

**Town of Underhill
Development Review Board Minutes
September 16, 2019**

Board Members Present:

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

Others Present:

Peter Duval (25 Pine Ridge Road)
Richard Hamlin (Essex Junction, VT)
Dianne Terry (34 Pine Ridge Road)
Steve Coddling (34 Pine Ridge Road)
John McNamara (7 Pine Ridge Road)
Marty Baslow (65 Colonel Page Rd, Essex Jct.)
John Hardacre (26 Pine Ridge Road)
Marilyn Hardacre (26 Pine Ridge Road)

Staff/Municipal Representatives Present:

Andrew Strniste, Zoning Administrator

6:30 PM – 09/16/2019 DRB Public Meeting

- DRB Members convened at Town Hall around 6:25 PM.
- [6:30] Chair Van Winkle commenced with the evening's meeting. No adjustments to the agenda were made. No public comment was provided.

6:34 PM – Baslow Sketch Plan Review

Docket #: DRB-19-10

37 Warner Creek (WC037), Underhill, Vermont

- [6:36] Chair Van Winkle began the evening's hearing by explaining the meeting procedures for a sketch plan review meeting. The application pertains to a 2-Lot Subdivision of land at 37 Warner Creek, which is owned by Marty Baslow – the Applicant. The Applicant, and his engineer, Richard Hamelin, were before the Board to discuss the application. No other people 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 submitted into the record.
- [6:40] Mr. Hamlin provided an overview of the proposed subdivision, and explained each lot would be served from a different road – Parcel A by Gert's Knob and Parcel B by Warner Creek. He then commenced with discussing Staff's comments contained in the staff report, specifically in regards to the potential zoning issue, steep slopes issue and wetland issues. The Applicant advised that he wished to retain Parcel A as a "wood lot," to potentially be built with a seasonal dwelling in the future.
- [6:52] No decision pertaining to the type of septic system has been made yet. Discussion ensued about access to Parcel A, and the potential challenges that exist due to steep slopes and very steep slopes.
- [7:14] Staff advised that an access permit would be required. A short discussion ensued about how to apply frontage for Parcel A. No public comment from the attending public was provided.
- [7:20] The Board agreed it had enough information to make a decision about the application. Board Member Chapek made a motion to accept the subdivision and classify it as a "minor" subdivision, and to waive preliminary subdivision review. Board Member Turkos seconded the motion. Clarification was provided that should Parcel A contain areas of the Soil & Water Conservation District, then the 100 ft. district adjustment regulation

would need to be warned as a conditional use review hearing. Additionally, discussion ensued about a potential wetland delineation versus identifying a building envelope far enough away from the identified wetland. Board Member Miller advised of the disadvantages of waiving preliminary subdivision review. Board Member Green confirmed that the Board was postponing review of the Parcel A lot since it was being classified as a "wood lot." The Board unanimously approved the motion.

**7:32 PM – Duval Continued Court Ordered Conditional Use Review Docket #: DRB-17-16(2)
25 Pine Ridge Road (PR025), Underhill, Vermont**

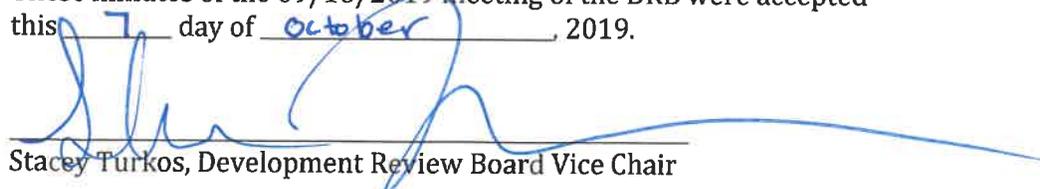
- [7:32] Chair Van Winkle began the evening's hearing by explaining the hearing procedures for the court ordered conditional use review hearing, which was granted to allow the Board to review the wastewater design as it relates to the conditional use review criteria. The Applicant, Peter Duval, was before the Board to continue discussion about the wastewater design. Staff provided an overview of the exhibits that were distributed prior to the evening's hearing. Contained within the packets were copies of all of the exhibits entered into the record at the August 19, 2019 hearing. In addition, three new exhibits were submitted into the records:
 - Exhibit WWW – Updated Wastewater System Design Site Plan
 - Exhibit XXX – Written Correspondence from Koiers
 - Exhibit YYY – Email Correspondence from HallsAmong other concerns, the Applicant restated his position that the Board did not have regulatory authority to regulate the wastewater system.
- [7:39] The Applicant then informed the Board of the updates made to the site plan, specifically directing the Board's attention to the identified setback dimensions. In addition, the Applicant clarified the location of the edge of the slope, which was previously assumed to follow one of the contour lines. Board Member Green inquired about the methodology of how the measurements were obtained.
- [7:45] Interested Party, Steve Coddington, inquired about the date of the site plan, as well as the lack of buildings identified on the site plan. Board Members Van Winkle and Miller confirmed that the engineer is not obligated to identify every building.
- [7:49] Abutting Neighbor, Marilyn Hardacre, inquired about the sufficiency of water to support a multi-family dwelling. Chair Van Winkle informed Ms. Hardacre that the Board relies on the permit issued by the State of Vermont pertaining to wastewater and well systems. Board Member Chapek asked a clarification question about the slopes.
- [7:53] Board Member Miller made a motion to close the evidentiary portion of the hearing. The motion was seconded by Board Member Turkos. The motion was approved unanimously. Board Member Turkos made a motion to deliberate in closed session. The motion was seconded by Board Member Green. The motion was approved unanimously. Chair Van Winkle provided an overview of the upcoming steps.

7:57 PM – Other Business

- [7:57] Staff will resend the minutes of August 19, 2019 for the Board to review.
 - [8:30] The Board adjourned.
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Submitted by:
Andrew Strniste, Planning Director & Zoning Administrator

These minutes of the 09/16/2019 meeting of the DRB were accepted
this 7 day of October, 2019.



Stacey Turkos, Development Review Board Vice Chair