

TOWN OF UNDERHILL, VT
Planning & Zoning Administrator

P.O. Box 120, Underhill, VT 05489
E-mail: zoning@underhillvt.gov

Phone: (802) 899-4434, x106
Fax: (802) 899-2137

MEMORANDUM

To: DRB, SB, UJFD, UCC
From: Underhill Planning and Zoning
Date: 1/25/2016
Re: Agenda and Information for 2/1/2016 Hearing

Development Review Board
NOTICE OF PUBLIC MEETING
AGENDA

Monday, February 1, 2016 - 6:30 Public Hearing
Underhill Town Hall, 12 Pleasant Valley Rd. Underhill, VT

6:30 PM Public Comment Period

6:35 PM Final: Subdivision Review-2 Lot Subdivision
Applicant: Maheux
Docket #: DRB 12-04
Location: 38 Poker Hill Road

7:00 PM Preliminary: Subdivision Review- 2 Lot Subdivision
Applicant: Lamphere
Docket #: DRB 15-05
Location: 178 Beartown Road

7:30 PM Sketch: Subdivision Review- 9 Lot Subdivision
Applicant: Jacobs
Docket #: DRB 16-01
Location: 16 Harvest Run

8:00 PM Other Business
Review minutes from 1-18-16

8:30 PM Adjourn

Additional information may be obtained at the Underhill Town Hall. The meeting and hearing are open to the public. Pursuant to 24 VSA §§4464(a)(1)(C) and 4471(a), participation in this local proceeding, by written or oral comment, 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: Zoning & Planning Administrator, P.O. Box 120 Underhill, VT 05489 or to zoning@underhillvt.gov

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

Contents:

- a) Marc & Jane Maheux Application for Subdivision: Final (dated 12/7/2015);
- b) A copy of the Survey Plat prepared by David A. Tudhope (#538), Project No. 759, Sheet 1 (dated 5-20-2011);
- c) A copy of the completed Subdivision Checklist: Final Hearing;
- d) A copy of the ANR Form 1 (Notice of Overshadowing at the time of Filing an Application for a Wastewater System and Potable Water Supply Permit) (No date);
- e) A copy of VT DEC ANR Wastewater and Potable Water Supply Permit -Project #: WW-4-4126 (dated October 21, 2013);
- f) A copy of completed application for water allocation from the Jericho-Underhill Water District for the proposed two units (810 gpd: 6 bedrooms @ 135 gals per day) for the newly created lot;
- g) A copy of the draft warranty deeds for both lots;
- h) A copy of the Project Review Sheet from the VT Department of Environmental Conservation & Natural Resources Board (date initiated 10-14-13);
- i) A copy of the letter from Harry Schoppmann of the Underhill Jericho Fire Department (dated October 29, 2013);
- j) A copy of input from the Chittenden South Supervisory Union (dated October 25, 2013);
- k) A copy of the Findings Checklist;
- l) A copy of a letter from the Applicant to the DRB, Re: Explaining Concerns on the Preliminary Findings Checklist (dated 11-25-2013);
- m) A copy of the Application for Water Connection (Jericho-Underhill Water District), (dated 6-10-2004) with a 8.5" x 11" copy of the Survey Plat prepared by David A. Tudhope (dated 5-20-2011);
- n) A copy of a letter from the Applicant to the Selectboard (dated 2-9-2015);
- o) A copy of a letter from Town Administrator to Marc Maheux, Re: Requirement for Access Permit (dated 2-19-2015);
- p) A copy of the Preliminary Subdivision Findings and Decision (dated 1-6-2014);
- q) A copy of the Conditional Use Approval for an Earth Disturbance Project Findings and Decision (dated 6-21-2012);
- r) A copy of the Sketch Plan Letter to Applicant (dated 6-12-2012);
- s) A copy of the DRB minutes from the 6-4-12 Sketch Plan meeting;
- t) A copy of the DRB minutes from 11-4-2013 Preliminary Subdivision Review;
- u) A copy of the DRB minutes from 12-2-2013 continued Preliminary Subdivision Review;
- v) A copy of the hearing notice as published in *Seven Days*, posted in 3 public places and mailed to abutters;
- w) A copy of the ANR Atlas map indicating slope and the Special Flood Hazard Area;
- x) A copy of the tax map for PH038 indicating zoning districts;
- y) A copy of the procedure checklist for this meeting; and
- z) This Memo.

**Final Hearing on the Application of
Marc and Jane Maheux for a 2-Lot Subdivision**

Applicant(s): Maheux
Consultant(s): David Tudhope
Property Location: 38 Poker Hill Rd. (PH038)
Acreage: ±15.2 Acres
Zoning District(s):

UNDERHILL FLATS VILLAGE CENTER: 1 acre	RURAL RESIDENTIAL: 3 acres
150 ft road frontage	250 ft road frontage
Setbacks: Front – 0 ft	Setbacks: Front – 30 ft
Side & Rear – 20 ft	Side & Rear – 50 ft
Accessory Bldgs. – @ bldg line (front)	Accessory Bldgs. – 30 ft (front)
15 ft (side & rear lines)	20 ft (side & rear lines)
Max. Bldg. Coverage: 50%	Max. Bldg. Coverage: 25%
Max. Lot Coverage: 75%	Max. Lot Coverage: 50%
Max. Building Height: 35 ft	Max. Building Height: 35 ft

Portions of the property are also within the Flood Hazard Overlay District. See Table 2.7 and Article VI for additional information. The ANR Atlas map indicates the location of the Special Flood Hazard Area

Relevant Regulations: Unified Land Use & Development Regulations (last amended 3-4-2014) and 2002 Underhill Road Policy

- Section 2.2(E) – Boundary Interpretations (pg. 5)
- Article II, Table 2.2 – Underhill Flats Village Center District (pg. 9)
- Article II, Table 2.3 – Rural Residential District (pg. 12)
- Article II, Table 2.7 – Flood Hazard Overlay District (pg. 24)
- Section 3.2 – Access (pg. 27)
- Section 3.7 – Lot, Yard & Setback Requirements (pg. 35)
- Section 3.13 - Parking, Loading and Service Areas (pg. 41)
- Section 3.14 – Performance Standards (pg. 43)
- Section 3.18 – Steep Slopes (pg. 53)
- Section 3.19 – Surface Waters & Wetlands (pg. 60)
- Section 3.22 – Water Supply & Wastewater Systems (pg. 65)
- Article VI – Flood Hazard Area Review (pg. 120)
- Article VII- Section 7.6 – Final Subdivision Review (pg. 139)
- Article VII- Subdivision Standards- Sections 8.1-8.8

Comments/Questions

- The DRB held a sketch plan review of the application on 6-4-2012. The preliminary subdivision review hearing was held on 4/6/2015. The minutes of these meetings are provided.
- The preliminary application submitted to the DRB was identical to the application reviewed in November and December 2013. Several supporting documents were added (i.e. Letter from Applicant to the Selectboard (dated 2-9-2015), Letter from Town Administrator Brian Bigelow to Marc Maheux, Re: Requirement for Access Permit (dated 2-19-2015); and ANR Atlas maps.
- The Applicant also sought Conditional Use Review approval for an earth disturbance project and is subject to the conditions in the DRB decision dated 6-24-2012. See attached decision.
- A site visit was held at 6:00 on 4/6/2015 as part of the Preliminary Hearing. The DRB granted preliminary approval to the application on 4/6/2015.
- Access Permit (See Section 3.2 below)

REVIEW OF RELEVANT SECTIONS:

Article II, Table 2.2 – Underhill Flats Village Center District (pg. 9)

The purpose of the this district is to allow for the continuation of existing small scale commercial, residential and public uses, and to encourage development that is compatible with and promotes a compact, historic village settlement pattern.

The newly created lot will meet the frontage requirement of 150 ft for this zoning district.

Article II, Table 2.3 – Rural Residential District (pg. 12)

The purpose of this district is to accommodate medium density development on land that has access to public roads where traditional development has taken place, and where soil cover is thicker than on the hillside.

There is no development proposed within the Rural Residential zoning district. (See zoning map.)

Article II, Table 2.7 – Flood Hazard Overlay District (pg. 24)

Portions of the property contain areas within the Flood Hazard Overlay District (Zone A). No development is proposed in these areas.

Section 3.2 – Access (pg. 27)

The lot currently has two access points off from Poker Hill Road. No improvements to either driveway are proposed. The Selectboard has determined that no access permit is required for

the 15.26 acre lot unless improvements are proposed. See letter from Town Administrator Brian Bigelow dated 2-19-2015.

Although the Selectboard has determined that an access permit is not required, the zoning regulations require that driveways serving minor subdivisions meet the requirements of Section 3.2 and the Town Road Policy. Section 3.2 requires that driveways (serving up to 3 lots) meet B-71 standards. If no improvements, changes to length or alignment are proposed and the existing driveway is proposed to be used 'as is', then the existing construction of the driveway should be reviewed. The Board should determine whether or not the existing driveway meets the minimum standards. If not, the final decision should include a condition that the existing driveway be improved to meet B-71 Standards.

Section 3.7 – Lot, Yard & Setback Requirements (pg. 35)

Page 6 and Page 8 of the Findings Checklist and the survey plat indicate that “the building envelope shall be what the current zoning regulations allow.”

The proposed development meets all lot, yard and setback requirements.

Section 3.13 - Parking, Loading and Service Areas (pg. 41)

At their meeting on 4/6/2015, the DRB determined that the application met all requirements for parking, loading and service areas.

Section 3.14 – Performance Standards (pg. 43)

The residential use proposed does not conflict with any of the performance standards listed in Section 3.14.

Section 3.18 – Steep Slopes (pg. 53)

The Applicant received Conditional Use approval for an earth disturbance project in 2012. According to the decision, no earth disturbance work was permitted below the 788 contour line. The work has been completed with a finished grade of less than 15%.

Section 3.19 – Surface Waters & Wetlands (pg. 60)

Top-of-bank for the Roaring Brook is indicated on the survey plat, and no development is proposed anywhere near this brook.

According to the Vermont wetlands inventory, there are no mapped wetlands on the property.

Section 3.22 – Water Supply & Wastewater Systems (pg. 65)

The Applicant has provided an approved Wastewater System and Potable Water Supply Permit (WW-4-4126) issued by the VT Department of Environmental Conservation on October 21, 2013. The septic permit is for a “proposed four bedroom single family residence and a two bedroom single family residence” on the subdivided lot.

At their 4/6/2015 meeting, the DRB approved one principal existing dwelling on Lot 2 and one principal dwelling on Lot 1.

It appears that the septic system is located outside of the required riparian setback as listed in Section 3.22(C)(4).

The Applicant has provided a Jericho-Underhill Water District application for water allocation. The Applicant requested 810 gallons per day for ‘two unit housing’. The application states that the allocation request is based on the following considerations and calculations “135 Gals/per day * bedrooms). The request was reviewed and accepted by the District Board on 7-1-2013.

Article VI – Flood Hazard Area Review (pg. 120)

At their meeting on 4/6/2015, the DRB determined that all proposed development is located outside of this area.

Article VII- Section 7.6 – Final Subdivision Review (pg. 139)

The purpose of final subdivision review is to determine final project conformance with the municipal plan, the regulations and other municipal ordinances in effect at the time of application.

It was determined at the sketch plan meeting on 6/4/2012 that preliminary subdivision review would not be waived in accordance with Section 7.5(B). A site visit and preliminary hearing was held on 4/6/2015. The DRB issued a Preliminary Decision on 4/6/2015. The submission requirements of Section 7.6 and the hearing requirements of Section 7.6(C) have been fulfilled.

Section 7.7 – Plat Recording Requirements (pg. 140)

Within 180 days of the date of final subdivision approval by the DRB, the applicant shall file a Mylar of the approved plat and the site plan in accordance with the regulations of Section 7.7.

Article VIII- Subdivision Standards- Sections 8.1-8.8

At their meeting on 4/6/2015, the DRB found the application to be in conformance with all applicable sections of Article VIII.

Underhill DRB Rules of Procedure
Final Hearing Checklist
Subdivision Revision Request of
Marc & Jane Maheux
2-1-2016

State the following:

- 1) "This is a final hearing on the application of Marc & Jane Maheux for a 2-lot subdivision of land they own at 38 Poker Hill Road in Underhill, VT. The purpose of final subdivision review is to determine final project conformance with the municipal plan, these regulations, and other municipal ordinances in effect at the time of application.

This subdivision is subject to review under the Unified Land Use and Development Regulations and the 2002 Underhill Road Policy, and was classified as a **minor subdivision** after the sketch plan review.

- 2) Copies of the Rules of Procedure that the Board follows are available for review from the Planning & Zoning Administrator.
- 3) The order of speakers tonight will be:
 - a. We will hear from and ask questions of Marc & Jane Maheux and/or their consultant(s);
 - b. Then we will hear and ask questions of the Interim Planning & Zoning Administrator, Brian Bigelow; (*See Staff Report*)
 - c. Then we will give other persons in the room a chance to speak. Under our Rules of Procedure each speaker is limited to five minutes; however, that time can be extended upon request to the Board and majority consent of the Board; then
 - d. The Applicants and/or their consultant(s) will have an opportunity to respond; then;
 - e. Final comments will be solicited from all parties.
 - f. All speakers should address their comments to the Board, not to other parties present at the hearing.
 - g. Board Members may feel free to ask questions of any speaker.
- 4) Are any State or municipal representatives present?
- 5) An Interested Parties Info Sheet has been provided to all attendees. Please review it for further information.

Then state:

"Only those interested persons who have participated, either orally or through written statements in a DRB proceeding may appeal a decision rendered in that proceeding to the Environmental Division of Superior Court.

- 6) If you are an applicant, or an interested party who wants to participate in the hearing, we will have you come up to the witness chair and clearly state your name, residential address, and mailing address if it differs.
- 7) I am now going to swear in all those present who wish to speak tonight. All individuals who plan to testify must take the following oath by responding "I do" at the end: ***"Do you hereby swear that the evidence you give in the cause under consideration shall be the whole truth and nothing but the truth under pains and penalties of perjury?"***
- 8) Are there any conflicts of interest or have there been any ex parte communications on the part of the Board Members?
- 9) At this point I am going to enter into the record the information package that was sent by the Planning & Zoning Administrator prior to the hearing. The information included in this package relevant to this hearing is:

Contents:

- a) Marc & Jane Maheux Application for Subdivision: Final (dated 12/7/2015);
- b) A copy of the Survey Plat prepared by David A. Tudhope (#538), Project No. 759, Sheet 1 (dated 5-20-2011);
- c) A copy of the completed Subdivision Checklist: Final Hearing;
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- w) A copy of the ANR Atlas map indicating slope and the Special Flood Hazard Area;
- x) A copy of the tax map for PH038 indicating zoning districts;
- y) A copy of the procedure checklist for this meeting; and
- z) This Memo.

10) We'll begin testimony, and hear from the Applicants and/or their consultant(s).

11) Next we will hear from the Planning & Zoning Administrator. (*See Staff Report*)

12) Are there members of the public who would like to speak?

13) Any final comments from anyone?

14) Does the Board feel that they have enough information at this time to make a decision on the application?

- a. *If more information is needed to make a decision on the application, continue the hearing to a date and time certain, and outline for the Applicant(s) what is required at that continued hearing; or*
- b. *If, by consensus, enough information has been presented to make a decision on the application, announce that the evidentiary portion of the hearing is closed.*

15) Does the Board wish to discuss the application in open or deliberative session? (After the ruling, continue with the info below.)

“Within 45 days from this hearing, the Planning & Zoning Administrator, on behalf of the DRB, will send a copy of the final decision and letter to the Applicant, his consultant, and those who have participated in tonight’s hearing. A 30-day appeal period will begin on the date the decision is signed. The letter will outline the next steps in the process. If there are no other comments or questions we will close this portion of the meeting.

 paid

TOWN OF UNDERHILL

P.O. Box 32
Underhill Center, VT 05490

Phone: (802) 899-4434 x106

Fax: (802) 899-2137

Email: underhillzoning@comcast.net

APPLICATION FOR SUBDIVISION: FINAL

FEES: \$300 hearing fee + \$100 per lot + costs + recording fees

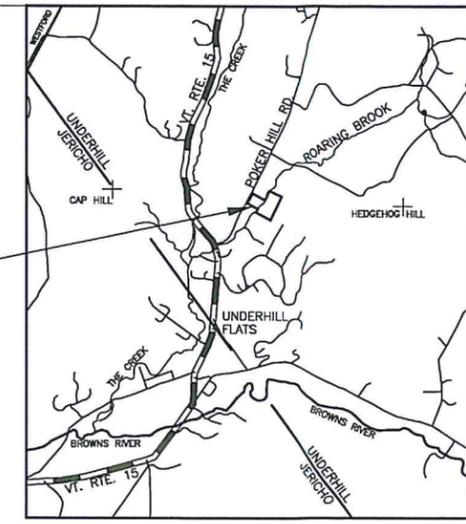
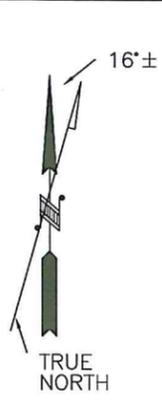
ZONING DISTRICT(S):

PROPERTY CODE: PH038

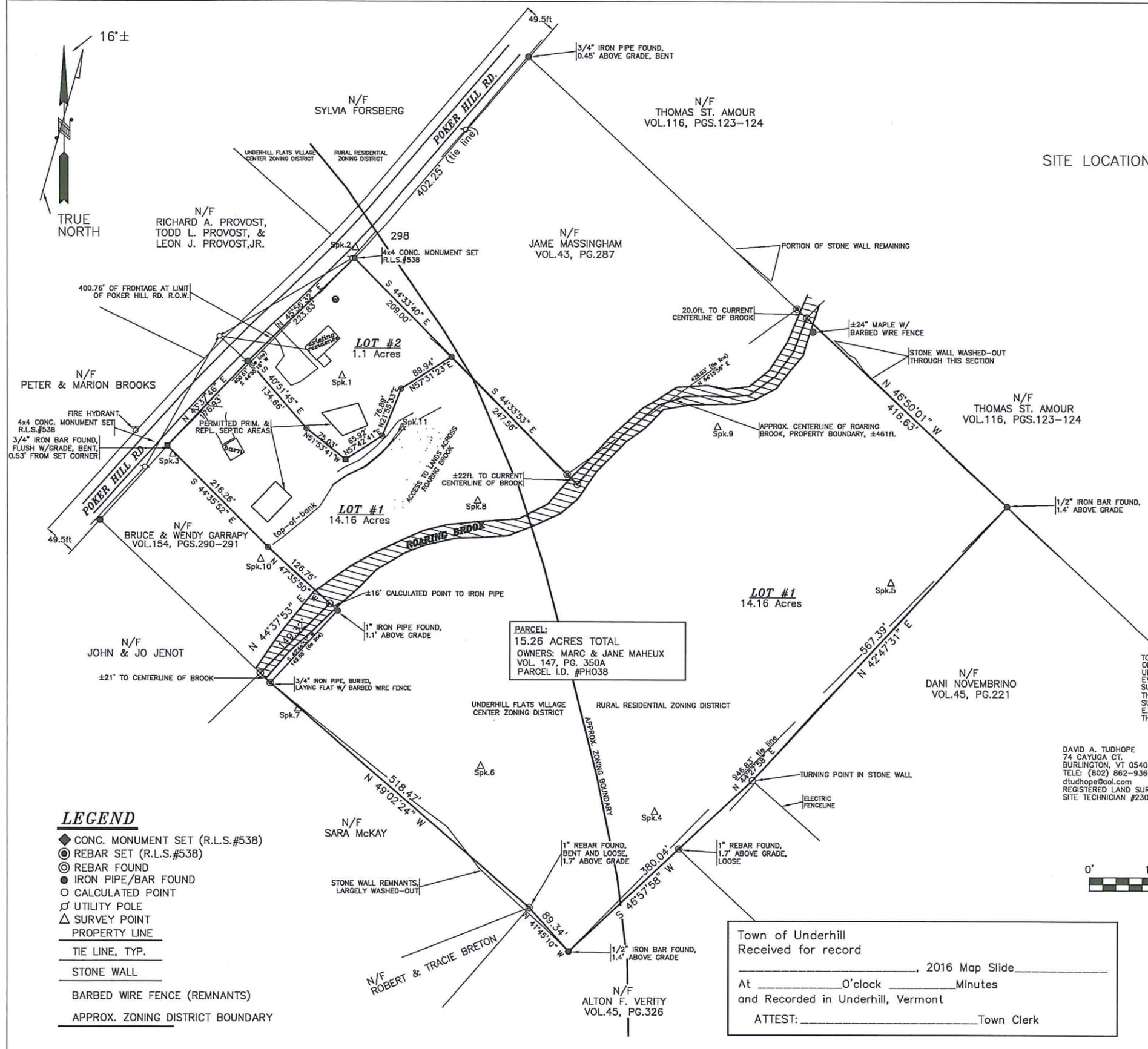
- Residential
 Rural Residential
 Water Conservation
 Scenic Preservation
 Soil & Water Conservation

RECORD OWNER OF PROPERTY: Marc & Jane Maheux	MAILING ADDRESS: PO Box 236 Underhill, Vt 05489
PHONE: 8028993810	E-MAIL: mmaheux@comcast.net
ACREAGE IN ORIGINAL PARCEL: 15.26	PROPOSED NUMBER OF LOTS: 1 additional
DESCRIPTION OF PROJECT: Leaving the existing house an one acre +- of land as one lot, leaving the remaining land to create a building lot.	
DEVELOPER: Marc Maheux	CONTACT INFORMATION: mmaheux@comcast.net
DESIGNER / ENGINEER: David Tudhope	ADDRESS: same as above
PHONE: 802-862-9360	E-MAIL: dtudhope@aol.com
SURVEYOR: David Tudhope	ADDRESS: 74 Cayuga Ct. Burlington, VT 05408-1917
PHONE: 802-862-9360	EMAIL: dtudhope@aol.com
APPLICANT SIGNATURE 	DATE 12/7/15 21/4/15
RECEIVED	DATE

Please submit a complete application with the attached checklist and final plans to the Zoning Administrator. A Final Hearing before the Development Review Board will be scheduled upon receipt of a complete application. For questions, please contact the Zoning Administrator at 899-4434, x106 or underhillzoning@comcast.net.



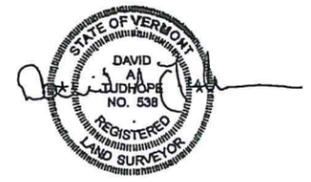
THE BUILDING ENVELOPE SHALL BE WHAT THE CURRENT ZONING REGULATIONS WILL ALLOW.



PARCEL:
15.26 ACRES TOTAL
OWNERS: MARC & JANE MAHEUX
VOL. 147, PG. 350A
PARCEL I.D. #PH038

TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAT IS BASED ON INFORMATION ABSTRACTED FROM THE LAND RECORDS IN THE TOWN OF UNDERHILL (DEEDS AND OTHER OFFICIAL RECORDS). ALSO ALL PHYSICAL EVIDENCE IN THE FIELD INCLUDING PAROLE EVIDENCE ACQUIRED FROM THE SURROUNDING LAND OWNERS. THE BEARINGS ARE MAGNETICALLY OBSERVED WITH A SUUNTO COMPASS. THE SURVEY WAS DONE WITH A CLOSED RANDOM TRAVERSE USING A TOPCON 3B E.D.M. WITH A 1:50000 POSITIONAL TOLERANCE. THIS SURVEY CONFORMS TO 27 VSA 1403 REQUIREMENTS.

DAVID A. TUDHOPE
74 CAYUGA CT.
BURLINGTON, VT 05408
TELE: (802) 862-9360
dtudhope@aol.com
REGISTERED LAND SURVEYOR #538
SITE TECHNICIAN #2308



29 DECEMBER 2015



- LEGEND**
- ◆ CONC. MONUMENT SET (R.L.S.#538)
 - REBAR SET (R.L.S.#538)
 - ⊙ REBAR FOUND
 - IRON PIPE/BAR FOUND
 - CALCULATED POINT
 - ⊕ UTILITY POLE
 - △ SURVEY POINT
 - PROPERTY LINE
 - TIE LINE, TYP.
 - STONE WALL
 - BARBED WIRE FENCE (REMNANTS)
 - APPROX. ZONING DISTRICT BOUNDARY

Town of Underhill
Received for record
_____, 2016 Map Slide _____
At _____ O'clock _____ Minutes
and Recorded in Underhill, Vermont
ATTEST: _____ Town Clerk

SURVEY PLAT		
DRAWN D.A.T.	DATE 05/20/11	for: MARC & JANE MAHEUX
APPROVED	DATE	38 POKER HILL RD. UNDERHILL, VERMONT
SCALE 1" = 100'	SHEET 1	PROJECT NO. 759

TOWN OF UNDERHILL, VERMONT

Subdivision Checklist: Final Hearing

Docket #: DRB 12-04 Property ID: PH038 Meeting Date: 2/1/2016

Applicant/Consultant: Maheux

of Lots: 2 Zoning District(s): RR + Village Center

Is this a Planned Residential Development? Yes No

Is this a Planned Unit Development? Yes No

Is this part of a previously-approved subdivision? Yes No

Submission Requirements

The following are required prior to scheduling a hearing.

<u>Required</u>	<u>Submitted</u>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	One large and twelve 11" x 17" copies of the final subdivision plan.
<input type="checkbox"/>	<input type="checkbox"/>	Engineering drawings (see attached checklist).
<input type="checkbox"/>	<input type="checkbox"/>	State and/or Federal Permits/Approvals.
<input type="checkbox"/>	<input type="checkbox"/>	Draft legal documents (deeds, easements, Homeowners Associations, maintenance agreements, etc.).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Fees.
<input type="checkbox"/>	<input type="checkbox"/>	Master Plan. See Section 8.1(B)(1)(a) for specific requirements.
<input type="checkbox"/>	<input type="checkbox"/>	Finalized Findings of Fact (see attached checklist).
<input type="checkbox"/>	<input type="checkbox"/>	Written requests for modifications or waivers, including justifications for such requests.

* the 2nd of Jan site visit, 4th of Jan meeting.

Still requires giant maps. Paid fee.

TOWN OF UNDERHILL, VERMONT

Subdivision Checklist: Final Hearing



Required	Submitted	<u>ENGINEERING DRAWINGS</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Name and address of record owner(s) and designer of engineering plans.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Date, north orientation used and basis, scale, and legend.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Abutting neighbors identified by name and property code.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Zoning district(s) applicable to the area to be subdivided.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Natural topography (surface contours, grades) and drainage patterns.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Outcrops, ledges, visually prominent ridgelines and peaks, or other unique topographical and geographical features. (Include tree canopy height for proposed development down-slope of ridges and hilltops).
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Areas of steep or very steep slopes.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Surface waters, wetlands, vernal pools, and associated buffers.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Mapped floodplains.
<input type="checkbox"/>	<input type="checkbox"/>	Natural vegetative cover (timber and orchard stands, witness and shade trees, copses, hedgerows, etc.).
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Areas of forestland.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Significant wildlife habitat areas and corridors, and rare, threatened, and endangered plant and animal communities and associated buffers.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Primary agricultural soils.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Historic sites and structures.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Designated Source Protection Areas.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Preserved open space areas, forestland, natural, cultural, and historic features.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Existing easements, rights-of-way, pedestrian walkways, curb cuts, driveways, roads (including Class IV), parking areas, and utility corridors.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Proposed easements, rights-of-way, pedestrian walkways, curb cuts, driveways, roads and upgrades, parking areas and designs for each (include cuts, fills, grades, drainage, culverts, travel lane widths, shoulder widths, surfacing, etc.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Proposed utility corridors.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Existing buildings and grades.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Proposed new lot lines (dimensions to the nearest foot, no bearings) and acreages.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Building envelopes for all structures, parking areas, and associated site improvements.

TOWN OF UNDERHILL, VERMONT

Subdivision Checklist: Final Hearing



<u>Required</u>	<u>Submitted</u>	<u>SURVEY</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	The name and address of the record owner and designer of plat. Survey must be done by a licensed land surveyor.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Date, north orientation used and basis, scale, and legend.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	The <u>property codes</u> and names of owners of record of adjacent acreage, including those directly across any road adjoining proposed subdivision. Also include the names of all subdivisions immediately adjacent to the proposed subdivision. <i>PH036 for Lot #1?</i>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Zoning district(s) applicable to the area to be subdivided.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Existing and proposed easements, rights-of-way, roads, driveways, pedestrian walkways, and utility corridors. Proposed utility easements will be centered on as-built utility lines.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Surface waters, wetlands, vernal pools, and associated buffers.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Mapped floodplains.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Open space areas.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Proposed lot lines with dimensions.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Building envelopes for all structures, parking areas, and associated site improvements.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	A vicinity map drawn to show the relation of the proposed subdivision to the adjacent properties and to the general surrounding area. Show all of the area within two thousand (2,000) feet of any property line of the proposed subdivision.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

Docket #: DRB-12-04 Property ID: PH038 Hearing Date: 11/18/13, 12/2/13
Applicant/Consultant: Marc & Jane Maheux 2/1/16

The following standards are excerpted from Article VIII of the Unified Land Use and Development Regulations. For full standards, refer to the complete regulations document.

Applicant(s) shall submit proposed findings of fact for each of the relevant subdivision standards below as part of the application for final subdivision review. Proposed findings shall address how the proposed development relates to each portion of the standard.

<u>Required</u>	<u>Submitted</u>	<u>Section 8.2 General Standards</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	(A) Development Suitability

Indicate how the proposed subdivision will not result in undue adverse impacts to public health and safety, the natural environment, neighboring properties and uses, or the character of the area in which it is located.

The one lot subdivision maintains septic set backs and replacement areas to satisfy the waste water regulations and will be supplied by public water. Meeting these requirements limits impacts to public health and safety. The uses and character of the surrounding properties are single family homes. This subdivision maintains that character.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

Required

Submitted

Section 8.2 General Standards Cont'd



(B) Development Density

Provide the density calculations for each zoning district in the proposed project.

Zoning District:

a. Total land area in the proposed subdivision within this zoning district		290620.48	ft ²
b. Area of land within existing road rights-of-way	4379.0175	ft ²	
c. Area of land within proposed road rights-of-way	0	ft ²	
d. Add lines b & c	4379.0175	ft ²	
e. Subtract line d from line a		286241.4	ft ²
f. Minimum lot size for this district	42560	ft ²	
i. Divide line e by line h		6.73	LOTS

Required

Submitted

(C) Existing Site Conditions



Indicate how the proposed subdivision will integrate and conserve existing site features and natural amenities (topography, drainage patterns, surface waters, wetlands, vernal pools, floodplains, vegetative cover, outcrops, ledges, ridgelines, peaks, primary agricultural soils, historic sites and structures, etc.).

Site is in the process of being configured to provide the drainage necessary to mitigate soil erosion. When finished, the site will blend with existing properties and provide safe up keep of the property.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

Required

Submitted

Section 8.2 General Standards Cont'd



(D) Underhill Town Plan & Regulations

How will the proposed subdivision conform to the stated policies and objectives in the Underhill Town Plan as most recently amended, other provisions of these regulations, adopted capital or transportation improvement programs, and other municipal bylaws, ordinances and regulations?

This site fits all the planning and growth for the "Flats Zoning District". This is the area where growth is planned due to the existing infrastructure.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

Required Submitted Section 8.2 General Standards Cont'd

(E) District Settlement Patterns

Identify the district(s) in which the proposed subdivision will occur.

Underhill Flats Village Center

Rural Residential

Water Conservation

Scenic Preservation

Soil & Water Conservation

Address the provisions in the applicable district(s) as stated in Section 8.2 (E).

This pertains to Section 8.2(E) 1 Underhill Flats Village Center.
This section refers to compact development, connect to existing roads, and maintain consistent building lines. I believe you will find that this minor subdivision fits this section very well.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

Required Submitted Section 8.2 General Standards Cont'd



(F) Lot Layout

Explain how the proposed lots and lot layouts:

1. are suitable for their intended use, for subsequent development (building lots) or for resource or open space protection (conserved lots).

The subdivision divides a one acre + lot with the existing house and leaves the remaining land, 14 + acres for a 4 bedroom house and an accessory apartment. The amount of open land remains the same as a barn is located on the land to be subdivided. So the greater part of the 14 + acres remains open.

2. conform to desired district settlement patterns, as required under Subsection E.

Explained above (E)

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

Required Submitted Section 8.2 General Standards Cont'd



(F) Lot Layout Cont'd.

Explain how the proposed lots and lot layouts:

3. meet minimum lot size and density requirements under Article II, except as modified for planned residential or planned unit developments under Article IX.

The subdivision exceeds the minimum lot requirements.

4. conform to lot and yard requirements under Section 3.7.

Building envelope will meet all zoning set backs without any variances.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

<u>Required</u>	<u>Submitted</u>	<u>Section 8.2 General Standards Cont'd</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	(F) Lot Layout Cont'd.

If irregularly shaped lots (e.g., with curves, jogs, dog-legs, etc.) are proposed, provide an explanation for their necessity.

The layout of the one acre + lot is laid out to meet the zoning set back distances for septic and replacement areas. Therefor there are jogs in the lot layout.

<u>Required</u>	<u>Submitted</u>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	(G) Building Envelopes

See application checklist.

<input checked="" type="checkbox"/>	<input type="checkbox"/>	(H) Survey Monuments
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See application checklist.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

Required

Submitted

Section 8.2 General Standards Cont'd



(I) Landscaping & Screening

1. How does the proposal preserve existing trees, tree lines, wooded areas of particular natural or aesthetic value to the site, and significant wildlife habitat areas?

The conditional use permit I received enhances the property to blend with the existing landscape. Existing tree lines remain the same and wildlife habitat is not disturbed.

2. How does the proposal comply with the requirement to provide an undisturbed vegetated buffer between developed and undeveloped portions of the subdivision, as necessary to minimize adverse impacts to surface waters and wetlands (See Section 3.19), or other natural or scenic resources under Section 8.3?

The build envelope and the part of the lot that is being developed is far from surface water and potential wet lands. The areas that were disturbed and exceeding a slope of > 25% have been seeded, small balsam trees planted with several ground cover plants to stabilize the banks.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

<u>Required</u>	<u>Submitted</u>	<u>Section 8.2 General Standards Cont'd</u>
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(I) Landscaping & Screening Cont'd

3. How does the proposal provide for physical separation and visual screening as necessary to provide privacy, reduce noise or glare, or to establish a buffer between potentially incompatible land uses?

The work being done to ready the lot for building will blend the land into the existing landscape. It will reduce steep slopes and allow for safer lawn maintenance, better sight distance when entering Poker Hill. This work has begun and my neighbor has been very appreciative of the work and can't wait for it to be complete.

4. How does the proposal comply with the requirement to establish a tree canopy along roads or pedestrian walkways?

There is not any tree canopy along Poker Hill Rd. Trying to create a tree canopy would create a safety problem with sight lines when pulling out on to Poker Hill Rd.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist



Required

Submitted

Section 8.2 General Standards Cont'd



(J) Energy Conservation

Explain how the proposed subdivision design and layout, to the extent physically feasible, incorporates energy efficient design. See Section 8.2 (J) for recommended measures.

The building layouts themselves will create solar heating through glass on the south side. The heating systems will be primarily wood with natural gas if the gas company will extend the line another 100'. If not then oil backup.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

<u>Required</u>	<u>Submitted</u>	<u>Section 8.3 Natural & Cultural Resources</u>
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(A) Resource Identification & Protection

Identify any significant cultural and natural features in the area of the proposed development, and indicate how they will be conserved.

This building area does not include any cultural or natural areas, these areas may be located on another part of my land and will not be disturbed as part of the construction.

<u>Required</u>	<u>Submitted</u>
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(B) Surface Waters, Wetlands & Floodplains

Explain how the proposed subdivision boundaries, lot lines and building envelopes are located and configured to avoid adverse impacts to surface waters, wetlands, special flood hazard areas (SFHAs), and designated Source Protection Areas (SPAs), and meet the specific requirements under Section 8.3 (B).

No SPAs exist within my land currently. All the other waters are well away from the building area.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

<u>Required</u>	<u>Submitted</u>	<u>Section 8.3 Natural & Cultural Resources Cont'd</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	(C) Rock Outcrops, Steep Slopes, Hillsides & Ridgelines

Explain how the proposed subdivision boundaries, lot lines and building envelopes have been located and configured to minimize the adverse impacts of development on steep slopes (15% or more); to avoid site disturbance on very steep slopes (>25%); and to avoid the placement of structures on exposed rock outcrops and ledges and visually prominent hilltops and ridgelines.

The lot is being configured to reduce steep slopes on the building area and keep the remaining land as is. There are no rock outcrops or hilltops to avoid. When done the land blends with my neighbors on the down hill side and is protected by trees and brush on the up hill side for privacy.

Indicate which of the recommended measures in Section 8.3 (C) have been incorporated into the overall plans.

The drainage from Poker Hill has caused problems with driveways and road shoulders for many years. I have made several improvements to the road shoulder along my property line. This will allow the storm water to shed off the road onto lawns and small ditches so the water will not build up and cause erosion on the road shoulder and driveways. Being on a steep hill this is very important maintenance and must be done a couple of years as the road salt and sand build up causing a berm. All the shoulders within my property line slope onto my land where possible to allow the storm water a place to runoff and absorb into the soil.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

<u>Required</u>	<u>Submitted</u>	<u>Section 8.3 Natural & Cultural Resources Cont'd</u>
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(D) Natural Areas & Wildlife Habitat

Address how the proposed subdivision boundaries, lot lines, and building envelopes have been located and configured to avoid the subdivision and fragmentation of, and adverse impacts to natural areas and significant wildlife habitat identified in the town plan and associated maps and inventories, by the Vermont Department of Fish & Wildlife, or through site investigation. Refer to Section 8.3 (D) for specific requirements.

This entire parcel is not located on any wildlife habitat map. There has been wildlife on the other side of the river which I have been maintaining to improve apple production in the wild apple trees. I also brush hog and keep the brush cut down to improve the area for the wildlife.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

<u>Required</u>	<u>Submitted</u>	<u>Section 8.3 Natural & Cultural Resources</u> <u>Cont'd</u>
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(E) Historic & Cultural Resources

Have historic and archaeological site(s) and/or resource(s) have been identified in the area to be developed? Yes No *[If no, skip to (F) on the next page.]*

If site(s) and/or resource(s) have been identified, address how the proposed subdivision boundaries, lot lines, and building envelopes have been located and configured to minimize adverse impacts to historic and archaeological sites and resources identified in the town plan, by the Vermont Division for Historic Preservation (on state or national registers), or through site investigation. Refer to Section 8.3 (E) for specific requirements.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist



<u>Required</u>	<u>Submitted</u>	<u>Section 8.3 Natural & Cultural Resources</u> <u>Cont'd</u>
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(F) Farmland

Do areas of primary agricultural soils, open fields, orchards, or maple sugar stands exist in the area to be developed? Yes No *[If no, skip to (G) on the next page.]*

If such areas have been identified, address how the proposed subdivision boundaries, lot lines, and building envelopes have been located and configured to avoid the fragmentation of and adverse impacts to those areas. Include responses to the provisions under Section 8.3 (F).

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

Required

Submitted

Section 8.3 Natural & Cultural Resources Cont'd



(G) Forestland

Does the area to be developed include forestland? Yes No
[If no, skip to Section 8.4 (A) on the next page.]

If forestland exists, address the standards under Section 8.3(G).

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

<u>Required</u>	<u>Submitted</u>	<u>Section 8.4 Open Space & Common Land</u>
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(A) Open Space

Explain how the proposed development incorporates the provisions under Section 8.4 (A).

Most of the 14+ acres remain open as designed.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist



<u>Required</u>	<u>Submitted</u>	<u>Section 8.4 Open Space & Common Land Cont'd</u>
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(B) Common Land

Does the area to be developed include land held in common for the preservation and maintenance of open space or the management and maintenance of shared facilities (e.g., community wastewater systems, community water supplies, recreation or community facilities, road and trail rights-of-way)? Yes No *[If no, skip to Section 8.5 below.]*

If the proposed development includes common land, will the land be held under separate ownership from the contiguous parcels? Yes No

<u>Required</u>	<u>Submitted</u>	<u>Section 8.5 Stormwater Management & Erosion Control</u>
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Provide an explanation of and details for the temporary and permanent stormwater management and erosion control measures that will be used during all phases of subdivision development as necessary to limit surface runoff and erosion, protect water quality and to avoid damage to downstream properties in conformance with Section 8.5.

I believe I have cover this question in great detail in prior questions in 8.3.....and in the following questions.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

Required

Submitted

Section 8.5 Stormwater Management & Erosion Control Cont'd



Provide the existing and anticipated runoff, anticipated flows from storm events, and total runoff generated at build-out.

The build-out doesn't increase storm water, but will control erosion along the road edge and stop erosion in the property owner's driveways below. The design allows the storm water to slowly drain along the lawns and not create small areas of large flows that cause erosion. This past year we had large volumes of water from storms that were above the norm. The water was slowed in other areas by allowing the runoff to spread over a large area thereby allowing the soil to absorb the water causing very little erosion.

Demonstrate that existing downstream drainage facilities will be able to accommodate any additional runoff from the subdivision at build-out.

The development should not cause any problems with downstream drainage facilities. This minor, single lot subdivision should improve drainage along Poker Hill and protect the road's shoulder and down hill driveways from erosion. All water from Poker hill ends up in Roaring Brook. It helps if it can be controlled and enter the brook slowly through means of filtering through grassy areas.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist



Required

Submitted

Section 8.6 Transportation Facilities



(A) Access & Driveways

Address how the proposed access to the subdivision and to individual lots within the subdivision meets the requirements of Section 3.2 (Access Management), the Underhill Highway Ordinance, adopted state or municipal access management plans and capital or transportation improvement plans, and the provisions of Section 8.6 (A).

An existing curb cut has been in place for many years.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist



Required Submitted Section 8.6 Transportation Facilities Cont'd

Will the proposed subdivision require access to VT Route 15? Yes No
[If no, skip to the next page.]

If the proposed access will be off of VT Route 15, address how the access meets the Vermont Agency of Transportation requirements for subdivision access onto state highways.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

Required Submitted Section 8.6 Transportation Facilities Cont'd



(B) Development Roads

Will the proposed development require the construction or upgrade of a private development road? Yes No *[If no, skip to (C) on the next page.]*

If a new or upgraded road is proposed, explain how the proposed development conforms to the Underhill Highway Ordinance, and the specific road standards under Section 8.6 (B).

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

<u>Required</u>	<u>Submitted</u>	<u>Section 8.6 Transportation Facilities Cont'd</u>
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(C) Parking Facilities

Will the proposed development include common or shared parking areas?



Yes



No

If such areas are proposed, explain how the proposed development has been designed in accordance with Section 3.13.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist



<u>Required</u>	<u>Submitted</u>	<u>Section 8.7 Public Facilities & Utilities</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	(A) Public Facilities

Demonstrate how the proposed subdivision will not create an undue burden on existing and planned public facilities.

The schools in the area are under populated. They have capital cost that can only be reduced by increasing student population. You have received letters from fire, school and water that this will not create a burden.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

Required

Submitted

Section 8.7 Public Facilities & Utilities Cont'd



(B) Fire Protection

Does the proposed development incorporate water storage and distribution facilities for fire protection in accordance with fire department specifications? Yes No

Address the proposed access to developed lots as it relates to emergency response vehicles.

Access through the driveway. Fire hydrant located across the street.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist



Required

Submitted

Section 8.7 Public Facilities & Utilities Cont'd



(C) Water Systems

Demonstrate that adequate potable water supplies exist on- or off-site to serve the subdivision. Include the requirements and considerations under Section 8.7 (C).

Public Water system will serve the buildings.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

Required

Submitted

Section 8.7 Public Facilities & Utilities Cont'd



(D) Wastewater Systems

Demonstrate that adequate wastewater system capacities exist on- or off-site to serve the proposed subdivision. Include the requirements and considerations under Section 8.7 (D).

see waste water permit.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist



<u>Required</u>	<u>Submitted</u>	<u>Section 8.7 Public Facilities & Utilities</u> <u>Cont'd</u>
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(E) Utilities

Will all proposed utilities be buried? Yes No

If any utilities are proposed above-ground, demonstrate that burial is not reasonable given physical site constraints (e.g., ledge or shallow depth to bedrock).

The proposed electrical would be underground. However if gas is brought onto the property the power company and myself will have to decide if enough separation between utilities can be achieved. This involves several different codes that need be followed.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist



Required

Submitted

Section 8.7 Public Facilities & Utilities
Cont'd

(E) Utilities Cont'd

Address the provisions of Section 8.7 (E).

All provision are being met.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

Required

Submitted

Section 8.8 Legal Requirements



Provide documentation and assurances that all required improvements, associated rights-of-way and easements, and other common lands or facilities will be adequately maintained in accordance with an approved management plan, either by the applicant, an owners' association, or through other legal means acceptable to the DRB. Draft management plans and documentation must be submitted with the application for final subdivision review for approval by the DRB.

No management plan, easements or facilities necessary.

TOWN OF UNDERHILL
APPLICATION OF MARC AND JAEN MAHEUX
FOR A 2-LOT SUBDIVISION
PRELIMINARY FINDINGS AND DECISION

In re: Marc & Jane Maheux
PO Box 236
Underhill, VT 05489

Docket No. DRB-12-04: Maheux

I. INTRODUCTION AND PROCEDURAL HISTORY

This proceeding concerns Marc & Jane Maheux's preliminary hearing application for a 2-lot subdivision of property located at 38 Poker Hill Road in Underhill, VT.

- A. On February 9, 2015, Marc & Jane Maheux filed a preliminary application for subdivision. A copy of the application and additional information are available at the Underhill Town Hall. A sketch plan review of the project was held on June 4, 2012 and was accepted.
- B. The Applicant obtained Preliminary approval from the Development Review Board on January 6, 2014. The Applicant failed to submit an application for Final Subdivision Review within the required one year deadline [§ 7.6(A)].
- C. On March 17, 2015, a copy of the notice of the preliminary hearing was mailed via Certified Mail to the Applicants, Marc & Jane Maheux, PO Box 236, Underhill, VT 05489 and to the following owners of properties adjoining the property subject to the application:
1. James & Gayle Massingham, 46 Poker Hill Rd, Underhill, VT 05489
 2. Richard, Todd & Leon Provost and David Provost, 39 Poker Hill Rd, Underhill, VT 05489
 3. Marion & Peter Brooks, 33 Poker Hill Rd Underhill, VT 05489
 4. Wendy & Bruce Garrapy, 32 Poker Hill Rd, Underhill, VT 05489
 5. Sara McKay, 11 Barrett Lane, Underhill, VT 05489
 6. Judith & Alton Verity, 13 Fox Run Rd, Underhill, VT 05489
 7. Daniel & Alice Novembrino, PO Box 91, Underhill, VT 05489
 8. Thomas St. Amour, 54 Poker Hill Rd, Underhill, VT 05489
 9. John & Jodi Jenot, 1 Barrett Lane, Underhill, VT 05489
 10. Gregory & Maureen Frede, 13 Barrett Lane, Underhill, VT 05489
- D. A notice of the public hearing for the proposed Maheux subdivision was posted at the following places:
1. The property to be developed, PH038;
 2. The Underhill Town Clerk's Office;
 3. The Underhill Center Post Office;
 4. The Underhill Flats Post Office.

E. On March 19, 2015, notice of a public hearing was published in *The Mountain Gazette Newspaper*.

F. A site visit was held immediately preceding the hearing at 6:00 PM on April 6, 2015.

G. Present at the site visit were the following individuals:

- Charles Van Winkle, Chairperson
- Will Towle
- Matt Chapek
- Penny Miller
- Karen McKnight
- Jim Gilmartin
- Jim Massingham (Abutter PH046)

H. The preliminary hearing began at 6:35 PM on April 6, 2015.

I. Present at the preliminary hearing were the following members of the Development Review Board:

- Charles Van Winkle, Chairperson
- Will Towle
- Matt Chapek
- Penny Miller
- Karen McKnight
- Jim Gilmartin

Applicants Marc Maheux also attended the hearing; Planning & Zoning Administrator Sarah McShane was absent.

J. At the outset of the hearing, Chairperson Charles Van Winkle explained the criteria under 24 V.S.A. § 4465 (b) for being considered an “interested party.” Those who spoke at the hearing were:

- Marc Maheux, PO Box 236, Underhill, VT 05489
- Sara McKay, 11 Barrett Lane, Underhill, VT 05489
- Jim Massingham, 46 Poker Hill Road, Underhill, VT 05489

K. During the course of the hearing the following exhibits were submitted to the Development Review Board:

- a) Marc & Jane Maheux Application for Subdivision: Preliminary (dated 2-9-15);
- b) A copy of the Survey Plat prepared by David A. Tudhope (#538), Project No. 759, Sheet 1 (dated 5-20-2011);
- c) A copy of the completed Subdivision Checklist: Preliminary Hearing;

- d) A copy of the ANR Form 1 (Notice of Overshadowing at the time of Filing an Application for a Wastewater System and Potable Water Supply Permit) (No date);
- e) A copy of VT DEC ANR Wastewater and Potable Water Supply Permit -Project #: WW-4-4126 (dated October 21, 2013);
- f) A copy of completed application for water allocation from the Jericho-Underhill Water District for the proposed two units (810 gpd: 6 bedrooms @ 135 gals per day) for the newly created lot;
- g) A copy of the draft warranty deeds for both lots;
- h) A copy of the Project Review Sheet from the VT Department of Environmental Conservation & Natural Resources Board (date initiated 10-14-13);
- i) A copy of the letter from Harry Schoppmann of the Underhill Jericho Fire Department (dated October 29, 2013);
- j) A copy of input from the Chittenden South Supervisory Union (dated October 25, 2013);
- k) A copy of the Findings Checklist;
- l) A copy of a letter from the Applicant to the DRB, Re: Explaining Concerns on the Preliminary Findings Checklist (dated 11-25-2013);
- m) A copy of the Application for Water Connection (Jericho-Underhill Water District), (dated 6-10-2004) with a 8.5" x 11" copy of the Survey Plat prepared by David A. Tudhope (dated 5-20-2011);
- n) A copy of a letter from the Applicant to the Selectboard (dated 2-9-2015);
- o) A copy of a letter from Town Administrator to Marc Maheux, Re: Requirement for Access Permit (dated 2-19-2015);
- p) A copy of the Preliminary Subdivision Findings and Decision (dated 1-6-2014);
- q) A copy of the Conditional Use Approval for an Earth Disturbance Project Findings and Decision (dated 6-21-2012);
- r) A copy of the Sketch Plan Letter to Applicant (dated 6-12-2012);
- s) A copy of the DRB minutes from the 6-4-12 Sketch Plan meeting;
- t) A copy of the DRB minutes from 11-4-2013 Preliminary Subdivision Review;
- u) A copy of the DRB minutes from 12-2-2013 continued Preliminary Subdivision Review;
- v) A copy of the hearing notice as published in *Mountain Gazette Newspaper*, posted in 3 public places and mailed to abutters;
- w) A copy of the ANR Atlas map indicating slope and the Special Flood Hazard Area;
- x) A copy of the tax map for PH038 indicating zoning districts;
- y) A copy of the procedure checklist for this meeting; and
- z) Procedural Memo.

The Applicant provided the following exhibits during the public hearing:

- Letter from Peter Mitchell, Subject: Jericho-Underhill Water District Water Allocation Policy Summary, dated March 30, 2015;
- A copy of the revised Survey Plat prepared by David A. Tudhope (#538), Project No. 759, Sheet 1 (dated 11 March 2015);

These exhibits are available in the Maheux, DRB 12-04, PH038, subdivision file at the Underhill Planning & Zoning Office.

II. FINDINGS

Factual Findings

The Minutes of the meetings written by Penny Miller (DRB Clerk) are incorporated by reference into this decision. Please refer to these Minutes for a summary of the testimony.

Based on the application, testimony, exhibits, and other evidence, the Development Review Board makes the following findings:

- A. The Applicants seek approval to subdivide land. The subject property is a ±15.26 acre parcel located at 38 Poker Hill Road in Underhill, VT (PH038).
- B. The property is located in the Underhill Flats Village Center, Rural Residential, Flood Hazard Area Overlay zoning districts as defined in Article II, Table 2.2, 2.3, and 2.7 of the 2014 Unified Land Use and Development Regulations.
- C. The Applicant obtained Preliminary approval from the Development Review Board on January 6, 2014. The Applicant failed to submit an application for Final Subdivision Review within the required one year deadline. The board felt that the sketch plan acceptance from June 4, 2012 was still valid and allowed the applicant to proceed with a Preliminary subdivision application. Preliminary subdivision approval is requested for the project pursuant to review under the 2014 Unified Land Use and Development Regulations.
- D. Access approval is requested pursuant to review under the 2014 Unified Land Use and Development Regulations.

III. CONCLUSIONS

The Development Review Board finds the application is in conformance with the following sections of the 2014 Unified Land Use and Development Regulations:

- Section 2.2(E) – Boundary Interpretations (pg. 5)
- Article II, Table 2.2 – Underhill Flats Village Center District (pg. 9)
- Article II, Table 2.3 – Rural Residential District (pg. 12)
- Article II, Table 2.7 – Flood Hazard Overlay District (pg. 24)
- Section 3.2 – Access (pg. 27)
- Section 3.7 – Lot, Yard & Setback Requirements (pg. 35)
- Section 3.13 - Parking, Loading and Service Areas (pg. 41)
- Section 3.14 – Performance Standards (pg. 43)
- Section 3.18 – Steep Slopes (pg. 53)
- Section 3.19 – Surface Waters & Wetlands (pg. 60)
- Section 3.22 – Water Supply & Wastewater Systems (pg. 65)
- Article VI – Flood Hazard Area Review (pg. 120)
- Article VII- Section 7.5 – Preliminary Subdivision Review (pg. 137)
- Article VII- Subdivision Standards- Sections 8.1-8.8

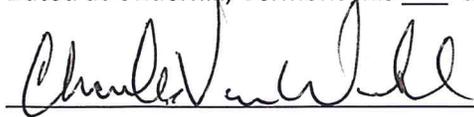
Per section 8.1(D), all Sections above considered not applicable are waived. The Board finds that waiving such requirements will not nullify the intent and purpose of the Unified Land Use and Development Regulations and the Underhill Town Plan, and such waivers are not requisite in the interest of public health, safety and general welfare. Sufficient evidence, in the form of submitted testimony and plan layout, has been submitted to justify the waiver.

IV. DECISION AND FINAL HEARING REQUIREMENTS

Based upon the findings above, and subject to the supplemental final hearing conditions below, the Development Review Board grants preliminary approval for the subdivision as presented at the preliminary hearing.

- A. No additional access rights shall automatically result from the subdivision of parcels established after March 2, 2011, Section 3.2 (D)(3). A highway access (curb cut) permit from the Underhill Selectboard for the new lot (lot #1) is required prior to filing an application for final subdivision review in accordance with Section 8.6(A)(3).
- B. The Board approves one (1) principal existing dwelling on Lot 2 and one (1) principal dwelling on Lot 1.
- C. An application for Final Subdivision review shall be submitted within one year of the date of preliminary approval, but not before the initial 30-day appeal period has expired [Section 7.6(A)].

Dated at Underhill, Vermont this 20 day of APRIL, 2015.



Charles Van Winkle, Chair, Development Review Board

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceedings before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. §4471 and Rule 5 (b) of the Vermont Rules for Environmental Court Proceedings. Appeal period ends 20 MAY 2015

ANR FORM 1

Notice of Overshadowing at the time of Filing an Application for a Wastewater System and Potable Water Supply Permit

To Bruce & Wendy GARRAPY (Overshadowed Landowner):

I am currently preparing an application for a State of Vermont Wastewater System and Potable Water Supply Permit. My project proposes a water supply and/or wastewater (septic) system designed to comply with the technical standards of the Wastewater System and Potable Water Supply Rules (Rules). The Rules include required isolation distances around the supply or system. These isolation distances are designed to prevent wastewater systems and water supplies from being built too close to each other in order to protect drinking water quality and human health.

The isolation distances for my proposed water supply and/or wastewater system extend onto your property. The extension of these isolation distances is often referred to as an "overshadowing" of property.

In 2010, the legislature determined that people who own property that will be "overshadowed" by the required isolation distance be notified of that fact. This form is being sent to you in order to provide that notice. Attached to this form is a copy of a plan that shows what I propose to build and the isolation distance(s) that extend onto your property.

Please consider the following facts to help you understand what this actually means to you:

1. Under the existing Rules, an evaluation of the horizontal relationship between existing wastewater systems and potable water supplies and newly proposed wastewater systems and potable water supplies is required during the review of any application. Therefore, the horizontal isolation distance between newly proposed wastewater systems and potable water supplies and the location of your current water supply and wastewater system will be evaluated and determined to comply with the Rules as part of the permit process.
2. A permit application review does not determine if the proposed water supply or wastewater system may affect or restrict potential future development of a water supply or wastewater system on your property. These possible restrictions exist because of the required isolation distances between potable water supplies and wastewater systems.
3. It is important to note that in many instances overshadowing may have no effect on the ability to develop adjoining properties. Whether there is actually any effect is a very site specific determination that depends on a number of factors. For example, the fact that an isolation distance from a wastewater system may prohibit where a well could be drilled may have no real effect because that portion of the neighboring property that is overshadowed by the wastewater system is too steep to be accessed by a well drilling rig. Another example is where a well isolation distance means that no wastewater system could be placed in a certain area but that area is a wetland that prevents the construction of a wastewater system.

ANR FORM 1
Notice of Overshadowing

4. When considering potential effects on your property, you should be aware that you may drill a well within the identified well isolation zone and you may build a wastewater systems in the identified septic isolation zones provided the well or wastewater system complies with the technical standards of the Rules. What may not be allowed without providing additional technical information is putting a wastewater system in a well isolation zone and putting a well in a wastewater system isolation zone.

5. The water supply and wastewater system isolation zones only restrict the construction of water supplies and wastewater systems. Construction of other things such as houses, garages, and driveways may be in the isolation zones as allowed by the Rules.

6. This notification requirement did not start until 2010 and the state permit program has been in place since 1969 so it is possible that there are already water supplies or wastewater systems that "overshadow" your property or that your own wastewater system and/or water supply "overshadows" your neighbor's property.

7. The Legislature created the notification requirement so that neighbors have the opportunity to discuss the possible effects on future development and potentially resolve them before a well is drilled or a septic system is built. Therefore you are getting this notice before the permit application is filed so that you may consider having those discussions.

8. VERY IMPORTANT: Although the legislature has required notification to potentially affected landowners, the legislature did not give the Agency of Natural Resources the authority to deny a permit application based on isolation zones that may "overshadow" your property.

Please contact me if you have any questions.

Sincerely,

Name of Applicant MARE YMAHEUX
Address 38 POKER HILL RD
UNDERHILL, VT.
Phone Number 802 899 3810

8/24/12 Last Revised 9/11/12 (To Comply with Act 145 and Act 117)

WASTEWATER SYSTEM AND POTABLE WATER SUPPLY PERMIT**LAWS/REGULATIONS INVOLVED**

10 V.S.A. Chapter 64, Potable Water Supply and Wastewater System Permit
Wastewater System and Potable Water Supply Rules, Effective September 29, 2007
Chapter 21, Water Supply Rules, Effective December 1, 2010

Landowner(s): Jane Maheux
Marc Maheux
38 Poker Hill Road
Underhill VT 05489

Permit Number: WW-4-4126
PIN: EJ13-0321

This permit affects property identified as Town Tax Parcel ID # Underhill: PH038 referenced in a deed recorded in Book 147 Page 350A of the Land Records in Underhill, Vermont.

This project, to create Lot 1 (14.16 +/- acres) for a proposed four bedroom single family residence and a two bedroom single family residence and Lot 2 (1.1 +/- acres) with an existing four bedroom single family residence, located on Poker Hill Road in Underhill, Vermont, is hereby approved under the requirements of the regulations named above subject to the following conditions.

1. GENERAL

- 1.1 The project shall be completed as shown on the plans and/or documents prepared by David A. Tudhope and Chad E. Branon, with the stamped plans listed as follows:

Sheet Number	Title	Plan Date	Plan Revision Date
1	Subdivision Plan	8/09/2013	
2	Lot 1 Septic Details	8/09/2013	

- 1.2 This permit does not relieve the landowner from obtaining all other approvals and permits PRIOR to construction including, but not limited to, those that may be required from the Act 250 Environmental Commission; the Drinking Water and Groundwater Protection Division; the Watershed Management Division; the Division of Fire Safety; the Vermont Department of Health; the Family Services Division; or other State departments and local officials.
- 1.3 The conditions of this permit shall run with the land and will be binding upon and enforceable against the landowner and all assigns and successors in interest. The landowner shall record and index this permit in the Underhill Land Records within thirty, (30) days of issuance of this permit and prior to the conveyance of any lot subject to the jurisdiction of this permit.
- 1.4 The landowner shall record and index all required installation certifications and other documents that are required to be filed under these Rules or under a specific permit condition in the Underhill Land Records and ensure that copies of all certifications are sent to the Secretary.
- 1.5 No permit issued by the Secretary shall be valid for a substantially completed potable water supply and wastewater system (for Lot 1) until the Secretary receives a signed and dated certification from a qualified Vermont Licensed Designer (or where allowed, the installer) that states:

"I hereby certify that, in the exercise of my reasonable professional judgment, the installation-related information submitted is true and correct and the potable water supply and wastewater system were installed in accordance with the permitted design and all the permit conditions, were inspected, were properly tested, and have successfully met those performance tests",

or which otherwise satisfies the requirements of §1-308 and §1-911 of the referenced rules.



- 1.6 Lot 1 is approved for the construction of a four bedroom single family residence and a two bedroom single family residence. Lot 2 is approved with the existing four bedroom single family residence. Construction of additional nonexempt buildings, including commercial and residential buildings, is not allowed without prior review and approval by the Drinking Water and Groundwater Protection Division and such approval will not be granted unless the proposal conforms to the applicable laws and regulations. No construction is allowed that will cause non-compliance with an existing permit.
- 1.7 Each purchaser of any portion of the project shall be shown a copy of the Wastewater System and Potable Water Supply Permit and the stamped plans prior to conveyance of any portion of the project to that purchaser.
- 1.8 By acceptance of this permit, the landowner agrees to allow representatives of the State of Vermont access to the property covered by the permit, at reasonable times, for the purpose of ascertaining compliance with the Vermont environmental and health statutes and regulations, and permit conditions.
- 1.9 Any person aggrieved by this permit may appeal to the Environmental Court within 30 days of the date of issuance of this permit in accordance with 10 V.S.A. Chapter 220 and the Vermont Rules of Environmental Court Proceedings.

2. WATER SUPPLY

- 2.1 The components of the potable water supply herein approved shall be routinely and reliably inspected during construction by a qualified Vermont Licensed Designer (or where allowed, the installer) who shall, upon completion and prior to occupancy of the associated building, report in writing to the Drinking Water and Groundwater Protection Division that the installation was accomplished in accordance with the referenced plans and permit conditions, as specifically directed in Condition #1.5 herein.
- 2.2 Lot 1 is approved for connection to the municipal water supply system as depicted on the plans stamped by the Drinking Water and Groundwater Protection Division. The four bedroom single family residence is approved for a maximum of 540 gallons of water per day and the two bedroom single family residence is approved for a maximum of 270 gallons of water per day.
- 2.3 Lot 2 is approved with the existing connection to the municipal water supply system for a maximum of 540 gallons of water per day.
- 2.4 Lot 2 is approved with an existing building water line. The Drinking Water and Groundwater Protection Division assumes no liability for the adequacy of this water line. Should the line fail and not qualify for the minor repair or replacement exemption, the landowner shall engage a Licensed Designer to evaluate the cause of the failure and to submit an amendment application to this office prior to correcting the failure.
- 2.5 This permit is based, in part, on a municipal approval for connection to their water distribution system. If the municipal approval expires, this permit shall be invalid unless the municipality renews its approval. If the municipality approval expires, a new permit must be issued for the project. An updated application form and an application fee will be required for the project. A new municipal approval letter shall be required. The rules in effect at the time of the filing of the application for a new permit will be applied to the project.

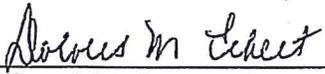
3. WASTEWATER DISPOSAL

- 3.1 The components of the sanitary wastewater system herein approved shall be routinely and reliably inspected during construction by a Vermont Licensed Designer (or where allowed, the installer) who shall, upon completion and prior to occupancy of the associated building, report in writing to the Drinking Water and Groundwater Protection Division that the installation was accomplished in accordance with the referenced plans and permit conditions, as specifically directed in Condition #1.5 herein.
- 3.2 Lot 1 is approved for the disposal of wastewater in accordance with the design depicted on the stamped plans for a maximum of 840 gallons of wastewater per day. The shared system shall be operated at all times in a manner that will not permit the discharge of effluent onto the surface of the ground or into the waters of the State. Should the system fail and not qualify for the minor repair or replacement exemption, the current landowner shall engage a qualified Vermont Licensed Designer to evaluate the cause of the failure and to submit an application to this office and receive written approval prior to correcting the failure.
- 3.3 The corners of the proposed primary wastewater disposal area shall be accurately staked out and flagged prior to construction with the flagging/staking being maintained until construction is complete.
- 3.4 Lot 2 is approved with an existing wastewater disposal system with a maximum design flow of 490 gallons of wastewater per day. No changes shall be made to the existing wastewater system unless prior approval is obtained from the Drinking Water and Groundwater Protection Division. Should the system fail and not qualify for the

minor repair or replacement exemption, the landowner shall engage a qualified Licensed Designer to evaluate the cause of the failure and to submit an application to Drinking Water and Groundwater Protection Division prior to correcting the failure.

- 3.5 Future replacement wastewater disposal areas for Lot 1 and Lot 2 have been identified on the stamped plans. There shall be no construction or other activities that would impact the suitability of these replacement areas for wastewater disposal.
- 3.6 The wastewater system for this project is approved for domestic type wastewater only except as allowed for water treatment discharges. No discharge of other type process wastewater is permitted unless prior written approval is obtained from the Drinking Water and Groundwater Protection Division.
- 3.7 No buildings, roads, water lines, earthwork, re-grading, excavation or other construction that might interfere with the installation or operation of the wastewater disposal system are allowed on or near the site-specific wastewater disposal system or replacement areas depicted on the stamped plans. All isolation distances that are set forth in the Wastewater System and Potable Water Supply Rules shall be adhered to and will be incorporated into the construction and installation of the wastewater disposal field.

David K. Mears, Commissioner
Department of Environmental Conservation

By 
Dolores M. Eckert, Assistant Regional Engineer
Dated October 21, 2013

cc Underhill Planning Commission
David A. Tudhope
Chad E. Branon

JERICHO-UNDERHILL WATER DISTRICT
P.O. Box 174, Underhill, Vermont 05489

(802) 899-3810

APPLICATION FOR WATER ALLOCATION

Date: 6/28/13

Customer Name: Marc Maheux

Customer Address: 36 Poker Hill
PO Box 236
Underhill, VT 05489

Tax Property Code PH036
Property Address (if different): _____

Marc Maheux hereby requests allocation of drinking water.
(Customer)

The requested allocation is 810 gallons per day.

The use or purpose of this allocation is two unit housing.

This allocation request is based on the following considerations and calculations:

135 gals/per day * 6 bedrooms

This allocation is in conformance with the design flow specified in the currently effective version of the State of Vermont, Environmental Protection Rules, Chapter 1 Wastewater System and Potable Water Supply Rules, Subchapter 1-504.


(Signature of customer)

Reviewed by the District Board on July 1, 2013
(Date)

Accepted

Rejected . Reason (if rejected) _____

Joseph P. O'Brien, Ass't Clerk, Trustee
(Signature of Clerk)

DRAFT

KNOW ALL PERSONS BY THESE PRESENTS THAT

Marc Maheux and Jane Maheux of Underhill, Vermont, Grantors, in the consideration of One and More Dollars paid to their full satisfaction by (buyer), Grantee, by these presents, do freely **Give, Grant, Sell, Convey and Confirm** unto the said Grantee, (Buyer) and their heirs and assigns forever, certain lands and premises, in Underhill, in the County of Chittenden and State of Vermont, described as follows, v.z:

Being a 14.16 acre lot, with structures thereon, as depicted on a "Survey Plat, Marc and Jane Maheux, 38 Poker Hill Road, Underhill, Vermont", by David A. Tudhope, dated May 20, 2011, of record in Map Slide ___ of the Town of Underhill Land Records, (the "Plat") and as a more particularly described as a lot of land located on the southeasterly side of Poker Hill Road in said Town of Underhill, consisting of 14.26 acres, more or less, with an existing barn and garage thereon. Being a portion of the lands and premises conveyed to Marc Maheux and Jane Maheux by Warranty Deed of Manfred K. Hummel and Margaret P. Hummel, dated August 29, 2005, of record in Volume 147 at page 350 of the Town of Underhill Land Records.(hereinafter, the "Lot");

The property conveyed is subject to and includes the benefit of all easements, rights of way, conditions and covenants as depicted on the aforesaid Plat and of record. Said property is subject to the terms and conditions of Water/Wastewater Permit No. _____.

Reference is made to the aforementioned deeds, the references therein, and records thereof, in further aid of this description.

To have and to hold said granted premises, with all the privileges and appurtenances therein to the said Grantee, _____, and their heirs and assigns, to their own use and behoof forever; and the said Grantors, Marc Maheux and Jane Maheux, for themselves and their heirs and assigns, do covenant with the said Grantee, _____ and their heirs and assigns, that until the ensembling of these presents they are the sole owner of the premises, and have good right and title to convey the same in manner aforesaid, that they are **Free from every encumbrance;** except as aforesaid, and we **hereby engage to warrant and Defend** the same against all lawful claims whatever, except as aforesaid.

IN WITNESS WHEREOF, We hereunto set our hands and seals this ___ day of _____ 2013.

MARC MAHEUX

JANE MAHEUX

STATE OF VERMONT)
CHITTENDEN COUNTY)

At _____ this ___ day of _____, 2013 personally appeared Marc Maheux and Jane Maheux, and acknowledged this instrument, by them sealed and subscribed, to be their free act and deed.

Before me, _____
Notary Public

DRAFT

KNOW ALL PERSONS BY THESE PRESENTS THAT

Marc Maheux and Jane Maheux of Underhill, Vermont, Grantors, in the consideration of One and More Dollars paid to their full satisfaction by (buyer), Grantee, by these presents, do freely **Give, Grant, Sell, Convey and Confirm** unto the said Grantee, (Buyer) and their heirs and assigns forever, certain lands and premises, in Underhill, in the County of Chittenden and State of Vermont, described as follows, viz:

Being a 1.1 acre lot, with buildings thereon, as depicted on a "Survey Plat, Marc and Jane Maheux, 38 Poker Hill Road, Underhill, Vermont", by David A. Tudhope, dated May 20, 2011, of record in Map Slide ___ of the Town of Underhill Land Records, (the "Plat") and as a more particularly described as a lot of land located on the southeasterly side of Poker Hill Road in said Town of Underhill, consisting of 47,085.2 square feet (1.1 acres), more or less, with existing house thereon. Being a portion of the lands and premises conveyed to Marc Maheux and Jane Maheux by Warranty Deed of Manfred K. Hummel and Margaret P. Hummel, dated August 29, 2005, of record in Volume 147 at page 350 of the Town of Underhill Land Records.(hereinafter, the "Lot");

The property conveyed is subject to and includes the benefit of all easements, rights of way, conditions and covenants as depicted on the aforesaid Plat and of record. Said property is subject to the conditions of Water/Wastewater Permit No. _____.

Reference is made to the aforementioned deeds, the references therein, and records thereof, in further aid of this description.

To have and to hold said granted premises, with all the privileges and appurtenances therein to the said Grantee, _____, and their heirs and assigns, to their own use and behoof forever; and the said Grantors, Marc Maheux and Jane Maheux, for themselves and their heirs and assigns, do covenant with the said Grantee, _____ and their heirs and assigns, that until the ensembling of these presents they are the sole owner of the premises, and have good right and title to convey the same in manner aforesaid, that they are **Free from every encumbrance**; except as aforesaid, and we **hereby engage to warrant and Defend** the same against all lawful claims whatever, except as aforesaid.

IN WITNESS WHEREOF, We hereunto set our hands and seals this ___ day of _____ 2013.

MARC MAHEUX

JANE MAHEUX

STATE OF VERMONT)
CHITTENDEN COUNTY)

At _____ this ___ day of _____, 2013 personally appeared Marc Maheux and Jane Maheux, and acknowledged this instrument, by them sealed and subscribed, to be their free act and deed.

Before me, _____
Notary Public

Project Review Sheet

 Date Initiated ANR PIN# WW Project# Pre-application Review
Project Information
General Information

PROJECT NAME (if applicable) 38 Poker Hill Road Subdivision and SFR	PROJECT TOWN Underhill
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 PROJECT LOCATION (911 address if available)
38 Poker Hill Road

Contact(s)

CONTACT TYPE Landowner	NAME Marc and Jane Maheux	ORGANIZATION NAME (if applicable)
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ADDRESS 38 Poker Hill Road	TOWN Underhill	STATE VT	ZIP 05489
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PHONE (802)-899-3810	CELL PHONE	EMAIL
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CONTACT TYPE Consultant	NAME David A. Tudhope	ORGANIZATION NAME (if applicable)
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ADDRESS 74 Cayuga Court	TOWN Burlington	STATE VT	ZIP 05408
----------------------------	--------------------	-------------	--------------

PHONE	CELL PHONE	EMAIL dtudhope@aol.com
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Project Description

ENTERED BY Jeffrey McMahon	INFORMATION SOURCE Wastewater System & Potable Water Supply	DATE ENTERED 10/14/2013 3:27 PM
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 PROJECT DESCRIPTION
 Permit the subdivision of 15.26 acres; lot 2 w/ an existing single family residence w/ onsite wastewater disposal and municipal water supply. Lot 1 for a proposed single family residence and a 2 bedroom apartment, both to be served by a shared wastewater disposal system and both to have individual municipal water supply connection.

DEC Prior Permits

PERMIT TYPE	PERMIT NUMBER
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*Jurisdictional Opinion(s) for permits that may be needed from the District Environmental Office **PRIOR TO COMMENCEMENT OF CONSTRUCTION***

Act 250 Jurisdictional Opinion

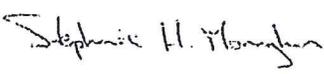
This is a jurisdictional opinion issued pursuant to 10 V.S.A. § 6007(c) and Act 250 Rule 3(A). A request for reconsideration by the district coordinator, pursuant to Act 250 Rule 3(B), must be sent to the district coordinator at the address below within 30 days of the mailing of this opinion. Effective July 1, 2013, no appeal may be taken from a jurisdictional opinion or coordinator's decision on reconsideration without reconsideration by the Natural Resources Board. Requests for reconsideration by the Board must be submitted to the Board within 30 days of the mailing of this decision or a coordinator's decision on reconsideration.

PERSON REQUESTING JURISDICTIONAL OPINION Jeffrey McMahon	REQUESTOR TYPE Permit Specialist	ACT 250 PERMIT NUMBER (if any) no Act 250 found	HAS THE LANDOWNER SUBDIVIDED BEFORE? <input type="checkbox"/> Yes <input type="checkbox"/> No
---	-------------------------------------	--	--

 TYPE OF PROJECT (check all that apply)
 Commercial Residential Agricultural Municipal State Federal

IS AN ACT 250 PERMIT REQUIRED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	COPIES SENT TO STATUTORY PARTIES? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
---	--

BASIS FOR DECISION
 The proposed project does not constitute development under Act 250 Rule 2.

<p>DISTRICT COORDINATOR SIGNATURE</p>  <p>Stephanie H. Monaghan 802-879-5662 or stephanie.monaghan@state.vt.us 2013.10.15 08:52:19 -04'00'</p>	<p>Stephanie Monaghan, Coordinator </p> <p>[phone] 802-879-5662 [email] stephanie.monaghan@state.vt.us Natural Resources Board District 4 Environmental Commission 111 West Street, Essex Junction, VT 05452</p>
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Drinking Water & Groundwater Protection Division Regional Office Permit Jurisdictional Opinion

IS A WASTEWATER SYSTEM & POTABLE WATER SUPPLY PERMIT/APPROVAL REQUIRED?

Yes Permit application currently under review
 No Permit issued on _____

*The following are preliminary, non-binding determinations made by DEC Permit Specialists identifying other permits that may be needed
 PRIOR TO COMMENCEMENT OF CONSTRUCTION*

Preliminary, Non-binding Determination of the Applicability of Other State Permits

Note: Fact Sheet numbers below refer to permit fact sheets available at: http://www.anr.state.vt.us/dec/permit_hb/tableofcontents.htm

Agency of Natural Resources - Department of Environmental Conservation

WASTE MANAGEMENT & PREVENTION DIVISION

Demolition Waste
 Contact: Jim Surwillo Email: james.surwilo@state.vt.us Phone: 802-522-5056

WATERSHED MANAGEMENT DIVISION

Stormwater: Developments [Fact Sheets #6.2 & 6.3]
 Contact: Helen Carr Email: helen.carr@state.vt.us Phone: 802-490-6170

Department of Public Safety

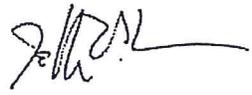
Construction Permit Fire Prevention, Electrical, Plumbing, Accessibility (ADA) [Fact Sheets #49, 50, 50.1, & 50.2]
 Williston: 802-879-2300
 Plumbing in Residences Served by Public Water/Sewer with 10 or More Customers [Fact Sheet #50.2]
 Phone: 802-786-5867

Vermont Energy Code Assistance Center

Vermont Building Energy Standards [Fact Sheet #47.2]
 Contact: Kelly Launder Email: kelly.launder@state.vt.us Phone: 802-828-4039

Local Permits

See your Town Clerk, Zoning Administrator, Planning Commission or Public Works

<p>PERMIT SPECIALIST SIGNATURE</p>  <p>2013.10.15 09:16:05 -04'00'</p>	<p>Jeff McMahon, Permit Specialist </p> <p>[phone] 802-879-5676 [email] jeff.mcmahon@state.vt.us Department of Environmental Conservation Environmental Assistance Office - Essex Regional Office 111 West Street, Essex Junction, VT 05452</p>
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October 29, 2013

Marc and Jane Maheux
38 Poker Hill Road
Underhill Vermont 05489

RE: 2 Lot Subdivision, No new structures being constructed.

We have reviewed the request to subdivide the property located at 38 Poker Hill Road into 2 lots. The construction of a new structure is not proposed at this time. After a site visit and reviewing the subdivision site plan I was provided with, the subdivision of the existing lot into 2 lots would not add any undo burden on the fire department's ability to provide reasonable fire protection to those two lots or the community. If in the future a residence is proposed we request that a copy of those plans be forwarded to the UJFD for review.

Reminder that as per our 1-2 residence criteria the driveway must be a minimum width of 12 feet, the driveway should not have a slope greater than 10%, and lastly there should be an unobstructed height of 13'6" above the driveway.

We would also like to remind everyone that 911 address numbers are to be posted at the driveway entrance and must be a minimum of 4" in height and of contrasting colors, i.e. white on green.

If you have any questions you may contact me at 899-4025 or by e-mail at Harry@ujfd.org

Sincerely,

A handwritten signature in cursive script, appearing to read "Harry Schoppmann III".

Harry Schoppmann III
Duty Captain

Cc: Brian Bigelow, Town of Underhill

Chittenden East

Supervisory Union

Bolton

Huntington

Jericho

Richmond

Underhill ID

Underhill

Mt. Mansfield USD #17

Chittenden East Supervisory Union # 12
Administrative Offices
PO Box 282, 211 Bridge Street
Richmond, Vermont 05477
(802) 434 - 2128 (802) 434 - 2196 (fax)
www.cesu.k12.vt.us

October 25, 2013

Brian Bigelow
Underhill Town Administrator
Underhill Town Offices
PO Box 32
Underhill Center, VT 05490

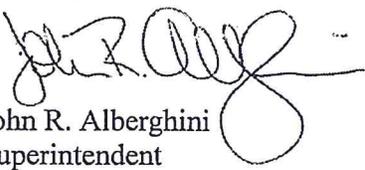
RE: Proposed Subdivision--Marc & Jane Maheux

Dear Brian:

I am writing regarding the Maheux's proposed subdivision on 38 Poker Hill Road in Underhill. Chittenden East Supervisory Union will be able to provide services for additional students this subdivision may generate at Underhill ID Elementary School, Browns River Middle School or Mt. Mansfield Union High School.

If you have any questions or concerns, contact me at your convenience.

Sincerely,


John R. Alberghini
Superintendent

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

Docket #: DRB-12-04 Property ID: PH038 Hearing Date: ~~10/18/13~~, 12/2/13
Applicant/Consultant: Marc & Jane Maheux

The following standards are excerpted from Article VIII of the Unified Land Use and Development Regulations. For full standards, refer to the complete regulations document.

Applicant(s) shall submit proposed findings of fact for each of the relevant subdivision standards below as part of the application for final subdivision review. Proposed findings shall address how the proposed development relates to each portion of the standard.

<u>Required</u>	<u>Submitted</u>	<u>Section 8.2 General Standards</u>
-----------------	------------------	---

(A) Development Suitability

Indicate how the proposed subdivision will not result in undue adverse impacts to public health and safety, the natural environment, neighboring properties and uses, or the character of the area in which it is located.

The one lot subdivision maintains septic set backs and replacement areas to satisfy the waste water regulations and will be supplied by public water. Meeting these requirements limits impacts to public health and safety. The uses and character of the surrounding properties are single family homes. This subdivision maintains that character.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

Required Submitted **Section 8.2 General Standards Cont'd**



(D) Underhill Town Plan & Regulations

How will the proposed subdivision conform to the stated policies and objectives in the Underhill Town Plan as most recently amended, other provisions of these regulations, adopted capital or transportation improvement programs, and other municipal bylaws, ordinances and regulations?

This site fits all the planning and growth for the "Flats Zoning District". This is the area where growth is planned due to the existing infrastructure.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

Required

Submitted

Section 8.2 General Standards Cont'd



(E) District Settlement Patterns

Identify the district(s) in which the proposed subdivision will occur.



Underhill Flats Village Center



Rural Residential



Water Conservation



Scenic Preservation



Soil & Water Conservation

Address the provisions in the applicable district(s) as stated in Section 8.2 (E).

This pertains to Section 8.2(E) 1 Underhill Flats Village Center.

This section refers to compact development, connect to existing roads, and maintain consistent building lines. I believe you will find that this minor subdivision fits this section very well.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist



<u>Required</u>	<u>Submitted</u>	<u>Section 8.2 General Standards Cont'd</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	(F) Lot Layout

Explain how the proposed lots and lot layouts:

1. are suitable for their intended use, for subsequent development (building lots) or for resource or open space protection (conserved lots).

The subdivision divides a one acre + lot with the existing house and leaves the remaining land, 14 + acres for a 4 bedroom house and an accessory apartment. The amount of open land remains the same as a barn is located on the land to be subdivided. So the greater part of the 14 + acres remains open.

2. conform to desired district settlement patterns, as required under Subsection E.

Explained above (E)

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

Required Submitted Section 8.2 General Standards Cont'd



(F) Lot Layout Cont'd.

Explain how the proposed lots and lot layouts:

3. meet minimum lot size and density requirements under Article II, except as modified for planned residential or planned unit developments under Article IX.

The subdivision exceeds the minimum lot requirements.

4. conform to lot and yard requirements under Section 3.7.

Building envelope will meet all zoning set backs without any variances.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist



<u>Required</u>	<u>Submitted</u>	<u>Section 8.2 General Standards Cont'd</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	(F) Lot Layout Cont'd.

If irregularly shaped lots (e.g., with curves, jogs, dog-legs, etc.) are proposed, provide an explanation for their necessity.

The layout of the one acre + lot is laid out to meet the zoning set back distances for septic and replacement areas. Therefor there are jogs in the lot layout.

<u>Required</u>	<u>Submitted</u>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	(G) Building Envelopes

See application checklist.

<input checked="" type="checkbox"/>	<input type="checkbox"/>	(H) Survey Monuments
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See application checklist.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

Required

Submitted

Section 8.2 General Standards Cont'd



(I) Landscaping & Screening

1. How does the proposal preserve existing trees, tree lines, wooded areas of particular natural or aesthetic value to the site, and significant wildlife habitat areas?

The conditional use permit I received enhances the property to blend with the existing landscape. Existing tree lines remain the same and wildlife habitat is not disturbed.

2. How does the proposal comply with the requirement to provide an undisturbed vegetated buffer between developed and undeveloped portions of the subdivision, as necessary to minimize adverse impacts to surface waters and wetlands (See Section 3.19), or other natural or scenic resources under Section 8.3?

The build envelope and the part of the lot that is being developed is far from surface water and potential wet lands. The areas that were disturbed and exceeding a slope of > 25% have been seeded, small balsam trees planted with several ground cover plants to stabilize the banks.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

<u>Required</u>	<u>Submitted</u>	<u>Section 8.2 General Standards Cont'd</u>
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(I) Landscaping & Screening Cont'd

3. How does the proposal provide for physical separation and visual screening as necessary to provide privacy, reduce noise or glare, or to establish a buffer between potentially incompatible land uses?

The work being done to ready the lot for building will blend the land into the existing landscape. It will reduce steep slopes and allow for safer lawn maintenance, better sight distance when entering Poker Hill. This work has begun and my neighbor has been very appreciative of the work and can't wait for it to be complete.

4. How does the proposal comply with the requirement to establish a tree canopy along roads or pedestrian walkways?

There is not any tree canopy along Poker Hill Rd. Trying to create a tree canopy would create a safety problem with sight lines when pulling out on to Poker Hill Rd.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

Required

Submitted

Section 8.2 General Standards Cont'd



(J) Energy Conservation

Explain how the proposed subdivision design and layout, to the extent physically feasible, incorporates energy efficient design. See Section 8.2 (J) for recommended measures.

The building layouts themselves will create solar heating through glass on the south side. The heating systems will be primarily wood with natural gas if the gas company will extend the line another 100'. If not then oil backup.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

<u>Required</u>	<u>Submitted</u>	<u>Section 8.3 Natural & Cultural Resources</u>
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(A) Resource Identification & Protection

Identify any significant cultural and natural features in the area of the proposed development, and indicate how they will be conserved.

This building area does not include any cultural or natural areas, these areas may be located on another part of my land and will not be disturbed as part of the construction.

<u>Required</u>	<u>Submitted</u>	
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(B) Surface Waters, Wetlands & Floodplains

Explain how the proposed subdivision boundaries, lot lines and building envelopes are located and configured to avoid adverse impacts to surface waters, wetlands, special flood hazard areas (SFHAs), and designated Source Protection Areas (SPAs), and meet the specific requirements under Section 8.3 (B).

No SPAs exist within my land currently. All the other waters are well away from the building area.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

Required

Submitted

Section 8.3 Natural & Cultural Resources Cont'd



(C) Rock Outcrops, Steep Slopes, Hillside & Ridgelines

Explain how the proposed subdivision boundaries, lot lines and building envelopes have been located and configured to minimize the adverse impacts of development on steep slopes (15% or more); to avoid site disturbance on very steep slopes (>25%); and to avoid the placement of structures on exposed rock outcrops and ledges and visually prominent hilltops and ridgelines.

The lot is being configured to reduce steep slopes on the building area and keep the remaining land as is. There are no rock outcrops or hilltops to avoid. When done the land blends with my neighbors on the down hill side and is protected by trees and brush on the up hill side for privacy.

Indicate which of the recommended measures in Section 8.3 (C) have been incorporated into the overall plans.

The drainage from Poker Hill has caused problems with driveways and road shoulders for many years. I have made several improvements to the road shoulder along my property line. This will allow the storm water to shed off the road onto lawns and small ditches so the water will not build up and cause erosion on the road shoulder and driveways. Being on a steep hill this is very important maintenance and must be done a couple of years as the road salt and sand build up causing a berm. All the shoulders within my property line slope onto my land where possible to allow the storm water a place to runoff and absorb into the soil.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

<u>Required</u>	<u>Submitted</u>	<u>Section 8.3 Natural & Cultural Resources Cont'd</u>
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(D) Natural Areas & Wildlife Habitat

Address how the proposed subdivision boundaries, lot lines, and building envelopes have been located and configured to avoid the subdivision and fragmentation of, and adverse impacts to natural areas and significant wildlife habitat identified in the town plan and associated maps and inventories, by the Vermont Department of Fish & Wildlife, or through site investigation. Refer to Section 8.3 (D) for specific requirements.

This entire parcel is not located on any wildlife habitat map. There has been wildlife on the other side of the river which I have been maintaining to improve apple production in the wild apple trees. I also brush hog and keep the brush cut down to improve the area for the wildlife.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

<u>Required</u>	<u>Submitted</u>	<u>Section 8.3 Natural & Cultural Resources</u> <u>Cont'd</u>
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(E) Historic & Cultural Resources

Have historic and archaeological site(s) and/or resource(s) have been identified in the area to be developed? Yes No *[If no, skip to (F) on the next page.]*

If site(s) and/or resource(s) have been identified, address how the proposed subdivision boundaries, lot lines, and building envelopes have been located and configured to minimize adverse impacts to historic and archaeological sites and resources identified in the town plan, by the Vermont Division for Historic Preservation (on state or national registers), or through site investigation. Refer to Section 8.3 (E) for specific requirements.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

Required

Submitted

Section 8.3 Natural & Cultural Resources Cont'd



(F) Farmland

Do areas of primary agricultural soils, open fields, orchards, or maple sugar stands exist in the area to be developed? Yes No *[If no, skip to (G) on the next page.]*

If such areas have been identified, address how the proposed subdivision boundaries, lot lines, and building envelopes have been located and configured to avoid the fragmentation of and adverse impacts to those areas. Include responses to the provisions under Section 8.3 (F).

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

Required

Submitted

Section 8.3 Natural & Cultural Resources Cont'd



(G) Forestland

Does the area to be developed include forestland? Yes No
[If no, skip to Section 8.4 (A) on the next page.]

If forestland exists, address the standards under Section 8.3(G).

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

Required Submitted Section 8.4 Open Space & Common Land



(A) Open Space

Explain how the proposed development incorporates the provisions under Section 8.4 (A).

Most of the 14+ acres remain open as designed.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

<u>Required</u>	<u>Submitted</u>	<u>Section 8.4 Open Space & Common Land Cont'd</u>
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(B) Common Land

Does the area to be developed include land held in common for the preservation and maintenance of open space or the management and maintenance of shared facilities (e.g., community wastewater systems, community water supplies, recreation or community facilities, road and trail rights-of-way)? Yes No *[If no, skip to Section 8.5 below.]*

If the proposed development includes common land, will the land be held under separate ownership from the contiguous parcels? Yes No

<u>Required</u>	<u>Submitted</u>	<u>Section 8.5 Stormwater Management & Erosion Control</u>
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Provide an explanation of and details for the temporary and permanent stormwater management and erosion control measures that will be used during all phases of subdivision development as necessary to limit surface runoff and erosion, protect water quality and to avoid damage to downstream properties in conformance with Section 8.5.

I believe I have cover this question in great detail in prior questions in 8.3.....and in the following questions.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

<u>Required</u>	<u>Submitted</u>	<u>Section 8.5 Stormwater Management & Erosion Control Cont'd</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Provide the existing and anticipated runoff, anticipated flows from storm events, and total runoff generated at build-out.

The build-out doesn't increase storm water, but will control erosion along the road edge and stop erosion in the property owner's driveways below. The design allows the storm water to slowly drain along the lawns and not create small areas of large flows that cause erosion. This past year we had large volumes of water from storms that were above the norm. The water was slowed in other areas by allowing the runoff to spread over a large area thereby allowing the soil to absorb the water causing very little erosion.

Demonstrate that existing downstream drainage facilities will be able to accommodate any additional runoff from the subdivision at build-out.

The development should not cause any problems with downstream drainage facilities. This minor, single lot subdivision should improve drainage along Poker Hill and protect the road's shoulder and down hill driveways from erosion. All water from Poker hill ends up in Roaring Brook. It helps if it can be controlled and enter the brook slowly through means of filtering through grassy areas.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

<u>Required</u>	<u>Submitted</u>	<u>Section 8.6 Transportation Facilities</u>
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(A) Access & Driveways

Address how the proposed access to the subdivision and to individual lots within the subdivision meets the requirements of Section 3.2 (Access Management), the Underhill Highway Ordinance, adopted state or municipal access management plans and capital or transportation improvement plans, and the provisions of Section 8.6 (A).

An existing curb cut has been in place for many years.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist



<u>Required</u>	<u>Submitted</u>	<u>Section 8.6 Transportation Facilities Cont'd</u>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	

Will the proposed subdivision require access to VT Route 15? Yes No
[If no, skip to the next page.]

If the proposed access will be off of VT Route 15, address how the access meets the Vermont Agency of Transportation requirements for subdivision access onto state highways.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

Required Submitted Section 8.6 Transportation Facilities Cont'd



(B) Development Roads

Will the proposed development require the construction or upgrade of a private development road? Yes No *[If no, skip to (C) on the next page.]*

If a new or upgraded road is proposed, explain how the proposed development conforms to the Underhill Highway Ordinance, and the specific road standards under Section 8.6 (B).

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist



<u>Required</u>	<u>Submitted</u>	<u>Section 8.6 Transportation Facilities Cont'd</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	(C) Parking Facilities

Will the proposed development include common or shared parking areas?

- Yes No

If such areas are proposed, explain how the proposed development has been designed in accordance with Section 3.13.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

Required

Submitted

Section 8.7 Public Facilities & Utilities



(A) Public Facilities

Demonstrate how the proposed subdivision will not create an undue burden on existing and planned public facilities.

The schools in the area are under populated. They have capital cost that can only be reduced by increasing student population. You have received letters from fire, school and water that this will not create a burden.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist



Required Submitted Section 8.7 Public Facilities & Utilities
Cont'd

(B) Fire Protection

Does the proposed development incorporate water storage and distribution facilities for fire protection in accordance with fire department specifications? Yes No

Address the proposed access to developed lots as it relates to emergency response vehicles.

Access through the driveway. Fire hydrant located across the street.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

Required

Submitted

Section 8.7 Public Facilities & Utilities Cont'd



(C) Water Systems

Demonstrate that adequate potable water supplies exist on- or off-site to serve the subdivision. Include the requirements and considerations under Section 8.7 (C).

Public Water system will serve the buildings.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

Required

Submitted

Section 8.7 Public Facilities & Utilities
Cont'd



(D) Wastewater Systems

Demonstrate that adequate wastewater system capacities exist on- or off-site to serve the proposed subdivision. Include the requirements and considerations under Section 8.7 (D).

see waste water permit.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

Required

Submitted

Section 8.7 Public Facilities & Utilities Cont'd



(E) Utilities

Will all proposed utilities be buried? Yes No

If any utilities are proposed above-ground, demonstrate that burial is not reasonable given physical site constraints (e.g., ledge or shallow depth to bedrock).

The proposed electrical would be underground. However if gas is brought onto the property the power company and myself will have to decide if enough separation between utilities can be achieved. This involves several different codes that need be followed.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

<u>Required</u>	<u>Submitted</u>	<u>Section 8.7 Public Facilities & Utilities Cont'd</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	(E) Utilities Cont'd

Address the provisions of Section 8.7 (E).

All provision are being met.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

<u>Required</u>	<u>Submitted</u>	<u>Section 8.8 Legal Requirements</u>
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Provide documentation and assurances that all required improvements, associated rights-of-way and easements, and other common lands or facilities will be adequately maintained in accordance with an approved management plan, either by the applicant, an owners' association, or through other legal means acceptable to the DRB. Draft management plans and documentation must be submitted with the application for final subdivision review for approval by the DRB.

No management plan, easements or facilities necessary.

From Marc Maheux

Dated 11/25/13

To explain concerns on the preliminary findings checklist.

Dear DRB,

I am updating my responses to 8.2, 8.3 and 8.7. Please see preliminary findings checklist. The board asked for more detail about the proposed buildings. The shapes on the map are typical for a 4 bedroom house with an attached garage located within the building envelope. The 40 X 50 area is the proposed work shop / storage area for my maintenance equipment, Kubota, brush hog, chipper and lawnmower. This building is also designed for septic discharge, as it may be possible to convert part as an accessory dwelling in the future.

My long term plans would be for my Daughter to build a house on lot 1, when she can afford to build. I would build the storage build soon as I will need a place to store my equipment. When my wife and I decide to down size we would like the option of an accessory dwelling where the storage building is. This is the reason for the 6 bedroom septic design. I may have to add on to the building but my plans are not certain at this time. All the proposed buildings meet the current zoning regulations for the "Flats Zoning District" at this time. If you feel that I need a conditional use permit for the accessory dwelling at this time, I can apply for the permit at final design.

The existing barn/ workshop will either be moved to the 40 X 50 area or tore down. If the barn/ work shop is moved my plans would be to add-on to it as it is not big enough to house all my equipment. The existing barn is not shown on the map due to either moving or removing from the site.

A handwritten signature in cursive script that reads "Marc Maheux". The signature is written in black ink and is positioned at the bottom left of the page.

JERICO-UNDERHILL WATER DISTRICT
P.O. Box 174, Underhill, Vermont 05489

899-3129

APPLICATION FOR WATER CONNECTION

Date: June 10, 2004

Manfred and Margaret P. Hummel at 38 Pokerhill Rd.
(Applicant/Owner/Title) (Address)

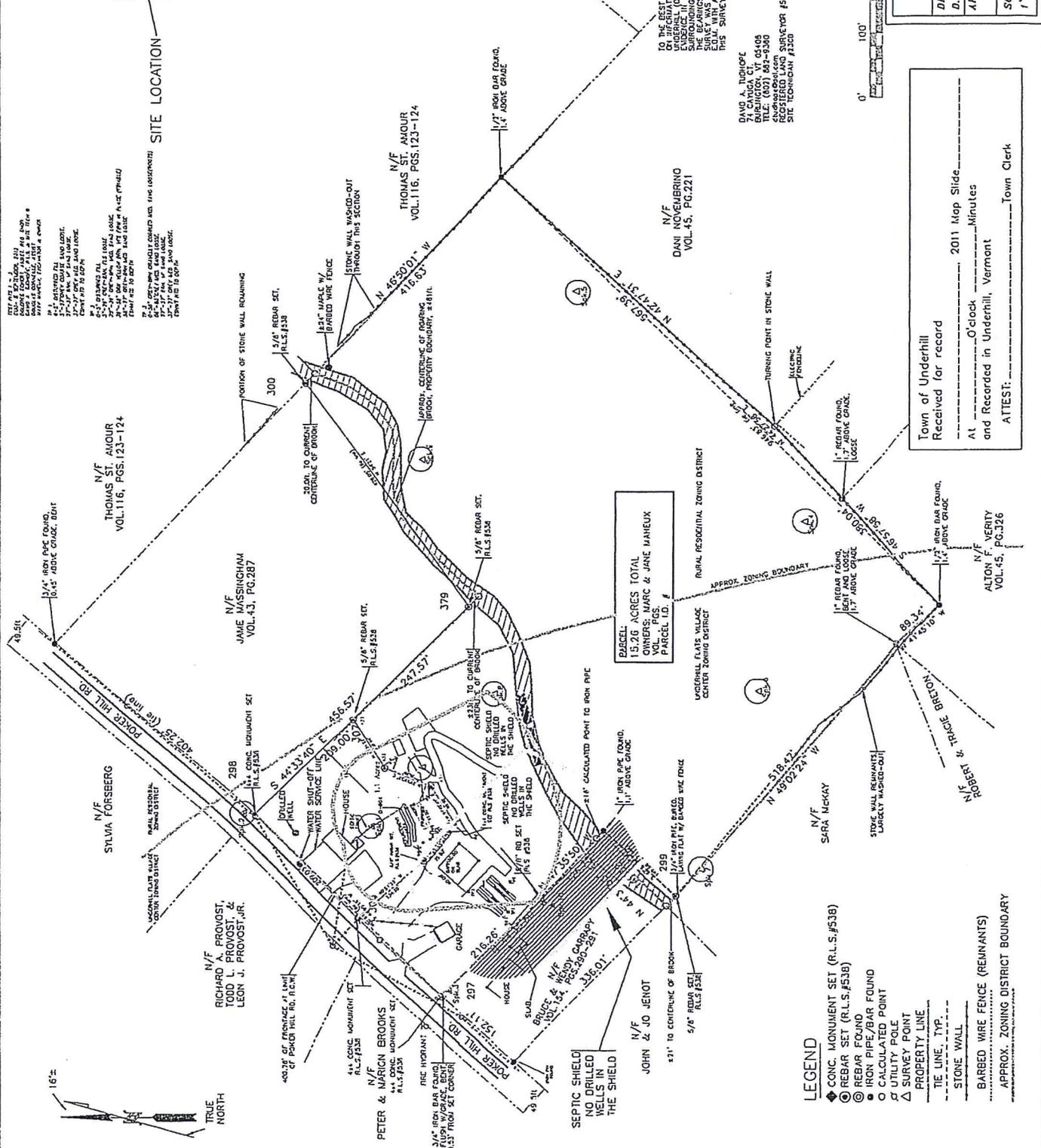
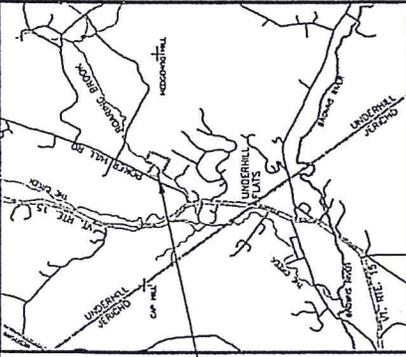
Underhill, VT 05489 hereby applies for water service. By signing this application, I agree to comply with the Water District rules and terms of the Water Service Connections Requirements. Enclosed is the Connection Fee in the amount of \$ 2000.00.

Manfred K. Hummel, Margaret P. Hummel
Signature of owner or owner representative

899-3346
Telephone (H) and (W)

Approved 7-5-2004
Peter J. Mitchell
President
JUWD Board.

Pd # 119
6-13-04



SURVEY PLAT			
DRAWN	DATE	FOR	PROJECT NO.
D.A.T.	06/20/11	MARC & JANE MAHEUX	769
APPROVED	DATE	38 POKER HILL RD., UNDERHILL, VERMONT	
SCALE	SHEET		
1" = 100'	1		

Town of Underhill
 Received for record
 At _____ O'clock _____ Minutes
 and Recorded in Underhill, Vermont
 ATTEST: _____ Town Clerk

- LEGEND**
- ◆ CONIC MONUMENT SET (R.L.S.#5318)
 - REBAR SET (R.L.S.#5316)
 - ⊙ REBAR FOUND
 - ⊙ IRON PIPE/REBAR FOUND
 - CALCULATED POINT
 - UTILITY POLE
 - SURVEY LINE
 - - - - - TIE LINE TYP.
 - STONE WALL
 - BARBED WIRE FENCE (REMNANTS)
 - APPROX. ZONING DISTRICT BOUNDARY



16" =





Marc Maheux

PO Box 236
Underhill, Vt 05489
Phone 802-899-3810

Dear Select Board Members,

I'm required by the DRB to submit curb cut and driveway specs to the select board for review.

As see on the subdivision plat I submitted to the DRB, the curb cut and driveway exists and has been for 35+ years. This subdivision is dividing the existing house with one acre and leaving the barn / garage with the remaining land. Each piece of property has a curb cut and driveway.

In the past the select board reviewed new curb cuts and driveway proposals with site visits and a review of the design plans to make sure that proper grades were met for public safety as described in the roads policy. In this case everything is in place and has been for some time.

Would you please review the subdivision plat and make a decision as whether an access permit is required for this subdivision.

Sincerely,

A handwritten signature in black ink that reads "Marc Maheux".

Marc Maheux

2/9/2015

Town of Underhill
P.O. Box 120
Underhill, VT 05489

Marc Maheux
P.O. Box 236
Underhill, VT 05489

February 19, 2015

Re: Requirement for Access Permit

Marc -

The Selectboard reviewed your letter of February 9, 2015 and the Survey Plan prepared by David Tudhope (Project 759, dated 5/20/11) at their meeting of February 17, 2105. In addition board members had performed individual site visits prior to that meeting.

The consensus of the Board is that no permit is required if no changes are proposed to the existing conditions, specifically the access point and the driveway serving the detached garage. Any proposed modifications would require permit application and review.

Please contact me with any questions.

For the Underhill Selectboard,



Brian Bigelow, Town Administrator
Town of Underhill
P.O. Box 120
Underhill, VT 05489
(802) 899-4434 x100
bbigelow@underhillvt.gov

c. Sarah McShane, Town Planner ✓
File

TOWN OF UNDERHILL
APPLICATION OF MARC & JANE MAHEUX
FOR A 2-LOT SUBDIVISION
PRELIMINARY SUBDIVISION FINDINGS AND DECISION

In re: Marc & Jane Maheux
38 Poker Hill Rd.
Underhill, VT 05489

Docket No. DRB-12-04: Maheux

I. INTRODUCTION AND PROCEDURAL HISTORY

This proceeding concerns Marc & Jane Maheux's preliminary hearing application for a 2-lot subdivision of property located at 38 Poker Hill Rd. in Underhill, VT.

- A. On May 9, 2012, Marc Maheux filed an application for subdivision for the project. A sketch plan review of the project was held on June 4, 2012 and was accepted.
- B. Application for Preliminary Approval was made on May 31, 2013 and application was deemed complete. A hearing was tentatively scheduled for September 16, 2013 at that time. Due to personal change in the Planning and Zoning Office the meeting was to be moved back to October 21, 2013 but a notice deficiency resulted in the hearing being finally held on November 4, 2013, and continued to December 2, 2013. On October 17, 2013, a copy of the notice of preliminary hearing was mailed via Certified Mail to the following owners of properties adjoining the property subject to the application:
1. Massingham, 46 Poker Hill Rd, Underhill, VT 05489
 2. Novembrino, PO Box 91, Underhill, VT 05489
 3. Verity, 13 Fox Run Rd., Underhill, VT 05489
 4. Frede, 13 Barrett Lane, Underhill, VT 05489
 5. McKay, 11 Barrett Lane., Underhill, VT 05489
 6. Jenot, 1 Barrett Lane, Underhill, VT 05489
 7. Brooks, 33 Poker Hill Road, Underhill, VT 05489
 8. Garrapy, 32 Poker Hill Road, Underhill, VT 05489
 9. Provost et. al., 39 Poker Hill Road, Underhill, VT 05489
 10. Forsberg Life Estate, Forsberg, et. Al. P.O. Box 146, Underhill, VT 05489
 11. St. Amour, 54 Poker Hill Rd., Underhill, VT 05489
- C. On October 17, 2013, notice of the public site visit for the proposed Maheux subdivision was posted at the following places:

1. The Underhill Town Clerk's office;
 2. The Underhill Country Store;
 3. Wells Corner Market;
 4. The Underhill Center Post Office;
 5. The Underhill Flats Post Office;
 6. Jacobs IGA;
- D. On October 17, 2013, notice of the public hearing was published in *The Burlington Free Press*.
- E. The preliminary hearing began at 6:30 PM on November 4, 2013, and was continued to December 2, 2013 at 6:30 PM. The Maheux hearing was the first item on the agenda.
- F. Present at the December 2, 2013 hearing were the following members of the Development Review Board:
- Charles Van Winkle, Chairperson,
 - Matt Chapek,
 - Mark Hamelin,
 - Will Towle, and
 - Helen Wagner
- Acting Administrative Officer Brian Bigelow; and Applicant Marc Maheux also attended the hearing.
- G. At the outset of the hearing, Chairperson Charles Van Winkle explained the criteria under 24 V.S.A. § 4465 (b) for being considered an "interested party." Those who spoke at the hearing were:
- Marc Maheux, 38 Poker Hill Road, Underhill, VT 05489
- H. During the course of the hearing the following exhibits were submitted to the Development Review Board **(Note items 'a' thru 'o' were submitted prior to November 4, 2013 hearing, items 'p' thru 'y' were submitted subsequently prior to the December 2, 2013 hearing with item 's' replacing item 'f')**:
- a. Marc & Jane Maheux's Application for Subdivision: Preliminary (dated 5-31-13);
 - b. A copy of the completed Subdivision Checklist: Preliminary Hearing;
 - c. A copy of the survey and plans prepared by David A. Tudhope, L.S. Project # 759, Sheet 1;
 - d. A copy of the ANR Form 1 (notice of Overshadowing at the time of Filing an Application for a Wastewater System and Potable Water Supply Permit);

- e. A copy of VT DEC ANR Wastewater and Potable Water Supply Permit (Project #: WW-4-4126) dated October 21, 2013;
- f. A copy of the Findings Checklist;
- g. A copy of the draft warranty deeds for each lot;
- h. A copy of the Project Review Sheet from the VT Department of Environmental Conservation & Natural Resources Board (dated 10-14-13);
- i. A copy of completed application for water allocation from the Jericho-Underhill Water District for the proposed two units (810 gpd: 6 bedrooms @ 135 gals per day) on the newly created lot #1.
- j. A copy of the letter from Harry Schoppmann of the Underhill Jericho Fire Department (dated October 29, 2013);
- k. Copy of input from the Chittenden East Supervisory Union (dated October 25, 2013);
- l. A copy of the tax map for PH038 overlaid with watercourse, wetland and flood zone information;
- m. A copy of the minutes from the 6-4-12 Sketch Plan/Conditional Use meeting;
- n. A copy of the hearing notice as published in *The Burlington Free Press*, posted in six public places and mailed to abutters;
- o. A copy of the procedure checklist for this meeting; and
- p. The original memo for the November 4, 2013 packet;
- q. This revised memo dated November 26, 2013;
- r. Marc Maheux memo to DRB dated 11/25/13;
- s. Revised Article VIII Subdivision Standards Findings Checklist;
- t. DRB Minutes of November 4, 2013;
- u. Copy of 2012 Conditional Use/Site Plan Application;
- v. Copy of 2012 Sketch Plan Application;
- w. Copy of Conditional Use Permit CU-12-01 dated 6-21-12;
- x. Copy of Condition Use Notice of Decision, dated 6-21-12; and
- y. Copy of DRB minutes of 6-4-12.

These exhibits are available in the Maheux PH038, subdivision file (DRB-12-04) at the Underhill Zoning & Planning Office.

II. FINDINGS

Factual Findings

Based on the application, testimony, exhibits, and other evidence, the Development Review Board makes the following findings:

- A. The Applicants seek a permit to subdivide land. The subject property is a ±15.2-acre parcel located at 38 Poker Hill Road in Underhill, VT (PF 038).

- B. The property is located in both the Underhill Flats Village Center and the Rural Residential zoning districts as defined in Article II, Table 2.2 and Table 2.3 of the 2012 Unified Land Use and Development Regulations.
- C. A portion of the property is also within the Flood Hazard Overlay District. No development is proposed within that district.
- D. Subdivision approval is requested for the project pursuant to review under the following sections of the 2012 Unified Land Use and Development Regulations:
- Article II, Table 2.2 – Underhill Flats Village Center District
 - Article II, Table 2.3 – Rural Residential District
 - Article II, Table 2.7 – Flood Hazard Overlay District
 - Article III, General Regulations
 - Section 3.2 – Access
 - Section 3.7 – Lot, Yard & Setback Requirements
 - Section 3.19 – Surface Waters & Wetlands
 - Section 3.22 – Water Supply & Wastewater Systems
 - Article VI – Flood Hazard Area Review
 - Section 7.2 – Applicability
 - Section 7.5 – Preliminary Subdivision Review
 - Article VIII – All
- E. Access review is required under the 2002 Underhill Road Policy and the 2012 Unified Land Use and Development Regulations. Parent lot has the benefit of two separate access points/driveways. Final review of the access will be made by the Selectboard. DRB recommendations will be submitted to the Selectboard for their consideration and review of the Access Permit.
- F. A site visit specific for the Subdivision application has not been held.

III. CONCLUSIONS

Applicable Regulation Standards

Article II, Table 2.2, Underhill Flats Village Center District

The Board finds that the application meets all of the applicable dimensional standards. See Conclusions for *Section 3.2* and *Article VIII* below.

Article II, Table 2.7, Flood Hazard Overlay District

The Board makes the following findings on the application as proposed:

- A. A portion of the property lies within Zone A of the Special Flood Hazard Area as depicted on Map Panel 0187D effective July 18, 2011. No development is proposed within that area.
- B. See *Conclusions* for Article VI below.

Section 3.2, Access

The Board makes the following findings on the application as proposed:

- A. Access for the subdivision is proposed with adequate frontage on Poker Hill Road and no new access points. Application proposes utilizing the two existing access points. No easements are proposed.
- B. The subdivision is an allowed development in the Underhill Flats Village Center zoning district [Section 3.2(D)(6)].

Section 3.7, Lot, Yard & Setback Requirements

The Board makes the following findings on the application as proposed:

- A. Only one principal structure is proposed per lot [Section 3.7(A)].
- B. The subdivision, meets the requirements of Section 3.7(B).
- C. Section 3.7(E)(3)(a) applies to the application. See *Conclusions* for *Section 8.6* below.

Section 3.13, Parking, Loading & Service Areas

The Board finds that the subdivision as presented provides adequate space for off-street parking on each lot. Only residential lots are proposed within the subdivision.

Section 3.19, Surface Waters & Wetlands

The Board finds that Roaring Brook bisects the parent lot. No development or encroachments are proposed within the riparian buffer or setback.

Section 3.22, Water Supply & Wastewater Systems

The Board makes the following findings:

- A. The Underhill-Jericho Water District provides service to the area of the proposed subdivision. A letter indicating the District's approval of service to the subdivision has been submitted as part of this application.

- B. Applicants have obtained a VT DEC ANR Wastewater and Potable Water Supply Permit (Project #: WW-4-4126) dated October 21, 2013;

Article VI, Flood Hazard Area Review

The Board finds that no development is proposed within the portion of the property in Zone A of the Special Flood Hazard Area as depicted on Map Panel 0187D, effective July 18, 2011.

Section 7.2, Subdivision Review, Applicability

The Board makes the following findings:

- A. The proposal qualifies as a subdivision per Section 7.2(C).
- B. The proposed subdivision does not qualify for an exemption under Section 7.2(D).
- C. The proposed subdivision was classified as a major subdivision during the sketch plan review on June 6, 2012 per Section 7.4(E).

Section 7.5, Subdivision Review, Preliminary Subdivision Review

The Board makes the following findings:

- A. The submission requirements of Section 7.5(C) and the hearing requirements of Section 7.5(D) were fulfilled.
- B. This decision is written in fulfillment of Section 7.5(E).

Article VIII, Subdivision Standards

The Board makes the following findings:

- A. The Applicants provided responses to applicable sections of Article VIII on the Findings Checklist. This document will be reviewed at the final subdivision hearing [Section 8.1(C), Sections 8.2 through 8.8].

IV. DECISION AND FINAL HEARING REQUIREMENTS

Based upon the findings above, and subject to the supplemental final hearing conditions below, the Development Review Board grants preliminary approval for the subdivision as presented at the preliminary hearing.

- A. Driveway design details shall be submitted with the application for final subdivision review.

- B. Access for the new developed lot (lot #1) shall be reviewed by the Selectboard prior to filing an application for final subdivision review in accordance with Section 8.6(A)(3).
- C. The Board approves one (1) principal dwelling on Lot 2 and one (1) principal dwelling on Lot 1.

Dated at Underhill, Vermont this 6th day of January, 2014.



Charles Van Winkle, Chair, Development Review Board

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceedings before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. §4471 and Rule 5 (b) of the Vermont Rules for Environmental Court Proceedings. Appeal period ends 6 FEBRUARY 2014

TOWN OF UNDERHILL
APPLICATION OF MARC AND JANE MAHEUX
FOR CONDITIONAL USE APPROVAL
FOR AN EARTH DISTURBANCE PROJECT
FINDINGS AND DECISION

In re: Marc and Jane Maheux
38 Poker Hill Rd.
(P.O. Box 236)
Underhill, VT 05489

Docket No. DRB-12-04: Maheux

I. INTRODUCTION AND PROCEDURAL HISTORY

This proceeding involves review of Marc and Jane Maheux's application for a conditional use approval for an earth disturbance project on property they own at 38 Poker Hill Rd. in Underhill, VT.

- A. On May 9, 2012, Marc Maheux filed a conditional use/site plan review application for an earth disturbance project on property he owns at 38 Poker Hill Rd., Underhill, VT. Copies of the applications and materials are available at the Underhill Town Hall.

- B. On May 15, 2012, copies of the notice of a site visit and public hearing were mailed via Certified Mail to the Applicants, Marc and Jane Maheux, P.O. Box 236, Underhill, VT 05489, and to the following abutting neighbors:
 - 1. Forsberg Life Estate, Forsberg et al, P.O. Box 146, Underhill, VT 05489
 - 2. McKay, 11 Barrett Ln., Underhill, VT 05489
 - 3. Verity, 13 Fox Run Rd., Underhill, VT 05489
 - 4. St. Amour, 54 Poker Hill Rd., Underhill, VT 05489
 - 5. Novembrino, P.O. Box 91, Underhill, VT 05489
 - 6. Provost, et al, 39 Poker Hill Rd., Underhill, VT 05489
 - 7. Jenot, 1 Barrett Ln., Underhill, VT 05489
 - 8. Massingham, 46 Poker Hill Rd., Underhill, VT 05489
 - 9. Garrapy, 32 Poker Hill Rd., Underhill, VT 05489
 - 10. Brooks, 33 Poker Hill Rd., Underhill, VT 05489
 - 11. Breton, 13 Barrett Ln., Underhill, VT 05489
 - 12. Mahany, 35 Sand Hill Rd., Underhill, VT 05489

- C. On May 15, 2012 notice of the site visit and public hearing on the proposed Maheux conditional use application were posted at the following places:

1. The property to be developed, 38 Poker Hill Rd. (5-14-12);
 2. The Underhill Town Clerk's office;
 3. The Underhill Center Post Office;
 4. The Underhill Flats Post Office;
 5. Jacobs IGA;
 6. The Underhill Country Store;
 7. Wells Corner Market;
 8. The Town of Underhill website.
- D. On May 16, 2012, notice of a site visit and public hearing on the proposed conditional use application was published in *Seven Days*.
- E. The site visit began at 6:30 PM on June 4, 2012.
- F. Present at the site visit were the following members of the Development Review Board:
1. Charles Van Winkle, Chair
 2. Matt Chapek
 3. Chuck Brooks
 4. Will Towle
- Kari Papelbon, Zoning & Planning Administrator; Marc Maheux, applicant; Bruce Garrapy and James Massingham, neighbors also attended the site visit.
- G. The hearing began at 7:11 PM on June 4, 2012.
- H. Present at the hearing were the members of the Development Review Board in (F) above. Kari Papelbon, Zoning & Planning Administrator; Marc Maheux, applicant; Bruce Garrapy and Alton Verity, neighbors; Gunner McCain, consultant for the next hearing; Brent Goplen, applicant for the next hearing; Kathryn Barickman, Anne Jobin-Picard, and Jeremiah Mahany, neighbors for the next hearing, also attended the hearing.
- I. At the outset of the hearing, Chairperson Charles Van Winkle explained the criteria under 24 V.S.A. § 4465(b) for being considered an "interested party." Those who spoke at the hearing were:
1. Marc Maheux, P.O. Box 236, Underhill, VT 05489.
- J. During the course of the hearing the following exhibits were submitted to the Development Review Board:

1. A staff report sent by Zoning and Planning Administrator Kari Papelbon to the Development Review Board, Marc and Jane Maheux, the Underhill Selectboard, the Underhill Conservation Commission Chair, and the Underhill-Jericho Fire Department;
2. Marc and Jane Maheux's Application for Subdivision: Sketch Plan (dated 5-9-12);
3. Marc and Jane Maheux's Conditional Use/Site Plan Review Hearing Request (dated 5-9-12);
4. A copy of the plans prepared by Marc Maheux (dated 4-20-12 and 4-23-12);
5. A copy of the Conditional Use Review Standards Findings Checklist;
6. A copy of the Site Plan Review Standards Findings Checklist;
7. A copy of the tax map for PH038;
8. A copy of the hearing notice published in *Seven Days* on 5-16-12.

These exhibits are available in the Maheux, PH038, Conditional Use and Subdivision file at the Underhill Zoning Office.

II. FINDINGS

Factual Findings

The Minutes of the meetings written by Kari Papelbon are incorporated by reference into this decision. Please refer to these Minutes for a summary of the testimony.

Based on the application, testimony, exhibits, and other evidence the Development Review Board makes the following findings:

- A. The Applicants, Marc and Jane Maheux, seek conditional use approval for an earth disturbance project on property they own.
- B. The subject property, 38 Poker Hill Rd., Underhill, VT is located in the Underhill Flats Village Center and Rural Residential zoning districts per Article II, Tables 2.2 and 2.3 respectively of the 2012 Unified Land Use and Development Regulations.
- C. Approval is requested for the project pursuant to review under the following sections of the 2012 Unified Land Use and Development Regulations:
 1. Article II, Table 2.2: Underhill Flats Village Center District
 2. Article II, Table 2.3: Rural Residential District
 3. Article II, Table 2.7: Flood Hazard Overlay District
 4. Section 3.7: Lot, Yard & Setback Requirements
 5. Section 3.14: Performance Standards
 6. Section 3.18: Steep Slopes
 7. Section 3.19: Surface Waters & Wetlands

8. Section 4.9: Extraction & Quarrying
9. Section 5.3: Site Plan Review
10. Section 5.4: Conditional Use Review
11. Section 5.5: Waivers & Variances
12. Section 10.2: Exemptions

III. CONCLUSIONS

Applicable Regulation Standards

Article II, Tables 2.2 and 2.3

The Board finds that the proposed project will meet all requirements of the district with conditional use approval.

Article II, Table 2.7

The Board finds that the proposed earth disturbance project will be conducted outside of the Special Flood Hazard Area (Zone A).

§3.7: Lot, Yard & Setback Requirements

The Board makes the following findings:

- A. Only one principal use/structure exists on the lot and no requests for additional principal uses or structures have been received [Section 3.7(A)].
- B. Sections 3.7(B) through (E) are not applicable to the request and no waivers have been requested for the proposed conditional use.

§3.14: Performance Standards

The Board makes the following findings:

- A. The proposed earth disturbance project, with conditions, will not create dangerous, injurious, noxious, or otherwise objectionable conditions that adversely affect or interfere with the reasonable use of adjoining or nearby properties as the earth disturbance will not change existing drainage patterns and, with the exception of a portion that will be moved on the property at 32 Poker Hill Road in cooperation with the adjoining landowner, the earth disturbance will be contained on the applicants' property [Section 3.14(A)].
- B. The proposed earth disturbance project, though anticipated to be completed over several years, will not result in a significant increase in noise levels in the vicinity so as to be incompatible with the surrounding area. The work will be

conducted by the property owners and/or their contractors with no off-site removal of material. In order to minimize noise levels, it will be a condition of approval for work to be completed in 3 years [Section 3.14(B)(1)].

- C. Any vibration due to the earth disturbance project will be from the use of equipment to move the gravel material onsite. No additional vibration is anticipated. In order to minimize vibration, it will be a condition of approval for work to be completed in 3 years [Section 3.14(B)(2)].
- D. Dust will be controlled utilizing stabilization measures for exposed soil as presented during the hearing, including seeding disturbed areas in accordance with the VT DEC Water Quality Division, Stormwater Section's *The Low Risk Site Handbook for Erosion Prevention and Sediment Control*. Additionally, in order to minimize dust, erosion, and sedimentation of the Roaring Brook, it will be a condition of approval for the work to be completed in 3 years [Section 3.14(B)(3)].
- E. Section 3.14(B)(4)-(10) are not applicable to the proposed conditional use.

§3.18: Steep Slopes

- A. To minimize the amount of disturbance to the existing steep slopes on the property, no work is permitted below the 788 contour line as depicted on the submitted plans.

§3.19: Surface Waters & Wetlands

The Board finds that the proposed earth disturbance project will be conducted outside of buffer areas.

§4.9: Extraction & Quarrying

The Board makes the following findings:

- A. The proposal includes the extraction in excess of 400 cubic yards to be used onsite. The DRB recognizes that the volume of disturbed earth could exceed 9,200 cubic yards based on the information provided and lacking a finished grad plan. Therefore, the project does not qualify for an exemption under Section 4.9(B).
- B. The proposal does not include extraction and quarrying for commercial purposes, and the extraction of material will be contained onsite to create a more gradually-sloping yard area in the vicinity of the existing barn. Re-grading of the land, as per applicant testimony during the site visit and hearing, is

proposed to be at a uniform grade with the property at 32 Poker Hill Road. Therefore, the Board finds that Sections 4.9(C) through (H) are not applicable to the proposed conditional use project.

§5.3: Site Plan Review

The Board makes the following findings:

- A. The Applicant has submitted responses to the standards of this section.
- B. The proposed plans will not have undue adverse impacts to significant natural, historic, and scenic resources as the project will occur on a portion of the applicants' property, and erosion prevention measures to adverse impacts from project are incorporated; existing drainage patters will be maintained through the swale; the parcel is not above 1500 feet in elevation; only one area of steep slope will be affected and the remaining steep slopes will be unaffected; the project will not encroach into the riparian setback and buffer; no disturbance is proposed within the Special Flood Hazard Area on the property; no delineated source protection areas exist on the property; there are no mapped significant wildlife habitat areas or travel corridors on the property; and existing scenic resources will be unaffected [Section 5.3(B)(1)].
- C. The proposal is compatible with the provisions of the Underhill Flats Village Center and Rural Residential zoning districts with Conditional Use approval. Slope stabilization measures proposed in the project will mitigate soil erosion [Section 5.3(B)(2)].
- D. Section 5.3(B)(3),(4), and (5) are not applicable as proposal does not include plans for new access points or infrastructure, the existing parking area will not change, and no service areas are proposed.
- E. The proposed project is intended to create a more uniform grade with the adjoining property (32 Poker Hill Rd.) for lawn maintenance. Currently, the area in the proposed project is a partially-grassed gravel bank with a barn structure. Disturbed areas will be grassed. No other screening is proposed [Section 5.3(B)(6)].
- F. Section 5.3(B)(7) is not applicable to this application as no outdoor lighting is proposed for the project.
- G. The proposal includes plans to remove a steep mound on the property to create a more even grade for safety and maintenance. The existing swale will be maintained for drainage purposes. Erosion control measures will be

implemented in accordance with Section 5.3(B)(8) [See Section IV below for conditions].

§5.4: Conditional Use Review

The Board makes the following findings:

- A. The Applicant has submitted responses to the standards of this section.
- B. No undue adverse impacts are perceived on the capacity of existing or planned community services and facilities, the character of the area, current bylaws (with Conditional Use approval), or the utilization of renewable energy resources as the proposal is for an onsite earth disturbance project affecting only a portion of the landowner's property and a small section of the adjoining neighbor's property (in cooperation with the neighbor). No material is proposed to be moved offsite; therefore, traffic in the vicinity will be unaffected [Section 5.4(B)].
- C. Site Plan Review Standards have been addressed above.

§5.5: Waivers and Variances

The Board waives all requirements and standards of Section 5.3 determined to be not applicable [Section 5.5(A)].

§10.2: Exemptions

The Board finds that the proposed project does not qualify as an exempt use as the elevation of land will be changed by more than two feet over an area greater than 10,000 square feet [Section 10.2(A)(4)].

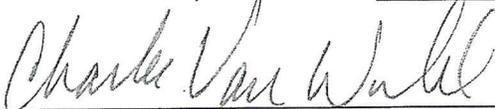
IV. DECISION AND CONDITIONS

Based upon the findings above, the Development Review Board unanimously grants approval for the conditional use application for the earth disturbance project as described at the hearing and in the submitted application documents, with the following conditions:

- A. The approval is for the movement of material onsite only. No material is approved for removal offsite.
- B. The existing drainage pattern as it affects Poker Hill Road and the property shall be preserved and maintained via a west-to-east swale as identified from the site visit and application submissions.

- C. All disturbed areas shall be seeded and mulched in accordance with the Low-Risk Site Handbook.
- D. No water-borne sediment or erosion gullies shall occur below 788' contour line and beyond the approved area of disturbance as depicted on the submitted plans.
- E. All earth disturbance shall occur within the delineated zone as depicted on the submitted plans. No work shall occur below the 788' contour line.
- F. All earth disturbance work shall be completed within 3 years from the effective date of approval (end of appeal period).

Dated at Underhill, Vermont this 21 day of June, 2012.



Charles Van Winkle, Chair, Development Review Board

NOTICE: This decision may be appealed to the Vermont Division of Superior Court by an interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. §4471 and Rule 5 (b) of the Vermont Rules for Environmental Court Proceedings. Appeal period ends 7/21/2012.

KARI PAPELBON, CFM
Zoning & Planning Administrator
Town of Underhill, VT

P.O. Box 32, Underhill Center, VT05490
E-mail: underhillzoning@comcast.net

Phone: (802) 899-4434, x106
Fax: (802) 899-2137

June 12, 2012

Marc and Jane Maheux
P.O. Box 236
Underhill, VT 05489

Dear Mr. and Mrs. Maheux:

At the meeting on June 4, 2012, the Development Review Board reviewed your sketch plan application for a 2-lot subdivision of your property at 38 Poker Hill Rd. in Underhill, VT. This letter is provided, on behalf of the Board, per Section 7.3 (D) of the Unified Land Use and Development Regulations.

SUBDIVISION CLASSIFICATION

As you are aware, this application is being reviewed under the Unified Land Use and Development Regulations effective March 2012. The subdivision process must distinguish between major and minor classifications. Due to the nature of your proposal, the DRB has classified this as a **minor subdivision** [Section 7.2 (E)].

REGULATION CONFORMANCE

Based upon the information submitted at the sketch plan meeting, it appears that the proposed subdivision will generally conform to the regulations. Please see below for an overview of the process and submission requirements.

REVIEW CRITERIA & ISSUES TO BE ADDRESSED

The Board did not identify potential issues for the sketch plan as presented during the meeting. Therefore, no "specific areas of concern to be addressed" as detailed in Sections 7.3 (D) and 8.2, General Standards for subdivision review are included at this time.

PRELIMINARY SUBDIVISION HEARING – PROCESS

The next step in the subdivision process is to hold a hearing for the purposes of conducting preliminary subdivision review. The application requirements for this step are detailed in Section

7.5 and Article VIII of the Unified Land Use and Development Regulations. The following is provided as a general overview of the process.

You will be required to submit one large and twelve 11" x 17" copies of the plat and engineering drawings, a check for the base hearing fees, a copy of the State Project Review Sheet, and copies of draft legal documents. Also include information addressing items 1-4 above and the requirements on the enclosed checklists.

Once I receive a completed application package, I will schedule and warn a site visit and the preliminary hearing. You will be asked to post another red "Z" sign on the lot no later than 15 days prior to the scheduled hearing. I will take care of the notice requirements, including Certified Mail to your neighbors and publication in a newspaper. The cost for notice is borne by you and the newspaper fee will be included in the final invoice.

An application for the Preliminary Subdivision Hearing and associated checklist(s) are also included with this letter. The checklists will aid in preparing your hearing submissions and will also aid the Board in reviewing the required documents.

After the Preliminary Subdivision Hearing, the Board will have 45 days to issue a signed, written decision. You will receive a copy of the signed decision via Certified Mail mail. Any interested parties who participated in the hearing will also receive a copy of the decision. A 30-day appeal period will begin from the date of the signed decision, and must expire prior to scheduling a hearing for final subdivision. Preliminary approval is valid for one year from the date of issuance.

FINAL HEARING

Following the preliminary hearing, but not before the 30-day appeal period has expired, you may submit a complete application for a final hearing. I will include the requirements and procedure for that step in the letter accompanying your preliminary decision.

If you have any questions or need assistance with the required submissions, please call me at the number listed above.

Sincerely,



Kari Papelbon

cc: File
encl: Application for Subdivision: Preliminary
Subdivision Checklist: Preliminary Hearing
Subdivision Standards Findings Checklist

Town of Underhill
Development Review Board Minutes
Chairperson Charles Van Winkle

June 4, 2012

6:30 PM: Site Visit at 38 Poker Hill Road (PH038) for the Maheux Conditional Use Hearing.

Board Members Present:

Charles Van Winkle, Chair
Matt Chapek
Will Towle
Chuck Brooks

Staff/Municipal Representatives Present:

Kari Papelbon, Zoning & Planning Administrator

Also Present:

Marc Mahuex, applicant; Bruce Garrapy, neighbor; James Massingham, neighbor

The Underhill Development Review Board does not take testimony during a site visit. The purpose of the visit is to afford the Board Members and interested parties the opportunity to familiarize themselves with the existing conditions of the project site. Any discussion, comments or communication made during the site visit is not considered as testimony and is therefore not part of the official record or evidence submitted for consideration.

At the conclusion of the site visit the DRB traveled back to the Underhill Town Hall for the hearing.

7:11 PM: Chairperson Charles Van Winkle called the Maheux combined Conditional Use/Sketch Plan Review hearing to order at the Underhill Town Hall.

Board Members Present:

Charles Van Winkle, Chair
Matt Chapek
Will Towle
Chuck Brooks

Staff/Municipal Representatives Present:

Kari Papelbon, Zoning & Planning Administrator

Applicant(s) Present:

Marc Maheux (PH038)
P.O. Box 236
Underhill, VT 05489

Others Present:

Alton Verity
13 Fox Run
Underhill, VT 05489

Bruce Garrapy
32 Poker Hill Rd.
Underhill, VT 05489

Gunner McCain (consultant for next hearing)
Brent Goplen (applicant for next hearing)
Kathryn Barickman (neighbor for next hearing)

Identifier:	Contents:
ZA-1	Marc and Jane Maheux's Application for Subdivision: Sketch Plan (dated 5-9-12)
ZA-2	Marc and Jane Maheux's Conditional Use/Site Plan Review Hearing Request (dated 5-9-12)
ZA-3	A copy of the plans prepared by Marc Maheux (dated 4-20-12 and 4-23-12)
ZA-4	A copy of the Conditional Use Review Standards Findings Checklist
ZA-5	A copy of the Site Plan Review Standards Findings Checklist
ZA-6	A copy of the tax map for PH038
ZA-7	A copy of the hearing notice published in <i>Seven Days</i> on 5-16-12

- Chairperson Van Winkle began the meeting by explaining the procedure for the hearing, which comes under the 2012 Unified Land Use and Development Regulations. He then swore in interested parties present and entered the above items into evidence.
- Marc Maheux, applicant, provided a brief overview of the project. The earth disturbance project was discussed first. Mr. Maheux stated that a gravel mound exists on his lot that he would like to push north toward the existing house to have a better slope for safer maintenance. Future development plans include a new house on that site in the current location of the barn.
- Chairperson Van Winkle provided a summary of the discussion at the site visit: no material is proposed to be moved off-site, the project is proposed to be completed in one construction season, some of the material will be moved from his neighbor's property as well (Garrapy). Mr. Maheux clarified that if he cannot complete the work in one construction season that any disturbance will be

- seeded to prevent erosion. Mr. Maheux asked if a time frame would be instituted for his project. Discussion ensued. Chairperson Van Winkle asked whether a time frame of 2-3 years for completion was amenable. Mr. Maheux stated that nothing shorter than 3 years would be acceptable.
- Board Member Will Towle stated that the Conditional Use would probably have to be applied to one lot at the time of subdivision. Mr. Maheux stated that the material would be moved prior to the land becoming two lots. Discussion ensued.
 - Board Member Towle asked whether Mr. Maheux would be amenable to the DRB including a requirement to retain the swale for drainage purposes as part of the conditional use permit. Mr. Maheux stated that he did not have a problem with such a condition.
 - Board Member Towle stated that his impression is that Mr. Garrapy may also have in excess of 400 cubic yards that will be moved. Discussion ensued.
 - Chairperson Van Winkle asked whether the topo lines had been created by Mr. Maheux or someone else. Mr. Maheux stated that some of them were from recent LIDAR and some were from a surveyor. Chairperson Van Winkle asked where on the map the concrete pad on Mr. Garrapy's land was as the pad is approximately at the grade proposed for the land after the gravel is moved. Mr. Maheux provided the location.
 - Board Member Towle asked if the rear bank would be affected. Discussion ensued. Mr. Maheux stated that the whole area identified within the construction zone depicted on the map would be lowered, but that there would be no work on the bank. The plan is based on contours.
 - Chairperson Van Winkle asked what erosion control measures would be utilized. Mr. Maheux stated that plantings would be utilized and the swale would direct water.
 - Chairperson Van Winkle asked for public comments. There were none.
 - Chairperson Van Winkle provided a brief summary of the proposed subdivision and the process. The subdivision was classified as a minor subdivision.
 - Mr. Maheux explained that his only question was with regard to the frontage requirement. The proposed lot has approximately 178 feet of frontage, which meets the requirements for the Underhill Flats Village Center district. The rear portion of Mr. Maheux's land is in the Rural Residential district, which requires 250 feet of frontage. Based on conversations with ZA/PA Papelbon, the proposal includes a 2-lot subdivision rather than a 3-lot subdivision.
 - Chairperson Van Winkle asked whether the Jericho-Underhill Water District would provide water to service the subdivision, to which Mr. Maheux responded that it would. On-site wastewater disposal is also proposed, although the design has not yet been completed.
 - Jeremiah Mahaney, neighbor for the next hearing, arrived.

- Board Member Chuck Brooks asked for clarification on the frontage. Mr. Maheux stated that it would be approximately 178 feet for the proposed new lot.

7:42 PM: Chairperson Van Winkle asked if the Board felt they had enough information to make a decision on the applications. The Board indicated that they did. Board Member Chuck Brooks made a motion, seconded by Board Member Will Towle, to close the evidentiary portion of the hearing and enter a deliberative session on the application following the final hearing of the evening. The motion was passed by all Board Members present.

7:46 PM: Chairperson Charles Van Winkle called the Goplen final subdivision hearing to order at the Underhill Town Hall.

Applicant(s) Present:

Brent Goplen (LE020)
100 Minges Creek PL #F101
Battle Creek, MI 49015

Consultant(s) Present:

Gunner McCain
McCain Consulting, Inc.
93 S. Main St., Ste. 1
Waterbury, VT 05676

Others Present:

Kathryn Barickman
2 Lower English Settlement Rd.
Underhill, VT 05489

Anne Jobin-Picard
13 Lower English Settlement Rd.
Underhill, VT 05489

Jeremiah Mahaney
35 Sand Hill Rd.
Underhill, VT 05489

Identifier:	Contents:
ZA-1	Brent Goplen's Application for Subdivision: Final (dated 5-1-12)
ZA-2	A copy of the completed Subdivision Checklist: Final Hearing
ZA-3	A copy of the plans prepared by Gunner McCain of McCain Consulting, Inc. (Sheets S-1 (State) through S-4 revised 5-8-12, Sheets S-5 and S-6 dated 3-13-12, and Sheets SW-1 through SW-2 dated 12-8-11)

- ZA-4 A copy of the survey prepared by Keith Van Iderstine of McCain Consulting, Inc. (dated 5-8-12)
- ZA-5 A copy of the letter dated 4-6-12 from James Sandberg of the VT DEC Drinking Water and Groundwater Protection Division
- ZA-6 A copy of the Wastewater System & Potable Water Supply permit application and Certification Statement
- ZA-7 A copy of the letter dated 4-10-12 from Kristen Rose Howell of McCain Consulting, Inc. to Kevin Burke, Environmental Analyst, Stormwater Section, VT DEC
- ZA-8 A copy of the Notice of Intent for Stormwater Discharges Associated with Construction Activity on Low Risk Sites (Construction General Permit)
- ZA-9 A copy of the letter dated 4-11-12 from Peter Lazorchak of McCain Consulting, Inc. to Kevin Burke, Environmental Analyst, Stormwater Section, VT DEC
- ZA-10 A copy of the Notice of Intent to Discharge Stormwater
- ZA-11 A copy of the Subdivision Standards Findings Checklist
- ZA-12 A copy of the letter from Gunner McCain to ZA/PA Papelbon (dated 5-11-12)
- ZA-13 A copy of the Stormwater Treatment & Discharge Narrative (dated April 2012)
- ZA-14 Copies of the draft Goplen Subdivision Piney Grove Homeowners Association, draft Subdivision Deeds, and draft deed covenants
- ZA-15 A copy of the Access Permit
- ZA-16 A copy of the Preliminary Decision (dated 4-2-12)
- ZA-17 A copy of the minutes from the 2-6-12 and 2-27-12 Preliminary Hearings
- ZA-18 A copy of the hearing notice published in *Seven Days* on 5-16-12

- Chairperson Van Winkle began the meeting by explaining the procedure for the hearing, which comes under the 2011 Unified Land Use and Development Regulations and the 2002 Road Policy. He then swore in interested parties present and entered the above items into evidence.
- Gunner McCain, consultant for Brent Goplen, provided a brief review of the project to date. No significant changes have been made since the preliminary approval. Per ZA/PA Papelbon's review, the building envelope on Lot 2 was adjusted to comply with setbacks, culverts are now shown on plans, a 75-foot "no-cut zone" is depicted per the DRB's requirements, a note on the plans states that wetland and buffer areas are open space, and an access permit from the Selectboard was issued.
- Board Member Chuck Brooks referred to Section E, page 7 of the Preliminary Decision. Mr. McCain stated that no new lawn areas are proposed in the wetland buffer, parcel codes and the private road name are on the plans, the state wastewater permit is in process as is the stormwater permit. Board Member Brooks asked what the survey note regarding bearings and distances subject to change on final plat meant. Mr. McCain explained that iron pins have

not yet been set, and that pins along internal boundary lines may be moved slightly due to, for example, the presence of a tree.

- Chairperson Van Winkle stated that stormwater was a concern and that his concern was for the integration of the subdivision stormwater plans with the existing Lower English Settlement stormwater plans prepared for the Town by Champlain Consulting Engineers in 2000. Chairperson Van Winkle continued that he reviewed the calculations and the subdivision plans state that there will be no undue adverse impact to the existing road drainage. Mr. McCain stated that while the project does not exactly match the study, it is consistent with the intent of the study including sizing of culverts.
- ZA/PA Papelbon explained that the proposed covenants in the Homeowners Association can only be enforced by the Association and not by the town. Discussion ensued. ZA/PA Papelbon stated that minor adjustments to the draft legal documents need to be made (road name, stormwater infrastructure maintenance requirements, tree-cutting plan, etc.). The letter from the UJFD is still valid. ZA/PA Papelbon asked why the driveway to Lot 1 is not proposed at 12' wide. Mr. McCain stated that such would be corrected. ZA/PA Papelbon asked Mr. McCain what his opinion would be of a condition to include a stormwater infrastructure easement to the Town since the proposed detention pond was very close to the town road. Discussion ensued.
- Chairperson Van Winkle asked for further public comments.
- Kathryn Barickman, 2 Lower English Settlement Rd., stated that she had received a letter regarding the wastewater disposal isolation area on her property and asked what that meant for development on her land. Mr. McCain stated that a drilled well could not be located in that area.
- Anne Jobin-Picard, 13 Lower English Settlement Rd., asked what HDPE culvert meant. Mr. McCain stated that it was High-Density Poly Ethylene (plastic). Ms. Jobin-Picard asked where that culvert would be placed. Mr. McCain stated that it was replacing the existing driveway culvert. Ms. Jobin-Picard asked about the driveway to Lot 1. Mr. McCain stated that no new curb cuts were proposed and that the Lot 1 driveway would come off of the existing driveway. Ms. Jobin-Picard asked for clarification on the wastewater disposal isolation area. Mr. McCain stated that it could extend onto someone else's land. Ms. Jobin-Picard asked what pond ZA/PA Papelbon was referring to with the proposed stormwater infrastructure easement. ZA/PA Papelbon stated it was the one closest to Lower English Settlement Rd. Ms. Jobin-Picard asked when the construction would begin. Mr. McCain stated that it may start during the present construction season assuming all permits are in place.
- Jeremiah Mahaney, 35 Sand Hill Rd., stated that he was told there was a period of time prior to his purchase of the land when there was a water shortage that necessitated the well to be dug deeper. He asked what analysis had been done to determine sufficient water supply for the subdivision. Mr. McCain stated that drilled well locations, depths, and yields were presented to the town in previous

hearings. He then explained sufficient yields for single-family houses. Mr. Mahaney asked how the tree-cutting would be communicated to buyers. ZA/PA Papelbon and the DRB stated that the restrictions would be in the deeds, the Homeowners Association documents, and the permit.

- Ms. Barickman asked what she should do if something happens to her shallow well. Discussion ensued. Mr. McCain suggested that she conduct a test and establish a base line prior to construction.
- Ms. Jobin-Picard asked for further clarification on the culverts. Discussion ensued. It was recommended that Ms. Jobin-Picard contact the Selectboard to discuss current drainage concerns.
- Sara and Brian Riley, Applicants for the final hearing arrive. Discussion continues.
- Mr. Mahaney asked whether, post-construction, there would be any negative impact to restricting cutting to the building envelopes. Mr. McCain stated there was significant concern and problematic in terms of land management for purchasers.
- Mr. McCain stated his concern for the fact that there was a bare quorum of DRB Members. Discussion ensued.

8:34 PM: Chairperson Van Winkle asked if the Board felt they had enough information to make a decision. The Board indicated that they did. Board Member Chuck Brooks made a motion, seconded by Board Member Matt Chapek, to close the evidentiary portion of the hearing. The motion was passed by all Board Members present.

Board Member Chuck Brooks made a motion, seconded by Board Member Matt Chapek, to enter a deliberative session after the final hearing of the evening. The motion was passed by all Board Members present.

8:40 PM: Chairperson Charles Van Winkle called the Brian and Sara Riley (HA101) Appeal/Variance Hearing to order at the Underhill Town Hall.

Appellant(s) Present:

Brian and Sara Riley
101 Harvey Rd.
Underhill, VT 05489

Staff/Municipal Representatives Present:

Kari Papelbon, Zoning & Planning Administrator

Identifier:	Contents:
ZA-1	Brian and Sara Riley's Building Permit Application
ZA-2	A copy of the appeal letter from Brian and Sara Riley (dated 5-16-12)
ZA-3	A copy of the tax map for HA101

ZA-4 A copy of the hearing notice published in *The Burlington Free Press* on 5-19-12

- Chairperson Van Winkle began the meeting by explaining the procedure for the hearing, which comes under the 2012 Unified Land Use and Development Regulations. He then swore in interested parties present and entered the above items into evidence.
- Sara Riley explained that the 2000 decision by the Zoning Board allowed for the future construction of a 15'x20' carport addition to their house. The house is above the 1500' elevation and requires board approval to change the size now needed to 16'x30'. Brian Riley is a disabled military veteran and uses a specially modified vehicle. The larger foot print is to accommodate the higher ceiling required to meet the height of the lift mechanism of Brian's accessible vehicle.
- Kari Papelbon asked Sara and Brian if the garage size variance request is big enough to assure that the vehicle will fit the space.
- Sara replied that the contractor will measure and confirm the size of the vehicle.
- All present agreed that 20'x40' would be acceptable for the footprint of the carport to allow for any additional requirements of the specifications of the vehicle and for accessibility.

8:52 PM: Chairperson Van Winkle asked if the Board would like to deliberate in open or closed session. The Board indicated that they wished to deliberate in open session.

8:55 PM: Board Member Chuck Brooks made a motion, seconded by Board Member Will Towle, to approve of the applicants appeal for the 20'x40' variance. The motion was passed by all Board Members present. Board member Will Towle suggested the variance should say "grandfathered and granted".

The Board continued closed deliberations on the Maheux and Goplen applications, signed minutes and a decision, and discussed their upcoming schedule.

9:40 PM: End of meeting.

These minutes of the 6-4-12 meeting of the DRB were accepted

This 21st day of June, 2012.



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.

Town of Underhill
Development Review Board Minutes
November 4, 2013

Board Members Present:

Charles Van Winkle, Chairperson
Shani Bartlett
Matt Chapek
Mark Hamelin
Karen McKnight
Penny Miller
Will Towle
Helen Wagner

Administrative Officer Present:

Brian Bigelow

Applicant Present:

Marc and Jane Maheux
38 Poker Hill Road
Underhill, VT 05489

Others Present:

Gunner McCain
Roy Dunphey
Alex John
Julia Northrup
Ryan Goslin
Larry Young
Tom Moore
Andy Grab

Marc and Jane Maheux Preliminary Subdivision Plan Hearing

Documentation presented:

1. Property Code: PH038 Application for Subdivision: Preliminary Plan
2. Copy of Subdivision Checklist: Preliminary
3. Copy of survey and plans prepared by David Tudhope, LS Project #759
4. Copy of Tax Map for PH038
5. Copy of VT DEC ANR Wastewater and Potable Water Supply Permit (Project#: WW-4-4126) dated October 21, 2013
6. A copy of the Findings Check list
7. A copy of the draft warranty deeds for each lot.
8. A copy of the Project Review Sheet from the VT dept. of Environmental Conservation & Natural Resources Board (dated 10-14-13)
9. A copy of the application for water allocation from Jericho-Underhill Water District for the proposed two units (810 gpd: 6 bedrooms @ 135 gals per day) on the newly created lot#1
10. A copy of the letter from Harry Schopp, of the Underhill Jericho Fire Department dated Oct 29, 2013

11. A copy of the input from Chittenden East Supervisory Union dated Oct 25, 2013
12. A copy of the tax map for PH038 overlaid with watercourse, wetland and flood zone information
13. A copy of the minutes from the April 16, 2013 Sketch Plan meeting
14. A copy of the hearing notice as published in the Burlington Free Press, and posted in 6 location and mailed to abutter
15. A copy of the procedure checklist
16. Memo from Town of Underhill Administrative Officer

Chairperson Van Winkle began the meeting by explaining the purpose of the preliminary plan meeting. The purpose is to review a draft subdivision plat and supporting documentation to determine preliminary conformance with the municipal plan, regulations and other municipal ordinances in effect at the time of application; to identify issues or concerns with the plan; and to make recommend modifications necessary to complete conformance; and to identify any additional information required for final subdivision review.

When asked by the applicant, the Chairperson explained the subdivision is subject to review under the 2012 Unified Land Use and Development Regulations.

Testimony

- Marc Maheux, the applicant, provided an overview of the proposal which includes creating a 1-acre parcel on the southwesterly side of the land with the existing home. The plan is to leave the remaining 14.2 acres intact to build a new home. The applicant wants to retain lot#1. The existing barn on the 1 acre lot is to either be torn down or moved to a different part of parcel.
- Discussion of preliminary plan included Applicant's responses within Subdivision Standards Findings Checklist and responses to questions about the septic, visual screening, wetland(s), and location of driveway (curb-cut) and building envelope.
 - Building envelope is located "where it's likely to be".
 - Subdivision lies in the Flood Hazard Overlay District, improvements are out of the flood hazard area.
 - In regard to surface water, the ground will need to be reconfigured to provide drainage.
 - Discussion of ANR Wastewater and Potable Water Supply permit
- Discussion of the requirements of Sections 8.2, 8.3, 8.7
 - The applicant does not intend to make major alterations to the natural foliage screens;
 - In regard to wetlands, wetland requirements will need to be upheld including that the applicant will meet the required set-backs if such wetlands are to be found on the property.

Chairperson Van Winkle asked whether the board had sufficient information to close the hearing. Board felt it had sufficient information. Chairperson Van Winkle asked whether Board would like to discuss the application in open or closed session. Board will discuss in Open session after the three other applicants/ hearings on the agenda.

Combined Sketch and Final Hearing on the Application of Alex and Monica John for a revision to the 2006 Northrup 4-Lot Subdivision

Documentation presented:

Alex and Monica John application for subdivision final plan (9-24-13)

1. Copy of completed subdivision check list: final hearing
2. Copy of site plan: Site plan of lot 1 Alex & Monica John building envelope revision and amendment to WW-4-2495.
3. Zoomed copy of site plan
4. Copy of hearing notice as published in the Burlington Free Press, posted at six locations and mailed to abutting land owners.
5. Copy of input from Chittenden East Supervisory Union dated Oct 25, 2013

The proposal is to modify the location of the Building Envelope on Lot 1 of the 2006 Northrup 4-Lot subdivision and changes to the wastewater design (WW-4-2495) necessitated by the proposed change of house site.

Chairperson Van Winkle began the meeting by explaining the purpose of the final plan hearing for a revision to the 4-lot Northrup subdivision on the property they own at 419 Irish Settlement Road in Underhill, VT.

The purpose of the final subdivision review is to determine final project conformance with the municipal plan, regulations and other municipal ordinances in effect at the time of application.

Testimony

- Roy Dunphey, Gunner McCain Consulting explained that the Johns want the location of their home site to a more private location which is where the leech field is situated on the site plan.
- Status of the accessory dwelling: Concern in relation to the deed restriction that precludes accessory apartment. Mr. Dunphey / Alex John explained this is space over the garage with a kitchen and bathroom. This is between parties in a private covenant (DRB).
- No comments from the public

Chairperson Van Winkle asked whether the board had sufficient information to close the hearing. Board felt it had sufficient information. The evidentiary portion of the hearing was closed. Chairperson Van Winkle asked whether Board would like to discuss the application in open or closed session. Board will discuss in Open session.

- Motion to approve. DRB member Penny Miller; seconded by DRB member Matt Chapek. Approved 7-0

Note: 7:29 DRB member Will Towle exits the meeting due to illness.

Combined Sketch and Final Plat amendment hearing on the application of Deborah and Edwin Moore for a modification to the dimensional requirement to locate an accessory structure closer to an interior lot line than the Zoning District setback of 20 ft. on lot 3 of the 2010 3-lot Moore Planned Residential Development at 122 Stevensville Road, Underhill, Vermont.

Documentation presented:

- Copy of Edwin Moore III and Deborah Moore's Application for a revision to the PRD Subdivision
- Copy of Findings Checklist: Final hearing.
- Copy of 2010 plan by Willis Design for Moore with revision by Applicant. Applicant has modified the drawing to indicate the preferred location for proposed garden shed.
- Copy from the Underhill-Jericho Fire Dept. dated 10/29/13.
- Copy of letters of support from adjoining property owners Elizabeth & Edwin Moore II .
- Copy of waiver request.
- Copy of subdivision permit. Six waivers granted at the time are identified.
- Copy of procedure checklist.

Testimony

- Edwin (Tom) Moore III explained that they would like to locate the shed in a manner identified with the abutters (Elizabeth and Edwin Moore II) as mutually preferred. Shed will be on a 16' x 22' slab and will have a zero foot set-back from property line. PRD's are allowed to waive certain requirements in order to get best location that works for the land.
- This is an amendment to the waiver list that has already been granted.
- No public comment.

Chairperson Van Winkle asked whether the board had sufficient information to close the hearing. Board felt it had sufficient information. Chairperson Van Winkle asked whether Board would like to discuss the application in open or closed session. Board will discuss in Open session.

- Mark Hamelin made the motion to approve; Seconded by Matt Chapek. Motion approved 7-0.
- DRB will issue a written decision within 45 days.

Preliminary Subdivision Plan hearing on the application of Andrew Grab for preliminary subdivision approval for a 2-lot subdivision on the property he owns at 449 Irish Settlement Road (IS449) in Underhill, VT.

Documentation present:

1. Andrew Grab's Application for Subdivision: Preliminary Plan dated 10/07/2103.
2. Copy of Subdivision Checklist: Preliminary
3. Copy of survey and plans prepared by Summit Engineering. Project #8263 dated 10/07/13
4. Copy of map created using the VANR Atlas.
5. Copy of a portion of the NFIP/FIRM panel 185D
6. Copy of part of VT Agency Of Transportation Standard B-71 "Standards for Residential and Commercial Drives"
7. Copy of the tax map for IS449
8. Copy of the DRB 7/29/13/ Sketch Plan minutes meeting.
9. A copy of the hearing notice as published in the Burlington Free Press on 10/17/13, and posted in 6 location and mailed to abutting property owners
10. Copy of October 25, 2013 input from Chittenden East Supervisory Union
11. Copy of October 29, 2013 input from Underhill-Jericho Fire Dept.
12. Memo from TOU Administrative Officer

Chairperson Van Winkle began the meeting by explaining the purpose of the preliminary subdivision hearing. The purpose of the preliminary subdivision review is to determine preliminary final project conformance with the review a draft subdivision plat and supporting documentation to determine preliminary conformance

- The subdivision is subject to review under the 2012 Unified Land Use and Development Regulations.

Testimony

- Larry Young Summit Engineering, Inc., the applicant, provided an overview of the proposal. Driveway grade is under 10% and doesn't need a culvert onto Irish Settlement Road. Discussion of building envelope and location of isolation field.
- Ryan Goslin of 429 Irish Settlement Road asked about the isolation shield, the well protection zone from onsite wastewater systems
- It was noted the power lines will provide some visual obstruction of the view.
- The utility easement is 28 feet from proposed housing site.
- Ryan Goslin requested the border of trees be retained for buffering the proposed house placement.

Comments:

- Plat must show set-back from stream
- Site visit is scheduled for Saturday, November 16th after the 10 Bridle Trail Site Visit.
- Applicant must obtain curb cut approval from the Selectboard.

Chairperson Van Winkle asked whether the board had sufficient information to close the hearing. Board felt it had sufficient information.. Chairperson Van Winkle asked whether Board would like to discuss the application in open or closed session. Board will discuss in Open session. Mark Hamelin made the motion to approve the preliminary application; seconded by Helen Wagoner. Motion approved 7-0.

DRB moves to open session deliberation of Maheux Preliminary Subdivision Plan

Discussion

The purpose of the preliminary subdivision hearing is to review a draft plat and support documentation in support of local land use regulations, and to identify particular issues or concerns. Based on the merits of the documentation, the DRB finds the application deficient, and therefore did not close the evidentiary portion of the hearing.

Deficiencies include:

- Response to Section 8.2 on page 9 of application package
- Response to Section 8.3 on page 13 of application package
- Response to Section 8.7 on page 24 of application package
- The applicant must provide more detail on the map, as it is unclear to the board specifically what is being proposed.
- The board finds Section 3 to be incomplete. Verbal testimony at the hearing did not match the application/description.
- The DRB requests all supplemental materials that are referenced in the application, be resubmitted to the board in support of the application.

SUCH AS THE
CONDITIONAL
USE PERMITS
CvW
11/18/13

The board will request the applicant provide additional information outlined above in time for adequate review by staff and board members prior to the December 2nd 2013 hearing.

The board reviewed and corrected the meeting minutes from October 7th.

The board has continued the Maheux hearing until December 2nd, 2013 at 6:45 PM.

Adjournment: Motion to adjourn made by Board member Wagner: seconded by Board member Miller.

- Meeting adjourned at 9:40 p.m..

Respectfully Submitted by:
Karen B. McKnight, Secretary, DRB

These minutes of the 11-04-13 meeting of the DRB were accepted:

This 18 day of November, 2013.

Charles Van Winkle
Charles Van Winkle, Chairperson, DRB

**Town of Underhill
Development Review Board Minutes
December 2, 2013**

Board Members Present:

Charles Van Winkle, Chairperson, Matt Chapek, Mark Hamelin, Will Towle, Helen Wagner

Administrative Officer Present: Brian Bigelow, Acting Administrative Officer

Applicant Present: Marc Maheux, 38 Poker Hill Road

Others Present: Cliff Peterson, 22 Hedgehog Hill Road

6:35 PM – Meeting called to order by Chair.

6:36 PM – On a motion by Will Towle, seconded by Mark Hamelin that passed by a 5-0 vote; document review would be held after the Maheux hearing and Public Comment.

6:40 PM – Public Comment

Cliff Peterson of Hedgehog Hill Road inquired about the Certificate of Compliance process having seen the on property posting at the Piney Grove Subdivision. Compliance is reviewed under the bylaws in general and specific approvals with the determination made by the Administrative Officer.

6:50 PM - Continuation of Marc and Jane Maheux Preliminary Subdivision Plan Hearing Documentation present (Note items ‘a’ thru ‘o’ were submitted prior to November 4, 2013 hearing, items ‘p’ thru ‘y’ were submitted subsequently prior to the December 2, 2013 hearing with item ‘s’ replacing item ‘f’):

- a) Marc & Jane Maheux’s Application for Subdivision: Preliminary (dated 5-31-13);
- b) A copy of the completed Subdivision Checklist: Preliminary Hearing;
- c) A copy of the survey and plans prepared by David A. Tudhope, L.S. Project # 759, Sheet 1;
- d) A copy of the ANR Form 1 (notice of Overshadowing at the time of Filing an Application for a Wastewater System and Potable Water Supply Permit);
- e) A copy of VT DEC ANR Wastewater and Potable Water Supply Permit (Project #: WW-4-4126) dated October 21, 2013;
- f) A copy of the Findings Checklist;
- g) A copy of the draft warranty deeds for each lot;
- h) A copy of the Project Review Sheet from the VT Department of Environmental Conservation & Natural Resources Board (dated 10-14-13);

- i) A copy of completed application for water allocation from the Jericho-Underhill Water District for the proposed two units (810 gpd: 6 bedrooms @ 135 gals per day) on the newly created lot #1.
- j) A copy of the letter from Harry Schoppmann of the Underhill Jericho Fire Department (dated October 29, 2013);
- k) Copy of input from the Chittenden East Supervisory Union (dated October 25, 2013);
- l) A copy of the tax map for PH038 overlaid with watercourse, wetland and flood zone information;
- m) A copy of the minutes from the 6-4-12 Sketch Plan/Conditional Use meeting;
- n) A copy of the hearing notice as published in *The Burlington Free Press*, posted in six public places and mailed to abutters;
- o) A copy of the procedure checklist for this meeting; and
- p) The original memo for the November 4, 2013 packet;
- q) This revised memo dated November 26, 2013;
- r) Marc Maheux memo to DRB dated 11/25/13;
- s) Revised Article VIII Subdivision Standards Findings Checklist ;
- t) DRB Minutes of November 4, 2013;
- u) Copy of 2012 Conditional Use/Site Plan Application
- v) Copy of 2012 Sketch Plan Application
- w) Copy of Conditional Use Permit CU-12-01 dated 6-21-12;
- x) Copy of Condition Use Notice of Decision, dated 6-21-12;
- y) Copy of DRB minutes of 6-4-12;

Chairperson Van Winkle began the meeting by explaining the purpose of the preliminary plan meeting. The purpose is to review a draft subdivision plat and supporting documentation to determine preliminary conformance with the municipal plan, regulations and other municipal ordinances in effect at the time of application; to identify issues or concerns with the plan; and to make recommend modifications necessary to complete conformance; and to identify any additional information required for final subdivision review. At the November 4, 2013 meeting the Board determined that they had inadequate information to issue a positive finding and continued the hearing to December 2, 2013. Chair noted that as a continued hearing the applicant and staff were still sworn in.

Testimony:

- Applicant Marc Maheux, having reviewed the minutes of the November 4, 2013 DRB hearing and meet with the Acting Administrative Officer provided information intended to address concerns identified by the Board. Applicant clarified that the 2-lot subdivision would see the exiting house would remain (Lot #2) and the 576 square foot existing barn would either be torn down or moved (if feasible and cost effective) to the 40' x 50' area show shown on the submitted drawing by David Tudhope (Project #759, revised date: April 11, 2013). Applicant confirmed that the existing barn was not shown on the plan and that though not labeled as such, what was shown was a proposed typical dwelling that was as part of the engineering design review required for issuance of the required State of Vermont water and wastewater permit.
- Additional discussion ensued about the need to provide building envelopes and when to make application for a potential Accessory Dwelling. Applicant explained that there

were circumstances that were unresolved and he was less seeking an expedited approval than wanting to retain flexibility going forward. The Board concurred that the plan met the requirements for the current subdivision application and that other issues were appropriate to review with subsequent application.

Chairperson Van Winkle asked whether the board had sufficient information to close the hearing.

On a motion by Will Towle, seconded by Helen Wagner that passed by a 5-0 vote; the Board voted to close the evidentiary portion of the application.

Chairperson Van Winkle asked whether Board would like to discuss the application in open or closed session.

On a motion by Mark Hamlin, seconded by Matt Chapek that passed by a 5-0 vote; the Board voted to discuss the application in open session.

Will Towle moved to approve the Preliminary Subdivision application DRB-13-04, applicants Marc and Jane Maheux at 38 Poker Hill Road as adopted by the letter of approval.

Matt Chapek seconded and the motion passed 5-0.

7:38 – Document Review

On a motion by Will Towle, seconded by Mark Hamlin that passed by a 5-0 vote; the Board voted to approve the minutes of November 18, 2013 as submitted.

Draft Notice of Decision for DRB-13-06, application of RMB Construction and Darcy and Mary Spence at 10 and 12 Bridle Trail was reviewed Board. Corrections, additions and subtractions discussed and agreed upon by consensus of the Board.

On a motion by Will Towle, seconded by Matt Chapek that passed by a 5-0 vote; the Board voted to approve the Notice of Decision with modifications as discussed.

Staff to make edits in conformance with review and prepare final document for signature by Chair.

8:10 – Adjournment

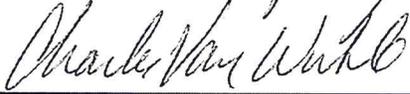
On a motion by Mark Hamlin, seconded by Helen Wagner that passed by a 5-0 vote; the Board voted to adjourn the December 2, 2013 meeting of the Town of Underhill Development Review Board.

Town of Underhill
Development Review Board
Minutes of December 2, 2013

Respectfully Submitted by:
Brian Bigelow, Acting Administrative Officer

These minutes of the 12-02-13 meeting of the DRB were accepted:

This 6 day of January, 2013.



Charles Van Winkle, Chairperson, DRB

Town of Underhill, VT
PLANNING & ZONING ADMINISTRATOR

P.O. Box 120, Underhill, VT 05489
E-mail: smcshane@underhillvt.gov

Phone: (802) 899-4434 x106
Fax: (802) 899-2137

March 18, 2015

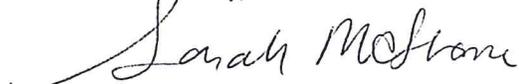
Marc & Jane Maheux
PO Box 236
Underhill, VT 05489

Dear Applicant:

This letter is to notify you of your preliminary subdivision review hearing before the Underhill Development Review Board on **Monday, April 6, 2015** for a proposed 2 Lot subdivision of your property located at **38 Poker Hill Road (PH038)**. The property is located in the Underhill Flats Village Center, Rural Residential, and Flood Hazard Area Overlay zoning districts. A site visit will be held on the property prior to the hearing at 6:00 PM. The public hearing will begin at the Town Hall, 12 Pleasant Valley Rd., at approximately 6:35 PM.

The hearing is open to the public and abutting neighbors have the right to provide comments. Additional information related to this application is available at the Town Hall. Pursuant to 24 VSA §§4464(a) (1) (C) and 4471(a), participation in this local proceeding by written or oral comment is a prerequisite to the right to take any subsequent appeal. If you have any questions, I can be reached at the address or phone number listed above.

Sincerely,


Sarah C. McShane

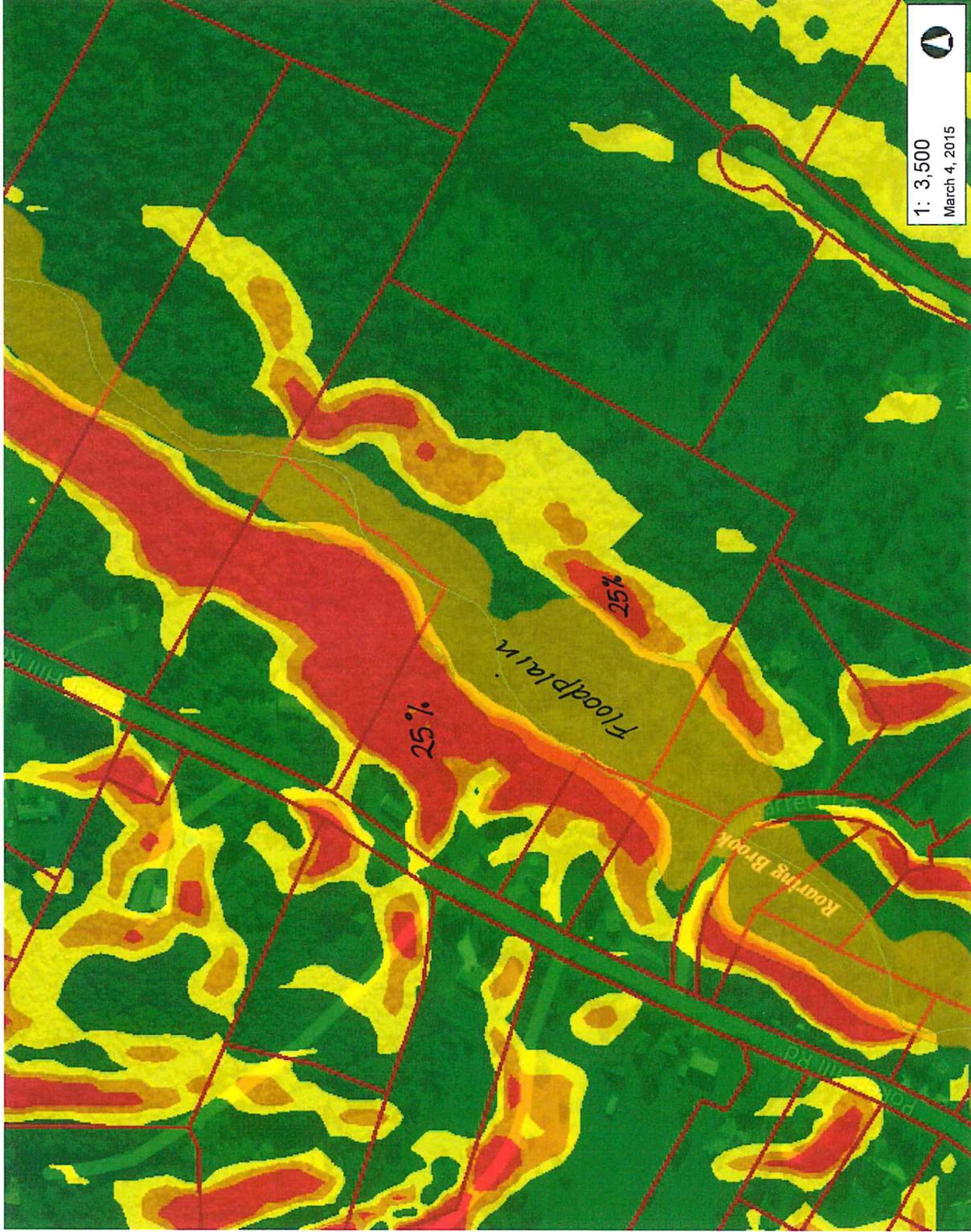
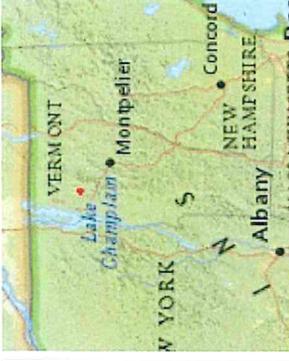
cc: Applicant
File



VERMONT

Natural Resources Atlas
Vermont Agency of Natural Resources

vermont.gov



LEGEND

- Special Flood Hazard Areas (FEMA)**
- AE (1-percent annual chance flood)
 - A (1-percent annual chance flood)
 - AO (1-percent annual chance zone feet)
 - 0.2-percent annual chance flood ha
- Stream**
- Parcels (where available)**
- Town Boundary**
- Slope**
- <15%
 - 15-20%
 - 20-25%
 - >25%

NOTES

Map created using ANR's Natural Resources Atlas

DISCLAIMER: This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. ANR and the State of Vermont make no representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.

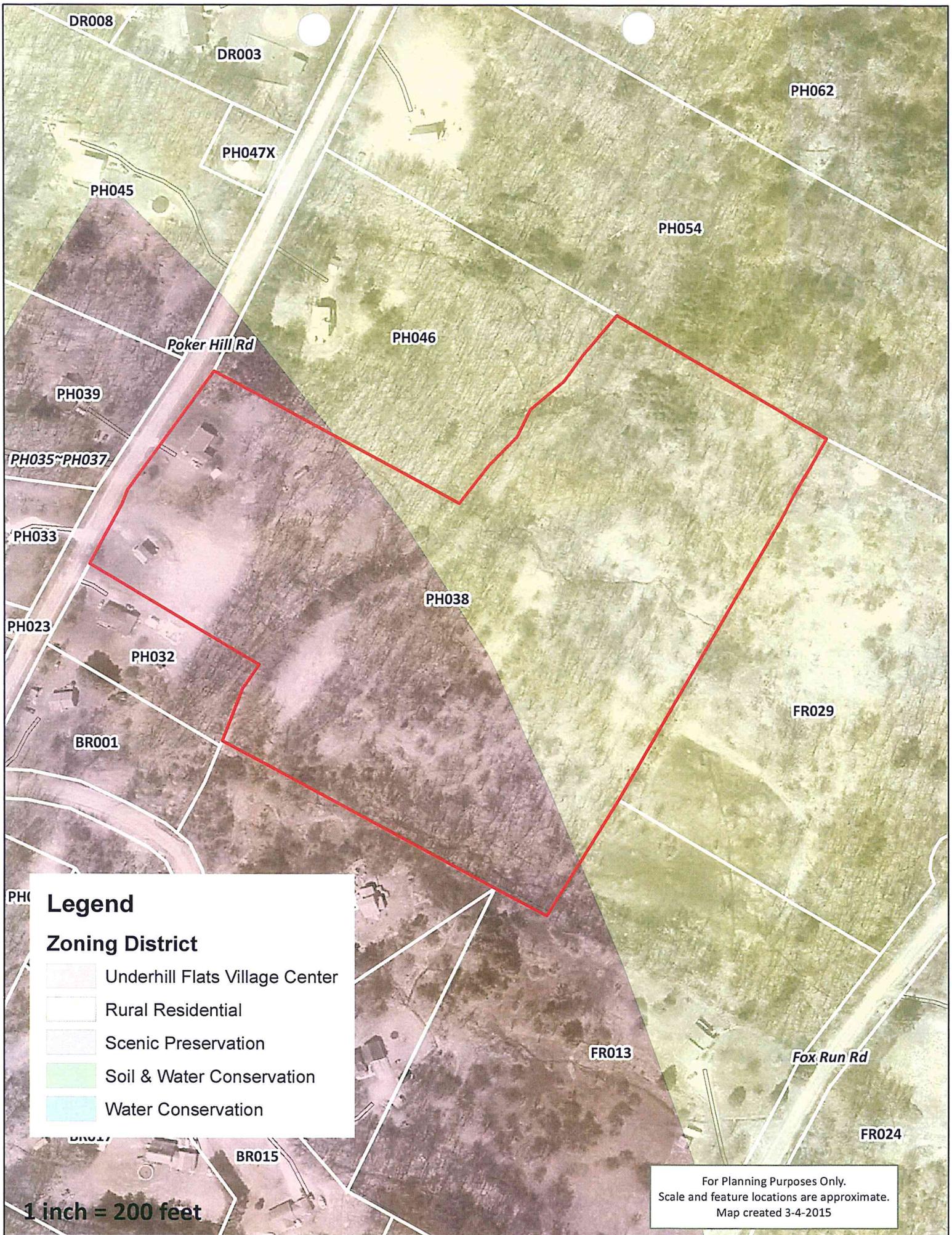
178.0 Meters 89.00 Meters 0 Meters

1" = 292 Ft. 1cm = 35 Meters

THIS MAP IS NOT TO BE USED FOR NAVIGATION

WGS_1984_Web_Mercator_Auxiliary_Sphere
© Vermont Agency of Natural Resources

1: 3,500
March 4, 2015



Legend

Zoning District

- Underhill Flats Village Center
- Rural Residential
- Scenic Preservation
- Soil & Water Conservation
- Water Conservation

1 inch = 200 feet

For Planning Purposes Only.
 Scale and feature locations are approximate.
 Map created 3-4-2015

TOWN OF UNDERHILL, VT
Planning & Zoning Administration

P.O. Box 120, Underhill, VT 05489
E-mail: zoning@underhillvt.gov

Phone: (802) 899-4434, x106
Fax: (802) 899-2137

MEMORANDUM

To: DRB, SB, UJFD, UCC
From: Underhill Planning and Zoning
Date: 1/25/2016
Re: Agenda and Information for 2/1/2016

**Development Review Board
NOTICE OF PUBLIC MEETING
AGENDA**

**Monday, February 1, 2016 - 6:30 Public Hearing
Underhill Town Hall, 12 Pleasant Valley Rd. Underhill, VT**

6:30 PM Public Comment Period

6:35 PM Final: Subdivision Review-2 Lot Subdivision
Applicant: Maheux
Docket #: DRB 12-04
Location: 38 Poker Hill Road

7:00 PM Preliminary: Subdivision Review- 2 Lot Subdivision
Applicant: Lamphere
Docket #: DRB 15-05
Location: 178 Beartown Road

7:30 PM Sketch: Subdivision Review- 9 Lot Subdivision
Applicant: Jacobs
Docket #: DRB 16-01
Location: 16 Harvest Run

8:00 PM Other Business
Review minutes from 1-18-16

8:30 PM Adjourn

Contents (HR016-Jacobs):

- a) Phil Jacobs Application for Subdivision: Sketch Plan (dated 1/5/2016);
- b) A copy of the completed Subdivision Checklist: Sketch Plan;
- c) A copy of the proposed subdivision plan;
- d) A copy of property abutters;

- e) A copy of the notice sent to applicant and property abutters;
- f) Copies of the ANR Natural Resources Atlas maps showing primary agricultural soils and steep slopes;
- g) A copy of a zoning map of the property (HR016);
- h) A copy of the procedure checklist for this meeting;

Sketch Plan Review of the Application of Jacobs for a 9-lot Subdivision

Applicant(s): Phil Jacobs

Consultant(s): O’Leary-Burke Civil Associates

Property Location: 16 Harvest Run Lane

Acreage: 45 acres

Zoning District(s): Underhill Flats Village Center (formerly known as Residential)

RURAL RESIDENTIAL:

Minimum Lot Size:	1 acre
Minimum Frontage:	150 ft
Setbacks (Principal Structures):	Front – none Side & Rear – 20 ft
Setbacks (Accessory Bldgs.):	Front—must be located at or to the rear of the front line of the principal building Side & Rear – 15 ft
Max. Bldg. Coverage:	50%
Max. Lot Coverage:	75%
Max. Building Height:	35 ft

Relevant Regulations: 2014 Underhill Unified Land Use & Development Regulations, 2015 Underhill Road Policy

- Article II, Table 2.2 – Underhill Flats Village Center District (pg. 9)
 - Section 3.2 – Access (pg. 27)
 - Section 3.7 – Lot, Yard & Setback Requirements (pg. 35)
 - Section 3.17 – Source Protection Areas (pg. 52)
 - Section 3.18 – Steep Slopes (pg. 53)
 - Section 3.19 – Surface Waters & Wetlands (pg. 60)
 - Section 3.22 – Water Supply & Wastewater Systems (pg. 65)
 - Section 7.2 – Applicability (pg. 132)
 - Section 7.3 – Sketch Plan Review (pg. 134)
 - Article VIII – All (pg. 143)
-

Comments/Questions

- The parcel is located within the Underhill Flats Village Center Zoning District.
- The applicant proposes subdividing a ±45.0 acre lot into 8 residential lots of various sizes (Lot 8: 4.14 acres, Lot 9: 2.61 acres, Lot 10: 2.36 acres, Lot 11: 1.19 acres, Lot 12: 1.41 acres, Lot 13: 1.28 acres, Lot 14: 1.02 acres, Lot 15: 3.25 acres) and a remainder lot (Lot #6: 9.5 acres).
- While single family and two family dwellings are permitted uses, any proposed multifamily dwellings would require condition use approval.
- The proposed new lots appear to meet the required acreage and road frontage.
- The preliminary and final plans should indicate the locations of building envelopes and septic and water systems. The preliminary and final plans should also include detailed road and driveway plans.
- Comments should be solicited from the Conservation Commission, school district and fire department.
- The sketch plan proposes two new dead-end roads, one serving Lots 13-15 (Road #1) and one serving Lots 8-12 (Road #2). It appears that the sight distance at the intersection of Jacobs Hill Road and Road #2 may not be adequate enough to comply with VT AOT A-76 standards for development roads. Measurements of sight distance and information on the grades of Road #2 and Jacobs Hill Road approaching the intersection should be included in the preliminary and final applications.
- The sketch plan proposes two new dead-end roads. However, Section 8.6(B)(2)(e) states that development roads “shall, to the extent physically feasible, be laid out to...extend or connect to existing or planned roads adjoining the subdivision, under joint agreement or in common or public ownership.” Staff finds there would be benefit in a layout with greater connectivity in road layout, assuming that such a layout would not cause adverse impact on steep slopes.
- The description of Site Layout and Design for the Underhill Flats Village Center District (Section 5.3(B)(2)(a)) states that “site design and layout shall...include sidewalks or paths to facilitate pedestrian circulation.” Sidewalks or paths should be included on the plans submitted with the preliminary and final application.
- Access approval should be obtained from the Selectboard prior to submitting an application for final subdivision review. Since the longer of the two proposed roads (Road #2, on the eastern part of the property) will serve more than four lots, it is considered a development road and must meet town highway standards and VT AOT A-76 standards for development roads as most recently amended. The applicant has submitted a request for a road width of 22’ rather than the required 24’ for a development road serving 5 or more residences (2015 Underhill Road Standards, 6.5(A)(3)). The Road Standards state that the actual widths of development roads shall be determined by the Selectboard based on anticipated traffic including the size and amount of truck traffic anticipated (Section 6.4(A)(3)). Therefore, this waiver request should be submitted to the Underhill Selectboard for review under the town highway ordinance.
- Drafts of the shared maintenance agreement for the roads and draft deeds should be included in the preliminary and final applications.
- Portions of the property (Lots 8, 9, 10, 11 and 12) appear to contain steep slopes (15-25%) and very steep slopes (>25%) (See attached map). These areas should be indicated on the site plan submitted with the preliminary and final applications. Section 3.18(D) states that “development...shall be sited to minimize site disturbance on steep slopes (15-25%)” in conformance with standards 3.18(D)(1-5). Section 3.18(E) states that “site disturbance and development...is prohibited on very steep slopes (>25%) except for activities that are exempted

under Subsection B, and [activities described in 3.18(E)(a-d), which must otherwise meet all relevant steep slopes standards under Subsection D.” If development is proposed on steep or very steep slopes, the preliminary and final applications must include the components required by 3.18(C). Also see Section 8.3.C. Rock Outcrops, Steep Slopes, Hillside & Ridgelines.

- The board should discuss whether there is a need for a stormwater management and erosion control plan, as per Section 8.5(B-C).
- The applicant has identified the location of several small streams and Class 3 wetlands on the property. Per Section 3.19(D)(3)(a-b), all structures and other impervious surfaces shall be set back at least 25 feet from these streams and wetlands.
- Parts of proposed lots 13-15 appear to contain prime agricultural soils (see attached map). As per Section 8.3(F), development on prime agricultural soils shall be avoided to the extent physically feasible. However, the Underhill Flats Village Center District is defined as an area intended to reinforce a “compact, pedestrian scale and pattern of development.” The proposed development is compatible with that goal.
- The DRB may want to hold a site visit for this project.
- The Applicant should obtain a Project Review Sheet from the State.
- Recommended classification: **major subdivision**.

Underhill DRB Rules of Procedure
Hearing Checklist
Sketch Plan Review
Request of Phil Jacobs
2-1-2016

State the following:

- 1) “This is a sketch plan review of the application of Phil Jacobs for a 9-lot subdivision at 16 Harvest Run in Underhill, VT.”

Sketch plan review is an informal, pre-application review process intended to acquaint the DRB with a proposed subdivision during the conceptual stage of the design process, before the applicant incurs significant expense in preparing a formal application. This informal review and discussion at a regular meeting of the DRB helps identify the type of subdivision and subdivision layout that will best meet the needs of the subdivider and the requirements of these regulations.

The sketch plan review is not a hearing, and the requirements for interested party status do not apply. This means that we do not swear speakers in, but we will ask that you identify yourself and your give address to the Board before you comment so that we can keep an accurate record of this meeting in the Minutes.

- 2) The order of speakers tonight will be:
 - a. We will hear from and ask questions of the Applicant, Mr. Jacobs, and/or his representative(s);
 - b. Then we will hear and ask questions of the Interim Zoning & Planning Administrator, Brian Bigelow;

- c. Then we will give other persons in the room a chance to speak. Under our Rules of Procedure, each speaker is limited to five minutes; however, that time can be increased upon request to the Board and majority consent of the Board; then
 - d. The Applicant(s) and/or their representative(s) will have an opportunity to respond; then
 - e. Final comments will be solicited from all parties.
 - f. All speakers should address their comments to the Board, not to other parties present at the hearing.
 - g. Board members may feel free to ask questions of any speaker.
- 3) At this point we'll begin review and hear from Mr. Jacobs and/or his representative(s).
 - 4) Next we will hear from the Zoning & Planning Administrator.
 - 5) Are there members of the public who would like to speak?
 - 6) Any final comments from anyone?
 - 7) Does the Board feel that they have enough information to decide whether the proposed sketch plan has fulfilled the application requirements?
 - 8) Does the Board classify the proposed subdivision as Major or Minor? (If the subdivision is classified as **Minor**, the Applicant(s) may request a waiver of the Preliminary Hearing requirement. If such is requested, the Board should rule on the waiver request in open session).
 - 9) Does the Board wish to discuss the application in open or closed session? (After the ruling, continue with the info below.)

"Within 15 days from this meeting, the Zoning & Planning Administrator, on behalf of the DRB, will send a letter to the Applicant(s) that:

1. Indicates whether the subdivision as proposed would be reviewed as a minor or major subdivision, or planned unit development, and outlines the associated review process.
2. Indicates whether the proposed subdivision generally conforms to these regulations, or will require modifications to conform to the regulations.
3. Identifies specific areas of concern to be addressed in subdivision application, including potential impacts to adjoining property owners, significant natural or scenic resources, municipal roads and infrastructure, and community facilities and services.
4. Recommends additional information, studies or supporting documentation to be submitted with the application for subdivision review.

All abutting neighbors will receive notice of the next public meeting via Certified Mail. If there are no other comments or questions we will close this portion of the meeting."

Jacobs Phase 2 Subdivision

Section 8.2 General Standards

A. Development Suitability. All land to be subdivided shall be suitable for the intended use and proposed density of development. The subdivision shall not result in undue adverse impacts to public health and safety, the natural environment, neighboring properties and uses, or the character of the area in which it is located. Subdivisions shall set aside as open space and exclude from subsequent development land that is characterized by periodic flooding, poor drainage, very steep slopes (>25%) and other known hazards, or that is otherwise not suitable to support structures or infrastructure.

The proposed residential lots are not characterized by periodic flooding, poor drainage or steep slopes and do not have any known hazards.

B. Development Density. The allowed density of development within a subdivision shall be calculated by dividing the total land area to be subdivided, excluding existing and proposed road rights-of-way, by the minimum lot size and maximum building densities specified for the zoning district(s) in which the subdivision is located (see Tables 2.1 – 2.7), except as modified for planned unit developments under Article IX.

The area proposed for development, approximately 18.9 acres, has sufficient area to allow approximately 15 residential lots including allowances for right-of-ways. Eight lots are proposed.

C. Existing Site Conditions. To the extent physically feasible, subdivision layout and design shall integrate and conserve existing site features and natural amenities, including: Article VIII. Subdivision Review Standards Adopted 3-1-11, Amended 3-4-14; 3-6-12

1. natural topography (surface contours, grades) and drainage patterns;

The lots, in general, conform to the existing surface contours.

2. naturally occurring surface waters, wetlands and vernal pools;

The natural intermittent streams are conserved.

3. mapped flood plains (Special Flood Hazard Areas);

There are no known floodplains.

4. natural vegetative cover (e.g., timber and orchard stands, witness and shade trees, copses, hedgerows, and wetland and riparian buffers);

The majority of the proposed lots are open. Clearing on Lot #8 and Lot #9 will be limited by an allowable building envelope.

5. unique topographic or geologic features (e.g., outcrops, ledges, visually prominent ridgelines and peaks);

There are no unique topographical or geologic features.

6. primary agricultural soils, as defined by the U.S. Natural Resource Conservation Service and state; and

The majority of the parcel to be developed is not mapped as primary secondary soils.

7. historic sites and structures.

There are no known historic sites or structures.

D. Underhill Town Plan & Regulations. Subdivisions shall conform to clearly stated policies and objectives in the Underhill Town Plan as most recently amended, other provisions of these regulations, adopted capital or transportation improvement programs, and other municipal bylaws, ordinances and regulations in effect at the time of application.

The stated purpose of the Underhill Flats Village Center District (formerly known as 4 the Residential District) is to allow for the continuation of existing small scale commercial, 5 residential and public uses.

E. District Settlement Patterns. A subdivision shall be designed and configured to reflect the desired settlement pattern for the zoning district(s) in which it is located, as defined under Article II and the Underhill Town Plan. To this end, the following standards shall apply to subdivisions within respective zoning districts.

Underhill Flats Village Center District. Subdivision within this district shall be designed and configured to reinforce a compact, pedestrian scale and pattern of development. Lots and building envelopes shall be sized and located to maintain a consistent building line and streetscape along roads. Subdivisions in this district also shall be designed to incorporate, extend, or connect to existing roads, pedestrian paths and utility corridors. Sidewalks and other pedestrian facilities shall be provided where physically feasible; new roads in these districts shall be designed to maximize pedestrian safety and circulation.

The proposed subdivision continues the present development pattern established along Harvest Run and Jacobs Hill roads.

F. Lot Layout. Lots and lot layouts shall be configured to:

1. be suitable for their intended use, for subsequent development (building lots) or for resource or open space protection (conserved lots);

The proposed lots are suitable for building lots.

2. conform to desired district settlement patterns, as required under Subsection E;

The proposed subdivision continues the present development pattern established along Harvest Run and Jacobs Hill roads.

3. meet minimum lot size and density requirements under Article II, except as modified for planned residential or planned unit developments under Article IX;

The proposed lots are a minimum of 1.0 acres.

4. conform to lot and yard requirements under Section 3.7; and to

The proposed lots conform to the lot and yard requirements in Section 3.7.

5. avoid irregularly shaped lots (e.g., with curves, jogs, dog-legs, etc.), unless warranted due to topographic or other physical site constraints, or to minimize the fragmentation of natural, scenic or cultural resources under Section 8.3

The proposed lots are generally rectangular in shape.

G. Building Envelopes. The designation of building envelopes to limit the location of structures, parking areas, and associated site improvements to one or more portions of a lot shall be required for all subdivided lots, as shown on the subdivision plat. The location, size and shape of each building envelope shall be established in accordance with these 7 regulations, including zoning district requirements under Article II and Subsection E, and resource protection standards under Section 8.3. The DRB also may require the identification of specific building locations (footprints) if, in its judgment, such information is needed to determine conformance with these regulations.

Building envelopes shall be identified during the preliminary phase of review.

H. Survey Monuments. The locations of all proposed permanent surveying monuments and corner markers, as required under the Rules of the Board of Land Surveyors, shall be identified on the final subdivision plat. The DRB may also require that the corner points of designated building envelopes be marked on the ground with iron pins and identified on the final subdivision plat.

The locations of survey monuments shall be established during the preliminary phase of review.

I. Landscaping & Screening. Landscaping and screening, using native and salt-tolerant species (see Appendix C and Appendix D), shall be provided as necessary to:

1. Preserve existing trees, tree lines, wooded areas of particular natural or aesthetic value to the site, and significant wildlife habitat areas.

Trees and treelines to be preserved shall be shown during the preliminary review phase.

2. Provide an undisturbed vegetated buffer between developed and undeveloped portions of the subdivision, as necessary to minimize adverse impacts to surface waters and wetlands (see Section 3.19), or other natural or scenic resources under Section 8.3.

Any required setbacks and buffers shall be shown during the preliminary review phase.

3. Provide physical separation and visual screening as necessary to provide privacy, reduce noise or glare, or to establish a buffer between potentially incompatible land uses.

The need for visual screening is not anticipated.

4. Establish a tree canopy along roads or pedestrian walkways, particularly where proposed road construction and related site improvements will result in the loss of existing tree cover.

For major subdivisions, the DRB may require the submission of a landscaping plan, to be prepared by a certified landscape architect, as required to determine conformance with these regulations.

Street trees are anticipated and will be shown during the preliminary phase of review.

J. Energy Conservation. Subdivision design and layout, to the extent physically feasible, shall incorporate energy efficient design by:

1. Locating and orienting sites (e.g., building lots, envelopes) to maximize southern exposures where available, and solar access for solar energy and heating systems.

The majority of the house sites should have west and southwest exposure.

2. Clustering development (e.g., building lots, envelopes) to minimize road and utility line extensions and to allow for group net-metering.

Net metering is not anticipated.

3. Incorporating existing topography, natural vegetation and landscaping to provide wind breaks, seasonal shade and solar access, and to reduce building heating and cooling needs.

All new house construction will conform to the newly adopted State of Vermont Building Residential Energy standards.

4. Designating lots or areas within major subdivisions that are suitable for net-metered solar collectors, wind turbines, managed wood lots and other renewable energy facilities and resources for the individual or collective use of subdivision residents.

Net metering or wind turbines are not anticipated.

PHIL JACOBS PHASE 2 WAIVER REQUEST FOR ROADWAY

1. A waiver is requested for a road width of 22'

The proposed roadway will serve up to five (5) residences, a 22' width will be adequate for the small amount of traffic that will be generated by the subdivision.

For local roads with an estimated ADT of less than 100 vehicles per day, the Vermont Agency of Transportation recommends a minimum width of 18' for design speeds of up to 40 MPH.

The 22' width is the same as approved for Jacobs Hill road.

TOWN OF UNDERHILL

P.O. Box 32
Underhill Center, VT 05490

Phone: (802) 899-4434 x106

Fax: (802) 899-2137

Email: underhillzoning@comcast.net

APPLICATION FOR SUBDIVISION: SKETCH PLAN

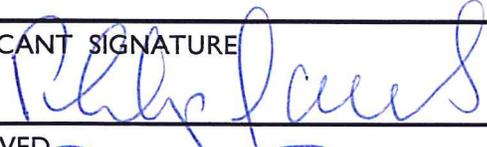
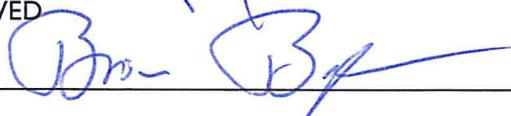
*pd 1/5/16
chk # 1858 100'*

ZONING DISTRICT(S):

PROPERTY CODE: HR016

FEES: \$100 hearing fee + costs

Residential Rural Residential Water Conservation Scenic Preservation Soil & Water Conservation

RECORD OWNER OF PROPERTY: Phil Jacobs	MAILING ADDRESS: 73 Upper English Settlement Road, Underhill
PHONE: (802) 899-2511	E-MAIL: coachjacobs55@aol.com
ACREAGE IN ORIGINAL PARCEL: 45	PROPOSED NUMBER OF LOTS: Nine
DESCRIPTION OF PROJECT: The property owner is proposing to subdivide Lot #6 (approximately 29 acres) into nine (9) lots - eight (8) residential lots and one (1) lot reserved for future development. The residential lots will vary from 1.02 acres to 4.14 acres in size. The remaining lot, Lot #6, will be approximately 9.5 acres. The lots will have on-site septic and lots #10 thru 15 will be served by the Jericho-Underhill Water District. Lot #8 and #9 will have on-site wells.	
DEVELOPER: Phil Jacobs	CONTACT INFORMATION: 73 Upper English Settlement Road, Underhill
DESIGNER / ENGINEER: O'Leary-Burke Civil Associates	ADDRESS: 13 Corporate Drive, Essex Jct., VT 05452
PHONE: 802-878-9990	E-MAIL: poleary@olearyburke.com
SURVEYOR: O'Leary-Burke Civil Associates/Seth Kittredge	ADDRESS: 13 Corporate Drive, Essex Jct., VT 05452
PHONE: 802-878-9990	EMAIL: skittredge@olearyburke.com
APPLICANT SIGNATURE 	DATE 1/5/16
RECEIVED 	DATE 1/5/16

Please submit a complete application with the attached checklist and sketch plan to the Zoning Administrator. A Sketch Plan meeting before the Development Review Board will be scheduled upon receipt of a complete application. For questions, please contact the Zoning Administrator at 899-4434, x106 or underhillzoning@comcast.net.

TOWN OF UNDERHILL, VT

Planning & Zoning Administrator

P.O. Box 32, Underhill Center, VT 05490

E-mail: underhillzoning@comcast.net

Phone: (802) 899-4434, x106

Fax: (802) 899-2137

January 20, 2016

Abutting Property Owners
Phil Jacob's property at 16 Harvest Run (HR016)

Dear Neighbor:

This letter is to notify you, as an adjoining property owner, of a Sketch Plan Review meeting with the Underhill Development Review Board on Monday, February 1, 2016 for a proposed 9-lot subdivision of property located at 16 Harvest Run (HR016), owned by Phil Jacobs. This property is located in the Underhill Flats Village District zoning district. The sketch plan meeting is open to the public, and will be held at the Underhill Town Hall, 12 Pleasant Valley Rd. should you wish to attend. The public hearing will begin at 6:30 PM, however this is the third application that the DRB will review that evening. Review will begin after completion of the second application - at approximately 7:30 PM.

In addition the DRB will hold an informal Site Visit at the Jacob's property on Saturday, January 30, 2016 at 10:00AM.

Additional information is available for review at the Town Hall Zoning & Planning Administrator's Office. While the sketch plan meeting is not a hearing and the requirements for interested party status do not apply, public comments will be reflected in the meeting minutes. Should you wish to provide comments in writing, you may submit them to me prior to the meeting.

If you have any questions, I can be reached at the addresses or phone number listed above.

Sincerely,



Brian Bigelow, Interim Zoning Administrator

cc: Phil Jacobs
O'Leary-Burke Civil Associates
File

Robert & Kathleen Covey
~~14 Harvest Run~~ PO Box 5
Underhill, VT 05489

David & Dorothy Richiedi
~~12 Harvest Run~~ PO Box 278
Underhill, VT 05489

Matthew & Jacqueline Gombrich
6 Depot Street
Underhill, VT 05489

Eugene & Teresa Bogaczyk
~~10 Harvest Run~~ PO Box 46 Reg mail
Underhill, VT 05489

Estate of Ronald Viau
6 Harvest Run Reg mail
Underhill, VT 0548

Deborah Shannon
~~4 Harvest Run~~ PO 202 Reg mail
Underhill, VT 05489

Jamie Eisenberg
~~12 Park Street~~ 23 Reg mail
Underhill, VT 05489

Gertrude Hunt
~~21 Park Street~~ Reg mail
Underhill, VT 05489

Marguerite Walsh
4 Depot Street Reg mail
Underhill, VT 05489

Sara Burghoff
29 Maple Ridge
Underhill, VT 05489

Thomas & Suzanne McDevitt
35 Maple Ridge
Underhill, VT 05489

N/A

handowner
will provide
copy letter

159 Orr Rd
Jericho, VT 05465

Joseph & Louise O'Brien
41 Maple Ridge
Underhill, VT 05489

David Krueger
43 Maple Ridge
Underhill, VT 05489

Sara Burghoff
29 Maple Ridge
Underhill, VT 05489

Chris Dorman
40 Sugar Hill
Underhill, VT 05489

Shelley Jurkiewicz & Shelley Salzer
34 Sugar Hill
Underhill, VT 05489

David & Kathy Williamson
26 Sugar Hill
Underhill, VT 05489

Not a butlers

✓  Robert & Louise Nichols
4 Sugar Hill
Underhill, VT 05489

✓  Joseph & Ruth Nelson
2 Sugar Hill
Underhill, VT 05489

✓  Alan & Bonita Morse
18 Meadow Lane
Underhill, VT 05489

 Malachi & Shannon McCauley
424 VT Route 15 PSC 817 #108
Underhill, VT 05489 FPO AE 09622-0002

ROT
 Emmet & Paige Manning
421 VT Route 15
Underhill, VT 05489

— Phil Jacobs
73 UPE
Underhill, VT 05489

— Alanna Bolis
219 Stone Hill Rd
Williston, VT 05495

Malachi & Shannon McCauley
424 VT Route 15
Underhill, VT 05489

Underhill-Jericho Fire Dept
PO Box 150
Underhill, VT 05489

Underhill Garage, Inc.
PO Box 7
Underhill, VT 05489

Georgia Mead Rev. Trust
c/o Deb Campanelli
149 Montgiven Ave
Fairhaven, VT 05743

United Church of Underhill
PO Box 265
Underhill, VT 05489

Eben Widland
8 Jacobs Hill
Underhill, VT 05489

Wm & Christina?
545 Stebbins R/
Jeffersonville VT 05464

Aaron Brillhart
1604 Jacobs Hill
Underhill, VT 05489

Tom & Myrna Barnett
16 Jacobs Hill
Underhill, VT 05489

Randy Kelley Jewell
14 JACOBS HILL
Underhill VT 05489

Tobin & Rebecca Clough
18 Jacobs Hill
Underhill, VT 05489

PO Box 112

Jason & Jodie Ferreira
22 Jacobs Hill
Underhill, VT 05489

PO Box 386

John Pepi
26 Jacobs Hill
Underhill, VT 05489

4 Raven Hill

TOWN OF UNDERHILL, VERMONT

Subdivision Checklist: Sketch Plan

Docket #: DRB 16-01 Property ID: H2016 Meeting Date: 2-1-16
Applicant/Consultant: Phil Jacobs / O'Leary - Burke Civil Associates
of Lots: 9 Zoning District(s): Underhill Flats Village Center

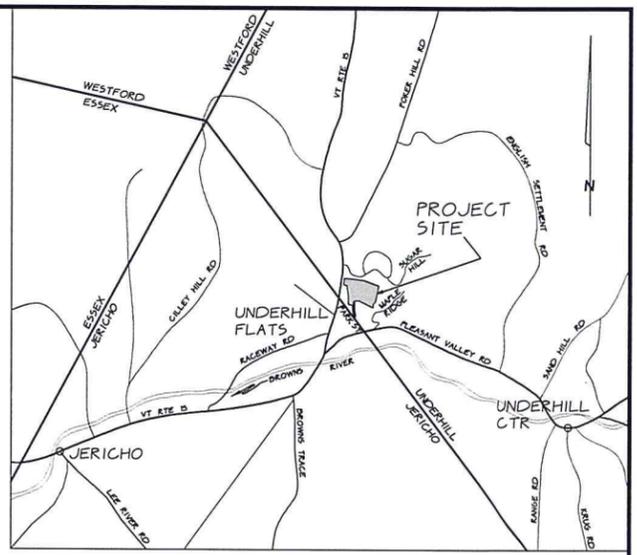
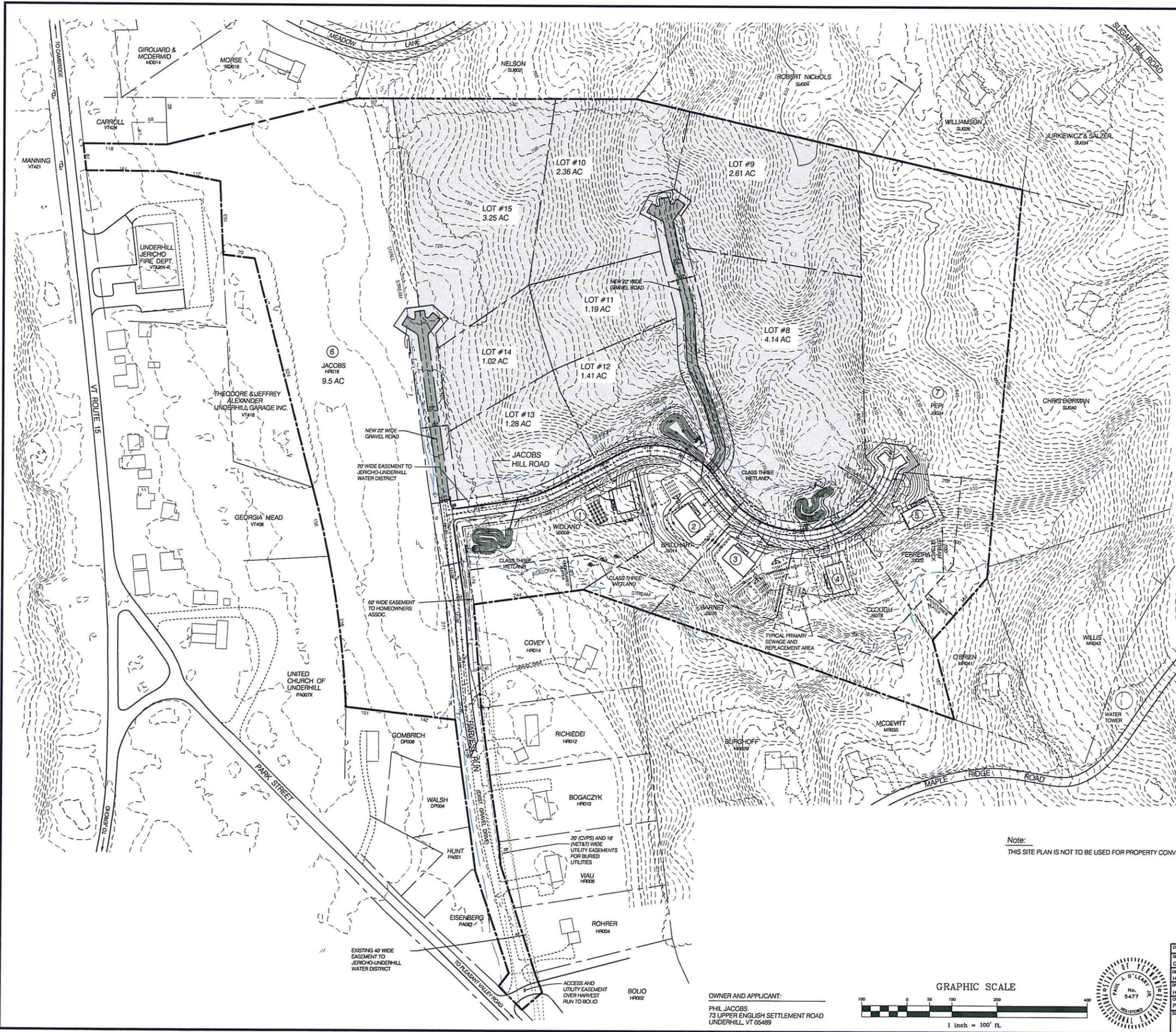
Is this a Planned Residential Development? Yes No
Is this a Planned Unit Development? Yes No
Is this part of a previously-approved subdivision? Yes No

Submission Requirements

The following must be received no later than 10 business days prior to a regular meeting of the Development Review Board. For scheduling or questions, please contact the Zoning Administrator.

<u>Required</u>	<u>Submitted</u>	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Sketch of proposed subdivision.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Brief project description that generally addresses applicable sections under Article VIII, Subdivision Review Standards.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Description of any proposed modifications or waivers under applicable standards.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	A list of abutting property owners and addresses. Include all properties with shared boundaries and those across any rights-of-way/roads.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Administrative fee payment.

Notes:



LOCATION PLAN

NTS

LEGEND

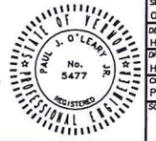
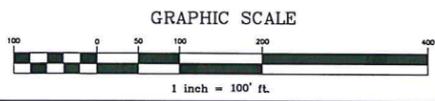
	PROJECT BOUNDARY
	ABUTTING PROPERTY LINE
	SIDELINE OF EASEMENT
	PROPOSED LOT LINE
	UNDISTURBED BUFFER
	BUILDING ENVELOPE
	STREAM SETBACK
	EDGE OF CLASS THREE WETLAND
	USGS CONTOUR
	FINISH GRADE CONTOUR
	STREAM
	SOILS TEST PIT
	PERCOLATION TEST
	NEW CULVERT AND CATCH BASIN
	PROPOSED SEWERLINE
	PROPOSED WATERLINE
	PROPOSED BURIED ELECTRIC AND COMMUNICATIONS

PROJECT STATISTICS

PROJECT AREA	APPROX. 45 ACRES
ZONING DISTRICT	UNDERHILL FLATS VILLAGE CENTER
CONVENTIONAL REQUIREMENTS	
1 ACRE MIN. LOT SIZE (MAX. 2 UNITS / LOT)	
150' LOT FRONTAGE	
BUILDING SETBACKS	
FRONT YARD - NO MINIMUM	
SIDE YARD - 20'	
REAR YARD - 20'	
PROPOSED CONVENTIONAL DEVELOPMENT	
PROPOSED 8 LOT CONVENTIONAL DEVELOPMENT	
8 RESIDENTIAL LOTS AND 1 RETAINED LOT	
HOUSE SETBACKS - AS PER CONVENTIONAL	
ROADS AND LOTS = 18.9 ACRES	
SEWER TO BE INDIVIDUAL ON-SITE	
STORMWATER TO BE TREATED ON-SITE	
WATER TO BE SUPPLIED VIA A MUNICIPAL EXTENSION	

Note:
THIS SITE PLAN IS NOT TO BE USED FOR PROPERTY CONVEYANCE.

OWNER AND APPLICANT:
PHIL JACOBS
73 UPPER ENGLISH SETTLEMENT ROAD
UNDERHILL, VT 05489



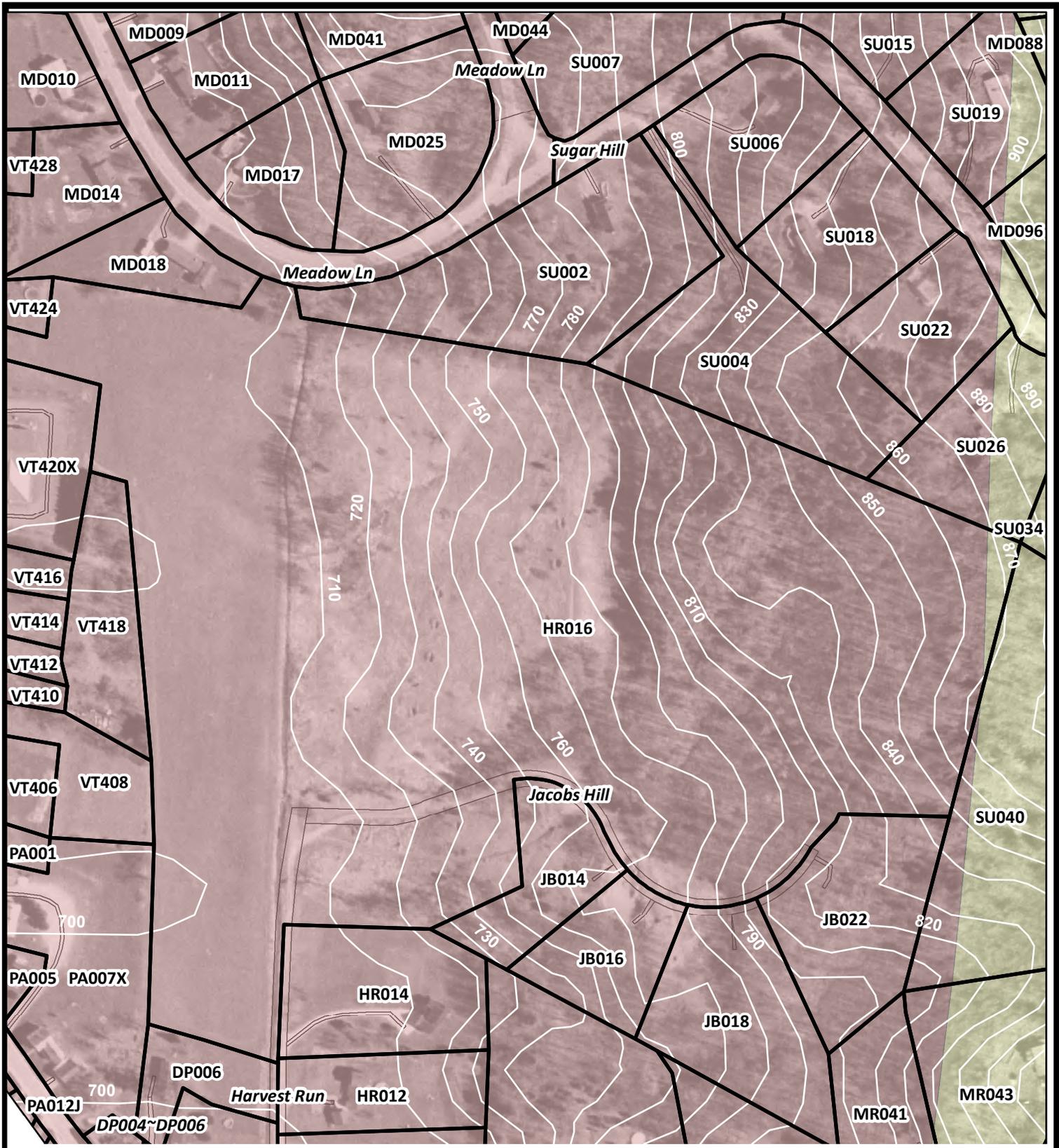
DATE: SURVEY: DESIGN: HLS/PJD DRAWN: HLS CHECKED: PJD SCALE: 1"=100'

REVISION: RECORD DRAWING PRELIMINARY FINAL SKETCH/CONCEPT

O'LEARY-BURKE CIVIL ASSOCIATES, PLC
13 CORPORATE DRIVE
ESSEX, VT 05732
PHONE: 278-9990
FAX: 278-9999
E-MAIL: ocb@olearyburke.com

LANDS OF PHILIP JACOBS
16 HARVEST RUN - UNDERHILL, VT
PHASE 2 PLAN
8 Lot Residential Development

DATE: 12-20-15
JOB: 5106
REV: 5106
S106-PHASE 2-3
PLAN SHEET #
1

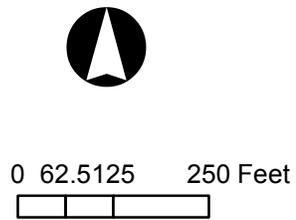


Zoning District

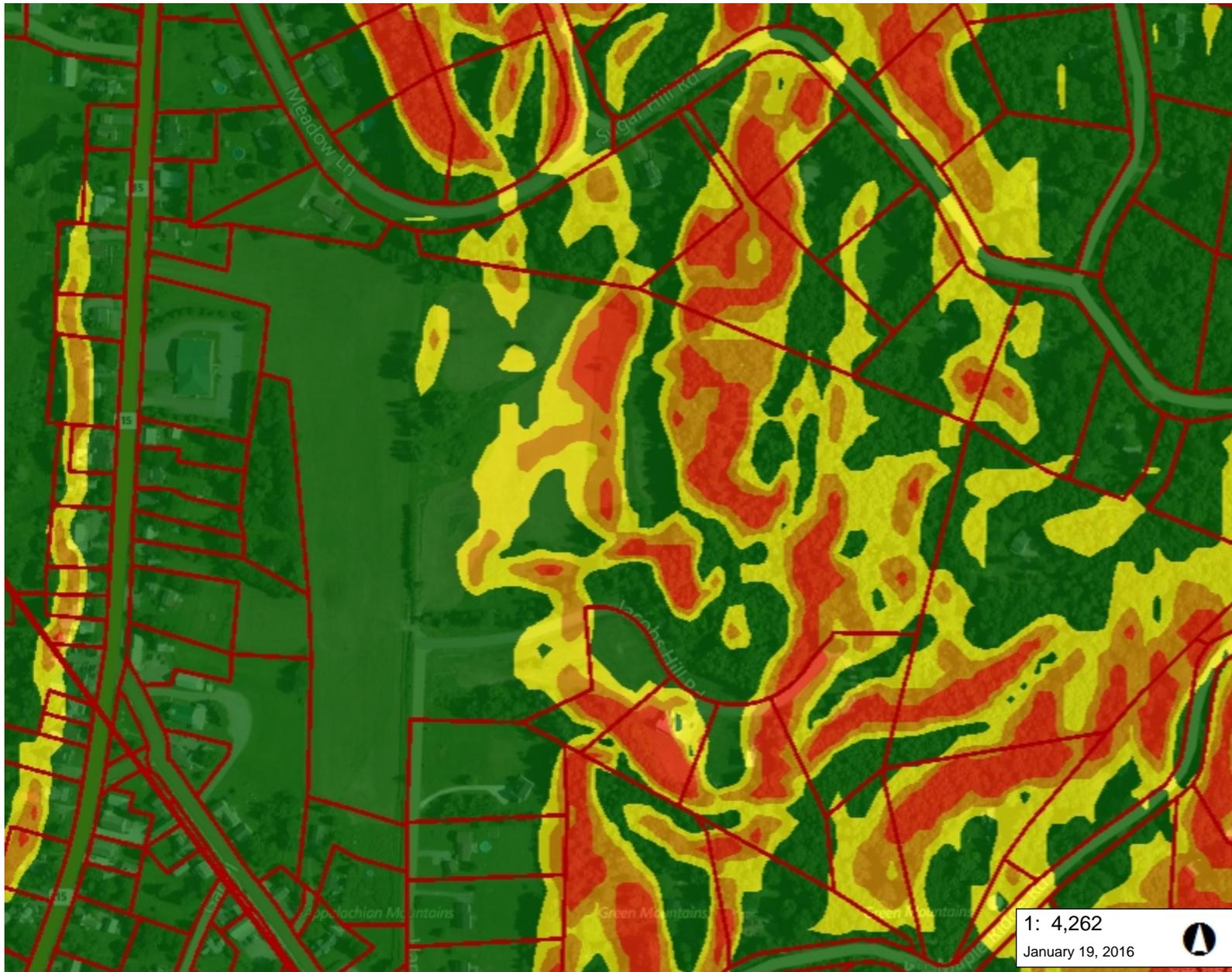
- Underhill Flats Village Center
- Rural Residential
- Scenic Preservation
- Soil & Water Conservation
- Water Conservation

Jacobs Sketch Map

HR016



For Planning Purposes Only.
Scale and feature locations are approximate.
Map created 9/18/2015



LEGEND

- Parcels (where available)
- Town Boundary
- Slope**
- <15%
- 15-20%
- 20-25%
- >25%

1: 4,262
January 19, 2016

NOTES

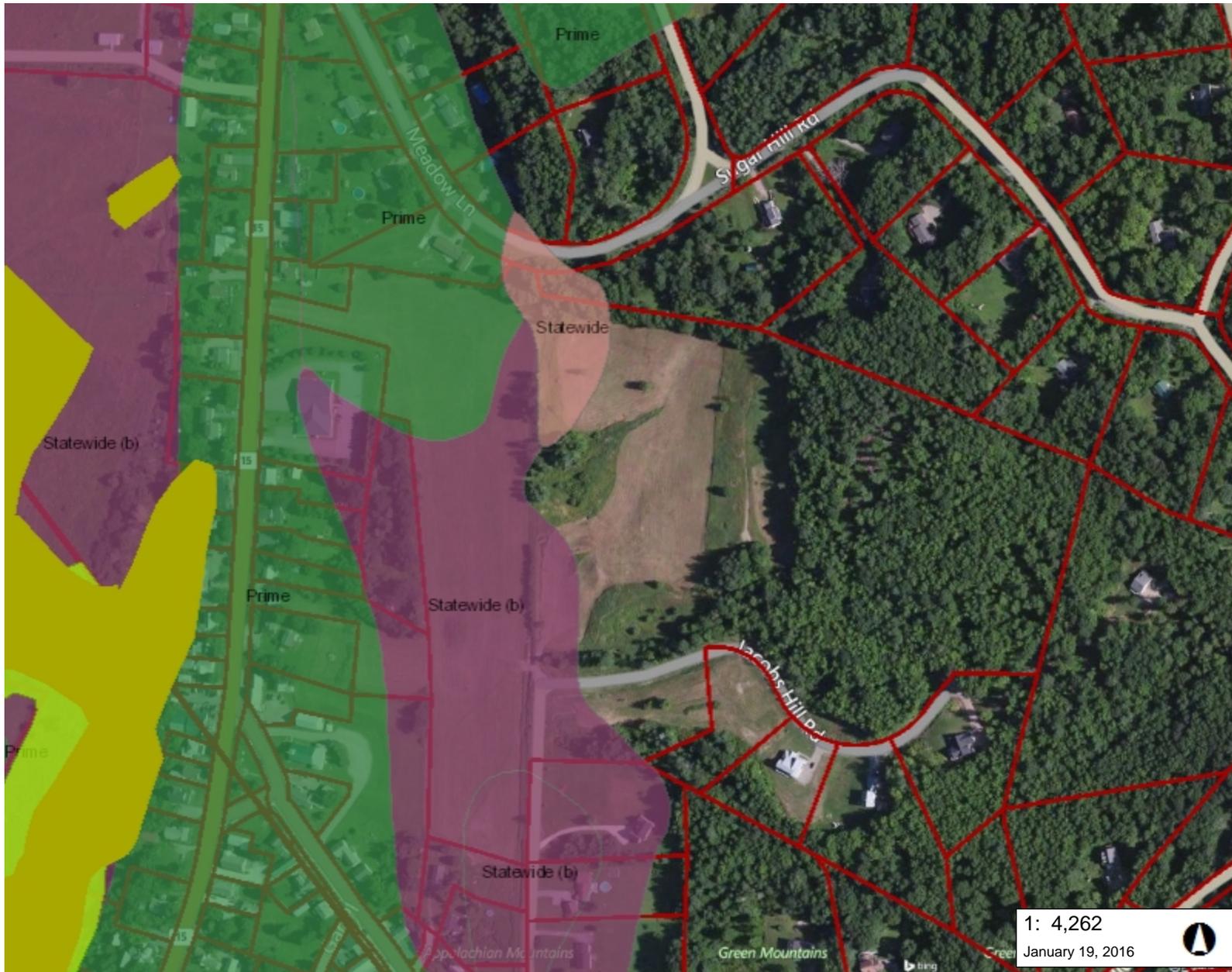
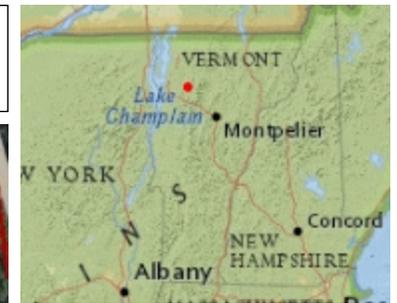
Map created using ANR's Natural Resources Atlas

217.0 0 108.00 217.0 Meters

WGS_1984_Web_Mercator_Auxiliary_Sphere
© Vermont Agency of Natural Resources

1" = 355 Ft. 1cm = 43 Meters
THIS MAP IS NOT TO BE USED FOR NAVIGATION

DISCLAIMER: This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. ANR and the State of Vermont make no representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.



LEGEND

- Wetlands - VSWI**
 - Class 1 Wetland
 - Class 2 Wetland
- Wetlands Advisory Layer
- Soils - Prime Agricultural**
 - Local
 - Local (b)
 - Not rated
 - Prime
 - Prime (b)
 - Prime (f)
 - Statewide
 - Statewide (a)
 - Statewide (b)
 - Statewide (c)
- Parcels (where available)
- Town Boundary

1: 4,262

January 19, 2016



NOTES

Map created using ANR's Natural Resources Atlas

217.0 0 108.00 217.0 Meters

WGS_1984_Web_Mercator_Auxiliary_Sphere

1" = 355 Ft. 1cm = 43 Meters

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TOWN OF UNDERHILL, VT
Planning & Zoning Administrator

P.O. Box 120, Underhill, VT 05489
E-mail: zoning@underhillvt.gov

Phone: (802) 899-4434, x106
Fax: (802) 899-2137

MEMORANDUM

To: DRB, SB, UJFD, UCC
From: Underhill Planning and Zoning
Date: 1/25/2016
Re: Agenda and Information for 2/1/2016

Development Review Board
NOTICE OF PUBLIC MEETING
AGENDA

Monday, February 1, 2016 - 6:30 Public Hearing
Underhill Town Hall, 12 Pleasant Valley Rd. Underhill, VT

6:30 PM Public Comment Period

6:35 PM Final: Subdivision Review-2 Lot Subdivision
Applicant: Maheux
Docket #: DRB 12-04
Location: 38 Poker Hill Road

7:00 PM Preliminary: Subdivision Review- 2 Lot Subdivision
Applicant: Lamphere
Docket #: DRB 15-05
Location: 178 Beartown Road

7:30 PM Sketch: Subdivision Review- 9 Lot Subdivision
Applicant: Jacobs
Docket #: DRB 16-01
Location: 16 Harvest Run

8:00 PM Other Business
Review minutes from 1-18-16

8:30 PM Adjourn

Contents (BE108-Lamphere):

- a) Luella Lamphere Estate (c/o Pat Lamphere) Application for Subdivision: Preliminary (received 8/22/2015);
- b) Site Plan Review Standards Findings Checklist, 34 pages;
- c) Subdivision Site Plan Luella Lamphere Estate prepared by JH Stuart Associates, dwg 1 of 2, 10/28/2015;
- d) A copy of the hearing notice as sent to the applicant and property abutters, publicized in three locations and published in the *Seven Days* the week of 1/18/16
- e) A copy of the ability to serve letter from the UJFD (dated 6/1/2015)
- f) A copy of the ability to serve letter from the MMMUSD (dated 12/1/2015)
- g) A copy of the Wastewater Permit (WW-4-4473) dated 8/11/2015
- h) A copy of the Access Permit granted by the Selectboard on 12/28/2015
- i) A copy of the procedure checklist for this meeting;

Outstanding item: Wastewater System Plan prepared by JH Stuart Associates, drawing 2 of 2

Rec'd
BOB

Preliminary Plan Review of the Application of Lamphere for a 2-lot Subdivision

Applicant(s): Luella Lamphere Estate (c/o Pat Lamphere)
Consultant(s): JH Stuart, P.E.
Property Location: 116 Beartown Road (BE116)
Acreage: ±10.0 Acres

Zoning District(s): **Water Conservation:** 5 acres
300 ft road frontage
Setbacks: Front – 30 ft
Side & Rear – 50 ft
Accessory Bldgs. – 30 ft (front)
20 ft (side & rear lines)
Max. Bldg. Coverage: 20%
Max. Lot Coverage: 30%
Max. Building Height: 35 ft

Relevant Regulations: 2014 Underhill Unified Land Use & Development Regulations

- Article II, Table 2.4 Water Conservation District (pg. 15)
 - Section 3.2 – Access (pg. 27)
 - Section 3.7 – Lot, Yard & Setback Requirements (pg. 35)
 - Section 3.17 – Source Protection Areas (pg. 52)
 - Section 3.19 – Surface Waters & Wetlands (pg. 60)
 - Section 3.22 – Water Supply & Wastewater Systems (pg. 65)
 - Section 7.2 – Applicability (pg. 132)
 - Section 7.5 – Preliminary Subdivision Review (pg. 137)
 - Article VIII – All (pg. 143)
-

Comments/Questions

- On 11/17/2014, the DRB approved a 2-lot subdivision at 108 Beartown Road, creating two lots: a 5-acre lot currently shown as Lot #1 on the site plan, and a 10-acre lot shown as Lot #2 and Lot #3 on the site plan. This subdivision application applies only to the 10-acre lot created in 2014. There, per the DRB's 6/1/2015 decision, the application is being reviewed as a 2-lot subdivision.
- At the DRB's sketch plan review there was a question about whether this application was for a PRD or a conventional subdivision. This will be reviewed as a conventional subdivision.
- Lot 2 as proposed does not meet the frontage requirement. However, Section 3.2(A)(1) states that any subdivided lot shall meet minimum road frontage requirements for the district in which it is located, or have access within a right-of-way no less than 20' with approval from the DRB. Lot 2 does have access provided by a right-of-way of 20' (shown on the site plan as an 'agricultural easement').
- Lot 2 is not proposed for immediate development, nor is there an adequate access provided to the lot for it to be developed at this time. Therefore, approval of this subdivision would not include approval for development of Lot 2.
- Section 8.2(H) requires that the locations of all proposed permanent surveying monuments and corner markers shall be identified on the final subdivision plat. The application has provided a site plan for the proposed subdivision, however a survey plat created by a licensed surveyor will be required as part of the final application.
- The applicant should obtain a Project Review Sheet from the State.

REVIEW OF RELEVANT SECTIONS

Article II, Table 2.4 Water Conservation District (pg. 15)

The purpose of this district is to protect the important gravel aquifer recharge area in Underhill Center.

It appears that Lot 3 will meet the road frontage requirements. It appears that the building envelope on Lot 3 will meet the front and side setback requirements. However, the rear of the building envelope appears to be only 30 feet from the edge of the lot, rather than the required 50 feet. The size of the building envelope will need to be reduced to conform to the setback requirements of this District.

Lot 2 as proposed does not meet the frontage requirement. However, Section 3.2(A)(1) states that any subdivided lot shall meet minimum road frontage requirements for the district in which it is located, or have access within a right-of-way no less than 20' with approval from the DRB. Lot 2 does have access provided by a right-of-way of 20'.

Section 3.2 – Access (pg. 27)

A highway access permit for Lot 3 was granted by the Selectboard on 12/22/2015, as per 3.2(C) (Permit A15-17). No access permit has been sought for Lot 2, and no development is proposed for Lot 2 at this time.

Section 3.7 – Lot, Yard & Setback Requirements (pg. 35)

Without a plat prepared by a licensed land surveyor, these dimensional requirements cannot be verified at this time.

It appears that Lot 3 will meet the road frontage requirements and that the lot will meet the required 5 acres. It appears that the building envelope on Lot 3 will meet the front and side setback requirements. However, the rear of the building envelope appears to be only 30 feet from the edge of the lot, rather than the required 50 feet. The building envelope should be reduced in size to meet the rear setback requirements.

Lot 2 appears to meet the required 5 acres. As proposed it does not meet the road frontage requirement. However, Section 3.2(A)(1) states that any subdivided lot shall meet minimum road frontage requirements for the district in which it is located, or have access within a right-of-way no less than 20' with approval from the DRB. Lot 2 does have access provided by a right-of-way of 20'.

Lot 1 appears to meet the minimum lot size, road frontage and setbacks as well.

3.17—Source Protection Areas (pg. 52)

The parcel is within a designated groundwater source protection area. Section 3.17 requires that no development occur within 200 feet of a public water source. The ANR Natural Resources Atlas shows that proposed development is located more than 200 feet from the three public water source wells located in Underhill. The applicant has also obtained a state wastewater permit (attached). The issuance of wastewater permits is based on regulations similar in intent to those in Section 3.17.

Section 3.19 – Surface Waters & Wetlands (pg. 60)

There are no surface waters or wetlands in the part of the parcel proposed to be developed. Mill Brook runs through a small part of Lot 1. The proposed building envelope is located much more than the required 100 feet away from Mill Brook.

Section 3.22 – Water Supply & Wastewater Systems (pg. 65)

Plans have been requested but not received as of January 21, 2016. Applicant has obtained a wastewater permit from the State of Vermont for a single four-bedroom home (WW-4-4473).

Section 7.5 – Preliminary Subdivision Review (pg. 137)

The purpose of Preliminary Subdivision Review is to determine preliminary conformance with the regulations and to identify particular issues or concerns with the proposal. As part of this process, the applicant will need to provide a meets and bounds survey created by a licensed surveyor.

Section 7.5(G) states that preliminary approval remains in effect for one year from the date of issuance.

Article VIII – All (pg. 143)

As per 8.3(C) and 8.3(F), subdivisions should be configured to avoid, to the extent physically feasible, farmland and steep slopes. ANR Natural Resources Maps (attached) show prime agricultural soils and steep slopes (15-25%) on Lot 2. However, the applicant has noted that Lot 2 is not currently proposed for development.

As per Section 8.2(H), the applicant will be required to submit a plat that includes surveying monuments and corner markers. As mentioned above, the applicant will need to obtain a survey completed by a licensed surveyor.

The applicant will need to meet all regulations pertaining to Stormwater Management and Erosion Control as outlined in Section 8.5, both during and post-construction.

The applicant should provide further details about the construction of the driveway serving Lot 3 to show that all requirements of Section 3.2 and Sections 5.3 and 5.4 of the Underhill Highway Ordinance are being met.

It appears that the driveway serving Lot 1 may be less than 10 feet away from the property line. Table 2.4(E)(4) requires that driveways be at least 12' from the property line unless waived by the DRB. The applicant should clarify.

8.7(A): In a letter dated 12/1/15, the Mount Mansfield Modified School District confirmed that the proposed development will not create an undue burden on the school system.

8.7(B): In a letter dated 6/1/15, the Underhill Jericho Fire Department confirmed their ability to serve the proposed development, but suggested that the applicant consider installing a dry hydrant on the property.

In the final application, the applicant should confirm that all utilities will be buried per 8.7(E)(1).

Underhill DRB Rules of Procedure
Hearing Checklist
Lamphere Preliminary Plan Review
February 2, 2015

State the following:

- 1) "This is a preliminary hearing on the application of Luella Lamphere Estate (c/o Pat Lamphere) proposed 2-lot subdivision on the land they own at 108 Beartown Road in Underhill, VT. The purpose of preliminary subdivision review is to review a draft subdivision plat and supporting documentation to determine preliminary conformance with the municipal plan, these regulations and other municipal ordinances in effect at the time of application; to identify particular issues or concerns associated with a proposed subdivision; to recommend modifications necessary to achieve conformance; and to identify any additional information required for submission for final subdivision review prior to the preparation of

a final survey plat, engineering plans and legal documents for the subdivision and related site improvements.

This subdivision is subject to review under the 2014 Unified Land Use and Development Regulations and the 2015 Road, Driveway and Trail Ordinance, and was classified as a **minor subdivision** after the sketch plan review.

- 2) Copies of the Rules of Procedure that the Board follows are available for review from the Planning & Zoning Administrator.
- 3) The order of speakers tonight will be:
 - a. We will hear from and ask questions of Pat Lamphere and his consultant(s);
 - b. Then we will hear and ask questions of the Interim Planning & Zoning Administrator, Brian Bigelow; (*See Staff Report*)
 - c. Then we will give other persons in the room a chance to speak. Under our Rules of Procedure each speaker is limited to five minutes; however, that time can be extended upon request to the Board and majority consent of the Board; then
 - d. The Applicants and/or their consultant(s) will have an opportunity to respond; then;
 - e. Final comments will be solicited from all parties.
 - f. All speakers should address their comments to the Board, not to other parties present at the hearing.
 - g. Board Members may feel free to ask questions of any speaker.
- 4) Are any state or municipal representatives present, and acting in their representative capacities?
- 5) An Interested Parties Info Sheet has been provided to all attendees. Please review it for further information.

Then state:

"Only those interested persons who have participated, either orally or through written statements in a DRB proceeding may appeal a decision rendered in that proceeding to the Environmental Division of Superior Court.

- 6) If you are an applicant, or an interested party who wants to participate in the hearing, we will have you come up to the witness chair and clearly state your name, residential address, and mailing address if it differs.
- 7) I am now going to swear in all those present who wish to speak tonight. All individuals who plan to testify must take the following oath by responding "I do" at the end: ***"Do you hereby swear that the evidence you give in the cause under consideration shall be the whole truth and nothing but the truth under pains and penalties of perjury?"***

- 8) Are there any conflicts of interest or have there been any ex parte communications on the part of the Board Members?
- 9) At this point I am going to enter into the record the information package that was sent by the Planning & Zoning Administrator prior to the hearing. The information included in this package relevant to this hearing is:
- a. Luella Lamphere Estate (c/o Pat Lamphere) Application for Subdivision: Preliminary (received 8/22/2015);
 - b. Site Plan Review Standards Findings Checklist, 34 pages;
 - c. Subdivision Site Plan Luella Lamphere Estate prepared by JH Stuart Associates, dwg 1 of 2, 10/28/2015;
 - d. A copy of the hearing notice as sent to the applicant and property abutters, publicized in three locations and published in *Seven Days* the week of 1/18/16
 - e. A copy of the ability to serve letter from the UJFD (dated 6/1/2015)
 - f. A copy of the ability to serve letter from the MMMUSD (dated 12/1/2015)
 - g. A copy of the Wastewater Permit (WW-4-4473) dated 8/11/2015
 - h. A copy of the Access Permit granted by the Selectboard on 12/28/2015
 - i. A copy of the procedure checklist for this meeting;
- **Outstanding item: Wastewater System Plan prepared by JH Stuart Associates, drawing 2 of 2**
- 10) We'll begin testimony, and hear from the Applicants and/or their consultant(s).
- 11) Next we will hear from the Planning & Zoning Administrator. (*See Staff Report*)
- 12) Are there members of the public who would like to speak?
- 13) Any final comments from anyone?
- 14) Does the Board feel that they have enough information at this time to make a decision on the application?
- a. *If more information is needed to make a decision on the application, continue the hearing to a date and time certain, and outline for the Applicant(s) what is required at that continued hearing; or*
 - b. *If, by consensus, enough information has been presented to make a decision on the application, announce that the evidentiary portion of the hearing is closed.*
- 15) Does the Board wish to discuss the application in open or deliberative session? (After the ruling, continue with the info below.)

“Within 45 days from this hearing, the Planning & Zoning Administrator, on behalf of the DRB, will send a copy of the preliminary decision and letter to the Applicant, their consultant, and those who have participated in tonight’s hearing. A 30-day appeal period

will begin on the date the decision is signed. The letter will outline the next steps in the process. If there are no other comments or questions we will close this portion of the meeting.

TOWN OF UNDERHILL

P.O. Box 32
Underhill Center, VT 05490

Phone: (802) 899-4434 x106

Fax: (802) 899-2137

Email: underhillzoning@comcast.net

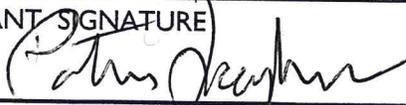
APPLICATION FOR SUBDIVISION: PRELIMINARY

ZONING DISTRICT(S):

PROPERTY CODE: BE 11C

FEES: \$100 per lot hearing
fee + costs

Residential Rural Residential Water Conservation Scenic Preservation Soil & Water Conservation

RECORD OWNER OF PROPERTY: <u>c/o</u> <u>WELLA LAMPHERE, EST. PAT LAMPHERE</u>	MAILING ADDRESS: <u>178 DEAR TOWN RD. 05489</u>
PHONE: <u>802.363.5014</u>	E-MAIL: <u>plamp@comcast.net</u>
ACREAGE IN ORIGINAL PARCEL: <u>10</u>	PROPOSED NUMBER OF LOTS: <u>2</u>
DESCRIPTION OF PROJECT: <u>SUBDIVIDE PARCEL INTO TWO (2) LOTS. LOT 2 IS NOT OFFERED FOR DEVELOPMENT. LOT 3 IS PLANNED FOR A SINGLE FAMILY DWELLING. BOTH LOTS TO BE 5 ACRES</u>	
DEVELOPER: <u>WELLA LAMPHERE, EST.</u>	CONTACT INFORMATION:
DESIGNER / ENGINEER: <u>JH STUART, P.E.</u>	ADDRESS: <u>P.O. BOX 8367 REX 05451</u>
PHONE: <u>802.878.5171</u>	E-MAIL: <u>john@jstuartassociates.com</u>
SURVEYOR: <u>DAVID PEATMAN, L.S.</u>	ADDRESS: <u>P.O. BOX 153 EDEN 05052</u>
PHONE: <u>802.635.7720</u>	EMAIL: <u>peatmansurvey@gmail.com</u>
APPLICANT SIGNATURE 	DATE <u>8/21/2015</u>
RECEIVED 	DATE <u>8/22/2015</u>

Please submit a complete application with the attached checklist and preliminary plans to the Zoning Administrator. A Preliminary Hearing before the Development Review Board will be scheduled upon receipt of a complete application. For questions, please contact the Zoning Administrator at 899-4434, x106 or underhillzoning@comcast.net.

TOWN OF UNDERHILL, VERMONT

Subdivision Checklist: Preliminary Hearing

Docket #: DRB 15-05 Property ID: BE110 Meeting Date: 01 Feb 2016

Applicant/Consultant: LUELLA CAMPHERE, EST / JH STUART, P.E.

of Lots: 2 Zoning District(s): WATER CONSERVATION

- Is this a Planned Residential Development? Yes No
- Is this a Planned Unit Development? Yes No
- Is this part of a previously-approved subdivision? Yes No

Submission Requirements

The following are required prior to scheduling a hearing and/or site visit.

<u>Required</u>	<u>Submitted</u>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	One large and twelve 11" x 17" copies of the draft subdivision plan.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Engineering drawings (see attached checklist).
<input type="checkbox"/>	<input type="checkbox"/>	State of Vermont Project Review Sheet.
<input type="checkbox"/>	<input type="checkbox"/>	Draft legal documents (deeds, easements, Homeowners Associations, maintenance agreements, etc.).
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Fees.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Written disclosure of the intended use of land to be subdivided, and general plans for the subsequent development of any land to be retained by the owner/applicant (required when only a portion of an existing parcel is to be subdivided). SEE ATTACHED
<input type="checkbox"/>	<input type="checkbox"/>	Master Plan. See Section 8.1(B)(1)(a) for specific requirements.
<input type="checkbox"/>	<input type="checkbox"/>	Findings of Fact (see attached checklist).
<input type="checkbox"/>	<input type="checkbox"/>	Written requests for modifications or waivers, including justifications for such requests.

TOWN OF UNDERHILL, VERMONT

Subdivision Checklist: Preliminary Hearing

<u>Required</u>	<u>Submitted</u>	<u>SURVEY</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	The name and address of the record owner and designer of preliminary plat. Survey must be done by a licensed land surveyor.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Date, north orientation used and basis, scale, and legend.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	The property codes and names of owners of record of adjacent acreage, including those directly across any road adjoining proposed subdivision. Also include the names of all subdivisions immediately adjacent to the proposed subdivision.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	The provisions of the zoning regulations applicable to the area to be subdivided.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Existing and proposed easements, rights-of-way, roads, driveways, pedestrian walkways, and utility corridors. Proposed utility easements will be centered on as-built utility lines.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Surface waters, wetlands, vernal pools, and associated buffers.
<input type="checkbox"/>	<input type="checkbox"/>	Mapped floodplains.
<input type="checkbox"/>	<input type="checkbox"/>	Open space areas.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Proposed lot lines with dimensions.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Building envelopes for all structures, parking areas, and associated site improvements.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	The preliminary plat shall be accompanied by a vicinity map drawn to show the relation of the proposed subdivision to the adjacent properties and to the general surrounding area. The vicinity map shall show all of the area within two thousand (2,000) feet of any property line of the proposed subdivision.

TOWN OF UNDERHILL, VERMONT

Subdivision Checklist: Preliminary Hearing

<u>Required</u>	<u>Submitted</u>	<u>ENGINEERING DRAWINGS</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Name and address of record owner(s) and designer of preliminary engineering plans.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Date, north orientation used and basis, scale, and legend.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Abutting neighbors identified by name and property code.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	The provisions of the zoning regulations applicable to the area to be subdivided.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Natural topography (surface contours, grades) and drainage patterns.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Surface waters, wetlands, vernal pools, and associated buffers.
<input type="checkbox"/>	<input type="checkbox"/>	Mapped floodplains.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Natural vegetative cover (timber and orchard stands, witness and shade trees, copses, hedgerows, etc.).
<input type="checkbox"/>	<input type="checkbox"/>	Significant wildlife habitat areas and corridors, and rare, threatened, and endangered plant and animal communities and associated buffers.
<input type="checkbox"/>	<input type="checkbox"/>	Areas of forestland.
<input type="checkbox"/>	<input type="checkbox"/>	Outcrops, ledges, visually prominent ridgelines and peaks, or other unique topographical and geographical features. (Include tree canopy height for proposed development down-slope of ridges and hilltops).
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Areas of steep or very steep slopes.
<input type="checkbox"/>	<input type="checkbox"/>	Primary agricultural soils.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Existing open space areas.
<input type="checkbox"/>	<input type="checkbox"/>	Existing common land areas.
<input type="checkbox"/>	<input type="checkbox"/>	Historic sites and structures.
<input type="checkbox"/>	<input type="checkbox"/>	Designated Source Protection Areas.
<input type="checkbox"/>	<input type="checkbox"/>	Existing easements, rights-of-way, pedestrian walkways, curb cuts, driveways, roads (including Class IV), parking areas, and utility corridors.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	The location and size of existing sewerage systems and water supplies, culverts, and drains or underground cables on the property to be subdivided.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Existing buildings and grades.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Proposed new lot lines (dimensions to the nearest foot, no bearings) and acreages.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Proposed easements, rights-of-way, pedestrian walkways, curb cuts, driveways, roads and upgrades, parking areas and designs for each (include cuts, fills, grades, drainage, culverts, travel lane widths, shoulder widths, surfacing, etc.)

TOWN OF UNDERHILL, VERMONT

Subdivision Checklist: Preliminary Hearing

- | | | |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Proposed utility corridors. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Building envelopes for all structures, parking areas, and associated site improvements. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Locations and designs of all proposed water and wastewater disposal systems. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Proposed setbacks for all building envelopes to property lines and natural features, and all setbacks and isolation distances for sewage disposal systems, and water supplies. |
| <input type="checkbox"/> | <input type="checkbox"/> | Preserved open space areas, forestland, natural, cultural, and historic features. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Extent of site clearing and disturbance. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Landscaping and screening. |
| <input type="checkbox"/> | <input type="checkbox"/> | Proposed common land. |
| <input type="checkbox"/> | <input type="checkbox"/> | Grading plan and post-development contours. |
| <input type="checkbox"/> | <input type="checkbox"/> | Snow removal and management plan. |
| <input type="checkbox"/> | <input type="checkbox"/> | Temporary and permanent stormwater management and erosion control measures/plans. Include the anticipated downstream runoff from the subdivision at build-out. |
| <input type="checkbox"/> | <input type="checkbox"/> | Outdoor lighting plan. |

Notes:

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

Docket #: DRB 15-05 Property ID: BE 116 Hearing Date: 01 Feb 2016
Applicant/Consultant: LUELLA LAMPHERE, EST. / JH STUART, P.E.

The following standards are excerpted from Article VIII of the Unified Land Use and Development Regulations. For full standards, refer to the complete regulations document.

Applicant(s) shall submit proposed findings of fact for each of the relevant subdivision standards below as part of the application for final subdivision review. Proposed findings shall address how the proposed development relates to each portion of the standard.

<u>Required</u>	<u>Submitted</u>	<u>Section 8.2 General Standards</u>
-----------------	------------------	--------------------------------------

(A) Development Suitability

Indicate how the proposed subdivision will not result in undue adverse impacts to public health and safety, the natural environment, neighboring properties and uses, or the character of the area in which it is located.

THE PROPOSED SUBDIVISION CREATES LOTS THAT UTILIZE NATURAL LAND FEATURES TO MINIMIZE DISTURBANCES TO OPEN SPACES, STEEP SLOPES AND NATURE TREE COVER.

THE SITE IS DIVIDED BETWEEN AN OPEN MEADOW WITH THE REMNANTS OF A GRAVEL PIT AND AN ELEVATED WOODED PLATEAU.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

Required Submitted Section 8.2 General Standards Cont'd

 (B) Development Density

Provide the density calculations for each zoning district in the proposed project.

Zoning District:

a. Total land area in the proposed subdivision within this zoning district		435600 ft ²
b. Area of land within existing road rights-of-way	0 ft ²	
c. Area of land within proposed road rights-of-way	0 ft ²	
d. Add lines b & c	0 ft ²	
e. Subtract line d from line a		ft ²
f. Minimum lot size for this district	217,800 ft ²	
i. Divide line e by line f (e/f)		2 LOTS

Required Submitted (C) Existing Site Conditions

Indicate how the proposed subdivision will integrate and conserve existing site features and natural amenities (topography, drainage patterns, surface waters, wetlands, vernal pools, floodplains, vegetative cover, outcrops, ledges, ridgelines, peaks, primary agricultural soils, historic sites and structures, etc.).

LOT 2 WILL UTILIZE A 30' ROW FOR A DRIVEWAY ACCESS TO CROSS THE OPEN MEADOW ALONG SOUTHERN BORDER BETWEEN LOTS 1/2.

LOT 3 WILL USE AN EXISTING DRIVEWAY FOR ACCESS IN THE NORTHERN SECTOR.

THE LOT CONFIGURATION WILL NOT CREATE AN UNDUVE IMPACT TO ANY NATURAL RESOURCES AND CONSERVES THE OPEN MEADOW OF LOT 3 AND THE HIGH PLATEAU OF LOT 2.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

Required

Submitted

Section 8.2 General Standards Cont'd

(D) Underhill Town Plan & Regulations

How will the proposed subdivision conform to the stated policies and objectives in the Underhill Town Plan as most recently amended, other provisions of these regulations, adopted capital or transportation improvement programs, and other municipal bylaws, ordinances and regulations?

THE SUBDIVISION IS CONSISTENT WITH THE TOWN PLAN ZONING DESIGNATION; APPROVED LAND USES WITHIN THE DISTRICT (WATER CONSERVATION); LAND USE REGULATIONS; PROTECTION OF PUBLIC SERVICES (ROADS AND UTILITIES); HOUSING GOALS AND ENERGY (ALTERNATIVE ENERGY).

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist



Required Submitted Section 8.2 General Standards Cont'd

 (E) District Settlement Patterns

Identify the district(s) in which the proposed subdivision will occur.

- | | | |
|---|--|--|
| <input type="checkbox"/> Underhill Flats Village Center | <input type="checkbox"/> Rural Residential | <input checked="" type="checkbox"/> Water Conservation |
| <input type="checkbox"/> Scenic Preservation | <input type="checkbox"/> Soil & Water Conservation | |

Address the provisions in the applicable district(s) as stated in Section 8.2 (E).

THE PROPOSED SUBDIVISION DOES NOT
IMPACT FOREST RESOURCES OR ENVIRONMENTALLY
SENSITIVE AREAS, AND THE LOT LAYOUT
HAS BEEN PLANNED TO PRESERVE TO THE
EXTENT POSSIBLE, THE NATURAL LAND
FEATURES.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

Required

Submitted

Section 8.2 General Standards Cont'd

(F) Lot Layout

Explain how the proposed lots and lot layouts:

1. are suitable for their intended use, for subsequent development (building lots) or for resource or open space protection (conserved lots).

BOTH LOTS HAVE BEEN PLANNED TO OPTIMIZE OPEN SPACE AND MINIMIZE NATURAL RESOURCE IMPACTS.

BOTH LOTS MEET THE MINIMUM LOT SIZE AND DENSITY REQUIREMENTS SPECIFIED UNDER ART. II, SECTION 3.7 AND SECTION 3.8.

2. conform to desired district settlement patterns, as required under Subsection E.

THE PLANNED LOTS ARE A CONTINUATION OF AREA SETTLEMENT PATTERNS.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

Required

Submitted

Section 8.2 General Standards Cont'd

(F) Lot Layout Cont'd.

Explain how the proposed lots and lot layouts:

3. meet minimum lot size and density requirements under Article II, except as modified for planned residential or planned unit developments under Article IX.

BOTH LOTS MEET MINIMUM LOT SIZE REQUIREMENTS.

4. conform to lot and yard requirements under Section 3.7.

LOT 2 WILL BE ACCESSED BY A 30' ROW OVER LOT 3 (SOUTH END OF PROPERTY TO PREVENT FRAGMENTATION) OF WOODS.
LOT 3 WILL USE AN EXISTING CURB CUT
BUILDINGS WILL CONFORM TO ALL REQUIRED SETBACKS.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

<u>Required</u>	<u>Submitted</u>	<u>Section 8.2 General Standards Cont'd</u>
-----------------	------------------	---

(F) Lot Layout Cont'd.

If irregularly shaped lots (e.g., with curves, jogs, dog-legs, etc.) are proposed, provide an explanation for their necessity.

NOT APPLICABLE

<u>Required</u>	<u>Submitted</u>	
-----------------	------------------	--

(G) Building Envelopes

See application checklist.

(H) Survey Monuments

See application checklist.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

Required

Submitted

Section 8.2 General Standards Cont'd

(I) Landscaping & Screening

1. How does the proposal preserve existing trees, tree lines, wooded areas of particular natural or aesthetic value to the site, and significant wildlife habitat areas?

LOT 2 IS COVERED WITH MATURE WOODS AND A POTENTIAL HOUSE HAS BEEN SITE AT THE SOUTH END OF A PLATEAU PROVIDING SCREENING FROM EXISTING HOUSES, BEARTOWN ROAD AND NEIGHBORS TO THE NORTH. LOT 3 INCLUDES A MATURE TREELINE ALONG THE NORTHERN BOUNDARY. NO DISTURBANCE IS PLANNED.

2. How does the proposal comply with the requirement to provide an undisturbed vegetated buffer between developed and undeveloped portions of the subdivision, as necessary to minimize adverse impacts to surface waters and wetlands (See Section 3.19), or other natural or scenic resources under Section 8.3?

SEE ABOVE. NO OTHER NATURAL RESOURCE IMPACTS WILL OCCUR AS THE RESULT OF PLANNED SUBDIVISION.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

Required Submitted Section 8.2 General Standards Cont'd

(I) Landscaping & Screening Cont'd

3. How does the proposal provide for physical separation and visual screening as necessary to provide privacy, reduce noise or glare, or to establish a buffer between potentially incompatible land uses?

THE PROPOSED LOTS ARE SEPARATED BY AN ELEVATION DIFFERENTIAL OF APPROXIMATELY 30 FEET. THE EXTENSIVE TREE COVER ON LOT 2 ALSO PROVIDES SUITABLE SCREENING FOR BOTH LOTS.

4. How does the proposal comply with the requirement to establish a tree canopy along roads or pedestrian walkways?

NOT APPLICABLE

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist



Required

Submitted

Section 8.2 General Standards Cont'd

(J) Energy Conservation

Explain how the proposed subdivision design and layout, to the extent physically feasible, incorporates energy efficient design. See Section 8.2 (J) for recommended measures.

HOUSE SITES ON BOTH LOTS WILL HAVE ACCESS TO SOUTHERN EXPOSURE.
LOT 2 WILL HAVE THE ADDED BENEFIT OF TREE COVER USE AS A WIND BREAK; HOWEVER, LOT 3 WILL NOT.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

Required Submitted Section 8.3 Natural & Cultural Resources

(A) Resource Identification & Protection

Identify any significant cultural and natural features in the area of the proposed development, and indicate how they will be conserved.

THE PROPERTY DOES NOT CONTAIN ANY CULTURAL FEATURES.
LOT 2 HAS FRONTAGE ON MILL BROOK AND NO DEVELOPMENT IS PLANNED THAT AFFECTS THIS FEATURE

Required Submitted

(B) Surface Waters, Wetlands & Floodplains

Explain how the proposed subdivision boundaries, lot lines and building envelopes are located and configured to avoid adverse impacts to surface waters, wetlands, special flood hazard areas (SFHAs), and designated Source Protection Areas (SPAs), and meet the specific requirements under Section 8.3 (B).

MILL BROOK IS THE SOUTHERN BORDER OF LOT 2. NO DEVELOPMENT IS TO OCCUR NEAR THIS RESOURCE.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

<u>Required</u>	<u>Submitted</u>	<u>Section 8.3 Natural & Cultural Resources Cont'd</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	(C) Rock Outcrops, Steep Slopes, Hillside & Ridgelines

Explain how the proposed subdivision boundaries, lot lines and building envelopes have been located and configured to minimize the adverse impacts of development on steep slopes (15% or more); to avoid site disturbance on very steep slopes (>25%); and to avoid the placement of structures on exposed rock outcrops and ledges and visually prominent hilltops and ridgelines.

THE LOTS DO NOT HAVE OUTCROPS
HILLSIDE OR RIDGELINE FEATURES.
THE WESTERN BOUNDARY OF LOT 2
INCLUDES STEEP SLOPES THAT ARE
COVERED WITH MATURE TREES.
A DRIVEWAY IS NEEDED TO ACCESS A
FUTURE HOUSE SITE AND WILL USE AN
OLD TRAIL.

Indicate which of the recommended measures in Section 8.3 (C) have been incorporated into the overall plans.

ITEMS 1, 2a, 2b, 3, 5

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

Required

Submitted

Section 8.3 Natural & Cultural Resources Cont'd

(D) Natural Areas & Wildlife Habitat

Address how the proposed subdivision boundaries, lot lines, and building envelopes have been located and configured to avoid the subdivision and fragmentation of, and adverse impacts to natural areas and significant wildlife habitat identified in the town plan and associated maps and inventories, by the Vermont Department of Fish & Wildlife, or through site investigation. Refer to Section 8.3 (D) for specific requirements.

THERE ARE NOT ANY SIGNIFICANT
NATURAL AREAS OR WILDLIFE HABITAT
ON THE PROPERTY.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist



Required Submitted Section 8.3 Natural & Cultural Resources
Cont'd

(E) Historic & Cultural Resources

Have historic and archaeological site(s) and/or resource(s) have been identified in the area to be developed? Yes No *[If no, skip to (F) on the next page.]*

If site(s) and/or resource(s) have been identified, address how the proposed subdivision boundaries, lot lines, and building envelopes have been located and configured to minimize adverse impacts to historic and archaeological sites and resources identified in the town plan, by the Vermont Division for Historic Preservation (on state or national registers), or through site investigation. Refer to Section 8.3 (E) for specific requirements.

THE PROPERTY DOES NOT CONTAIN
HISTORIC OR ARCHAEOLOGICAL SITES.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

Required Submitted Section 8.3 Natural & Cultural Resources
Cont'd

(F) Farmland

Do areas of primary agricultural soils, open fields, orchards, or maple sugar stands exist in the area to be developed? Yes No [If no, skip to (G) on the next page.]

If such areas have been identified, address how the proposed subdivision boundaries, lot lines, and building envelopes have been located and configured to avoid the fragmentation of and adverse impacts to those areas. Include responses to the provisions under Section 8.3 (F).

LOT 2 HAS A MIXTURE OF HARD AND SOFT WOODS.

LOT 3 INCLUDES A FORMER GRAVEL PIT WHICH OCCUPIES ABOUT 20% OF THE LOT

NO ^{VIABLE} FARMING IS CONSIDERED FEASIBLE

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

Required Submitted Section 8.3 Natural & Cultural Resources
Cont'd

(G) Forestland

Does the area to be developed include forestland? Yes No
[If no, skip to Section 8.4 (A) on the next page.]

If forestland exists, address the standards under Section 8.3(G).

THERE IS NO PRODUCTIVE FORESTLAND
ON THE PROPERTY.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist



Required

Submitted

Section 8.4 Open Space & Common Land

(A) Open Space

Explain how the proposed development incorporates the provisions under Section 8.4 (A).

THERE ARE NOT DESIGNATED OPEN SPACES, BUT HOUSE SITES HAVE BEEN IDENTIFIED TO CONSERVE AS MUCH OPEN LAND AS POSSIBLE.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

Required Submitted Section 8.4 Open Space & Common Land
Cont'd

(B) Common Land

Does the area to be developed include land held in common for the preservation and maintenance of open space or the management and maintenance of shared facilities (e.g., community wastewater systems, community water supplies, recreation or community facilities, road and trail rights-of-way)? Yes No *[If no, skip to Section 8.5 below.]*

If the proposed development includes common land, will the land be held under separate ownership from the contiguous parcels? Yes No

Required Submitted Section 8.5 Stormwater Management &
Erosion Control

Provide an explanation of and details for the temporary and permanent stormwater management and erosion control measures that will be used during all phases of subdivision development as necessary to limit surface runoff and erosion, protect water quality and to avoid damage to downstream properties in conformance with Section 8.5.

HOUSE SITE DEVELOPMENT TO OCCUR
ON FLAT SITES WHERE WELL DRAINED
SOILS CAN MINIMIZE RUNOFF.

THE LOT 2 DRIVEWAY WILL INVOLVE
DIRECTING RUNOFF TO NORTH SIDE
OF ROW TO CAPTURE AND ALLOW
INFILTRATION OF RUNOFF.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

Required

Submitted

Section 8.5 Stormwater Management & Erosion Control Cont'd

Provide the existing and anticipated runoff, anticipated flows from storm events, and total runoff generated at build-out.

PRE-DEVELOPED : 3.38 CFS
POST-DEVELOPED : 4.15 CFS

Demonstrate that existing downstream drainage facilities will be able to accommodate any additional runoff from the subdivision at build-out.

SEE EXPLANATION ON PAGE 18.

AREA SOILS ARE WELL DRAINED AND
SCOPE OF DEVELOPMENT DOES NOT RESULT
IN A SIGNIFICANT INCREASE IN RUNOFF.
NOT TREATMENT MEASURES ARE
REQUIRED.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

<u>Required</u>	<u>Submitted</u>	<u>Section 8.6 Transportation Facilities</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	(A) Access & Driveways

Address how the proposed access to the subdivision and to individual lots within the subdivision meets the requirements of Section 3.2 (Access Management), the Underhill Highway Ordinance, adopted state or municipal access management plans and capital or transportation improvement plans, and the provisions of Section 8.6 (A).

LOT 2 IS TO BE ACCESSED BY A DRIVEWAY
OVER LOT 3 (30' ROW)
LOT 3 WILL USE AN EXISTING CURB
CUT.

BOTH ACCESSES CONFORM TO § 3.2.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

Required

Submitted

Section 8.6 Transportation Facilities Cont'd

Will the proposed subdivision require access to VT Route 15? Yes No
[If no, skip to the next page.]

If the proposed access will be off of VT Route 15, address how the access meets the Vermont Agency of Transportation requirements for subdivision access onto state highways.

NOT APPLICABLE

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist



Required

Submitted

Section 8.6 Transportation Facilities Cont'd

(B) Development Roads

Will the proposed development require the construction or upgrade of a private development road? Yes No *[If no, skip to (C) on the next page.]*

If a new or upgraded road is proposed, explain how the proposed development conforms to the Underhill Highway Ordinance, and the specific road standards under Section 8.6 (B).

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist



Required

Submitted

Section 8.6 Transportation Facilities Cont'd

(C) Parking Facilities

Will the proposed development include common or shared parking areas?

 Yes No

If such areas are proposed, explain how the proposed development has been designed in accordance with Section 3.13.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist



Required

Submitted

Section 8.7 Public Facilities & Utilities

(A) Public Facilities

Demonstrate how the proposed subdivision will not create an undue burden on existing and planned public facilities.

BEARTOWN ROAD CAN ACCOMODATE,
TWO ADDITIONAL LOTS WITHOUT AN
UNDUE BURDEN TO TRAFFIC PATTERNS
OR CAPACITY TO CARRY VEHICLES.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

Required

Submitted

Section 8.7 Public Facilities & Utilities Cont'd

(B) Fire Protection

Does the proposed development incorporate water storage and distribution facilities for fire protection in accordance with fire department specifications? Yes No

Address the proposed access to developed lots as it relates to emergency response vehicles.

ACCESS TO LOTS 2/3 WILL OCCUR
OVER DRIVEWAYS THAT MEET THE
MUNICIPAL ROADWAY STANDARDS.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

Required

Submitted

Section 8.7 Public Facilities & Utilities Cont'd

(C) Water Systems

Demonstrate that adequate potable water supplies exist on- or off-site to serve the subdivision. Include the requirements and considerations under Section 8.7 (C).

BOTH LOTS TO USE DRILLED WELLS.
AREA WELLS SHOW AMPLE YIELD TO
SERVE SINGLE FAMILY DWELLINGS.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

Required

Submitted

Section 8.7 Public Facilities & Utilities Cont'd

(D) Wastewater Systems

Demonstrate that adequate wastewater system capacities exist on- or off-site to serve the proposed subdivision. Include the requirements and considerations under Section 8.7 (D).

AREA SOILS ARE SUITABLE FOR
ON-SITE WASTEWATER SYSTEMS.
UU.N. 2473 HAS BEEN ISSUED
FOR LOT 3.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist



Required

Submitted

Section 8.7 Public Facilities & Utilities Cont'd

(E) Utilities

Will all proposed utilities be buried?

Yes

No

If any utilities are proposed above-ground, demonstrate that burial is not reasonable given physical site constraints (e.g., ledge or shallow depth to bedrock).

NOT APPLICABLE.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

Required

Submitted

Section 8.7 Public Facilities & Utilities Cont'd

(E) Utilities Cont'd

Address the provisions of Section 8.7 (E).

UTILITIES TO BE BURIED AND UTILITY
PANELS SCREENED.

ALL EXTERIOR LIGHT FIXTURES
SHALL BE CUT-OFF AND DOWNWARD
DIRECTED.

TOWN OF UNDERHILL, VERMONT

Article VIII. Subdivision Standards Findings Checklist

<u>Required</u>	<u>Submitted</u>	<u>Section 8.8 Legal Requirements</u>
-----------------	------------------	---------------------------------------

Provide documentation and assurances that all required improvements, associated rights-of-way and easements, and other common lands or facilities will be adequately maintained in accordance with an approved management plan, either by the applicant, an owners' association, or through other legal means acceptable to the DRB. Draft management plans and documentation must be submitted with the application for final subdivision review for approval by the DRB.

NOT APPLICABLE

ANDER

AD

89

THOMAS HARTSWICK & DEBRA SHI
130 BEARTOWN RD
UNDERHILL, VT 05



DRIVEWAY

"BEARTOWN ROAD"
TOWN HIGHWAY 40

491

MARC
154 BEAR
UNDERHI

LOT 3
5.0 ACRES

LOT 1
5.0 ACRES

LOT 2
5.0 ACRES

MILL BROOK

Soil and Water Conservation District

Detail from: JH STUART Assoc.
LUELLA LAMPHERE ESTATE
SUBDIVISION SITE PLAN
DATED 10/28/2019
DWG 1 OF 2
SCALE 1" = 100'

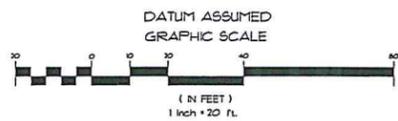
STATE OF VT MILITARY DEPARTMENT
BLDG. 5 789 VT ARMY NATIONAL GUARD ROAD
COLCHESTER, VT 05446
RA079X



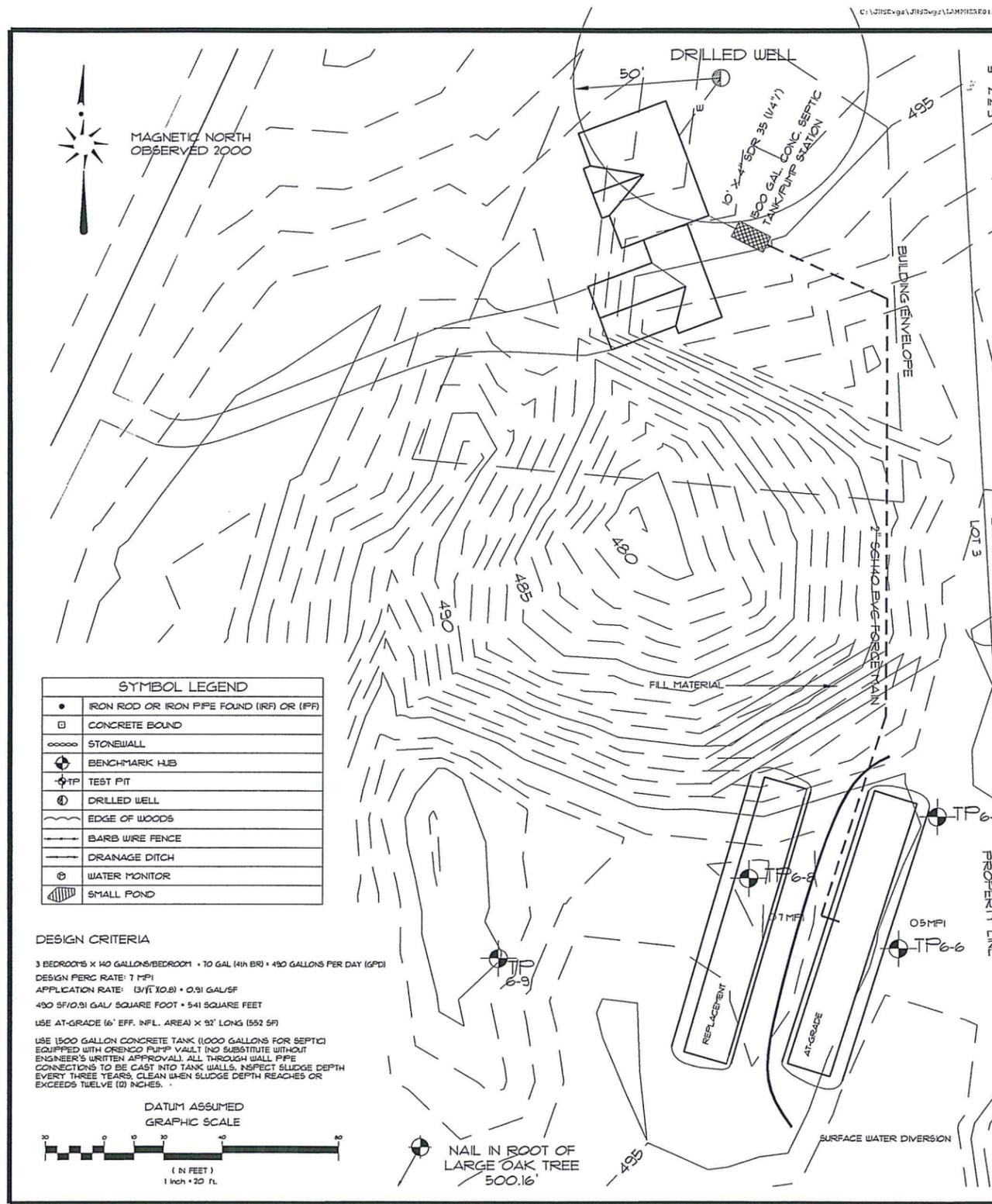
SYMBOL LEGEND	
●	IRON ROD OR IRON PIPE FOUND (IRF) OR (IPF)
□	CONCRETE BOUND
○	STONEWALL
⊕	BENCHMARK HUB
⊕	TEST PIT
⊕	DRILLED WELL
—	EDGE OF WOODS
—	BARB WIRE FENCE
—	DRAINAGE DITCH
⊕	WATER MONITOR
⊕	SMALL POND

DESIGN CRITERIA

3 BEDROOMS X 40 GALLONS/BEDROOM = 120 GAL (41H BR) + 490 GALLONS PER DAY (GPD)
 DESIGN PERC RATE: 7 MFI
 APPLICATION RATE: (3/16" X 0.8) = 0.91 GAL/SF
 490 SF/0.91 GAL SQUARE FOOT = 541 SQUARE FEET
 USE AT-GRADE 16' EFF. INFL. AREA) X 92' LONG (552 SF)
 USE 1500 GALLON CONCRETE TANK (1000 GALLONS FOR SEPTIC EQUIPPED WITH ORENCO PUMP VAULT (NO SUBSTITUTE WITHOUT ENGINEER'S WRITTEN APPROVAL), ALL THROUGH WALL PIPE CONNECTIONS TO BE CAST INTO TANK WALLS, INSPECT SLUDGE DEPTH EVERY THREE YEARS, CLEAN WHEN SLUDGE DEPTH REACHES OR EXCEEDS TWELVE (12) INCHES.



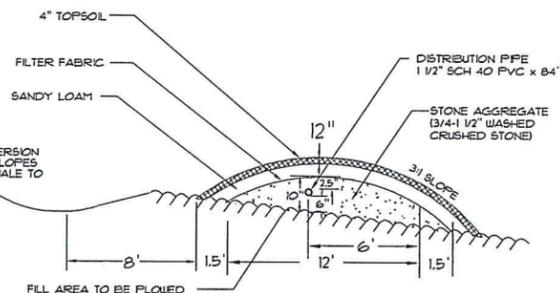
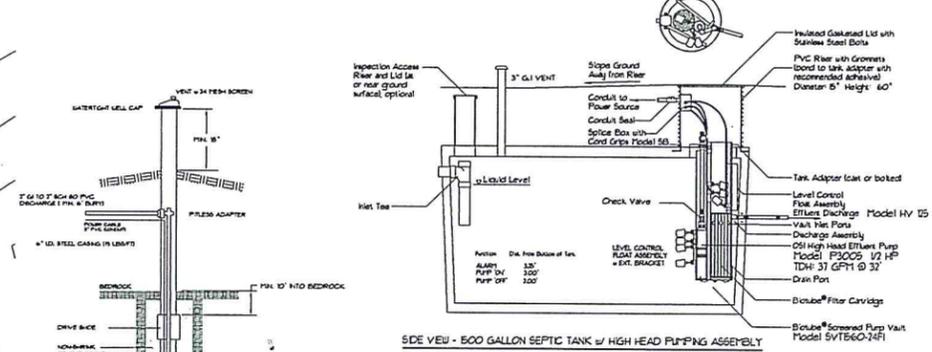
NAIL IN ROOT OF LARGE OAK TREE 500.16'



WATER SYSTEM DESIGN
 MDD --490/720 = 0.68 GPM
 INSTANT. DEMAND --1 UNITS X 5 GPM/CONN + 5 GPM
 USE ONE (1) XTROL 302 HYDRO TANK

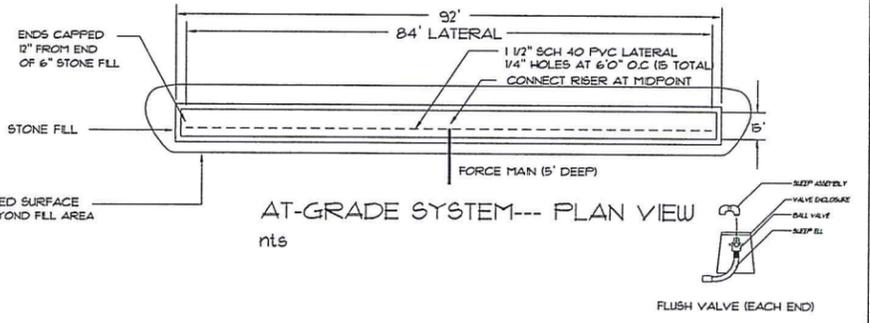
Effluent Pumping System with Drain-Back System

Materials and information for this system are available from WasteWater Technologies, Inc. (800) 833-2401



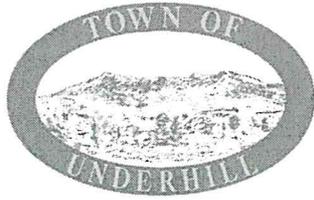
- CONSTRUCTION SEQUENCE**
1. Vegetation shall be cut close to the ground with tree stumps cut flush. The disposal field area shall be used by mold board plow or chisel plow parallel to the contours to a depth of 6-8 inches, starting the furrow uphill.
 2. The force main shall enter the distribution lateral from either the end or uphill side of system.
 3. The stone aggregate washed shall be placed immediately after tilling and the lateral laid level within the stone. Before backfilling the lateral, a pressure distribution test will be performed and produce at least 2.3 feet of head throughout. No more than 5% differential will be permitted anywhere in the lateral.
 4. Following completion of the test the remaining stone, filter fabric, sandy loam soil cover and topsoil with seed will be placed to complete the at-grade system.

AT-GRADE DISPOSAL SYSTEM ELEVATION



LUELLA LAMPHERE ESTATE
 AT-GRADE WASTEWATER PLAN LOT NO. 3
 UNDERHILL, VERMONT DUG. 2 OF 2 08/11/2015

JH STUART ASSOCIATES
 22 TANGLEWOOD DRIVE
 ESSEX, VERMONT 05451 802-878-5171 jhstuart@comcast.net



Town of Underhill

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

Phone: (802) 899-4434, x106
Fax: (802) 899-2137

NOTICE OF PUBLIC MEETING

Town of Underhill Development Review Board (DRB)

Monday, February 1, 2016

6:35 PM Public Hearing

7:00 PM Public Hearing

Underhill Town Hall, 12 Pleasant Valley Rd. Underhill, VT

The DRB will hold a Final Subdivision Review hearing on the application of Marc and Jane Maheux for a proposed 2 Lot subdivision of your property located at 38 Poker Hill Road (PH038). The property is located in the Underhill Flats Village Center, Rural Residential, and Flood Hazard Area Overlay zoning districts. The public hearing will begin at the Town Hall, 12 Pleasant Valley Rd., at approximately 6:35 PM.

The DRB will hold a Preliminary Subdivision Review hearing on the application of Pat Lamphere for a proposed 2-lot subdivision of property located at 178 Beartown Road (BE178). This property is located in the Water Conservation zoning district. The hearing will be held at Town Hall at 7:00 PM. A site visit will be held on the Saturday proceeding the meeting (1/30/2016) at 8:30AM.

Additional information may be obtained at the Underhill Town Hall. The meeting and hearing are open to the public. Pursuant to 24 VSA §§4464(a)(1)(C) and 4471(a), participation in this local proceeding, by written or oral comment, 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: Zoning & Planning Administrator, P.O. Box 120 Underhill, VT 0589 or to zoning@underhillvt.gov

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(CONTINUED)

conflict of interest, or if there is any other reason a member should be disqualified from sitting on this case, please contact the district coordinator as soon as possible, no later than prior to the response date listed above.

Should a hearing be held on this Project and you have a disability for which you are going to need accommodation, please notify us by January 26, 2015.

Parties entitled to participate are the Municipality, the Municipal Planning Commission, the Regional Planning Commission, affected state agencies, and adjoining property owners and other persons to the extent they have a particularized interest that may be affected by the proposed project under the 10 criteria. Non-party participants may also be allowed under 10 V.S.A. Section 6085(c)(5).

Dated at Essex Junction, Vermont this 30th day of December, 2015.

By: /s/ Peter E. Keibel Peter E. Keibel District #4 Coordinator Natural Resources Board 111 West Street Essex Jct., VT 05452 802-879-5558 Peter.Keibel@vermont.gov

ACT 250 NOTICE MINOR APPLICATION #4C1289 10 V.S.A. §§ 6001 - 6093

On December 28, 2015, Indian Brook Properties, LLP, P.O. Box 123, Essex Junction, VT 05453 filed application #4C1289 for a project generally described as the creation of a 9-lot subdivision with construction of single family residences on lots #1, #2, #7 and #8. The Project is located on Indian Brook Road in Essex, Vermont.

The District #4 Environmental Commission is reviewing this application under Act 250 Rule 51 - Minor Applications. Copies of the application and proposed permit are available for review at the Essex Town Office,

Chittenden County Regional Planning Commission Office, and the office listed below. The application and a draft permit may also be viewed on the Natural Resources Board's web site (www.nrb.state.vt.us/lup) by clicking on "Act 250 Database" and entering the project number "4C1289".

No hearing will be held and a permit may be issued unless, on or before January 26, 2016, a person notifies the Commission of an issue or issues requiring the presentation of evidence at a hearing or the Commission sets the matter for hearing on its own motion. Any hearing request must be in writing to the address below, must state the criteria or subcriteria at issue, why a hearing is required and what additional evidence will be presented at the hearing. Any hearing request by an adjoining property owner or other interested person must include a petition for party status. Prior to submitting a request for a hearing, please contact the district coordinator at the telephone number listed below for more information. Prior to convening a hearing, the Commission must determine that substantive issues requiring a hearing have been raised. Findings of Fact and Conclusions of Law will not be prepared unless the Commission holds a public hearing.

If you feel that any of the District Commission members listed on the attached Certificate of Service under "For Your Information" may have a conflict of interest, or if there is any other reason a member should be disqualified from sitting on this case, please contact the district coordinator as soon as possible, no later than prior to the response date listed above.

Should a hearing be held on this Project and you have a disability for which you are going to need accommodation, please notify us by January 26, 2016.

Parties entitled to participate are the Municipality, the Municipal Planning Commission, the Regional Planning Commission, affected state agencies, and adjoining property owners and other persons to the extent they have a particularized interest that may be affected by the proposed project under the 10 criteria. Non-party

participants may also be allowed under 10 V.S.A. Section 6085(c)(5).

Dated at Essex Junction, Vermont this 30th day of December, 2015.

By: /s/ Peter E. Keibel Peter E. Keibel District #4 Coordinator Natural Resources Board 111 West Street Essex Jct., VT 05452 802-879-5558 Peter.Keibel@vermont.gov

BURLINGTON DEVELOPMENT REVIEW BOARD TUESDAY FEBRUARY 2, 2016 PUBLIC HEARING NOTICE

The Burlington Development Review Board will hold a meeting on Tuesday February 2, 2016 at 5:00 p.m. in Contois Auditorium, City Hall.

1. 16-0730CU; 1 Mill Street (NMU, Ward 1E) Catamount Holding Company Change of use from warehouse/office/lab space to primary and secondary school. No site or exterior building changes.

Plans may be viewed in the Planning and Zoning Office, (City Hall, 149 Church Street, Burlington), between the hours of 8:00 a.m. and 4:30 p.m.

Participation in the DRB proceeding is a prerequisite to the right to take any subsequent appeal. Please note that ANYTHING submitted to the Planning and Zoning office is considered public and cannot be kept confidential.

This may not be the final order in which items will be heard. Please view final Agenda, at www.burlingtonvt.gov/pz/drbb/agendas or the office notice board, one week before the hearing for the order in which items will be heard.

HOWARD CENTER

If you received services from Howard Center and would like a copy of your record, please contact Howard Center's Health Information Department at 488-6000. In order to protect individuals' privacy, the agency routinely destroys healthcare records after retaining them for the number of years required by law.

NOTICE OF LEGAL SALE

View Date 01/28/2016 Sale Date 01/29/2016

Deb Asante Unit #144

Shane Audette Unit #210

Krista Brown Unit #174

Luis Santiago Unit #29

Easy Self Storage 46 Swift South Burlington VT 05403 802-863-8300

NOTICE OF PUBLIC MEETING

TOWN OF UNDERHILL DEVELOPMENT REVIEW BOARD (DRB) MONDAY, FEBRUARY 1, 2016 6:30 PM PUBLIC HEARING UNDERHILL TOWN HALL, 12 PLEASANT VALLEY RD. UNDERHILL, VT

The DRB will hold a Final Subdivision Review hearing on the application of Marc & Jane Maheux for a proposed 2-lot subdivision of property located at 38 Poker Hill Road (PH038). This property is located in the Underhill Flats Village Center, Rural Residential, Flood Hazard Area Overlay zoning districts. The hearing will be held at Town Hall at 6:35 PM.

The DRB will hold a Preliminary Subdivision Review hearing on the application of Pat Lamphere for a proposed 2-lot subdivision of property located at 178 Beartown Road (BE178). This property is located in the Water Conservation zoning district. The hearing will be held at Town Hall at 7:00 PM. A site visit will be held on the Saturday preceding the meeting (January 30, 2016) at 8:30 AM.

Additional information may be obtained at the Underhill Town Hall. The hearings are open to the public. Pursuant to 24 VSA §§446(a)(1)(C) and 447(a), participation in this local proceeding by written or oral comment 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: Planning & Zoning Administrator, P.O. Box 120, Underhill, VT 05489.

STATE OF VERMONT SUPERIOR COURT CHITTENDEN UNIT PROBATE DIVISION DOCKET NO. 1669-12-15CNPR

In re estate of Charles L. Houton.

NOTICE TO CREDITORS

To the creditors of Charles L. Houton late of Burlington, VT.

I have been appointed to administer this estate. All creditors having claims against the decedent or the estate must present their claims in writing within four (4) months of the first publication of this notice. The claim must be presented to me at the address listed below with a copy sent to the court. The claim may be barred forever if it is not presented within the four (4) month period.

Date: 1/8/2016

/s/ Brigid R. Mayer Signature of Fiduciary

Brigid R. Mayer Executor/Administrator: 1524 W. Romany Ct. Olathe, KS 66061 bmayeroe@olathe-schools.org 913-375-5812

Name of publication Seven Days

Publication Date: 1/13/2016

Address of Court: Vermont Superior Court Chittenden Probate Division P.O. Box 511 Burlington, VT 05402

STATE OF VERMONT SUPERIOR COURT ENVIRONMENTAL DIVISION DOCKET NO. 149-12-15 VTEC

In re CENTRAL BOILER, INC. Application for Confidential Treatment of Proprietary Information

NOTICE OF APPEAL

Central Boiler, Inc. ("Central Boiler" or "CBI"), by and through its counsel, Lisman Leckerling, appeals to the Environmental Division of the Vermont Superior Court from the November 20, 2015, decision of the Agency of Natural Resources, Department of Environmental Conservation, Vermont Air Quality & Climate Division, denying in part the September 28, 2015, Application for Confidential Treatment, filed

pursuant to 10 V.S.A. § 563, by Central Boiler.

Central Boiler is a person aggrieved by the decision of the Secretary and claims party status pursuant to 10 V.S.A. §8504(a), §8502(7).

The November 20, 2015, Decision of the Air Quality & Climate Division being appealed is attached.

Pursuant to V.R.E.C.P. 5(b)(3), Central Boiler, hereby notifies all interested persons that they must enter an appearance in writing with the Court within 20 days of receiving the Notice of Appeal, or in such other time as may be provided in V.R.E.C.P. 5(c), if they wish to participate in the appeal.

DATED at Burlington, Vermont this 21st day of December, 2015.

By: Judith L. Dillon, Esq. ERN 5040

LISMAN LECKERLING, P.C. 84 Pine Street, 5th Floor P.O. Box 728 Burlington, VT 05402 Tel: (802) 864-5756 Fax: (802) 864-3629 E-mail: jdillon@lisman.com Attorneys for Central Boiler, INC.

THE CONTENTS OF STORAGE UNIT(S) 01-01657, LOCATED AT 28 ADAMS DR. OR 48 INDUSTRIAL DR., WILLISTON, VT 05495, WILL BE SOLD ON JANUARY 21ST, 2016 TO SATISFY THE DEBT OF GERALYN SHELVEY. Any person claiming a right to the goods may pay the amount claimed due and reasonable expenses before the sale, in which case the sale may not occur.

THE CONTENTS OF STORAGE UNIT(S) 01-04219, LOCATED AT 28 ADAMS DR. OR 48 INDUSTRIAL DR., WILLISTON, VT 05495, WILL BE SOLD ON JANUARY 28TH, 2016 TO SATISFY THE DEBT OF NANCY STEVENS. Any person claiming a right to the goods may pay the amount claimed due and reasonable expenses before the sale, in which case the sale may not occur.

AL-ANON For families & friends of alcoholics. For meeting info, go to vermontalananon-alateen.org or call 866-972-5266.

AL-ANON For families & friends of alcoholics. For meeting info, go to vermontalananon-alateen.org or call 866-972-5266.

ALZHEIMER'S ASSOCIATION TELEPHONE SUPPORT GROUP

1st Monday monthly, 3-4:30 p.m. Pre-registration is required (to receive dial-in codes for toll-free call). Please dial the Alzheimer's Association's 24/7 Helpline 800-272-3900 for more information.

hereby notified as provided in Bylaws Section 2.3 that the Annual Meeting will be held: Wednesday, January 27, 2016, 8:00 PM at Westford Library.

The following matters of business will be considered and acted upon: Article 1 - Election of Officers: -Clerk -Treasurer -Collector of Taxes -one Prudential Committee Member

Article 2 - Officers' reports Article 3 - Approval of budget By Order of WFD#1 Executive Board



VISIT SEVENDAYSVT.COM TO VIEW A FULL LIST OF SUPPORT GROUPS

AL-ANON For families & friends of alcoholics. For meeting info, go to vermontalananon-alateen.org or call 866-972-5266.

ALCOHOLICS ANONYMOUS

Daily meetings in various locations. Free. Info, 864-1212. Want to overcome a drinking problem? Take the first step of 12 & join a group in your area.

ALTERNATIVES TO SUICIDE

Alternatives to Suicide is a safe space where the subject of suicide can be discussed freely, without judgment or stigma. The group is facilitated by individuals who have themselves experienced suicidal thoughts/feelings. Fletcher Free Library, 235 College St., Burlington. Group meets weekly on Thursdays, 1-2:30 p.m. Info: makenzy@pathwaysvermont.org, 888-492-8218 x300.

ALZHEIMER'S ASSOCIATION SUPPORT GROUP

This caregivers support group meets on the 3rd Wed. of every mo. from 5-6:30 p.m. at the Alzheimer's Association Main Office, 300

Cornerstone Dr., Suite 128, Williston. Support groups meet to provide assistance and information on Alzheimer's disease and related dementias. They emphasize shared experiences, emotional support, and coping techniques in care for a person living with Alzheimer's or a related dementia. Meetings are free and open to the public. Families, caregivers, and friends may attend. Please call in advance to confirm date and time. For questions or additional support group listings, call 800-272-3900.

ALZHEIMER'S ASSOCIATION TELEPHONE SUPPORT GROUP

1st Monday monthly, 3-4:30 p.m. Pre-registration is required (to receive dial-in codes for toll-free call). Please dial the Alzheimer's Association's 24/7 Helpline 800-272-3900 for more information.

ALZHEIMER'S DISEASE & DEMENTIA SUPPORT GROUP

Hold the last Tue. of every mo., 5:30-7:30 p.m., at Birchwood Terr., Burlington. Info, Kim, 863-6384.

ARE YOU HAVING PROBLEMS W/ DEBT?

Do you spend more than you earn? Get help at Debtor's Anonymous plus Business Debtor's Anonymous. Sat., 10-11:30 a.m., Methodist Church at Buell & S. Winooski, Burlington. Contact Brenda, 338-1170.

BABY BUMPS SUPPORT GROUP FOR MOTHERS AND PREGNANT WOMEN

Pregnancy can be a wonderful time of your life. But, it can also be a time of stress that is often compounded by hormonal swings. If you are a pregnant woman, or have recently given birth and feel you need some help with managing emotional bumps in the road that can come with motherhood, please come to this free support group lead by an experienced pediatric Registered Nurse. Held on the 2nd and 4th Tuesdays of the month, 5:30-6:30



June 1, 2015

Luella Lamphere Estate c/o Patrick Lamphere
116 Beartown Road
Underhill Vermont 05489

RE: Additional Subdivision, with the addition of a 2 single-family residences at 116 Beartown Road.

Dear Mr. Lamphere

We have reviewed your request to subdivide the lot again, and add 2 new single family residences at 116 Beartown Road in Underhill. After reviewing the Subdivision Site plan (dated 5/18/2015) that I was provided with, the addition of two single-family homes would not add any undo burden on the fire department's ability to provide reasonable fire protection to the new homes or the community.

I have attached a copy of our criteria checklist for one or two family residences for you to have. Your proposed driveway must be a minimum width of 12 feet, the driveway should not have a slope greater than 10%, and lastly there should be an unobstructed height of 13'6" above the driveway. The site plan I was provided with stated the intention for a 12% maximum grade and the width of the driveways was unclear. Lastly I would recommend having a turnaround at some point on the driveway near the residence to allow for large vehicles to be able to turn around without trying too back all the way to the road, and a pull off (maybe at the halfway point) due to the length of the driveway in leading to the home in Lot 2.

Please note that the property is located in area where water supply is limited to what we bring with us. We suggest you consider installing a dry hydrant in the pond located on the property.

We would also like to remind everyone that 911 address numbers are to be posted at the driveway entrance and must be a minimum of 4" in height and of contrasting colors, i.e. white on green.

If you have any questions you may contact me at 899-4025 or by e-mail at Harry@ujfd.org

Sincerely,

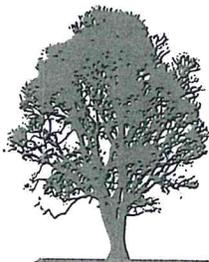
Harry Schoppmann III

Duty Captain

Cc: Sarah McShane, Town of Underhill, Vermont 05489 • Station: 802-899-4025
P.O. Box 150 • Underhill, Vermont 05489

UNDERHILL-JERICHO FIRE DEPARTMENT, INC.

Administrative Offices
PO Box 282, 211 Bridge Street
Richmond, Vermont 05477
(802) 434-2128
(802) 434-2196 (fax)
www.cesu.k12.vt.us



Mt. Mansfield Modified Union School District

December 1, 2015

Patrick Lamphere
178 Beartown Road
Underhill, VT 05489

RE: Proposed Subdivision 116 Beartown Road

Dear Patrick:

I am writing regarding the Lamphere proposed one lot subdivision on Beartown Road in Underhill. Mt. Mansfield Modified Union School District will be able to provide services for students this subdivision may generate at Underhill Central School, Browns River Middle School or Mt. Mansfield Union High School.

If you have any questions or concerns, contact me at your convenience.

Sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

John R. Alberghini
Superintendent

cc: Underhill Town Zoning Administrator

WASTEWATER SYSTEM AND POTABLE WATER SUPPLY PERMIT**LAWS/REGULATIONS INVOLVED**

10 V.S.A. Chapter 64, Potable Water Supply and Wastewater System Permit
Wastewater System and Potable Water Supply Rules, Effective September 29, 2007
Chapter 21, Water Supply Rules, Effective December 1, 2010

**Landowner(s): Luella Lamphere Estate
c/o Patrick Lamphere
178 Beartown Road
Underhill VT 05489**

**Permit Number: WW-4-4473
PIN:**

This permit affects property identified as Town Tax Parcel ID # Underhill: BE-116 referenced in a deed recorded in Book 35 Page(s) 226-227 of the Land Records in Underhill, Vermont.

This project, consisting of the subdivision of 10 acres into two lots with Lot #3 being 5.0 acres for the construction of a four bedroom single family residence served by on-site drilled well and at-grade wastewater system (the remaining lot is not for development), located on 116 Beartown Road in Underhill, Vermont, is hereby approved under the requirements of the regulations named above subject to the following conditions.

1. GENERAL

- 1.1 The project shall be completed as shown on the plans and/or documents prepared by John Stuart, P.E. with the stamped plans listed as follows:

Sheet Number	Title	Plan Date	Plan Revision Date
1 of 2	Luella Lamphere Estate Subdivision Plan	6/09/2015	7/28/15
2 of 2	Luella Lamphere Water and Wastewater Plan Lot 3	6/09/2015	8/11/2015

- 1.2 This permit does not relieve the landowner from obtaining all other approvals and permits PRIOR to construction including, but not limited to, those that may be required from the Act 250 Environmental Commission; the Drinking Water and Groundwater Protection Division; the Watershed Management Division; the Division of Fire Safety; the Vermont Department of Health; the Family Services Division; or other State departments and local officials.
- 1.3 The conditions of this permit shall run with the land and will be binding upon and enforceable against the landowner and all assigns and successors in interest. The landowner shall record and index this permit in the Underhill Land Records within thirty, (30) days of issuance of this permit and prior to the conveyance of any lot subject to the jurisdiction of this permit.
- 1.4 The landowner shall record and index all required installation certifications and other documents that are required to be filed under these Rules or under a specific permit condition in the Underhill Land Records and ensure that copies of all certifications are sent to the Secretary.
- 1.5 No permit issued by the Secretary shall be valid for a substantially completed potable water supply and wastewater system until the Secretary receives a signed and dated certification from a qualified Vermont Licensed Designer (or where allowed, the installer) that states:

"I hereby certify that, in the exercise of my reasonable professional judgment, the installation-related information submitted is true and correct and the potable water supply and wastewater system were installed in accordance with the permitted design and all the permit conditions, were inspected, were properly tested, and have successfully met those performance tests",

or which otherwise satisfies the requirements of §1-308 and §1-911 of the referenced rules.



- 1.6 This project is approved for the construction of a four bedroom single family residence on Lot 3. Construction of additional nonexempt buildings, including commercial and residential buildings, is not allowed without prior review and approval by the Drinking Water and Groundwater Protection Division and such approval will not be granted unless the proposal conforms to the applicable laws and regulations. No construction is allowed that will cause non-compliance with an existing permit.
- 1.7 Each purchaser of any portion of the project shall be shown a copy of the Wastewater System and Potable Water Supply Permit and the stamped plan(s), if applicable, prior to conveyance of any portion of the project to that purchaser.
- 1.8 By acceptance of this permit, the landowner agrees to allow representatives of the State of Vermont access to the property covered by the permit, at reasonable times, for the purpose of ascertaining compliance with the Vermont environmental and health statutes and regulations, and permit conditions.
- 1.9 Any person aggrieved by this permit may appeal to the Environmental Court within 30 days of the date of issuance of this permit in accordance with 10 V.S.A. Chapter 220 and the Vermont Rules of Environmental Court Proceedings.

2. WATER SUPPLY

- 2.1 Lot #3 is approved for a potable water supply using a drilled or percussion bedrock well for a maximum of **490 gallons** of water per day provided the supply is located as shown on the stamped plan(s) and meets or exceeds the isolation distances, construction standards, and water quality standards required in the Water Supply Rule. The landowner shall operate the potable water supply in a manner that keeps the supply free from contamination. The landowner shall immediately notify the Division if the water supply system fails to function properly and becomes a "failed supply".
- 2.2 The components of the potable water supply herein approved shall be routinely and reliably inspected during construction by a qualified Vermont Licensed Designer (or where allowed, the installer) who shall, upon completion and prior to occupancy of the associated building, report in writing to the Drinking Water and Groundwater Protection Division that the installation was accomplished in accordance with the referenced plans and permit conditions, as specifically directed in Condition #1.5 herein.
- 2.3 The water source location as shown on the stamped plan(s) shall be staked out and flagged by a qualified Vermont Licensed Designer prior to any construction on this project with the flagging being maintained until construction is complete.

3. WASTEWATER DISPOSAL

- 3.1 This project is approved for the disposal of wastewater in accordance with the design depicted on the stamped plan(s) for a maximum of **490 gallons** of wastewater per day. The system(s) shall be operated at all times in a manner that will not permit the discharge of effluent onto the surface of the ground or into the waters of the State. Should the system fail and not qualify for the minor repair or replacement exemption, the current landowner shall engage a qualified Vermont Licensed Designer to evaluate the cause of the failure and to submit an application to this office and receive written approval prior to correcting the failure.
- 3.2 The components of the sanitary wastewater system herein approved shall be routinely and reliably inspected during construction by a Vermont Licensed Designer (or where allowed, the installer) who shall, upon completion and prior to occupancy of the associated building, report in writing to the Drinking Water and Groundwater Protection Division that the installation was accomplished in accordance with the referenced plans and permit conditions, as specifically directed in Condition #1.5 herein.
- 3.3 The corners of the proposed primary or replacement wastewater disposal area(s) shall be accurately staked out and flagged prior to construction with the flagging/staking being maintained until construction is complete.
- 3.4 The wastewater system for this project is approved for domestic type wastewater only except as allowed for water treatment discharges. No discharge of other type process wastewater is permitted unless prior written approval is obtained from the Drinking Water and Groundwater Protection Division.
- 3.5 Lot #3 is approved for the site specific at-grade primary wastewater disposal systems provided the system is constructed in strict accordance with the following conditions:
 - a. The at-grade system is to be constructed and located as depicted on the plans which have been stamped by the Drinking Water and Groundwater Protection Division.
 - b. A qualified Vermont Licensed Designer shall inspect the at-grade wastewater disposal system during the critical stages of construction. This shall include the staking of the approved area, ensuring the site has

been properly plowed prior to the placement of the stone and fill, the installation and testing of the distribution piping, final grading of the system, and pump station installation.

- c. The construction of the at-grade wastewater disposal system is to strictly adhere to the guidelines set forth in Section 1-914(e) of the Wastewater System and Potable Water Supply Rules.
 - d. Upon completion of construction, and prior to occupancy of any structure being served by the at-grade system, the inspecting consultant shall submit to the Drinking Water and Groundwater Protection Division a written certification stating the construction has been completed in accordance with the stamped plans and the permit.
- 3.6 No buildings, roads, water lines, earthwork, re-grading, excavation or other construction that might interfere with the installation or operation of the wastewater disposal systems are allowed on or near the site-specific wastewater disposal system or replacement area depicted on the stamped plans. All isolation distances that are set forth in the Wastewater System and Potable Water Supply Rules shall be adhered to and will be incorporated into the construction and installation of the wastewater disposal field.
- 3.7 A future replacement wastewater disposal area has been identified on the stamped plan(s). There shall be no construction or other activities that would impact the suitability of this replacement area for wastewater disposal. Should the existing system fail, the current landowner shall engage a qualified Vermont Licensed Designer to evaluate the cause of the failure and to submit an application to this office and receive written approval prior to repair or replacement of the system.

Alyssa B. Schuren, Commissioner
Department of Environmental Conservation

By Jessanne Wyman
Jessanne Wyman, Regional Engineer
Essex Regional Office
Drinking Water and Groundwater Protection Division

Dated August 11, 2015

cc Underhill Planning Commission
John Stuart

<h2 style="margin: 0;">TOWN OF UNDERHILL</h2> <p style="margin: 0;">P.O. Box 120 Underhill, VT 05489</p> <p style="margin: 0;">Phone: (802) 899-4434 Fax: (802) 899-2137</p>	A15-17
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ACCESS PERMIT APPLICATION

All access permit applications require review by the Selectboard and Road Foreman.

(paid^{1/2} CO₂ check #727
RP) +20 cash

ZONING DISTRICT(S): PROPERTY CODE: BE116

FEES: \$50+ recording fees

- UFVC
 Rural Residential
 Water Conservation
 Scenic Preservation
 Soil & Water Conservation

NAME: <i>Luella Lamphere Estate</i>	PROPERTY LOCATION: <i>116 BearTown Road</i>
MAILING ADDRESS: <i>178 BearTown Road</i>	ACREAGE: <i>5</i>
PHONE: <i>363-5014</i>	E-MAIL: <i>plump@comcast.net</i>
CONSULTANT(S):	CONSULTANT CONTACT INFORMATION:

PLAN REQUIREMENTS (Attach plan to application)

All driveways and private roads must conform to the standards in the Underhill Road Policy. Waiver requests must be submitted at time of application. The plan must include accurate measurements of the following requirements:

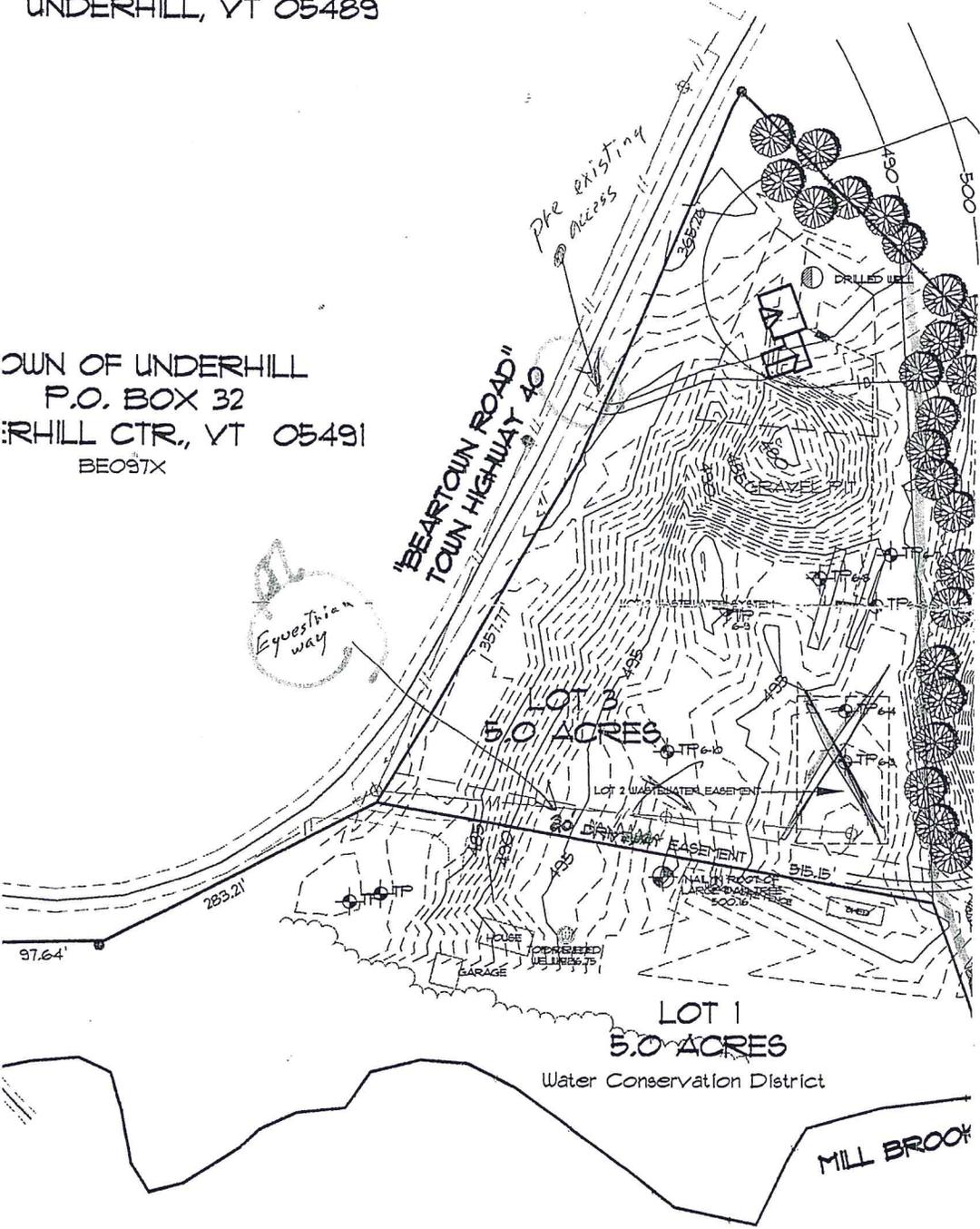
- Proposed access on public or private road
- Property boundaries with measurements to proposed curb cut
- Landmarks sufficient to determine access point and path of traveled way
- Distance from all waterways
- All easements, covenants, and abutting property owners

APPLICANT SIGNATURE <i>Patricia Lamphere</i>	DATE <i>11/12/2015</i>
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FOR OFFICE USE ONLY	
Received by <i>Rachel Field</i>	Date: <i>11/13/2015</i>
Road Foreman Inspection	
Site Visit Date: <i>Dec 3, 2015</i> Road Classification (if applicable): <i>Class 3</i>	
Speed Limit/Average Running Speed (if applicable): <i>30</i>	
Sight Distances: <i>up the road 306ft</i> <i>down the road 400 plus ft</i>	
Culvert Required? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes Size	
Comments, Restrictions, Conditions: <i>Sight distance can be increased by cutting trees back to increase sight going up the road by another 100'.</i>	
To be Reviewed by the Selectboard (Date) <i>12/22/2015</i> <i>Note Sullivan Road Foreman</i>	
<i>Approved 3-0 12/22/15 Gilton</i>	

FREY & NANCY ALEXANDER
123 BEARTOWN ROAD
UNDERHILL, VT 05489

OWN OF UNDERHILL
P.O. BOX 32
UNDERHILL CTR., VT 05491
BE037X



LOT 1
5.0 ACRES
Water Conservation District

MILL BROOK

Soil and Water Conservation District

*Details from:
7/14 Start drawing lot 2
detail 7/28/15 earthed
Luella Langhorne 5/28/20*

STATE OF VT MILITARY DEPARTMENT
BLDG. 5 789 VT ARMY NATIONAL GUARD ROAD
COLCHESTER, VT 05446
RA079X

ACCESS PERMIT CONDITIONS

In regard to the access permit application of:

Lvella Kemper Estate

for the property at 116 Beartown Rd, Underhill, VT

submitted 11/12/2015.

The permit is granted subject to the following conditions:

1. The driveway shall be built as shown on drawing dated 7/28/15 ^{DETAIL} of the drawings dated _____ by JH SMART and attached to this permit.

2. Any change in alignment, grade, drainage, use or other features will require either administrative amendment or application to the Selectboard pursuant to the Underhill Road, Driveway and Trail Ordinance adopted February 3, 2015 (the "Road Ordinance").

3. The erosion prevention and sedimentation control practices set out on the drawing referenced above shall be followed.

4. Culverts placed in the town right-of-way shall be placed and paid for as provided in the Underhill Road, Driveway and Trail Ordinance adopted February 3, 2015.

5. Driveway shall be built according to State Agency of Transportation standard B-76 and all other applicable requirements of the Road Ordinance.

6. Other conditions:

Sufficient foliage will be cut back to give a 360 ft sightline uphill from access

TOWN CLERK'S OFFICE
Received Dec 28, 2015 11:45A
Recorded in VOL: 217 PG: 92- 94
Of Underhill Land Records
ATTEST: Sherri Morin, Town Clerk