

Town of Underhill
Development Review Board Minutes
Chairperson Scott Tobin

November 8, 2010

Board Members Present:

Scott Tobin, Chair
Will Towle
Matt Chapek
Penny Miller
Chuck Brooks
Peter Seybolt
Charlie Van Winkle

Also Present:

Kari Papelbon, Zoning & Planning Administrator; Jonathan Drew and Miriam Pendleton, Applicants; Julie Barrett, representative from UVM; Michael Miller, adjoining neighbor; Brian Stowe, representative from Proctor Maple Research Center; Kevin Perline, Applicant for next hearing; Liz Gibbons, Applicant for last hearing; Jeff Sprout, resident (Gibbons hearing); Michael Henry, adjoining neighbor (Gibbons hearing).

6:33 PM: Chairperson Scott Tobin called the Drew/Pendleton-UVM Boundary Line Adjustment and Variance hearing to order.

Applicant Present:

Jonathan Drew & Miriam Pendleton
27 Harvey Road
(P.O. Box 158)
Underhill, VT 05489
(Underhill Center, VT 05490)

Others Present:

Julie Barrett
UVM Campus Planning Services
109 South Prospect St.
Burlington, VT 05405

John Collins, Esq.
Counsel for UVM
Law Offices of Collins, McMahon & Harris P.L.L.C
308 Main St.
Burlington, VT 05401

Brian Stowe
Proctor Maple Research Center
58 Harvey Rd.

Underhill, VT 05489

Michael Miller
37 Harvey Rd.
Underhill, VT 05489

Identifier:	Contents:
ZA-1	Jonathan Drew, Miriam Pendleton, and UVM's Boundary Line Adjustment application (dated 9-20-10)
ZA-2	Jonathan Drew and Miriam Pendleton's Variance Hearing Request (dated 9-20-10)
ZA-3	A copy of the preliminary Boundary Line Adjustment survey prepared by Ian Jewkes of Krebs & Lansing Consulting Engineers, Inc. for The University of Vermont and State Agricultural College and Jonathan Drew and Miriam Pendleton (dated 8-6-08)
ZA-4	A copy of the letter from Miriam Pendleton and Jonathan Drew addressing the five variance criteria (dated 9-3-10)
ZA-5	A copy of the tax map for HA027 and HA058X
ZA-6	A copy of the exemption language from the VT Wastewater Rules
ZA-7	A copy of the hearing notice published in <i>Seven Days</i> (10-20-10)

- Chairperson Tobin began the meeting by explaining the procedure for the boundary line adjustment and variance hearing. He then swore in all interested parties and entered the above items into record.
- Jonathan Drew, Applicant, provided an overview of the plans to swap a small piece of land with the UVM Proctor Maple Research Center. The Drew/Pendleton lot wraps around Michael Miller's lot with frontage on either side. Proctor Maple has been using the western portion of Mr. Drew and Ms. Pendleton's lot for sugaring operations. The plan is to regularize the lot and swap the piece with the sugar house for a piece at the rear of the Drew/Pendleton lot.
- Chairperson Tobin asked what the acreage was. It was stated that the acreage was in a table on the proposed plat. The end acreage for the Drew/Pendleton lot would be 10.15 acres. Mr. Drew explained that his road frontage on Harvey Road would be changed to 290 feet after the boundary line adjustment, which is why the variance was requested. Board Member Charlie Van Winkle asked if the variance request was the Applicants' idea or if the Applicants were directed to obtain a variance. Ms. Pendleton explained that she spoke to ZA Papelbon and Mr. Drew added that he thought the ordinance was pretty clear on the frontage requirement.
- Chairperson Tobin stated that there are five criteria that the DRB must consider when reviewing a request for a variance.
- Board Member Peter Seybolt asked why the Applicants felt that the piece of land to be given to UVM was unusable. Mr. Drew stated that there is a

stream on the property that prevents access from the other side of the property. Board Member Seybolt asked if UVM had equipment on the property, to which Mr. Drew stated that a sap shed and tubing were present.

- Chairperson Tobin asked if UVM accessed the sap shed from the road or from their property, to which Mr. Drew responded that they accessed it from the road.
- Board Member Matt Chapek asked if the property was in a 10-acre zone. It was explained that there were two zoning districts—the Scenic Preservation (10 acres) district and the Soil & Water Conservation (15 acres) district. Board Member Seybolt stated that the boundary line adjustment would bring the Drew/Pendleton lot into conformance. Board Member Miller asked if the UVM property was in Soil & Water Conservation. ZA Papelbon clarified that the rear portion of the UVM lot was in the Soil & Water Conservation district.
- Board Member Chuck Brooks asked about the asterisk in the discussion section of the info packet. Board Member Miller stated that the asterisk was continued on the next page.
- Board Member Van Winkle asked if the variance criteria were applicable in this case. He explained that the current frontage is not continuous as defined and required in the regulations. A discussion of frontage, conformance, and potential future subdivision ensued.
- Brian Stowe, Sugaring Operations Manager for Proctor Maple Research Center, spoke, explaining why the land is important. All of the data and sap collection are done at the sap house on the Drew/Pendleton land. All maple producers in the state rely on that data. There is a mandate from the former Governor Proctor, who donated the land to UVM, that if the land is no longer used for maple production it reverts back to the Proctor family. Krebs and Lansing drew up several options to try to maintain the Drew/Pendleton frontage while allowing UVM to purchase the sap house. The option presented to the DRB is the best fit - the others would have left two rights-of-way on the Miller property and the Drew/Pendleton property.
- Board Member Chapek asked if there was another right-of-way. It was stated that there was not.
- Mr. Stowe added that the data collected at Proctor Maple is also used by maple interests in Wisconsin, Minnesota, up to Maine, parts of Canada, and some parts of Missouri.
- Board Member Towle stated that the application is reasonable, but the question is whether it can be fashioned to meet regulatory requirements. A discussion of the acquisition of the Drew/Pendleton land outside of the originally-deeded land ensued. He asked if the University would be open to a provision that 271 feet of frontage will not be used for future development.

- John Collins, counsel for UVM, spoke, stating that the University would not likely transfer property out. Even if the University did seek to transfer property out or subdivide, he believes there would be a merger argument for the Drew/Pendleton property. Mr. Collins stated that there might be a need, in the future, for a curb cut but he was not certain. He also stated that Board Member Van Winkle made a good point about whether a variance is required. Mr. Collins reiterated that the property is used for research and the University is not going to put residential housing on the land, and would therefore be opposed to Board Member Towle's suggested language.
- Board Member Brooks stated that he did not see the University developing the lots for residences and was not in favor of the restriction.
- ZA Papelbon stated she did not have any concerns with the application. She stated that she included the State's deferral language regarding septic systems, but noted that the large plat showed a penciled-in area for a replacement septic area near the Drew/Pendleton house. ZA Papelbon reiterated that she did not catch the discrepancy in the definition and requirements for frontage. Chairperson Tobin stated that ZA Papelbon's notes contained some required revisions. ZA Papelbon stated that the properties have been conveyed and that the map would need to be updated with the current landowners.
- Chairperson Tobin asked for public comment.
- Michael Miller, HA037, spoke, stating that his only concern is for the discrepancy in distances for his property lines on the proposed survey and in his deed. A discussion of the deed description and the proposed survey ensued. Mr. Collins stated that UVM would offer to have Krebs and Lansing work with Mr. Miller on his concerns.

7:20 PM: Chairperson Scott Tobin asked if the Board felt they had enough information to make a decision on the application. The Board indicated that they did. Chairperson Tobin stated that the evidentiary portion of the hearing was closed. Board Member Will Towle made a motion, seconded by Board Member Chuck Brooks, to move into deliberative session following the remaining hearings. The motion was passed by all Board Members present.

Jonathan Drew, Miriam Pendleton, Brian Stowe, Michael Miller, John Collins, and Julie Barrett left at this point.

7:22 PM: Chairperson Scott Tobin called the Perline conditional use/home occupation hearing to order.

Applicant Present:

Kevin Perline
75 Irish Settlement Rd.

Underhill, VT 05489

Others Present:

Liz Gibbons (Applicant for next hearing)
Jeff Sprout
241 Pleasant Valley Rd.
Underhill, VT 05489

Michael Henry (Adjoining neighbor for next hearing)
P.O. Box 159
Underhill Center, VT 05490

Identifier:	Contents:
ZA-1	A copy of Kevin and Kelly Perline's Conditional Use Hearing Request (dated 10-1-10)
ZA-2	A copy of Kevin and Kelly Perline's Home Occupation Permit Application (dated 10-5-10)
ZA-3	A copy of the site plan (undated)
ZA-4	A copy of the email from Kevin Perline to ZA Kari Papelbon addressing the Conditional Use Criteria (dated 10-19-10)
ZA-5	A copy of the tax map for IS075
ZA-6	A copy of the hearing notice published in <i>Seven Days</i> (10-20-10)

- Chairperson Tobin began the meeting by explaining the procedure for the conditional use/home occupation hearing. He then swore in all interested parties and entered the above items into record.
- Chairperson Tobin stated that the DRB conducted a site visit on November 6, 2010 at 9:00 AM. He asked Mr. Perline to provide details to the DRB for the benefit of those who did not attend the site visit.
- Kevin Perline, Applicant, stated that he converted the hay loft of the existing barn into a martial arts dojo. He and a group of friends use the dojo for marital arts workouts. Mr. Perline plans to offer adult classes: one class per day in the evening, with a maximum of 8 people, and one class in the morning on Saturdays for 1.5 hours.
- Board Member Seybolt asked if the barn was heated, to which Mr. Perline replied that it was.
- Board Member Miller asked Mr. Perline if he placed the port-a-potty outside specifically for the martial arts classes. Mr. Perline replied that he did not, but that it was placed out there so that both his friends and clients of the therapeutic work would not have to use the house restroom.
- Chairperson Tobin stated, for the benefit of those Board Members who did not attend the site visit, that the renovated hay loft was upstairs in the barn and had all of the amenities with an adjacent port-a-potty outside.

Chairperson Tobin also stated that clients would enter through the garage doors on the first floor.

- Chairperson Tobin asked about the available parking on the property. Mr. Perline stated that there is plenty of parking and as many as 15-20 cars have been parked in his driveway. There has never been a need to park on the street. Board Member Miller added that the parking areas were generous.
- Chairperson Tobin asked Mr. Perline if he would want some flexibility in the proposed hours. Mr. Perline stated that if he were to ask for more, he would ask for one class from 4:30-6 and another from 6-7:30. Board Member Seybolt suggested not being quite so specific, but rather ask for classes after a certain time. A brief discussion of options ensued.
- Mr. Perline revised his request to hold a maximum of 2 classes per day Monday through Friday between 4 and 8 PM, and between 9 AM and 12 PM on Saturdays. The maximum number of students per class will not change as the space can only safely accommodate up to 8 students.
- Board Member Seybolt asked if Mr. Perline used electronic amplification, such as music. Mr. Perline stated that he currently plays music and might do so with the classes, but that it would not be heard by the neighbors.
- Chairperson Tobin asked if there were any questions or concerns on the part of the DRB for the submitted information. Board Member Miller asked if there would be a sign, to which Mr. Perline stated there would not be a sign.
- ZA Papelbon asked Mr. Perline if he had a chance to contact the Fire Marshall regarding the public building permit. Mr. Perline stated that he had plans to contact them the next day.

7:37 PM: Chairperson Scott Tobin asked if the Board felt they had enough information to make a decision on the application. The Board indicated that they did. Chairperson Tobin asked if there were any comments from the public. There were none.

7:38 PM: Board Member Charlie Van Winkle made a motion, seconded by Board Member Chuck Brooks, to approve of the application with the revisions to the change in hours as presented at the hearing. The motion was passed by all Board Members present.

Kevin Perline left at this point.

7:41 PM: Chairperson Scott Tobin called the Gibbons conditional use hearing to order.

Applicant Present:
Liz Gibbons

241 Pleasant Valley Rd.
Underhill, VT 05489

Others Present:

Jeff Sprout
241 Pleasant Valley Rd.
Underhill, VT 05489

Michael Henry
P.O. Box 159
Underhill Center, VT 05490

Identifier:	Contents:
ZA-1	A copy of Liz Gibbons' Conditional Use Hearing Request (dated 10-8-10)
ZA-2	A copy of the tax map for PV241
ZA-3	A copy of the hearing notice published in <i>Seven Days</i> (10-20-10)

- Chairperson Tobin began the meeting by explaining the procedure for the conditional use hearing. He then swore in all interested parties and entered the above items into record.
- Chairperson Tobin stated that he, Penny, Matt, and Will of the DRB conducted a site visit on October 25, 2010 at 6:00 PM. He asked the applicant to repeat the information provided at the site visit for the benefit of the rest of the Board.
- Liz Gibbons, Applicant, stated that she had a stand of red pines that blew down about 3 years ago in a storm. Ms. Gibbons was informed by several loggers that they would not be willing to assist with taking the downed trees off the property as the trees were lying on top of each other and were not worth anything. Within the past two years, Ms. Gibbons and Mr. Sprout began cleaning up the detritus, and this summer accepted the offer of fill from the Pleasant Valley Road project, which was delivered by the Town Road Crew in town trucks. The stumps will not settle flat, so Ms. Gibbons and Mr. Sprout began covering them with the fill to return the area to usable land. Ms. Gibbons stated that she believed the work was maintenance, but was contacted by ZA Papelbon about a complaint regarding the fill. Several conversations with ZA Papelbon over the summer were regarding whether the activity needed a conditional use permit. Ms. Gibbons stated that she is trying to restore the land to usable land, which she considers maintenance resulting from a natural disaster. Currently, the fill is a flat area, which was stated as an area of concern. The plan is to restore the original pitch of the land.
- Board Member Seybolt asked if the trees were being cut now. Ms. Gibbons stated that they are pulling them out and are looking to get them trucked off the property. Board Member Seybolt asked how many stumps there were, to

which Ms. Gibbons stated it was an estimate of 150-200 stumps. Ms. Gibbons stated the only alternative would be to obtain a large machine that could make a large pile of stumps, which is unacceptable. She then stated that she did not believe she needed a permit.

- Board Member Miller stated that the situation was very unusual, and that the gap with maintenance is that the word does not fit because it is not typical maintenance. Chairperson Tobin stated that what triggered concern was the amount of fill. Ms. Gibbons stated that she understood that, but there is no amount of fill in the regulations. Chairperson Tobin stated that the appearance is of a parking lot with a 250-foot curb cut. Ms. Gibbons stated that the plan is to replant a hedge row.
- Chairperson Tobin asked Ms. Gibbons to further explain her plans. He stated that it sounded like the plan was to store the fill at the current location until the chipper or logger can get to the trees. Ms. Gibbons stated that no loggers will touch the trees, that she and Mr. Sprout are the only ones working on the cleanup, and the activity stopped when ZA Papelbon contacted her. Ms. Gibbons stated that the original slope of the land would be restored, but it would cover the stumps. Rocks would be used to line the edge and a mix of trees would be planted for a hedge row.
- Board Member Seybolt asked if more fill would be needed or if Ms. Gibbons had the necessary fill. Ms. Gibbons stated that it was a guess that she had close to enough fill. Board Member Seybolt asked if the plan was to bulldoze the fill. Ms. Gibbons replied that the plan is to flip the stumps to about 500 feet past the pile where the damage stops, and taper the fill to the upright trees. She then stated that she cannot afford to re-tree the entire area, so the plan is to create horse pasture.
- Board Member Seybolt asked if there was a chance more fill would be needed. Ms. Gibbons replied in the affirmative. Mr. Sprout added that he had received fill from the Town over the 18 years they lived at the property.
- Chairperson Tobin stated that the remediation plan is to clean up the uprooted trees as best as possible, get the stumps down as best as possible, and take the existing fill and push it to restore, more or less, the original grade. Mr. Sprout stated that the fill at the road is not very deep, but the deepest part is where he stopped cutting.
- Chairperson Tobin asked if topsoil would be brought in. Ms. Gibbons stated that the plan was to hay the land for the horses, and that she has put down clover and grass seed on the slope toward her neighbor. Closest to the driveway and the back have not been seeded because the slope has not been restored in those areas yet.

- Chairperson Tobin asked how many loads of fill had been dumped. Mr. Sprout and Ms. Gibbons stated that they do not know. Mr. Sprout stated it was definitely a lot, and more than he anticipated.
- Chairperson Tobin asked what the timeline was to finish. Ms. Gibbons stated that it would take at least a year.
- Board Member Van Winkle asked the Ms. Gibbons and Mr. Sprout how much farther down the hill they needed to go. He stated that the issue he has is one of perception because when people want to build a road for a subdivision that will disturb an acre or more of land, they are required to have an erosion control plan and they have to get a permit from the state. There are no erosion control measures from the road on the Gibbons land. Mr. Sprout stated that the land was already disturbed from the trees, and read the first two sentences from the information packet regarding the complaint. Mr. Sprout asked if this started from a complaint made by a person who did not know what was going on at the property, why were they at a hearing. Board member Van Winkle stated that the DRB wants to know what the activity is. Ms. Gibbons stated that erosion control would be hay mulch, grass seed, and silt fence. She stated that silt fence cannot be installed at the property and that the fill is not moving, even after large rains.
- Mr. Sprout stated that the determination was that the fill was not in a wetland, and asked if Board Member Van Winkle thought they needed a permit since he had driven past the fill during the summer. Board Member Van Winkle stated that he felt it needed a permit since there was a similar fill request from Maple Leaf Farm and since the amount of fill turned into several thousand yards. Ms. Gibbons asked if it was fair to compare her situation to Maple Leaf Farm, with adversarial neighbors, when one of her neighbors in attendance is supportive of the project. She reiterated that nature initiated the process, she did not.
- Board Member Van Winkle asked what the plan is. Ms. Gibbons replied that the plan is to cut the trees and pat the stumps down. Board Member Van Winkle asked how far down the hill would the work continue. Ms. Gibbons stated it would be until the edge of the mess. Board Member Van Winkle asked if Ms. Gibbons would bring in topsoil, if trees would be planted, and if she could submit something in writing so that the DRB could issue a permit condition. Ms. Gibbons stated that grass is currently growing, horses would assist with grass regeneration, rocks will be placed parallel to the road, a hedge row will be planted, the slope will be cut down, and the work will stop at bottom of mess. Topsoil for the entire area would be cost-prohibitive, however Ms. Gibbons stated she would mulch with hay.
- Chairperson Tobin asked Mr. Sprout to explain who he spoke to at the State and asked the outcome of the conversation. Mr. Sprout stated that he spoke to someone at Essex who referred Mr. Sprout to another contact. That contact stated that if the disturbance was over an acre they get involved. Mr.

- Sprout told the State contact that he could not install silt fence in the trees. The State contact stated that if Mr. Sprout wanted to be safe, he could apply for a low-risk permit that would be granted, but he verbalized that he did not believe a permit was required. If the Town wanted a permit, the State contact would approve it. The State contact stated the requirement is to keep from tracking the fill on the road, to prevent runoff into stream, and to keep seeding as the work progressed.
- Board Member Towle stated that he believed it was appropriate for Ms. Gibbons to apply for the permit given what is necessary. Maintenance that does not require a permit is when something happens and the Applicant returns the property to the way it was. Board Member Towle added that in this case, restoring the property to the pre-storm condition is not a choice so a conditional permit was probably going to be required no matter what was done on the property because the trees could not be put back. He then thanked Ms. Gibbons and Mr. Sprout for applying for a conditional use permit and stated that he believed one is required. Board Member Towle asked if the elevations would be changed slightly with a gentle taper even if the contours would not change. Ms. Gibbons stated that there would be a hedge row along the road for privacy, and that a fence would be put up for horse pasture.
 - Board Member Towle asked the Applicant for input on the effect on traffic and congestion, and what could be done to reduce noise, dust, vibration, and visual impact. Mr. Sprout stated that he will place rocks 25 feet from the road to form a barrier to prevent vehicles from entering the area. Trees would be placed in between the rocks for a hedge row, but they must be further back—approximately 40 feet—to prevent interference with the power lines. The rocks will be placed onsite this winter to address the vehicle issue. Mr. Sprout added that he worked outside every night until dark during the summer and received no complaints.
 - Michael Henry, 253 Pleasant Valley Road, stated that he originally had a concern for silt runoff. After visiting the site, he felt that the material was very stable. Dust and noise were probably more of an issue during delivery of the fill over the summer. Mr. Henry added that he doubted there would be silt or dust when the fill moves to cover the stumps due to the aggregate size and stability of the fill material. Dozer and chainsaw noises are common in Underhill and Mr. Henry does not feel that such noise is not intrusive.
 - Chairperson Tobin asked if the rocks would be moved over the course of the winter as the site freezes. Mr. Sprout stated that he has started to do so and would continue. Ms. Gibbons added that such activity was stopped until she received notice from the Town regarding what was allowed. In response to traffic, Ms. Gibbons stated that cars will pull off to let others pass and one person will pull off to retain cell phone reception. She added that the plan is to put in a row of rocks followed by a mix of trees. Chairperson Tobin asked if the tree planting could begin next spring, to which Ms. Gibbons replied that it

could. The rest of the area behind the hedge row that could not be replanted with trees would be grassed.

- Board Member Van Winkle asked if the clearing done by the power company accelerated the tree problems. Mr. Sprout stated that it did not. Ms. Gibbons stated it was a combination of rain and heavy snow, high winds, and a shallow root system.
- Chairperson Tobin asked if the rest of the trees would be pulled out as much as possible and then chipped. Mr. Sprout stated that the red pine would be purchased by Burlington Electric for chipped wood. The tops of the trees Mr. Sprout burns, and anything that might be good he brings out. The chipping would be done offsite.
- Board Member Matt Chapek asked if there was ever a roadside ditch or swale, to which Mr. Sprout stated there was not.
- Board Member Brooks stated that one of the concerns he wanted to address was the water flow—where did the water go with the original (pre-fill) slope of the land and where will it go at the end of the project. Mr. Sprout stated that the water will go where it always has—downhill on Ms. Gibbons' property and not off of it. Board Member Seybolt asked if there was a stream on the property. Ms. Gibbons stated that there is a stream on the other side.
- Chairperson Tobin summarized that the plan is to finish putting the rocks parallel to Pleasant Valley Road over the remaining fall and winter months, and to re-seed the land behind the rocks with a variety of trees in the spring. He then asked how much of the land has already been re-seeded. Mr. Sprout stated it was probably about 40%.
- Board Member Van Winkle asked if the Town had a need to get rid of more fill. Mr. Sprout replied that it would not be this year, but he requested permission to take more fill to finish. Chairperson Tobin commented that the DRB might consider conditions with regard to time or the amount of additional fill, but stated that such would be difficult since there are no engineering plans that provide an estimate for time or fill required. Board Member Seybolt commented that he thought the tree clearing activities could take 2-3 years. Ms. Gibbons stated it would take all of next year and more since she and Mr. Sprout are the only ones doing the work. Chairperson Tobin asked whether there would be a reasonable timeframe for completing the work that could be a condition of the permit. Mr. Sprout said he would be fine with that, but he said the work would be ongoing. Chairperson Tobin stated that the timeline would be specific to the project. Mr. Sprout said 2-3 years.
- Board Member Van Winkle asked if a condition of the permit incorporating a ceiling for additional fill would be comfortable for the applicants. Ms. Gibbons indicated that she would be ok with such. Board Member Chapek commented that the hearing is a good process to let the DRB know what the

plan is for the property. Chairperson Tobin explained that the benefit of a permit is that if there is another complaint ZA Papelbon could state that a permit is in place and explain the conditions. Board Member Seybolt commented that he did wanted to be realistic with a timeframe. Chairperson Tobin stated that it appeared that part of the rehabilitation could be started immediately along the road, which would give a mutually beneficial screen to the applicant and to motorists.

- Chairperson Tobin asked if there were additional comments. Michael Henry stated that he wanted to go on record as being unopposed to the project.

8:30 PM: Chairperson Scott Tobin asked if the Board felt they had enough information to make a decision on the application. The Board indicated that they did. Board Member Peter Seybolt made a motion, seconded by Board Member Chuck Brooks, to move into deliberative session. Chairperson Tobin stated that the evidentiary portion of the hearing was closed. The motion was passed by all Board Members present.

9:10 PM: Board Member Charlie Van Winkle made a motion, seconded by Board Member Chuck Brooks, to move into open session. Board Member Charlie Van Winkle made a motion, seconded by Board Member Chuck Brooks to approve of the conditional use permit for Liz Gibbons to place fill on her land with the following conditions:

1. The approved area for the fill is the existing boundaries of the damaged area. Additional fill, as required for the completion of the remediation project, is approved. The fill shall be tapered from the road to the end of the existing damage area.
2. The fill shall not be permitted to run off the approved area. Erosion control and runoff prevention measures—such as seeding, etc.— shall be implemented onsite.
3. Applicant shall place a border of stone parallel to and 25 feet off of Pleasant Valley Road as described at the final hearing to prevent/hinder vehicle access except at approved curb cuts.
4. Any changes to the approved conditional use as conditioned above shall require prior review and approval by the Development Review Board.

The motion was passed by all Board Members present.

9:11 PM: Board Member Charlie Van Winkle made a motion, seconded by Board Member Chuck Brooks, to approve of the Drew/Pendleton-UVM Boundary Line Adjustment with the following:

1. A variance is not required.
2. The survey shall be updated with current landowners, revision date, and recording and signature blocks.
3. As was offered by UVM Counsel Mike Collins, Krebs and Lansing should work with neighbor Mike Miller to address his concerns with property boundaries.

The motion was passed by all Board Members present.

The DRB discussed their upcoming schedule and signed minutes.

9:33 PM: Meeting adjourned.

These minutes of the 11-8-10 meeting of the DRB were accepted

This _____ day of _____, 2010.

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.