TOWN OF UNDERHILL
SPECIAL SELECTBOARD PUBLIC HEARING
6:00 p.m., Wednesday, January 8, 2014
Proposed Amendments
to
Underhill Unified Land Use & Development Regulations
Minutes

Selectboard: Brad Holden, Seth Friedman and David Rogers
Town Staff: Brian Bigelow, Town Administrator
Public: Cliff Peterson, Trevor Squirrel, Helen Wagner, David Edson, Karen McKnight, Michael McKnight, Frank Mosher, Irene Linde, Cynthia Seybolt, Gerry Adams, Pat Lamphere and Carolyn Gregson

6:02 p.m. Meeting called to order. Chair Brad Holden reads the Notice of Public Hearing. Chair reviews the process to ensure a timely proceeding and equitable distribution of time; to include an initial 2 minute time limit on individuals speaking; with the opportunity for more time with Selectboard approval.

6:05 p.m. Brad Holden introduces Planning Commission member Cliff Peterson to review the proposed amendments.

Cliff Peterson reviews the history behind the proposed amendments and the reasons for them. The attached handout (16 pages, entitled Amendment to Underhill Unified Land Use and Development Regulations, Underhill Planning Commission Public Hearing December18, 2013) was provided.

Karen McKnight enquired about impact of changes for properties in the Beartown Road area. Cliff Peterson replied that is not a change in zoning districts but a clarification.

Additional discussion ensued:

- David Edson commented positively on the validity of the 1985 maps.
- Helen Wagner asked about the 1985 map and the 1972 determinations.
- Michael McKnight asked about the language for the Town Meeting Warning.
- Karen McKnight sought confirmation that a vote would be necessary.
- Cliff Peterson confirmed that the vote was required and that the language of the ballot article would be determined pending action of the Selectboard.
- Brad Holden suggested a summary be prepared for inclusion into the Town Report to provide clarification to voters.
- Karen McKnight opined that there needs to be a better way to inform citizens above and beyond the minimum statutory requirements.
- Seth Friedman concurred that the Town Website is underutilized.

6:38 p.m. There being no further questions or statements, the consensus of the Selectboard is to close the public hearing and to make a determination at their regularly scheduled meeting on January 16, 2014.

6:40 p.m. Adjournment.

David Rogers moved to close the hearing and adjourn. Seth Friedman seconded and the motion passed 3-0.

Submitted by Brian Bigelow, Town Administrator

Read and Approved as submitted/amended

1/16/14

Brad Holden, Chair Date

Proposed Amendments to Underhill Unified Land Use and Development Regulations

Underhill Planning Commission

Public Hearing

December 18, 2013

Problem No. 1: "Town of Underhill Zoning Map"

- 2011 Regulations (amended 2012), Section 2.1 say:
  - **B. The location and boundaries of each zoning district are shown on the official "Town of Underhill Zoning Map," which is incorporated as part of these regulations.**
- Problem: There is no such map.

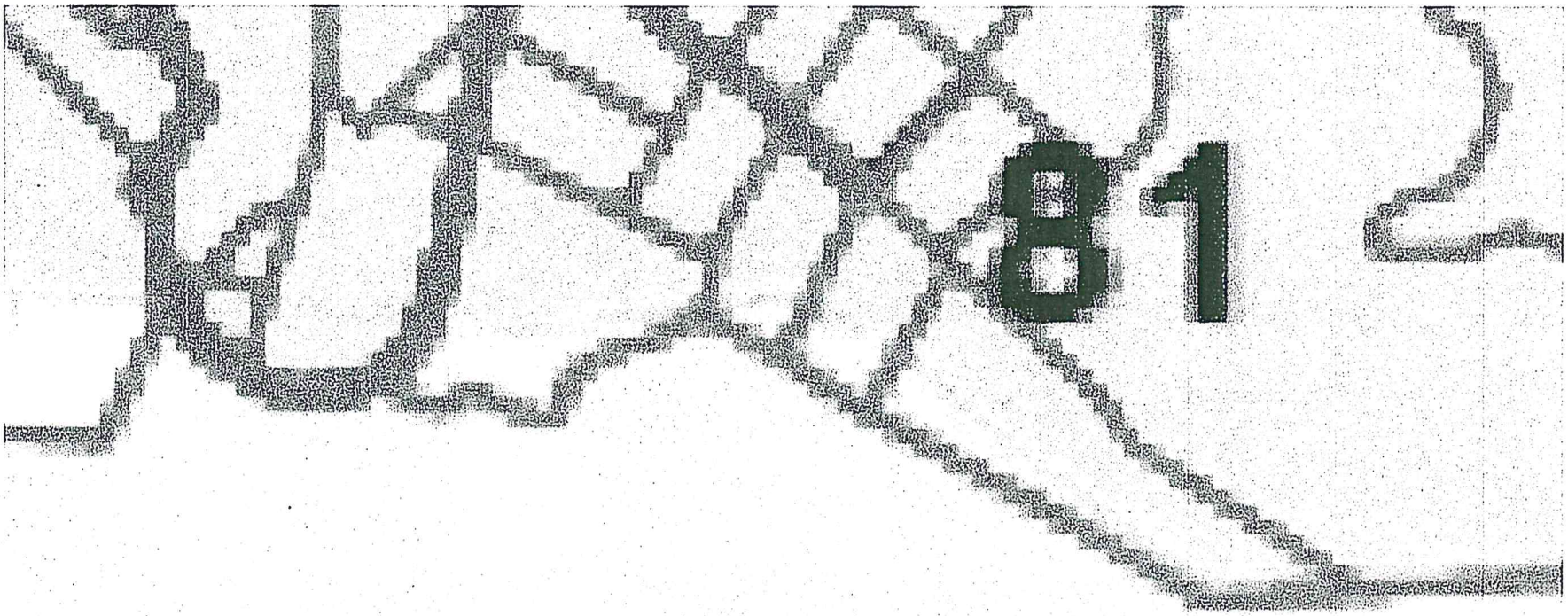
What about the map attached to the 2011/2012 regulations?

Problem #2:

(a) The map attached to the 2011/2012 regulations is not "Town of Underhill Zoning Map"

(b) The map attached to the 2011/2012 regulations is wrong

The 2011/2012 map wrongly cuts off the southern sections of several lots on Beartown Road and puts those slivers in the Soil and Water Conservation District (that is, in the Range's district)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WHY THAT'S WRONG:

In 1972 the Planning Commission and Select Board moved the southern boundary of the Water Conservation District southward, from Clay Brook to the Range Boundary

AMENDMENTS
TO THE
REVISED COMPREHENSIVE PLAN
TOWN OF UNDERHILL

October 24, 1972

The Comprehensive Plan for the Town of Underhill shall be the attached document (Comprehensive Plan for Underhill, Vermont, revised June, 1972) developed by the Underhill Planning Commission with the following amendments:

I. Section 1. under paragraph two of Summary on page 1 is amended to read: "Open Space - flood plains and all land within one hundred (100) feet of any stream should remain open."

II. The paragraph under 1 b., Stream Banks, page 22, is amended to read: "All land within one hundred (100) feet of any stream shall be maintained as open space; such uses as agriculture, forestry or selected recreation may be permitted."

III. The proposed Land Use Map of Appendiz C is modified by transfer of the more or less triangular area (shown on the map with red circles) from the Soil and Water Conservation Area to the Water Conservation Area. This area is roughly bounded by Clay Brook to the north, the Underhill Range to the south and a portion of the Soil and Water Conservation Area boundary to the west.

The Revised Comprehensive Plan for Underhill, Vermont as amended above shall take effect upon the day of its adoption by the Selectmen of Underhill.

Underhill Planning Commission

Bert K. Kusserow, Chairman
Gerard Adams
Mary Fell
Marian Fay
Duane Graveline
Elizabeth Moore

Rec. for record Oct. 30, 1972 at 10:00 AM
Attest: Lillie B. Mitchell, Town Clerk

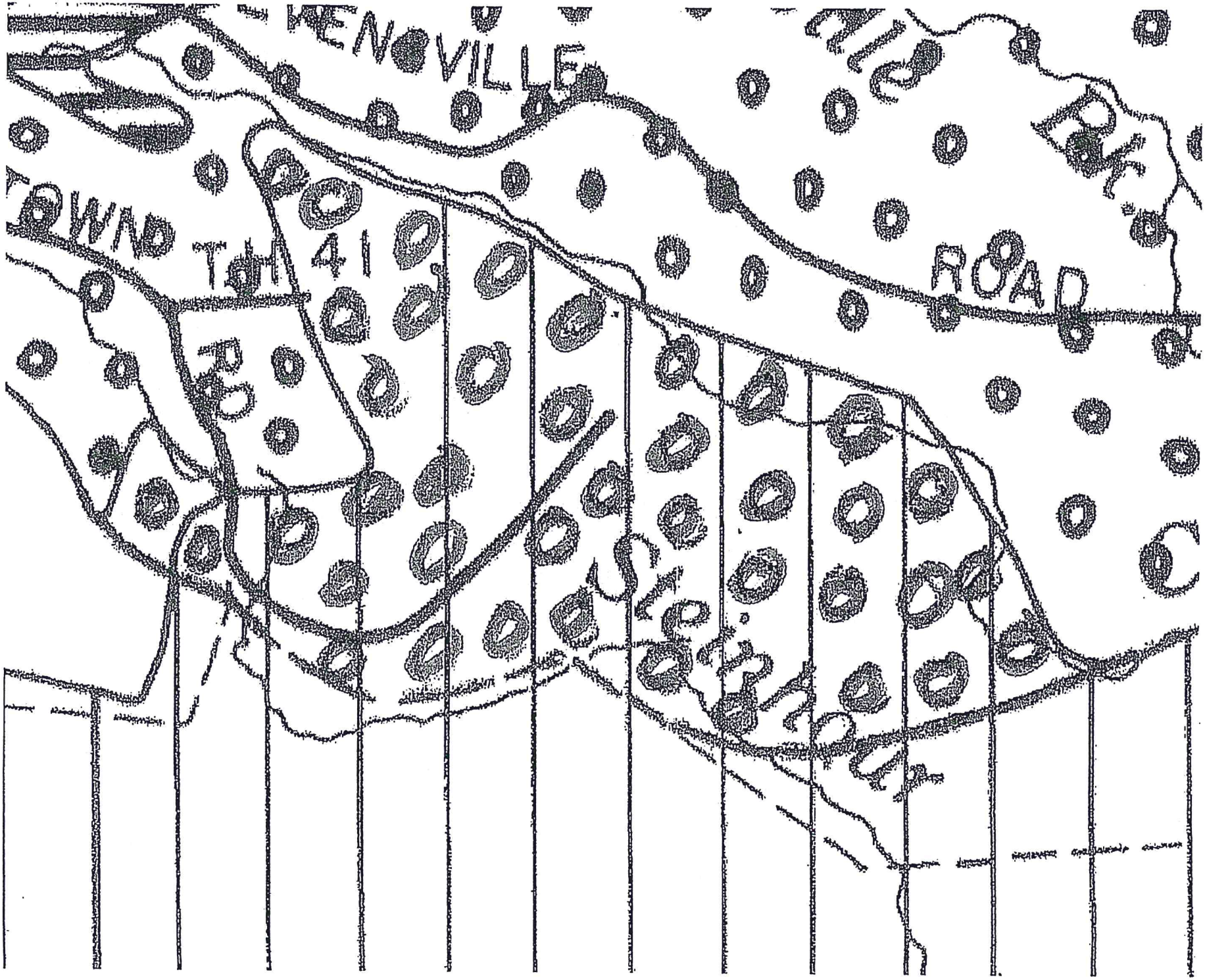
In detail:

III. The proposed Land Use Map of Appendiz C is modified by transfer of the more or less triangular area (shown on the map with red circles) from the Soil and Water Conservation Area to the Water Conservation Area. This area is roughly bounded by Clay Brook to the north, the Underhill Range to the south and a portion of the Soil and Water Conservation Area boundary to the west.

Here's "the map with red circles"

The old boundary is shown by the vertical lines.

Here's the map "with red circles"


VILLE
ROAD
TOWN
Steinhaur

The Selectboard duly adopted the Planning Commission amendment

Dec 27-72 In accordance with Title 24, Chapter 91, Section 4385(b) VSA, the Selectmen of the Town of Underhill adopt on this date the Revised Municipal Plan for the Town of Underhill, Vermont dated September 1972 and amended October 1972. The Revised Municipal Plan, as amended shall be effective upon adoption.

WM - LF - JF - EM

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Subsequent changes squared off some lines in the area to meet the Range boundary more precisely, as shown on the maps used until 2011. Here's the June, 1985 map:

HIGH
MEDIUM

THE SOLUTIONS

PROBLEM #1: NAME A MAP

The June, 1985 map was the official map, is the best map, and the districts have not changed. Therefore:

The following is added to Article 2.1 of the Unified Land Use and Development Regulations:

C. The official "Town of Underhill Zoning Map" is Appendix A "Zoning Map" (revision date June, 1985) to the September 1985 Underhill zoning regulations, subject to subsection D below.

PROBLEM #2: BE SURE THE 1972 BOUNDARY CHANGE AMENDMENT CONTROLS

Therefore:

The following is added to Article 2.1 of the Unified Land Use and Development Regulations:

D. Notwithstanding any other provision of these Unified Land Use and Development Regulations, the adjustment to the southern boundary of the Water Conservation District adopted by the Planning Commission on October 24, 1972 as Paragraph III of proposed amendments to the Comprehensive Plan and by the Selectboard on December 27, 1972 shall continue in full force and effect.