

Town of Underhill
Development Review Board Minutes
Chairperson Scott Tobin
February 1, 2010

Board Members Present:

Chuck Brooks
Penny Miller
Stan Hamlet
Matt Chapek
Charlie Van Winkle
Peter Seybolt
Scott Tobin, Chair

Also Present:

Kari Papelbon, Zoning Administrator

6:30 PM: Betty Moore provided a history of the property to the Development Review Board.

6:42 PM: Chairperson Scott Tobin called the Moore planned residential development sketch plan meeting to order.

Applicants Present:

Ed and Betty Moore
118 Stevensville Road / P.O. Box 63
Underhill (Center), VT

Consultant Present:

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

Others Present:

Tom Moore
118 Stevensville Road / P.O. Box 131
Underhill (Center), VT

Sue Kusserow
184 Beartown Road / P.O. Box 125
Underhill (Center), VT

Tim Pedrotty
177 Beartown Rd.
Underhill, VT

Identifier:	Contents:
ZA-1	Edwin and Elizabeth Moore's Application for Subdivision: Sketch Plan (dated 1-4-10);
ZA-2	A copy of the completed Subdivision Checklist: Sketch Plan;
ZA-3	A copy of the site plan prepared by Justin Willis of Willis Design Associates, Inc. for the Moores (Sheet S1 dated January 2010);
ZA-4	A copy of the tax map for ST118;
ZA-5	Staff report prepared by ZA Papelbon

- Chairperson Tobin began the meeting by explaining the procedure for sketch plan review.
- Justin Willis, consultant for the Moores, provided an overview of the proposed 3-lot planned residential development. The plan is to split the parcel of 16.3 acres between Tom and Deb's house and Ed and Betty's house, with one additional building lot for a grandchild. Clay Brook runs through the southern portion of the entire parcel. Soil testing was conducted and a wastewater disposal area has been identified for the new building lot. Replacement areas for Ed and Betty's house and Tom and Deb's house were identified. A couple of the existing wells are too close the existing septic systems, so replacement well locations have been identified per the State's rules. At the boundary with Stevensville Road, Lot 3 is approximately 80 feet wide. This was done instead of having easements for right-of-way and well over Lot 2. A 60-foot right-of-way for the shared driveway to Lots 1 and 2 will remain. A 25-foot easement to Lot 2 for the existing septic system on Lot 1 (which is on the proposed new lot line) and a 25-foot easement over Lot 1 for the Lot 2 replacement septic system are also contained on the plans. As part of the plans, the Moores will conduct a boundary line adjustment with the neighbor at 126 Stevensville Road for Lot 3's side setback. There is no other option for the dividing line between Lots 1 and 2 without waivers. Waiver requests for setbacks will be submitted. Currently, the plans show that the garage on Lot 2 will be approximately 16 feet from the new lot line, the Lot 2 house will be approximately 43 feet from the new lot line, and the Lot 1 house will be approximately 40 feet from the new lot line.
- The neighbor has agreed to the boundary line adjustment, which is required for setbacks and the septic system. Board Member Penny Miller asked whether new houses needed to identify a replacement area. Mr. Willis explained that Lot 3 has a septic system designed to 150% size so that a replacement area will not need to be identified.
- Board Member Peter Seybolt asked how large the proposed boundary adjustment was and whether Lot 3 would have 3 acres without the adjustment. Mr. Willis explained that Lot 3 would have had an "L" shape to encompass all of the identified open land in the original plan, which would have brought the acreage to 5 acres.

- Mr. Willis asked if Lot 3 would need a waiver for the frontage requirement. It was confirmed that he did. Chairperson Tobin asked if Lots 1 and 2 each had 300 feet of frontage. Mr. Willis confirmed that they did.
- Board Member Stan Hamlet asked if the septic system on Lot 3 was a mound system. Mr. Willis stated that it was a conventional subsurface with a pump since the proposed house is downhill.
- Chairperson Tobin stated that the designated open land was all on the south side. Mr. Willis stated it was and a brief discussion of where the beginning of the open space in relation to the brook ensued (centerline, top of bank, etc.).
- Chairperson Tobin asked if there were any wetlands on the property. Mr. Willis stated that there were no mapped wetlands. A drainage ditch that runs down the logging road between Lots 1 and 3 carries some water below the base of the slope. The logging road is an existing access used to remove trees. Mrs. Moore stated that it was an old farm road, and Mr. Willis added that the plan was to keep the logging road access as the driveway for Lot 3. There are no grade issues. Chairperson Tobin stated that it looked like the driveway was less than the required 20 foot setback to the proposed property line, which would require a waiver. A brief discussion of the setback ensued.
- Sue Kusserow, 184 Beartown Road, asked what open land meant. ZA Papelbon explained that open space means it will never be developed. She then asked about the presence of wetlands. Mr. Willis stated that there are no mapped wetlands. Mrs. Kusserow stated that there are wet areas near the brook.
- Board Member Seybolt stated that the reason for the PRD was so that there wasn't a strangely-shaped lot and asked whether there were additional reasons. ZA Papelbon stated that the waiver requests for the frontage and setbacks, and Mr. Willis added that the division line between Lots 1 and 2 cannot be accomplished without a PRD. Board Members Seybolt and Hamlet stated that variances could be applied for. ZA Papelbon stated that the variance criteria set by the state are such that they would be nearly impossible to meet.
- Mrs. Kusserow asked if the lot size of 3.08 acres needed a variance. Chairperson Tobin stated that the PRD allows for configuration of land with dimensions that may be less than those required by the district as long as the density is not exceeded. Mrs. Kusserow asked whether the proposed boundary line adjustment would ever be greater than what is on the plan. It was explained that it would not and that the adjustment was so small that it would not affect the neighbor's use of the property nor the minimum acreage required in the district. Mrs. Kusserow asked whether the adjustment had already been made. ZA Papelbon explained that the adjustment was part of the PRD application. Mr. Tom Moore explained that the adjustment was also necessary for the configuration of the proposed house on the lot. Mrs.

Kusserow asked if the 3.08 acres was including the proposed adjustment amount, which was confirmed. The adjustment is roughly two-tenths of an acre.

- Chairperson Tobin stated that proposed deed language for the boundary line adjustment, if pursued, would be required for the future hearing.
- Board Member Miller asked ZA Papelbon whether the applicants are required to show a plan with the 5-acre minimum. ZA Papelbon replied that the Board could request a density plan showing such, to which Mrs. Moore replied that they had a plan showing the 5-acre lots. Board Member Miller asked if the density plan needed to have the minimum frontage, setbacks, and lot sizes shown. ZA Papelbon replied that most of the density plan requests have been because of a frontage question, not setbacks. Setbacks in a PRD are allowed to have waivers. A brief discussion of a density plan ensued. Mr. Willis offered to submit a density plan at a future hearing.
- Chairperson Tobin asked if there were any further questions from the Board. There were none. ZA Papelbon spoke, explaining the PRD requirements. She added that the dividing line between Lots 1 and 2 would actually be the front lot line for Lot 2 rather than the side lot line since that is where the driveway enters the lot. The Board stated that they would discuss that at the preliminary hearing. Mr. Tom Moore asked what the impact for that would be. ZA Papelbon explained that the front setback is larger than a side setback, which means it would be a larger waiver request.
- Chairperson Tobin asked if there were further questions from the public. Mrs. Kusserow stated that a comment had been made before that the subdivision could not be done by the book, which is what was required. The Board explained that a PRD allows flexibility where a conventional subdivision does not. Mr. Willis stated that there was approximately 90-100 feet between the building envelope and the bottom of the slope on Lot 3. There could be some Class III wetlands
- Chairperson Tobin asked if there were further comments from the Board or the public. Board Member Matt Chapek asked to see a copy of the original plan for the subdivision, which showed a conventional layout. Mr. Willis provided a copy and a discussion of the conventional plan ensued. Mr. Willis reiterated the requirements that the DRB requests for preliminary: side setback waivers, driveway waivers, deed language for the boundary line adjustment, covenants for the open space, density plan. The Board stated that the 100-foot buffer for the brook would encompass any Class III wetlands, so they requested that Justin include the buffer on the plans. A discussion of the open space, wetlands, and stream buffer ensued.

7:20 PM: Chairperson Scott Tobin asked if the Board felt they had enough information to make a decision on the application. The Board stated that they had enough information to proceed. He then moved the Board into open deliberative

session upon agreement by the Board. Board Member Stan Hamlet made a motion, seconded by Board Member Charlie Van Winkle, to accept the sketch plan application. The motion was passed by all Board Members present.

The Board discussed their upcoming schedule, signed documents, and discussed various topics.

8:00 PM: Meeting adjourned.

These minutes of the 2-1-10 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.