

Town of Underhill
Development Review Board Minutes
October 20, 2014

Board Members Present:

Will Towle
Matt Chapek
Karen McKnight
Penny Miller
Shanie Bartlett
Jim Gilmartin

Staff/ Municipal Representatives Present:

Sarah McShane, PZA

Others Present:

Darah Zurit (Applicant)
Trafton Crandall (Consultant- 1st hearing)
David Burke (Consultant- 2nd hearing)
Jim Cummings (Resident- 2nd hearing)
Robert Rushford (Attorney- 2nd hearing)

6:30 PM- DRB Public Hearing

- DRB members convened at Town Hall at 6:30 PM. Vice- Chair W.Towle called the meeting to order at 6:35 PM.
- Vice- Chair W.Towle asked for public comment. No public comments were provided.

6:40 PM- Cont. Final Subdivision Review (DRB 14-01) Moore/Zurit 74 Cloverdale Road

- Vice- Chair W.Towle began the hearing by stating that this is a continued hearing of M.Moore and D. Zurit for final subdivision review of the property at 74 Cloverdale Road.
- Vice- Chair W.Towle reminded participants that they are still under oath and swore in new participants who planned on providing testimony.
- Applicant D. Zurit provided a brief update on the application.
- Trafton Crandall (Consultant) provided an overview of the road and driveway improvements. He discussed the details for the driveways, hammerhead turn-around, and wetland areas that will be impacted. He also provided construction details for the turn-around, culverts and ditches.
- Board members discussed the total number of lots and whether or not it's a 2 or 3 lot subdivision. Discussion ensued regarding natural subdivisions that are divided by a road or ROW.
- Members discussed the requested setback waivers for the existing structures. When the ROW was widened to 60' some of the existing structures were no longer able to meet the front setback requirements.
- Board member Penny Miller provided an overview of the application history. She stated the Applicant was to provide a list of waivers, details and clarity on the construction of the hammerhead turn-around, and improvements to the entire length of Cloverdale Road.
- Board members discussed Section 8.2(10) Development Roads.
- Board member Penny Miller stated that one standard of a Development Road is the width. She stated that she attended the site visit and felt the road met the standards for a Development Road.
- Board members discussed drainage and water flow. Trafton Crandall provided an overview of the culverts and ditches. He stated that stormwater will be sheet flow off from driveway and turn-around. Both improvements are as low impact as they can achieve.

- Vice - Chair W.Towle asked if recommendations from the Fire Department needed to be updated. PZA Sarah McShane stated that the Fire Chief had inspected the property and the proposed turn-around and had provided comments.
- Vice - Chair Will Towle asked for public comment and if Board members had any unresolved issues.
- Board members continued to discuss the waivers. Trafton Crandall stated that all of the request are less than 50% and qualify as waivers. Vice - Chair W.Towle reviewed the criteria for granting waivers.
- Vice - Chair W.Towle asked if members were ready to close the evidentiary portion of the hearing.
- Board member K.McKnight made a motion, seconded by S. Bartlett, to close the evidentiary portion of the hearing. The motion passed by all members present.
- Board member S. Bartlett made a motion, seconded by K.McKnight, to discuss the application in open session. The motion passed.
- Board member P.Miller stated that the Board should discuss the application after listening to the next scheduled application.
- At 7:35 PM, M.Chapek made a motion, seconded by J. Gilmartin, to recess the application and resume in open session after the next scheduled application. The motion passed.

7:40 PM- Richard Villeneuve Trust – Sketch Plan Review

- Vice Chair W.Towle stated that sketch plan review is an informal review for the Board to become familiar with project and to discuss whether or not the proposal has the ability to conform to the regulations.
- Consultant David Burke (O'Leary & Burke) and Attorney Robert Rushford attended the meeting on behalf of their client the Richard Villeneuve Trust.
- Consultant David Burke provided an overview of the proposal. He stated that the subject parcel is ±138 acres on Poker Hill Road and is essentially an infill parcel between two existing single family properties. His client sold the parcel to the Wilcox's and reserved the right the subdivide the ± 3.17 acre parcel within an agreed timeline. He stated that 3.17 acre parcel has the required frontage, an existing septic permit and meets the dimensional requirements.
- He stated that the parcel has wetland constraints and that the wetlands had recently been delineated by Oakledge Environmental Services. He stated that the proposal would require a State Wetlands Permit and that he had discussed the proposal with the State Wetlands Office. The proposal tries to minimize impact to the wetlands and associated buffer. He supplied the Board with email correspondence from the State Wetlands Office indicating their comments on the project.
- Consultant David Burke also stated that the septic permit would need to be amended since the permit requirements had changed and designated replacement area for the mound system was no longer necessary. In 2007 the septic rules were changed recognizing that mound systems are typically rebuilt in the same place and a replacement area is not needed.
- Vice Chair W.Towle asked if the consultant was aware of any previous subdivisions of the lot.
- Attorney Robert Rushford stated that the lot had been previously subdivided in 1987 and 1989.
- Consultant David Burke stated that he has not seen anything that indicated that no further subdivision of the lot is allowed and that those prohibitions are rarely seen during that time period.

- Consultant David Burke stated that the well-shield includes areas on the adjacent property but it will not inhibit development on that property since there is an existing septic system and designated replacement area. He also stated that all utilities will be underground.
- Driveway and access improvements were discussed. Majority of the driveway grade is 2-3% and 8% in one area. He stated that the driveway is located the minimum of 12 ft from property line to minimize impacts to the wetlands.
- Vice Chair W.Towle asked for public comments.
- Jim Cummings (Resident- 284 Poker Hill Road) provided comments. He stated that he purchased his property in 1991 and is concerned with the wetlands on the property and the possible under-sizing of the culvert. He stated that in large storm events the water will often be backed up on his property. He also stated that the SE property pin is located within a streambed. He requested for the State Wetlands Office to delineate the wetlands.
- Board members suggested for the consultant to perform stormwater calculations to better understand and help support the proper sizing of the culvert.
- Vice-Chair W.Towle asked if Board members had enough information. The motion passed to end the testimony portion of the hearing.
- Board member M.Chapek, seconded by J.Gilmartin, made a motion to categorize the proposal as a minor subdivision. The motion passed (5 in favor, 1 abstained).
- Consultant David Burke made a request for the preliminary hearing to be waived.
- Board member M. Chapek made a motion, seconded by J.Gilmartin, to waive the preliminary hearing. The motion did not carry (2 in favor, 2 opposed, 2 abstained). The Applicant will be required to have both a preliminary and final hearing.
- Board member K.McKnight made a motion, seconded by M.Chapek, to discuss the sketch plan proposal in open session. The motion passed.
- Board members deliberated upon the application. The consultant stated that the discussed timeline for public hearings likely will not work within his client's timeframe. He requested for the Board to reconsider their decision.
- Vice-Chair W. Towle ruled that because deliberation had begun the waiver could not be reconsidered.
- Board member Penny Miller made a motion, seconded by M. Chapek to accept the proposal. The motion passed. Members agreed that it conforms to the regulations.
- PZA Sarah McShane stated that the applicant and interested parties will receive a letter within 15 days providing an overview of what was discussed at the sketch meeting and next steps for the preliminary hearing.
- At 9:05 PM David Burke, Robert Rushford, and resident Jim Cummings exited.

9:05 PM- Continued- Open Deliberative Session (DRB 14-01) Final Subdivision Review (CD074)

- Vice-Chair W.Towle stated that the Board will continue deliberation in open session. He took an informal poll of Board members. Majority of Board members indicated that they were in favor of approving the application.
- Comments and discussion points included:
 - Board members felt the Applicants had made great improvements since the original subdivision plan;

- Several Board members had concerns over Cloverdale Road and whether or not it met the standards of a Development Road; other Board members felt that the road met the standards.
 - Majority of Board members felt that the Applicant had addressed and satisfied all of the Board's concerns and felt comfortable with the condition of the existing road.
 - Board members discussed whether or not they felt it was a 2 lot or 3 lot subdivision. Board members agreed that it should be considered a 3 lot subdivision.
 - Board members discussed the requested waivers. Board members felt they were appropriate requests and were inclined to grant the waivers. Board members agreed to include the criteria for granting waivers as findings in the decision.
 - When asked, Board members had no further comments or questions on the driveway plans or profiles.
 - Board members discussed including language to ensure that state permits (i.e. wetlands) are able to be locally enforced. Language will be included in the decision.
 - Board members discussed whether or not the Applicant needs to obtain access approval from the Selectboard. Members agreed to require that the Applicant obtain access approval and to list it as a condition in the decision.
 - Board members agreed that the decision should reference that best management practices conform to Vermont Low Risk Site Handbook for Erosion Prevention as noted on the engineer drawings by Trafton Engineering Associates.
 - Board members discussed the road, whether it was a development road and whether it met town standards.
- At 10:05 PM Board member P.Miller made a motion, seconded by J.Gilmartin to close the open deliberation. The motion passed.
 - Board member P.Miller made a motion, seconded by J. Gilmartin to approve the application subject to the conditions and the written decision of the Board. The motion passed (5 in favor, 1 abstained).

10:05 PM- Old Business

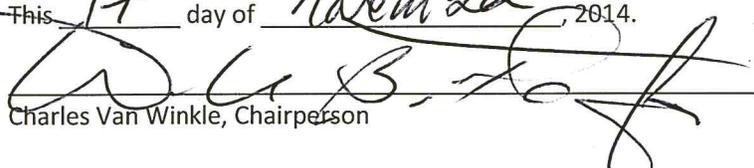
- Board members agreed to review the 9-15-2014 & 10-6-2014 minutes at the next meeting.
- The next meeting will be November 17, 2014. A site visit for the two scheduled applications will be held the Saturday prior at a time to be determined.

Meeting adjourned at 10:15 PM.

Submitted by:
Sarah McShane, PZA

These minutes of the 10/20/2014 meeting of the DRB were accepted

This 17th day of November, 2014.


Charles Van Winkle, Chairperson

DRB Meeting Minutes
October 20, 2014

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.

