

**Town of Underhill
Development Review Board Minutes
April 1, 2019**

Board Members Present:

Stacey Turkos, Vice Chair
Matt Chapek
Mark Green
Daniel Lee
Karen McKnight
Penny Miller

Brad Holden, Surveyor (60 Covey Road)
Peter Bingham, Applicant (51 Lakeside Ave,
Burlington, VT)
James MacDonald (49 Lower English Settlement
Road)
Elizabeth MacDonald (49 Lower English
Settlement Road)
Ian Roos (68 Lower English Settlement Road)
Andrew Blodgett (10 Hedge Hog Road)
Brad Eldred (72 Lower English Settlement
Road)

Staff/Municipal Representatives Present:

Andrew Strniste, Zoning Administrator

Others Present:

6:35 PM – 004/01/2019 DRB Public Meeting

- DRB Members convened at Town Hall around 6:30 PM.
- [6:35] No general public was in attendance, and therefore, no public comment was offered.

**6:37 PM – Bingham Combined Preliminary & Final Subdivision Review Docket #: DRB-19-03
59 Lower English Settlement Road (LE059), Underhill, Vermont**

- [6:37] Vice Chair Turkos began the evening's hearing by explaining the hearing procedures for a conditional use review hearing. The applicant, Peter M. Bingham, and his surveyor, Brad Holden were before the Board to discuss the application, which pertains to a 3-Lot subdivision of land at 59 Lower English Settlement Road in Underhill, Vermont, which is owned by the aforementioned applicant. Various abutting landowners were in attendance. No ex parte communications between the Board and the applicant were identified, nor were any conflicts of interest identified. Exhibits EEE and FFF were submitted into the record.
- [6:42] Surveyor and the Applicant's Representative, Brad Holden, provided the Board the project's background, and responded to the comments provided in the staff report, which was distributed prior to the evening's hearing:
 - Mr. Holden recommended that the front setback for Lot 2 be considered the north, and advised that this could be provided for on the plat;
 - The existing driveway, which is to be the shared driveway is relatively flat;
 - The septic system for Lot 1 is in the located identified as "Approximate Septic System Location" on the site plan;
 - Explained the rationale for the restrictive building envelopes;
 - Explained the rationale of the driveway layouts for the proposed Lot 2 & 3.
- [7:00] Discussion ensued about the turning radii requirement, as provided for in the *Underhill Road, Driveway & Trail* ordinance. Mr. Holden verified that the site distance for Lot 3 met the requirement of 335 ft. Staff Member Strniste reviewed Road Foreman Sullivan's comments pertaining to the proposed subdivision. Discussion ensued about stormwater drainage on Lot 3.
- [7:09] Mr. Holden followed up to comments that were provided during the evening's site visit. He then discussed and responded to questions about isolation shields and separation

distances pertaining to wells and septic systems. Abutting landowner, Ian Roos inquired about the implications of the subdivision as it pertains to his land and any potential subdivisions he may pursue. Nearby landowner, Andrew Blodgett inquired about the isolation shield and separation distance impacting his land. Mr. Holden addressed the concerns about the shallow well on 49 Lower English Settlement Road. Vice Chair Turkos read the comments contained in Exhibit H as it relates to the shallow well. Mr. Holden responded to drainage questions asked by the MacDonalds, who were in attendance. Staff Member Strniste reviewed the impacted areas identified by the ANR Biofinder.

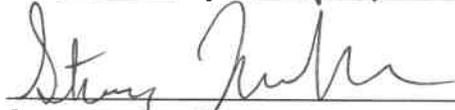
- [7:33] Mr. Brad Eldred, an abutting landowner, inquired about sight distances and speeding along Lower English Settlement Road, wetland delineations, and threatened or endangered species.
- [7:38] Mr. Blodgett commented about a no-cut encumbrance on his land, and asked if something similar would be extended to the land being reviewed.
- [7:42] Discussion ensued about potential conditions of approval the applicant could anticipate.
- [7:48] Mr. Holden, on behalf of the applicant, formally requested a frontage waiver, as allowed by, and in accordance with, the Regulations. The Board had no further questions. The Board advised they had enough information to make a decision regarding the application. Board Member McKnight made a motion to close the evidentiary portion of the hearing. The motion was seconded by Board Member Chapek and approved unanimously. Board Member Chapek made a motion to discuss the application in closed deliberative session (deliberation). The motion was seconded by Board Member Green and approved unanimously.

7:52 PM – Other Business

- [7:52] Board Member McKnight made a motion to approve the minutes of February 4, 2019. The motion was seconded by Board Member Miller and approved unanimously.
 - [7:53] Board Member Miller made a motion to move into closed deliberative session (deliberation) to discuss the Bingham Combined Preliminary & Final Subdivision Review Application (hereafter Bingham Application), which was seconded by Board Member Chapek and approved unanimously.
 - [8:52] Board Member Miller made a motion to come out of closed deliberative session (deliberation) to vote on the Bingham Application. The motion was seconded by Board Member Chapek and approved unanimously. Board Member Chapek voted to approve the Bingham Application with conditions. The motion was seconded by Board Member Miller and approved unanimously. Board Member Miller moved to go back into closed deliberative session (deliberation) to draft the Bingham Application Decision. The motion was seconded by Vice Chair Turkos and approved unanimously.
 - [8:54] Board Member McKnight made a motion to adjourn, which was seconded by Vice Chair Turkos. The motion was approved unanimously.
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Submitted by:
Andrew Strniste, Planning Director & Zoning Administrator

These minutes of the 04/01/2019 meeting of the DRB were accepted
this 15th day of April, 2019.



Stacey Turkos, Development Review Board Vice Chair