

Town of Underhill
Development Review Board Minutes
Chairperson Scott Tobin

August 3, 2009

Board Members Present:

Charles Van Winkle, Vice Chair
Will Towle
Stan Hamlet
Penny Miller

Also Present:

Kari Papelbon, Zoning Administrator

6:00 PM: A site visit at the property, 662 Irish Settlement Road, commenced. At the conclusion of the site visit, the Board traveled to the Underhill Town Hall to conduct the hearing. Vice Chair Charles Van Winkle was familiar with the property from a previous site visit.

6:37 PM: Vice Chair Van Winkle called the Timbers conditional use/home occupation hearing to order.

Applicant(s) Present:

Lisa and Mike Timbers
662 Irish Settlement Road
Underhill, VT

Identifier: Contents:

ZA-1	Lisa Timbers' Conditional Use Hearing Request (dated 6-30-09)
ZA-2	Lisa Timbers' Home Occupation Permit Application (dated 6-30-09)
ZA-3	A copy of the house site plan
ZA-4	A copy of the proposed Findings of Fact
ZA-5	A copy of the letter to Lisa Timbers from ZA Papelbon (dated 7-1-09)
ZA-6	A copy of the email to Lisa Timbers from ZA Papelbon (dated 7-10-09)
ZA-7	A copy of the email from Ernie Christianson to Mike and Lisa Timbers regarding their septic systems (dated 7-17-09)
ZA-8	A copy of the Notice of Decision from the Zoning Board of Adjustment to the Timbers approving a Bed and Breakfast and occasional wedding receptions at 662 Irish Settlement Road (dated 5-23-03)
ZA-9	A copy of the Signs section of the zoning regulations
ZA-10	A copy of the parcel map for IS662

ZA-11 A copy of the hearing notice published in Seven Days (dated 7-15-09)
ZA-12 Staff report prepared by ZA Papelbon

- Vice Chair Van Winkle 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.
- Vice Chair Van Winkle asked about hours of operation for the Pilates studio. Lisa Timbers, Applicant, explained that she would like to continue providing Pilates classes in her home. Currently, she holds one class per day of approximately 2-4 people Monday and Wednesday from 6:00 PM - 7:15 PM. She would like to have permission to hold classes 5 days per week between the hours of 6:00 AM and 8:00 PM.
- ZA Papelbon asked if the Timbers received an indication from Ernie Christianson, Regional Engineer with the State Wastewater Management Division, that he would not be willing to issue a septic permit to them. Mike Timbers stated that the septic system has only a certain capacity and that they have a bed and breakfast. The house is also on the market and they are unsure if they want to remove a bedroom to gain the adequate septic capacity per the State's rules.
- Board Member Will Towle asked if the Timbers were currently operating a bed and breakfast, to which Mr. and Mrs. Timbers responded that they were.
- Board Member Stan Hamlet asked if the rental unit has its own septic system. Mr. Timbers replied that it did.
- Vice Chair Van Winkle stated that from the emails Mr. Christianson indicated that if the Timbers removed a bedroom they would not have to do upgrades to the septic system. Mr. Timbers stated that removing a bedroom might be difficult considering the house was up for sale.
- Vice Chair Van Winkle asked if there were any public comments. ZA Papelbon stated that Mr. Butler attended the site visit but did not offer comments. Abutting neighbor Mike Weisel had mentioned no objections to the proposed Pilates studio in a separate conversation with ZA Papelbon.
- Vice Chair Van Winkle then read Mrs. Timbers' findings of fact. He asked if Mrs. Timbers would like the Board to approve of a sign design. She stated that she would like to put a small sign by her mailbox that would be non-illuminated. ZA Papelbon stated that a compliant sign requires a

standard building permit. Mrs. Timbers asked how much it would cost, to which ZA Papelbon replied it would be \$50.

- Vice Chair Van Winkle asked if there were further questions.

6:51 PM: Vice Chair Charles Van Winkle asked if the Board felt they had enough information to make a decision on conditional use application. The Board stated that they did. Vice Chair Van Winkle stated that the evidentiary portion of the hearing was closed. Vice Chair Van Winkle asked if the Board would like to deliberate in open or closed session. The Board stated that they would like to deliberate in open session.

Board Member Stan Hamlet made a motion, seconded by Board Member Will Towle, to approve the conditional use for a home Pilates studio as discussed at the hearing subject to Applicant obtaining any required State approvals necessary. The motion was passed by all Board Members present.

6:53 PM: Hearing concluded. Vice Chair Van Winkle signed previously-approved minutes and the upcoming hearing schedule was discussed.

7:06 PM: Meeting adjourned.

These minutes of the 8-3-09 meeting of the DRB were accepted

This _____ day of _____, 2009.

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.