

**Town of Underhill
Development Review Board Minutes
April 15, 2019**

Board Members Present:

Charles Van Winkle, Chair
Stacey Turkos, Vice Chair
Matt Chapek
Mark Green
Daniel Lee
Karen McKnight
Penny Miller

Staff/Municipal Representatives Present:

Andrew Strniste, Zoning Administrator

Others Present:

Karla Russell (270 Pleasant Valley Road)
Briana Cronin (16 Tupper Road)

6:30 PM – 004/15/2019 DRB Public Meeting

- DRB Members convened at Town Hall around 6:15 PM, after visiting 270 Pleasant Valley Road prior to the evening's hearing.
- [6:30] Chair Van Winkle called the meeting to order and added the following item to the agenda: discussion about the open meeting law seminar with the Town's attorneys.
- [6:35] No general public was in attendance, and therefore, no public comment was offered.

**6:36 PM – Russell Conditional Use Review
270 Pleasant Valley Road (PV270), Underhill, Vermont**

Docket #: DRB-19-04

- [6:36] Chair Van Winkle began the evening's hearing by explaining the hearing procedures for a conditional use review hearing. The applicant, Karla Russell, and her consultant, Briana Cronin, were before the Board to discuss the application, which pertains to the construction of a pool, pavilion and a deck on property at 270 Pleasant Valley Road in Underhill, Vermont, which is owned by the aforementioned applicant. No other parties were in attendance. No ex parte communications between the Board and the applicant were identified, nor were any conflicts of interest identified. No additional exhibits were added to the record. Staff Member Strniste made a correction pertaining to the zoning district requirements in the Staff Report.
- [6:40] Land owner, Karla Russell, provided background regarding the proposed project and conditions of the project area. She informed the Board that they wish to construct an in-ground pool, surrounding patio, and pavilion which will impact the existing steep slopes. The patio and retaining wall will extend the flat rear yard over the area of the existing, manmade steep slope. Beyond the retaining wall, fill will be used to reconstruct the manmade steep slope similar to the existing sloped grade. The steep slopes on the property will not be affected by the deck that will be constructed off the living room nor the garden shed that the Russell's would like to add to an enclosed garden area.
- [6:45] Discussion ensued about the design of the pool, and what were to happen to the chlorinated water should the pool crack or need to be drained. Ms. Russell and her consultant, Ms. Briana Cronin, provided background pertaining to the design of the pool. Further discussion ensued regarding the potential impact of chlorinated water on the nearby wetlands and rivers, and whether the applicants had a contingency plan for emptying the chlorinated pool water without discharging it into a sensitive environmental area. The Board discussed the procedural mechanisms, as well as their authority to

- condition approval relative to this issue.
- [7:00] The Board discussed the vegetation on the steep slope, as well as erosion control regarding the steep slope that would be impacted as a result of the proposed project. A discussion ensued about the building envelope. Board Member Miller advised the applicant about the liability regulation provided in the Land Use & Development Regulations, inquired about screening, as well as outdoor lighting. Chair Van Winkle observed, which was confirmed by Ms. Russell, that the Potvins' accessory dwelling was the only structure that could be observed from the project area, which was through dense vegetation. Discussion ensued about extending the expiration date of the zoning permit due to the short time period (mid-April to mid-October) to perform the earth work. Discussion resumed about the depicted building envelope.
 - [7:35] Chair Van Winkle asked the Board if they had enough information to make a decision about the application. The Board unanimously agreed that they did. Board Member Miller made a motion to close the evidentiary portion of the hearing. The motion was seconded by Board Member McKnight and approved unanimously. Board Member Miller made a motion to approve the application. The motion was seconded by Board Member Turkos. Discussion ensued, and Board Member McKnight made a motion to require a contingency plan for discharging the pool water without impacting the downslope wetlands and stream should the pool need to be emptied. The motion was seconded by Board Member Green. The Board and the applicant, as well as the consultant, discussed the implications of such a requirement. The Board voted to approve the requirement for a contingency plan 5 to 2, with Board Members Turkos and Van Winkle opposing. Board Member McKnight voted to amend the previously approved motion regarding to the contingency plan to require an alternate plan that does not include the water to be dumped over the side of the pool. The motion was seconded by Board Member Chapek. The motion was approved 4 to 3, with Board Members Lee, Turkos and Van Winkle opposed. The Board voted to approve the application unanimously.
 - [7:51] Board Member Green advised that he was comfortable with a statement from the applicant saying the water could be dispersed into the surrounding landscape ~~over~~ a period of time. Discussion ensued about the timeline and process going forward.

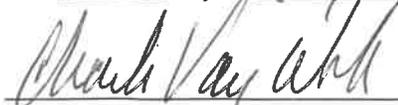
AFTER
C/W

7:55 PM – Other Business

- [7:55] Board Member Miller made a motion to approve the minutes of April 1, 2019. The motion was seconded by Board Member Chapek and approved unanimously.
- [7:56] Board Member Chapek made a motion to enter into deliberation. The motion was seconded by Board Member Turkos and approved unanimously.
- [8:38] Board Member Turkos made a motion to adjourn. The motion was seconded by Board Member Chapek and approved unanimously.

Submitted by:
Andrew Strniste, Planning Director & Zoning Administrator

These minutes of the 04/15/2019 meeting of the DRB were accepted
this 15 day of July, 2019.



Charles Van Winkle, Development Review Board Chair