

Town of Underhill
Development Review Board Minutes
April 20, 2015

Board Members Present:

Charles Van Winkle
Karen McKnight
Matt Chapek
Penny Miller
Will Towle

Others Present:

Kris & Jon Thomas (Abutter TU065)
John Finlay (18 Tupper Road)
Rita St. Germaine (18 Tupper Road)
Dale Walker (Applicant)
Ariel Krolick

Staff Present:

Sarah McShane, PZA

6:00 PM- 4/20/2015 DRB Site Visit (53 Tupper Road)

- DRB members met at 53 Tupper Road at approximately 6:00 PM for a site visit.
- Present at the site visit were the following members of the DRB Charles Van Winkle, Karen McKnight, Matt Chapek, Penny Miller, and Will Towle.
- PZA Sarah McShane, Applicant Dale Walker, Ariel Krolick, and Kris & Jon Thomas attended the site visit.

7:00 PM- 4/20/2015 DRB Public Hearing

- DRB members reconvened at Town Hall at approximately 7:00 PM. Chair Van Winkle called the meeting to order.
- No public comments were provided.

7:10 PM- (DRB 15-02) Walker- Conditional Use Review (53 Tupper Road)

- Chair Van Winkle began the hearing by explaining the procedure for conditional use review and the definition of interested party. He stated that the Applicant, Dale Walker, is before the board for conditional use approval to construct a cabin on steep slopes at 53 Tupper Road.
- Chair Van Winkle swore in hearing participants and exhibits A through J. The following additional exhibits were provided at the hearing:
 - Written public comments from Tom Thomas, 29 Tupper Road, email dated 4/20/2015 at 5:21 PM.
 - Written description of proposed improvements provided by the applicant Dale Walker (undated).
 - Written public comments from Jon Thomas, 65 Tupper Road, undated (3 pages).

- Chair Van Winkle asked if board members had any conflicts of interest or ex parte communications. No conflicts of interest or ex parte communications were reported.
- Applicant Dale Walker provided an overview of the proposal. He stated that the proposal includes construction of a small cabin on an area defined as a steep slope and that at some point in the future they would like to build a larger primary dwelling. He stated that the driveway had been approved by the Selectboard and that he has permission from the Selectboard to use the second curb cut during construction. He stated that the cabin is proposed on slopes slightly greater than 15% but less than 25%.
- Chair Van Winkle asked about the proposed septic system and potable water. D. Walker reported that they are in the process of having a septic system designed and obtaining a septic permit. ~~He reported that are planning on using a shallow dug well for potable water.~~
- Board member K.McKnight asked for clarification regarding the second access and how it would be used. D.Walker reported that it would be used for both agricultural and forestry purposes as well as during construction. He stated that the approved driveway currently does not reach the cabin, but once they get a better lay of the land they will re-apply for any revisions to the driveway.
- Board member W.Towle asked if the driveway is located on steep slopes. D.Walker stated that the driveway is not in areas defined as steep slope.
- S.McShane provided an overview of the staff report. She highlighted areas that she felt may be of concern to the board including Section 3.2 (Access); Section 3.13 (Parking, Loading, and Service Areas); Section 3.18 (Steep Slopes); and Section 4.2 (Accessory Dwellings). She stated that the steep slope provisions have a list of exemptions as well as a list of required application materials. She stated that the application requirements can be waived if the board determines that the proposal involves minimal site disturbance and poses a negligible threat to water quality, public roads and facilities, and to neighboring properties. She also stated that there is an exemption for noncontiguous areas of steep slope but the applicant would have to demonstrate that the proposal meets the exemption.
- Board member P.Miller asked if deer wintering areas were of concern. S.McShane stated that those concerns could be reviewed under the Conditional Use standards.
- Board member K.Mcknight asked how close the cabin would be to the property line. D.Walker stated that it would be 70-90 ft from the property line.
- Chair Van Winkle asked for public comments.
- Jon Thomas, 65 Tupper Road, provided verbal and written comments. He stated his concerns that the maps were not accurate and that the property lines were not accurately depicted. He asked the board to follow the standards laid out in Section 3.18. He stated that the soils on the property were likely hydric soils that link the nearby wetlands. He recommended that ANR inspect the property. He stated that any exemptions should not be allowed since this property is on a hillside and that there are flat areas of the property that could be built on. He suggested for the building site to be relocated. He also reported that the owner had redirected drainage on the property and diverted it toward Tupper Road and their driveway culvert. He would like the proposal to be prepared and inspected by a professional.
- Board member W.Towle asked Mr. Thomas why he felt the impact would not be negligible and asked if he would still have concerns if the application only proposed the single cabin. J.Thomas stated that he had concerns with the both the cabin and the proposed building envelope. He reiterated his concerns regarding drainage and the proposal being prepared and inspected by professionals.

- J. Thomas also stated his concerns regarding Section 3.2 Access. He reported that he felt the board should be required to approve the access since it's on a Class 4 road and that the road should be required to be improved to driveway standards leading to the second access point. He stated that he was concerned that extensive use could damage the road and prevent access to their home. He also stated that he would like a noise mitigation plan for the generator and his concerns with the septic line crossing the stream.
- Chair Van Winkle summarized Mr. Thomas's concerns.
- Board member P. Miller asked Mr. Thomas if he had a generator. Mr. Thomas reported that they did have a generator. He stated that his generator is shielded by a 3-sided structure.
- Chair Van Winkle asked for additional public comments.
- John Finley and Rita St. Germaine (18 Tupper Road) provided comments. They asked why the cabin was not called a camp. S. McShane stated that camps are defined by the number of days they are occupied. J. Finley stated that from a practical standpoint, the logging road would likely be used as a residential driveway rather than simply a logging road. Discussion ensued.
- Board members stated that using a logging road for purposes other than agricultural or forestry activities could be a zoning violation and a violation of the access permit.
- R. St. Germaine stated that a road should only be improved if it has to since people will 'joy ride' and 'trash' the area. She also stated her concerns regarding habitat and impacts to the stream and lower wetlands.
- Chair Van Winkle asked for additional comments.
- Applicant D. Walker stated that the generator will not be running throughout the night and that they too will be concerned with noise. He reiterated they would like to clean up the logging road but not for use as a driveway. He stated that they may use a 4-wheeler to get from the end of the approved driveway to the cabin and asked if there were any restrictions on driving a vehicle on an existing logging road.
- Board member W. Towle stated in his opinion the purpose of the steep slopes provisions is to address run-off and stated that he is concerned with the logging road being used for residential purposes.
- J. Thomas stated that one resolution would be to remove the second curb cut for the logging road prior to being issued a Certificate of Occupancy.
- Applicant D. Walker reported that the logging road would be primarily be for foot traffic, but a motor vehicle may use it on occasion however they have no intention of routinely driving a vehicle to the cabin. He stated that they may improve the ditching to keep water off the existing logging road but have no other improvements planned.
- The board discussed access issues during emergency events and home insurance rates.
- Chair Van Winkle provided an overview of the application process. He stated that the board could make a decision based on the information provided or the applicant could refine the application to better address the application requirements listed in Section 3.18. He stated that he has concerns waiving all of the application requirements and that the board will need to know how the impacts to steep slopes will be mitigated.
- Chair Van Winkle pointed out that we received testimony from the applicant that he had permission from the Selectboard to use the second curb cut during construction, yet the access permit made no mention of it.
- Board member P. Miller stated that she understands that there is a cost to obtaining a professional to prepare the application, but it is important to address stormwater in sensitive areas.

- Board member W.Towle indicated to the applicant that if he were to propose a house location in an area that was not identified as steep or very steep slopes the DRB had no jurisdiction, yet because of this proposal the applicant must comply with 4 pages of regulations.
- Board member K.McKnight stated her concerns with the Class 4 road and the impact to other property owners.
- Board member M.Chapek asked if Mr. Walker and Mr. Thomas had considered a shared road maintenance agreement. S.McShane stated that the town would likely have to be involved since it's a public road. Discussion ensued regarding whether or not this portion of Tupper Road was officially a public road.
- Chair Van Winkle stated that the board would like to continue the hearing. Board members reviewed the required application materials.
- Board member W.Towle stated that some issues have been raised but have not been answered by the applicant.
- Board members agreed that the applicant should provide the following prior to the continued hearing:
 - Description of best management practices on steep slopes;
 - Draft road maintenance agreement; (board members agreed that it does not have to be executed but a written agreement which addresses maintenance, snow plowing and enforcement);
 - Topographic Map
 - Slope Map (ANR Natural Resource Atlas)
 - A map indicating mapped deer yards, wetlands, and a soils map;
 - A site plan that indicated the proposed improvements and whether or not they are within areas defined as steep slopes;
 - Description of proposed improvements to the logging road;
 - Additional information regarding the improvements proposed for the building envelope. At minimum the board needs to review a building footprint in order to determine its impact to steep slopes;
 - A grading plan that follows best management practices for erosion control;
 - Details regarding improvements to the logging road; foot paths are exempt and do not need to indicate details;
 - Information regarding how water will be directed off from the proposed buildings;
 - Clarification from the Selectboard regarding access permit conditions (i.e. drainage to the town right-of-way, approval for use of second access/logging road, culvert upgrades, etc.)
 - The board noted that the grading plan and stormwater/erosion/sediment control plan should be prepared by a professional.
- Chair Van Winkle asked if the board had any additional comments or questions. The board continued the hearing to May 18th at 6:35 PM at the Underhill Town Hall. Chair Van Winkle asked the applicants, if possible, to provide the submittals to staff prior to the hearing.
- D.Walker asked if he could start improvements to the approved driveway while awaiting DRB approval. Board members felt it was okay to begin the improvements as the driveway permit was issued by the Selectboard and that the driveway as shown was outside of the Steep Slopes area.
- The hearing concluded for the evening at 9:45 PM and will be continued on May 18th.

9:45 PM- Old Business

- Board members reviewed the minutes from 4/6/2015. Board member K.McKnight made a motion, seconded by W.Towle to approve the minutes of 4/6/2015 as submitted. The motion passed by all board members present.
- The Chair signed documents and a Mylar.
- Meeting adjourned at 9:55 PM.

Submitted by:
Sarah McShane

These minutes of the 4/20/2015 meeting of the DRB were accepted

This 4 day of May, 2015.



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.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions.

2. It also highlights the need for regular audits to ensure compliance with applicable laws and regulations.

3. Furthermore, the document emphasizes the role of technology in streamlining financial processes and reducing errors.

4. Finally, it concludes by stating that a strong internal control system is essential for the long-term success of any organization.



5. The second part of the document provides a detailed overview of the company's financial performance over the past year.

6. It includes a comprehensive analysis of revenue growth, cost management, and overall profitability.

7. The document also presents a comparison of the company's performance against industry benchmarks.

8. Additionally, it discusses the challenges faced during the period and the strategies implemented to overcome them.

9. Finally, it offers insights into the company's future outlook and the key areas for continued improvement.