

From: [David Burke](#)
To: [Allen E. Simard](#)
Cc: [Sandy" via Jacob"s Property Committee](#); [David Mullin](#); [Catherine Stevens](#)
Subject: RE: United Church of Underhill Project
Date: Monday, March 01, 2021 10:39:01 AM

Allen: See below for replies.

David

From: Allen E. Simard [mailto:alsimard@eselectriccompany.com]
Sent: Friday, February 26, 2021 1:53 PM
To: David Burke
Cc: Sandy' via Jacob's Property Committee; David Mullin; Catherine Stevens
Subject: United Church of Underhill Project

Hi David,

How are you? [Good – I hope you are as well.](#) I just left you a voice mail message. I wanted to give you an update on our progress on the housing project we are working on. [Received as well as your statement of following up with e-mail, so I thought replying to the e-mail would be best.](#)

- We are told that the Martelle boundary line adjustment has been delayed until this fall. So Phil Jacobs is going to ask you to begin work on the United Church of Underhill boundary line adjustment. We would like you to get everything ready to submit, but not actually submit it to the Town until after we hear the results from our Grant request we are currently working on. That Grant process should be completed sometime in June. [I spoke with Paul O’Leary and Phil asked that we move forward on his two Lots which require a “Master Plan” which brings in the Church property. This work is on our list but between you and I not high as Phil has a long standing substantial past due and the work will likely just add to it. The Master Plan and his two lots will likely need to be completed before an actual Proposal can be done on the “Church” Parcel. His “Master Plan” work should include and allow for the sale of the yet to be officially created “Church” lot.](#)
- We have already alloyed for a \$10,000 feasibility Grant, which has been approved.
- We are currently applying for a \$60,000 VCDP Planning Grant. We have had several meeting with the people who oversee this grant and they are guiding us through the process to apply for it. In a nut shell we have to meet a number of requirements. Part of this is already getting completed via the Town Selectboard, Planning Commission and DRB.
- We are not allowed to complete the purchase of this property until the Planning Grant has been approved. They know we have a Agreement in place with Phil and that we made a deposit. We cannot actually do the property line adjustment until the Grant is approved,

otherwise we will be disqualified from the Grant. As stated above, the “Master Plan” work for Phil needs to be completed before the “Church” parcel is official and can be conveyed to then start that process. This is likely 6 months.

- As part of the planning grant I need to provide them with a planning budget and back that up with some costs estimates.

So I am wondering if you can provide me with a budget for Engineering work. I’m thinking that the Planning Grant will cover most of your work on this project that comes after the boundary line adjustment. But not cover the actual work that comes with the building process. So we would like some sort of budget that would cover the test pits, septic design, road design, property line layout with building envelopes, surface water management, basically all the engineering work you would be doing for us along with attending the DRB meetings. I had asked you about this earlier, and you had thought it would be something like \$35,000, which in line with my Packard Road project. I suspect there will be a few additional items due to the Grant requirements, so you might like to add to that number for any extra work you would need to do. I would think \$40,000 is a reasonable conservative figure or \$50,000 should Act 250 be required.

I would also would like your feedback on the attached ACT 250 Amendment. It seems to read like Affordable Housing projects don’t have to follow all of the ACT 250 requirements. Do you know anything about this Amendment? The housing for this project will be completed by Habitat for Humanity which do perpetually affordable housing contracts. Do you think this might apply to our project? Could you give me some feedback on what you think this section means? [See reply to separate e-mail.](#)

Future plan: If we receive the Planning Grant or not, we plan to have you move ahead with the engineering work this summer. We plan to apply for another Grant that would help with the actual project. This planning Grant is intended to help get us to the real Grant. It’s all steps along the way. We’re in hopes that the actual building will begin sometime in 2022.

Thank you,

AI



Underhill, VT 05489
(802) 316-6818 (Cell)
(802) 448-3485 ext.106

From: [David Burke](#)
To: [Allen E. Simard](#)
Subject: RE: Act 250 Jurisdiction
Date: Monday, March 01, 2021 9:34:31 AM

Allen: The below is something that we and/or you guys can verify with Act 250, but it sounds as though it should wait so it doesn't affect your desired Grant.

David

From: David Burke
Sent: Wednesday, February 03, 2021 4:02 PM
To: Allen E. Simard
Subject: Re: Act 250 Jurisdiction

Ok!

Sent from my iPhone

On Feb 3, 2021, at 1:25 PM, Allen E. Simard <alsimard@eselectriccompany.com> wrote:

Hi David,

The email below is something I just received and wanted to pass on to you. Looks like it might be a way for us to do the project and avoid the ACT 250 costs and fees.

Al Simard

E&S Electric Company

50 Beartown Road
Underhill, VT 05489
Al Simard
(802) 316-6818 (Cell)
(802) 448-3485 ext.106

From: David Mullin [<mailto:dmullin@vermonthabitat.org>]
Sent: Wednesday, February 03, 2021 12:40 PM
To: Allen E. Simard <alsimard@eselectriccompany.com>
Subject: FW: Act 250 Jurisdiction

Good afternoon Al,

I wanted to pass along to you this Act 250 Amendment. Because the homes we build are perpetually affordable this applies to us.

Amendment language was:

10 VSA Sec 6001(3)(C)(v): Permanently affordable housing. Notwithstanding subdivisions (3)(A)(iv) and (19) of this section, jurisdiction shall be determined exclusively by counting affordable housing units, as defined by this section, that are subject to housing subsidy covenants as defined in 27 V.S.A. § 610 that preserve their affordability for a period of 99 years or longer, provided the affordable housing units are located in a discrete project on a single tract or multiple contiguous tracts of land, regardless of whether located within an area designated under 24 V.S.A. chapter 76A.

10 VSA Sec 6001(3)(A)(iv) defines housing unit jurisdiction as 10 units in 5 yr within 5 miles.

10 VSA Sec 6001(19) defines subdivision jurisdiction as 10 lots in 5 years within district.

So Act 250 jurisdiction over affordable housing projects only applies if the number of contiguous units is greater than 10 in 5 years, whether single family, duplex, or multifamily configuration. That is how we understand this.

The Engineer may not be aware of this because of the unique segment of developer market that it covers. This would not cover anything Phil is doing, but it should apply to the development of the land that the Church owns.

David

David Mullin
Green Mountain Habitat for Humanity
Executive Director
www.vermonthabitat.org
802-872-8726

[<image001.png>](#)

[<image002.png>](#)