a meeting during the fourth week, expected by Staff Member Strniste as a possible rescheduled meeting date.
 - [8:26] Chair Van Winkle asked for a motion to approve the minutes of March 20, 2017. Board Member McKnight accepted the motion, which was seconded by Board Member Chapek. The minutes of March 20, 2017 were approved unanimously.
 - [8:27] A discussion ensued about the Rules of Procedure. Issues that were discussed were: what a personal interest entails; whether votes should be anonymous, as there could be an undue influence on Board members; and immediate neighbors v. interested parties.
 - [8:49] Chair Van Winkle asked for a motion to adjourn. Board Member McKnight made a motion to adjourn, which was seconded by Board Member Green. Motion was approved unanimously.
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Submitted by:
Andrew Strniste, Planning Director & Zoning Administrator

These minutes of the 04/04/2017 meeting of the DRB were accepted
this 17 day of April, 2017.

Charles Van Winkle, Chairperson

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