

**Town of Underhill
Development Review Board Minutes
June 4, 2018**

Board Members Present:

Charles Van Winkle, Chair
Matt Chapek
Daniel Lee
Karen McKnight
Stacey Turkos

Staff/Municipal Representatives Present:

Andrew Strniste, Planning Director

Others Present:

Jon Howard (219 Stevensville Road)

6:30 PM – 06/04/2018 DRB Public Meeting

- DRB Members convened at Town Hall at 6:30 PM after attending a site visit at 219 Stevensville Road.
- [6:30] Chair Van Winkle asked for public comment. No public was in attendance, and therefore no public comment was provided.
- [6:31] Chair Van Winkle advised that unless there was a pressing issue, if there were no scheduled hearings in the upcoming months, the Board's members should take advantage of the short Vermont summer. Staff Member Strniste advised that the only issue, that are not so much pressing, was revamping the checklists. Discussion ensued about the checklist, specifically in the context of conditional use review applications.

**6:37 PM – Howard Waiver/Variance Request Hearing
219 Stevensville Road (ST219)**

Docket #: DRB-17-16

- [6:37] Chair Van Winkle began the meeting by explaining the procedure for a waiver/variance request hearing. The applicant, Jon Howard, was before the Board to discuss the application pertaining to the construction of a deck on the north side of the single-family dwelling, which would be built in side setbacks on land he owns located at 219 Stevensville Road in Underhill, VT. No other parties were in attendance.
- [6:41] Mr. Jon Howard advised that he went to build a deck on the north side of the single-family dwelling. Staff Member Strniste that the portrayed deck in Exhibit L was not correctly dimensioned, which was verified by the applicant. Mr. Howard advised that the new deck goes to the edge of the deck, not the edge of the house. Staff Member Strniste advised that the Board was unable to make a decision about the deck at the last hearing because the evidentiary period had closed, and the Board could not determine if the "top of the bank" on the engineering drawings was the true "top of bank" as it relates to Section 3.18 of the *Unified Land Use & Development Regulations*. The Board discussed Mr. Holden's memorandum as it relates to the "top of the bank." Board Member Chapek advised that Mr. Holden's memorandum advised that Stevensville Brook at that point acts as if were in a floodplain.
- [6:50] Staff Member Strniste advised that if the Board were to grant a variance, it would be less intrusive than what has already been permitted. Staff Member Strniste also informed the Board that the proposed deck would go to the edge of the steep slope. Board Member Lee advised that he agreed with Mr. Holden's interpretation, and that the site plan was somewhat deceiving because at the site visit, the completed deck would likely be further

away than the slope.

- [6:52] Chair Van Winkle asked if the Board had enough information to make a decision about the application. The Board advised that they did. Board Member McKnight made a motion to close the evidentiary portion of the hearing. The motion was seconded by Board Member Turkos. No further discussion was held. The motion was approved unanimously. Chair Van Winkle asked if the Board wanted to deliberate in open or closed session. Board Member Turkos made a motion to approve the application as presented and craft the decision in closed deliberative session. The motion was seconded by Board Member McKnight. No additional discussion was held. The motion was approved unanimously. A discussion ensued about the process going forward. Board Member McKnight is the job captain for this application.

6:58 PM – Other Business

- [6:58] Board Member Turkos made a motion to approve the minutes of May 7, 2018. The motion was seconded by Board Member McKnight, and approved unanimously.
- [6:59] Board Member Turkos made a motion to approve the minutes of May 21, 2018. The motion was seconded by Board Member McKnight, and approved unanimously.
- [7:00] The minutes of April 9, 2018 and April 16, 2018 could not be approved since a quorum from those meetings were not present at the evening's hearing.
- [7:01] A discussion ensued about the recordation of site plans. Staff Member Strniste advised that Mr. Marc Maheux refused to record a site plan at this time, which was a condition of his approval. Staff Member Strniste advised that he was a proponent of recording minimal information as it relates to subdivision. Chair Van Winkle advised that the Town use to require applicants to record site plans to memorialize the wastewater system design; however, when the State took over wastewater permitting, that information can be obtained from their files and on the website. He then advised that the recordation of the site plan could potentially lead a Warner Creek-like situation of locking in the landowners to what is recorded. Staff Member Strniste advised that for buffer-like requirements, that information could be put on the survey plat. Board Member McKnight opposed the idea and insisted that site plans be recorded, as there will be a point in time where the Town will not have the information that was approved when it is needed the most. She opined that the recordation of the site plan protects the Town, and if the vault fills up, then that bridge will be crossed then. More discussion ensued about how the Board should proceed with the recordation of site plans.
- [7:30] Board Member McKnight asked a clarification question about the recent Jacobs Subdivision Amendment Review application, specifically pertaining to the lot being numbers 17 Jacobs Hill Road.
- [7:33] Board Member Turkos made a motion to enter into deliberative session to discuss the Duval Conditional Use Review application. The motion was seconded by Board Member Chapek and approved unanimously.
- [9:00] Board adjourns.

Submitted by:
Andrew Strniste, Planning Director & Zoning Administrator

These minutes of the 06/04/2018 meeting of the DRB were accepted
this 16 day of JULY, 2018.

A handwritten signature in cursive script, appearing to read "Charles Van Winkle".

Charles Van Winkle, Development Review Board Chair