

**Town of Underhill  
Development Review Board Minutes  
August 21, 2017**

**Board Members Present:**

Matt Chapek  
Mark G. Green  
Karen McKnight  
Penny Miller  
Charlie Van Winkle

**Staff/Municipal Representatives Present:**

Andrew Strniste, Planning Director

**Others Present:**

Dean Grover (2044 Main St, Huntington, VT)  
Dan Steinbauer (52 Range Road)

**7:00 PM – 08/21/2017 DRB Public Meeting**

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- DRB Members convened at Town Hall at 7:00 PM.
- [7:03] Chair Van Winkle called the meeting to order.
- [7:04] Chair Van Winkle asked for public comment. No public comments were provided.

**7:05 PM – Tomasi Final Subdivision Review Hearing  
79 Pleasant Valley Road (PV079)**

**Docket #: DRB-17-02**

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- [7:05] Chair Van Winkle began the meeting by explaining the procedure for a final subdivision review hearing. The applicant's engineer, Dean Grover, was before the Board to discuss the application regarding the subdivision of land owned by the Tomasi Living Trust c/o Martha Tomasi Lane located at 79 Pleasant Valley Road in Underhill, VT. The applicant was not in attendance. In attendance was a member of the public, Dan Steinbauer. No conflicts of interest were identified before the commencement of the hearing.
- [7:09] Mr. Grover began by stating that the submitted plans did not change substantially from those plans submitted during the preliminary subdivision review hearing. He did add the Albertini trail easement to the vicinity plan, parcel codes, and the larger building envelope to the plans. A discussion ensued about the restrictiveness of the building envelope. Mr. Grover explained that the applicant wished to restrict the building envelope to what was shown. Chair Van Winkle and Staff Member Strniste explained that the Board could provide language in the decision that would allow the Zoning Administrator to administratively amend the subdivision plans to enlarge the building envelope in the future, if required.
- [7:14] A lengthy discussion ensued about the trail easement, which is proposed to run parallel with the stream. Board Member McKnight expressed her reservations about the trail easement being in the designated wintering deer yard. Staff Member Strniste provided an overview of his comments in the Staff report. Chair Van Winkle advised that the Board could condition the issuance of a building permit on submitting finalized copies of the Wastewater System and Potable Water Supply Permit.
- [7:20] Board Member Green asked Mr. Grover about the applicant's position of identifying a trail easement for the already existing trail. Mr. Grover advised that the applicant held firm to the position of identifying the trail easement as proposed for the ease of defining the location. Staff Member Strniste advised the Board of his conversation with Ms. Martha Tomasi Lane, and how she expressed her desire to have the trail close to the stream. Board

Member Green asked if the applicant was amenable to moving the trail, and Mr. Grover advised that he did not know the answer. Mr. Grover continued to state that when he and the applicant were initially discussing the idea of where the trail easement should be located, the applicant rejected the idea of having the easement along the ridge. Board Member Chapek confirmed this sentiment by explaining the Tomasis' turned trail users away from using the trail along the ridge. Board Member McKnight asked if trails are exempt from setbacks, which Staff Member Strniste advised in the affirmative.

- [7:25] Mr. Grover was asked if the applicant would be amenable to a defined location if the trail was mapped at the time and expense by the someone else, which would not be an expense borne by the applicant. Mr. Grover advised that he did not know, and the issue became a matter of definability. Chair Van Winkle then explained to the Board that they could modify the proposal, approve the proposal, or deny the proposal. He then stated that he was grateful that the applicant was offering the trail. Board Member Miller asked about the difficulty of connecting to the trail head. Board Member McKnight explained that the trail handbook advises that trail users have to stay on the trail. Chair Van Winkle explained that the Albertini trail easement was controversial because it was ill defined, whereas the Tomasi trail easement is easily definable since it will run parallel to the centerline of the stream. Board Member Miller explained that if the application was a Planned Residential Development then she may be more inclined to request a trail easement on the more defined trail seen during the site visit; however, as a normal subdivision application, she was comfortable accepting what was being proposed. Board Member Green expressed his gratefulness and appreciativeness of the applicant's willingness to provide the trail easement. Mr. Grover explained the applicant was concerned about delays as they were looking to sell the farmhouse in a timely manner. Staff Member Strniste advised that the applicant did put thought into the proposed trail easement as she liked the idea the trail being close to the stream. Board Member Chapek explained that there was an area where seasonal runoff may require a bridge, which would be considered a structure, thereby requiring approval to be built within the setback.
- [7:35] Mr. Dan Steinbauer expressed his opinion that with adequate signage to redirect trail users, the trail as proposed would work and be usable. He then asked if the applicant would be open to allowing the Conservation Commission to do more research about the trail easement. Mr. Grover explained that the Commission would have to go directly to the applicant for an answer. Board Member Chapek explained his opinion that the Board should accept what is proposed rather than risk losing the easement altogether. The Board expressed their gratefulness to the applicant.
- [7:55] Chair Van Winkle asked if the Board had enough information to make a decision on the application. The Board answered yes. He then 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 Green. The Board approved the motion unanimously.
- [7:57] Chair Van Winkle asked if the Board wanted to discuss the application in open or closed deliberative session. The Board chose to discuss the application in open session and draft the decision in closed deliberative session. Board Member Chapek made a motion to approve the application as presented, which was seconded by Board Member Miller. A brief discussion ensued on how the trail will be identified in the field. Board Member Green advised that he did not want to inconvenience the applicant, and what was proposed would suffice. He also advised that he thought the public safety issues along Pleasant Valley Road were addressed with the pedestrian easement. All were in favor of the application, and approved unanimously.

- [8:09] Board Member Miller made a motion to move into closed deliberative session to craft the decision. Board Member Chapek seconded the motion. The motion was approved unanimously. Chair Van Winkle provided Mr. Grover a timeline of events.

### 8:18 PM – Other Business

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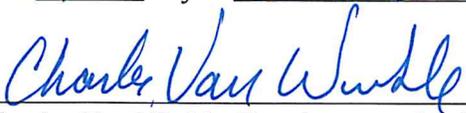
- [8:13] Chair Van Winkle asked for a motion to approve the minutes of June 19, 2017. Board Member Miller made the motion to approve the minutes of June 19, 2017, which was seconded by Board Member Chapek. The motion was approved unanimously.
- [8:14] Acting Chair Miller asked for a motion to approve the minutes of July 17, 2017. Board Member Chapek made the motion to approve the minutes of July 17, 2017, which was seconded by Board Member Green. The motion was approved unanimously.
- [8:15] Staff Member Strniste asked the Board their preference on when they wanted to see a potential application involving 26 Westman Road.
- [8:20] Staff Member Strniste advised the Board that the Howard Variance Request Application (ST219) may need an amendment, but is exploring avenues to see if it can be administratively approved.
- [8:26] A brief discussion ensued about the crafting of decision procedures drafted by Board Member Miller. The Board advised that the two week turnaround is acceptable. Staff Member Strniste will start putting the proposed decision date in the draft itself. A discussion ensued about home occupations versus home industries. The Board stated their reservations about some home occupations not coming before them, specifically in regards to those applications involving hazardous waste and excessive noise.
- [8:43] A discussion ensued about the Board's vacancy. Board Member McKnight advised that the prospective candidate she had in mind decided she did not want to pursue the opening. Chair Van Winkle asked for a motion to recommend and endorse Daniel Lee to the Selectboard to fill the open vacancy. Board Member Miller made the motion to recommend and endorse Daniel Lee to the Selectboard to fill the Board's vacancy, which was approved by majority vote.
- [8:54] Staff Member Strniste provided a brief timeline of the Tomasi decision.
- [8:55] Chair Van Winkle asked for a motion to adjourn. Board Member Chapek made a motion to adjourn, which was seconded by Board Member Miller. The motion was approved unanimously.

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Submitted by:

Andrew Strniste, Planning Director & Zoning Administrator

These minutes of the 08/21/2017 meeting of the DRB were accepted  
this 18 day of SEPTEMBER, 2017.

  
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Charles Van Winkle, Development Review Board Chair