

**TOWN OF UNDERHILL, VT**  
Planning & Zoning Administrator

P.O. Box 120, Underhill, VT 05489  
E-mail: [smcshane@underhillvt.gov](mailto:smcshane@underhillvt.gov)

Phone: (802) 899-4434, x106  
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**MEMORANDUM**

To: DRB, SB, UJFD, UCC  
From: Sarah McShane, PZA  
Date: 1-31-2014  
Re: Agenda and Information for 1/5/2015 Hearing

**DEVELOPMENT REVIEW BOARD**  
**AGENDA**

Monday, **January 5, 2015**  
Public Hearings at 6:30 PM  
Underhill Town Hall, 12 Pleasant Valley Rd. Underhill, VT

- 6:30 pm: Public Comment
- 6:35 pm: Appeal Hearing: Appeal of Zoning Administrator's Decision to Issue a Certificate of Occupancy at 10 Dumas Road  
Docket # DRB 14-16  
Appellant: Jennifer Phalen & Tyler Main  
Property Owner: Michael & Holly Rainville and Kevin Mckegney  
Location: 10 Dumas Road, Underhill, VT
- 7:45 pm: Other Business  
Review of 12/1/14 and 12/15/14 Minutes
- 8:00 pm: Adjourn
- 

**Appeal Hearing (Phalen & Main- 10 Dumas Road):**

Contents:

1. Copy of the application for appeal (including appeal request letter; letter from Joseph Flynn of DuBois & King Inc. dated 12/15/2014; a copy of septic plans prepared by Hogg

- Hill Design LLC Sheet 1 of 4 last revised 7-15-2012; field survey notes dated 11/1/2014; and photos- no date);
2. Copy of Section 10.2 Exemptions, Unified Land Use & Development Regulations;
  3. Copy of Section 10.4 Certificates of Occupancy, Unified Land Use & Development Regulations;
  4. DRB Decision for a 2-Lot Subdivision dated October 4, 2012;
  5. Copy of the Building Permit and Building Permit application;
  6. Copy of Certificate of Occupancy Permit (CO Permit C-14-08);
  7. Copy of the application for Certificate of Occupancy (including Application for Certificate of Occupancy; email correspondence to ZA dated 12-5-2014; As-Built drawings dated 12-5-2014; RBES certificate 12-5-2014; septic certification letter from Paul Beauregard, LLC dated 12-6-2014; and driveway certification from Stephen Digilo P.E. dated 12-8-2014);
  8. Copy of the Access Permit issued by the Selectboard on 9-27-2012;
  9. Copy of notice to mailed to abutters and posted in three public places (dated 12-18-2014);
  10. Procedural memo.

**Appeal of Zoning Administrator’s Decision to  
Issue a Certificate of Occupancy at 10 Dumas Road  
Appellant Phalen & Main (DM010)**

Appellant(s): Jennifer Phalen & Tyler Main  
Property Owner(s): Michael & Holly Rainville and Kevin McKegey  
Property Location: 10 Dumas Road (DM010)  
Acreage: ± 1.002 acres  
Zoning District:

**Underhill Flats Village Center:** 1 acre  
 150 ft road frontage  
 Setbacks:  
     *Principal*  
         Front – 0 ft  
         Side & Rear – 20 ft  
     *Accessory Structures*  
         Front – 0 ft  
         Side & Rear - 15 ft  
 Max. Bldg. Coverage: 50%  
 Max. Lot Coverage: 75%  
 Max. Building Height: 35 ft

Relevant Regulations: 2012 Underhill Unified Land Use & Development Regulations

- Table 2.2 – Underhill Flats Village Center District (p. 9)

- Section 10.2 – Exemptions (pg. 173)
  - Section 10.4 – Certificate of Occupancy (pg. 178)
  - Section 10.5 – Appeals (pg. 180)
- 

### Staff Comments/Questions

- On 12/17/2014 the appellant submitted an application for appeal of the ZA's decision to issue a Certificate of Occupancy.
  - The appellant owns the adjacent property.
  - The property is located in the Underhill Flats Village Center District.
  - The subject lot was created through the subdivision process and approved by the DRB on October 4, 2012.
  - The subdivision approval did not require erosion prevention, grading, sediment control, or stormwater plans.
  - The property owner submitted an application for Certificate of Occupancy on December 9<sup>th</sup>. The application contained as-built drawings, certification that the wastewater system was installed and tested; certification from a licensed engineer that the driveway was completed per the Access permit; and a RBES certificate. The property was inspected by the ZA on December 9<sup>th</sup>.
  - The primary dwelling was permitted to be 54' x 28' (H=21') and located within the approved building envelope.
  - The term finished floor is not defined or mentioned in the town's zoning regulations.
  - The appeal hearing is in regards to whether or not the Certificate of Occupancy should have been issued.
- 

Underhill DRB Rules of Procedure  
Hearing on the Appeal of Zoning Administrator's Decision  
Appellant: Jennifer Phalen & Tyler Main  
1/5/2015

State the following:

- 1) "This is a hearing regarding the Jennifer Phalen & Tyler Main's appeal of the Zoning Administrator's decision to issue a Certificate of Occupancy on the adjacent property located at 10 Dumas Road in Underhill."

The purpose of this hearing is to review the appeal and supporting documentation to determine whether or not the Zoning Administrator made an appropriate decision, review the regulations and other municipal ordinances pertinent to the application; and to identify issues or concerns.

This appeal is subject to review under the 2012 Unified Land Use and Development Regulations.

- 2) The order of speakers tonight will be:
  - a. We will hear from and ask questions of the Appellants, and/or their representatives- Tyler Main and Jennifer Phalen;
  - b. Then we will hear and ask questions of the Zoning Administrator, Sarah McShane;
  - c. Then we will hear and ask questions of the property owner(s)- Michael & Holly Rainville and Kevin McKegney;
  - d. 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
  - e. The Appellants will have an opportunity to respond; then
  - f. Final comments will be solicited from all parties.
  - g. All speakers should address their comments to the Board, not to other parties present at the hearing.
  - h. Board members may feel free to ask questions of any speaker.
- 3) Are any State or municipal representatives present?
- 4) 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."

- 5) If you are an applicant/applicant representative, 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.
- 6) 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?***"
- 7) Are there any conflicts of interest or have there been any ex parte communications on the part of the Board members?

- 8) At this point I am going to enter into the record the information package that was sent by the Zoning & Planning Administrator prior to the hearing. The information included in this package relevant to this hearing is:
1. Copy of the application for appeal (including appeal request letter; letter from Joseph Flynn of DuBois & King Inc. dated 12/15/2014; a copy of septic plans prepared by Hogg Hill Design LLC Sheet 1 of 4 last revised 7-15-2012; field survey notes dated 11/1/2014; and photos- no date);
  2. Copy of Section 10.2 Exemptions, Unified Land Use & Development Regulations;
  3. Copy of Section 10.4 Certificates of Occupancy, Unified Land Use & Development Regulations;
  4. DRB Decision for a 2-Lot Subdivision dated October 4, 2012;
  5. Copy of the Building Permit and Building Permit application;
  6. Copy of Certificate of Occupancy Permit (CO Permit C-14-08);
  7. Copy of the application for Certificate of Occupancy (including Application for Certificate of Occupancy; email correspondence to ZA dated 12-5-2014; As-Built drawings dated 12-5-2014; RBES certificate 12-5-2014; septic certification letter from Paul Beauregard, LLC dated 12-6-2014; and driveway certification from Stephen Digilo P.E. dated 12-8-2014);
  8. Copy of the Access Permit issued by the Selectboard on 9-27-2012;
  9. Copy of notice to mailed to abutters and posted in three public places (dated 12-18-2014);
  10. Procedural memo.
- 9) We'll begin testimony, and hear from appellant.
- 10) Next we will hear from the Zoning Administrator.
- 11) Next we will hear from the property owner(s).
- 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 appeal?
- a. *If more information is needed to make a decision on the appeal, adjourn the hearing to a time certain and outline for the appellant what is required at that continued hearing; or*
  - b. *If by consensus enough information has been presented to make a decision on the appeal, announce that the evidentiary portion of the hearing is closed.*
- 15) Does the Board wish to discuss the appeal in open or (closed) deliberative session?  
(After the ruling, continue with the info below.)

“Within 45 days from this hearing the DRB, will send a copy of the decision and letter to the Appellants, their consultants, 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.”

# **Application for Appeal**

Sarah McShane  
rd 12-17-2014.  
check # 150-  
# 195

Tyler Main

Jennifer Phalen

8 Dumas Road

Underhill, Vermont 05489

802-598-5530

12/16/2014

To: Development Review Board of Underhill

Sarah McShane, Underhill Zoning Administrator

Re: Appeal of the Certificate of Occupancy issued for 10 Dumas Road

To all interested parties,

I Jennifer Phalen, and Tyler Main, of 8 Dumas Road wish to appeal the Certificate of Occupancy issued to 10 Dumas Road on 12/09/2014.

The CO is issued to the home built in the adjacent lot to mine, at 10 Dumas Road. This is a 3 bedroom home measuring 54x26, height of 21 feet, as described in the Certificate of Occupancy.

The FFE on the permit issued for this build is 102.5 feet. This would make the first floor at approximately ground level. The FFE was measured to be 106.36 feet by Joseph Flynn of Dubois and King. This measurement was taken from a bench mark at 109.95 feet on the property of 8 Dumas Rd. The difference of the permitted height of the First floor and the as built measurement of the first floor is 3.86 feet. It is my understanding that a 2 foot difference between the permitted height and the actually height is to be considered "wobble room". 3.86 feet difference in the permitted height and the actual height far exceeds the allowable 2 feet.

If the house were built with a FFE of 102.5 feet then it would not require an engineered grading plan. A grading plan was not required in the issued building permit for 10 Dumas Road. The house as built at 106.36 is considerably higher and now requires an engineered grading plan. The grading needed to surround the as built FFE of 106.36 feet has created considerable storm water runoff that has left our driveway under water. The water then flows into our front yard. I have included photos for your reference. I believe the as built height at 10 Dumas road to be in violation of the issued permit of 10 Dumas Road, I am requesting that a grading plan be designed by a Vermont state licensed engineer and then implemented by the home builder.

Storm water runoff created by this home, built 3.86 feet higher than permitted, is having a negative impact to my home and to the access of my home.

Thank you,

Jennifer Phalen

  
12-16-14

Tyler Main



DEC. 16 2014



December 15, 2014

Mr. Tyler Main & Ms. Jennifer Phalen  
8 Dumas Ave  
Underhill, Vermont 05490

RE: Underhill CO #14-08, Issued 12-9-2014

Dear Tyler and Jennifer:

As requested attached is a copy of the survey field notes of the level loop performed by myself, a Vermont Licensed Land Surveyor, on 11/1/2014, for the new structure erected at 10 Dumas Road by Michael Rainville.

The finish floor elevation of the new structure was found to be 106.36' elevation based upon the site benchmark located at the northeast corner of the septic system. The listed elevation of the benchmark is 109.95' as shown in the approved septic permit plans on file with the Vermont Agency of Natural Resources website. A copy of that approved plan is attached for your reference also.

Please note that the CO warning clearing states an elevation of 102.5' elevation, while the data that I compiled provides an elevation of 106.36', a difference of 3.86'.

Please let me know if you require further assistance in this matter...

Sincerely,

Joseph R. Flynn, L.S.  
Survey Department Manager  
DuBois & King, Inc.



8 Dumps A/c  
Check BODS Elevation

BS	Ht	LFS	SS	Blk	etc
				109.95	TBM
5.05	115.00		14.60	100.40	Rock
6.52	106.92	0.56		106.36	TOP of
			6.68	100.24	Rock
14.22	114.46		4.50	109.96	TBM

11/1/14  
JRM/TM  
outpost 50°F  
Dyberis icing etc

60' walling 7000 per plane

100 yd

wall - plywood - Design Permit 102.5'  
100 yd

60' walling r/c ✓ 109.95 close error:  
0.01'

106.36 - Actual FFE

102.50 - Permit Elev

3.86' Higher than

Permit issued.

10 Dumas



8 Dumas

10 Dumas



8 Dumas

8 Dumas



10 Dumas



Above: Day foundation was poured dirt shown is built up and not at 102.5 feet.



Finished house 1<sup>st</sup> floor elevation of 106.36 feet  
3.86 feet higher than permitted.

**Section 10.2 Exemptions &  
Section 10.4 Certificate of Occupancy**

- 1 wetlands permits, stream alteration or crossing permits, public health and safety
- 2 permits, child care facility licenses and Act 250 permits.
- 3
- 4 a. As required under the Act [§4449(e)], municipal application forms and municipal
- 5 land use permits or approvals issued under these regulations shall include a
- 6 statement, in content and form approved by the Secretary of the Agency of Natural
- 7 Resources, that state permits may be required and that the applicant or permittee
- 8 should contact the state's regional permit specialist or individual state agencies to
- 9 determine which state permits must be obtained before any construction may
- 10 commence.
- 11
- 12 b. The Zoning Administrator or Development Review Board may require that an
- 13 applicant submit a state project review sheet with their application that identifies
- 14 state and federal permits to be obtained by the applicant.
- 15
- 16 4. Documentation that state, federal and other municipal permits and approvals have
- 17 been obtained by the applicant may be required, as applicable, prior to:
- 18
- 19 a. the issuance of a certificate of occupancy or compliance under Section 10.4;
- 20 b. submitting an application for final subdivision review under Section 7.6, unless
- 21 waived by the Development Review Board; and
- 22 c. recording a subdivision plat in the land records of the town under Section 7.7.
- 23
- 24 C. **Coordinated Review.** The Zoning Administrator will coordinate the development review
- 25 process on behalf of the Town of Underhill, refer applications to the appropriate board and
- 26 officials, and provide application forms, checklists, information and assistance to applicants.
- 27
- 28 1. The Zoning Administrator will direct anyone applying for a municipal land use permit to
- 29 contact the state's regional permit specialist to ensure timely action on any required
- 30 state or federal permits. It remains the obligation of the applicant to identify, apply for
- 31 and obtain state and federal permits.
- 32
- 33 D. **Revocations.** In accordance with the Act [§4455], on petition by the town the
- 34 Environmental Division of the Superior Court may revoke a municipal land use permit issued
- 35 by the town if it determines that the permittee violated the terms of the permit or obtained
- 36 the permit based on misrepresentation of material fact.

38 **Section 10.2 Exemptions**

39  
40 A. The following uses and structures have been determined to impose no impact or a de  
41 minimus impact on the surrounding area and the overall pattern of land development in the  
42 town in accordance with the Act [§4446] and, unless otherwise regulated under the Flood  
43 Hazard Area Overlay District (Article VI), are exempted from these regulations. Outside of  
44 Special Flood Hazard Areas, no municipal permits or approvals shall be required for:  
45

## Section 10.2 Exemptions

### Article X. Administration & Enforcement

Adopted 3-1-11, Amended 3-6-12

- 1 1. The normal maintenance and repair of existing structures, utilities and infrastructure  
2 which does not result in any expansion or relocation, including any change to the  
3 footprint or height of a structure, or a change in use.  
4
- 5 2. Residential entry stairs (excluding decks and porches), handicap ramps, walkways, and  
6 fences or walls less than six feet in height which do not obstruct public rights-of-way, or  
7 interfere with corner visibility or sight distances for vehicular or pedestrian traffic (see  
8 Section 3.5).  
9
- 10 3. Exterior patios constructed without a permanent foundation.  
11
- 12 4. Minor fill, grading or excavation that is incidental to regular road and driveway  
13 maintenance (including culvert replacements and ditching), and to residential lawn and  
14 yard maintenance (e.g., for septic systems, gardens or landscaping) and which does not  
15 change the existing elevation of land by more than two feet over a total area of no more  
16 than 10,000 square feet.  
17
- 18 5. Resurfacing an existing driveway, or a road within an existing or approved right-of-way,  
19 that does not result in driveway or road widening or relocation.  
20
- 21 6. Recreational trails or paths located outside of required stream and wetland buffer areas  
22 under Section 3.19 that do not involve or require the development, construction or use  
23 of structures or parking areas (e.g., walking, hiking, cross-country skiing and/or snow  
24 mobile trails).  
25
- 26 7. One accessory structure per lot, with written notification to the Zoning Administrator,  
27 provided that the structure does not exceed 200 square feet in floor area and 10 feet in  
28 height and meets all setback distances for the district in which it is located.  
29
- 30 8. Transit or bus stop shelters approved by the Underhill Selectboard or the Vermont  
31 Agency of Transportation, which do not exceed 200 square feet in area and 12 feet in  
32 height, are set back at least five feet from edge of the travel lane, and do not otherwise  
33 interfere with corner visibility or sight distances for vehicular traffic.  
34
- 35 9. Signs specifically exempted from these regulations under Section 3.16.  
36
- 37 10. Garage sales, yard sales, auctions or related activities not exceeding three consecutive  
38 days, nor more than 12 days in any calendar year.  
39
- 40 11. A home office within a principal dwelling or accessory building that is carried on by a  
41 resident of that dwelling, and which involves no signs, public access or outdoor storage  
42 or displays (see Section 4.12).  
43
- 44 12. Certain temporary structures and uses exempted under Section 4.19 of these  
45 regulations, with written notification to the Zoning Administrator.

1 permit has not begun, the permittee is conducting work at the site in  
2 furtherance of the permitted project.

- 3
- 4 c. Only recording fees shall be assessed for an administrative extension.
- 5
- 6 d. A one-year permit extension granted under this subsection is not renewable.
- 7 Should the permittee fail to substantially commence the project within the one-
- 8 year extension period, he or she will be required to submit a new application for
- 9 development.

10

11 2. **DRB Approvals.** Development Review Board approvals shall remain in effect as follows:

- 12
- 13 a. **Subdivision Approval.** Final subdivision approval by the DRB shall remain in effect
- 14 and run with the land, and legally recorded subdivision plats, as approved by the
- 15 DRB, shall not expire; however mandatory lot merger requirements under Section
- 16 3.8 may apply to undeveloped lots that become nonconforming under subsequent
- 17 zoning amendments. For purposes of these regulations, any lot approved by the
- 18 DRB as part of a planned unit development under Article IX is considered a
- 19 conforming lot.
- 20
- 21 b. **Site Plan and Conditional Use Approval.** Site plan and conditional use approval by
- 22 the DRB shall expire with the expiration of the zoning permit, and may be extended
- 23 only in accordance with Subsection D.1 above; or as provided for abandoned
- 24 structures under Section 3.1. Once approved uses or structures are established,
- 25 site plan and conditional use approvals shall remain in effect and run with the land.
- 26
- 27 c. **Variance Approval.** Variance approval expires with the expiration of a zoning
- 28 permit. Variance approval shall remain in effect and run with the land for
- 29 structures or structural alterations that are constructed in strict compliance with
- 30 the conditions of variance approval.
- 31

32 **Section 10.4 Certificates of Occupancy & Compliance**

33

34 A. **Certificate of Occupancy.** A certificate of occupancy issued by the Zoning Administrator

35 is required prior to the use or occupancy of land, a principal structure, or part thereof, for

36 which a zoning permit has been issued. The purpose of this certificate is to ensure that the

37 use or structure, as established, conforms to these regulations and the conditions of

38 approval.

39

40 Certificates of occupancy shall not be required for certain exterior residential accessory

41 structures, unless those structures are located within a Flood Hazard Overlay District (Special

42 Flood Hazard Areas). Those exterior residential accessory structures, outside of the Flood

43 Hazard Overlay District (Special Flood Hazard Areas), which are exempt from obtaining a

44 certificate of occupancy are: satellite dishes, decks, porches, patios, play structures, tree

45 houses, doghouses, barns, sheds, garages, carports, lean-tos, storage buildings, swimming

1 pools, tennis courts and other paved ball courts. All exterior residential accessory structures  
2 must, however, comply with all other requirements of these regulations and conditions of  
3 approval.

4  
5 1. If required, the application for a certificate of occupancy shall be provided with the  
6 zoning permit issued by the Zoning Administrator. The applicant shall submit the  
7 application, including as-built drawings where applicable, to the Zoning Administrator  
8 upon substantial completion of required improvements, but prior to the use or  
9 occupancy of the land or structure.

10  
11 a. **Substantially Complete.** A development shall be deemed substantially complete if  
12 it meets all applicable permit requirements and conditions, and is habitable or  
13 otherwise able to be occupied or used for its intended purpose.

14  
15 2. A certificate of occupancy shall not be issued until:

16  
17 a. The applicant documents that all necessary permits and approvals required by  
18 these regulations, including applicable state and federal permits, have been  
19 obtained.

20  
21 b. The applicant provides certification from a professional engineer or site technician  
22 (designer) licensed by the state that wastewater and water supply systems have  
23 been installed and tested as approved by the state.

24  
25 c. The applicant provides certification from a licensed engineer that all permitted road  
26 and driveway improvements have been completed in conformance with approved  
27 plans.

28  
29 d. The Zoning Administrator determines that the development has been completed in  
30 conformance with permits and approvals, from as-built drawings submitted by the  
31 applicant and/or site inspection.

32  
33 3. The Zoning Administrator shall inspect the premises to ensure that all work has been  
34 completed in conformance with the zoning permit and associated approvals prior to  
35 issuing a certificate.

36  
37 4. A certificate of occupancy shall be issued or denied by the Zoning Administrator within  
38 14 business days of receipt of the complete application. If the Zoning Administrator fails  
39 to either grant or deny the certificate of occupancy within 14 days of the submission of  
40 an application, the certificate, on appeal, shall be deemed issued on the 15th day.

41  
42 5. Certificates of occupancy shall be posted, delivered and recorded in the Underhill land  
43 records and in the zoning file for the property in the same manner as zoning permits  
44 under Section 10.3.  
45

**DRB Decision for 2-Lot Subdivision  
Michael & Holly Rainville and  
Kevin McKegey**

TOWN OF UNDERHILL  
APPLICATION OF MICHAEL & HOLLY RAINVILLE  
AND KEVIN MCKEGNEY  
FOR A 2-LOT SUBDIVISION  
FINAL FINDINGS AND DECISION

In re: Michael & Holly Rainville  
Kevin McKegney  
8 Dumas Rd.  
Underhill, VT 05489

Docket No. DRB-12-03: Rainville & McKegney

**I. INTRODUCTION AND PROCEDURAL HISTORY**

This proceeding concerns Michael & Holly Rainville's and Kevin McKegney's final hearing application for a 2-lot subdivision of property located at 8 Dumas Rd. in Underhill, VT.

- A. On August 13, 2012, Michael Rainville filed an application for subdivision on behalf of all Applicants for the project. A copy of the application and additional information are available at the Underhill Town Hall.
- B. On August 27, 2012, a copy of the notice of the final hearing was mailed via Certified Mail to the Applicants, Michael & Holly Rainville and Kevin McKegney, 80 Cemetery Rd., Jericho, VT 05465, and to the following owners of properties adjoining the property subject to the application:
1. Holden, P.O. Box 337, Underhill, VT 05489
  2. Dyck, 9 Poker Hill Rd., Underhill, VT 05489
  3. Kapusta, 6 Dumas Rd., Underhill, VT 05489
  4. Gray, 10 Dumas Rd., Underhill, VT 05489
  5. Kozlowski, 4 Dumas Rd., Underhill, VT 05489
  6. Douglas, 2 Dumas Rd., Underhill, VT 05489
  7. Roaring Brook Homeowners Assn., P.O. Box 161, Underhill, VT 05489
- C. On August 27, 2012, notice of the final hearing on the proposed Rainville & McKegney subdivision was posted at the following places:
1. The property to be developed, DM008;
  2. The Underhill Town Clerk's office;
  3. The Underhill Country Store;
  4. Wells Corner Market;
  5. The Underhill Center Post Office;
  6. The Underhill Flats Post Office;
  7. Jacobs IGA;

8. The Town of Underhill website.
- D. On August 29, 2012, notice of the final hearing was published in *Seven Days*.
  - E. The final hearing began at 6:34 PM on September 27, 2012.
  - F. Present at the final hearing were the following members of the Development Review Board:
    - Chuck Brooks
    - Will Towle
    - Penny Miller
    - Charles Van Winkle, Chairperson

Zoning & Planning Administrator Kari Papelbon; Applicants Michael Rainville and Kevin McKegney; and two Johnson State students 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:
  - Michael Rainville and Kevin McKegney, 80 Cemetery Rd., Jericho, VT 05465 (Applicants)
- H. During the course of the hearing the following exhibits were submitted to the Development Review Board:
  1. Michael Rainville's Application for Subdivision: Final (dated 8-13-12);
  2. A copy of the plans prepared by Christopher Leister of Hogg Hill Design, LLC. (Sheet 1 revised 7-15-12, Sheets 2 & 3 dated 2-17-12, Sheet 4 revised 7-30-12);
  3. A copy of the survey prepared by Christopher Haggerty of Button Professional Land Surveyors, PC (Survey date 4-3-12, Plat date 4-15-12, signed 5-15-12);
  4. A copy of the approved JUWD Application for Water Allocation for Lot 2 (dated 5-7-12);
  5. A copy of the approved JUWD Application for Water Allocation for Lot 1 (dated 8-6-12);
  6. A copy of the Wastewater System and Potable Water Supply Permit (dated 8-20-12);
  7. A copy of the Draft Warranty Deeds for Lots 1 and 2;
  8. A copy of the completed Subdivision Standards Findings Checklist;
  9. A copy of the final hearing requirements letter (dated 7-9-12);
  10. A copy of the Preliminary decision (dated 7-6-12);
  11. A copy of the minutes from the 6-18-12 Preliminary Hearing;
  12. A copy of the hearing notice (published in *Seven Days* on 8-29-12);
  13. A copy of the test pit logs;
  14. A copy of the VT Agency of Transportation B-71 standards;
  15. A copy of the procedure checklist and staff memo for this hearing.

These exhibits are available in the Rainville & McKegney, DM008, 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 seek a permit to subdivide land. The subject property is a ±2-acre parcel located at 8 Dumas Road in Underhill, VT (DM008).
- B. The property is located in the Underhill Flats Village Center zoning district as defined in Article II, Table 2.2 of the 2011 Unified Land Use and Development Regulations.
- C. Subdivision approval is requested for the project pursuant to review under the following sections of the 2011 Unified Land Use and Development Regulations:
  - Article II, Table 2.2 – Underhill Flats Village Center District
  - Article II, Table 2.7 – Flood Hazard Overlay District
  - Section 3.2 – Access
  - Section 3.7 – Lot, Yard & Setback Requirements
  - Section 3.13 – Parking, Loading & Service Areas
  - Section 3.19 – Surface Waters & Wetlands
  - Section 3.22 – Water Supply & Wastewater Systems
  - Article VI – Flood Hazard Area Review
  - Section 7.6 – Final Subdivision Review
  - Article VIII – Subdivision Standards
- D. Driveway approval for the subdivision is requested pursuant to review under the 2002 Underhill Road Policy and the 2011 Unified Land Use and Development Regulations. An Access Permit was submitted to the Selectboard on August 30, 2012.
- E. Written and verbal comments from adjacent landowners were received during the sketch plan and preliminary hearing reviews. No further comments were received during the final hearing review process.

## **III. CONCLUSIONS**

### **Applicable Regulation Standards**

*Article II, Table 2.2, Dimensional Standards*

The Board finds that the application as proposed meets all of the applicable dimensional with the exceptions of the driveway setback and the frontage requirement for Lot 2. Waivers were granted for both the setback and frontage requirements in the Preliminary Decision. See *Conclusions* for Section 3.2, Section 3.7, and Section 8.6 below.

*Article II, Table 2.7, Flood Hazard Overlay District*

The Board finds that the application as proposed does not include development in the Special Flood Hazard Area on the proposed Lot 2. A buffer of 30' from the Special Flood Hazard Area line is depicted on the plans. The building envelope on Lot 2 is outside of the 30-foot buffer for the Special Flood Hazard Area.

*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 Dumas Road. The proposed frontage for Lot 2 does not meet dimensional requirements; however, a waiver was approved by the Board in the preliminary decision as the Applicant proved the lot could be subdivided without the waiver. The Board determined that approval of the waiver would better serve the needs of the two lots.[Section 3.2(A)]. See (I) and (J) and *Conclusions* for Sections 3.7 and 8.6 below.
- B. Section 3.2(B) is not applicable to the subdivision as it does not involve a nonconforming lot. No additional access is proposed for the triangular piece of property ( $\pm 0.16$  acres) across Dumas Road.
- C. As the proposed shared access for the subdivision is proposed on a town highway (Dumas Road), an access permit from the Selectboard is required [Section 3.2(C)].
- D. Only one new access point with a shared driveway to serve the subdivision is proposed. The existing easement over the southern portion of Lot 1 serving the existing barn, 4 Dumas Road, and 6 Dumas Road will remain unchanged. Due to the existing locations of structures, utilities, and existing and replacement septic areas on the lot, access to the proposed subdivision via the existing easement would result in a less functional site layout. This meets the requirement of Section 3.2(D)(2).
- E. Section 3.2(D)(3) is a condition of final approval. See *Decision and Conditions*.
- F. The proposed width of the access to Lot 2 does not extend along the length of the road frontage [Section 3.2(D)(5)].
- G. The subdivision is an allowed development in the Underhill Flats Village Center zoning district [Section 3.2(D)(6)].
- H. Section 3.2(D)(7) is not applicable as the lot is not a corner lot nor will the proposed lots be corner lots following subdivision [Section 3.2(D)(7)].

- I. A shared driveway serving the subdivision is proposed off of Dumas Rd. less than 12 feet from the proposed boundary between Lots 1 and 2. Shared driveways may be located within side yard setbacks per Section 3.2(D)(8), which requires a waiver (approved in the Preliminary Decision). See also *Conclusions* for Section 3.2(D)(9) below. A draft shared maintenance agreement has been submitted as part of the deeds [Section 3.2(D)(8)]. See *Decision and Conditions*.
- J. The proposed shared driveway meets minimum requirements per the Vermont Agency of Transportation B-71 standard for residential and commercial drives. The proposed shared driveway will be located less than 12 feet from the proposed boundary between Lots 1 and 2, which is allowed per Section 3.2(D)(8) and requires a waiver per Section 3.2(D)(9)(a). The Board approved a waiver of the 12-foot side setback requirement in the Preliminary Decision. No steep slopes, primary agricultural soils, surface waters, wetlands, or buffer areas will be impacted by the proposed driveway. The average finished grade of the driveway as proposed will be less than 12% as measured over any 50-foot section, and will be less than 500 feet in length.
- K. Section 3.2(D)(10) is not applicable as no private development roads are proposed.
- L. No Class IV road accesses are proposed with the subdivision [Section 3.2(D)(11)].

#### *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, with the exception of the frontage and the driveway setback requirements, meets the requirements of Section 3.7(B). Waivers were granted in the Preliminary Decision for both the setback and frontage requirements. See *Conclusions* for Section 3.2 above and Section 8.6 below.
- C. The subdivision will not be served by a private development road [Section 3.7(C)].
- D. No corner lots are proposed [Section 3.7(D)].
- E. 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 crosses the triangular piece of land across Dumas Road from the subdivision. No development or encroachments are proposed within the riparian buffer or setback. The riparian buffer shall appear on the final Mylars. See *Conclusions* for Section 8.4

and *Decision and Conditions* below.

*Section 3.22, Water Supply & Wastewater Systems*

The Board makes the following findings:

- A. The proposed septic system designs for the lots in the subdivision have been approved by the Vermont Department of Environmental Conservation Wastewater Management Division. A copy of the approved Wastewater System and Potable Water Supply Permit has been submitted in fulfillment of this section [Section 3.22 (A) and (C)(1), (2)].
- B. The Underhill-Jericho Water District provides service to the area of the proposed subdivision. The District's approval of service to the subdivision has been submitted in fulfillment of this section [Section 3.22(B)(1)].
- C. No septic systems are proposed within the mapped Special Flood Hazard Area on the property [Section 3.22(C)(3)].
- D. No septic systems are proposed within the riparian buffer or setback [Section 3.22(C)(4)].
- E. Section 3.22(C)(5) is not applicable as the proposed subdivision is not located within a Source Protection Area.
- F. Section 3.22(D) is not applicable as no off-site septic systems are proposed.

*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 7.6, Subdivision Review, Final Subdivision Review*

The Board makes the following findings:

- A. The submission requirements of Section 7.6(B) and the hearing requirements of Section 7.6(C) were fulfilled.
- B. This decision is written in fulfillment of Section 7.6(D).

*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. The Board accepts these responses and makes supplemental findings where applicable [Section 8.1(C)].

- B. The land, as evidenced by the submission of plans compliant with all district dimensional standards except where two waivers were approved, is suitable for the intended use and proposed density of development, and 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. Special Flood Hazard Areas will remain undeveloped and outside of the building envelope on Lot 2 as shown on the plans [Section 8.2(A)].
- C. The proposed subdivision meets the requirements of Sections 8.2(B) through (I). No pedestrian access is proposed for the private development. Due to the existing locations of structures, utilities, and existing and replacement septic areas on the lot, access to the proposed subdivision via the existing easement would result in a less functional site layout; therefore, the proposed Lot 2 does not meet minimum frontage requirements and a shared driveway for Lots 1 and 2 does not meet minimum setback requirements. See *Conclusions* for Sections 3.2 and 3.7 above and for Section 8.6 below.
- D. Section 8.2(J) is not applicable as the orientation of the house within the proposed building envelope will be at the discretion of the owner.
- E. No comments have been received from the Underhill Conservation Commission regarding the proposed subdivision [Section 8.3(A)].
- F. Existing Special Flood Hazard Areas are located outside of the building envelope on Lot 2. No development is proposed on the 0.16-acre triangular piece across Dumas Rd. No designated Source Protection Areas exist on the property [Section 8.3(B)].
- G. No development is proposed in areas of steep or very steep slopes, there are no exposed rock outcrops or ledges on the property, and visually prominent hilltops and ridgelines will be unaffected by the proposed subdivision [Section 8.3(C)].
- H. No wildlife habitat or travel corridors have been identified in the vicinity of the proposed development [Section 8.3(D)].
- I. Sections 8.3(E), (F), and (G) are not applicable as no historic or cultural resources, farmland, or forestland exist on the property.
- J. There are no wetlands identified on the property. No development is proposed on the 0.16-acre triangular piece across Dumas Rd., which is subject to the setback and buffer requirements for the Roaring Brook and the Special Flood Hazard Area regulations [Section 8.4(A)]. Section 8.4(B) is not applicable as no common land is proposed. Language requiring compliance with setbacks and buffers shall be incorporated into deeds to the lots and is a condition of final approval.
- K. As the property is mostly flat, development is not proposed in the vicinity of the Roaring Brook, and the development does not meet the requirements for State stormwater permitting, no erosion prevention, sediment control, or stormwater plans are required [Section 8.5].

- L. The application meets the requirements of Section 8.6(A) as only one new curb cut onto Dumas Road is proposed, the frontage requirement for Lot 2 was waived by the Board in the Preliminary Decision per Section 8.6(B)(2), and the setback requirement for the driveway was waived in the Preliminary Decision as Lots 1 and 2 will share a driveway. An Access Permit application for the curb cut was submitted to the Selectboard on August 30, 2012.
- M. The application meets the requirements of Section 8.6(C) as no common or shared parking areas are proposed, and the parking areas for Lot 2 are proposed within the building envelope.
- N. Sections 8.6(D) and (E) are not applicable as the application does not include the creation of a private development road, no transit or bus stop shelters are required, and no pedestrian access has been proposed for the private development.
- O. The application meets the requirements of Section 8.7 as a letter from the Underhill Jericho Fire Department indicates their ability to provide services to the proposed subdivision, an approved State Wastewater System and Potable Water Supply Permit was submitted, approved service for the lots from the Jericho Underhill Water District was submitted, and utilities will be underground in the easement locations shown on the plans.
- P. Submission and recording of deeds is a condition of final approval [Section 8.8].
- Q. 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 2011 Unified Land Use and Development Regulations or the Underhill Town Plan, and such waivers are not requisite in the interest of the public health, safety and general welfare. Sufficient evidence, in the form of submitted permit applications and plan layout, has been submitted to justify the waivers.

*Underhill Road Policy, Vermont Agency of Transportation B-71 standard*

- A. The Board finds that the proposed shared driveway has been designed to meet all applicable standards and that an Access Permit application was submitted to the Selectboard on August 30, 2012.

**IV. DECISION AND CONDITIONS**

Based upon the findings above, and subject to the conditions below, the Development Review Board grants approval for the 2-lot subdivision as presented at the final hearing.

- A. The parcel codes for Lot 1 (DM008) and Lot 2 (DM010) shall appear on the final Mylars. The existing DM010 shall be shown with a note indicating the change in code to DM012.

- B. The 0.16-acre triangular piece across Dumas Road shall be included in the deed to Lot 2 as discussed by the Applicants at the final hearing. The inclusion with Lot 2 shall also appear on the final Mylars (survey and engineering).
- C. The survey shall include the most recent revision date.
- D. The Warranty Deeds for the lots shall be revised to correspond to the acreages on the survey.
- E. Dimensions and locations of the easement over Lot 1 for the Lot 2 septic system shall appear on the final Mylars.
- F. Per Section 3.2(D)(3), no additional access rights to a public highway shall automatically result from the subdivision or re-subdivision of Lots 1 and 2. Changes to the approved curb cut are the jurisdiction of and shall be reviewed by the Selectboard.
- G. Deeds shall incorporate the provisions of (B) and (D) above and (H) and (I) below as well as all easements. Easement language shall
  - a. ensure compliance with B-71 standards for the driveway
  - b. include a mechanism for cost-sharing for the maintenance of the shared driveway
  - c. include snow removal in the cost-sharing
  - d. the scope and anticipated uses of the deeded easement over Lot 1 for the Lot 2 septic system shall incorporate the language contained within Section 3.5 of the Wastewater System and Potable Water Supply Permit.
- H. Per Section 3.19(D)(5), the riparian buffer shall be maintained as undisturbed, naturally-vegetated buffers. The Roaring Brook buffer on the 0.16-acre triangular piece shall appear on the final site plan and plat as open space per Sections 8.3(B)(5), 8.4(A), and 8.8.
- I. Per Section 3.19(E)(3), the creation of new lawn areas within buffers is not permitted.
- J. A copy of the Wastewater System and Potable Water Supply Permit and engineer's certification letter shall be submitted for recording in the Town Land Records prior to issuance of a Certificate of Occupancy for either lot [Section 3.22(E)].
- K. Per Section 7.2(B), no land shall be subdivided until final subdivision approval has been obtained from the DRB and the approved subdivision plat is recorded in the Underhill land records.
- L. No transfer, sale or long-term lease of title to property as defined under 32 VSA §9601 of any portion of an existing lot; predevelopment site work; or issuance of zoning permits to develop a subdivided lot shall occur until final subdivision

approval has been obtained from the DRB and the final Mylars have been recorded in the Underhill Land Records [Section 7.2(C)].

- M. The final plat and engineering site plan shall be submitted in accordance with Section 7.7.
- N. All subdivision and recording fees must be paid in full prior to recording a subdivision plat in accordance with Section 7.7(B).
- O. The E-911 codes for Lot 1 (DM008) and Lot 2 (DM010) shall be posted per the Underhill Jericho Fire Department specifications prior to issuance of a building permit.

Dated at Underhill, Vermont this 4 day of OCTOBER, 2012.



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 11/3/2012

**Building Permit &  
Building Permit Application**

# TOWN OF UNDERHILL

P.O. Box 32  
Underhill Center, VT 05490

Phone: (802) 899-4434 x106

Fax: (802) 899-2137

## BUILDING PERMIT

THIS PERMIT IS VALID ONLY FOR THE PROJECT AND TIMEFRAME  
AS DETAILED BELOW.

**Permit #: B-14-32**

**Date Approved: 9-18-2014**

**Property Code: DM010**

**Date Effective: 10-4-2014**

**Zoning District(s): Underhill Flats Village Center**

**Permit Expires: 10-4-2015**

APPLICANT(S): MICHAEL RAINVILLE	PROPERTY LOCATION: 10 DUMAS ROAD
CONSULTANT(S): FAIRBANKS CONSTRUCTION LLC	CONTACT INFORMATION: SEE APPLICATION
SQUARE FOOTAGE OF DISTURBANCE: ~1512 sq. feet	PROPOSED CONSTRUCTION / USE: SINGLE FAMILY DWELLING
DESCRIPTION OF PROJECT (Include Dimensions and Setbacks):  Construct a 1 story, 3 bedroom, 54' x 28' (height 21') principal dwelling. Construction will be entirely within approved building envelope and outside of the Special Flood Hazard Area. See DRB decision dated Oct. 4, 2012 (DRB 12-03). Total Building Coverage = ~3.4% Total Lot Coverage = ~ 5.5%	
CONDITIONS / RESTRICTIONS: Permit issued in conformance with the Unified Land Use and Development Regulations. No construction may commence prior to the end of the 15-day appeal period (effective date of permit). Please refer to any State permits for State requirements. Any changes to the plan (change in square footage, height, etc.) will require approval by the Zoning Administrator. <b>Contact the Zoning Administrator at least two weeks prior to completion of your project to obtain a Certificate of Occupancy.</b> A VT Residential Building Energy Standards (RBES) Certificate must be recorded in the Underhill Land Records prior to the issuance of a Certificate of Occupancy. Contact the Listers' office upon completion of your project.	

ZONING ADMINISTRATOR SIGNATURE



TOWN CLERK RECORDING  
 TOWN CLERK'S OFFICE  
 Received Oct 08, 2014 03:30P  
 Recorded in VOL: 210 PG: 539- 539  
 Of Underhill Land Records  
 ATTEST: Sherri Morin, Town Clerk

This permit is for the approved construction project described above. Separate State permits including, but not limited to, water/wastewater, stormwater, Act 250, and Construction General Permits may be required. It is the obligation of the Applicant to contact the State Permit Specialist at 802-879-5676 prior to construction. The Zoning Administrator or her agent may access the above property for purposes of inspections before, during, and upon completion of the project. Interested parties may exercise their appeal rights pursuant to 24 VSA § 4465. A Permit Notice sign will be supplied to the Applicant with this permit to be posted within view of a Town Highway until the 15-day appeal period expires. Applicant and/or their consultant(s) should check with the Zoning Administrator for any posted road restrictions. Failure to complete this project by the permit expiration date will require a new permit from the Zoning Administrator.

**END OF DOCUMENT**

# TOWN OF UNDERHILL

P.O. Box 32  
Underhill Center, VT 05490

Phone: (802) 899-4434 x106

Fax: (802) 899-2137

Email: [underhillzoning@comcast.net](mailto:underhillzoning@comcast.net)

## BUILDING PERMIT APPLICATION

**INSTRUCTIONS:** Complete the application in full and submit to the Zoning Administrator with a sketch showing dimensions of the proposed construction and a scaled sketch plan (min. 8.5" x 11") that accurately depicts: 1. the dimensions of the lot, including existing & proposed property boundaries, 2. the location, footprint, & height of existing and proposed structures & additions, 3. the location and dimensions of existing & proposed accesses (curb cuts), driveways, and parking areas, 4. the location of existing and proposed easements, rights-of-way, and utilities, 5. setbacks from property boundaries, road rights-of-way, surface waters, & wetlands, 6. the location of existing and proposed water & wastewater systems. Payment of applicable fees is due at the time of submission. Incomplete applications will be returned.

**ZONING DISTRICT(S):**

OFFICE USE ONLY

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

APPLICATION # B-14-32  
PROPERTY CODE: DM010

APPLICANT: <u>Michael Rainville</u>	MAILING ADDRESS: <u>80 Cemetery Rd Jericho VT 05465</u>
PHONE / ALTERNATE PHONE: <u>802 233 7774</u>	E-MAIL: <u>michaelrainville@GMAVT.net</u>
PROPERTY LOCATION: <u>10 Dumas Road</u>	ACREAGE / FRONTAGE: <u>1.002 Acre / 132.16' Frontage</u>
LANDOWNER (IF DIFFERENT FROM APPLICANT):	LANDOWNER CONTACT INFO:
CONTRACTOR: <u>Fairbanks Const. LLC</u>	CONTRACTOR CONTACT INFO: <u>195 Nashville Rd Jericho VT 05465</u>

**INDICATE WHETHER ANY OF THE FOLLOWING EXIST ON THE PROPERTY:**

- Rivers / Streams    
  Wetlands: Class (II or III) \_\_\_\_\_    
  Deer Wintering Areas    
  Floodplain: Zone AeX

**EXISTING AND INTENDED USE OF THE LAND, STRUCTURES, AND/OR ANY PROPOSED STRUCTURAL CHANGES:**

New 1 story 54' x 28' Ranch House  
 Single Family

**PROPOSED CONSTRUCTION:** Accessory dwellings must not exceed 50% of the existing total habitable floor area of the principal single-family dwelling, excluding unfinished attics and basements. New buildings for accessory dwellings require Conditional Use approval. Attach copies of all State & Federal permit(s) and approval(s).

<input checked="" type="checkbox"/> Single Family Dwelling     Bedrooms: <u>3</u> <input type="checkbox"/> Accessory Dwelling     Bedrooms: _____ Principle _____ sf     Bedrooms: _____ <input type="checkbox"/> Two Family Dwelling     Bedrooms: _____ <input type="checkbox"/> Multifamily Dwelling     Bedrooms: _____ Units _____ <input type="checkbox"/> Commercial / Industrial	<input type="checkbox"/> Addition/Other (specify): _____ <input type="checkbox"/> Accessory Structure(s): _____ <div style="border: 1px solid black; padding: 5px; margin-top: 10px;">                     Estimated value / cost of construction \$ <u>140,000</u> </div>
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# TOWN OF UNDERHILL

P.O. Box 32  
Underhill Center, VT 05490

Phone: (802) 899-4434 x106

Fax: (802) 899-2137

Email: [underhillzoning@comcast.net](mailto:underhillzoning@comcast.net)

## BUILDING PERMIT APPLICATION

**Dimensions:** Complete for ALL proposed construction.

Structure(s) (From Pg. 1)	Front	Side	Side	Rear	Stories	Height (Max. 35 ft)	Total Added SF
1	54'	28'	28'	54'	1	21'	1512

**Setbacks:** Measure the distance from the closest part of ALL NEW CONSTRUCTION to the lot lines and natural features.

Structure(s)	Front (Road ROW)	Side	Side	Rear	Rivers, Streams, Ponds	Wetlands
1	20	21			+110ft	N/A

**Building and Lot Coverage Calculations:** Complete for ALL permit applications.

a. Total lot area (1 acre = 43,560 square feet)		43,647.12 <sup>ft</sup> <sub>2</sub>
b. Sum of ALL existing and proposed building/structure footprints (including porches, decks, sheds, garages, etc.)	1,612	ft <sup>2</sup>
c. Calculate percentage (line b / line a) * 100	0.036	%
<b>TOTAL BUILDING COVERAGE</b>		3.4%
d. Enter total lot area from line a		43,647.12 <sup>ft</sup> <sub>2</sub>
e. Sum of area covered by ALL existing and proposed buildings, structures, impervious surfaces (driveways, parking/loading/service areas, access roads, etc.)	1,612	ft <sup>2</sup>
f. Calculate percentage (line e / line d) * 100	0.036	%
<b>TOTAL LOT COVERAGE</b>		5.5%

# TOWN OF UNDERHILL

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Email: [underhillzoning@comcast.net](mailto:underhillzoning@comcast.net)

## BUILDING PERMIT APPLICATION

The undersigned hereby requests a Zoning Permit for the construction project described in this application. By signing below, Applicant acknowledges that they will comply with the requirements of the permit, if granted, and all Town Regulations. **Separate State permits including, but not limited to, water/wastewater, stormwater, Act 250, and Construction General Permits may be required. It is the obligation of the Applicant to contact the State Permit Specialist at 802-879-5676 prior to construction.**

The Zoning Administrator (or representative) may access the subject property for purposes of inspections before, during, and upon completion of the project. A Permit Notice sign will be supplied to the Applicant with this application to be posted within view of a Town Highway until the 15-day appeal period expires. Interested parties may exercise their appeal rights pursuant to 24 VSA §4465.

Applicant and/or their consultant(s) should check with the Road Foreman for any posted road restrictions. Failure to substantially commence construction by the permit expiration date will require a new permit from the Zoning Administrator. Upon completion of construction, Applicant must contact the Listers' office and the Zoning Administrator to obtain a Certificate of Occupancy (where applicable).

Michelle Rell  
Applicant Signature

Aug 15, 2014  
Date

Michelle Rell  
Landowner Signature

Aug 15, 2014  
Date

### OFFICE USE ONLY

RECEIVED Date 8-26-14  
 APPROVED Date 9-18-2014  
Effective Date 10-4-2014  
Expiration Date 10-4-2015

Permit Fee	\$ <u>1134.00</u>
Posting Fee	\$ <u>15.00</u>
Recording Fee	\$ <u>10.00</u>
<b>TOTAL FEE</b>	\$ <u>1159.00</u>
<input checked="" type="checkbox"/> Check # <u>1593</u>	<input type="checkbox"/> Cash

+ \$100 for CO total =  
paid 2259  
9-18-14

REFERRED To: Rebecca Pfiffer, Floodplain Coordinator for comment.  
Date 8-26-2014  
To: \_\_\_\_\_  
Date \_\_\_\_\_

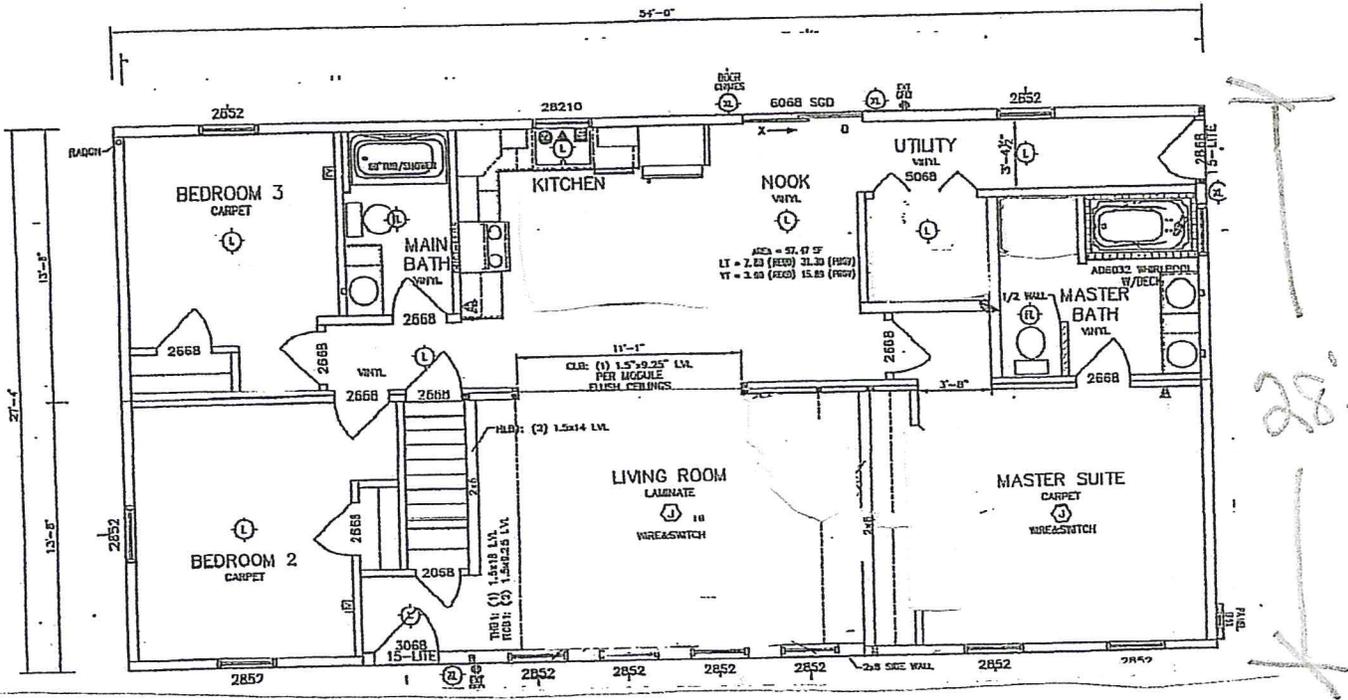
REJECTED Date \_\_\_\_\_  
Reason \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Comments/Conditions:  
fee = 1512 sf x 0.50 = \$ 756 (finished space) + \$98 unfinished space includes \$100 for CO. Not located within (basement) SFHA. Construction will be in approved building envelope.

Janah McNamee  
Zoning Administrator

9-18-2014  
Date

54'-0"



10 Dumas Rd  
1 Story Ranch  
Full Basement

Fairbanks Const LLC  
195 Nashville Rd  
Jericho VT 05465  
802 233-7774  
Mike Rainville

BENCH  
NAIL IN

KAPUS  
N/F  
167/47  
DM006

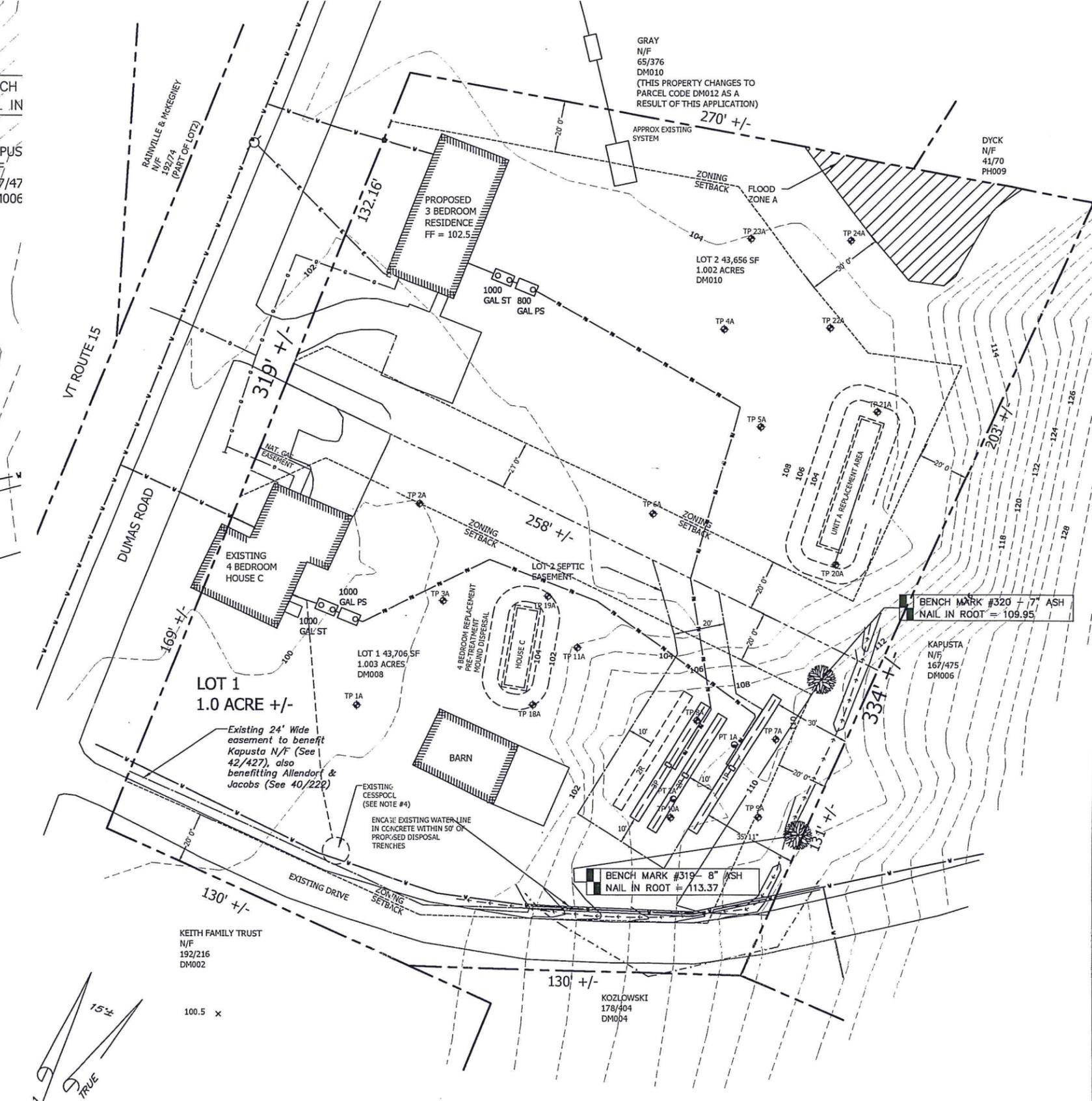
KEITH FAMILY TRUST  
N/F  
192/216  
DM002

KOZLOWSKI  
178/404  
DM004

GRAY  
N/F  
65/376  
DM010  
(THIS PROPERTY CHANGES TO  
PARCEL CODE DM012 AS A  
RESULT OF THIS APPLICATION)

DYCK  
N/F  
41/70  
PH009

KAPUSTA  
N/F  
167/475  
DM006



- GASKETED JOINTS. SCH 40 PVC WITH GLUED JOINTS MAY ALSO BE USED.
- SEPTIC TANKS SHALL BE 1000 GALLON PRECAST WITH ACCESS HATCH ON OUTLET, AS MANUFACTURER BY ON SITE SEPTIC, ROUTE 15, CAMBRIDGE VT OR EQUAL. NOTE: OUTLET FILTER TO BE CLEANED AT LEAST ONCE PER YEAR BY HOISING OFF CONTENTS OF FILTER INTO SEPTIC TANK.
- CRUSHED STONE SHALL BE 1 1/2" MINUS CLEAN PRODUCT. NO CRUSHER FINES ARE ALLOWED.
- DISPERSAL PIPING SHALL BE 4" PERFORATED SEWER PIPE LAID AS LEVEL AS POSSIBLE AT GRADE SHOWN ON ELEVATION TABLE.
- D-BOX SHALL BE 6 OUTLET MODEL AS PROVIDED BY ON SITE SEPTIC. BOX SHALL BE SET LEVEL, ON WELL COMPACTED BASE. ALL OUTLET LINES SHALL HAVE EQUALIZERS.
- NON-WOVEN FABRIC SHALL BE MIRAFI S600 OR EQUAL.
- TOPSOIL TO BE LOAM WITH ROCKS NO LARGER THAN 1"
- SEEDING AND MULCHING TO BE ADEQUATE TO ESTABLISH GRASS GROWTH AND TO PREVENT EROSION OF THE TOPSOIL SURFACE BEFORE GROWTH IS ESTABLISHED. USE EROSION CONTROL FABRIC IF NECESSARY TO PREVENT EROSION. DO NOT PLANT TREES OR SHRUBS WITHIN 6' OF A PRIMARY OR REPLACEMENT TRENCH.

HOUSE C - 4 BEDROOM HOUSE  
 DAILY FLOW = (6 x 70) + 70 = 490 GPD  
 DUPLEX A AND B - 2 - 3 BEDROOM UNITS  
 DAILY FLOW = (6 x 70) \* 2 = 840 GPD  
 PERCOLATION RATE = 3 MIN/INCH  
 USE ABSORPTION TRENCHES. BOTTOM OF TRENCHES TO BE 30" BELOW GRADE TO MAINTAIN 48" ABOVE LEDGE AND 36" ABOVE SHWT.  
 APPLICATION RATE = LR = 3 / SR (3)  
 LR = 1.5 GAL/SF-DAY  
 USE 48" TRENCH WITH 18" STONE BELOW PIPE  
 AREA REQ HOUSE C = (490/1.5) \* 75% = 245 SF  
 USE 1 - 62" X 4' TRENCH = 248 SF  
 AREA REQ DUPLEX A & B = (840/1.5) \* 75% = 420 SF  
 USE 2 - 52.5' X 4' TRENCHES = 420 SF

SEE SHEET 3 OF 3 FOR REPLACEMENT AREA DESIGN.  
 SEPTIC TANK = 1000 GALLONS FOR EACH UNIT/HOUSE.

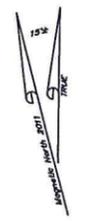
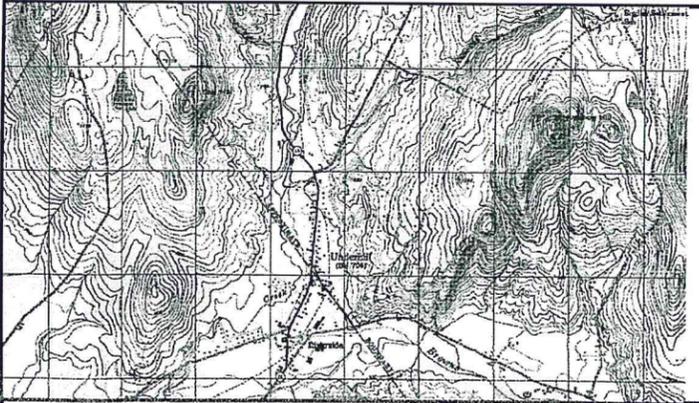
**CONSTRUCTION CERTIFICATION**

1-308: INSTALLATION CERTIFICATIONS  
 NO PERMIT ISSUED BY THE SECRETARY SHALL REMAIN VALID AFTER SUBSTANTIAL COMPLETION OF A POTABLE WATER SUPPLY OR WASTEWATER SYSTEM UNTIL THE SECRETARY RECEIVES A SIGNED AND DATED CERTIFICATION FROM A DESIGNER OR INSTALLER, AS SPECIFIED IN THE PERMIT, THAT STATES:  
 "I HEREBY CERTIFY THAT IN THE EXERCISE OF MY REASONABLE PROFESSIONAL JUDGEMENT THE INSTALLATION-RELATED INFORMATION SUBMITTED IS TRUE AND CORRECT AND THAT THE POTABLE WATER SUPPLY AND WASTEWATER SYSTEM WERE INSTALLED IN ACCORDANCE WITH THE PERMITTED DESIGN AND ALL PERMIT CONDITIONS....."

PLAN PREPARED BY:

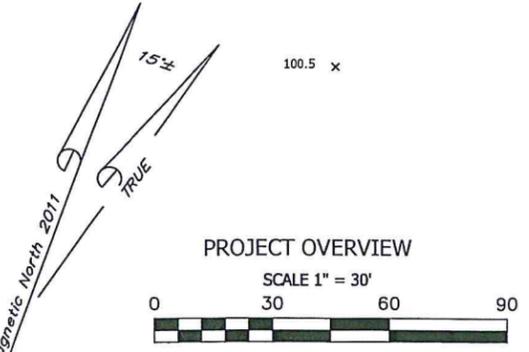
*Chris Leister*  
 CHRISTOPHER C. LEISTER LIC #554

DATE 08-19-14



OWNER: KEVIN P. MCKEGNEY  
 OWNER: MICHAEL & HOLLY RAINVILLE  
 ADDRESS: 8 DUMAS  
 CITY: UNDERHILL  
 DATE: FEB 17 2012

REVISIONS:	
1.	7-15-2012
2.	12-5-2012
3.	12-12-2012
4.	08-19-14
5.	



PLANS  
 SHEET 1 OF 4

**HOGG HILL  
 DESIGN, L.L.C.**

NEW HAMPSHIRE  
 DESIGNERS LICENSE  
 #1674

PO BOX 525  
 BETHEL, VT 05032  
 hogghill@ds.net 802-431-0502

VERMONT DESIGNERS  
 LICENSE # 554

**Certificate of Occupancy (CO) &  
Application for CO**

# TOWN OF UNDERHILL

P.O. Box 120  
Underhill, VT 05489

Phone: (802) 899-4434 x106

Fax: (802) 899-2137

Email: [smcshane@underhillvt.gov](mailto:smcshane@underhillvt.gov)

## CERTIFICATE OF OCCUPANCY

**CO #: C-14-08**

**Date Issued: 12-9-2014**

**Date Effective: 12-25-2014**

**FEES: \$75 + recording & posting**

<b>APPLICANT(S):</b> MICHAEL & HOLLY RAINVILLE/KEVIN McKEGNEY	<b>MAILING ADDRESS:</b> 195 NASHVILLE RD., JERICO, VT
<b>PHONE:</b> SEE APPLICATION	<b>EMAIL:</b> SEE APPLICATION
<b>LANDOWNER(S):</b> SAME	<b>PROPERTY ADDRESS / CODE:</b> 10 DUMAS ROAD, DM010
<b>MAILING ADDRESS:</b> SEE APPLICATION	<b>PHONE:</b> SEE APPLICATION

**ZONING DISTRICT(S):**

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

<b>ZONING / ACCESS PERMIT #:</b> B-14-32 & A-12-08	<b>DATES OF CONSTRUCTION:</b> OCT. 2014– DEC. 2014
-------------------------------------------------------	-------------------------------------------------------

**PROJECT DESCRIPTION:**

3 BEDROOM, 54' x 28' (H = 21') SINGLE FAMILY DWELLING.

*FOR OFFICE USE ONLY*

*ZA Inspection*

Site Visit Date: 12-9-2014

Setback Distances: Front: +/-  Side: +/-  Side: +/-  Rear: +/-

Violations?  No  Yes

*Comments, Restrictions, Conditions: All conditions of subdivision approval, access approval, and building permits are in effect. Interested parties may exercise their appeal rights pursuant to 24 VSA § 4465. A Permit Notice sign will be supplied to the Applicant with this permit to be posted within view of a Town Highway until the 15-day appeal period expires.*

*I hereby certify that the building(s) and/or use(s) at the above property conform to the above permits and to the duly adopted Underhill Zoning Regulations, and/or the Underhill Subdivision Regulations, and/or the Underhill Road Policy. The Town of Underhill does not certify or imply conformance with State or Federal building codes. This certificate does not relieve the Applicant from the conditions of inspections or approval of other State and/or Federal permits or approvals.*

<b>ZONING ADMINISTRATOR</b> 	<b>DATE</b> 12-9-2014
---------------------------------	--------------------------

# TOWN OF UNDERHILL

P.O. Box 32  
Underhill Center, VT 05490

Phone: (802) 899-4434 x106

Fax: (802) 899-2137

Email: [underhillzoning@comcast.net](mailto:underhillzoning@comcast.net)

## CERTIFICATE OF OCCUPANCY

CO #: 14-08

Date Issued: 12-9-2014 Date Effective: 12-25-2014

FEES: \$75 + recording

A VT Residential Building Energy Standards (RBES) Certificate must be recorded with the Underhill Town Clerk before a Certificate of Occupancy can be issued.

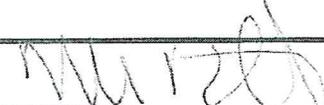
APPLICANT(S): Michael & Holly Rainville / Kevin McKerney	MAILING ADDRESS: 195 Nashville Rd Jericho
PHONE: 802 233-7774	EMAIL: michaelrainville@GMAVT.NET
LANDOWNER(S): Same as Applicants	PROPERTY ADDRESS / CODE: 10 Dumas Rd, DM010
MAILING ADDRESS: 195 Nashville Road Jericho VT 05465	PHONE: 802-233-7774

ZONING DISTRICT(S):

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

ZONING / ACCESS PERMIT #: A-12-08 ↳ B-14-32	DATES OF CONSTRUCTION: Start Oct 4, 2014 End Dec 14, 2014
------------------------------------------------	--------------------------------------------------------------

PROJECT DESCRIPTION:  
Construct a 1 story 3 Bedroom 54 x 38 (height 21') principal dwelling

APPLICANT SIGNATURE  DATE Dec 5, 2014

### FOR OFFICE USE ONLY

ZA Inspection

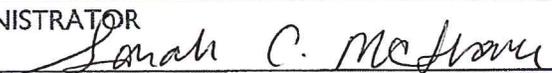
Site Visit Date: 12-9-2014 9:00 AM

Setback Distances: Front: +/- ✓ Side: +/- ✓ Side: +/- ✓ Rear: +/- ✓

Violations?  No  Yes

Comments, Restrictions, Conditions: All conditions of subdivision approval, access approval, and building permits are in effect. Interested parties may exercise their appeal rights pursuant to 24 VSA § 4465. A Permit Notice sign will be supplied to the Applicant with this permit to be posted within view of a Town Highway until the 15-day appeal period expires.

I hereby certify that the building(s) and/or use(s) at the above property conform to the above permits and to the duly adopted Underhill Zoning Regulations, and/or the Underhill Subdivision Regulations, and/or the Underhill Road Policy. The Town of Underhill does not certify or imply conformance with State or Federal building codes. This certificate does not relieve the Applicant from the conditions of inspections or approval of other State and/or Federal permits or approvals.

ZONING ADMINISTRATOR  DATE 12-9-2014

## Sarah McShane

---

**From:** Mike Rainville <michaelrainville@gmavt.net>  
**Sent:** Friday, December 05, 2014 10:52 AM  
**To:** Sarah McShane  
**Subject:** Re: Driveway Certification Question  
**Attachments:** CO permit application 10 Dumas Rd. Underhill.pdf

Hi Sarah:

Attached is the CO permit application for 10 Dumas Road project. Can we schedule a site visit with you next week sometime. I will have the PE driveway paper work, RBES certificate, and Waste water documentation completed in the next few days.

Also, we have not made any changes from the plans that we submitted. We constructed the project per the plans submitted for the building permit. This includes the building elevation is as shown on the septic plans First Floor elevation of 102.5'. We also did not fill any areas with fill over the two foot limitations around the house. I hope this clarifies these concerns.

Sincerely,

FAIRBANKS CONSTRUCTION LLC  
Michael Rainville  
802 233 7774

**RICULTURAL SOILS**  
CULTURAL SOILS EXIST ON SITE

- UNDERHILL NOTES**
- PROVISIONS OF ZONING REGULATIONS PER: "TOWN OF UNDERHILL, VT UNIFIED LAND USE & DEVELOPMENT REGULATIONS" ADOPTED BY AUSTRALIAN BALLOT MARCH 11, 2011. EXISTING PROPERTY BOUNDARY DEFINING THIS PROPERTY. A "SUBDIVISION LINE" IS DEFINED AS A PROPOSED PROPERTY BOUNDARY, DIVIDING THE EXISTING LOT INTO 2 LOTS.
  - EXISTING TREE LINE BUFFER TO REMAIN. SEE ZONING DISTRICT OF THIS LOT: UNDERHILL FLATS VILLAGE CENTER.

**POTABLE WATER NOTES**

- EXISTING HOUSE C IS CURRENTLY SERVED BY THE UNDERHILL TOWN WATER SYSTEM. PROPOSED DUPLEX UNITS A & B TO BE SERVED BY NEW SERVICE CONNECTION TO TOWN WATER SYSTEM. SERVICE WATER CONNECTION TO BE BURIED MIN 6' BELOW FINISHED GRADE ACCORDING TO PIPE LINE DETAIL. SEE DETAILS SHEET.

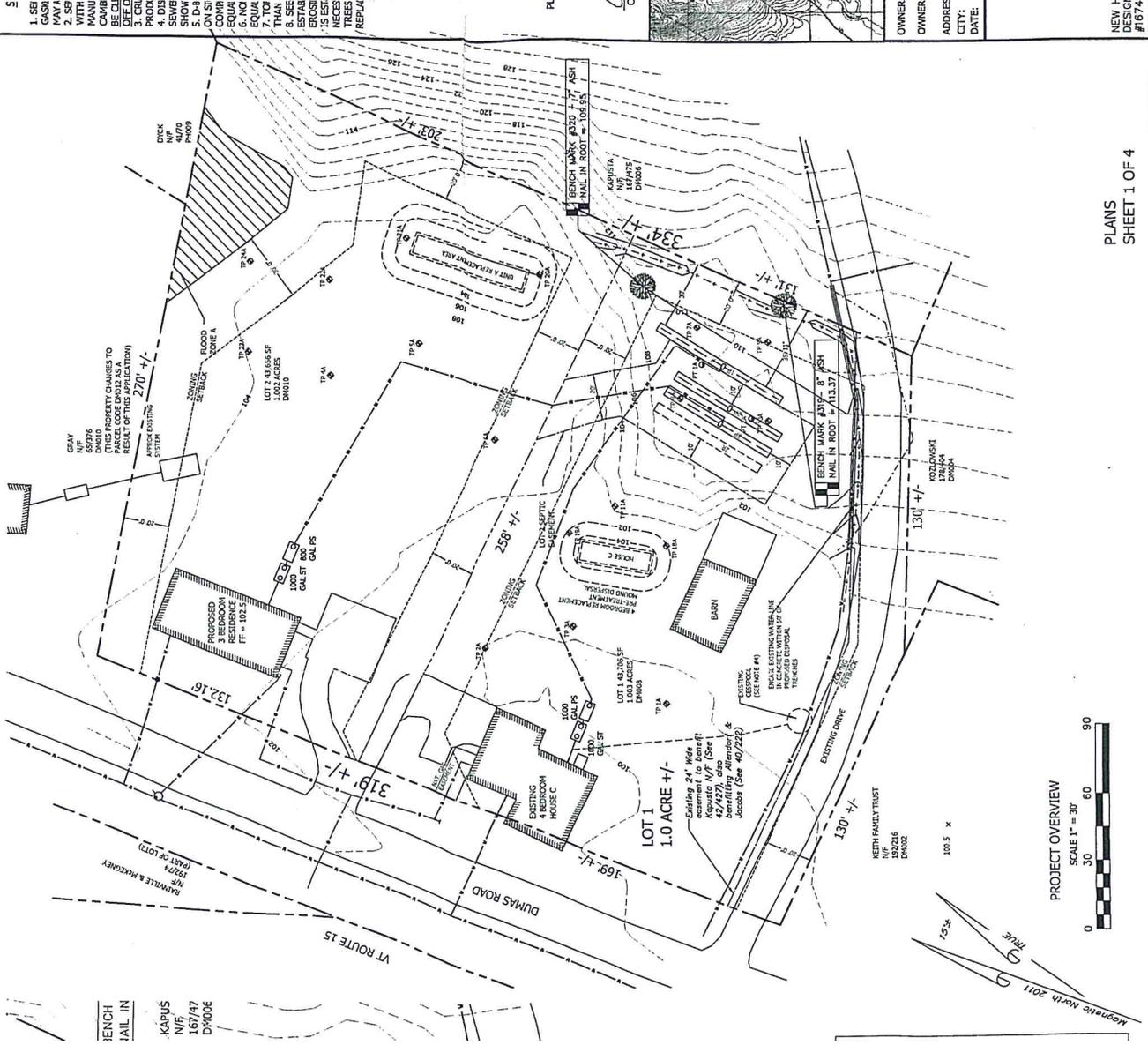
**REPLACEMENT WASTE WATER DISPOSAL AREAS**

- A REPLACEMENT FOR HOUSE C IS DEFINED AS A MOUND AREA ON THE BACK LAWN, EAST OF HOUSE
- BERACEMENT AREA FOR UNIT B, IS AN INTERFERRED TRENCH #28 IN THE PROPOSED DISPOSAL TRENCH GROUP.
- REPLACEMENT AREA FOR UNIT A, IS A MOUND AREA LOCATED EAST OF UNIT A.

**CONSTRUCTION NOTES**

DESIGNER SHALL INSPECT THE BED BOTTOM OF DISPOSAL TRENCHES BEFORE FILLING WITH CRUSHED STONE, AND AGAIN AFTER DISPERSAL PIPE HAS BEEN LAPPED AND JOINTS MOULDED. NEW SEPTIC TANKS AND PUMP STATIONS SHALL BE INSTALLED IN AN OVERNIGHT LEAKAGE TEST. PIPE PENETRATIONS IN SEPTIC TANK TO BE OPEN FOR INSPECTION DURING LEAK TEST. NEW SEWER LINES AND FORCE MAINS TO BE PRESSURE TESTED IN THE PRESENCE OF CONTRACTOR. TO DELIVER LETTER TO DESIGNER CERTIFYING THAT ALL WORKING SYSTEM HAS BEEN INSTALLED PER PLAN AND SPEC AND STATING ANY DEVIATIONS, UPON COMPLETION OF THE WORK.

- THE PUR WATER OF NEW A REPLACEMENT NOT BE US HAS NO RE MARK FOR PLAN OF PER VE OF RULES)



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50. DIS	

PROJECT OVERVIEW  
SCALE 1" = 30'

As-Built  
Drawing  
10 Dumas  
Dec 5, 2014  
Fairbanks  
Const.  
MAREL

**AGRICULTURAL SOILS**  
 AGRICULTURAL SOILS EXIST ON SITE"

- UNDERHILL NOTES**
1. PROVISIONS OF ZONING REGULATIONS PER: "TOWN OF UNDERHILL, VT UNIFIED LAND USE & DEVELOPMENT REGULATIONS" ADOPTED BY AUSTRALIAN BALLOT MARCH 1, 2011.
  2. A "PROPERTY LINE" IS DEFINED AS EXISTING PROPERTY BOUNDARY DEFINING THIS PROPERTY. A "SUBDIVISION LINE" IS DEFINED AS A PROPOSED PROPERTY BOUNDARY, DIVIDING THE EXISTING LOT INTO 2 LOTS.
  3. EXISTING TREE LINE BUFFER TO REMAIN. SEE PLAN FOR LOCATION.
  4. ZONING DISTRICT OF THIS LOT: UNDERHILL FLATS VILLAGE CENTER.

**POTABLE WATER NOTES**

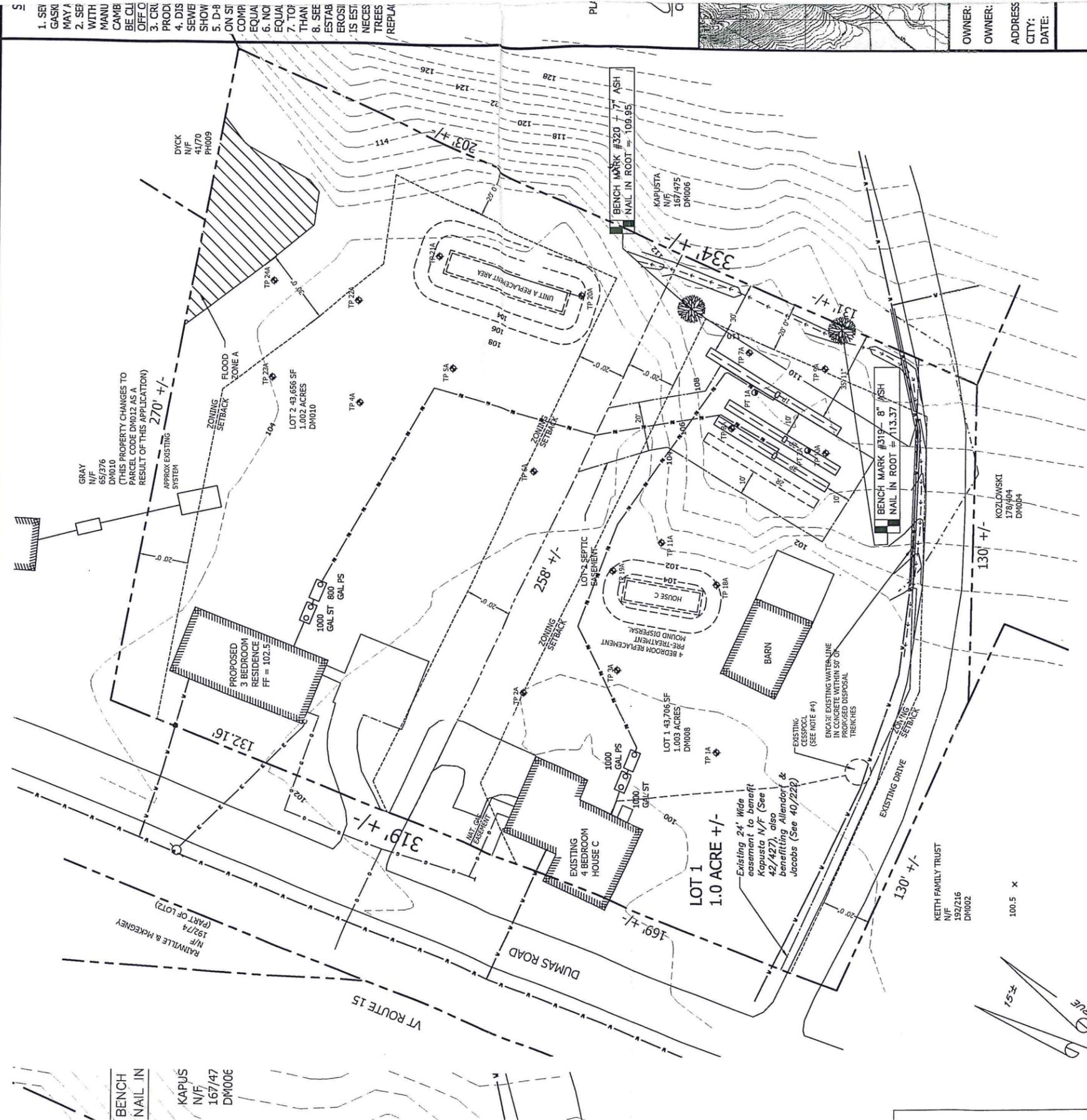
1. EXISTING HOUSE C IS CURRENTLY SERVED BY THE UNDERHILL TOWN WATER SYSTEM. PROPOSED DUPLEX UNITS A & B TO BE SERVED BY NEW SERVICE CONNECTION TO TOWN WATER SYSTEM.
2. SERVICE WATER CONNECTION TO BE BURIED MIN 6' BELOW EXISTING GRADE ACCORDING TO PIPE LINE DETAIL, SEE DETAILS SHEET.

**CONSTRUCTION NOTES**

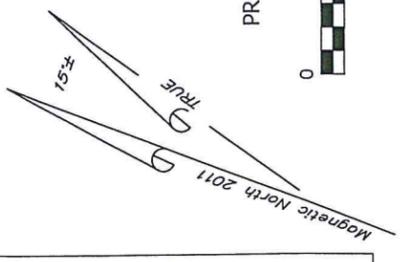
DESIGNER SHALL INSPECT THE BED BOTTOM OF DISPOSAL TRENCHES BEFORE FILLING WITH CRUSHED STONE, AND AGAIN AFTER DISPERSAL PIPE HAS BEEN INSTALLED, BEFORE BACKFILLING. NEW SEPTIC TANKS AND PUMP STATIONS TO BE FILLED WITH WATER FOR AN OVERNIGHT LEAKAGE TEST. PIPE PENETRATIONS IN SEPTIC TANK TO BE OPEN FOR INSPECTION DURING LEAK TEST. NEW SEWER LINES AND FORCE MAINS TO BE PRESSURE TESTED IN THE PRESENCE OF DESIGNER. CONTRACTOR TO DELIVER LETTER TO DESIGNER CERTIFYING THAT THE WASTEWATER SYSTEM HAS BEEN INSTALLED PER PLAN AND SPEC AND STATING ANY DEVIATIONS, UPON COMPLETION OF THE WORK.

**REPLACEMENT WASTE WATER DISPOSAL AREAS**

1. A REPLACEMENT FOR HOUSE C IS DEFINED AS A MOUND AREA ON THE BACK LAWN, EAST OF HOUSE C.
2. REPLACEMENT AREA FOR UNIT B IS AN INTERFINGERED TRENCH #2R IN THE PROPOSED DISPOSAL TRENCH GROUP.
3. REPLACEMENT AREA FOR UNIT A IS A MOUND AREA LOCATED EAST OF UNIT A.



PROJECT OVERVIEW  
 SCALE 1" = 30'



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5. D-8 EQUAL	5. D-8 EQUAL
6. NOI	6. NOI
7. TOP THAN	7. TOP THAN
8. SEE ESTAB	8. SEE ESTAB
EROSII IS ESTI	EROSII IS ESTI
NECES TREES	NECES TREES
REPLA	REPLA

OWNER: KEITH FAMILY TRUST  
 N/F 192/216  
 DN002

OWNER: KAPUSTA  
 N/F 167/475  
 DN006

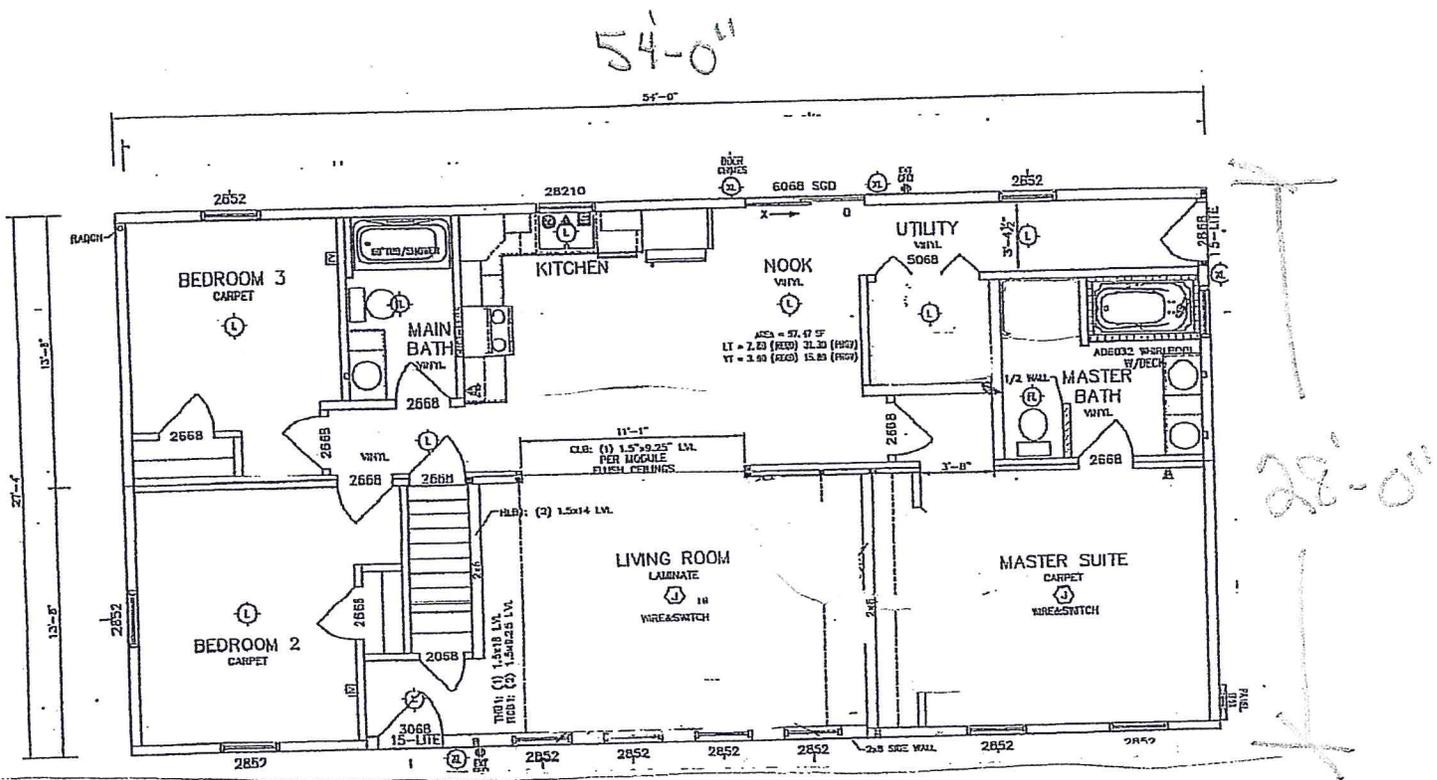
OWNER: KOZLOWSKI  
 178/404  
 DN004

ADDRESS: DUMAS ROAD  
 CITY: FAIRBANKS  
 DATE:

PLANS  
 SHEET 1 OF 4

NEW HAI  
 DESIGNE  
 #1674

As-Built  
 Drawing  
 10 Dumas  
 Dec 5, 2014  
 Fairbanks  
 Const.  
 MARK



10 Dumas Rd  
 1 Story Ranch  
 Full Basement

As-Built  
 Drawing  
 10 Dumas  
 Dec 5, 2014

Fairbanks Const LLC  
 195 Northville Rd  
 Jericho VT 05465  
 802 233-7774  
 Mike Rainville

Fairbanks  
 Const,  
 MWD

# 2011 Vermont Residential Building Energy Standards (RBES) Certificate

This certificate is for projects started on or after October 1, 2011.

Property Address (Street, City, ZIP Code) 10 Dumas Rd, Underhill  Act 250 Permit # NA

Electric Utility serving this address GMP Construction START Date December 12, 2014 Construction FINISH Date \_\_\_\_\_

# Units 1 # Stories 1 # Conditioned Sq. Ft. 3024 # Bedrooms 3

### Project Description

- Single Family  Addition  
 Multi-family  Repair  
 Log Home  
 Renovation / Alteration

Foundation Type:  Basement  Slab On Grade  Crawl Space

### Thermal Envelope

R- 20 Basement / Crawl Space Walls R- 4 Basement Insulation Depth (ft) U- .29 Basement Windows  NFRC  Default  
R- 15 Unheated Slab R- NA Floors over Unheated Spaces R- .43 Sloped Ceilings 280 Area (Sq. Ft.)  
R- NA Heated Slab R- .30 Above-Grade Walls R- .49 Flat Ceilings 1518 Area (Sq. Ft.)  
R- NA Perimeter Slab Edge U- .58 Doors  NFRC  Default U- NA Skylights  NFRC  Default  
U- .30 Windows  NFRC  Default R- .30 Attic Access Hatch / Door

Air Sealing Verified by:  Testing 1.31 ACH50 813 CFM50  Visual Inspection

Ventilation System  Exhaust  Balanced Air Flow: 169 CFM  Rated  Measured

### Mechanical System

Calculation Method:  ACCA Manual J 8th Edition Other \_\_\_\_\_  
Primary Heating System Size (Btuh) \_\_\_\_\_ Primary Central Cooling System Size (Btuh) \_\_\_\_\_  NA  
Calculated Heat Loss (Btuh) \_\_\_\_\_ Calculated Heat Gain (Btuh) \_\_\_\_\_  Programmable Thermostat  
AFUE or HSPF Efficiency \_\_\_\_\_ SEER or COP Efficiency \_\_\_\_\_  Heat Pump Supplementary Heat Control

Ducts  Ducts located within conditioned space

R- \_\_\_\_\_ Supply Ducts \_\_\_\_\_ Location \_\_\_\_\_ Duct Tightness (CFM @ 25 Pa.) \_\_\_\_\_  
R- \_\_\_\_\_ Return Ducts \_\_\_\_\_ Location \_\_\_\_\_ Test Performed at  Rough-in  Post-construction

### Combustion Safety

- Spillage testing conducted on combustion equipment not directly-vented  
 Fireplaces have gasketed doors with compression closure NA  
 Exterior air supply requirements met for solid fuel-burning appliances and fireplaces

### Other

- Mechanical System Piping, R-3  Accessible on-off switches for pool heaters  
 Circulating service hot water piping, R-3  Automatic time switches for pool heaters  
 Automatic or Gravity dampers  Pool cover for all heated pools  
 Automatic controls for snow-melt systems  50% of lamps in permanently installed fixtures are high efficacy

Compliance Method Used Fast Track  Package # \_\_\_\_\_  REScheck Software Maximum UA \_\_\_\_\_ Your UA \_\_\_\_\_  
6038-N009  Home Energy Rating Rating Score 48 Rated by FAIRBANKS CONSTRUCTION LLC

I certify to Kevin McKeever (Owner) that the above information is correct and that the premises listed HAVE been constructed in accordance with the Vermont Residential Building Standards (RBES) created under 21 V.S.A. § 266.

Signature [Signature] Print Name Michael Rainville

Company Fairbanks Const Phone 802 233 7774 Date Dec 5, 2014

21 V.S.A. § 266 requires this certificate label to be permanently affixed to the inside electrical service panel or heating or cooling equipment or nearby in a visible location. Copies also must be provided within 30 days following the sale of the property, to 1) the Dept. of Public Service, Planning & Energy Resources Division, 112 State St., Montpelier, VT 05602, and 2) the town clerk of the town where the property is located. NOTE: Noncompliance with RBES may result in action for damages under 21 V.S.A. § 266. This label does not specify all 2011 RBES requirements. QUESTIONS? CALL THE VT DEPT. OF PUBLIC SERVICE: 802-828-2811.

157 Cambridge Rd.  
Cambridge, VT 05444  
802-324-1506

.....

# Paul Beauregard, LLC.

December 6, 2014

Wastewater Management Division  
Essex Regional Office  
111 West St.  
Essex Jct, VT 05452

RE: WW-4-3879

Project: Rainville Project. 8 Dumas Rd. Underhill Lot 2

I have been asked to certify the installation of the water and wastewater system for lot 2 as Option "C" as depicted on the Chris Leicester Plan. There is a municipal water connection and a conventional single line trench wastewater system. I have been on site for inspection during construction and have recorded the following deficiencies:

None:

Other deficiencies may exist unbeknownst to this designer as I could not be on site at all times during construction.

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

Sincerely,



Paul Beauregard  
Licensed Septic Designer; Type B #490

.....



December 8, 2014

Mr. Michael Rainville  
Fair Banks Properties  
210 East Avenue  
Burlington, Vermont, 05401

368 Avenue D, Suite 15  
PO Box 787  
Williston, VT 05495

[www.kas-consulting.com](http://www.kas-consulting.com)

802 383.0486 p  
802 383.0490 f

RE: Driveway inspection for newly constructed shared residential driveway on Dumas Road in Underhill, Vermont

Dear Mr. Rainville,

As requested, KAS, Inc. (KAS) has completed an inspection of the newly constructed shared driveway that provides access to two separate residences at 8 and 10 Dumas Road in Underhill, Vermont. The purpose of the driveway inspection was to ensure compliance with the Vermont Agency of Transportation (VTrans) B-71 Standards for Residential and Commercial Drives.

On December 8, 2014, KAS civil engineer, Mr. Stephen Diglio (license # 74333), arrived onsite at 9:20 am to conduct an inspection of the shared driveway. The weather was sunny with temperature in the low 20's. A dusting of snow was on the ground; however, the extents of the newly constructed driveway were clearly visible. The shared driveway was observed to have access off of Dumas Road. The shared drive access was measured to have adequate turning radii, and had a maximum driveway width of 24-feet. The shared access branched into two individual driveways that each provided access to a separate residence. The individual driveways each had a minimum width of 12-feet. The total length of the newly constructed driveway was approximately 50-feet.

The driveway construction consisted of a 4-inch thick surface course of Shurpac (aggregate surface coarse material), over a 12-inch thick layer of subbase material placed on road fabric. The driveway was observed to be graded appropriately with adequate crowning, desirable side slopes, and relatively flat profile slopes.

Based on field observations, measurements, and information provided, the newly constructed driveway meets the B-71 standard for residential drives. Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Stephen Diglio".

Stephen Diglio, P.E.  
Principal Manager

# **Access Permit**

# TOWN OF UNDERHILL

P.O. Box 32  
Underhill Center, VT 05490

Phone: (802) 899-4434

Fax: (802) 899-2137

## ACCESS PERMIT

THIS PERMIT IS VALID ONLY FOR THE PROJECT AS APPROVED BELOW.

Permit #: **A-12-08**

Site Visit Date: **N/A**

Property Code: **DM008 (& DM010)**

\*Date of Plan: **4-15-12 / 7-15-12**

Zoning District(s): **Underhill Flats Village Center District**

Permit Effective: *AS APPROVED ON  
9/27/12*

APPLICANT(S): MICHAEL & HOLLY RAINVILLE/KEVIN MCKEGNEY	PROPERTY LOCATION: 8 DUMAS RD. (to be 8 DUMAS RD. & 10 DUMAS RD.)
MAILING ADDRESS: SEE APPLICATION	ACREAGE: +/- 2.0 (to be +/- 1.0/parcel)
PHONE: SEE APPLICATION	E-MAIL: SEE APPLICATION
CONSULTANT(S): SEE DRB-12-03 (SUBDIVISION)	CONTACT INFORMATION: SEE DRB-12-03 (SUBDIVISION)
CULVERT REQUIRED? <input type="checkbox"/> No <input type="checkbox"/> Yes    Size:	ADDITIONAL APPROVAL(S)? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes    Size: SEE DRB-12-03

### CONDITIONS / RESTRICTIONS:

1. Driveway shall conform to the B-71 state standards and the 2002 Underhill Road Policy.
2. See DRB-12-03 final decision for subdivision conditions.

\*As amended.

SELECTBOARD SIGNATURE

*[Signature]* 10/11/12

TOWN CLERK RECORDING

**Misc.**

**TOWN OF UNDERHILL, VT**  
Planning & Zoning Administrator

P.O. Box 120, Underhill, VT 05489  
E-mail: [smcshane@underhillvt.gov](mailto:smcshane@underhillvt.gov)

Phone: (802) 899-4434 x 106  
Fax: (802) 899-2137

---

December 18, 2014

Jennifer Phalen & Tyler Main  
8 Dumas Road  
Underhill, VT 05489

Dear Neighbor:

This letter is to notify you, as an adjoining property owner, of a hearing before the Underhill Development Review Board on Monday, January 5, 2015 on the appeal by Jennifer Phalen & Tyler Main of the Zoning Administrator's decision to issue a Certificate of Occupancy on a neighboring property located at 10 Dumas Road in Underhill, VT. A hearing for this appeal is required under 24 VSA §4468 and will take place at the Underhill Town Hall on Monday, January 5, 2015 at approximately 6:35 PM.

The hearing is open to the public, and as an abutting neighbor, you have the right to provide comments. Additional information related to this hearing can be obtained at the Town Hall. If you cannot attend the hearing but would still like to exercise your right to be heard, comments may be made in writing prior to the hearing and mailed to the Development Review Board at the address above. Pursuant to 24 VSA §§4464(a) (1) (C) and 4471(a), participation in this local proceeding is a prerequisite to the right to make any subsequent appeal.

If you have any questions, please contact me at the addresses or phone number listed above.

Sincerely,



Sarah McShane

cc: Selectboard  
File