

**Town of Underhill  
Development Review Board Minutes  
March 19, 2018**

**Board Members Present:**

Charles Van Winkle, Chair  
Matt Chapek  
Mark Green  
Daniel Lee  
Karen McKnight  
Penny Miller  
Stacey Turkos

Richard Rushlow (14 Wheeler Road)  
Margaret Rushlow (14 Wheeler Road)  
Sarah Leddy (26 Maple Leaf Road)  
Lauren Dube (119B Lafountain St., Winooski, VT)  
Ellen Post (64 Brainerd St., St. Albans)  
Christine Dube (168 Stevensville Road)  
Julia Martin (663 Guyette Road, Plainfield, VT)  
John Hunt (663 Guyette Road, Plainfield, VT)  
Kristin Humbargar (142 River Road)  
Sarah Hurley (16 Spruce Lane)  
Jalie Palmer (119B Lafountain St., Winooski, VT)  
Brian Hurley (16 Spruce Lane)  
Tonya Howard (5 Black Dog Lane)  
Tatyana Cady (16 Covie Road)  
Tom Cady (16 Covie Road)  
John Doherty (157 Stevensville Road)  
Carole Doherty (157 Stevensville Road)  
Thomas Montgomery (3 Montgomery Road)  
Ryan Ochs (6 Wheeler Road)  
Christine Dillon (31 Beartown Road)  
Gretel Dougherty (142 River Road)

**Staff/Municipal Representatives Present:**

Andrew Strniste, Planning Director

**Others Present:**

Brad Holden (60 Covey Road)  
Jim Wick (308 College St., Burlington, VT)  
Deb Reynolds (308 College St., Burlington, VT)  
Jamie Brillhart (54 Mountain Road)  
Ben Coddington (54 Mountain Road)  
Dave Davis (36 Hillcrest Lane)  
Sue Ellen Walsh (29 Maple Leaf Farm)  
Tamara Pitmon (31 Maple Leaf Farm)

**7:01 PM – 03/19/2018 DRB Public Meeting**

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- DRB Members convened at Town Hall at 6:45 PM.
- [7:01] Chair Van Winkle called the meeting to order.
- [7:01] Chair Van Winkle asked for public comment. Jim Wick, representative of Ben Coddington and Jamie Brillhart in a real estate transaction, provided comment in regards to a subdivision procedure between 1995 and 2001 called “parceling.” He advised that there was no formal approval, thus complicating the real estate transaction. Mr. Brad Holden, who was in front of the Board to discuss an application, informed the Board of what he recalled about parceling. Mr. Holden then informed the Board that a Mylar and deeds were recorded, but not formal paperwork acknowledging the process. Staff Member Strniste opined that the issue was if formal approval was required, would the Board combine everything into one hearing? Mr. Holden opined that the issue was whether the Zoning Administrator has the authority to make a statement, or if it is in the Board’s purview. Chair Van Winkle inquired if the Zoning Administrator making a statement would be the equivalent of writing a Bianchi Letter. Staff Member Strniste advised that while he could not write a letter definitively stating that the parcel was created through the parceling process. Mr. Holden concurred that the letter would be an opinion. Staff Member Strniste advised that he would draft the letter in the coming days.

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- [7:14] Chair Van Winkle began the meeting by providing an overview of a combined preliminary & final subdivision review hearing. He then explained the hearing procedures for the evening's hearing and swore in those who wished to speak. Chair Van Winkle asked if there were any ex parte communications with the applicant or any conflicts of interest. No ex parte communications had been made. No members of the public were present for the evening's hearing. No conflicts of interest were identified, nor were any additional exhibits submitted into the record.
  - [7:18] Mr. Brad Holden, the applicant's consultant, was before the Board to discuss the application. A discussion ensued about the building envelope. Mr. Holden responded to Board Member Chapek's question by confirming that the building envelopment took into consideration the property's setback, as well as the top of slope setback requirement from named streams. Mr. Holden confirmed that he match the terminology under Section 3.19 in regards to "Top of Slope" v. "Top of Bank." A discussion re-ensued about the building envelope in relation to ancillary structures. Mr. Holden advised that he labeled the building envelope as the "primary dwelling building envelope." Chair Van Winkle advised that the Board should recommend delegating the modification of the building envelope to the Zoning Administrative. Staff Member Strniste recommended identifying the least restrictive building envelope for accessory structures. The Board discussed that while the parent property had other easements on the lot, those easements were not relevant and are identified on previous surveys (or in deeds), which are referred to on the proposed plat. Mr. Holden confirmed that he would identify the utilities on the site plan.
  - [7:31] Mr. Holden advised that the Davis' would like to convey a right-of-way easement over the constructed driveway, extending elsewhere to the parent parcel as they may wish to create another lot at a later date or use the right-of-way for logging. Staff Member Strniste advised that the easement would be consistent with the connectivity portion of the regulations.
  - [7:33] Mr. Holden submitted Exhibit J, an analysis of Habitat Blocks, into the record for the Board to consider. Mr. Holden explained that the analysis of how they developed the habitat blocks was controversial and complex. Board Member Miller confirmed that the basic conclusion was to build outside the habitat block as much as possible. Staff Member Strniste provided an overview of his comments. The Board agreed to let the Selectboard handle any modifications to the driveway. Chair Van Winkle advised that a Shared Road Maintenance Agreement should be submitted and recorded prior to obtaining a Certificate of Occupancy Permit.
  - [7:38] No further comment was solicited by the Board. The Board determined that it had enough information to make a decision on the application. Board Member Turkos made a motion to close the evidentiary portion of the hearing, which was seconded by Board Member Chapek. Chair Van Winkle reminded the Board that the Habitat Blocks study was submitted into the record. The motion was approved unanimously. Board member Turkos voted to approve the application and move into deliberative session to craft the decision. The motion seconded by Board Member Miller and approved unanimously.

- [7:47] Chair Van Winkle began the meeting by providing an overview of conditional use review hearing's purpose. The applicants, Julia Martin and John Hunt, were before the Board to discuss their application of converting the Maple Leaf Farm campus to a mixed-use facility containing several uses on property they were anticipating buying at 8, 10, 12, 14 & 20 Maple Leaf Road (ML008X, ML010X, ML012X, ML014X & ML020) in Underhill, Vermont. Several members of the community were in attendance. Chair Van Winkle asked if there were any conflicts of interest. Board Member Turkos advised that she had grown up in the area, while Board Member Lee had advised that he knew the applicants during college. Both Board Members informed the Board and public that they could render an impartial decision. Exhibits T and U were added to the record – correspondence from abutting neighbors Elaine Herman and Jim Leddy.
- [7:52] John Hunt, one of the applicants, provided an overview of the project, explaining that their business, ReTribe Transformations, worked mostly with young adults (and with some adults). They had been looking for a facility for their business. He explained that they were looking at conducting camps, an indoor school, a boarding high school, a hostel/inn for skiers and hikers, and a health clinic – mainly for therapeutic purposes. Mr. Hunt then explained that the health clinic would not be specifically for troubled youths. He then advised that they would like to keep the forested area in the current use program and keep the area healthy for wildlife. Ms. Julia Martin then advised that they would like to gather with the community at times for events.
- [7:57] Chair Van Winkle asked Ms. Martin what a typical day in September would look like. Ms. Martin explained they would have around 24 students for the forestry school (though not every day) where they would be dropped off at 8:30 am. They would then conduct outdoor educational/activity sessions. She explained that there would be some patients arriving to the health clinic throughout the day, though she was uncertain how many. Ms. Martin advised that there would be a few people staying at the dorm building with cooking and laundry occurring. The Staff may or may be living on campus and would likely attend to responsibilities like the garden. Chair Van Winkle asked clarification questions. Ms. Martin advised that there would be approximately 20 kids in the forestry/wildlife program that would be on campus between 8:30 am and 3:00 pm. Mr. Hunt advised that there would be between 10 to 15 cars in the morning for these kids, excluding the 1 to 2 staff members. Chair Van Winkle advised that he could not be sure that the proposed uses would generate less traffic than what the old Maple Leaf Farm facility generated. Mr. Hunt informed the Board that the estimates were based on the water/wastewater permits. He then advised that the outdoor recreation use would be considered the forestry/wildlife program; the school would be more of a boarding school, and that the business would operate a couple days a week (excluding the boarding school). To start, the facility would not be operating five days a week. Ms. Martin confirmed that there would be around 30 teens at a time with regards to their camps, which would have the following time lengths: three weeks in the summer, one week in the winter, and one adult week in the summer. Sunday would typically be a busy day due to pick up and drop off. Ms. Martin informed the Board that there would be additional staff, which included cooks. The applicant's mother, who would conduct business in the clinic, would be part of the staff.
- [8:07] Board Member McKnight asked a question in regard to hours of operation. Ms. Martin informed the Board that she envisioned people coming for the health clinic and hostel continually before the boarding high school commences. Board Member Turkos inquired if the patrons for the hostel would be solely from the long trail, or patrons would use the hostel as a starting point. The applicants advised that they were thinking about both, as well as including skiers once they learned about the active skiing environment in Underhill. Staff Member Strniste provided an overview of his staff report. He confirmed

that there were between 60 to 80 parking spaces total. The applicants were not planning on adding additional signage. The applicants are not planning to open a restaurant to the public. If the boarding school were to be permitted, the applicants would like to offer their hostel patrons food from the cafeteria. The applicants would minimize sodium chloride use under Section 3.17.B.

- [8:16] John Doherty, resident of 157 Stevensville Road, asked about lighting, and whether the applicants were planning on altering any of the existing lighting. Ms. Martin responded that they did not know. Mr. Hunt advised that their preference would be to not have bright lights and that they would consider motion sensor lights or lights on timers. Mr. Doherty advised that the applicants would need lighting for public safety. Maple Leaf Farm was supposed to shield the lights; however, that never occurred. Mr. Doherty then asked about the boarding school, and whether the school would be issuing diplomas or certificates. Mr. Martin advised that they would works towards accreditation. Ms. Martin advised that there were would be approximately 10 staff, including some overnight staff. The forestry program would have up to 4 staff. Ms. Martin also advised that they planned to have somewhere between 20 and 30 students. Mr. Doherty then asked what the typical student profile was? Mr. Hunt advised that the education being offered was more outside and hands on, which differs from public school. The type of students would range, but could be a type of student having difficulty in public school or could be happy. Mr. Hunt informed Mr. Doherty that their program is similar to another school in the State of Vermont, though the other program was more academic and expensive.
- [8:22] Ms. Carole Doherty, resident of 157 Stevensville Road, confirmed that there would be a curfew. Ms. Martin informed the Board that they would likely have a small amount of commuters to the school. She then advised that there would likely be between 10 to 15 day students. The program would be geared towards children between the ages of 6 years old and 14 years old.
- [8:25] Sarah & Brian Hurley, residents of 16 Spruce Lane, advised that their children really like the program and attend once a week. They felt that the program is managed responsibility and is well rounded.
- [8:26] Sarah Leddy, resident of 434 North Street in Burlington, VT, advised that she wanted to be an interested party. Chair Van Winkle asked if the school/program was similar to Poker Hill School. Ms. Hurley advised that the program/school was similar to Poker Hill School, but older in age.
- [8:28] Tammy Pitmon, resident of 31 Maple Leaf, informed the Board that she was excited for a responsible property owner managing the Maple Leaf Farm campus. She provided background about why the neighbors may be apprehensive. Ms. Pitmon then advised that one of her biggest concerns was in regards to supervision, and that she just wants to ensure that everything is staffed properly.
- [8:33] Board Member Turkos asked if the current program in Richmond is accredited and what the staff to student ratio is. Ms. Martin responded that the program is not accredited and that the ratio is 1 to 2, but could be run up to 1 to 4. Mr. Hunt advised that they want the program to be open to a lot of different teens, and not just troubled teams. In addition, he advised that they don't take teens with current drug issues.
- [8:35] Mr. Richard Rushlow, resident of 14 Wheeler Road, asked if the applicants closed on the property yet. Ms. Martin responded by stating that they needed approval first, and thus far, there were no obstacles – though they had not had the property inspected yet. She then advised that the anticipated closing date is hopefully in May.
- [8:36] Ms. Christina Dube, resident in Essex, but owns 168 Stevensville Road, voiced concern about noise. She advised that she needed reassurance that the meadow between

her and the property would not be constantly filled with noise. Mr. Hunt advised that they could plant trees or hedges to lessen the sound, and at night time, there will likely be less noise; however, there would be times where there would be kids in the field. The applicants and Ms. Dube agreed communication would best serve any concerns.

- [8:40] Ms. Lauren Dube, resident of 119 Lafountain Street in Winooski, VT, advised that the neighborhood was jaded from the previous owner, and that communication would be important. She advised that the neighborhood is not looking to deal with the issues they had in the past. Ms. Martin explained that they anticipated being in the forest for a good amount of time, but communication is welcomed. Chair Van Winkle advised that the role of the Board is to analyze whether the impact will have an undue adverse effect and whether they can mitigate that undue adverse effect. He then advised that the Board cannot make any reassurances about what will happen once the project is implemented.
- [8:43] Ms. Pitmon advised that Maple Leaf Farm first started as an alcohol rehabilitation facility. Then the facility morphed into one where they were admitting other types of patients. Christina Dube asked a question about liability if someone were to trespass. Mr. Doherty advised that he supports the concept, as it sounds like a good use of the facility. The Board confirmed that if the proposed uses were to grow, then additional review would be required. Chair Van Winkle confirmed that there would be significant regulatory oversight, and that the Board would try to grant what they are requested based on the impact to neighborhood.

[8:49] Tonya Howard, resident of 5 Black Dog Lane, provided support of the applicants. Mr. Hunt concluded that it was nice to meet everyone and share their vision. He informed that they want to hear from the community. Ms. Martin concluded that they would like to know the neighbors.

[8:52] No final comments were obtained. The Board determined that they had enough information to make a decision on the application. Board Member Turkos made a motion to close the evidentiary portion of the hearing. Board Member McKnight seconded the motion, which was approved unanimously. Board Member Turkos made a motion to go into deliberative session, which was seconded by Board Member Chapek. The motion was approved unanimously. The Board advised of the process going forward.

## 7:03 PM – Other Business

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- [9:51] Board voted to come out of deliberative session.
  - [9:52] Board Member McKnight made a motion to approve the minutes of February 5, 2018. Board Member Turkos seconded the motion, which was approved unanimously. Mr. Peter Duval's proposed edits to the February 5, 2018 minutes were entered into the record for his application.
  - [9:53] Board Member McKnight made a motion to approve the minutes of March 5, 2018. Board Member Lee seconded the motion, which was approved unanimously.
  - [9:53] Board Member Chapek made a motion to enter deliberative session. Board Member Turkos seconded the motion, which was approved unanimously.
  - [9:53] Board Member Chapek made a motion to adjourn. The motion was seconded by Board Member Lee and approved unanimously.
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Submitted by:  
Andrew Strniste, Planning Director & Zoning Administrator

These minutes of the 03/19/2018 meeting of the DRB were accepted  
this 9 day of APRIL, 2018.



Charles Van Winkle, Development Review Board Chair

These minutes are subject to correction by the Underhill Development Review Board. Changes, if any, will be recorded in the Final meeting minutes of the meeting of the DRB.