

**Town of Underhill
Development Review Board Minutes
March 6, 2017**

Board Members Present:

Charles Van Winkle, Chairperson
Mark Green
Penny Miller
Karen McKnight
Matt Chapek
Mark Hamelin

Others Present:

Susan Latchen (5 Fields Ln. Jericho, VT 05465)
Nate Sullivan (91 River Road, Underhill, VT)
Justin Willis (P.O. Box 1001, Jericho, VT 05465)
Tim Chamberlin (28 Chamberlin Woods,
Underhill, VT)
Jenni Chamberlin (28 Chamberlin Woods,
Underhill, VT)
Paul Chamberlin (97 River Rd, Underhill, VT)
Joan Chamberlin (97 River Rd, Underhill, VT)
Winifred Sullivan (11 Chamberlin Woods,
Underhill, VT)
Andy Chamberlin (104 Mountain Road, Underhill,
VT)
Kiley Krywka (104 Mountain Road, Underhill, VT)

Staff/Municipal Representatives Present:

Andrew Strniste, Planning Director

6:30 PM – 03/06/2017 DRB Public Meeting

- DRB Members convened at Town Hall at 6:30 PM. Chair Van Winkle called the meeting to order.
- Chair Van Winkle asked for public comment. No public comments were provided.

**6:34 PM – Chamberlin Preliminary Subdivision Review Hearing
97 River Road (RV097)**

Docket #: DRB-16-06

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- [6:34] Chair Van Winkle began the meeting by explaining the procedure for a preliminary subdivision review hearing. The applicant's grandson, Andy Chamberlin, was before the Board to discuss the preliminary subdivision application on behalf of the land owner pertaining to the lot located at 97 River Road. In addition to the applicant's surveyor, Justin Willis, being present, a handful of abutting neighbors were in attendance.
 - [6:38] No conflicts of interest were present, and therefore, no recusals occurred. Those who would be providing testimony were sworn in by Chair Van Winkle.
 - [6:39] Andy Chamberlin began by explaining the purpose of his subdivision project. He stated that his grandfather has proposed to take 7.2 acres out of a land contract his grandparents have with the Town that would allow him to live adjacent to his family. A. Chamberlin explained that the proposed lot would border his mother's and father's. He further explained that the current road Chamberlin Woods, is built to an existing power line adjacent to where the current driveway is located. Chair Van Winkle asked A. Chamberlin if he was planning to extend the utilities under or above ground, which he responded underground. Consultant and Land Surveyor, Justin Willis, asked the Board if they would be performing a site visit. Chair Van Winkle explained that the Board opted not to schedule a site visit due to the weather conditions at the time of scheduling the current hearing. Therefore, he explained that the Board would visit the site prior to the next hearing. A. Chamberlin then confirmed that the proposed structure would be a three-bedroom, single-family dwelling with underground utilities. He then explained that the newly proposed Lot

2 would avoid the existing Class II wetlands, while the proposed driveway would transverse a Class III wetland. Board Member Miller asked if the State no longer recognizes Class III wetlands. Land Surveyor, Justin Willis, stated that the State is still recognizing Class III wetlands, and if one is discovered, then the Army Corps of Engineers has jurisdiction over the issue. Next, A. Chamberlin explained that the culvert in close proximity to his grandparents would be replaced.

- [6:47] A. Chamberlin then explained that he received a waiver from the Selectboard to widen Chamberlin Woods to only 14 feet from the beginning of the road to the fork, where it would then be reduced to 12 feet. Board Member McKnight asked about the location of the steep portion of the driveway, which A. Chamberlin responded that there was an 18% slope for approximately 50 feet right after the fork, en route to the proposed Lot 2. While A. Chamberlin stated that he asked the Selectboard for a waiver to construct the road on the current topography, he explained that the waiver was not granted, and therefore, he would be constructing the driveway as proposed in Exhibit M. The applicant, Paul Chamberlin, explained that the replacement culvert that A. Chamberlin previously mentioned would allow the road to become more straight, as well as assist with the drainage issue, as there is a water pooling issue with the current culvert. A. Chamberlin confirmed that the Army Corps of Engineer will need to review the proposal for the replacement culvert.
- [6:53] Staff Member Strniste explained that a conditional use permit application would need to be filed concurrently with the final subdivision review application for the proposed roadway/driveway through the Class III wetlands. In addition, he stated that he supported the Underhill-Jericho Fire Department's (UJFD) findings that the roadway should not exceed a slope of 10% and that the roadway should be widened to allow more room for the fire engines. A. Chamberlin explained that he asked the Selectboard if he could use the existing driveway/roadway rather than grading. Board Member McKnight's question regarding the Selectboard reviewing the width of the road was answered by Staff Member Strniste, who stated that the Selectboard did not have UJFD's comments at the time of review.
- [6:55] Board Member Miller stated that she believes the Board should give UJFD's comments more weight going forward, as she explained a situation where the Fire Department was unable to provide services to a house that caught on fire due to the road specifications. Staff Member Strniste clarified his stance regarding the width of the road by stating that he understood the constraints on widening Chamberlin Woods, and therefore, he recommended the road be widened to 14 feet to the fork. Staff Member Strniste and Board Member Miller asked for clarification regarding the Class II wetlands adjacent to Chamberlin Woods Road, near the applicant's residence, and the Class III wetlands. Surveyor Willis and A. Chamberlin clarified that if the wetlands are less than 3000 sq. ft., the Army Corps Engineers and Agency of Natural Resources did not need to conduct additional site visits. Surveyor Willis stated that the impact on the Class II wetlands near the grandparents' residence would be minimal, and that there would be no impact to the Class II Wetlands on the proposed Lot 2. Staff Member Strniste advised the Board that he was confident that A. Chamberlin would be able to accommodate two parking spaces. Board Member Miller confirmed that the frontage requirement could be waived, as the lot would be served by a right-of-way.
- [7:02] Board Member Miller confirmed which lot lines were considered front (west), side (north & south) and rear (east), as well as confirmed comments made about Section 3.17, Source Protection Areas. Surveyor Willis stated that there was a source protection area that served the Underhill/Jericho water source, and that a permit would be sought and submitted during final subdivision review. Clarification was provided regarding a future site visit, which is to be expected prior to final subdivision review. Board Member Miller stated that habitat blocks were once again evident, and that Board would need to educate

themselves for the future on how to address this issue. Staff Member Strniste stated that the Board would need to determine if the applicant needed to submit draft deeds/language.

- [7:06] Chair Van Winkle asked if there were any comments from the public. Ms. Susan Latchen stated that she had some initial concerns, but no longer did. No other comments were provided.
- [7:08] Chair Van Winkle asked for final comments. Board Member Chapek asked how Chamberlin Woods and the driveway are classified, at which point the accessway is reclassified. Chair Van Winkle explained that the accessway would be considered a road to the first house, a shared driveway to the second house, and a driveway to the third house. The addition of an additional single-family dwelling would complicate the classifications of the different portions of the accessway. Board Member McKnight followed up with a question from the sketch plan review meeting, pertaining to Ms. Winifred Sullivan's house/barn, in which A. Chamberlin clarified that the turning radius will be improved by increasing the width of the road to 16 feet for that section. Board Member Green asked about a landlock concern that Board Member Towle expressed during sketch plan review. Chair Van Winkle replied by stating the right-of-way extending all the way to the lot will resolve that issue. A. Chamberlin answered Board Member Miller's question about the road maintenance agreement. Chair Van Winkle stated that the Board typically asks for the road maintenance agreement to be referenced in the deed.
- [7:14] The Board determined that they had enough information to make a decision regarding the application. Chair Van Winkle asked for a motion to close the evidentiary portion of the hearing. Board Member Chapek made a motion to close the evidentiary portion of the hearing, which was seconded by Board Member Miller. The motion passed unanimously. Chair Van Winkle asked if the Board wanted to deliberate in closed or open session. The Board indicated they wanted to deliberate in closed session to allow them to communicate and craft a decision through email. The Board took a straw vote on whether they would approve or deny the application for preliminary subdivision review. In the straw vote, the Board unanimously voted to approve the application. Chair Van Winkle asked for a motion to move into deliberative session for this application. Board Member Chapek made a motion to move into closed deliberative session, which was seconded by Board Member Miller. The motion was unanimously approved. Chair Van Winkle explained that although the Board has a limit of 45 days to issue a decision, they have been trying to issue a decision within two weeks after a hearing, and after receiving the decision, a 30-day appeal period will occur. Assuming there were no appeals, the applicant could submit his or her application for final subdivision review. Chair Van Winkle also clarified that the requisite permits shall also be submitted as part of the final subdivision review application.

7:18 PM – Other Business

- [7:18] The Board reviewed the minutes of Monday, February 20, 2017.
- [7:27] A brief discussion ensued regarding prospective Board members.
- [7:30] Chair Van Winkle asked for a motion to approve the minutes of February 20, 2017. Board Member McKnight made a motion to approve the minutes of February 20, 2017, which was seconded by Board Member Green. The motion passed unanimously.
- [7:32] Chair Van Winkle volunteered to be job captain for the crafting of the Chamberlin decision.
- [7:33] A discussion ensued about whether previous applicant, Jason Marias, land owner of 318 Irish Settlement Road, should delineate all of the wetlands on the existing lot or just the

wetlands that would be impacted by potential development. The Board determined that the applicant should delineate all of the wetlands on the property.

- [7:40] Chair Van Winkle explained that the Board will review their rules of procedure at the next meeting and determine which Board members will be assigned to each role (Chair, which is currently held by Board Member Van Winkle; Vice Chair, which is currently held by Board Member Towle; and clerk, which is held by Board Member Miller).
- [7:44] Board Member Miller and Staff Member Strniste provided an overview of what happened at the previous Planning Commission meeting. A brief discussion ensued about condominiums, density bonuses, and affordable housing. Staff Member Strniste provided an update about Warner Creek and the condominium on Range Road. Board Member McKnight asked how density bonuses are reconciled with the Town Plan. Board Member Miller asked for materials distributed to the Planning Commission regarding bylaw updates also be distributed to the Development Review Board to see if any comments could be provided. Staff member Strniste provided the Board a very preliminary, arbitrary map of a possible Underhill Center zoning district for them to review and make comments.
- [8:17] Chair Van Winkle asked for a motion to enter into closed deliberative session regarding the Chamberlin application. Board Member McKnight made a motion to enter into closed deliberative session, which was seconded by Board Member Chapek. The motion was approved unanimously.
- [8:35] The Development Review Board adjourned on a motion made by Board Member McKnight and seconded by Board Member Green.

Submitted by:

Andrew Strniste, Planning Director & Zoning Administrator

These minutes of the 03/06/2017 meeting of the DRB were accepted
this 20 day of MARCH, 2017.



Charles Van Winkle, Chairperson