

**Town of Underhill
Development Review Board Minutes
October 6, 2014**

Board Members Present:

Charles Van Winkle, Chairperson
Will Towle
Matt Chapek
Mark Hamelin
Karen McKnight

Staff/ Municipal Representatives Present:

Sarah McShane, PZA

Others Present:

Major Jacob Roy (VT Nat'l Guard)
Col. Robert Gingras (VT Nat'l Guard)

- A site visit took place at 6:00 PM at 108 Beartown Road. Those present at the site visit were Pat Lamphere (Applicant), Karen & Michael McKnight (Abutters- 164 Beartown Road) and DRB members Charles Van Winkle, Will Towle, Matt Chapek, and Mark Hamelin. PZA Sarah McShane also attended the site visit.
- DRB members reconvened at Town Hall at 6:30 PM. Chairperson Van Winkle called the meeting to order at 6:35 PM.
- Chairperson Van Winkle asked for public comment. No public comments were presented.

6:35 PM- Final Subdivision Review- Estate of Luella Lamphere, 108 Beartown Rd.

- Chairperson Van Winkle began the hearing by explaining the procedure for final subdivision review, which comes under the 2012 Unified Land Use and Development Regulations and the definition of interested party.
- Chairperson Van Winkle swore in all speakers and entered exhibits A-O into the record. PZA provided exhibit P- Certificate of Appointment dated May 10, 2010 indicating Pat Lamphere as the Executor of the Estate of Luella Lamphere.
- Karen McKnight recused herself from hearing since she is an adjacent property owner.
- Members of the public present and abutting property owners included Major Jacob Roy, Col. Robert Gingras, and Karen McKnight.
- Applicant Pat Lamphere provided an overview of the proposed subdivision which includes subdividing a 15 acre parcel into a 5 acre and 10 acre parcel. No development is currently proposed for the 10 acre parcel.
- PZA Sarah McShane provided a brief review of the application. She stated that "Notice of Permit Requirements" language will have to be inserted in the deed indicating that a wastewater permit needs to be obtained if future development requires a septic system. She reviewed other comments provided in the staff report including a question regarding the setback of the accessory structure in the rear of the property. After closer review, the structure appears to meet the required 20 ft side setback requirement.
- Karen McKnight (Abutter- 164 Beartown Road) reviewed her concerns including the setback of the existing driveway on Lot 1 and a possible discrepancy in property boundaries and the location of boundary pins.
- Col. Robert Gingras and Major Jacob Roy spoke on behalf of the VT Nat'l Guard as an abutting property owner.

- Col. Robert Gingras (VT Nat'l Guard) stated that the family has been good neighbors and that future property owners need to be aware of the noise levels in the area.
- Major Jacob Roy (VT Nat'l Guard) stated that the noise contours in the area are 60-75 dB. The noise is a nuisance and is not dangerous. He offered to share the published noise study of the area.
- Chairperson Van Winkle asked for additional questions.
- Board member W. Towle stated he has concerns regarding the driveway being located too close to the property line. As indicated on the submitted drawings the driveway is in violation of the zoning regulations requiring a 12 ft setback from a property line. Board members discussed the issue and recommended that the property line be redrawn so it meets the 12' setback requirement and doesn't restrict access to the outbuilding at the rear of the property.
- Karen McKnight (164 Beartown Road) asked where the driveway to Lot 2 will be located. Chairperson Van Winkle stated that the Applicant will be required to obtain an Access Permit from the Selectboard and the Selectboard has purview over the location of curb cuts.
- Chairperson Van Winkle asked if Board members had enough information to make a decision and asked whether or not they would like to continue in open or closed session.
- Board members indicated that they had enough information to make a decision. Board member M. Chapek made a motion, seconded by M. Hamelin to discuss the application in open session. The motion passed by all members present. (K. McKnight recused).
- Board member W. Towle stated that the drawings submitted appear to contain a driveway setback violation. He stated that the final plans should be amended so the driveway on Lot 1 meets the 12' requirement.
- Chairperson Van Winkle stated that the Applicant or future property owner will be required to obtain access approval and a wastewater permit.
- Board members discussed revising the property line to follow the fence-line and suggested that it may be in the applicant's best interest to maintain access to the rear outbuilding.
- Board member M. Chapek, seconded by W. Towle, made a motion to approve the application with the conditions that the applicant revise the property line to bring the existing driveway into conformance, include "notice of permit requirements" in the deed, and to obtain septic and access approval prior to development. Reference to the noise study and the conflicting boundary line testimony should also be included in the decision. The motion passed by all members present. (K. McKnight recused).

7:30 PM- Old Business

- Board members reviewed the minutes of the 9-15-2014 DRB meeting. Chairperson Van Winkle and W. Towle provided two revisions. PZA Sarah McShane will make the suggested edits and have the updated version ready for approval at the next DRB meeting.
- The next meeting will be October 20, 2014. Chairperson Van Winkle stated that he will not be in attendance.

Meeting adjourned on a motion by W. Towle, seconded by M. Chapek, at 8:50 PM.

Submitted by:
Sarah McShane, PZA

These minutes of the 10-6-2014 meeting of the DRB were accepted

DRB Meeting Minutes
October 6, 2014

This 17 day of NOVEMBER, 2014.

Charles Van Winkle
Charles Van Winkle, Chairperson

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.

