

Town of Underhill
Development Review Board Minutes
June 16, 2014

Board Members Present:

Charles Van Winkle, Chairperson
Penny Miller
Mark Hamelin
Jim Gilmartin
Karen McKnight

Others Present:

Martin Danaher (Applicant-2nd hearing)
Darah Zurit (Applicant-1st hearing)
Michael Moore (Applicant- 1st hearing)
Kurt Contanch (Abutter- 1st hearing)
Cheryl Morse (Abutter- 1st hearing)

Staff/ Municipal Representatives Present:

Sarah McShane, PZA

- Chairperson Van Winkle called the meeting to order at 6:55 PM.
- Chairperson Van Winkle asked for public comment. No public comments were provided.

6:55 PM- 74 Cloverdale Road- Final Subdivision Review for a 2 Lot subdivision

CD074 Exhibits:

- a. A staff report sent by Zoning & Planning Administrator to the Development Review Board, the Applicants, the Selectboard, the Underhill Jericho Fire Department, and the Conservation Commission Chair;
- b. Moore/Zurit Application for Subdivision: Final (dated 5/22/14);
- c. Copy of the Subdivision Checklist: Final Hearing;
- d. Copy of the Findings Checklist;
- e. Copy of the subdivision plans prepared by Earthbound Services, LLC (Project 0810, Sheet 1 of 2) dated 4/9/14;
- f. Copy of the Plat for Lot 1 prepared by Button Professional Land Surveyors, (Job # UNDH0019, Sheet 1 of 1; Date surveyed March 2013);
- g. Copy of a maps created using the Vermont Agency of Natural Resources Atlas (wildlife plan, wetlands, SFHA);
- h. Copy of the tax map for CD074;
- i. Copy of the minutes from the 2/24/2014 Sketch Plan meeting;
- j. Copy of the sketch plan letter dated 3/4/2014;
- k. Copy of the hearing notice as published in *Seven Days* on 5/28/2014, posted in three public places, and mailed to abutting property owners;
- l. Copy of 2/24/2014 input from the Underhill-Jericho Fire Department;
- m. Copy of draft road maintenance agreement;
- n. Copy of draft deed language for shared roadway, waterline easements & utility easements;
- o. Copy of the VT Project Review Sheet;
- p. Copy of the VT Wastewater System & Potable Water Supply Permit (WW-4-4161-1);
- q. Copy of correspondence from Kissane Associates (dated 5-23-2013);
- r. Copy of the B-71 Standards for Residential and Commercial Driveways.

****Note:** A site visit at 74 Cloverdale Road took place at 6:00 PM; those present included Sarah McShane (staff), Darah Zurit (Applicant), Michael Moore (Applicant) and Board members Charles Van Winkle, Mark Hamelin, Karen McKnight, Penny Miller, and Jim Gilmartin.**

- Chairperson Van Winkle began the hearing by explaining the procedure for final subdivision review, which comes under the 2012 Unified Land Use and Development Regulations and the definition of an interested party.
- Chairperson Van Winkle swore in all speakers and entered exhibits A-R into the record.
- Board members stated that they had not participated in any ex parte conversations.
- Michael Moore, Applicant, provided an overview of the proposal, which includes creating a 2 lot subdivision on his property at 74 Cloverdale Road with the intent on building 2 single family homes.
- Chairperson Van Winkle stated it is unclear that the lot dimensional requirements mandated in the Underhill ULUDR have been met. For example the Underhill Road Policy requires a 60' ROW and that the proposed subdivision indicates a 50' ROW, and no turn around has been provided.
- Board members discussed the required ROW and meeting dimensional lot standards.
- The Applicant will need to request a waiver for the setbacks to the existing house/shed on Lot A and for the existing garage on Lot 1.
- Chairperson Van Winkle asked the Applicant how wide is the road when it enters the property.
- The Applicant stated that the road is approximately 20' wide at the entrance of the property.
- One outstanding item is a letter from the school district indicating there is adequate school capacity. S. McShane will follow-up on the request.
- Sarah McShane, PZA, provided an overview of her review of the proposal. She stated that the driveways are required to meet the B71 Standard, as well as the Road Policy. The Applicant's Findings Checklist indicates that a portion of the driveway for Lot 2 will be 15% which exceeds town requirements. She also stated that the culvert indicated on the plan would need to be upsized to 18" to meet the Road Policy.
- Board members discussed whether or not Cloverdale Road meets the standards for a Development Road (VAOT Standard A-76)
- Darah Zurit, Applicant, stated that the road is wide enough for 2 cars to pass each other and there are a total of 13 houses on the road.
- Board members discussed where the road should be widened to 24' to meet A76 Standards.
- Chairperson Van Winkle suggested that the proposal will triple the amount of traffic going to the property.
- Board member Penny Miller stated that the task before the DRB is to determine whether the proposal will negatively impact the town and the neighbors.
- Sarah McShane, PZA, continued with her review of the proposal. She stated that the Applicant will likely need a State Wetlands permit and that the regulations state that "a state wetlands permit shall be required prior to local approval for permits involving Class I and Class II buffer/setback reductions." She also stated that the Applicant should revise the location of the building envelope on Lot 1 to meet the required 50' top of bank setback from Beaver Brook.
- Chairperson Van Winkle swore in the interested parties that were in attendance.
- Cheryl Morse (27 N. Underhill Station Road) and Kurt Contanch (27 N. Underhill Station Road) stated that they are abutters and that Beaver Brook often changes its course.

- Board member Penny Miller stated that there are items that will have to be updated on the site plan, but the main issue is the road. She also stated that the preliminary hearing was waived and went straight to final subdivision review.
- Chairperson Van Winkle stated that road has to be adequate for fire trucks and emergency vehicles to access the property, including turn around. He requested for the Applicant to provide a current copy of the Cloverdale Road Maintenance Agreement to ensure that the Applicants have the right to go over Cloverdale Road.
- Darah Zurit, Applicant, provided the board with Vermont statute Title 19 Ch. 27- Private Roads and Maintenance. This statute covers residences on private roads in the absence of a road maintenance agreement.
- Chairperson Van Winkle stated that the Applicants would also need an Access Permit issued by the Selectboard and stated that the hearing should be continued to a later date.
- Discussion ensued whether or not the Applicants need an approved wetlands permit prior to the next hearing or if approval could be contingent on them obtaining one. Board members agreed that they would be okay if the Applicants provided a copy of their wetlands permit application and final approval could be contingent on them receiving the wetlands permit.
- Board members discussed the issue of upgrades to Cloverdale Road and agreed to request Selectboard determination of how far back the Applicants would be required to make improvements. Chairperson Van Winkle will draft the letter to the Selectboard.
- Board member Penny Miller, seconded by Jim Gilmartin made a motion to continue the Moore/Zurit CD074 final subdivision hearing to July 7th at 6:30 PM. The motion passed by all board members present.
- At the next hearing the Applicants should be prepared to provide a copy of the current Cloverdale Road Maintenance Agreement, a list of requested waivers, a copy of the wetlands permit application, and the revisions to the site plan.

8:02 PM- 20 Russin Drive- Cont. Final Subdivision Review for a 2 Lot subdivision

RU020 Exhibits:

- a. A staff report sent by Zoning & Planning Administrator to the Development Review Board, the Applicants, the Selectboard, the Underhill Jericho Fire Department, and the Conservation Commission Chair;
- b. Martin & Betty Danaher's Application for Subdivision: Final (dated 5-1-14);
- c. Copy of the Subdivision Checklist: Final Hearing;
- d. Copy of the Findings Checklist;
- e. Written request for front setback waiver;
- f. Copy of the ANR Project Review Sheet;
- g. Copy of the Wastewater System and Potable Water Supply Permit;
- h. Copy of the plans prepared by Grover Engineering PC (Project 04009- DWG NO. 1 last revised 10/11/13, DWG NO. 2 date 11/5/04, DWG No. 3 date 11/5/04);
- i. Copy of the Property Subdivision Plat prepared by William Robenstein (Project No. 321-24; dated 10/22/2004);
- j. Copy of the tax map for RU020 indicating the locations of wetland and surface water;
- k. Copy of the ANR Natural Resource Map indicating slope;
- l. Copy of the hearing notice as published in *Seven Days* on 5/14/2014, posted in three public places, and mailed to abutting property owners;

- m. Copy of email correspondence from Everett Marshall regarding Habitat Block designation (dated April 21, 2014);
 - n. Copy of the draft minutes from the 6-17-2013 Sketch Plan meeting;
 - o. Copy of 5/23/2014 input from the Chittenden East Supervisory Union;
 - p. A copy of the procedure checklist for this meeting;
 - q. Copy of emailed comments from Pam & Shawn Martell (dated 6-2-2014);
 - r. Comments from the Underhill Jericho Fire Department (dated 6-11-2014);
 - s. Copy of Shared Right-of-Way and Easement Maintenance Agreement;
 - t. Copy of Easement Deed;
 - u. Copy of the revised subdivision plan prepared by Grover Engineering PC (Project 04009-DWG NO. 1 last revised 6/6/14) (submitted at 6/16/14 cont. hearing).
- Board members continued the discussion of the Danaher Final Subdivision Application at 8:02 PM.
 - Martin Danaher, Applicant, stated that since the last meeting he made the revisions that the board requested and recommended. He stated that he had the location of the building envelope revised to meet the required 50' setback and changed the wording from 'open space' to 'cleared'.
 - Sarah McShane, PZA, stated that she had reviewed the conditions of the Russin subdivision and did not uncover anything that would prohibit further subdivision. She stated that the Planning Commission approved the Russin subdivision on October 24, 1995 and that the Mylar was recorded in the Underhill Land Records and signed by the Planning Commission Chair on March 27, 1996.
 - Chairperson Van Winkle asked the board if they had any questions and if they had enough information to make a decision.
 - Board members reviewed the revised site plan provided by the Applicant.
 - Board member Mark Hamelin abstained from voting since he was not present at the last hearing.
 - The evidentiary portion of the hearing closed at 8:13 PM.
 - Board member Karen McKnight made a motion, seconded by Penny Miller, to deliberate in open session. The motion passed by all members present.
 - Board member Jim Gilmartin made a motion, seconded by Penny Miller, to approve the application for final subdivision. The motion passed. (4 in favor, 1 abstained).

8:18 PM Old Business

- Board members discussed the process for appeal of the Zoning Administrator's decisions.
- Sarah McShane asked the board when they would like to schedule the current appeal application.
- Board members scheduled the appeal application for July 7th at 7:00 PM and a site visit at 5:45 PM. Sarah McShane will prepare the letters to the abutters and DRB Clerk Penny Miller will provide oversight and mail the abutter letters.
- Due to lack of quorum, board members will review the minutes of the June 2nd meeting at their next meeting.

Meeting adjourned at 9:05 PM. The next DRB meeting will be Monday July 7th. Site visit at 53 Tupper Road at 5:45 PM and public hearings beginning at 6:30 PM.

DRB Meeting Minutes
June 16, 2014

Submitted by:

Sarah McShane, PZA

These minutes of the 6-16-2014 meeting of the DRB were accepted

This _____ day of _____, 2014.

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.