

TOWN OF UNDERHILL
APPLICATION OF PAUL AND JOAN CHAMBERLIN
FOR A BOUNDARY LINE ADJUSTMENT
FINDINGS AND DECISION

In re: Paul and Joan Chamberlin
97 River Road
Underhill, VT 05489

UNDERHILL TOWN CLERK'S OFFICE
Received For Record 06-22 A.D., 2009
At 8 O'clock 00 minutes A M. & Recorded
In Book 174 Page 164-166 of Underhill Records
Attest Nancy C Bradford
Town Clerk

Docket No. DRB-09-04: Paul and Joan Chamberlin

I. INTRODUCTION AND PROCEDURAL HISTORY

This proceeding concerns Paul and Joan Chamberlin's application for a boundary line adjustment between two properties they own located at 97 River Road in Underhill, Vermont.

1. On March 27, 2009, Paul and Joan Chamberlin filed an application for a boundary line adjustment. A copy of the application and site plan are available at the Underhill Town Hall.
2. On April 16, 2009, a copy of the notice of a hearing on the boundary line adjustment application was mailed to the applicants, Paul and Joan Chamberlin, 97 River Road, Underhill, Vermont, 05489 and via certified mail to following owners of properties adjoining the property subject to the application:
 - a. Sullivan, 91 River Rd., Underhill, VT 05489
 - b. Amundsen, P.O. Box 218, Underhill, VT 05489
 - c. McClellan Farm Common Land, c/o Laura Chabot, 69 McClellan Farm Rd., Underhill, VT 05489
 - d. Lowry, 40 College St., Apt. 402, Burlington, VT 05401
 - e. Peterson/Wagner, P.O. Box 89, Underhill, VT 05489
 - f. Barker, 15 Hedgehog Hill Rd., Underhill, VT 05489
 - g. Niles, 137 River Rd., Underhill, VT 05489
 - h. Rogers, 133 River Rd., Underhill, VT 05489
 - i. Demag, 113 River Road, Underhill, VT 05489
 - j. Larue, 128 River Road, Underhill, VT 05489
 - k. Reyome, 130 River Rd., Underhill, VT 05489
 - l. Eycke, 212 Groveland Ave., Raleigh, NC 27605
 - m. Chamberlin, 28 Chamberlin Woods, Underhill, VT 05489
 - n. Bovill/Latchem, 5 Fields Ln., Jericho, VT 05465
3. By April 15, 2009, notice of the hearing on the proposed Chamberlin boundary line adjustment was posted at the following places:
 - a. The subject property, 97 River Road;

- b. The Underhill Town Clerk's office;
 - c. The Underhill Center Post Office;
 - d. The Underhill Flats Post Office;
 - e. The Town of Underhill website.
4. The hearing was scheduled to commence 6:30 PM on May 4, 2009.
 5. Present at the preliminary hearing were the following members of the Development Review Board:
 - Stan Hamlet
 - Penny Miller
 - Matt Chapek
 - Deb Shannon
 - Charlie Van Winkle
 - Scott Tobin, Chair

Kari Papelbon, Zoning Administrator, also attended the meeting. Brad Holden, Land Surveyor, attended the meeting as consultant for the Chamberlins. Other members of the public who were present at the hearing included David Sullivan, 91 River Road, Underhill, VT 05489, Mr. and Mrs. Cameron (present for the next hearing), and Mr. and Mrs. Cressman (present for the next hearing).

6. At the outset of the hearing, Chairperson Scott Tobin swore in all interested parties. Interested parties who spoke at the hearing were:
 - Brad Holden, Land Surveyor, 60 Covey Rd., Underhill, VT 05489
 - Paul Chamberlin, 97 River Rd., Underhill, VT 05489
7. During the course of the hearing the following exhibits were submitted to the Development Review Board:
 - a) A staff report sent by Zoning Administrator Kari Papelbon to the Development Review Board, Paul and Joan Chamberlin, and Brad Holden;
 - b) A copy of the Chamberlins' application;
 - c) A copy of the survey detailing the boundary line adjustment prepared by Bradford L. Holden for Paul D. and Joan S. Chamberlin dated March 2009;
 - d) A copy of the parcel history summary from Brad Holden dated 3-25-09;
 - e) A copy of the hearing notice published in the Mountain Gazette dated 4-16-09;
 - f) A copy of the parcel map for RV097;
 - g) A copy of the Water Supply and Wastewater System plans for Paul D. and Joan S. Chamberlin prepared by Justin Willis of Willis Design Associates dated 4-10-2009.

These exhibits are available in the Paul and Joan Chamberlin, RV097 boundary line adjustment file at the Underhill Zoning Office.

Chamberlin Boundary Line Adjustment Decision
4 May 2009

II. FINDINGS

Background

The Minutes of the meeting written by Kari Papelbon are incorporated by reference into this decision. Please refer to these Minutes for a summary of the testimony.

Based on the application, testimony, exhibits, and other evidence the Development Review Board makes the following findings:

1. The subject properties at 97 River Road lie in the Rural Residential, Water Conservation, and the Soil & Water Conservation zoning districts.
2. The Applicants, Paul and Joan Chamberlin, are applying for a boundary line adjustment between two parcels at 97 River Road (RV097). Approximately 5.4 acres with an existing dwelling will be retained for the parcel to be conveyed, and approximately 4.9 acres will be merged with the remaining land at 97 River Road.
3. Each lot will exceed the minimum lot size for the Rural Residential and Water Conservation zoning districts after the boundary line adjustment. The retained parcel also will exceed the minimum lot size for the Soil & Water Conservation zoning district.
4. The applicants currently have a septic design for the replacement wastewater disposal system. At the time of the hearing, the application for a State permit for the boundary line adjustment. Permit WW-4-3276 has since been received by the zoning office.
5. No new roads or curb cuts have been requested. The existing road right of way has been proposed to be widened to 30 feet. The Board recommends approval of this upgrade to the Selectboard. Access for the parcel to be conveyed will be via the existing Chamberlin Woods road and existing driveway to the lot.

III. DECISION

Based upon the findings above, the Development Review Board grants approval for the boundary line adjustment as presented at the hearing.

Dated at Underhill, Vermont this 19th day of May, 2009.

Scott Tobin

Scott Tobin, Chair, Development Review Board

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceedings before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. §4471 and Rule 5 (b) of the Vermont Rules for Environmental Court Proceedings. No documents shall be recorded until

6-18-09, when the 30-day appeal period has expired.