

**Town of Underhill
Development Review Board Minutes
May 4, 2020**

Board Members Present:

Charles Van Winkle, Chair*
Stacey Turkos, Vice Chair*
Penny Miller, Clerk*
Matt Chapek*
Mark Green*
Karen McKnight*

Daniel Lee*

Staff/Municipal Representatives Present:

Andrew Strniste, Zoning Administrator*

Others Present:

Lynn McLaughlin (414 Cilley Hill Road)*

* Denotes that this party attended the meeting via Go-To-Meeting

RECORDING:

This meeting was digitally recorded, and can be found at the following website:

<https://archive.org/details/underhill-drb-050420>

6:33 PM – 05/04/2020 DRB Public Meeting

- Members of the Board convened on the Go-To-Meeting platform around 6:25 PM.
- [6:33] Chair Van Winkle commenced with the evening's meeting, starting by reading the remote meeting information on the agenda. No adjustments to the agenda were made. No general public were in attendance to provide general public comment.

**6:35 PM – McLaughlin *Continued* Conditional Use Review
414 Cilley Hill Road (CH414), Underhill, Vermont**

Docket #: DRB-20-04

- [6:35] Chair Van Winkle commenced with the evening's continued hearing by reading the hearing procedures for the conditional use review hearing. The application pertains to after-the-fact permitting and approval for an accessory structure that was built within the property's front setback, as well as within a FEMA floodplain, thereby invoking Article VI of the *Unified Land Use & Development Regulations*. The applicant, Lynn McLaughlin, was before the Board to discuss the application. No other parties attended the Go-To-Meeting to testify about the application. Those who were to provide testimony about the application were sworn-in. No ex parte communications between the Board and the Applicants were identified, nor were any conflicts of interest identified. No additional exhibits were submitted into the record before or during the hearing.
- [6:40] The Applicant provided an overview of the project. Staff Member Strniste advised this application was before the Board as follow-up to an appeal in 2018. He then informed the Board that delays were caused beyond the control of the Applicant, largely related to the 2018-2019 Federal Government shutdown. Additionally, Staff Member Strniste informed the Board that the Cilley Hill Road floodplain area was being reexamined by FEMA, which is expected to result in the boundaries of the floodplain changing.
- [6:46] Chair Van Winkle confirmed with the Applicant that the structure had to be built within 100 ft of the dwelling in order to have Wi-Fi connectivity, as well as confirmed that the structure needed to be in that area to allow for safe access for emergency services – specifically ambulance services. A discussion ensued about the different classifications of

FEMA Map Amendments, as well as the future expectations of the floodplain area along Cilley Hill Road. The Applicant restated that the expectation that the floodplain is no longer expected to exist on the subject lot once FEMA completes its evaluation. Staff Member Strniste informed the Board that he did not receive any input from the State's Floodplain Manager for the district. The Applicant advised that she met with the Floodplain Manager, who assisted the Applicant in preparing the application with the Board. The Applicant informed the Board that the Road Foreman was satisfied with the improvements made to the driveway.

- [6:59] The Board discussed the implications of constructing a structure within a Zone A. Chair Van Winkle then restated the Applicant's request: a setback waiver and to construct an accessory structure within a floodplain. Board Member Miller opined that the Applicant was very thorough, and that she wished the Board received some type of acknowledgement from the Floodplain manager. Board Member Miller then inquired if a conditional of approval should be included advising that additional review is required should the structure be converted to an accessory structure. Board Member Chapek supported the idea, and suggested that the condition apply to any conversion of use, regardless if the new use were to be a dwelling or not.
- [7:10] Chair Van Winkle opined that the flooding that occurred in 2019 was largely due to the downed trees blocking the culvert than normal flooding caused by a storm event. Board Member Green inquired further about what conditions/restrictions existed that required the structure to be in that precise location. The Applicant advised that there ledge existed between the barn and the dwelling, as well as needing enough room between the two structures for emergency services to access the rear of the lot. Board Member Miller confirmed that the structure was intentionally and optimally sited.
- [7:15] The Board confirmed they had enough information to make a decision about the application. Board Member McKnight made a motion to close the evidentiary portion of the hearing. The motion was seconded by Board Member Chapek. No discussion was had. The motion was approved unanimously, with Board Member Turkos abstaining due to losing connection with the Go-To-Meeting. Board Member McKnight made a motion to approve the application, which includes the after-the-fact approval of a setback waiver and building within a floodplain. The motion was seconded by Board Member Miller. No further discussion was had. The motion was approved unanimously. Chair Van Winkle informed the Applicant of the upcoming procedures.

7:19 PM – Other Business

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- [7:19] Board Member Turkos made a motion to approve the minutes of March 16, 2020, which was seconded by Board Member Chapek. No further discussion was had. The motion was approved unanimously.
 - [7:23] Board Member Turkos made a motion to approve the minutes of April 20, 2020, which was seconded by Board Member McKnight. No further discussion was had. The motion was approved unanimously.
 - [7:24] Staff Member Strniste reviewed with the Board the archiving of past permits and DRB decisions he's performed on the Town's website.
 - [7:36] Staff Member Strniste and the Board reviewed the upcoming schedule, as well as discussed how applications and site visit procedures will be conducted going forward. The next DRB meeting would not be held any sooner than Monday, June 15, 2020.
 - [7:51] Board Member Miller made a motion to enter into closed deliberation in regards to the McLaughlin application into order to craft the decision over email. The motion was

seconded by Board Member Chapek. No further discussion was had. The motion was approved unanimously with Board Member Turkos abstaining due to connectivity issues. Staff Member Strniste informed the Board about the recording procedures.

- [7:53] Board Member Chapek made a motion to adjourn. The motion was approved unanimously.

Submitted by:

Andrew Strniste, Planning Director & Zoning Administrator

These minutes of the 05/04/2020 meeting of the DRB were accepted this _____ day of _____, 2020.

Charles Van Winkle, Development Review Board Chair

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