

DEVELOPMENT REVIEW BOARD REGULARLY SCHEDULED MEETING

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

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

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 <i>Proposed Three Lot Subdivision (IS621 & IS665) Final Subdivision Review</i> <i>Applicant: John Butler (Docket # DRB-23-07)</i> |
| 7:00 PM | OTHER BUSINESS <ul style="list-style-type: none">• 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): [1 866 899 4679](tel:18668994679)

United States: [+1 \(571\) 317-3116](tel:+15713173116)

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TOWN OF UNDERHILL

APPLICATION FOR SUBDIVISION

OFFICE USE ONLY

PROPERTY CODE: IS621 & IS665

DRB DOCKET #: DRB-23-07

MEETING DATE: 2/26/2024

ZONING DISTRICT(S):

- ☐ Underhill Flats Village Center
☐ Underhill Center Village
☒ Rural Residential
☐ Water Conservation
☐ Mt. Mansfield Scenic Preservation
☒ Soil & Water Conservation

APPLICATION TYPE:

- ☐ Sketch Plan Review
☐ Preliminary Subdivision Review
☒ Final Subdivision Review
☐ Preliminary & Final Subdivision Review
☐ Subdivision Amendment

PROPERTY OWNER INFORMATION:

RECORD OWNER OF PROPERTY:

John A. Butler

MAILING ADDRESS:

621 Irish Settlement Road, Underhill, VT 05489

EMAIL ADDRESS:

tristanbutlervt@gmail.com

PHONE NUMBER:

802-825-8663

DESIGNER/ENGINEER INFORMATION:

DESIGNER/ENGINEER:

N/A - No wastewater proposed

MAILING ADDRESS:

EMAIL ADDRESS:

PHONE NUMBER:

SURVEYOR INFORMATION:

SURVEYOR:

Button Professional Land Surveyors, P.C.

MAILING ADDRESS:

20 Kimball Ave, Suite 102, South Burlington, VT 05403

EMAIL ADDRESS:

info@bpls.com

PHONE NUMBER:

802-863-1812

DEVELOPER INFORMATION (IF KNOWN):

SURVEYOR:

N/A

MAILING ADDRESS:

EMAIL ADDRESS:

PHONE NUMBER:

Project Information

Property Location: IS621 & IS665
Underhill, VT 05489

Acreage in Original Parcel: +/- 144 acres

Proposed Number of Lots: 3 Lots

Is this a Planned Residential Development?

- ☐ Yes
☒ No

Is this a Planned Unit Development?

- ☐ Yes
☒ No

Is the parent lot part of a previously approved subdivision?

- ☐ Yes
☒ No

If so, when was the previous subdivision approved?

Year: N/A

If known, what was the application number:

Application Number: N/A

If the proposed project is to amend a subdivision, what is the proposed amendment?

N/A



TOWN OF UNDERHILL

APPLICATION FOR SUBDIVISION

Sketch Plan Application Materials (Only)

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)

Please Checkoff All Submitted Materials

Requirements for All Other Applications

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

Section A (Survey Requirements)

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 Roads
☒ 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

Please Checkoff All Submitted Materials

Section B (Engineering Plans Requirements)

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
☐ Existing/Proposed Easements
☐ Existing/Proposed Rights-of-Ways
☐ 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.)
☐ Topography
Existing Surface Grades /Contours
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

Section C (Written Materials)

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

Section D (Non-Town Related Materials)

Checklist

- ☐ Project Review Sheet
☐ Wastewater System & Potable Water Supply Permit (Permit #: _____)
☐ Act 250 Permit (Permit #: _____)
☐ Stormwater/Erosion Permit (Permit #: _____)
☐ Agency of Natural Resources Wetlands Permit (Permit #: _____)
☐ Army Corps of Engineers Permit (Permit #: _____)

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

[Signature]

DATE

2/5/24

RECEIVED

[Signature]

DATE

2/5/24

To: Burlington Free Press
Classifieds/Legals
legals@bfp.burlingtonfreepress.com
860-5329

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

LEGAL AD

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 neighbors 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.

Recipients 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

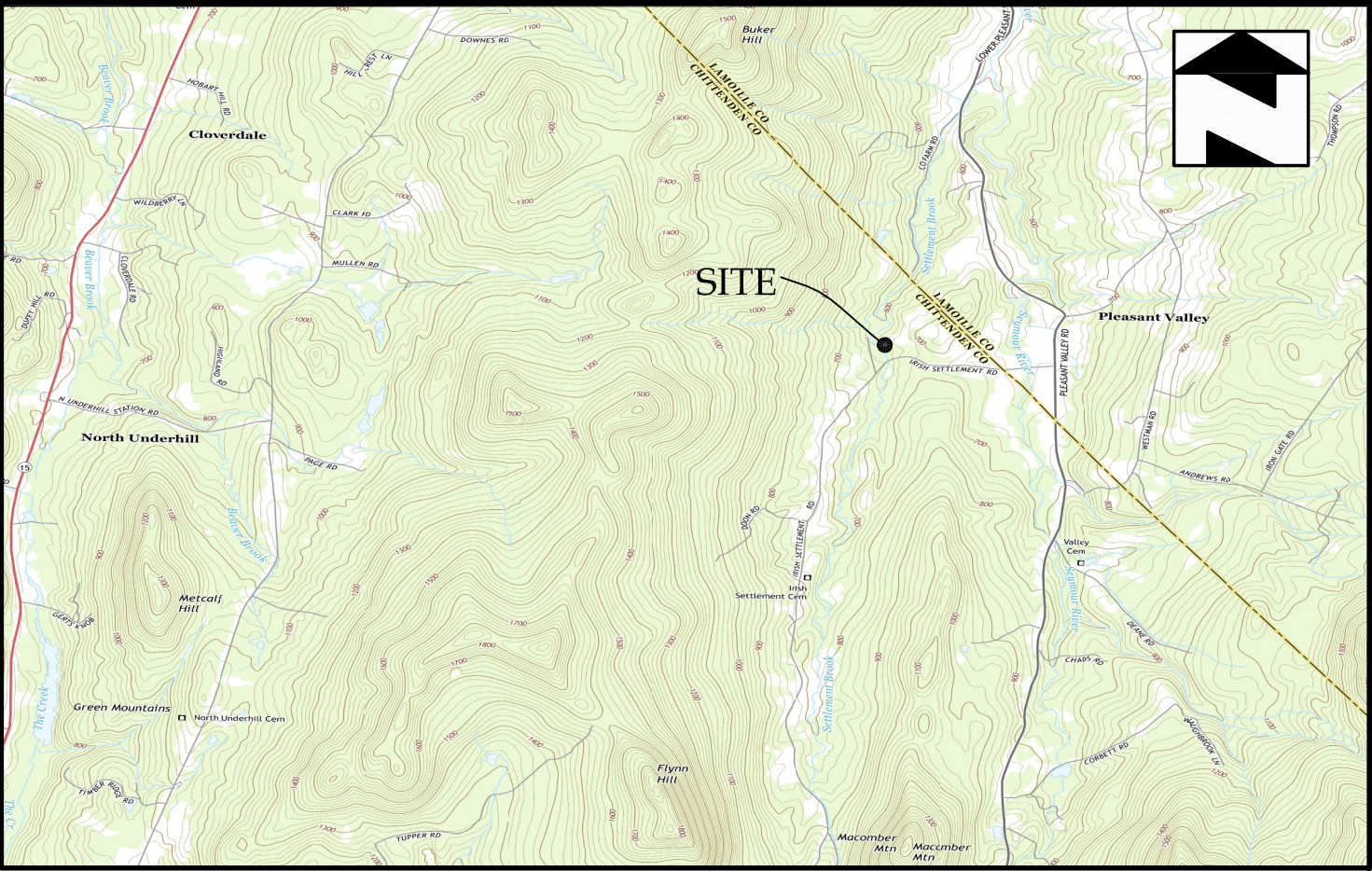
PO Box 127


Jeffersonville VT 05464



2/7/2024

Brad Holden, Interim Zoning Administrator



| | | |
|---|--|---|
| 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 <input type="checkbox"/> RECORD DRAWING <input type="checkbox"/> FINAL | <input checked="" type="checkbox"/> PRELIMINARY <input type="checkbox"/> SKETCH/CONCEPT | Date of Plat 9/19/23 JOB# UNDH0047 FILE BLA-WS.dwg PLAN SHEET # 1 of 1 |
| SURVEYORS BAPLS DRAWN BAPLS CHECKED Closure GK SCALE 1"=400' |  PROFESSIONAL LAND SURVEYORS, PC bapls.com • info@bapls.com 20 Kimball Avenue Suite 102 South Burlington, VT 05403 802-863-1812 • 800-570-0685 | PROPOSED 3-LOT SUBDIVISION Lands of <h1>John Butler</h1> Irish Settlement Road Underhill, VT |

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.