

**Town of Underhill
Development Review Board Minutes
December 18, 2017**

Board Members Present:

Matt Chapek
Mark Green
Daniel Lee
Karen McKnight
Penny Miller
Stacey Turkos

Staff/Municipal Representatives Present:

Andrew Strniste, Planning Director

Others Present:

Briana Cronin (16 Tupper Road)
Kyle Hibbard (340 VT Rte. 15, Jericho, VT)
Kenneth Hall (4 Blakey Road)
Deb Towne (75 Poker Hill Road)

6:30 PM – 12/18/2017 DRB Public Meeting

- DRB Members convened at Town Hall at 6:30 PM.
- [6:31] Acting Chair Miller called the meeting to order.
- [6:32] No public comments were provided.

**6:35 PM – Poker Hill School Conditional Use Request
216 Poker Hill Road (PH216), Underhill, Vermont**

Docket #: DRB-17-17

- [6:35] Acting Chair Miller began the hearing by explaining the procedure for a conditional use review hearing. The applicant, Poker Hill School, Inc., represented by Kyle Hibbard and Briana Cronin, was before the Board to discuss the application pertaining to the proposed construction of a parking lot in front of the front building line on property the School owns at 216 Poker Hill Road (PH216) in Underhill, Vermont. Also in attendance were two individuals planning to attend the subsequent hearing/meeting; one individual, Deb Towne, did participate in the subject hearing. No conflicts of interest were identified before the commencement of the hearing. All those who would be testifying were sworn in.
- [6:40] Mr. Hibbard began by explaining that the School had taken on more special needs children in the past three years, and that the School's staff and special needs' Staff were occupying the existing parking, thus forcing parents to park on Poker Hill Road when dropping off and picking up students. The construction of the new parking lot would be for Staff. Acting Chair Miller stated that she remembered that stretch along Poker Hill Road being busy and dangerous. Board Member McKnight inquired about the size of the parking lot. Exhibit I was projected onto the screen, which illustrated the size of the parking lot. The School's representatives verified that the parking lot was going to be used by Staff, during business hours, Monday thru Friday. Ms. Cronin confirmed that the existing parking lot had between 8 to 10 parking spaces; however, when cars parked close together, upwards of 15 cars could fit. She then advised that the proposed parking lot will be around the same size as the existing parking lot, and that the existing parking lot will be open for parents to utilize. Ms. Cronin then opined that there would be less traffic on Poker Hill Road as a result of the proposed project.
- [6:46] A brief discussion ensued about what the other structures and features on the lot, which were shown on the aerial photograph that was provided by the applicant. Acting Chair Miller confirmed that there were designated handicapped parking spaces at the existing parking lot already. Ms. Cronin provided an overview of how the School was

proposing to build the parking lot. Board Member McKnight inquired if there was a place for the proposed parking lot on 208 Poker Hill Road. Ms. Cronin provided background on the site's constraints, specifically identifying the following areas: wet marshes, the leach field, the pasture for sheep & sledding, and the playground. She then advised that if the school were to eliminate the garden, the parking lot would still be in front of the front building line. Ms. Cronin informed the Board that the proposed parking lot's entrance would be aligned with the driveway across Poker Hill Road.

- [6:50] Ms. Cronin advised that the area that was chosen to place the new parking lot was the driest area and would allow for easy snow removal. Acting Chair Miller confirmed that the pathway from the new parking lot to the school will be constructed. She then informed the Board that approval of the application made sense to her. Ms. Cronin advised that the school was not looking to install any lighting, as the parking lot would only be used in the daylight. Acting Chair Miller opined that neighbors would probably appreciate not having any lighting associated with the parking lot. Ms. Cronin advised that the School wanted to avoid trenching utilities. She then confirmed that the school currently uses motion sensor lights. Board Member Lee inquired if the new parking lot would have enough room to handle all of the Staff, or if the existing parking lot would still be used by some of the staff. The Poker Hill School representatives advised that there would be enough room, and that the drop-off window was two hours (between 7:30 am and 9:30 pm) and the pick up window was an hour and a half. The representatives stated that there are typically between eight to 10 cars at pick-up and drop off at any one time. Ms. Cronin also stated that the zoning regulations were more restrictive in terms of required space per parking space, as more cars can fit when packed in together.
- [6:56] Staff Member Strniste provided an overview of the comments in the Staff Report, specifically noting fencing & hedging and handicapped parking spots. Ms. Cronin advised that the School wanted to remove as few trees and as little of the stone wall as possible. Mr. Hibbard advised that if necessary, signage could be provided to help facilitate vehicular site circulation. Acting Chair Miller advised that handicapped parking was self-regulating. Staff Member Strniste asked how many students were enrolled at the School. Mr. Hibbard responded that there were 73 children, total, enrolled at the school; however, no more than 38 children on one day. Ms. Cronin and Mr. Hibbard advised that the new parking lot would also be used on an as-need basis when there were school events. They both advised that the School only uses sand during the winter, and that the use of sodium chloride would not be an issue, thus reducing the contamination of the Groundwater Source Protection Area.
- [7:04] Acting Chair Miller asked for public comments, which none were provided. She then asked if there were any final comments from the Board. Board Member Lee inquired about the removal of top soil during construction. Ms. Cronin advised that some work might be performed during the winter, and asked what could be done for prep work. Staff Member Strniste advised that whatever was done during the appeal was done at the applicant's own risk, as interested parties have the right to appeal.
- [7:07] Board Member Chapek advised that looking at 208 and 216 Poker Hill Road as one lot simplifies a lot of the issues, as the lot would not be considered a parking facility. Acting Chair Miller advised that by making the parking lot narrower, there was less of an impact and that the lot became more affordable. Mr. Hibbard then informed the Board of the School's struggle to make the 216 Poker Hill Road lot tax exempt.
- [7:14] Ms. Deb Towne was sworn in, and then informed the Board that the placement of the lot behind the front building line was less practical due to the wet areas in the vicinity. Board Member Green inquired about any potential issues the approval may create if the 216 Poker Hill Road lot were to be subsequently conveyed to another party.

- [7:19] Acting Chair Miller asked the Board if they had enough information to make a decision on the application, to which the Board answered yes. She then asked for a motion to vote on the application in open session and deliberate in closed session. Board Member Chapek made a motion to vote on the application in open deliberative session and craft the decision in closed deliberative session. The motion was seconded by Board Member Turkos, and was approved unanimously. Board Member Chapek made a motion to approve to the conditional use application. The motion was seconded by Board Member Turkos, and was approved unanimously. The Board advised that they would try to get the decision completed and issued as soon as possible.

**7:24 PM – Hall Sketch Plan Review Application
4 Blakey Road (BL004), Underhill, Vermont**

Docket #: DRB-17-18

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- [7:24] Acting Chair Miller began the meeting by explaining the procedure for a sketch plan review meeting. The applicant, Kenneth Hall, was before the Board to discuss his application pertaining to the proposed two lot subdivision of land he owns at 4 Blakey Road (BL004) in Underhill, Vermont. Also in attendance was an abutting neighboring. No conflicts of interest were identified before the commencement of the meeting. The Board identified Board Member Turkos as the job captain for the project.
 - [7:27] Mr. Hall advised that his lot is currently accessed off Blakey Road, and he is proposing to subdivide 9.3 acres of land off of the existing property. Acting Chair Miller inquired about pre-site clearing. Mr. Hall advised that a lot of vegetation that was removed was already dead, and that he also removed an invasive species that had proliferated the area. He then informed the Board that there were three culverts that drained onto to his property. A discussion ensued about invasive species. Afterward, a discussion ensued about the drainage patterns on the property. Mr. Hall informed the Board that he created a stone lined ditch to help divert the water to the back of the property. He then informed the Board that some time ago he cleaned up the first two drainage ditches resulting from the first two culverts; however, the third culvert had discharged stormwater everywhere on his property. The more recently constructed stone-lined ditch directed the stormwater towards the rear of the property and dispersed to a sheet flow. Mr. Hall identified the ditch in relation to the property lines, and confirmed that the ditch does not form the proposed property line between the proposed lots. Mr. Hall then advised that his neighbor, Mr. Duncan, offered to ditch along the existing, shared property line.
 - [7:37] Mr. Hall informed the Board that the developable area of the lot was between Poker Hill Road and Roaring Brook. Acting Chair Miller advised that had the pre-site clearing contained wetlands or natural waterways, it would be part of the Board’s review. Staff Member Strniste then provided an overview of the comments provided in the Staff report. A discussion ensued about the prohibitive nature of accessing the rear portion of the proposed lot 2. Staff Member Strniste advised that accessing that area of the lot is complex regardless of the configuration, largely in part because of the environmental constraints. He then advised that Mr. Hall should consider steep slopes and floodplains when determining the extent of the building envelope.
 - [7:50] Ms. Deb Towne asked a clarification question about the proposed lot layout, and where the photograph was taken, which was included as part of the application. Mr. Hall advised that he was visualizing bringing the driveway in from the north, and the house would be situated towards the south of the lot, closer to the Duncan’s property line due to the topography and the drainage ditches. Ms. Towne advised that there was a noticeable drop off from the proposed location and Poker Hill Road. She also expressed her concern that the proposed house would have a lack of water. Ms. Towne advised that her well had

been hydrofracked several times, and that the well still runs dry. Acting Chair Miller advised that there was no Town water in the area. Mr. Hall advised that he may be able to tap into the water supply, if possible. Ms. Towne asked the Board to be mindful of the hydrology and geology of the area.

- [7:57] Board Member Green asked if the State was tasked with looking at the water issue. Staff Member Strniste advised that the Town typically relies on the State since they issue the Wastewater System and Potable Water Supply permit. Ms. Towne then asked the Board to take note about the difference between deer wintering yards versus deer movement areas. Board Member McKnight advised that deer use certain paths which may or may not include wintering yards, and that deer like moist areas. Ms. Towne advised that the area was an active wildlife corridor. Acting Chair Miller advised that the Board has not denied subdividing based on deer wintering yards/deer movement areas. Mr. Hall stated that he has seen deer on his property, and they that seem to be unbothered when he is doing maintenance work. Ms. Towne also stated that the deer seem to cross Poker Hill Road in this area. Acting Chair Miller speculated that the back part of the lot was likely to be more important in regards to deer.
- [8:07] Acting Chair Miller asked for final comments from the public and the Board. The Board advised that they had enough information to accept the application.
- [8:09] Acting Chair Miller advised the Board would classify the proposed subdivision as a minor subdivision, and informed the applicant of his ability to ask the Board to waive preliminary subdivision review. She then informed Mr. Hall about the advantages and disadvantages of not having a preliminary subdivision review. Mr. Hall advised that he was willing to work with the process and have a preliminary subdivision review hearing.
- [8:10] Board Member Green made a motion to vote in open session and craft the decision in closed deliberative session. Board Member Turkos seconded the motion, which was unanimously approved. Mr. Hall inquired if his pre-site work was okay with the Board, which they responded yes.
- [8:15] Board Member Turkos made a motion to accept the sketch plan review application, which was seconded by Board Member McKnight. The motion was approved unanimously. Staff Member Strniste provided a timeline going forward for Mr. Hall.

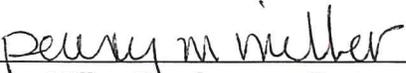
9:00 PM – Other Business

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- [9:00] Board Member Turkos made a motion to approve the minutes of December 4, 2017, which was seconded by Board Member Green. The motion was approved unanimously.
 - [9:01] Board Member Turkos made a motion to move into closed deliberative session, which was seconded by Board Member Green. The motion was approved unanimously.
 - [9:40] Board Adjourns.

Submitted by:

Andrew Strniste, Planning Director & Zoning Administrator

These minutes of the 12/18/2017 meeting of the DRB were accepted this 26 day of February, 2018.


Penny Miller, Development Review Board Acting Chair