

Town of Underhill
Development Review Board Minutes
November 18, 2013

Board Members Present:

Charles Van Winkle, Chairperson
Shani Bartlett
Matt Chapek
Karen McKnight
Penny Miller
Will Towle
Helen Wagner

Administrative Officer Present:

Brian Bigelow

Applicant Present:

Richard Bouffard, RMB Construction
10 and 12 Bridle Trail (BT010 and BT012)
Underhill Vermont

Others Present:

Penny Miller – Recused from DRB for Preliminary Subdivision Plan Hearing
Peter Marcone - neighbor
Dexter LaFavour – PC Engineering & Environmental Services

RMB Construction and Darcy & Mary Spence Preliminary Subdivision Plan Hearing

Documentation present:

1. Bouffard/Spence's Application for Subdivision: Preliminary (dated 10-8-13);
2. A copy of the completed Subdivision Checklist: Preliminary Hearing was not submitted;
3. A copy of the plans prepared by LaFavour P.C. Engineering & Environmental Services, (Project #829: Sheet C-1) dated July 2013;
4. A copy of a map created using the Vermont Agency of Natural Resources Atlas;
5. A copy of a portion of the Vermont Agency of Transportation Standard B-71 'Standards for Residential and Commercial Drives';
6. A copy of the tax map & zoning map for BT010 & BT012;
7. A copy of the minutes from the 6-3-13 Sketch Plan meeting;
8. A copy of the hearing notice published in *The Burlington Free Press* on 11-1-13;
9. copy of the Findings Checklist;
10. A copy of the draft Private Road Agreement submitted by the Applicants;
11. A copy of the review letter from Harry Schoppmann III, Duty Captain, Underhill-Jericho Fire Department dated October 29, 2013;
12. A copy of the review letter from John R. Alberghini, Superintendent, Chittenden County East Supervisory Union, dated October 25, 2013.
13. A copy of Page 4 of the August/September 2004 edition of *VLCT News* regarding Statute of Limitations on Land Use Permit Enforcement Action.

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.

Testimony

- The proposal is a 2-Lot Subdivision of 10 and 12 Bridle Trail (BT010 and BT012).
- Richard Bouffard, co-applicant, provided an overview of the history behind the request. Two lots were created in the 1990's. Owner Darcy Spence built a second house for her daughter who subsequently moved away. Darcy Spence bought the house.
- A portion of the property is in the 15 acre Soil and Conservation zone. The applicants are proposing that the portion of the property in the 15 acre zone should "not be touched". The parties would be willing to create a deed restriction to the effect that it should remain that way, that is, untouched.
- Road agreement. The Town Administrative Officer, Brian Bigelow recommended that a road agreement should be drafted. Mr. Bouffard was asked during the preliminary sketch plan meeting to draft a road agreement between BT010 and BT012 owners.
- Adjoining property owner Penny Miller, 18 Bridle Trail, expressed enthusiasm for the deed restriction proposed by Applicant Bouffard.
- Peter Marcone, when asked by Chairperson Van Winkle as to whether he had comments, stated that he had nothing to add.

Staff Report

- The proposal is a 2-Lot Subdivision of 10 and 12 Bridle Trail (BT010 and BT012). There is already a single family dwelling on each lot. No new development, access roads, or driveways are proposed.
- While this proposal does not include a request for development per say, but rather a subdivision of acreage. The question of 'Does Lot 2 need to meet the dimensional standards of both Zoning Districts' needs to be considered. Lot 2 is proposed to be 5.5 acres with approximately 4 acres in the Rural Residential zoning district and 1.5 acres in the Soil & Water Conservation District. While the proposed Lot 2 does not meet the minimum lot size and frontage of the Soil & Water Conservation District, the existing single family dwelling on Lot 2 is located entirely within the Rural Residential zoning district and Lot 2 meets all of the dimensional requirements of that district in accordance with Article II, Section 2.2(E)(1)&(2) and Table 2.3 Rural Residential District.
- The Applicants have submitted a draft Private Road Agreement as requested at the Sketch hearing. In accordance with Section 8.8(B) the applicant has provided a Private Road Agreement for maintenance of the shared roadway.
- The Plan submitted is not a survey. A certified land surveyor will need to prepare the plat. The survey should also address the width of the Bridle Trail easement. The width of the easement on the Site Plan appears to grow narrower in front of Lot 2.

Chairperson Van Winkle asked whether the board had sufficient information to close the hearing. Board felt it had sufficient information. Motion to close the evidentiary portion of the meeting moved by Board member Towle; and seconded by Board member Wagner. Motion carried (6-0).

Chairperson Van Winkle asked whether Board would like to discuss the application in open or closed (deliberative) session. Motion to discuss in open session is approved.

DRB then moved to Open session.

RMB Construction and Darcy & Mary Spence Preliminary Subdivision Plan

Discussion

1. Road Agreement. The DRB does not have authority over a road agreement with others on the road other than 10 and 12 Bridle Trail (Lot 1 & 2). Therefore the written road agreement should be applicable to the Bridle Trail lots 10 & 12. It could be extended to interested abutting neighbors, but not required for the subdivision of Bridle Trail 10 and 12.

2. Stipulation not to disturb the areas within the triangle indicated on the map. As proposed by Applicant, Mr. Bouffard will restrict a portion of the property within the 15 acre Soil & Water Conservation zone such that it should not be touched.

Motion to approve the application of RMB Construction and Darcy & Mary Spence for preliminary approval for a 2-lot subdivision on the property they own at 10 and 12 Bridle Trail (BT010 and BT012) made by Board member Wagoner; seconded by Board member Towle. Motion approved (6-0).

Penny Miller rejoins the Board.

Item 2

Minutes of November 4, 2013. Minutes were approved with changes.

Item 3

Short discussion of Rules of Procedure; to be continued at the 12/02/13 meeting.

Item 4

Application of Deborah & Edwin T. Moore III Application for a revised approval to a 3-lot PUD.

This is a PRD application. Applicants have requested a waiver of the 20 foot setback to zero (0') feet.

1. The DRB grants the request for waiver of the 20 foot setback.
2. Applicants are requested to revise the Mylar with the approved location of the accessory structure for the town records.
3. It is suggested that the placement of the accessory structure be located 1 foot from the property line.

Item 5

Application of Alex and Monica John for a revision to an approved subdivision

The applicants have requested to amend an approved subdivision. The property to be developed is IS419. The applicants would like to amend the location of the building envelop as approved on the Lot 1 Northrup Subdivision. This application includes an accessory apartment on Lot 1 which was not included in the original 2006 Northrup Subdivision. No changes to the driveway access are proposed.

1. The Development Review Board grants conditional use for the subdivision amendment as presented at the final hearing (11/04/13).
2. Remove the "restrictive covenant" section.
3. All conditions of the previous Northrup Subdivision shall remain in effect unless specifically amended through this application.

Item 6

Application of Andrew Grab for preliminary approval for a 2-lot subdivision of his property located a 449 Irish Settlement Road.

1. The Development Review board approves one principle dwelling on lot 2. The dwelling is intended to be a single family dwelling with a maximum of 4 bedrooms.
2. A proposed deed must be submitted.
3. The proposed curb-cut must be flagged, inspected by the Town Road Foreman, and approved by the Select Board.
4. A copy of the Wastewater system and Potable Water Supply must be submitted
5. A copy of the VT Agency of Natural Resources and Natural Resources Project Review Sheet must be submitted with the application for final subdivision review.

Next Agenda - 12/02/13

1. Review Minutes

2. Continuation of evidentiary portion of the Marc Maheux application
3. Rules of Procedure

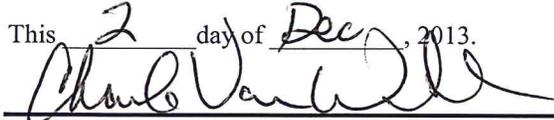
Adjournment: Motion to adjourn made by Board member Wagner and seconded by Matt Chapek.

- Meeting adjourned at 8:40 p.m.

Respectfully Submitted by:
Karen B. McKnight, Secretary, DRB

These minutes of the 11-18-13 meeting of the DRB were accepted:

This 2 day of Dec, 2013.



Charles Van Winkle, Chairperson, DRB