

Town of Underhill
Development Review Board Minutes
Chairperson Charles Van Winkle

December 17, 2012

Board Members Present:

Charles Van Winkle, Chair
Penny Miller
Will Towle
Matt Chapek
Karen McKnight

Staff/Municipal Representatives Present:

Kari Papelbon, Zoning & Planning Administrator

6:35 PM: Chairperson Charles Van Winkle called the Lang combined sketch plan and final subdivision (amendment) hearing to order at the Underhill Town Hall.

Applicant(s) Present:

Michael Lang
238 River Rd. (MU049)
Underhill, VT 05489

Consultant(s) Present:

Gunner McCain
McCain Consulting, Inc.
93 S. Main St., Ste. 1
Waterbury, VT 05676

Others(s) Present:

Shanie Bartlett, applicant for appointment to DRB

Identifier: Contents:

ZA-1	Michael Lang's Application for Subdivision: Sketch Plan (no date)
ZA-2	Michael Lang's Application for Subdivision: Final (dated 11-27-12)
ZA-3	A copy of the Subdivision Checklist: Sketch Plan
ZA-4	A copy of the Subdivision Checklist: Final
ZA-5	A copy of the site plan prepared by Gunner McCain of McCain Consulting, Inc. (Sheets 1-2 dated November 27, 2012)
ZA-6	A copy of the completed Subdivision Standards Findings Checklist

ZA-7 A copy of the DRB decision from the Tatro subdivision (dated 7-10-06)
ZA-8 A copy of the tax map for MU049
ZA-9 A copy of the hearing notice published in The Burlington Free Press on
12-1-12

- Chairperson Van Winkle began the meeting by explaining the procedure for the hearing, which comes under the 2012 Unified Land Use and Development Regulations. He then swore in interested parties present and asked if there were any conflicts of interest. Board Member Penny Miller stated that she knows Michael Lang, they have worked together, and that their companies share the same office. Chairperson Van Winkle asked whether she felt she could give a fair opinion, to which she replied she could. Chairperson Van Winkle entered items ZA-1 through ZA-9 into evidence.
- Gunner McCain, consultant for Michael Lang, provided an overview of the proposal to change the location of the driveway previously approved in the 2006 Tatro subdivision. The driveway that had been constructed was not according to the approved subdivision plan alignment, and a section was constructed steeper than it needs to be. Rather than construct the driveway according to the original approval, approval for an amendment is being sought. There are no impacts on resources protected by the zoning ordinance.
- Chairperson Van Winkle summarized that the driveway encroaches on the approved septic replacement area, and since the original approval the regulations have changed. Mr. McCain stated that the regulatory changes do not apply to the proposal - as shown on the plan, the driveway encroaches into the replacement area. Mr. McCain continued to say that additional testing was conducted, the proposed location of the septic system has been revised, and an application for the relocated septic system has been submitted to the State for review and approval. The revised septic area is shown on the plans as it was part of the original subdivision approval.
- Board Member Karen McKnight asked for clarification on the location of the existing and proposed driveways, and stated that when she went to view the site nothing was flagged. Mr. McCain apologized and stated that he was unable to flag the site before the hearing. He then provided a map showing comparisons of the approved, constructed, and proposed driveway alignments.
- Board Member McKnight asked about the slope, to which Mr. McCain stated that the proposal was for a 12% finished grade driveway. The current driveway is slightly steeper than 12%.
- Chairperson Van Winkle stated that the original wording in the decision was unfortunate because it locked the applicant into a driveway. Mr. McCain stated that he also felt it was unfortunate that the change had to come back to the DRB for review, but that there were requirements to certify the driveway. The certification could not be done because the driveway was not constructed per the plans as required by the original subdivision decision. ZA/PA Papelbon

stated that the current regulations allow movement within a corridor as an administrative approval.

- Board Member Miller stated that it did not appear that the driveway exceeded 500 feet in length. Mr. McCain verified that the driveway, from the culvert, was about 450 feet in length and that there was a pull-off section that will remain.
- Board Member Will Towle asked whether the Underhill Jericho Fire Department had reviewed the proposal. ZA/PA Papelbon stated that she had spoken to Harry Schoppmann of the UJFD earlier that day and had not heard back from him. Mr. McCain stated that the plan is better with a straighter approach off the bridge, and that he anticipated a similar response from the UJFD as in previous review letters. Board Member Towle stated that the record should show that the UJFD had been contacted for comments and that none had been received.

6:47 PM: Chairperson Van Winkle asked for public comment. There were no public comments. Chairperson Van Winkle asked if the Board felt they had enough information to make a decision. The Board stated that they did. Chairperson Van Winkle stated that evidence was closed and asked whether the Board wished to deliberate in open or deliberative session. The Board indicated that they wished to deliberate in open session. Board Member Karen McKnight made a motion, seconded by Board Member Penny Miller, to deliberate in open session. The motion was passed by all Board Members present.

Board Member McKnight recommended that Harry Schoppmann should go up and look at the driveway. ZA/PA Papelbon stated that whenever Harry receives a plan he conducts a site visit, and added that he was familiar with the area and that the UJFD was recently in the area (although not on Mr. Lang's lot).

6:49 PM: Board Member Will Towle made a motion to approve the proposed application as presented at the hearing. Discussion of UJFD comments ensued.

Board Member Matt Chapek asked if anything needed to be done about the replacement septic area. Board Member Towle asked whether there were any requests with the septic area. Mr. McCain stated that it was shown on the plans for clarification purposes.

6:49 PM: Board Member Will Towle restated his motion, seconded by Board Member Matt Chapek, to approve the proposed application as presented at the hearing. The motion was passed by all Board Members present.

6:52 PM: End of hearing.

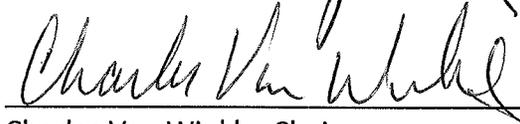
6:55 PM: Interview with Shanie Bartlett.

7:20 PM: Ms. Bartlett departed. The Board signed minutes and discussed their upcoming schedule.

7:35 PM: End of meeting.

These minutes of the 12-17-12 meeting of the DRB were accepted

This 21 day of January, 2012.



Charles Van Winkle, Chairperson

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