

P.O. Box 120, Underhill, VT 05489 www.underhillvt.gov

DEVELOPMENT REVIEW BOARD REGULARLY SCHEDULED MEETING

MONDAY, FEBRUARY 26, 2024 UNDERHILL TOWN HALL 12 PLEASANT VALLEY ROAD, UNDERHILL, VT 05489

> Phone: (802) 899-4434, ext. 5 Fax: (802) 899-2123

NOTICE OF PUBLIC HEARING

This meeting will be held at the Underhill Town Hall, 12 Pleasant Valley Road and will also be accessible using remote options. You are welcome to attend in-person at the Underhill Town Hall, 12 Pleasant Valley Road, or via the Go-To-Meeting platform, either digitally or by phone (see below).

AGENDA

Monday, February 26, 2024

6:30 PM CALL TO ORDER - PUBLIC COMMENT PERIOD

6:35 PM PUBLIC HEARING

Proposed Three Lot Subdivision (IS621 & IS665) Final Subdivision Review Applicant: John Butler (Docket # DRB-23-07)

7:00 PM OTHER BUSINESS

Review & approve past minutes

• Upcoming Schedule

8:00 PM ADJOURN

Note: The timing of agenda items is approximate and subject to change

Additional information, including hearing packets, may be obtained at the Underhill Town Hall or the Town website calendar of events. The meeting and hearing are open to the public. If you cannot attend the hearing, comments may be made in writing prior to the meeting and mailed to: Planning & Zoning Administrator, P.O. Box 120 Underhill, VT 05489 or to Brad Holden, Interim Zoning Administrator zoning@underhillvt.gov.

REMOTE PARTICIPATION DETAILS

Development Review Board Meeting 2/26/2024

Feb 26, 2024, 6:30 PM

Please join my meeting from your computer, tablet or smartphone.

https://meet.goto.com/732922829

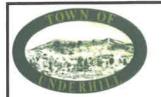
You can also dial in using your phone.

Access Code: 732-922-829

United States (Toll Free): <u>1 866 899 4679</u> United States: +1 (571) 317-3116

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TOWN OF UNDERHILL

APPLICATION FOR SUBDIVISION

OFFICE USE ONLY ZONING DISTRICT(S):	APPLICATION TYPE:
Underhill Flats Village Center	☐ Sketch Plan Review☐ Preliminary Subdivision Review
Ondernii Center vinage	☐ Fremminary Subdivision Review ☐ Final Subdivision Review
Water Conservation O/OC/OOOA Mt. Monofield Scenic Preservation	☐ Preliminary & Final Subdivision Review
MEETING DATE: 2/26/2024 Mt. Mansfield Scenic Preservation Soil & Water Conservation	☐ Subdivision Amendment
PROPERTY OWNER INFORMATION:	Project Information
RECORD OWNER OF PROPERTY:	10004 0 10005
John A. Butler	Property Location: IS621 & IS665
MAILING ADDRESS: 621 Irish Settlement Road, Underhill, VT 05489	Underhill, VT 05489
EMAIL ADDRESS: tristanbutlervt@gmail.com	Acreage in Original Parcel: +/- 144 acres
PHONE NUMBER: 802-825-8663	Proposed Number of Lots:3 Lots
DESIGNER/ENGINEER INFORMATION:	
DESIGNER/ENGINER:	Is this a Planned Residential Development?
N/A - No wastewater proposed	☐ Yes ☐ No
MAILING ADDRESS:	
EMAIL ADDRESS:	Is this a Planned Unit Development? Yes
EMAIL ADDRESS:	☑ No
PHONE NUMBER:	Is the parent lot part of a previously approved subdivision?
SURVEYOR INFORMATION:	☐ Yes ☐ No
SURVEYOR: Button Proffesional Land Surveyors, P.C.	If so, when was the previous subdivision approved?
MAILING ADDRESS: 20 Kimball Ave, Suite 102, South Burlington, VT 05403	Year: N/A
EMAIL ADDRESS:	If known, what was the application number:
info@bpls.com	Application Number: N/A
PHONE NUMBER: 802-863-1812	If the proposed project is to amend a subdivision, what is
DEVELOPER INFORMATION (IF KNOWN):	the proposed amendment?
SURVEYOR: N/A	N/A
MAILING ADDRESS:	
EMAIL ADDRESS:	
PHONE NUMBER:	



TOWN OF UNDERHILL

APPLICATION FOR SUBDIVISION

Sketch Plan Application Materials (Only)	Section B (Engineering Plans Requirements)	Section C (Written Materials)
Applicable: Yes No The following Sketch Plan Review materials must be submitted at least 10 business days prior to a regularly scheduled Development Review Board: Checklist Sketch of Proposed Subdivision Project Description Description of Proposed Modifications or Waivers Application Fee (\$100.00)	Checklist Two Large (to Scale) Copies Twelve 11" x 17" Copies Prepared by a Professional Engineer Date, Including Revision Date(s) North Arrow, Scale, Legend Proposed New Lot Lines & New Acreages Proposed Building Envelopes (including Setbacks) Extent of Site Clearing & Disturbance Existing/Proposed Open Space Existing/Proposed Common Land Existing/Proposed Building Footprints Zoning District Boundary Property Codes of Adjacent Properties Record Owners of Adjacent Properties	Checklist Written Disclosure of Intended Use of Land to be Subdivided General Plans for Subsequent Development of Land to be Retained by Applicant/Landowner Written Requests for Modifications or Waivers (including Justifications) Draft Deeds Draft Easements Draft Homeowners Associations Draft Maintenance Agreements Snow Removal & Management Plan Please Checkoff All Submitted Materials
Requirements for All Other Applications	☐ Existing/Proposed Easements ☐ Existing/Proposed Rights-of-Ways	Section D (Non-Town Related Materials)
Checklist Surveys (see Section A) Engineering Plans (see Section B) Written Materials (see Section C) State of VT Materials (see Section D) Application Fee (see Fee Schedule) Please Checkoff All Submitted Materials	 □ Existing/Proposed Roads □ Existing/Proposed Utility Corridors □ Locations/Designs of Proposed Water & Wastewater Disposal Systems (including Isolation & Well Shields) □ Existing/Proposed Curb Cut, Driveways, Roads and/or Parking Areas (includes: cuts, fills, grades, drainage, culverts, travel lane widths, shoulder widths, surfacing etc.) 	Checklist Project Review Sheet Wastewater System & Potable Water Supply Permit (Permit #:) Act 250 Permit (Permit #:) Stormwater/Erosion Permit (Permit #:) Agency of Natural Resources Wetlands
Section A (Survey Requirements)	Topography Existing Surface Grades /Contours	Permit (Permit #:) Army Corps of Engineers Permit
Checklist Two Large (to Scale) Copies Twelve 11" x 17" Copies Prepared by a Licensed Surveyor Date, Including Revision Date(s) North Arrow Scale Legend Property Codes of Adjacent Properties Record Owners of Adjacent Properties Existing/Proposed Easements Existing/Proposed Rights-of-Ways Existing/Proposed Utility Corridors Proposed Utility Easements Shall Be Centered On As-Built Utility Lines Existing/Proposed Open Space Areas Existing/Proposed Lot Lines with Dimensions Vicinity Map To Show Area within 2,000 ft. of the Subject Lot Proposed to be Subdivided	Post-Development Contours/Grades Existing Outcrops, Ledges, Visually Prominent Ridgelines and Peaks Surface Waters & Associated Buffers Wetlands & Associated Buffers Vernal Pools & Associated Buffers Mapped Floodplains Drainage Patterns Natural Vegetative Cover Where Applicable: Location & Size of Existing Culverts and Drains Location & Size of Existing Sewerage Systems & Water Supplies Existing/Proposed Pedestrian Walkways Designated Source Protection Areas Existing or Preserved Forestland Preserved Natural, Cultural & Historic Features (e.g. Sites & Structures) Other Unique Topographical or Geographical Features Areas of Steep or Very Steep Slopes Primary Agricultural Soils	Please Checkoff All Submitted Materials Other Required Plans Where Applicable Checklist Outdoor Lighting Plan Landscaping and Screening Plan Temporary & Permanent Stormwater Management Plans Temporary & Permanent Erosion Control Measures/Plans (including Areas Impacted by Downstream Runoff) Significant Wildlife Habitat Areas & Corridors (including Areas Impacted by Downstream Runoff) Areas of Rare, Threatened and Endangered Plant and Animal Communities (and Associated Buffers) Master Plan (if Applicable-see § 8.1.B.1.a)
APPLICANT SIGNATURE		DATE 21 51 24
RECEIVED		DATE 24
Mailing Address: Planning & Zoning, P.O. Box 120, Underhill	, VT 05489 Phone: (802) 899-4434, ext. 106 Fax:	(802) 899-2137 Last Updated: 12/31/2018 Page 2

To: Burlington Free Press
Classifieds/Legals
legals@bfp.burlingtonfreepress.com

From: Town of Underhill Planning & Zoning P.O. Box 120 Underhill, VT 05489

LEGAL AD

860-5329

Please e-mail to confirm receipt of this ad.	
Release Date: NO LATER THAN 02/11/2024	

Notice of Public Meeting

Town of Underhill Development Review Board (DRB)

Monday, February 26, 2024 – Final Subdivision Review Hearing
Underhill Town Hall, 12 Pleasant Valley Road, Underhill, VT

The DRB will hold a Final Subdivision Review Hearing based upon an application submitted by John Butler for a proposed three (3) lot subdivision located at 621 & 665 Irish Settlement Road. The subject property is located primarily in the Rural Residential Zoning District, with a portion, located in the north corner, that is situated in the Soil & Water Conservation District. The Hearing will take place Monday, February 26, 2024 at 6:30 PM at the Underhill Town Hall. The Hearing will also be accessible via the Go-To-Meeting platform.

Additional information, including submittals, and instructions for accessing the public meeting via the Go-To-Meeting platform, may be obtained on the Town's website (underhillvt.gov). Go to the Calendar – February 26, 2024 – Development Review Board or contact the Interim Zoning Administrator. The hearing is open to the public. Pursuant to 24 VSA § 4464(a)(1)(C) and 4471(a), participation in this local proceeding is a prerequisite to the right to take any subsequent appeal. If you cannot attend the hearing, comments may be made in writing prior to the meeting and mailed to: Brad Holden, Interim Zoning Administrator, P.O. Box 120 Underhill, VT 05489 or to natherton@underhillvt.gov.

Please call Brad Holden at the Planning & Zoning Administrator's office at 899-4434 x5 with any questions concerning this ad and to confirm receipt. Please remit bill to: Town of Underhill, RE: 02-26-2024 DRB Final Subdivision Review Hearing, P.O. Box 120, Underhill, VT 05489. Thank you.



Town of Underhill Development Review Board

P.O. Box 120, Underhill, VT 05489 www.underhillvt.gov

Phone: (802) 899-4434, x5 Fax: (802) 899-2137

Certificate of Service

I hereby certify that on this 7st day of February, 2024, a copy of the following documents were delivered to the below recipients and corresponding addresses by United States first class certified mail, return receipt requested.

Documents:

- 1. Notice to abutting nieghbors regarding a Final Subdivision Review Hearing (DRB-23-07) for a proposed 3-lot subdivision of land located at 621 Irish Settlement Rd (IS621) and 665 Irish Settlement Rd (IS665), Underhill, Vermont, owned by John A. Butler.
- 2. Agenda of February 26, 2024 DRB Hearing, during which the Board will consider the application.

Recipeients and Corresponding Address:

J. William Butler 28 Mullen Rd Underhill VT 05489

John Butler, Life Estate 621 Irish Settlement Rd Underhill VT 05489

Thomas & Donna Perron 633 Irish Settlement Rd Underhill VT 05489

Nancy Knapp Wayne & Erin Morse 641 Irish Settlement Rd Underhill VT 05489

Joseph & Anne-Marie Tisbert 5901 Pleasant Valley Rd Cambridge VT 05444 William Timbers 662 Irish Settlement Rd Underhill VT 05489

David & Sally Baker 646 Irish Settlement Rd Underhill VT 05489

William Livingstone 636 Irish Settlement Rd Underhill VT 05489

Michael & Patricia Weisel Revocable Trust PO Box 71 Underhill Center VT 05490

Edward & Jennifer Dinardo 9 Butler Rd Underhill VT 05489

William Corbin 19 Butler Rd Underhill VT 05489

Brian & Jill Bourgeois

23 Butler Rd Underhill VT 05489

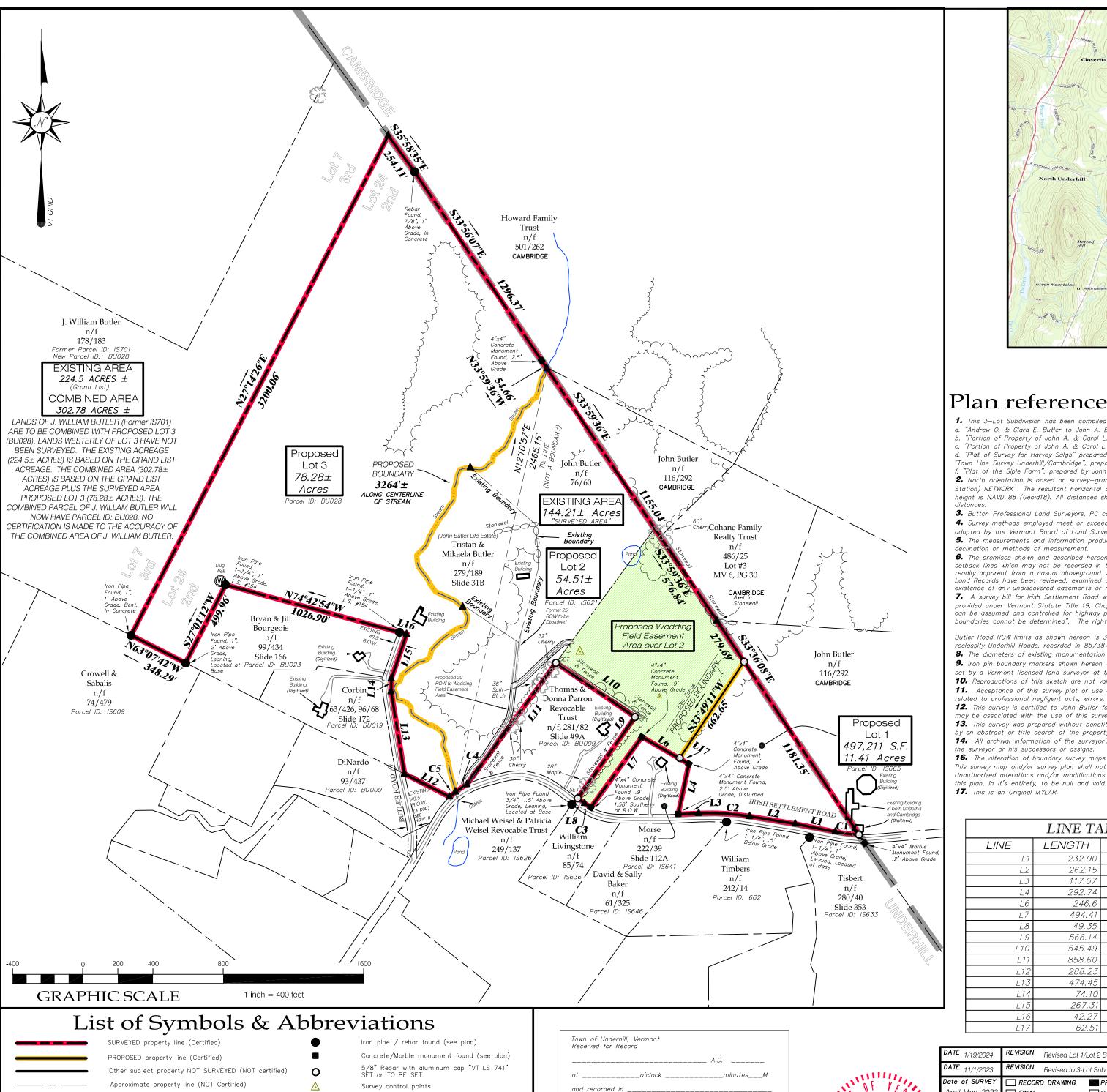
Timothy Crowell & Patricia Sabalis

609A Irish Settlement Rd Underhill VT 05489

Town of Cambridge

PO Box 127 Jeffersonville VT 05464

Brad Holden, Interim Zoning Administrator



Deciduous tree

N36°24'36"E Dimension determined by this survey

157**.4**9'

Other Existing Property lines

Geometric tie line (not a boundary)

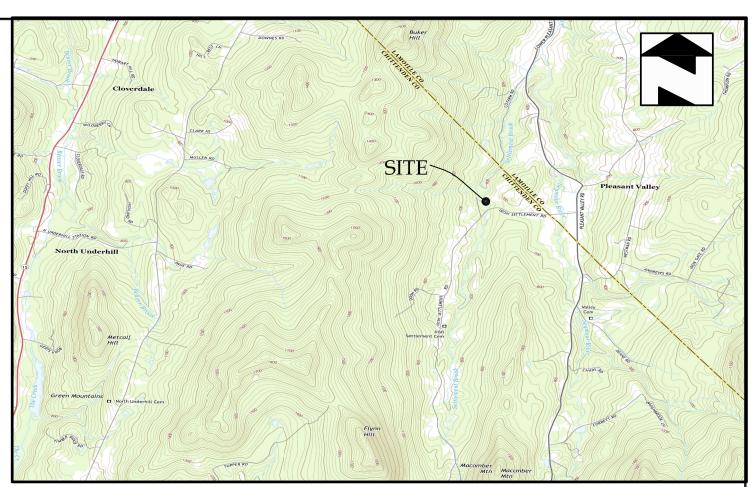
Sideline of easement

Proposed Easement Area

Edge of gravel

Tree line

mm



Location Plan

NOT TO SCALE

Plan references and Survey Notes:

- 1. This 3-Lot Subdivision has been compiled from field surveys and record evidence including the following plats, all recorded in the Town of Underhill Land Records:
- a. "Andrew O. & Clara E. Butler to John A. Butler", prepared by John Marsh, dated May 9, 1978, and recorded in Slide #31B.
 b. "Portion of Property of John A. & Carol L. Butler", prepared by Gordon Harlow, dated Oct., 1998, and recorded in Slide #166.
- . "Portion of Property of John A. & Carol L. Butler", prepared by Gordon Harlow, dated July, 1998, and recorded in Slide #172B.
- d. "Plat of Survey for Harvey Salgo" prepared by John Marsh, dated Feb., 1977, and recorded in Slide #18A.
- "Town Line Survey Underhill/Cambridge", prepared by JPR Associates, Inc., dated July, 1979, last revised September 1979, and recorded in Slide #134.
- f. "Plat of the Siple Farm", prepared by John Marsh, dated May, 1974.
- 2. North orientation is based on survey-grade RTK (Real Time Kinematic) GPS observations made on 7/28/2021, using the VT CORS (Continuously Operating Reference Station) NETWORK . The resultant horizontal datum is NAD 83, Vermont State Plane. This realization is called NAD 83(2011) epoch 2010.0. The resulting orthometric height is NAVD 88 (Geoid18). All distances shown on this plan are at grid level. A ground scale factor of 1.0000507695 should be used to convert to ground level
- 3. Button Professional Land Surveyors, PC completed a a ground survey between April and May, 2023 and record research in the Town of Underhill Land Records. 4. Survey methods employed meet or exceed the minimum precision requirements for suburban surveys as outlined in "Standards for the Practice of Land Surveying"
- adopted by the Vermont Board of Land Surveyors effective 1/7/2013.
- 5. The measurements and information produced by this survey and shown hereon may contrast from recorded survey information due to differences in orientation, declination or methods of measurement.
- 6. The premises shown and described hereon maybe subject to existing buried utilities, easements, rights-of-way, restrictions, covenants, permits, regulations, and/or setback lines which may not be recorded in the public records. Clear evidence of an easement or restriction of record or evidence of easements and structures, which are readily apparent from a casual aboveground view, are delineated hereon. Only deeds, plats and plans, of public record, which are properly indexed in the Town of Underhill Land Records have been reviewed, examined and utilized for the purpose of this survey. No liability is assumed by the undersigned for any loss associated with the existence of any undiscovered easements or restrictions on the use of the property, which are not shown of record or are not readily apparent.

7. A survey bill for Irish Settlement Road was not recovered in the Town of Underhill. The public right—of—way of Irish Settlement Road is assumed 3 rods (49.5 ft) as provided under Vermont Statute Title 19, Chapter 1, and Section 32. "A roadway width of one and one half rods on each side of the center of the existing traveled way can be assumed and controlled for highway purposes whenever the original survey was not properly recorded, or the records preserved, or if the terminations and boundaries cannot be determined". The right of way limits shown hereon are centered on the present traveled way.

Butler Road ROW limits as shown hereon is 3 rods (49.5 ft) and is based on the road described in Town Meetings book 1847—1866, Page 35. See also order to reclassify Underhill Roads, recorded in 85/387, and decision and order recorded in 85/389.

- 8. The diameters of existing monumentation shown on this plan reflect outside diameter dimensions.
- 9. Iron pin boundary markers shown hereon as "SET" or "to be SET" are 5/8" diameter reinforcing steel, 40-inch long, crowned with an aluminum cap, stamped LS 741, set by a Vermont licensed land surveyor at the discretion of the property owner / developer.
- 10. Reproductions of this sketch are not valid unless sealed with a red-inked surveyor's seal and signed by the Licensed Land Surveyor.
- 11. Acceptance of this survey plat or use of the corner monuments found or set during the performance of the field survey hereby limit the undersigned liability
- related to professional negligent acts, errors, omissions or breach of contract to an amount not to exceed the fee charaed. 12. This survey is certified to John Butler for the purpose of creating a 3-Lot Subdivision as shown hereon. No liability is assumed by the undersigned for any loss that
- may be associated with the use of this survey other than the above stated purpose. 13. This survey was prepared without benefit of an abstract of title. No liability is assumed by the undersigned for loss relating to any matter that might be discovered
- 14. All archival information of the surveyor's survey maps, records, files, and data used or generated in the course of preparing a survey shall remain the property of the surveyor or his successors or assigns.
- 16. The alteration of boundary survey maps by anyone other than the original preparer is misleading, confusing, and not in the general welfare and benefit of the public. This survey map and/or survey plan shall not be altered or added to by any person(s) in any way without authorization by Button Professional Land Surveyors, PC. Unauthorized alterations and/or modifications to this plan shall invalidate any and all certifications made hereon by Button Professional Land Surveyors, PC and shall cause
- 17. This is an Original MYLAR.

HAGGERTY

No. 741,

This Material is Copyrighted

CAND LAND

formation shown on this property plat is a faithful portrayal of circumstances

pertinent to the subject property. A collaboration of field, parol and pertinent record evidence was used in the analysis of boundary conclusions shown hereon. This property plat complies with the requirements of Vermont Statute Title 27,

1/19/24

Dated

Section 1403, (A) through (E), to the best of my knowledge and belief.

This

Christopher A. Haggerty, VT LS#741

LINE TABLE		
LINE	LENGTH	BEARING
L1	232.90	N78°39'50"W
L2	262.15	N80°42'56"W
L3	117.57	S87°32'58"W
L4	292.74	N12°00'50"E
L6	246.6	N60°10'36"W
L7	494.41	S35°48'16"W
L8	<i>49.3</i> 5	N54°02'11"W
L9	566.14	N35°11'42"E
L10	545.49	N55°34'35"W
L11	858.60	S36°11'53"W
L12	288.23	N63°07'42"W
L13	474.45	N09°13'11"W
L14	74.10	N00°46'35"E
L15	267.31	N18°58'12"E
L16	42.27	N74°42'54"W
117	62.51	N60°10'36"W

CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD	CHORD DIR.
C1	135.47	824.15	135.32	N83°22'22"W
C2	291.39	1422.67	290.88	N86°34'59"W
C3	42.43	325.25	42.40	N57°46'26"W
C4	77.07	474.75	76.99	S57°14'17"W
C5	44.06	474.75	44.04	S49°55'44"W

Underhill, VT

DATE _{1/19/2024}	REVISION Revised Lot 1/Lot 2 Boundary		BY gk
DATE _{11/1/2023}	REVISION Revised to 3-Lot Subdivision Plat		BY gk
Date of SURVEY April-May, 2023	☐ RECORD DRAWING ☐ PRELIMINARY ☐ SKETCH/CONCEP	PROPOSED 3-LOT SUBDIVISION Lands of	Date of Plat 9/19/23
SURVEYORS BAPLS DRAWN BAPLS	BUTTON PROFESSIONAL LAND SURVEYORS, PO	Tohn	JOB# UNDH0047 FILE BLA-WS.dwg
CHECKED Closure GK SCALE	bapls.com • info@bapls.com 20 Kimball Avenue Suite 102 South Burlington, VT 05403		PLAN SHEET #

Irish Settlement Road

Covenants

REGARDING THE WEDDING PIECE:

The so-called "Wedding Piece", as shown on said Plan, is subject to the following easement and covenant:

The children and grandchildren of John Butler and his wife, Carol P. Butler, and the licensees of the children and grandchildren, may have reasonable access to the "Wedding Piece" for recreational and ceremonial purposes. "Recreational and ceremonial purposes" shall include marriages, anniversary celebrations, birthdays, graduations, occasional picnics and family reunions. Bonfires and minimal tent camping are allowed, but RVs and any other type of camping other than tents are not allowed. The use of snowmobiles and ATVs shall be restricted to ingress and egress to and from the recreational and celebrational location.

Users of the Wedding Piece may not cause waste on the Wedding Piece nor create a nuisance thereon.

Trustee and its assigns, agents, and successors, reserves the right to prohibit either temporarily or permanently any person from using the Wedding Piece on account of such person's actions.

This easement and covenant and Trustee reservation, shall expire upon the death of the last to die of John William P. Butler, Tristan Butler, Kohlton Butler and Edith C. Button.

Trustee also conveys to Grantee and Grantee's heirs, successors and assigns. a view easement as

follows:

In order to preserve the mountain and vista views presently enjoyed by the Wedding Piece, Grantee and Grantee's heirs, successors and assigns shall have the right to travel upon the parcel of land to the east of the Wedding Piece for purposes of vegetation removal, to include, the removal or cutting of trees and other plants.

REGARDING THE TWO PARCELS CONVEYED TO WILLIAM AND THE PARCEL CONVEYED TO TRISTAN:

The within conveyed parcel is subject to the following covenants which may be enforced by Trustee, and its assigns, agents, and successors:

- 1. The within conveyed parcel shall not be sub-divided,
- 2. No solar panels nor windmills may be placed on the within conveyed parcel,
- 3. The parcel shall be used for dairy and agricultural purposes only. This restriction shall not prevent Grantee from having "public events", so-called, comparable to the events which have historically occurred on the within conveyed parcel.

The foregoing three covenants and restrictions shall expire upon the death of the last to die of

John William P. Butler, Tristan Butler, Kohlton Butler and Edith C. Button. Upon the death of John Butler and only upon his death, however, if John William P. Butler, Tristan Butler, Kohlton Butler and Edith C. Button unanimously agree, such covenants and restrictions may be removed or modified.

REGARDING THE PARCEL OF LAND CONTIGUOUS TO THE WEDDING PIECE ON THE EASTERLY SIDE:

The within conveyed parcel is subject to the following covenants which may be enforced by Trustee, and its assigns, agents, and successors:

- 1. The within conveyed parcel shall not be sub-divided,
- 2. No solar panels nor windmills may be placed on the within conveyed parcel,
- 3. The parcel shall be used for dairy and agricultural purposes only. This restriction shall not prevent Grantee from having "public events", so-called, but only when comparable to the events which have historically occurred on the within conveyed parcel.
- 4. No structures of any sort may be erected on the within conveyed parcel which interfere with the mountain and vista views enjoyed by the Wedding Piece, so-called, as shown on the referenced Plat. No trees or other vegetation may be allowed to grow on the within conveyed parcel if such trees or vegetation interfere the said mountain and vista views.

The foregoing four covenants and restrictions shall expire upon the death of the last to die of John William P. Butler, Tristan Butler, Kohlton Butler and Edith C. Button. Upon the death of John Butler and only upon his death, however, if John William P. Butler, Tristan Butler, Kohlton Butler and Edith C. Button unanimously agree, such covenants and restrictions may be removed or modified.

The conveyed parcel within is subject to a view easement in favor of the owner of the Wedding Piece, so-called. Such easement grants the owner and the owner's heirs, successors and assigns the right to enter upon the within conveyed parcel and remove or cut trees or other vegetation which interferes with the mountain and vista views enjoyed by the Wedding Piece.