

**Town of Underhill  
Development Review Board Minutes  
August 4, 2014**

**Board Members Present:**

Charles Van Winkle, Chairperson  
Will Towle  
Penny Miller  
Mark Hamelin  
Jim Gilmartin  
Matt Chapek  
Karen McKnight

**Others Present:**

Elizabeth Powell (Applicant- 1<sup>st</sup> hearing)  
Tristan Butler (Co-Applicant- 2<sup>nd</sup> hearing)  
Carol Butler (Co-Applicant- 2<sup>nd</sup> hearing)  
John Butler  
William Butler  
Natalie Coughlin  
Denise Angelino (Applicant- 3<sup>rd</sup> hearing)  
Donna Perron  
Tom Perron  
Marcy Gibson  
Kevin Gibson  
\*\*Other individuals who did not sign in or  
provide testimony\*\*

**Staff/ Municipal Representatives Present:**

Sarah McShane, PZA

**6:00 PM- 621 Irish Settlement Road- Site Visit**

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- A site visit was held at 621 Irish Settlement Road at 6:00 PM.
- Those present at the site visit included: DRB members Charles Van Winkle, Will Towle, Penny Miller, Mark Hamelin, Jim Gilmartin, Matt Chapek, and Karen McKnight. Members of the public present included Tristan Butler, Carol Butler, John Butler, William Butler, Natalie Coughlin, Donna Perron, Mike Weisel, and Pat Weisel. PZA Sarah McShane also attended the site visit.
- The site visit concluded at approximately 6:30 PM.

**6:40 PM- Public Hearings, Underhill Town Hall**

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- Chairperson Van Winkle called the meeting to order at 6:40 PM.
- Chairperson Van Winkle asked for public comment. No public comments were provided.

**6:45 PM- 3 Poker Hill Road- Elizabeth Powell Sketch Review for a 2 Lot subdivision**

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- Chairperson Van Winkle began the meeting by explaining the procedure for sketch review, which comes under the 2012 Unified Land Use and Development Regulations.
- Applicant Elizabeth Powell provided an overview of her proposal which includes subdividing her property into a total of 2 parcels. Her property straddles two zoning districts; the Underhill Flats Village Center and the Rural Residential District.
- Chairperson Van Winkle requested for the list of abutters to include both the name of the property owner and the parcel code. PZA Sarah McShane will have the information available for future hearings.
- Board members discussed the minimum lot size and frontage requirements for both zoning districts, as well as the requirements of corner lots.

- Board members discussed whether the frontage requirement is based on where the access is or where the house is situated.
- Chairperson Van Winkle asked Board members whether or not they felt there was a potential project.
- Board member Penny Miller stated that she felt that there was potential for a project, and that it might be a good PRD candidate.
- Board member Will Towle stated that given the provided information, it is difficult to determine whether or not the project could meet the regulations. He recommended for the Applicant to resubmit a sketch plan with a more refined proposal.
- The Applicant asked whether the 250' frontage requirement could be waived. Chairperson Van Winkle answered that the Board is allowed to waive dimensional requirements, however they are not allowed to waive the frontage requirement. He suggested that it may be a better suited PRD application if it can't meet the conventional regulations.
- Board member Penny Miller suggested for the Applicant to meet with a land use professional to review the requirements and try to design a project.
- Board member Will Towle suggested for the Board to accept the application with the recommendation that a new refined sketch be provided.
- Board member Penny Miller made a motion, seconded by Jim Gilmartin, to continue the sketch plan review meeting on September 15, 2014 at 6:30 PM and for the Applicant to be prepared to submit a more refined, engineered proposal. The motion passed by all members present.

**7:30 PM- 621 Irish Settlement Road, Tristan Butler, Conditional Use/Home Industry- Wedding & Events Center**

- Chairperson Van Winkle began the hearing by explaining the procedure for Conditional Use Review of a Home Industry which comes under the 2012 Unified Land Use and Development Regulations.
- Chairperson Van Winkle swore in all speakers and provided an overview of the process and definition of interested party.
- Chairperson Van Winkle entered exhibits A-H into the record.
- PZA Sarah McShane passed around copies of 2 items to be added to the record; an email from Harry Schoppmann (Underhill Jericho Fire Department) and public comments from Bill Livingstone (email dated 8-3-2014).
- Tristan Butler, Applicant, began by providing an overview of the proposal. He stated that he is requesting approval to host weddings and other events on the property. He expects for each event to draw approximately 100-150 people and approximately 75 cars. He would like to operate 7 days a week with evening hours ending between 10-11 PM. He stated that he is not requesting permission to allow camping and would use tiki torches or solar lights to illuminate the parking area.
- Board members discussed the tent permit requirement for tents over 1200 sf and potential noise issues. Members raised concerns over potential noise.
- PZA Sarah McShane outlined some of the issues she identified; how many events per year; outdoor lighting; requirement that the business owner reside of the property; and comments from the Fire Department.
- Board member Penny Miller inquired about hours of operation. Applicant Tristan Butler answered that each event would last approximately 5-6 hours from roughly 4:00 PM to approximately 10:00 PM.

- Chairperson Van Winkle stated that if the applicant is requesting a sign, a rough sketch of the sign will be required. PZA Sarah McShane can provide additional information to the Applicant on the sign requirements.
- Board member Will Towle stated that the Board needs to consider the traffic impacts and that hosting events during the week could be of concern.
- Donna Perron, Abutter, stated that she attended two weddings on the property and that she could not hear noise at her house during the events.
- Board member Will Towle asked the Applicant if the music could be pointed in a certain direction to lessen the noise impacts. Tristan Butler, Applicant, answered that he was not aware of a particular direction.
- Board members discussed the Home Industry regulations and agreed that it was an unusual type of Home Industry.
- Board member Penny Miller suggested imposing limits on the permit for the first year of operation. Board member Will Towle added that a likely condition would be that the permit is issued to the individual(s) and will not run with the land.
- Chairperson Van Winkle asked if the Applicant was requesting fireworks. Applicant Tristan Butler stated that he would like the option of having fireworks, but it would not be a problem if they were not allowed.
- Board member Karen McKnight asked if they would limit the size of the events. Applicant Tristan Butler stated that the largest tent can accommodate 250 people and that would likely be the maximum number of attendees.
- DRB members discussed application procedures and how the applicant could amend his permit if needed. Chairperson Van Winkle answered that in the future if the Applicant would like to amend his permit, he would have to come in front of the DRB again for a public hearing.
- Chairperson Van Winkle stated that a likely permit condition would be to direct all traffic to the paved road (Pleasant Valley Road).
- Applicant Tristan Butler indicated that he would like to have bonfires at the events.
- Board member Will Towle stated that a likely permit condition would be to restrict flood lights aimed toward the valley. He also recommended that the PZA should be notified of the event schedule.
- Applicant Tristan Butler stated that he estimated that there would be roughly 20 events per year or approximately 1 event per weekend.
- Chairperson Van Winkle asked if Board members had enough information to make a decision and whether the Board would like to continue in open or closed session.
- Board member Will Towle made a motion, seconded by Karen McKnight, to close the evidentiary portion of the hearing. The motion passed by all members present.
- Board member Matt Chapek made a motion, seconded by Will Towle, to continue in closed session. The motion passed by all members present.
- Chairperson Van Winkle stated that the Board has 45 days to make a written decision. The decision carries a 30 day appeal period.
- The hearing concluded at approximately 8:15 PM.

**8:15 PM- 3 New Road- Denise Angelino- Conditional Use Review: Home Industry: Dog Grooming**

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- Chairperson Van Winkle began the hearing by explaining the procedure for Conditional Use Review of a Home Industry which comes under the 2012 Unified Land Use and Development Regulations.
- Chairperson Van Winkle swore in all speakers and provided an overview of the process and definition of interested party.
- Chairperson Van Winkle entered exhibits A-K into the record.
- PZA Sarah McShane passed around copies of the Applicant's Conditional Use Findings Checklist that was accidentally omitted from the information packets provided to the DRB.
- Applicant Denise Angelino provided an overview of the proposal which includes grooming 0-10 dogs a week in the basement of her home on New Road. She stated that it takes roughly three hours to groom a dog.
- Board member Mark Hamelin asked if there would be any boarding of animals or outside kennels. Applicant Denise Angelino stated that there would be no overnight boarding of animals or outside kennels.
- Board member Will Towle stated that this is in addition to the existing home industry (contractor's yard) on the property.
- PZA Sarah McShane stated that the Applicant's proposal typically could have been reviewed administratively but since there is an existing home industry on the property, the cumulative impacts should be reviewed by the DRB.
- Marcy Gibson, Abutter, stated that she has not witnessed any adverse impacts from the existing home industry and supports the dog grooming proposal.
- Board member Karen McKnight asked the Applicant for the proposed hours of operation. The Applicant answered that typical hours would be M-F 7:30 AM-5:30 PM.
- Chairperson Van Winkle asked if the Board had enough information to make a decision and if they would like to deliberate in open or closed session.
- Board member Penny Miller made a motion, seconded by Will Towle, to end the hearing and to continue in open session. The motion passed by all members present.
- Board member Karen McKnight made a motion, seconded by Penny Miller, to approve the application for Dog Grooming as a Home Industry/Business- with the following conditions: hours of operation M-F 7:00 AM-7:00 PM, no overnight boarding or outside kenneling of dogs, all transient dogs must remain on a leash, and that the permit is approved for the applicant and doesn't run with the land. The motion passed by all members present.
- Chairperson Van Winkle recommended for the Applicant to work with PZA to discuss local sign regulations and stated that the board has 45 days to provide a written decision.
- The hearing concluded at approximately 8:40 PM.

**8:40 PM- Closed Session: 621 Irish Settlement Road- Butler (Home Industry)**

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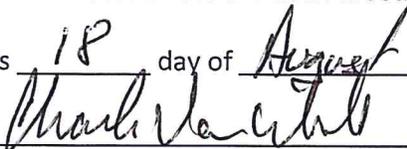
- Board members entered closed session at approximately 8:40 PM to discuss the Butler's application for Home Industry: Wedding/Events Center.
- The meeting adjourned at 9:45 PM. The Board did not make a decision on the application. Deliberation to continue.
- The next DRB meeting will be Monday August 18<sup>th</sup>.

Submitted by:

Sarah McShane, PZA

These minutes of the 8-4-2014 meeting of the DRB were accepted

This 18 day of August, 2014.



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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.*

