

Town of Underhill
Development Review Board Minutes
Chairperson Scott Tobin

October 15, 2007

Board Members Present:

Chuck Brooks
Matt Chapek
Charlie Van Winkle, Vice Chair
Penny Miller

Also Present:

Chris Murphy, Zoning Administrator
Kari Papelbon, Zoning Assistant

6:25 PM: Meeting called to order

Vice Chairperson Charlie Van Winkle began the meeting by reading the procedure for preliminary hearings.

6:26 PM: Phil Jacobs continued preliminary hearing commenced.

Jacobs
16 Harvest Run

Applicant Present:

Phil Jacobs

Consultant Present:

Paul O'Leary, O'Leary Burke Civil Associates
1 Corporate Drive, Suite 1
Essex Junction, VT 05452

Other Participants:

Mike Weisel, Town Engineer

Dorothy Richidei
12 Harvest Run
Underhill, VT

Bob Covey
14 Harvest Run
Underhill, VT

Identifier:	Contents:
ZA-1	Copy of the revised plans prepared by Howard Snider of O'Leary Burke Civil Associates for Phil Jacobs
ZA-2	Copy of the letter sent to Paul O'Leary dated 9-21-07
ZA-3	Copy of the cover letter written by Howard Snider dated 10-3-07
ZA-4	Copy of the Subdivider Statement
ZA-5	Copy of the revised variance request and Proposed Findings of Fact
ZA-6	Copy of the revised waiver request
ZA-7	Copy of pages 3, 4, and 8 of the VT AOT Standards Chapter 6 Local Roads and Streets as a supplement to the waiver request
ZA-8	Copy of the Underhill-Jericho Fire Department letter dated 10-4-07
ZA-9	Copy of the letter and the concerns and questions from the residents of Harvest Run dated 10-9-07
ZA-10	Copy of the letter dated 10-11-07 from Mike Weisel reviewing the Jacobs subdivision
ZA-11	Copy of the USGS map with the Jacobs property outlined
ZA-12	Copy of the letter from Alan Morse dated 10-13-07 in favor of the subdivision
ZA-13	Copy of the letter and answers to the neighbors' concerns from Paul O'Leary dated 10-15-07

- Vice Chairperson Van Winkle read the Preliminary Hearing Checklist.
- Paul O'Leary, consultant for Phil Jacobs, provided copies of the letter and accompanying responses to the submitted neighbor concerns for the 16 Harvest Run proposed subdivision. Mr. O'Leary provided an explanation of the revised subdivision plans and explained the changes made to the subdivision plans per Zoning Office and neighbor requests. The property is in the Residential District.
- Board Members Penny Miller, Charlie Van Winkle, and Matt Chapek asked Mr. O'Leary about the AOT Standards, the slope of the Harvest Run extension on the curves, and where the drive would terminate. Mr. O'Leary answered their questions and added that the proposed gravel stockpile would remain onsite with no intentions of selling it. The stockpile would be approximately 100 truckloads of gravel.
- Board Member Chuck Brooks asked whether the subdivision process could continue if the UJFD did not accept the proposed road, which has portions in excess of the maximum 10% grade. He was informed that the UJFD grade in the letter submitted is a request, not a requirement. The Selectboard grants approval. Mr. O'Leary stated that the road will be built to the Selectboard's requirements.
- Mr. O'Leary commented that the Zoning Office's request for evidence the State permit applications had been submitted is unusual since they usually wait to submit such applications until they receive preliminary approval from the Town. He then addressed the neighbors' concerns in their submitted letter.

- Town Engineer Mike Weisel and Mr. O'Leary discussed the location of the septic trenches as they are proposed close to a wetland on Lot 1.
- ZA Murphy asked whether the UJFD had been contacted about the fire hydrants. Mr. O'Leary responded that copies had been sent to Mark Maheux at the Water District.
- ZA Murphy asked about the State specifications for 24-inch thick gravel on roads and whether the gravel they proposed to use onsite would meet this specification. Mr. O'Leary and Mr. Van Winkle responded that it would and that it would not need to be approved by the State.
- ZA Murphy then asked about the bank stabilization for steep slopes. Mr. O'Leary responded that they would utilize vegetation for stabilization. ZA Murphy then stated that the Town Road Foreman recommended the 15-inch culverts be changed to 18-inch culverts. Mr. O'Leary responded that he would change them.
- Vice Chairperson Van Winkle then swore participants in and entered evidence into record. ZA Murphy read the letter from Alan Morse in favor of the project and then deferred to Mike Weisel to provide his comments on the Selectboard site visit on 10-11-07.
- Mike Weisel read points from his letter dated 10-12-07. Mr. O'Leary provided an explanation of the history of the drainage ditch maintenance on Harvest Run and the proposed drainage plans. Mr. Weisel then stated that cleaning and maintenance would be needed for the drainage ditch, however there were utility lines that were buried very shallow in the ditch.
- Vice Chairperson Van Winkle asked whether any modifications would be needed for the storm pond if density along Harvest Run doubled. Mr. O'Leary responded that there would not be as there is no potential for development on the other side of Harvest Run.
- Board Member Brooks asked where the storm spreader is on the plans. Mr. O'Leary responded that it is a dissipation swale. He added that he would include missing details from Mike's letter and the Town's requests. He also mentioned that the grass used to stabilize banks would be for slopes of less than 5%.
- ZA Murphy stated that the plans did not show turnarounds for the driveways. Mr. O'Leary responded that he would add them.
- Mr. O'Leary provided information that the maintenance of the drainage ditch will be part of the stormwater discharge permit from the State and will be given to the proposed Homeowner's Association. It will be the responsibility of that Association to maintain all elements of stormwater.
- Board Member Penny Miller asked about enforcement of the Homeowner's Association. Mr. O'Leary responded that there is legal action, but that it would not be enforced through the Town. It would be a requirement that once a lot is purchased, the owner would join the Association. Mr. Jacobs would be responsible for maintenance until most of the lots are sold.
- Board Member Miller then asked about the potential damage that would be done to current homeowners' lawns during construction. Mr. O'Leary

- responded that there will be an agreement with the property owners that the property will be returned to its previous state if construction occurs outside of the 60-foot right-of-way.
- ZA Murphy then stated she spoke with Town Road Foreman Rod Fuller regarding the paving of the Harvest Run extension. He stated that the 20-foot traveled way be paved with 1-foot gravel shoulders on either side. Mr. Jacobs responded that if the proposed 12% grade would be required to be paved, they would revise the grade to meet the 10% requirement and remain gravel.
 - ZA Murphy stated that a wastewater permit from the State would be needed with the final plat.
 - Mr. O'Leary stated that a "no-cut zone" along the Covey property was added at Mr. Covey's request. This would retain the current tree line.
 - Vice Chairperson Van Winkle then asked if there were any comments from the public.
 - Dorothy Richidei spoke, stating that she was not opposed to the subdivision and that it could enhance the property if it is constructed correctly. She mentioned that her property is very wet and that her concern is about the impact of stormwater runoff and the aesthetics of the storm pond.
 - Mr. Weisel explained that there is a stream that runs horizontally between the proposed subdivision and the current properties that acts as a buffer to prevent stormwater runoff to the lower properties. The storm pond will store the remaining water. Mr. O'Leary added that the storm pond would be about 3-4 feet when full, with about 18 inches of sump during the wet part of the year. It will naturally fill with vegetation and resemble a wetland.
 - ZA Murphy then explained that the covenants from Wonderhill Estates are still active and, if not voted on by the property owners to remove them, would run with the new lots. Mr. O'Leary stated that they will provide proposed new covenants.
 - Bob Covey then spoke, asking if the proposed gravel stockpile will be gone once the project is completed. Mr. O'Leary explained that most of the gravel will be used onsite, but that what is not used will be stockpiled and retained onsite. There is no plan to move or sell offsite. Mr. Covey then spoke about the character of the area with future development and asked if the watershed responsibility will be on the Homeowner's Association of the subdivision. Mr. O'Leary stated it would be, but that the invitation to join the Association would be extended to the current landowners on Harvest Run. A discussion of current road and ditch maintenance ensued. It was explained that Mr. Jacobs would retain ownership of the current right-of-way.
 - Vice Chairperson Van Winkle then asked what the development threshold would be to widen the road to 24 feet. It was agreed that the proposed 20-foot-wide road would be constructed with the knowledge that it may need to be changed in the future.

7:55 PM: Vice Chairperson Van Winkle asked if the Board had enough information to make a decision and made a motion to move to deliberative session. Board Member Brooks seconded the motion and it was approved by all Board Members present.

8:00 PM: Martha Montgomery Trust continued sketch plan meeting commenced.

**Martha Montgomery Trust
60 Maple Leaf Farm Road**

Consultant Present:

Gunner McCain

Other Participants:

John and Jeannie Panner
55 Maple Leaf Rd.
Underhill, VT

Betty Moore
118 Stevensville Rd.
Underhill, VT

Identifier: Contents:

ZA-1 Copy of the conventional subdivision concept plan/density study and cover letter dated 10-10-07 for the Martha Montgomery Trust prepared by Gunner McCain

- Vice Chairperson Van Winkle began by explaining the sketch plan process.
- Mr. Gunner McCain, consultant for the Martha Montgomery Trust, provided a summary to date of the project.
- Board Member Matt Chapek asked about the configuration of 7 lots: 1 with 5 acres and the remainder with 15 acres. Mr. McCain explained that the Trustee could do more, but wants to retain open land.
- ZA Murphy asked if there were steeper slopes on the proposed open lot. Mr. McCain responded that there were. He then added that the character of the area should be what the zoning ordinance allows, not what currently exists and referred to that section in 24 V.S.A. Chapter 117.
- ZA Murphy stated that the Town Plan and Zoning Regulations allow Planned Residential Developments.
- Vice Chairperson Van Winkle asked about the frontage for the traditional subdivision plan's Lots 5 & 6. Mr. McCain replied that he counted the right-of-way to obtain that frontage, but it could be reconfigured to fit. Vice Chairperson Van Winkle then asked about front yard setbacks. ZA

Murphy responded that you measure from the access. It was agreed by all that these questions were for a traditional subdivision layout and not the proposed PRD.

- Vice Chairperson Van Winkle then asked if there were any comments from the public.
- John Panner spoke, stating that his concern was for the bedrock aquifer in the area and its ability to supply adequate water to wells, compared the project with a subdivision in Williston, and provided a copy of his written testimony.
- Vice Chairperson Van Winkle asked for information about the subdivision in Williston. Mr. Panner explained that the subdivision was approximately 37 acres off of Route 2-A with 17 units.
- ZA Murphy asked Mr. Panner how deep his well was. Mr. Panner responded that it was 200 feet deep with a 2 gpm flow rate. He added that Maple Leaf Farm has a 600-foot-deep well with a 6 gpm flow rate.
- Mr. McCain stated that the proposed PRD is not high-density and the Williston example is not similar as the proposed PRD has large lots.
- Vice Chairperson Van Winkle asked how a well yield test is conducted. Mr. McCain responded that they obtain well logs for the area.
- ZA Murphy asked if there is a State permit required for wells. Mr. McCain replied that the State wastewater permit includes drilled wells and there are setback requirements for adjacent wells and leach fields.
- Board Member Miller asked if all houses in the area would obtain water from the same aquifer. Mr. McCain replied that they do not and provided additional information on the nature of aquifers. Mr. Panner stated that you need to know the flows of the aquifer.
- ZA Murphy asked what the recourse would be to neighbors if their wells were lowered due to the addition of wells. Mr. Panner responded that you can go to court or drill the well deeper.
- Betty Moore then spoke, stating that the creation of the Soil and Water Conservation District was to protect the bedrock aquifer, and that pollution can travel long distances and flow deep into the aquifer. She then asked if the road would need an Act 250 permit. Mr. McCain responded that it would not.
- Jeannie Panner then spoke, providing her revised density study and her interpretation of 24 V.S.A. Chapter 117, §4077 (B).
- Ms. Moore then added that her concern was also for the meadows, which she stated could be developed if purchased by a developer should the PRD be allowed.
- Mr. McCain added that the submitted density analysis is flawed, and that a Homeowner's Association would have the title and tax responsibility for the proposed open land.
- Vice Chairperson Van Winkle asked if the Board had enough information to make a decision.

8:58 PM: Board Member Matt Chapek made a motion, seconded by Penny Miller, to move to deliberative session. The motion was approved by all Board Members present.

9:00 PM: Meeting adjourned.

These minutes of the 10-15-07 meeting of the DRB were

Accepted

This _____ day of _____, 2007

Vice Chairperson Charles Van Winkle

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.