

**Town of Underhill
Development Review Board Minutes
October 5, 2020**

BOARD MEMBERS PRESENT:

Stacey Turkos, Vice Chair*
Shanie Bartlett, Alternate*
Matt Chapek*
Mark Green*
Karen McKnight*
Penny Miller*
Daniel Lee*

OTHERS PRESENT:

Nathan Goldman (PV068)*
Marty Baslow, Applicant (WC037)*
Richard Hamlin, Applicant's Rep. (WC037)*
Thomas Cota, Adjoining Neighbor (WC018)*
Albert Abdinoor, Adjoining Neighbor (WC022)*
Diana Abdinoor, Adjoining Neighbor (WC022)*
Lindsay Reid, Adjoining Neighbor (WC024)*
Nathan Reynolds, Adjoining Neighbor (WC024)

STAFF/MUNICIPAL REPRESENTATIVES PRESENT:

Andrew Strniste, Zoning Administrator*

*Attended the meeting via the Go-To-Meeting Platform

^Attended the meeting via Phone

RECORDING:

This meeting was digitally recorded, and can be found at the following website:

<https://archive.org/details/underhill-drb-10052020>.

6:36 PM – 10/05/2020 DRB Public Meeting

- Members of the Board convened on the Go-To-Meeting platform around 6:25 PM.
- [6:36] Vice Chair Turkos called the meeting to order, and then proceeded by rearranging the agenda: moving the approving of previous meeting minutes from other business to between the Goldman public hearing and the Baslow continued public hearing. No general public was provided, as all of the attending parties were in attendance for the evening's hearings.

6:37 PM – Goldman Conditional Use Review Hearing

Docket #: DRB-20-11

68 Pleasant Valley Road (PV068), Underhill, Vermont

- [6:37] Vice Chair Turkos began the evening's hearing by explaining the hearing procedures for the conditional use review hearing. The application pertains to the construction of an entry porch within the property's front setback requirement, thus requiring a dimensional waiver. The subject property is located at 68 Pleasant Valley Road (PV068), and is owned Robert and Elizabeth Linde. The Applicant, Nathan Goldman, was before the Board to discuss the application. No members of the public were in attendance to comment about the application. No ex parte communications between the Board and the Applicant were identified, nor were any conflicts of interest identified. No additional exhibits were entered into the record. Alternate Board Member, Shanie Bartlett, abstained from participating in the hearing.
- [6:41] Nathan Goldman explained the proposed project to the Board – the construction of an entry porch within the property's first yard setback, as well as provided his opinion on why the project was justified for the location that it was proposed.
- [6:45] Staff Member Strniste did not have any comments to add. Board Member Chapek asked a clarification question in relation to the degree of nonconformance and whether the overhang part of the roof is considered part of the analysis. The remaining Board Members

did not have any additional comments.

- [6:48] The Board unanimously agreed they had enough information to make a decision about the application. Board Member McKnight made a motion to close the evidentiary portion of the hearing. The motion was seconded by Board Member Lee and unanimously approved. Board Member McKnight made a motion to approve the conditional use application, thus approving a five-foot setback waiver. The motion was seconded by Board Member Chapek and approved unanimously. Board Member Chapek made a motion to craft the decision in closed deliberation. The motion was second by Board Member Lee and unanimously approved. Board Member Miller acknowledged the Applicant's request for a quick written decision.

6:55 PM – Other Business – Minutes

- [6:55] Board Member McKnight made a motion to approve the minutes of Monday, July 20, 2020. The motion was seconded by Board Member Chapek and was approved unanimously (Board Member Bartlett abstaining).
- [6:57] Board Member Chapek made a motion to approve the minutes of Monday, August 3, 2020. The motion was seconded by Board Member McKnight and approved unanimously (Board Member Bartlett abstaining).
- [6:58] Board Member Chapek made a motion to approve the minutes of Monday, August 17, 2020. The motion was seconded by Board Member McKnight and approved unanimously (Board Member Bartlett abstaining).
- [6:59] Board Member McKnight made a comment about a typo in the September 21, 2020 minutes. Board Member Miller advised that she would make the correct and send the minutes to Staff Member Strniste. Board Member Lee made a motion to approve the minutes of September 21, 2020. The motion was seconded by Board Member Bartlett and approved unanimously.

7:05 PM – Baslow Continued Preliminary & Final Subdivision Review Docket #: DRB-19-10 37 Warner Creek (WC037), Underhill, Vermont

- [7:48] Vice Chair Turkos began the evening's hearing by explaining that procedures for a continued hearing. She informed those who were in attendance from the last meeting that are still intending on providing testifying are still under oath and another one new in attendance would need to be sworn in. Vice Chair Turkos then read a short version of the September 21, 2020 minutes. Staff Member Strniste reviewed the exhibits that were distributed to the Board during the last meeting, as well as over the course of the preceding two weeks. The exhibits are outlined as follows:
 - A. Exhibit Q – MMU Ability to Serve Letter
 - B. Exhibit R – Access Permit (A-18-16)
 - C. Exhibit S – UJFD Memorandum
 - D. Exhibit T – Comments from Abdinoor
 - E. Exhibit U – Response to Request for Information
 - F. Exhibit V – Warner Creek Violation Documents (Nov 2016)
 - G. Exhibit W – Warner Creek Decision DRB-17-01

Richard Hamlin provided an overview of the new exhibits that he submitted to the Board. Board Member Miller inquired about the pipe traversing over very steep slopes. A

discussion ensued about steep slopes the impact that development could have on the area, especially in regards to Lot 5B. Mr. Hamlin acquiesced that the depicted footprint of the structure shown on Lot 5B could serve as the building envelope.

- [7:28] Discussion then ensued the driveway serving Lot 5B traversing steep slopes, as well as 2017 zoning violation and its implications relating to Lot 5A. Staff Member Strniste provided his recommendation relating to Warner Creek Extension.
- [7:39] Board Member Chapek inquired about whether a seasonal dwelling v. year-long dwelling had an effect regarding to Lot 5B and the proposed driveway. The Applicant clarified that he did not want the dwelling on Lot 5B to be restricted to only seasonal use.
- [7:44] Board Member Lee opined that more information relating to steep slopes in accordance with Section 3.18 was required. Board Member McKnight also expressed her reservations about the impact to steep slopes, as well as any implications to the habitat block. Mr. Hamlin provided an explanation regarding the high density polyethylene pipe and how it would be installed – expected to have minimal impact to the habitat block and wildlife. Board Member McKnight also inquired about the impact solar panels may have on the forest block. A discussion ensued about hypothetically clear-cutting, and what the regulations permit relating to clear-cutting.
- [8:04] Board Member McKnight inquired about the Underhill-Jericho Fire Department’s opinion relating to the driveway ending before the dwelling on Lot 5B. The Applicant recognizes the implications of the proposed layout and the potential of not having emergency services being delivered. Board Member Miller informed the Board that the Fire Department does not provide waivers. The Applicant opined that the construction of a driveway would cause more impact to the forest block and wildlife.
- [8:10] Board Member Miller opined on best practices v. what is mandated by the regulations, and also advised that the Board needed to consider what would happen in the future. She then opined that she was opposed to the Applicant’s interpretation of the regulations in various areas relating to the driveway serving Lot 5B and Warner Creek Extension. Mr. Hamlin provided greater clarity pertaining to the where the driveway serving Lot 5B would terminated. Board Member Miller opined that driveway details are necessary for review. She then inquired about the lot configuration, as there may have been a better layout. Mr. Hamlin advised that reconfiguring the lot layout would require the resubmission of the wastewater permit application.
- [8:39] Board Member Miller suggested the Board perform another site visit to obtain a better understanding of the project.
- [8:40] Vice Chair S. Turkos solicited public comment relating to the project. She commenced by summarizing the Abdinoors’ letter. Discussion ensued about Warner Creek Extension’s road width. Tom Cota expressed concern about heavy machinery utilized Warner Creek Extension, as well as addition traffic. Diana Abdinoor commented about potential erosion issues.
- [8:56] Vice Chair S. Turkos summarized Lindsay Reid’s & Nathan Reynold’s email correspondence provided to the Board prior to the evening’s hearing. Lindsay Reid reiterated her concerns about the closed proximity of the protential development.
- [9:02] Tom Cota reiterated his concerns with the Board, and then advised that him and Allen Bugbee have concerns about stormwater being channeled to towards their properties. Board Member Lee inquired about the slope of the existing wood’s road on Lot 5B, as well as the irregularity of the proposed lots. Mr. Hamlin informed the Board that the information relating to steep slopes, in accordance with Section 3.18, were submitted, as well as responded to the irregularity of the lot.
- [9:13] Further discussion ensued about how the zoning bylaws and road ordinance applies

to the proposed project. Staff Member Strniste provided background regarding the development and formation of the road ordinance. Another discussion began about the building envelopes, as well as the implications of moving the proposed dwelling on Lot 5B. Board Member Lee requested more information pertaining to Section 3.18.C. The Board agreed that they would like to see the site again.

- [9:36] Board Member Bartlett requested additional comments from the Underhill-Jericho Fire Department; Staff Member Strniste will follow-up with them. The site visit was scheduled for Saturday, October 17, 2020 @ 9:00 AM. The Board agreed to a continued hearing date of Monday, October 19, 2020 @ 6:35 PM. The Board reviewed the requested information with the Applicant. Board Member Chapek made a motion to continue to the hearing to Monday, October 19, 2020 @ 6:35 PM. The motion was seconded by Board Member McKnight and approved unanimously.

9:54 PM – Other Business

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- [9:54] Board Member Chapek was confirmed to be the job captain for the Goldman decision. The Board quickly reviewed the requested materials relating to the Baslow application.
 - [9:57] Board Member McKnight inquired if there were any final comments relating to the VRV Living Trust Sketch Plan acceptance letter. Board Member Bartlett made a motion to adjourn. The motion was seconded by Board Member Chapek and approved unanimously.

Respectfully Submitted by:
Andrew Strniste, Planning Director & Zoning Administrator

These minutes of the 10/05/2020 meeting of the DRB were accepted
this _____ day of _____, 2020.

Stacey Turkos, Development Review Board Vice 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.