

Town of Underhill
Development Review Board Minutes
February 1, 2016

Board Members Present:

Charles Van Winkle
Karen McKnight
Penny Miller
Will Towle
Mark Hamelin
Mark Green

Others Present:

Marc Maheux, Applicant (38 Poker Hill Road)
Pat Lamphere, Applicant (178 Beartown Road)
Tom Hartswick (130 Beartown Road)
Phil Jacobs, Applicant (23 Upper English Settlement Road)
Paul O'Leary PE, O'Leary-Burke Civil Associates (Jacob's Engineer)
Jason Ferreira (22 Jacobs Hill Road)
Tobin Clough (18 Jacobs Hill Road)
Dave & Dori Richiedi (12 Harvest Run)
Deb Shannon (4 Harvest Run)

Staff/ Municipal Representatives Present:

Brian Bigelow, Town Administrator

6:30 PM- 2/1/16 DRB Public Hearing

- 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.

6:40 PM- Maheux- Final Subdivision Review (38 Poker Hill Road) Docket# DRB 12-04

- Chair Van Winkle began the hearing by explaining the procedure for final subdivision review and referenced the definition of interested party. The Applicant Marc Maheux was before the Board for final subdivision approval for a 2 lot subdivision located at 38 Poker Hill Road.
- Chair Van Winkle swore in hearing participants and exhibits A through Z, in addition to the Meeting Minutes and the Decision from the Preliminary Review. He asked if board members had any conflicts of interest or ex parte communications. There were no conflicts of interest or ex parte communications reported.
- The Applicant M. Maheux provided an overview of the proposed 2-lot subdivision project, noting that Lot 1 contained the existing house with 1 acre of land & Lot 2 was to remain as an undeveloped building lot at this time.
- The regional planning report was referenced and there was a short discussion on the curb cut and the driveway.
- Applicant Maheux noted that the preliminary decision omitted the DRB's comment that the plat should have verbiage indicating the building envelope should be located where current zoning regulations allow.
- At 6:46pm. a decision was made to close the hearing & deliberate in Open Session.
- At 6:47pm, Board member Towle made a motion, seconded by K.McKnight to approve the subdivision. The motion passed by all board members present.

7:00 PM- Lamphere- Preliminary Subdivision Review (116 Beartown Road) Docket# DRB 15-05

- Chair Van Winkle began the hearing by explaining the procedure for preliminary subdivision review and referenced the definition of interested party. The Applicant Pat Lamphere for the Luella Lamphere Estate was before the Board for preliminary subdivision approval for a 2 lot subdivision located at 116 Beartown Road.
- Chair Van Winkle swore in hearing participants and exhibits A through I, in addition to the Meeting Minutes from 6/1/15 and a 6/3/15 letter relative to Sketch Plan review from the PZA Sarah McShane. Chair Van Winkle asked if board members had any conflicts of interest or ex parte communications and all answered there were none, except for Board member K.McKnight who recused herself as an abutter to the property and interested party. She was sworn in.
- Chair Van Winkle noted that a warned site visit had occurred on Saturday morning, January 30 with DRB members present. No members of the public were in attendance.
- The Applicant P. Lamphere provided an overview of the proposed 2-lot subdivision project, noting that the property had previously been subdivided into 2 lots, with Lot 1 containing an existing house and Lot 2 (10 acres) remaining undeveloped. The hearing currently before the DRB concerns subdividing Lot 2 into a building lot ("Lot 3" - 5 acres) and into an undeveloped lot ("Lot 2" - 5 acres) which he intends to transfer to an interested neighbor. Further, Applicant Lamphere explained that in the past he researched a Boundary Line Adjustment as the means to transfer acreage from Lot 2 to a neighbor, however he was told that a subdivision of Lot 2 would be required instead.
- Interim ZA B. Bigelow explained that because the parcel had gone through previous subdivision, any subsequent divisions of land need to go through the subdivision process.
- Discussion ensued on the meaning of an Agricultural easement as shown on the proposed site plan to Lot 2 and the whether it appropriately meets the zoning requirement for access to a subdivided lot. It appeared that the Selectboard may have seen this access as equestrian-related. However, per the zoning regulations the DRB expects a permanent easement for ingress-egress to be documented. The zoning regulations require a driveway to be set back 12' from the property line.
- Applicant P. Lamphere noted that he was agreeable to whatever the DRB or the proposed buyer of Lot 2 would like to have for access. After some discussion and in summary, the Applicant noted he would transfer Lot 2 to the proposed buyer as an undeveloped building lot without a septic design or a curb cut permit, but with a 30' ROW for ingress/egress access.
- The Applicant answered questions about Lot 2: the spring on Lot 2 is for that lot only; the pump on Lot 3 has long been disconnected and does not draw water from Lot 2's spring; Lot 2 may perk on the top area but no test pits have been dug.
- At 7:45pm, Board member Towle made a motion to close the evidentiary part of the hearing & deliberate in Open Session for 10 minutes until the next scheduled Hearing. Board member Mark Hamelin seconded it.
- Chair Van Winkle took a straw vote for approving the subdivision. All were in favor.
- At 7:55pm, Board member Towle made a motion to move into closed Deliberative Session Board and continue discussion at the end of the evening. Board member Mark Hamelin seconded it.

8:00 PM- Sketch Plan Review (16 Harvest Run) Docket# DRB 16-01

- Chair Van Winkle began the hearing by explaining the procedure for Sketch Plan meeting. He noted that a warned site visit had occurred on Saturday morning, January 30 with DRB members present. The applicant and an adjoining neighbor were in attendance.
- The Applicant's engineer P. O'Leary provided an overview of the project, including background information on the 45 acre parcel and the 6 lots previously subdivided, with Lot 7 remaining the larger undeveloped lot. The project currently before the DRB proposes subdividing Lot 7 into 9 lots of varying acreage with a new dead-end gravel development road and a dead-end gravel extension of Harvest Run. Other intended aspects of the project include on-site septic, underground power, natural gas and town water. Engineer O'Leary added that the location of the proposed upper road will move down the hill somewhat from its current location on the site plan to improve sight distances. The stormwater retention area in that location will be re-worked.
- On behalf of the Applicant, Engineer O'Leary asked that the new development roads be 22' wide; this width would reflect that existing development road width and allow for less impervious surface than the 24' requirement. Chair Van Winkle noted that the proposed road width would need to be discussed with the Selectboard.
- Discussion ensued on Deer Habitat and it was stated that there is no specific habitat on these parcels.
- Discussion ensued on lot sizes and building envelopes. It was noted that: Lot 8 has class 3 wetlands, Lot 9's driveway must be cross-sloped, and Lot 7 has its own stormwater system.
- The DRB noted that stormwater is the single largest issue they deal with relative to subdivisions and the issue that seems to cause the most potential problems and costs. Discussion ensued about the VT state requirements for the treatment of stormwater and how the Applicant's engineer has addressed that issue.
- Harvest Run resident D. Richiedei discussed his property's problems with surface water and runoff and felt the problem was exacerbated by the Jacob's Hill previous subdivision and by the limitations of the Town's infrastructure - mainly the culvert near the post office.
- Harvest Run resident D. Shannon's observations about surface water reinforced D. Richiedei's. Additionally she noted that the effort to limit the times of construction traffic during the previous subdivision build-out was positive and helpful for the neighborhood.
- Harvest Run resident T. Clough noted his concern about safety as the size of the neighborhood would more than double. Discussion ensued on the routes the neighborhood children use to get from their houses to school and the challenge of sidewalks on private gravel roads - location, maintenance and liability. T. Clough further discussed his reasons for recommending the Town take over the development roads. Chair Van Winkle noted that he would need to speak to the Selectboard about that issue.
- Harvest Run resident J. Ferreira discussed his concern that a road agreement allow the existing and new residents of the Jacob's Hill subdivision legal opportunity to maintain and repair Harvest Run. Discussion ensued on the current workings and the intention of the 2 road associations - the Jacob's Hill Association and the Harvest Run Association.
- Chair Van Winkle asked the Board if they determined the subdivision to be Minor or Major. All agreed it is a Major subdivision.
- At 9:25pm, Board member Towle made a motion to close the evidentiary part of the hearing & deliberate in Open Session for 10 minutes before moving into closed Deliberative Session. Board member Mark Hamelin seconded it.

- Discussion ensued that the subdivision geometrically complies with the zoning regulations. However, the following topics will be issues that the DRB would like to be carefully considered in the subdivision design:
 - Road Association
 - Stormwater and the Town infrastructure. The zoning regulations allow the DRB to be more stringent than VT State standards. The DRB will require the Applicant to address Town infrastructure if the proposed subdivision negatively impacts the infrastructure.
 - Safety
 - Hours of construction traffic
 - Sight distance adjustments
 - Road width & road policy requirements

- These Meeting Minutes reflect a summary of the topics discussed at the Monday, February 1, 2016 hearings. An audio recording of the hearings is available to the public.

Submitted by:
Penny Miller, clerk

These minutes of the 2/1/16 meeting of the DRB were accepted
This _____ day of _____, 2016.

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.