

**Town of Underhill**  
Development Review Board Minutes  
Chairperson Charles Van Winkle

February 4, 2013

**Board Members Present:**

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

**Staff/Municipal Representatives Present:**

Kari Papelbon, Zoning & Planning Administrator

**6:34 PM:** Chairperson Charles Van Winkle called the Jacobs sketch plan meeting to order at the Underhill Town Hall.

**Consultant(s) Present:**

Paul O'Leary  
O'Leary-Burke Civil Associates, PLC.  
1 Corporate Dr., Ste. 1  
Essex Junction, VT 05452

**Applicant(s) Present:**

Phil Jacobs  
73 Upper English Settlement Rd. (HR016)  
Underhill, VT 05489

**Others(s) Present:**

Jamie and Paula Eisenberg  
23 Park St.  
Underhill, VT 05489

Dori Richiedei  
12 Harvest Run  
Underhill, VT 05489

**Identifier:      Contents:**

---

ZA-1              Phil Jacobs' Application for Subdivision: Sketch Plan (dated 1-22-13)

ZA-2	A copy of the completed Subdivision Checklist: Sketch Plan
ZA-3	A copy of the Sketch Plan prepared by O'Leary-Burke Civil Associates, PLC (dated 1-4-10)
ZA-4	A copy of the survey prepared by O'Leary-Burke Civil Associates, PLC (dated 5-5-11)
ZA-5	A copy of the narrative generally addressing Article VIII (no date)
ZA-6	Copies of the ANR Natural Resources Atlas maps (2)
ZA-7	A copy of the Boundary Line Adjustment plat between Phil Jacobs and Malachi & Shannon McCaulley (dated 8-9-11)
ZA-8	A copy of the Boundary Line Adjustment plat between Phil Jacobs and Jason & Jodie Ferreira (dated 5-5-11)
ZA-9	A copy of the approved Final Plan for subdivision (revised 10-13-08)
ZA-10	A copy of the approved Property Plat (revised 10-13-08)
ZA-11	A copy of the Final Subdivision Decision (dated 7-3-08)
ZA-12	A copy of the meeting notice
ZA-13	Staff Report

- Chairperson Van Winkle began the meeting by explaining the procedure for the sketch plan meeting, which comes under the 2012 Unified Land Use and Development Regulations.
- Paul O'Leary, consultant for Phil Jacobs, provided an overview of the proposal. The land was previously approved for subdivision for 4 building lots, one lot that was not approved as a building lot, off of Jacobs Hill. There is a wetland issue that prevents the non-buildable lot from receiving approval as a building lot, and the State requires a re-delineation of wetlands every 5 years. The proposal is to create a 4.51-acre Lot 7 at the end of the cul-de-sac, extending to the current northernmost boundary line of HR016. Potential driveway and house locations are shown on the plans, along with suitable septic areas. There is a flat spot approximately 60 feet higher than the proposed driveway intersection with the existing cul-de-sac, which may result in a 600-foot-long driveway. The proposed lot is partially within the Underhill Flats Village Center and Rural Residential zoning districts; however, the proposed acreage meets the requirements of both districts. A waiver of the frontage requirement is requested.
- Chairperson Van Winkle asked what the effect is on potential long-term access for the remaining land. Mr. O'Leary stated that the intent is for Jacobs Hill to terminate at Lot 7 as there are steep slopes that make an extension illogical. Future access would be from the side.
- Board Member Will Towle asked why the property line could not be extended 30 feet to the west to gain additional frontage. Mr. O'Leary stated that they could if necessary.
- Board Member Karen McKnight asked where the proposed Lot 7 is in relation to the gravel extraction was approved in the fall. Mr. Jacobs said it is lower and to the west.

- Mr. O'Leary requested a two-step hearing process rather than a 3-step process. Board Member Penny Miller asked ZA/PA Papelbon if such could be done. ZA/PA Papelbon stated that the preliminary hearing requirement could not be waived for major subdivisions, but that the regulations did not prohibit combining hearings.
- Board Member Towle asked whether Jacobs Hill was a private road, to which Mr. O'Leary stated that it was and that the new lot would be required to be a part of the existing Homeowners Association.
- Board Member Matt Chapek asked what the plan is for stormwater. Mr. O'Leary responded that a stormwater system would have to be designed according to State standards and that there is an existing stormwater permit.
- Board Member Towle asked whether Lot 6 has its own access. Mr. O'Leary replied that it did.
- ZA/PA Papelbon provided her staff report, which was included in the hearing information packet. She also stated that steep slope provisions would need to be addressed during design of the driveway and house location. Additionally, driveways in excess of 500 feet in length need to have a pull-off for emergency access and terminate in a y-turnaround. ZA/PA Papelbon then explained that the UJFD requirement is a maximum grade of 10% whereas the town regulations have a maximum grade of 12% as measured over any 50-foot section. She mentioned that there are a few minor errors on the survey that can be emailed for correction.
- Chairperson Van Winkle asked for public comment.
- Jamie Eisenberg stated her concerns for the amount of water coming off the hillside as her property is adjacent to the culvert at Park Street and Harvest Run. She asked if there is any plan for improving or maintaining the existing culvert. Mr. Jacobs explained his maintenance of the ditch and that he spoke to Selectboard Chair Brad Holden in the spring about the culvert. Discussion ensued. ZA/PA Papelbon stated that she would discuss the culvert with the Selectboard.

**6:58 PM:** Chairperson Van Winkle asked whether the Board felt they had enough information to make a decision on the application. The Board stated that they did. Chairperson Van Winkle asked whether the Board wished to classify the application as a major or minor subdivision. The Board confirmed the classification as major. Chairperson Van Winkle asked if the Board would like to continue discussion of the application in open or closed session.

Board Member Matt Chapek made a motion, seconded by Board Member Penny Miller, to enter a closed deliberative session. The motion was passed by all Board Members present.

**6:59 PM:** End of public portion of meeting. All participants departed. The Board began their closed deliberations.

Items discussed included procedure, stormwater, requirements for the Homeowners Association, steep slopes, driveway design, and combining the preliminary and final review.

**8:21 PM:** Board Member Penny Miller made a motion, seconded by Board Member Matt Chapek, to accept the application and combine preliminary and final review, and that the following should be addressed in the plans and application:

1. There is a concern for storm water on the property. The plans should address storm water and integration with Harvest Run.
2. Lot 7 will be required to be a part of the existing Homeowners Association.
3. Steep slopes and disturbance on steep slopes should be identified on the plans.
4. A driveway design will be required.

The motion was passed by all Board Members present.

Chairperson Van Winkle signed the minutes from the January 21, 2013 meeting.

**8:22 PM:** End of meeting.

These minutes of the 2-4-13 meeting of the DRB were accepted

This 19<sup>th</sup> day of March, 2013.

*Charles Van Winkle*

---

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.*