

Town of Underhill
Development Review Board Minutes
Chairperson Charles Van Winkle

August 20, 2012

Board Members Present:

Charles Van Winkle, Chair
Penny Miller
Chuck Brooks
Matt Chapek

Staff/Municipal Representatives Present:

Kari Papelbon, Zoning & Planning Administrator
Brad Holden, Selectboard Chair
Seth Friedman, Selectboard

6:37 PM: Chairperson Charles Van Winkle called the continued ANR Dept. of Forests, Parks, and Recreation Site Plan Review hearing to order at the Underhill Town Hall.

Applicant(s) Present:

Gary Sawyer, VT Dept. of Forests Parks, and Recreation
111 West St.
Essex Junction, VT 05452

Others Present:

Will Towle (recused)
260 Stevensville Rd.
Underhill, VT 05489

Rob Williams
P.O. Box 139 (ST223)
Underhill Center, VT 05490

Bob and Patsy McLaughlin
Wheeler Associates
37 Foster Rd. (ST246)
Essex Junction, VT 05452

| Identifier: | Contents: |
|--------------------|---|
| ZA-1 | Gary Sawyer's (VT Dept. of Forests, Parks, and Recreation) Conditional Use/Site Plan Review Hearing Request (dated 7-18-12) |
| ZA-2 | A copy of the completed Site Plan Review Standards Findings Checklist |

- ZA-3 A copy of the Parking Area Site Plan prepared by Gary Sawyer (dated 7-19-12)
- ZA-4 A copy of the tax map for MT352X
- ZA-5 A copy of the hearing notice published in *The Burlington Free Press* by 7-21-12
- ZA-6 Photos submitted by Board Member Chuck Brooks
- ZA-7 Photos submitted by Will Towle
- ZA-8 A copy of the letter from Alexander Smith
- ZA-9 A copy of the email from Jeff and Karen Davis

- Chairperson Van Winkle began the meeting by explaining the procedure for the continued hearing, which comes under the 2012 Unified Land Use and Development Regulations. He then swore in interested parties present and entered the above items into evidence.
- Gary Sawyer, Applicant and employee of the Dept. of Forests, Parks, and Recreation, provided a brief overview of the project. The proposed parking area, approximately 300 yards from the existing parking area, will accommodate 9-12 vehicles with an area of 40' x 90' (~10'/vehicle) beyond the existing wood bridge. The rationale for the project is that, by observation, the existing parking area is inadequate at times. Currently there has been no decision made as to winter maintenance for the proposed parking area as grant funds are used for such. The State would maintain the two parking areas and the road between the two. Stormwater provisions are included in the plan for protection of the brook.
- Chairperson Van Winkle asked when the existing parking area is inadequate. Mr. Sawyer responded that it was primarily inadequate when the weather is nice and periodically throughout the year.
- Board Member Chuck Brooks asked for clarification on the maintenance between the two parking areas. Mr. Sawyer stated that the State would be willing to mow, ditch (as needed), replace culverts as needed, improve the road surface. Board Member Brooks asked if the State would improve the right-of-way beyond the gate. Mr. Sawyer stated that the State would mow the access road and perhaps add some surface gravel, but the road would not be widened.
- Board Member Penny Miller asked if the grant money mentioned for plowing was also for maintaining the parking lot and the road to the new parking area. Mr. Sawyer stated that part of the funds were from the grant as well as other state and federal funds. Primarily federal funds are used for plowing.
- Board Member Miller stated that during the site visit some neighbors pointed out some erosion on all sides of the wooden bridge. Mr. Sawyer stated that the erosion problems would be fixed this fall regardless of whether the parking lot was installed. Board Member Miller asked who inspects the bridge and when. Mr. Sawyer stated that the Agency Facilities Engineer inspects the bridge upon request.
- Chairperson Van Winkle asked who is paid to plow. Mr. Sawyer stated that it used to be French and is now Bugbee. A brief discussion of how the costs are calculated ensued. He added that they share the plowing responsibility (1/6) from Maple Leaf Farm to the State land.

- Board Member Miller stated that a neighbor anticipated increased traffic as a result of the parking area. Mr. Sawyer stated that there would be no effect on traffic because visitors would come regardless of whether there was another parking area. Mr. Sawyer provided examples from past parking upgrades in the State and noted that another State representative felt that weather has a larger impact on usage than available parking. An average of 4400 visitors per year register through the trail register box on Stevensville Rd.
- Chairperson Van Winkle asked whether the road past the gate ends at the log landing past the bridge. Mr. Sawyer responded that it did, approximately 3/8 mile after the wooden bridge.
- Board Member Matt Chapek asked what the reason was for the berm. Mr. Sawyer responded that it was one element to reduce runoff to the brook. He added that the berm would be vegetated and direct runoff to the stormwater pond.
- Chairperson Van Winkle asked if the stormwater basin was really a sediment trap, to which Mr. Sawyer responded that it was and included a filter.
- Selectboard Chair Brad Holden asked what the size of the proposed parking area was. Mr. Sawyer responded that it was 90' x 40'.
- Board Member Miller asked if the 4400/year figure was just the number of people who sign the book. Mr. Sawyer stated that it was and that he believes the actual visitor figure is double the 4400/year figure.
- Chairperson Van Winkle asked whether ARRA money would be used for the project. Mr. Sawyer responded that money for the parking lot comes from the Recreational Trails Fund, a federal grant. The grant is valid for 2 years.
- Board Member Chapek asked whether there were alternate locations for a parking area. Mr. Sawyer stated that the site is limited for options in the area. One idea floated at the site visit that is not immediately feasible is to expand the existing parking lot onto the Marsh lot.
- Board Member Miller asked if the parking area could be oriented to meet the setback to the brook. Mr. Sawyer stated that moving away from the brook would impact the existing trails, and the land on the opposite side slopes up.
- Board Member Chapek stated that there had been an "unofficial" parking area at the base of Stevensville Rd. on the Maple Leaf Farm property and asked if it still existed. Mr. Sawyer stated that as the area developed beyond Maple Leaf Farm driveways were being blocked. Maple Leaf Farm allowed a small number of spots, but it became an issue for residents so the State began plowing the existing parking area. Maple Leaf Farm does not want people parking on their property due to the nature of the facility.
- Chairperson Van Winkle stated that the wooden bridge does not currently see much use and would need significant maintenance with the new parking area. A brief discussion of maintenance and safety issues ensued.
- Board Member Miller asked who will be notified of bridge issues. Mr. Sawyer stated that staff would see the problem and contact him. He added that the bridge was constructed to log truck weight capacity.
- ZA/PA Papelbon asked whether the 40' setback was to top of bank, and Mr. Sawyer responded that it was. ZA/PA Papelbon asked if it was at all possible to meet the

setback to the brook. Mr. Sawyer stated that it would be plausible, but it would require more site work and impact to a bank on the opposite side of the brook. ZA/PA Papelbon asked if a variance would be requested to which Mr. Sawyer stated it would. ZA/PA Papelbon asked whether other State permits were necessary. Mr. Sawyer stated that the project has been reviewed by the State's archaeologist; there is an annual work plan process that has been completed and received permissions from the stewardship team, the lands team, and headquarters staff; normal procedures have been done. The archaeologist had found nothing at the site.

- Chairperson Van Winkle asked whether the Dept. of Forests, Parks, and Recreation is exempt from Act 250 review, to which Mr. Sawyer responded that no one is exempt. He added that he meets with the Act 250 Board every year to go over projects and they had no concerns about the project. The State Lands Ecologist and Wildlife Biologists have reviewed the project as well.
- Board Member Miller asked if there were any documents stating that reviews had been conducted. Mr. Sawyer stated that it was in the annual Stewardship Plan with all signature pages for the projects.
- ZA/PA Papelbon asked whether the UJFD had contacted Mr. Sawyer, to which he responded that they had not and that a dump truck turnaround exists before the bridge.
- Chairperson Van Winkle asked for public comment. He then swore in Rob Williams.
- Rob Williams (addresses above) stated that Gary's efforts were noble and that the area is a treasure. His concerns were that he has seen a dramatic increase in usage that he expects to increase, emergency access in winter will be difficult, that the Class IV road is not up to maintenance standards in the winter, and that there is a huge demand for the road. Mr. Williams explained that the State land is even used at night, especially in the winter. The road is one lane and visitors have frequently gotten stuck or slid off the road in the winter. He also expressed a concern that visitors will see the recent improvements to the town portion of the road and expect that to be the condition to the top of the road, exacerbating the existing problem. Mr. Williams stated that if more parking is going to be offered then the road needs to be improved first for safe access. He also stated that he would like to see a parking area further down Stevensville Road and wondered if Maple Leaf Farm might be willing to offer seasonal parking again.
- Board Member Miller stated that she did not think visitors would discover the lack of parking available at the top and park at the bottom of the road.
- Will Towle (address above) stated that the State land is an asset and echoed the concerns raised by Mr. Williams. Mr. Towle referred to Section 5.4 (B)(3) of the regulations and stated that the existing road is past capacity in terms of use and the State's participation, particularly with winter maintenance. Mr. Towle continued to say that a disproportionate share of the road usage is for the State land. The road is not routinely plowed because the landowners share in the costs, which is expensive. Mr. Towle provided photo examples of issues during winter and mud season, and recommended a sign be placed at Maple Leaf Farm explaining that no Town maintenance of the road exists beyond that point so that visitors are aware. Mr. Towle also requested conditions of approval such that road maintenance is

formalized, there is not currently a formal agreement, since only 5 year-round residents are on the road and 10,000 visitors access the State land. Mr. Towle stated that he did not believe the proposed location was the best place for a parking area, the Marsh land is not a bad idea for a parking area, visitors need to be warned of the road conditions, and that the maintenance agreement with the State needs to be formalized.

- Mr. Williams mentioned that an emergency occurred during the winter or spring and the UJFD had to close the road from Maple Leaf up in order to get in and out. A brief discussion of emergency and large truck access ensued.
- Mr. Williams stated that he does not see the road as a burden, but explained that visitors will have issues. He then stated that he would like to hear from the road crew as to costs and work needed to upgrade the road. Discussion ensued.
- Chairperson Van Winkle offered a suggestion to not plow the parking area at all. It was stated that such will not solve the problem. Discussion ensued.
- Chairperson Van Winkle asked Mr. Williams if he believed the usage statistics. Mr. Williams stated that usage is growing and will explode and that the State needs to get a handle on that. He reiterated his suggestion to obtain info from the road crew about upgrading the road. Mr. Towle added that from his observations usage is up and that the road is maintained to a bare minimum due to expenses shared by private landowners and the State. He suggested that if the State provided more for winter maintenance then the area could be plowed more or sanded. Mr. Towle stated that such would benefit the State's visitors more.
- Bob McLaughlin (addresses above), representing Wheeler Associates, expressed his concern for safety. He stated that the bridge has a dramatic slant and felt that it would freeze and ice before the road, resulting in cars sliding off either side. He also expressed concern for the existing erosion around the bridge. Mr. Sawyer stated that the bridge was designed by a federal engineer to mimic the slope of the land around it rather than the preferred design to make it level. Mr. McLaughlin continued to say that skiers will now have to make a 90-degree turn whereas previously they could use the log landing to "bail out." Mr. McLaughlin also expressed concern for emergency access, stated that the area is difficult to plow with no place to put snow, and concluded with asking whether the project was worth it if half of the parking spaces would become unusable for lack of snow storage.
- Selectboard Member Seth Friedman expressed his concerns for the bridge, the one-way nature of the road, the lack of improvements to the entry road to the proposed parking area, and the wetness of the proposed parking area. He suggested investigating whether the existing parking area could be expanded or whether the State could purchase the adjacent Marsh land. Mr. Friedman stated that he did not think improvements to Stevensville Road would be a top priority for the town considering the other roads in town. Mr. Friedman concluded with stating that he did not believe a remote parking area was a good idea.
- Selectboard Chair Brad Holden stated that in 1973, with the passage of Act 63, the road was reclassified to Class IV. He continued to state that it is a one-lane road and that the Town would like to reclassify the portion that was recently improved. Mr.

Holden then expressed concerns for winter traffic, stated that the pitch on the bridge makes it dangerous, and agreed that the existing parking area could be expanded. Mr. Holden then stated that the Selectboard will place a sign at the bottom of the Class IV portion of Stevensville Rd. warning visitors that vehicles blocking passage will be towed. Mr. Holden stated that he was not opposed to summer seasonal parking and expressed concern for the wet area of the proposed parking lot, which had sedge grass and hydric soils. He stated that he would like to see the review information from the ecologist or botanist.

- Chairperson Van Winkle suggested combining grant funds to rebuild the road. Selectboard Member Holden stated that there are other priority roads that require work. Discussion ensued.
- Mr. Williams stated that no true numbers exist for winter usage. He recommended using this upcoming winter for data collection and using funds to improve the road first.
- Mr. Towle asked whether there was some possibility of expanding into the Marsh property. Mr. Holden stated that he had contacted the State about purchasing the Marsh property but had not heard back. Mr. Holden suggested that perhaps the State could obtain an easement over the Marsh property. Mr. Friedman stated that the existing parking area should be expanded first.
- Board Member Miller asked whether the grant money could be used for expanding the existing parking area. Mr. Sawyer stated that the grant funds must be used for the exact project submitted or the funds would have to be returned. He added that he could submit for another grant but the funds for such would not be available until the following year.
- Chairperson Van Winkle asked how much the grant was, to which Mr. Sawyer responded \$11,000.
- Chairperson Van Winkle asked if there were further comments. There were none.

8:07 PM: Chairperson Van Winkle asked if the Board felt they had enough information to make a decision. The Board indicated that they did. Chairperson Van Winkle asked whether the Board wished to deliberate in open or deliberative session.

8:08 PM: Board Member Chuck Brooks made a motion, seconded by Board Member Matt Chapek, to enter a deliberative session. The motion was passed by all Board Members present.

The Applicant, interested parties (with the exception of Will Towle), and the Selectboard left at this point.

8:15 PM: Interview for DRB vacancy with Karen McKnight.

8:40 PM: End of interview. The Board unanimously recommended appointment of Karen McKnight to a 3-year position on the DRB. ZA/PA Papelbon will coordinate with Town Administrator Dawna Brisson for an appointment meeting with the SB on August 30.

The Board discussed scheduling and a donation in Peter Seybolt's name.

Board Member Will Towle left at 8:50 PM. The Board then continued deliberations on the ANR Dept. of Forests, Parks, and Recreation application.

9:02 PM: Board Member Chuck Brooks made a motion, seconded by Board Member Matt Chapek, to approve the variance request for the setback to the brook (40 feet instead of 50 feet). There were no votes in favor. Motion failed.

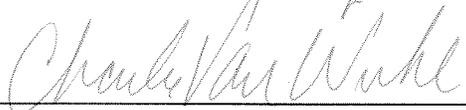
Board Member Chuck Brooks made a motion, seconded by Chairperson Charles Van Winkle, to approve the application for a parking area as proposed at the hearing with the condition that construction shall not commence until the State funds upgrade of the road to Class III standards. Board Member Chuck Brooks and Chairperson Charles Van Winkle voted in favor. Board Members Penny Miller and Matt Chapek voted opposed. Motion failed. No further motions made.

The Board discussed updates to various planning efforts with ZA/PA Papelbon.

9:30 PM: End of meeting.

These minutes of the 8-20-12 meeting of the DRB were accepted

This 30 day of August, 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.