

Town of Underhill
Development Review Board Minutes
Chairperson Charles Van Winkle

June 20, 2011

Board Members Present:

Matt Chapek
Penny Miller
Chuck Brooks
Charles Van Winkle, Chair

Also Present:

Kari Papelbon, Zoning & Planning Administrator; Peter Lazorchak, Consultant;
Elena Shapiro, Applicant

6:50 PM: Site Visit at 647 Poker Hill Road commenced.

7:30 PM: Site Visit ended. Returned to Town Hall.

7:46 PM: Chairperson Charles Van Winkle called the Elena Shapiro 2-lot subdivision preliminary hearing to order at the Underhill Town Hall. All Board Members who attended the site visit and Zoning & Planning Administrator Papelbon attended the hearing.

Applicant Present:

Elena Shapiro
647 Poker Hill Rd.
Underhill, VT 05489

Consultant Present:

Peter Lazorchak
McCain Consulting, Inc.
93 South Main St., Ste. 1
Waterbury, VT 05676

Other(s) Present:

Regis Parent and Cynthia Leblanc
83 Bill Cook Rd.
Underhill, VT 05489

Identifier:	Contents:
ZA-1	Elena Shapiro's Application for Subdivision: Preliminary (dated 5-16-11)
ZA-2	A copy of the completed Subdivision Checklist: Preliminary Hearing
ZA-3	A copy of the site plan and driveway plan prepared by Peter Lazorchak of McCain Consulting, Inc. (Sheet 1 of 3 revised 5-16-11, Sheet 3 of 3 dated 3-10-11)
ZA-4	A copy of the survey prepared by Keith Van Iderstine of McCain Consulting, Inc. (dated 5-16-11)

ZA-5	A copy of the Subdivision Standards Findings Checklist
ZA-6	A copy of the well yield logs
ZA-7	A copy of the letter from UJFD Duty Officer Harry Schoppmann (dated 9-20-11)
ZA-8	A copy of the completed School Impact Questionnaire from Superintendent of Schools John R. Alberghini (dated 9-8-10)
ZA-9	A copy of the letter from Frank J. DelGiudice of the Army Corps of Engineers (dated 10-1-10)
ZA-10	A copy of the VELCO easement deed (dated 11-16-10)
ZA-11	A copy of the Wastewater System and Potable Water Supply Permit WW-4-3614 (dated 12-6-10)
ZA-12	A copy of the ANR Project Review Sheet (dated 12-20-10)
ZA-13	A copy of the Notice of Application for Individual Wetland Permit #2010-129
ZA-14	A copy of the tax map for PH647
ZA-15	A copy of the minutes from the 4-4-11 Sketch Plan meeting
ZA-16	A copy of the letter to Elena Shapiro from ZA/PA Kari Papelbon (dated 4-14-11)
ZA-17	A copy of the hearing notice (published in the Burlington Free Press on 6-3-11)

- Chairperson Van Winkle began the meeting by explaining the procedure for the hearing. He then swore in interested parties and entered the above items into record.
- Peter Lazorchak, Consultant for Elena Shapiro, provided an overview of the plans. The proposal is to create 2 lots: Lot 1 with the existing house will be 4.1 acres and Lot 2 will be 6.8 acres. The building envelope for Lot 2 has been sited outside of the 50-foot Class II wetland buffer, however wetland and buffer impacts for the driveway remain. Approximately 490 square feet of wetland and approximately 2400 square feet of buffer will be disturbed. The proposed driveway requires a stream crossing as well. Pre-treatment for the mound septic system was previously permitted with the replacement septic for Lot 1. A revision to the permit will be required for the relocation of the Lot 2 force main. A temporary access to construct the mound will be between the stream and wetland buffers, and the force main on Lot 2 will follow the driveway to the house; thus, 2 easements have been eliminated. The utility easement must remain over Lot 1 due to the presence of wetlands and the fact that an easement from 83 Bill Cook Road is not feasible. The utility easement was set in the 50-foot setback as much as possible.
- Chairperson Van Winkle asked Mr. Lazorchak to explain the Daylight Relocation note on the site plan. Mr. Lazorchak stated that an existing drain may be for the foundation of the existing house on Lot 1 and that the note was to satisfy State wastewater requirements. The drain will be investigated and relocated as necessary.
- Chairperson Van Winkle asked whether the Wetland Permit had been issued. Mr. Lazorchak stated that there was a hold-up at the wetlands office due to workload and that Julie Foley would be issuing the permit shortly. Mr. Lazorchak provided a brief explanation of the wetland permit process.

- Chairperson Van Winkle asked whether the access for the Lot 2 septic system would follow the utility easement. Mr. Lazorchak stated that it would not and would instead utilize the Lot 2 driveway.
- Chairperson Van Winkle asked whether a stream alteration/crossing permit was required for the driveway. Mr. Lazorchak provided a brief update that the permit had changed in May and that coverage under the new General Permit would be necessary. Mr. Lazorchak further explained that the proposed culvert as currently designed would need to be resized for bankfull width (or larger) and freeboard prior to obtaining a permit. Chairperson Van Winkle asked if there would be a culvert headwall, to which Mr. Lazorchak stated there would be some semblance of a headwall when the squash culvert is upgraded, similar to the design on Sheet 3 and the culvert for the Danis subdivision. Board Member Penny Miller asked if the larger culvert is more expensive, to which Mr. Lazorchak replied that it is.
- Board Member Chuck Brooks asked if the proposed house site on Lot 2 would be raised due to the contours and proposed location for the pump station. Mr. Lazorchak explained that the proposed location for the pump station is a suggestion and that it will likely change with the orientation of the house within the building envelope. The original design was for the previous location of the force main. A brief discussion ensued.
- ZA/PA Papelbon asked whether silt fencing would be installed for the whole driveway. Mr. Lazorchak stated that additional silt fencing would be appropriate on the downhill side. He added that such may be a requirement in the Wetlands Permit as well, but that a Construction General Permit would not be needed.
- Board Member Brooks asked why the term “daylight” was used. Mr. Lazorchak stated that it was industry standard.
- Board Member Miller asked whether Sheet 2 of 3 was missing. Mr. Lazorchak explained that Sheet 2 was not included in the package as the only information on the plans were the State-approved septic system details previously submitted. Board Member Miller asked if the State septic permit would be revised, to which Mr. Lazorchak replied that it would.
- Board Member Miller asked how many gallons per minute are produced by Elena’s well. Ms. Shapiro responded that she sees 15 gallons per minute.
- Board Member Matt Chapek asked how often underground utilities needed to be accessed for repair. Mr. Lazorchak stated that he was unaware of required maintenance outside of abnormal problems (i.e. hitting a line with a backhoe).
- ZA/PA Papelbon clarified that the requirement for buffers is that one-half of the required setback to streams and the entire wetland buffer need to be undisturbed and naturally-vegetated. A discussion of the requirements ensued. A note of the requirement is required on the site plan and survey. ZA/PA Papelbon added that per the regulations these are also areas of open space, although such areas had not traditionally been referred to as such. Isolation distances are required on the plat. A new requirement is that the access permit is obtained from the Selectboard

prior to submitting the application for the final subdivision hearing. Other than minor “housekeeping” issues, all other submission requirements have been fulfilled.

- Chairperson Van Winkle asked for public comment.
- Regis Parent, 83 Bill Cook Rd., stated that the proposed location of the driveway to Lot 2 and the required clearing for sight distances are concerning. He stated that his preference is to see the driveway moved and the proposed clearing reduced if possible. Mr. Parent also stated that he was “not thrilled” about the presence of the wastewater disposal isolation shield on a portion of his property. Chairperson Van Winkle asked whether Mr. Parent received notice from the State regarding the isolation shield. Mr. Parent stated that he may have. Mr. Lazorchak added that only a small portion of the lot was encumbered by the shield and that there were setback requirements for drilling a well, which is the restriction in that shield. Mr. Parent stated that he understood, but it was another restriction on his property.
- Board Member Chapek stated that a previous version of the plans showed the extent of clearing for the driveway to Lot 2. Mr. Lazorchak stated that septic plans with the State’s approval showed the clearing, which is within the Town right-of-way. It was also stated that the clearing can be seen on the location map on the site plan. The plan was discussed on-site with Road Foreman Rod Fuller.
- ZA/PA Papelbon asked Mr. Lazorchak to explain why the driveway crossing could not be moved. Mr. Lazorchak stated that they wish to minimize the impacts to the wetlands and that moving the driveway to the bend in the road would require a steeper drop into the stream from the road. Board Member Chapek asked if it would be better to have the driveway higher. Chairperson Van Winkle added that the driveway as currently proposed does not meet State Standard B-71 in terms of approach from Bill Cook Road. A discussion of the driveway design and profile ensued. ZA/PA Papelbon asked if the drop-off from the road would be nearly 11%. Mr. Lazorchak stated that it would.
- Board Member Brooks requested that the extent of clearing be added to the plans.
- Chairperson Van Winkle asked if the utilities would be overhead or underground. Mr. Lazorchak stated that they would be underground.

8:35 PM: Chairperson Van Winkle asked if there were further questions or comments. There were none. Chairperson Van Winkle asked if the Board had enough information to make a decision on the application. The Board indicated that they did. Chairperson Van Winkle stated that the evidentiary portion of the hearing was closed.

8:36 PM: Board Member Chuck Brooks made a motion, seconded by Board Member Matt Chapek, to enter a deliberative session. The motion was passed by all Board Members present.

Peter Lazorchak, Elena Shapiro, Regis Parent, and Cynthia Leblanc left at this point.

9:24 PM: Board Member Matt Chapek made a motion, seconded by Board Member Chuck Brooks, to move into open session. The motion was passed by all Board Members present. Board Member Matt Chapek made a motion, seconded by Board Member Chuck Brooks, to approve the preliminary subdivision application subject to final hearing requirements and the following:

1. The site plan shall be revised to reflect the extent of clearing for the driveway and Bill Cook Road intersection.
2. The site plan and plat shall include the restriction that the 50-foot Class II wetland buffer and half of the setback for the stream shall be undisturbed, naturally-vegetated buffer and open spaces.
3. An access permit from the Underhill Selectboard for the Lot 2 driveway onto Bill Cook Road shall be obtained prior to submitting an application for final subdivision hearing.
4. The required isolation distances and utility easements (existing and proposed) shall appear on the plat.

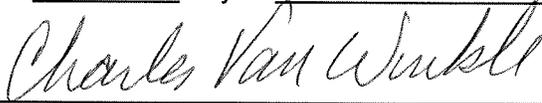
The motion was passed by all Board Members present.

The Board signed minutes.

9:25 PM: Adjourn.

These minutes of the 6-20-11 meeting of the DRB were accepted

This 18 day of JULY, 2011.



Chairperson Charles Van Winkle

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.