

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

June 18, 2012

**6:30 PM:** Site Visit at 8 Dumas Road (DM008) for the Rainville and McKegney Preliminary Subdivision Hearing.

**Board Members Present:**

Charles Van Winkle, Chair  
Penny Miller  
Will Towle  
Chuck Brooks

**Staff/Municipal Representatives Present:**

Kari Papelbon, Zoning & Planning Administrator

**Also Present:**

Michael Rainville and Kevin McKegney, Applicants; 4 neighbors

The Underhill Development Review Board does not take testimony during a site visit. The purpose of the visit is to afford the Board Members and interested parties the opportunity to familiarize themselves with the existing conditions of the project site. Any discussion, comments or communication made during the site visit is not considered as testimony and is therefore not part of the official record or evidence submitted for consideration.

At the conclusion of the site visit the DRB traveled back to the Underhill Town Hall for the hearing.

**7:10 PM:** Chairperson Charles Van Winkle called the Rainville and McKegney Preliminary Subdivision hearing to order at the Underhill Town Hall.

**Board Members Present:**

Charles Van Winkle, Chair  
Penny Miller  
Will Towle  
Chuck Brooks

**Staff/Municipal Representatives Present:**

Kari Papelbon, Zoning & Planning Administrator

**Applicant(s) Present:**

Michael Rainville  
Kevin McKegney (DM008)  
80 Cemetery Rd.  
Jericho, VT 05465

**Others Present:**

Doug Keith  
2 Dumas Rd.  
Underhill, VT 05489

Patricia Gray  
10 Dumas Rd.  
Underhill, VT 05489

<b>Identifier:</b>	<b>Contents:</b>
ZA-1	Michael & Holly Rainville's and Kevin McKegney's Application for Subdivision: Preliminary (dated 5-7-12)
ZA-2	A copy of the completed Subdivision Checklist: Preliminary Hearing
ZA-3	A copy of the plans prepared by Christopher Leister of Hogg Hill Design, LLC (Sheets 1-3 dated 2-17-12)
ZA-4	A copy of the survey prepared by Christopher Haggerty of Button Professional Land Surveyors, PC (dated 4-15-12)
ZA-5	A copy of the letter dated 5-7-12 from the Applicants to ZA/PA Papelbon
ZA-6	A copy of the Findings Checklist
ZA-7	A copy of the VT ANR Environmental Interest Locator map depicting the groundwater source protection area (printed 2-16-12)
ZA-8	A copy of the draft warranty deeds
ZA-9	A copy of the Project Review Sheet from the VT Department of Environmental Conservation and Natural Resources Board (dated 5-15-12)
ZA-10	A copy of the letter from Harry Schoppmann of the Underhill Jericho Fire Department (dated June 11, 2012)
ZA-11	A copy of the tax map for DM008
ZA-12	A copy of the minutes from the 4-16-12 Sketch Plan meeting
ZA-13	A copy of the hearing notice published in <i>The Burlington Free Press</i> on 6-1-12
ZA-14	A copy of the letter from Patricia Gray (dated 6-18-12)

- 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. Board Member Chuck Brooks stated that Patricia Gray had called him to ask about the procedure for the site visit and hearing.
- Chairperson Van Winkle entered the above items into evidence.

- Kevin McKegney and Michael Rainville, Applicants, provided a brief overview of the project. The proposal is to subdivide and create two ±1-acre lots. Marketing will determine whether the new lot will contain a duplex or single-family home. Both lots will use a shared access, each will have wastewater treatment systems, municipal water will be used for both lots, gas and underground electric utilities will also serve the subdivision. Proposed easement deeds have been submitted with the application.
- Chairperson Van Winkle asked whether the existing easement serving 4 Dumas and 6 Dumas would be used to access the existing barn at 8 Dumas. Mr. Rainville stated that it would and that they have the right to do so.
- Board Member Will Towle asked about whether a waiver would be requested to make the common property line straight. Discussion ensued. Mr. Rainville stated that he would like to make the line straight and would have the plans revised to show such.
- Board Member Towle asked if language had been submitted for the shared driveway. Mr. Rainville stated that proposed deeds had been submitted to ZA/PA Papelbon.
- ZA/PA Papelbon stated that the language referring to Ms. Gray's septic system should be clarified in the deed. ZA/PA Papelbon stated that the survey does not show any of the septic systems or the gas easement for Lot 1. She stated that the gas easement as depicted on the engineering drawing does not match the plans submitted by VT Gas Systems. The Board determined that showing septic systems on the survey is not necessary.
- ZA/PA Papelbon asked about existing utilities on the lot, which are not currently depicted. The Applicants stated that existing utilities are overhead. ZA/PA Papelbon stated that the survey and engineering drawings should match. She then asked for clarification as to whether what were labeled as zoning setbacks were the building envelopes. Mr. Rainville stated that they were.
- ZA/PA Papelbon stated that test pit logs were missing and need to be included. She then asked if there were any open space or common areas. The Applicants stated that there were not.
- Board Member Towle clarified that the septic system serving 10 Dumas Road but located partially on the 8 Dumas Road lot does not include an easement. The deed for the lot only acknowledges that the septic system encroaches onto the lot. Brief discussion ensued.
- ZA/PA Papelbon stated that the shared driveway, as depicted, is right on the proposed common property boundary between Lots 1 and 2. She stated that driveways are required to be 12 feet from property lines and asked whether a waiver was being requested for the setback. Mr. Rainville stated that a waiver would be requested. Discussion ensued. Board Member Towle stated that a driveway maintenance agreement must be in the deeds to both lots. Discussion continued.

- Chairperson Van Winkle asked about Note 14 on the plans regarding a boundary line adjustment. Mr. Rainville explained that the boundary line adjustment with 4 Dumas Rd. was conducted prior to the Applicants' purchase.
- Doug Keith, 2 Dumas Rd., asked whether the Applicants had spoken with the Jericho-Underhill Water District. The Applicants responded that they had. Mr. Keith stated that the permit application lists the Town of Underhill as the owner of the water lines, not the Water District. Mr. Rainville stated that they would have it changed.
- ZA/PA Papelbon requested an additional copy of the letter from the Water District indicating their ability to provide service to the subdivision.
- Patricia Gray, 10 Dumas Rd., asked whether the proposed driveway would be moved closer to Lot 1. It was stated that it would not, but that a waiver was required for the setback.
- Ms. Gray asked about the maintenance that would be required for the increase in vehicles to the area. She stated that it is not safe for two vehicles to pass.
- Ms. Gray asked about the numbering for the lots. ZA/PA Papelbon stated that the number has not yet been determined.
- Ms. Gray asked whether the common boundary with her property would be clearly marked. Mr. Rainville stated that it would. Chairperson Van Winkle explained that requirements are for surveyors to mark corners with iron rebar.
- Ms. Gray stated that she had submitted a letter. ZA/PA Papelbon stated that the deed mentioned in the letter refers to 4 Dumas Road, not 8 Dumas Rd. Brief discussion ensued.
- Ms. Gray provided her concerns for the existing ditch and water runoff, aesthetics, and road sight distances and safety.
- Chairperson Van Winkle stated that he thought the ditch probably originated on the property owned by Dyck and ends on Ms. Gray's property. Ms. Gray reiterated that her concern is for water flowing over to the existing field at 8 Dumas Rd.
- Board Member Towle asked about the plans for the triangular piece of property across Dumas Rd. Discussion ensued. The Applicants stated that they would speak with the Selectboard about giving the land to the Town.

**7:58 PM:** Chairperson Van Winkle asked if the Board felt they had enough information to make a decision on the application. The Board indicated that they did. Board Member Chuck Brooks made a motion, seconded by Board Member Penny Miller, to enter a deliberative session on the application. The motion was passed: Board Member Will Towle voting against, all other Board Members voting in favor.

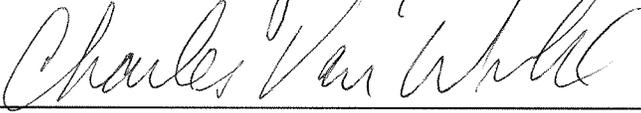
Chairperson Van Winkle provided a brief overview of the next step in the process. All Applicants and interested parties left.

**9:07 PM:** Board Member Will Towle made a motion, seconded by Board Member Chuck Brooks, to approve of the application with waivers and conditions. The motion was passed by all Board Members present.

End of meeting.

These minutes of the 6-18-12 meeting of the DRB were accepted

This 6 day of July, 2012.

  
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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.*