

**Town of Underhill  
Development Review Board Minutes  
December 3, 2018**

**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, Planning Director

**Others Present:**

Jane Martin (12 Maple Leaf Road)  
Chris Ellingwood (12 Maple Leaf Road)  
Julia Hunt (10 Maple Leaf Road)  
John Hunt (10 Maple Leaf Road)

**6:30 PM – 12/03/2018 DRB Public Meeting**

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- DRB Members convened at Town Hall around 6:25 PM.
- [6:30] No public was in attendance, and therefore, no public comment was offered. Board Member Miller inquired about what makes a party an “interested party.” A brief discussion then ensued about the narrative for the Town Report.

**6:35 PM – ReTribe Continued Conditional Use Review Hearing  
8 Maple Leaf Road (ML008), Underhill, Vermont**

**Docket #: DRB-18-16**

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- [6:35] Chair Van Winkle began the meeting by explaining that the evening’s proceeding was a continued hearing and that all parties are still under oath. He then advised that a site visit was performed on Saturday, November 10, 2018.
  - [6:37] Chair Van Winkle then read the interested party handout that is distributed to all Board attendees. He then explained that the Board was going to rule on whether Jason Croteau, a party that contacted Staff Member Strniste about the application (emails submitted into the record as Exhibit R), would be considered an interested party. Chair Van Winkle asked for a motion stating that Mr. Croteau does not meet the criteria to be considered an interested party as provided in the interest party handout. Board Member Miller made the motion, which was seconded by Board Member McKnight and approved unanimously.
  - [6:42] Chair Van Winkle informed the applicants that he was trying to ascertain what a Transformation Program was. Board Member Miller explained that the links (submitted into the record as Exhibit Q) provided to the Board were helpful. A discussion ensued about the program’s schedule and curriculum. Ms. Jane Martin advised that their program teaches nonviolent communication skills, and is a social learning curriculum. Ms. Julia Hunt advised that participants may help out in various ways, such as working outside or preparing food. Board Member Miller advised that the Board should keep in perspective what their task is: determining whether ReTribe Transformations’ uses fit into the regulations as part of conditional use review. She then advised that the Board was trying to ensure that ReTribe’s proposal does not end up turning into a multi-family housing situation. Board Member Miller then inquired about Boarding Houses not being listed in the regulations. Staff Member Strniste advised that if the use was not listed in the regulations, then it is prohibited. Board Member Miller then advised that she has not heard any dissent about the project, but the concern seemed to be more about traffic. Board Member Green inquired if the project would qualify as a group home. Staff Member Strniste read the definition of

- group and explained why ReTribe did not qualify under that definition.
- [6:50] Board Member Miller provided an overview of the changes that ReTribe is proposing: 1) adding a day care to the barn facility; 2) having long term transformation program participants and staff reside in the old Men's Dormitory; and 3) allow office/health clinic uses within the modular structure. Staff Member Strniste advised the Board of the fee implications of possibly re-designating the modular structure as another use. A discussion ensued about the parking spaces along Stevensville Road.
  - [6:59] Board Member Miller inquired with the applicants what assurances there are that the people staying in the facilities are participants of the program. She then advised that the Board did not want the facilities to turn into a multi-family housing situation. Lastly, Board Member Miller advised that the Board wanted to assure there was no possibility of creating apartments within the facilities. The applicants advised that all residents sign an agreement to participate in the program. Staff Member Strniste informed the applicants that should a random audit be performed, that they would be required to confirm that everyone residing on the premises is a participant or staff member within the program. Board Member Green inquired about the long term living aspect being covered as part of the inn use classification. Staff Member Strniste answered in the negative due to the definition of inn. Board Member Lee asked if ReTribe was a nonprofit. Ms. Julia Hunt advised that they were sponsored.
  - [7:08] The applicants advised that they'd be willing to submit to the board beforehand the application/agreement participants must sign. A discussion ensued about cooking within the rooms and ensuring that this would not occur. Board Member Green advised that he views the project to be community living as long as there was a common cooking/eating area and rooms in the boarding facilities did not have kitchens.
  - [7:10] The applicants advised that they plan on maintaining the boarding school. Staff Member Strniste inquired about the possibility of adults living amongst children, presumably associated with the programs and boarding schools. A discussion ensued about the flexibility the applicants would have in rearranging the uses in the various buildings. Staff Member Strniste advised that if the applicants were granted greater flexibility, they would have to ensure that they keep on top of State permits. He also advised that the Town would be giving up its leverage on ensuring compliance with State permits since there would be no subsequent Certificate of Occupancy Permits issued.
  - [7:20] Chair Van Winkle inform the applicants that the Board wants to ensure permit compliance, as well as ensure life/safety regulations are being satisfied. Board Member McKnight also expressed her concerns with mixing children with adults. Ms. Martin advised that they were required to perform background checks for adults.
  - [7:22] Board Member Green advised he was comfortable moving forward as he felt that the project was consistent with the regulations; that they are not approving a multi-family dwelling under the guise of another classification, provided the rooms in the boarding facilities were not converted to resemble individual apartments. He opined that confirming program participation was a more nebulous issue, and wanted to ensure that this was not simply creating a loophole to allow for multifamily housing in non-allowed districts down the road. He then wanted to confirm that there was no way to construe these as apartments. Board Member Miller advised that inns have more strict life/safety requirements. Board Member Green asked if the applicants had any intention of subdividing. Ms. Hunt advised that they did not intend to subdivide, as they wanted to keep the land together, as the programs involved use of the land.
  - [7:25] Staff Member Strniste advised that the applicants wanted no cap on the number of programs they could host during a year. Mr. John Hunt advised that their vision was for

community living where everyone is involved (ideally). He continued to state that they want involvement amongst the people residing at the facilities and not have random people living there. Staff Member Strniste asked if people performing maintenance and performing tasks around the facility is a part of the experience. The applicants answered in the affirmative.

- [7:29] Board Member Miller made a motion to close the evidentiary portion of the hearing. The motion was seconded by Board Member Chapek. Chair Van Winkle asked for the applicants to submit a copy of the application they use to admit participants. The motion was approved unanimously.
- [7:30] Board Member Miller made a motion vote to approve the application in open session and write the decision in closed deliberative session. Board Member Turkos asked the Board to clarify what they were approving: 1) having the transformational program, inn/hostel, and boarding school allocated in the barn facility and dorm facility to their discretion; 2) the approval of an early child care program; 3) activities and meeting occurrences in the barn facility and dorm facility; 4) permitting office and health care uses in the modular structure; 5) permitting transformational programs to be held throughout the year rather than the previously approved five weeks a year; and 5) allowing adults to be in the transformational program. The Board unanimously approved the motion. The Board then advised that they would enter into deliberative session to craft the decision.
- [7:37] Staff Member Strniste inquired about the applicants' experience with Mr. Jason Croteau. Mr. John Hunt opined that Mr. Croteau seemed primarily to be concerned with the protection of Native Americans. He interpreted Mr. Croteau's concern to be that individuals identifying as Native American might be misled by ReTribe's name or mission and would be institutionalized or indoctrinated at the facility. Mr. Croteau seemed to be confusing ReTribe as being associated with the old Maple Leaf Farm program, and that someone who is a Native American might enroll and "get stuck in the system," and then subsequently become a ward to the State. Staff Member Strniste advised that he would forward his email correspondence with Mr. Croteau.

#### 7:44 PM - Other Business

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- [7:44] Board Member Chapek made a motion to approve the minutes of October 29, 2018. The motion was seconded by Board Member Turkos and approved unanimously. Board Member Turkos made a motion to approve the minutes of November 19, 2018. The motion was seconded by Board Member Chapek, which was approved unanimously.
  - [7:45] Board Member Turkos made a motion to enter to deliberative session to discuss the ReTribe application. Board Member McKnight seconded the motion, which was approved unanimously.
  - [8:10] The Board adjourned.

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Submitted by:  
Andrew Strniste, Planning Director & Zoning Administrator

These minutes of the 12/03/2018 meeting of the DRB were accepted

this 4 day of FEBRUARY, ~~2018~~  
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Charles Van Winkle, Development Review Board Chair