

**Town of Underhill
Development Review Board Minutes
December 2, 2013**

Board Members Present:

Charles Van Winkle, Chairperson, Matt Chapek, Mark Hamelin, Will Towle, Helen Wagner

Administrative Officer Present: Brian Bigelow, Acting Administrative Officer

Applicant Present: Marc Maheux, 38 Poker Hill Road

Others Present: Cliff Peterson, 22 Hedgehog Hill Road

6:35 PM – Meeting called to order by Chair.

6:36 PM – On a motion by Will Towle, seconded by Mark Hamelin that passed by a 5-0 vote; document review would be held after the Maheux hearing and Public Comment.

6:40 PM – Public Comment

Cliff Peterson of Hedgehog Hill Road inquired about the Certificate of Compliance process having seen the on property posting at the Piney Grove Subdivision. Compliance is reviewed under the bylaws in general and specific approvals with the determination made by the Administrative Officer.

6:50 PM - Continuation of Marc and Jane Maheux Preliminary Subdivision Plan Hearing Documentation present (Note items ‘a’ thru ‘o’ were submitted prior to November 4, 2013 hearing, items ‘p’ thru ‘y’ were submitted subsequently prior to the December 2, 2013 hearing with item ‘s’ replacing item ‘f’):

- a) Marc & Jane Maheux’s Application for Subdivision: Preliminary (dated 5-31-13);
- b) A copy of the completed Subdivision Checklist: Preliminary Hearing;
- c) A copy of the survey and plans prepared by David A. Tudhope, L.S. Project # 759, Sheet 1;
- d) A copy of the ANR Form 1 (notice of Overshadowing at the time of Filing an Application for a Wastewater System and Potable Water Supply Permit);
- e) A copy of VT DEC ANR Wastewater and Potable Water Supply Permit (Project #: WW-4-4126) dated October 21, 2013;
- f) A copy of the Findings Checklist;
- g) A copy of the draft warranty deeds for each lot;
- h) A copy of the Project Review Sheet from the VT Department of Environmental Conservation & Natural Resources Board (dated 10-14-13);

- i) A copy of completed application for water allocation from the Jericho-Underhill Water District for the proposed two units (810 gpd: 6 bedrooms @ 135 gals per day) on the newly created lot #1.
- j) A copy of the letter from Harry Schoppmann of the Underhill Jericho Fire Department (dated October 29, 2013);
- k) Copy of input from the Chittenden East Supervisory Union (dated October 25, 2013);
- l) A copy of the tax map for PH038 overlaid with watercourse, wetland and flood zone information;
- m) A copy of the minutes from the 6-4-12 Sketch Plan/Conditional Use meeting;
- n) A copy of the hearing notice as published in *The Burlington Free Press*, posted in six public places and mailed to abutters;
- o) A copy of the procedure checklist for this meeting; and
- p) The original memo for the November 4, 2013 packet;
- q) This revised memo dated November 26, 2013;
- r) Marc Maheux memo to DRB dated 11/25/13;
- s) Revised Article VIII Subdivision Standards Findings Checklist ;
- t) DRB Minutes of November 4, 2013;
- u) Copy of 2012 Conditional Use/Site Plan Application
- v) Copy of 2012 Sketch Plan Application
- w) Copy of Conditional Use Permit CU-12-01 dated 6-21-12;
- x) Copy of Condition Use Notice of Decision, dated 6-21-12;
- y) Copy of DRB minutes of 6-4-12;

Chairperson Van Winkle began the meeting by explaining the purpose of the preliminary plan meeting. The purpose is to review a draft subdivision plat and supporting documentation to determine preliminary conformance with the municipal plan, regulations and other municipal ordinances in effect at the time of application; to identify issues or concerns with the plan; and to make recommend modifications necessary to complete conformance; and to identify any additional information required for final subdivision review. At the November 4, 2013 meeting the Board determined that they had inadequate information to issue a positive finding and continued the hearing to December 2, 2013. Chair noted that as a continued hearing the applicant and staff were still sworn in.

Testimony:

- Applicant Marc Maheux, having reviewed the minutes of the November 4, 2013 DRB hearing and meet with the Acting Administrative Officer provided information intended to address concerns identified by the Board. Applicant clarified that the 2-lot subdivision would see the exiting house would remain (Lot #2) and the 576 square foot existing barn would either be torn down or moved (if feasible and cost effective) to the 40' x 50' area show shown on the submitted drawing by David Tudhope (Project #759, revised date: April 11, 2013). Applicant confirmed that the existing barn was not shown on the plan and that though not labeled as such, what was shown was a proposed typical dwelling that was as part of the engineering design review required for issuance of the required State of Vermont water and wastewater permit.
- Additional discussion ensued about the need to provide building envelopes and when to make application for a potential Accessory Dwelling. Applicant explained that there

were circumstances that were unresolved and he was less seeking an expedited approval than wanting to retain flexibility going forward. The Board concurred that the plan met the requirements for the current subdivision application and that other issues were appropriate to review with subsequent application.

Chairperson Van Winkle asked whether the board had sufficient information to close the hearing.

On a motion by Will Towle, seconded by Helen Wagner that passed by a 5-0 vote; the Board voted to close the evidentiary portion of the application.

Chairperson Van Winkle asked whether Board would like to discuss the application in open or closed session.

On a motion by Mark Hamlin, seconded by Matt Chapek that passed by a 5-0 vote; the Board voted to discuss the application in open session.

Will Towle moved to approve the Preliminary Subdivision application DRB-13-04, applicants Marc and Jane Maheux at 38 Poker Hill Road as adopted by the letter of approval.

Matt Chapek seconded and the motion passed 5-0.

7:38 – Document Review

On a motion by Will Towle, seconded by Mark Hamlin that passed by a 5-0 vote; the Board voted to approve the minutes of November 18, 2013 as submitted.

Draft Notice of Decision for DRB-13-06, application of RMB Construction and Darcy and Mary Spence at 10 and 12 Bridle Trail was reviewed Board. Corrections, additions and subtractions discussed and agreed upon by consensus of the Board.

On a motion by Will Towle, seconded by Matt Chapek that passed by a 5-0 vote; the Board voted to approve the Notice of Decision with modifications as discussed.

Staff to make edits in conformance with review and prepare final document for signature by Chair.

8:10 – Adjournment

On a motion by Mark Hamlin, seconded by Helen Wagner that passed by a 5-0 vote; the Board voted to adjourn the December 2, 2013 meeting of the Town of Underhill Development Review Board.

Respectfully Submitted by:
Brian Bigelow, Acting Administrative Officer

These minutes of the 12-02-13 meeting of the DRB were accepted:

This 6 day of January, 2013.



Charles Van Winkle, Chairperson, DRB