

**Town of Underhill**  
Development Review Board Minutes  
Chairperson Scott Tobin

February 18, 2008

**Board Members Present:**

Scott Tobin, Chair  
Stan Hamlet  
Peter Seybolt  
Matt Chapek

**Also Present:**

Kari Papelbon, Zoning Administrator  
Board Member Charlie Van Winkle, recused, was also present.

**6:34 PM:** Meeting called to order. Chairperson Scott Tobin began the meeting by explaining the procedure for final hearing and swore in those wishing to speak.

**6:35 PM:** David Ely combined preliminary & final hearing commenced.

**Ely**  
**14 Moose Run**

**Applicant Present:**

David Ely

**Consultant Present:**

Justin Willis  
Willis Design Associates, Inc.  
P.O. Box 98  
Richmond, VT 05477-0098

**Identifier:    Contents:**

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ZA-1	Plans prepared by Justin Willis of Willis Design Associates, Inc. for David and Janet Ely (Sheets S1, S2, and D1 revised 1-4-08)
ZA-2	A copy of the survey prepared by Stuart J. Morrow for David and Janet Ely (dated December 2007)
ZA-3	A copy of the Road Design and Profile plans prepared by Trafton Engineering Associates, LLC for David and Janet Ely (Road Design Plan with Details revised 1-11-08, Road & Profile Plan dated 12-15-07)
ZA-4	A copy of the proposed septic easement language to be included in the deeds
ZA-5	A copy of the proposed Shared Driveway Maintenance Agreement

ZA-6	A copy of the letter from the Chittenden East Supervisory Union #12 dated 12-11-07
ZA-7	A copy of the UJFD letter dated 12-21-07
ZA-8	A copy of the Project Review Sheet from the State of Vermont
ZA-9	A copy of the wastewater system and potable water supply permit from the State of Vermont, WW-4-2987 (dated 1-17-08)
ZA-10	A copy of the Winter Stabilization chapter of the Low Risk Site Handbook for Erosion Prevention and Sediment Control
ZA-11	A copy of the Proposed Findings of Fact (revised 2-6-08)
ZA-12	A copy of the completed Subdivision Checklist: Final Hearing

- Chairperson Tobin entered submissions contained in the information pack into record. David Ely then provided a request for a waiver of the requirement for securing a performance bond or certification from an engineer that all improvements were completed according to the approved plans at the time of filing the final plat. The request was entered into record and read by Board Member Peter Seybolt. Board Member Stan Hamlet made a motion, seconded by Peter Seybolt, to accept the waiver. The motion was passed by all Board Members present.
- Justin Willis, of Willis Design Associates, Inc., began by providing information that had changed between sketch plan and final. The original concept for a PRD was revised to a conventional 2-lot subdivision once the survey confirmed that enough acreage existed for a conventional subdivision. The proposed subdivision includes a 4-bedroom single family home with an on-site drilled well and a performance-based mound system. An easement is proposed to the new lot that currently serves the existing house. A replacement system is proposed on the lot with the current home should the current system fail.
- Mr. Willis explained that should the future owners of Lot 1 build a mound replacement system they will no longer be required to reserve the other area for a new replacement system. At that time, the easement could be eliminated.
- Mr. Willis explained that a change had been made to the large plans that were submitted. The building envelope had been reduced per Town Administrator Chris Murphy's recommendations. Originally, the building envelope extended toward the rear of the proposed Lot 2 with a note that the wetland delineation had not been completed for the entire property. The revised building envelope ends where the delineation ended. Should the new owner wish to build beyond the revised building envelope, the delineation would have to be completed for that area and a revision of the plans would be necessary.
- Chairperson Tobin asked if there were any variances required. Mr. Willis and ZA Papelbon responded that there were not.
- ZA Papelbon explained that were some revisions to the survey that were needed: correct spelling of names, correct parcel IDs, zoning regulations, and revised building envelope. A short discussion on the rear abutter

ensued. Potvin is the correct rear abutter, not Martin. ZA Papelbon then explained that the road plans show 15-inch culverts, but they must be changed to 18-inch culverts per the Road Policy. She then explained that the Winter Stabilization chapter of the Low-Risk Site Handbook from the State was for Mr. Ely's benefit if he should decide to pursue construction prior to April 15.

- Chairperson Tobin then asked when the Selectboard was scheduled to approve the driveway design. ZA Papelbon responded that it would probably occur on Thursday, February 21.
- Chairperson Tobin asked about the requirements from the UJFD. Mr. Willis explained that the UJFD asked for a turnaround, which is depicted on the plans toward the Frisbie lot where it intersects the road leading to the lot. Mr. Willis and Mr. Ely explained that the Frisbie lot's proposed driveway had been changed by the Army Corps of Engineers, which is depicted on the plans. The Frisbies currently access their lot via the existing Woods Road.
- Chairperson Tobin asked what the final driveway grade was. Board Member Stan Hamlet stated that he thought the UJFD requirement for requiring homeowners to post their names on their mailboxes was very strong. A discussion of the UJFD letter and recommendations ensued. ZA Papelbon answered Chairperson Tobin's question regarding the driveway grade, which was 6.5%.
- Chairperson Tobin asked if there were any questions on the submitted Proposed Findings of Fact for the 13 Evaluation Criteria. There were none.
- Chairperson Tobin asked if there were further questions from the Board. Board Member Matt Chapek asked if there was a need for a replacement septic system on Lot 2. Mr. Willis explained that the new State rules do not require a replacement area to be located.
- Board Member Matt Chapek asked what would happen with regard to the driveway width should a third house be built. Mr. Willis explained that there cannot be three houses and that the shared driveway will be for Lot 2 and the Frisbie lot. The Frisbies will construct their private driveway beyond Lot 2. Board Member Chapek then asked about the frontage requirements. The plans adhere to the requirement for the zoning district.

**7:01 PM:** Chairperson Tobin asked if the Board had enough information to make a decision on whether to accept the final subdivision. ZA Papelbon stated that the Board should discuss the Standard Conditions for Subdivision prior to voting on whether to go into deliberative session.

ZA Papelbon explained the error in condition 6 and that it should read "Prior to occupancy..." Chairperson Tobin read all of the conditions. He then explained that condition 2 would also read "Prior to occupancy..." Mr. Ely asked if he had to have the engineer come out to the site again to certify that the driveway was installed correctly. The Board responded yes.

Mr. Willis asked if condition 4, requiring submission of a draft Shared Driveway Maintenance Agreement to the ZA, was fulfilled. ZA Papelbon explained that the Agreement should contain the provision that it runs with the land. Mr. Ely asked what would happen if someone did not sign the agreement. It was stated that the condition does not require that the agreement be signed by a lot owner.

Mr. Willis asked about the requirement for submitting a digital copy of the site plan and survey. ZA Papelbon stated that they would discuss the format.

**7:10 PM:** Chairperson Tobin asked if the Board had any further questions. He then asked if the Board would like to deliberate in open or closed session. Board Member Stan Hamlet made a motion, seconded by Peter Seybolt, to move into deliberative session. The motion was passed by all Board Members present.

**7:23 PM:** Board Member Stan Hamlet made a motion, seconded by Board Member Matt Chapek, to move out of deliberative session. The motion was passed by all Board Members present. Board Member Stan Hamlet made a motion, seconded by Board Member Matt Chapek, to accept the final subdivision plan conditioned upon the Standard Conditions for Subdivision as amended during the hearing, the revisions requested by the Zoning Administrator and per the Subdivision Checklist, and conditioned upon approval of the driveway by the Selectboard. The motion was passed by all Board Members present.

**7:31 PM:** Meeting adjourned.

These minutes of the 2-18-08 meeting of the DRB were

Accepted

This \_\_\_\_ day of \_\_\_\_\_, 2008

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Chairperson Scott Tobin

***These minutes are subject to correction by the Underhill Developmental Review Board. Changes, if any, will be recorded in the minutes of the meeting of the DRB.***