

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

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**MEMORANDUM**

To: DRB, SB, UJFD, UCC  
From: Sarah McShane, PZA  
Date: 12/1/2014  
Re: Agenda and Information for 12-1-2014 Hearing

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

Monday, December 1, 2014  
Public Hearing at 6:30 PM  
Underhill Town Hall, 12 Pleasant Valley Rd. Underhill, VT

6:30 pm: ~~Public Comment~~

6:35 pm: Subdivision Amendment- Final Subdivision Review  
Docket # DRB 14-15  
Applicant: Warren Palmer  
Location: 21 Warner Creek, Underhill, VT

7:00 pm: Preliminary Subdivision Review  
Docket # DRB 14-04  
Applicant: Arnie & Paula Baizley  
Location: 623 Pleasant Valley Road, Underhill, VT

7:30 pm Old Business  
Review 11/17/14 Minutes

7:45 pm: Adjourn

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(WC021) Contents:

- a) A copy of W.Palmer's application for Subdivision: Final & Checklist (dated 11/4/14);
- b) A copy of the completed Subdivision Standards Findings Checklist (dated 10/27 & 28/2014);
- c) A copy of the Site Plans-Warren Palmer, Revision to WW-4-2013-1 for Lot 1 & 2 septic systems, Lot 2 Building Envelope & Creation of Common-land, Sheets 1 of 2,

and 2 of 2, prepared by Gunner McCain, McCain Consulting, Inc. dated 10/17/2014;

- d) A copy of correspondence from DEC Drinking Water & Groundwater Protection Division (dated 11-14-14);
- e) A copy of the zoning map of the area;
- f) A copy of the hearing notice as published in Seven Days, posted at three public locations and mailed to abutters;
- g) A copy of DRB minutes from 10-19-2009;
- h) A copy of the Isabel L. Baslow 5-Lot Subdivision Decision DRB 09-02 (dated 11-9-2009 );
- i) A copy of the Isabel L. Baslow Subdivision Permit, (date effective 2-1-2010);
- j) A copy of the existing Isabel L. Baslow Plat and Subdivision plan as recorded in the Underhill Land Records on hanging file 254A & 255A;
- k) A copy of the DRB Decision 11-01 for the 2-Lot subdivision of 13 Baslow Lane (dated 6-1-2011);
- l) A copy of the ZBA Findings and Decision (dated 1-9-2006);
- m) A copy of the procedure checklist for this meeting; and
- n) This Memo.

**Hearing on the Application of Warren Palmer  
for a revision to the Isabel L. Baslow Subdivision (2009)**

Applicant(s): Warren Palmer  
Consultant(s): McCain Consulting, Inc.  
Property Location: 21 Warner Creek (WC021)  
Acreage: ±23.0 Acres (Lot 2)  
Zoning District(s):

**RURAL RESIDENTIAL:**  
3 acres  
250 ft road frontage  
Setbacks:  
*Principal*  
Front – 30 ft  
Side & Rear – 50 ft  
*Accessory Structures*  
Front – 30 ft  
Side & Rear - 20 ft  
Max. Bldg. Coverage: 25%  
Max. Lot Coverage: 50%  
Max. Building Height: 35 ft

**SOIL & WATER CONSERVATION:**  
15 acres  
400 ft road frontage  
Setbacks:  
*Principal*  
Front – 30 ft  
Side & Rear – 75 ft  
*Accessory Structures*  
Front – 30 ft  
Side & Rear - 20 ft  
Max. Bldg. Coverage: 7%  
Max. Lot Coverage: 10%  
Max. Building Height: 35 ft

Relevant Regulations: 2012 Unified Land Use & Development Regulations

12-1-2014 DRB Hearing  
Palmer –Amendment to Previously Approved Subdivision

- Table 2.3 – Rural Residential District (pg. 12)
- Table 2.6 –Soil & Water Conservation District (pg. 21)
- Section 3.2 – Access (pg. 27)
- Section 3.7 – Lot, Yard & Setback Requirements (pg. 35)
- 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. 134)
- Section 7.8 – Revisions to an Approved Subdivision (pg. 141)
- Article VIII – Subdivision Standards (pg. 143)

### Staff Comments/Questions

- The hearing is required in order to review revisions to the building envelope on Lot 2, amended septic plans, and to re-subdivide Lot 2 into two separate parcels to include common land.
- The re-subdivision of Lot 2 will result in a 12.3 acre residential lot (Lot 2) and 10.7 acres of common land.
- This application is part of a previously approved subdivision (Isabel L. Baslow 5 Lot Subdivision approved in 2009). The final DRB hearing was held on Oct. 19, 2009 which gave approval for a 5 Lot subdivision at 13 Baslow Lane. The subdivision created lots WC023 (Lot 1), WC021 (Lot 2), WC022 (Lot 3), WC024 (Lot 4), and BS013 (Lot 5).
- A ZBA decision dated 1-9-2006 granted two variances from the setback requirements for wetlands and streams:
  1. *Lot 2: 50' variance from the wetlands setback for the west and east side of the proposed house site;*
  2. *Lot 3: A 50' variance from the wetland setback on the east side of the proposed house site and a 40' and 25' variance from the wetland setback for the septic system."*
- In 2011, Lot 5 was further subdivided to create 2 lots; 13 Baslow Lane and 37 Warner Creek. (See DRB decision 11-01).

**Table 2.3 – Rural Residential District (pg. 12)**

**Table 2.6 –Soil & Water Conservation District (pg. 21)**

Lot 2 includes portions of land in two zoning districts; the Rural Residential and Soil & Water Conservation. Section 2.2(E)(2) states *"the minimum frontage and minimum setback requirement for that portion of the lot within the district in which the structure is to be located shall control. If the structure is to be in both districts, the more stringent requirement shall control."* This addresses frontage and setback requirements, but what are the minimum lot size requirements for parcels in two zoning districts. Does Lot 2

need to demonstrate that it meets the minimum lot size of the Soil & Water Conservation District (15 acres)?

***Section 3.2 – Access (pg. 27)***

The Applicant is not proposing revisions to the driveway or development road. If any changes are requested, the Selectboard will need to review and approve the requested amendments.

Paul O’Leary Jr., P.E. of O’Leary-Burke Civil Associates, PLC has inspected and certified that the shared road and driveway improvements have been installed as per the approved plan (11/18/14).

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

The application appears to meet the dimensional requirements. Only one principal structure is proposed on Lot 2. The building envelope on Lot 2 meets the required setbacks of 30/50/50 for principal dwellings in the Rural Residential zoning district and maintains adequate frontage along the private road. The proposed common-land also has adequate frontage along Rt. 15 and Warner Creek.

***Section 3.18 – Steep Slopes (pg. 53)***

Portions of the area of Lot 2 appear to contain steep slopes (15%-25%) and very steep slopes (>25%) as indicated on the ANR Natural Resources Atlas. The application is for the re-subdivision of Lot 2 and to revise the location of the building envelope on Lot 2; there are no proposed changes to the road and driveway improvements. The proposed revised building envelope appears to avoid these steep areas.

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

The application and site plan indicate the presence of wetlands, but do not indicate the type of wetland (Class 1, 2, or 3) or when the wetlands were delineated. The wetlands do not appear on the State Wetlands Inventory. If they are Class 3, the buffer is incorrectly mapped on the provided site plan. Class 3 wetlands are only required to have a 25ft buffer.

If the wetlands are Class 2 and the delineation was completed more than 5 years ago, the board should consider requiring the wetlands to be re-delineated since the building envelope and proposed dwelling are so close to the wetland buffer.

Is there an existing wetlands permit for the project? If so, it should be amended to include the updated plans.

Per Section 3.19(D)(4), the septic system is located outside of the wetland buffer as indicated on the site plan.

Per Section 3.19 (D)(6), wetland buffers should be maintained as undisturbed, naturally vegetated buffers. A wetlands permit should be required for setback reductions before local approval.

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

The Applicant is amending their current septic permit with the State since replacement areas are no longer required for mound systems. The revised Wastewater System & Potable Water Supply permit should be recorded in the Land Records.

The amended leach field is located outside of the revised building envelope. Do the current regulations require all site improvements to be located within the designated building envelope? See definition of building envelope on page 192; also see Section 8.2 (G) page 146.

Per Section 3.22 (E) page 66, prior to the issuance of a Certificate of Occupancy, a professional engineer or site technician (designer) licensed by that state must certify that the wastewater and water supply systems have been installed as permitted.

***Section 7.8 – Revisions to an Approved Subdivision (pg. 141)***

The proposed subdivision revision does not qualify for an administrative amendment per Section 7.8. A DRB public hearing is scheduled to review the application.

***Article VIII – Subdivision Standards (pg. 143)***

***Section 8.4 Open Space & Common Land***

Per Section 8.4(5) the DRB may require a management plan for wildlife habitat. Is that an appropriate requirement for this proposal?

Per Section 8.4.C (pg. 153)

***C. Legal Requirements.*** *At a minimum, unless waived by the Development Review Board:*

- 1. Designated open space areas and common land shall be indicated on the final subdivision plat.*
- 2. Land held in common shall be subject to deed restrictions and owner agreements that stipulate the permitted and restricted use of such land, and establish the person(s) or entity responsible for its maintenance and long term stewardship.*
- 3. Designated open space and common land areas shall be subject to management agreements that include terms for administration, maintenance, and cost sharing. A*

*draft management agreement shall be submitted with the application for final subdivision approval.*

*4. Nothing in these regulations shall be construed as indicating that the public has a right to recreate on private property without permission of the landowner.*

If approved, the final plat should indicate Lot 2A as common-land and the surveyed boundaries. The deed of Lot 2A should indicate any applicable deed restrictions (i.e. no building rights, maintenance agreement, etc.)

Final approval should be contingent on providing a legal document with applicable restrictions, management agreement, maintenance etc. of the common-land.

***Etc./Other***

The Subdivision Plan submitted is not a survey. The DRB should discuss if the amended building envelope and re-subdivision of Lot 2 should be recorded on a plat, and if so, whether the plat amendment should be prepared by a certified land surveyor. If so, does the DRB want to review the plat prior to final approval.

All of the conditions of the previous subdivision approval remain in effect.

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Underhill DRB Rules of Procedure  
Final Hearing Application of  
Warren Palmer  
12-1-2014

State the following:

- 1) "This is a final hearing on the application of Warren Palmer for a revision to the Isabel L. Baslow 5-lot subdivision on property he owns at 21 Warner Creek in Underhill, VT.

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.

This subdivision revision 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 representatives the Applicants' consultant, and/or the Applicants;

- b. Then we will hear and ask questions of the Planning & Zoning Administrator, Sarah McShane;
  - 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 or their consultants 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) 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 Planning & Zoning Administrator prior to the hearing. The information included in this package relevant to this hearing is:
- a) A copy of W.Palmer's application for Subdivision: Final & Checklist (dated 11/4/14);
  - b) A copy of the completed Subdivision Standards Findings Checklist (dated 10/27 & 28/2014);

- c) A copy of the Site Plans-Warren Palmer, Revision to WW-4-2013-1 for Lot 1 & 2 septic systems, Lot 2 Building Envelope & Creation of Common-land, Sheets 1 of 2, and 2 of 2, prepared by Gunner McCain, McCain Consulting, Inc. dated 10/17/2014;
  - d) A copy of correspondence from DEC Drinking Water & Groundwater Protection Division (dated 11-14-14);
  - e) A copy of the zoning map of the area;
  - f) A copy of the hearing notice as published in Seven Days, posted at three public locations and mailed to abutters;
  - g) A copy of DRB minutes from 10-19-2009;
  - h) A copy of the Isabel L. Baslow 5-Lot Subdivision Decision DRB 09-02 (dated 11-9-2009 );
  - i) A copy of the Isabel L. Baslow Subdivision Permit, (date effective 2-1-2010);
  - j) A copy of the existing Isabel L. Baslow Plat and Subdivision plan as recorded in the Underhill Land Records on hanging file 254A & 255A;
  - k) A copy of the DRB Decision 11-01 for the 2-Lot subdivision of 13 Baslow Lane (dated 6-1-2011);
  - l) A copy of the ZBA Findings and Decision (dated 1-9-2006);
  - m) A copy of the procedure checklist for this meeting; and
  - n) This Memo.
- 9) We'll begin testimony, and hear from applicants and/or their consultant.
- 10) Next we will hear from the Planning & Zoning Administrator.
- 11) Are there members of the public who would like to speak?
- 12) Any final comments from anyone?
- 13) 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, adjourn the hearing to a time certain and outline for the applicant 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.*
- 14) Does the Board wish to discuss the application in open or (closed) deliberative session? (After the ruling, continue with the info below.)

“Within 45 days from this hearing, the Zoning Administrator, on behalf of the DRB, will send a copy of the decision and letter to the Applicants, 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."

# 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)

## APPLICATION FOR SUBDIVISION: FINAL

ZONING DISTRICT(S):

PROPERTY CODE: WC021

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

Residential  Rural Residential  Water Conservation  Scenic Preservation  Soil & Water Conservation

RECORD OWNER OF PROPERTY: Warren Palmer	MAILING ADDRESS: 122 Skunk Hollow Road, Jericho, VT 05465
PHONE: 343-0686	E-MAIL:
ACREAGE IN ORIGINAL PARCEL: 23	PROPOSED NUMBER OF LOTS: 2
DESCRIPTION OF PROJECT: Subdivide the existing Lot 2 from prior subdivision into (2) lots, Lot 2 encompassing 12.3 acres for the permitted 4-BR house, and Lot 2A encompassing 10.7 acres to be conveyed to the homeowner's association as common land. The new Lot 2 will also have an revised building envelope and wastewater system (shared with Lot 1).	
DEVELOPER:	CONTACT INFORMATION:
DESIGNER / ENGINEER: McCain Consulting, Inc.	ADDRESS: 93 South Main St., Suite 1, Waterbury, VT 05676
PHONE: 802-244-5093	E-MAIL: gmccain@mccainconsulting.com
SURVEYOR: McCain Consulting, Inc.	ADDRESS: 93 South Main St., Suite 1, Waterbury, VT 05676
PHONE: 802-244-5093	EMAIL: gmccain@mccainconsulting.com
APPLICANT SIGNATURE 	DATE 11-4-14
RECEIVED 	DATE 11-4-14

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](mailto:underhillzoning@comcast.net).

*Paid \$400 via check # 3020  
on 11-4-14. (Saxon Oaks Co.)*

# TOWN OF UNDERHILL, VERMONT

## Subdivision Checklist: Final Hearing

Docket #: DRB 14-15 Property ID: WC021 Meeting Date: 12-1-14

Applicant/Consultant: Warren Palmer/McCain Consulting, Inc.

# of Lots: 2 Zoning District(s): Rural Residential

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

# TOWN OF UNDERHILL, VERMONT

## Subdivision Checklist: Final Hearing



<u>Required</u>	<u>Submitted</u>	<u>SURVEY</u>
<input checked="" 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 checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Date, north orientation used and basis, scale, and legend.
<input checked="" 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 checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Zoning district(s) applicable to the area to be subdivided.
<input checked="" 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 checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Surface waters, wetlands, vernal pools, and associated buffers.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Mapped floodplains.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Open space areas.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Proposed lot lines with dimensions.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Building envelopes for all structures, parking areas, and associated site improvements.
<input checked="" 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

## Subdivision Checklist: Final Hearing

<u>Required</u>	<u>Submitted</u>	<u>ENGINEERING DRAWINGS</u>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Name and address of record owner(s) and designer of engineering plans.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Date, north orientation used and basis, scale, and legend.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Abutting neighbors identified by name and property code.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Zoning district(s) applicable to the area to be subdivided.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Natural topography (surface contours, grades) and drainage patterns.
<input checked="" 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 checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Areas of steep or very steep slopes.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Surface waters, wetlands, vernal pools, and associated buffers.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Mapped floodplains.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Natural vegetative cover (timber and orchard stands, witness and shade trees, copses, hedgerows, etc.).
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Areas of forestland.
<input checked="" 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 checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Primary agricultural soils.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Historic sites and structures.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Designated Source Protection Areas.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Preserved open space areas, forestland, natural, cultural, and historic features.
<input checked="" 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 checked="" 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 checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Proposed utility corridors.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Existing buildings and grades.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Proposed new lot lines (dimensions to the nearest foot, no bearings) and acreages.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Building envelopes for all structures, parking areas, and associated site improvements.



# TOWN OF UNDERHILL, VERMONT

## Article VIII. Subdivision Standards Findings Checklist

Docket #: DPB 14+15 Property ID: WC021 Hearing Date: 12-1-14

Applicant/Consultant: Warren Palmer / McCain Consulting, Inc.

*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>
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X

X

**(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 changes include a revision to the previously approved building envelope on Lot 2, as well as the subdivision of Lot 2 into (1) residential lot (which will remain "Lot 2") and (1) area of common land that will be conveyed to the homeowner's association and restricted from further development (Lot 2A). The land is suitable for the intended use and proposed density of development. The 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.

# TOWN OF UNDERHILL, VERMONT

## Article VIII. Subdivision Standards Findings Checklist

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

**X**                      **X**                      **(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		23+/- ac
b. Area of land within existing road rights-of-way	2.32 ac	
c. Area of land within proposed road rights-of-way	0 ac	
d. Add lines b & c	2.32 ac	
e. Subtract line d from line a		20.68+/- ac
f. Minimum lot size for this district	3 ac	
i. Divide line e by line f (e/f)		(6) LOTS

Required      Submitted

**X**                      **X**                      **(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.).

Existing site conditions, including topography, surface waters, wetlands, vernal pools, floodplains, vegetative cover, unique features, agricultural soils and historic sites were all considered while developing the project layout and are preserved to the extent feasible.

There is no impact as a result of the relocated building envelope on Lot 2, and no additional development proposed on Lot 2A.

# 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>
X	X	<b>(D) Underhill Town Plan &amp; Regulations</b>

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 conforms to the Town Plan and other municipal bylaws, ordinances, and regulations in effect. The project is consistent with the municipal by laws, regulations and ordinances as evidenced by approval of the original subdivision in 2009 (Docket DRB-09-02).

# TOWN OF UNDERHILL, VERMONT

## Article VIII. Subdivision Standards Findings Checklist

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

X

**(E) District Settlement Patterns**

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

- |                          |                                |                                     |                           |                    |
|--------------------------|--------------------------------|-------------------------------------|---------------------------|--------------------|
| <input type="checkbox"/> | Underhill Flats Village Center | <input checked="" type="checkbox"/> | Rural Residential         | 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 project is consistent with the rural character described in the ordinance.

# 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>
X	X	(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 additional Lot 2A being created is to be conveyed to the homeowner's association as an area of common land, and will not result in any additional development.

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

The proposed subdivision is in keeping with the pattern of development that has taken place in this area, which is characterized by residential properties on fairly large lots with forested hillsides in the background. The project as proposed is consistent with the character of the area.

# 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>
X	X	<b>(F) Lot Layout Cont'd.</b>

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.

All proposed lots have the minimum lot size, as required by the zoning district standard.

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

All lots contain building envelopes that conform to the lot and yard requirements.

# 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>
X	X	<b>(F) Lot Layout Cont'd.</b>

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

Lots are somewhat irregularly shaped due to the existing configuration.

<u>Required</u>	<u>Submitted</u>	
X	X	<b>(G) Building Envelopes</b> <b>Building envelopes are depicted on the plans.</b>

See application checklist.

<u>Required</u>	<u>Submitted</u>	
X	X	<b>(H) Survey Monuments</b> <b>Survey monuments will be installed at all appropriate locations and will be depicted on the final Mylar for the project.</b>

See application checklist.

# TOWN OF UNDERHILL, VERMONT

## Article VIII. Subdivision Standards Findings Checklist

Required      Submitted      Section 8.2 General Standards Cont'd

X

X

**(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?

Changes to the previously approved subdivision conditions are not proposed with this project.

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?

Impacts to buffer zones are not proposed with this project.

# TOWN OF UNDERHILL, VERMONT

## Article VIII. Subdivision Standards Findings Checklist

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

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?

There are no incompatible land uses in the vicinity.

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

There is no change to this standard as a result of changes to the Lot 2 building envelope revision.

# TOWN OF UNDERHILL, VERMONT

## Article VIII. Subdivision Standards Findings Checklist

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<u>Required</u>	<u>Submitted</u>	<u>Section 8.2 General Standards Cont'd</u>
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X	X	(J) Energy Conservation
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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.

Changes to the previously approved subdivision conditions are not proposed with this project

# TOWN OF UNDERHILL, VERMONT

## Article VIII. Subdivision Standards Findings Checklist

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<u>Required</u>	<u>Submitted</u>	<u>Section 8.3 Natural &amp; Cultural Resources</u>
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X	X	<b>(A) Resource Identification &amp; Protection</b>
---	---	---

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

There are no known significant cultural or natural features on the tract.

<u>Required</u>	<u>Submitted</u>	
-----------------	------------------	--

X	X	<b>(B) Surface Waters, Wetlands &amp; Floodplains</b>
---	---	---

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).

There are no stream or wetland impacts as a result of this project. A portion of the Lot 2A area is comprised of wetlands, and the proposed subdivision would protect this area as it would be conserved as common land for the homeowner's association.

# TOWN OF UNDERHILL, VERMONT

## Article VIII. Subdivision Standards Findings Checklist

<u>Required</u>	<u>Submitted</u>	<u>Section 8.3 Natural &amp; Cultural Resources Cont'd</u>
X	X	<b>(C) Rock Outcrops, Steep Slopes, Hillsides &amp; Ridgelines</b>

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.

Building envelopes have been configured so that no structures will be located on exposed rock outcrops, ledges or visually prominent hilltops and ridgelines.

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

Building envelopes have been configured to avoid very steep slopes. There are no structures proposed for exposed rock outcrops, ledges, or ridgelines.

# TOWN OF UNDERHILL, VERMONT

## Article VIII. Subdivision Standards Findings Checklist



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

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 no significant wildlife habitats or natural areas on the tract.

# TOWN OF UNDERHILL, VERMONT

## Article VIII. Subdivision Standards Findings Checklist



<u>Required</u>	<u>Submitted</u>	<u>Section 8.3 Natural &amp; Cultural Resources</u> <u>Cont'd</u>
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X

X

**(E) Historic & Cultural Resources**

Have historic and archaeological site(s) and/or resource(s) have been identified in the area to be developed?       Yes      X 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 &amp; Cultural Resources Cont'd</u>
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X	X	<b>(F) Farmland</b>
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Do areas of primary agricultural soils, open fields, orchards, or maple sugar stands exist in the area to be developed?      Yes      x 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



<u>Required</u>	<u>Submitted</u>	<u>Section 8.3 Natural &amp; Cultural Resources</u> <u>Cont'd</u>
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X

X

**(G) Forestland**

Does the area to be developed include forestland?      Yes      X 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 &amp; Common Land</u>
X	X	(A) Open Space

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

Lot 2A will be conserved as common land and conveyed to the homeowner's association.

# TOWN OF UNDERHILL, VERMONT

## Article VIII. Subdivision Standards Findings Checklist



<u>Required</u>	<u>Submitted</u>	<u>Section 8.4 Open Space &amp; Common Land Cont'd</u>
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X	X	<b>(B) Common Land</b>
---	---	------------------------

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)? X 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? X Yes  No

<u>Required</u>	<u>Submitted</u>	<u>Section 8.5 Stormwater Management &amp; Erosion Control</u>
-----------------	------------------	--

X	X	
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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.

Changes to the previously approved subdivision conditions are not proposed with this project.
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# TOWN OF UNDERHILL, VERMONT

## Article VIII. Subdivision Standards Findings Checklist

<u>Required</u>	<u>Submitted</u>	<u>Section 8.5 Stormwater Management &amp; Erosion Control Cont'd</u>
X	X	

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

The proposed changes do not affect the proposed runoff associated with the original subdivision.

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

n/a

# 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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X	X	(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).

Changes to the previously approved subdivision conditions are not proposed with this project.

# TOWN OF UNDERHILL, VERMONT

## Article VIII. Subdivision Standards Findings Checklist

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<u>Required</u>	<u>Submitted</u>	<u>Section 8.6 Transportation Facilities Cont'd</u>
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X

X

Will the proposed subdivision require access to VT Route 15?    X    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.

Changes to the previously approved subdivision conditions are not proposed with this project.

# TOWN OF UNDERHILL, VERMONT

## Article VIII. Subdivision Standards Findings Checklist

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<u>Required</u>	<u>Submitted</u>	<u>Section 8.6 Transportation Facilities Cont'd</u>
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X	X	(B) Development Roads
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Will the proposed development require the construction or upgrade of a private development road?      Yes      x 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).

Changes to the previously approved subdivision conditions are not proposed with this project.

# TOWN OF UNDERHILL, VERMONT

## Article VIII. Subdivision Standards Findings Checklist

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<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.

n/a

# 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.

Changes to the previously approved subdivision conditions are not proposed with this project.

# TOWN OF UNDERHILL, VERMONT

## Article VIII. Subdivision Standards Findings Checklist

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<u>Required</u>	<u>Submitted</u>	<u>Section 8.7 Public Facilities &amp; Utilities</u> <u>Cont'd</u>
X	X	<b>(B) Fire Protection</b>

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.

Changes to the previously approved subdivision conditions are not proposed with this project.

# TOWN OF UNDERHILL, VERMONT

## Article VIII. Subdivision Standards Findings Checklist

<u>Required</u>	<u>Submitted</u>	<u>Section 8.7 Public Facilities &amp; Utilities Cont'd</u>
X	X	(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).

The water supply and wastewater system revision for Lot 2 will be submitted to the state of Vermont.

# 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).

Please refer to the project plan for proposed water and septic system locations, and details.

These systems will be permitted through the ANR Drinking Water and Groundwater Protection Division.

# TOWN OF UNDERHILL, VERMONT

## Article VIII. Subdivision Standards Findings Checklist

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<u>Required</u>	<u>Submitted</u>	<u>Section 8.7 Public Facilities &amp; Utilities</u> <u>Cont'd</u>
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X	X	(E) Utilities
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Will all proposed utilities be buried?    X    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).

Changes to the previously approved subdivision conditions are not proposed with this project.

# TOWN OF UNDERHILL, VERMONT

## Article VIII. Subdivision Standards Findings Checklist



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

Address the provisions of Section 8.7 (E).

n/a

# TOWN OF UNDERHILL, VERMONT

## Article VIII. Subdivision Standards Findings Checklist

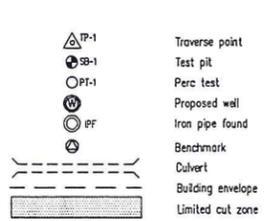
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<u>Required</u>	<u>Submitted</u>	<u>Section 8.8 Legal Requirements</u>
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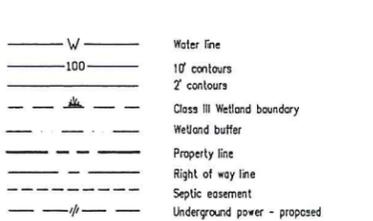
X	X	
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Provide documentation and assurances that all required improvements, associated rights-of-way and easements, and other common lands or facilities will be adequately maintained in accordance with an approved management plan, either by the applicant, 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.

Changes to the previously approved subdivision conditions are not proposed with this project.



**LEGEND**

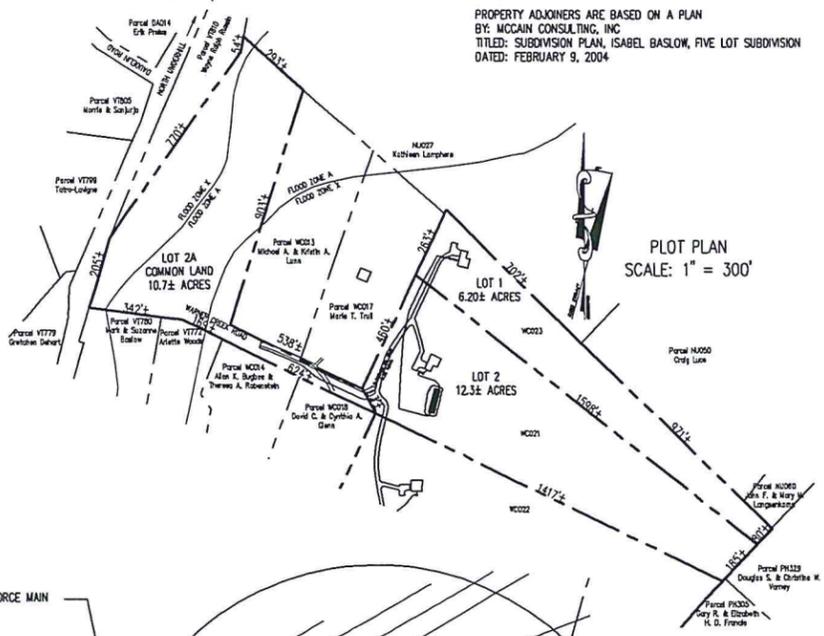
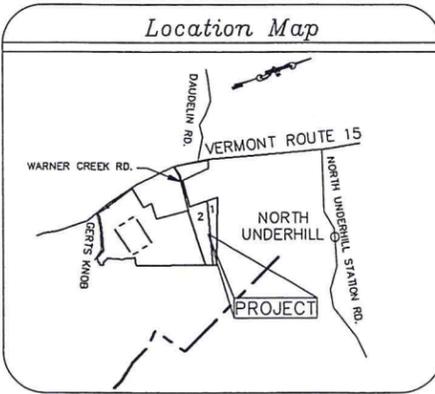


**Setbacks:**  
 The following are general setback distances that must be met unless otherwise authorized by the permitting authority and/or the consultant. This list does not necessarily include all required setback distances and the listed setback distances may not apply to all sites:

ITEM	LEACHFIELD	SEPTIC TANK	SEWER
DRILLED WELL	SEE PLAN	50	50
SPRING	SEE PLAN	75	75
LAKES, PONDS, IMPOUNDMENTS	50	25	25
RIVERS, STREAMS	50	25	10
PROPERTY LINE	25	10	10
ROADWAY, DRIVEWAY, PARKING LOTS	10	5	SEE PLAN
TREES	10	10	10
SERVICE WATER LINE	25	25	SEE PLAN

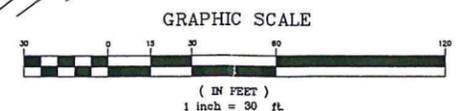
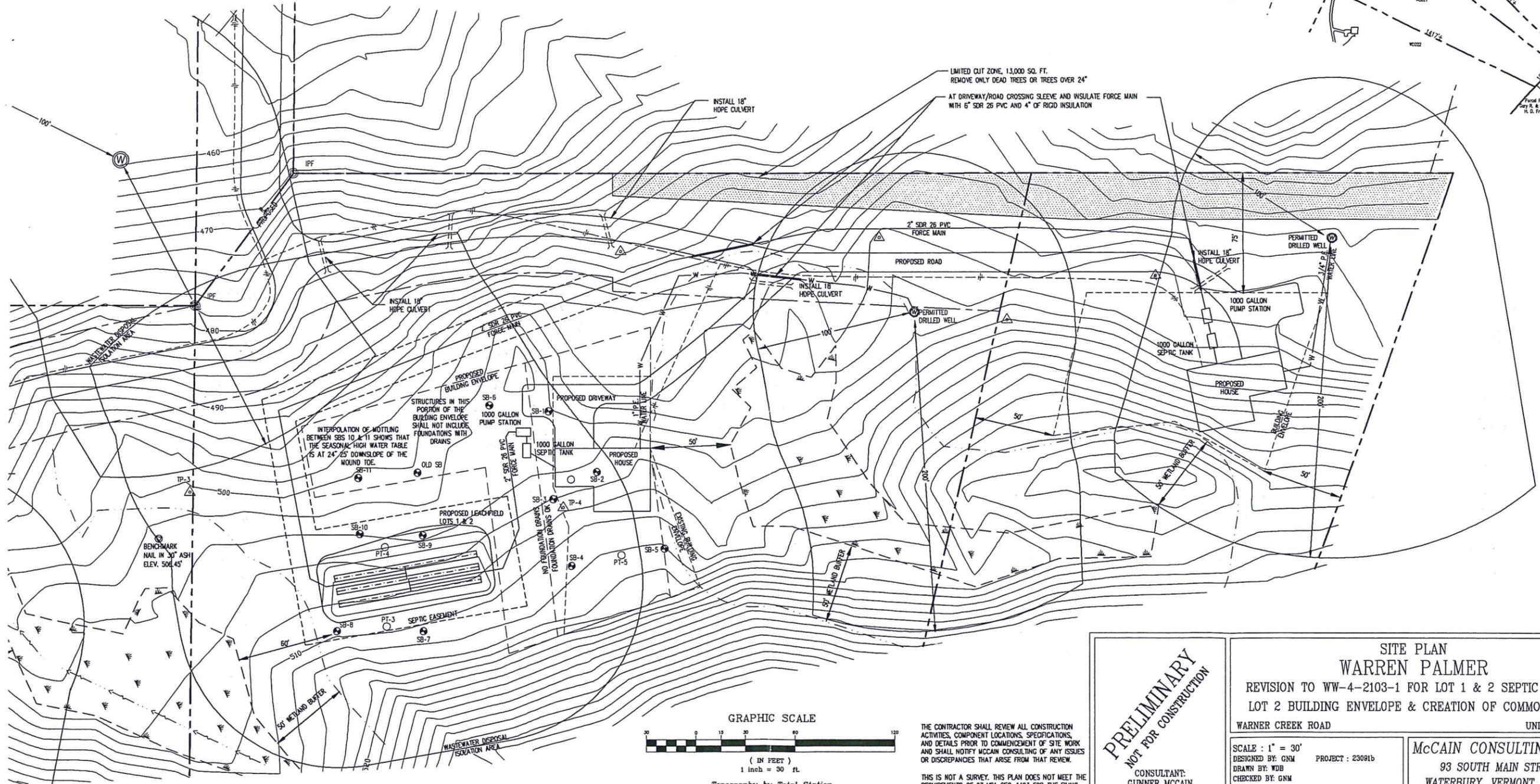
**ZONING DATA**

DISTRICT	RURAL RESIDENTIAL
LOT SIZE	3 ACRES
ROAD FRONTAGE	250'
FRONT YARD SETBACK	75'
SIDE YARD SETBACK	50'
REAR YARD SETBACK	50'
BUILDING HEIGHT	35'



PROPERTY ADJOINERS ARE BASED ON A PLAN BY: MCCAIN CONSULTING, INC  
 TITLED: SUBDIVISION PLAN, ISABEL BASLOW, FIVE LOT SUBDIVISION  
 DATED: FEBRUARY 9, 2004

PLOT PLAN SCALE: 1" = 300'



Topography by Total Station  
 Contour Interval 2'  
 Assumed Datum

THE CONTRACTOR SHALL REVIEW ALL CONSTRUCTION ACTIVITIES, COMPONENT LOCATIONS, SPECIFICATIONS, AND DETAILS PRIOR TO COMMENCEMENT OF SITE WORK AND SHALL NOTIFY MCCAIN CONSULTING OF ANY ISSUES OR DISCREPANCIES THAT ARISE FROM THAT REVIEW.

THIS IS NOT A SURVEY. THIS PLAN DOES NOT MEET THE REQUIREMENTS OF 27 VSA SEC. 1403 FOR THE PLUNG OF SURVEY PLATS.

Y:\Cadd\23000 s\23091b\23091b 10-17-14.dwg

**PRELIMINARY**  
 NOT FOR CONSTRUCTION

**SITE PLAN**  
**WARREN PALMER**

REVISION TO WW-4-2103-1 FOR LOT 1 & 2 SEPTIC SYSTEMS,  
 LOT 2 BUILDING ENVELOPE & CREATION OF COMMON LAND  
 WARNER CREEK ROAD UNDERHILL, VT

SCALE: 1" = 30'  
 DESIGNED BY: GNM PROJECT: 23091b  
 DRAWN BY: WDB  
 CHECKED BY: GNM

MCCAIN CONSULTING, INC.  
 93 SOUTH MAIN STREET  
 WATERBURY, VERMONT 05676

DATE: OCTOBER 17, 2014 SHEET 1 OF 2

**NOTES (Lots 1 & 2)**

**Septic Tank and Building Sewer:**

- 1) Use a 1000 gallon concrete septic tank with an access riser to grade, and an effluent filter.
- 2) Place tank a minimum of 10' from the building.
- 3) Use 4" cast iron or SCH 40 PVC from building to tank with one pipe joint placed on undisturbed soil to absorb settling.
- 4) Slope pipe from building to tank at 1/8" per foot.

**Pump Station:**

- 1) Test pump on and off levels to verify dose volumes.
- 2) Test alarm level.
- 3) Test pump to verify minimum 28" discharge height at leachfield orifices.

**Force Main:**

- 1) Perform a hydrostatic leakage test of the force main at 50 psi and hold pressure for two hours.

**Design Calculations (Replacement not required as per §1-804(c)(3)):**

Note: Interpolating of mottling between SBs 10 & 11 shows that the seasonal high water table is at 24" 25" downslope of the mound toe.

- 1) Assume 2 four bedroom houses. Daily Flow (DF) @ 140 gpd/br for the first three, and 70 gpd for the remaining bedroom each house = 490 gpd x 2 = 980 gpd
- 2) Percolation rate t = 3 min/ft/ft
- 3) Application rate (AR) = (3/1) = 1.73 gal/st/day  
Maximum application rate for effluent in mound trench = 1.0 gal/st/day
- 4) Required trench area: DF/AR = 980 gpd / 1.0 gal/st/day = 980 sf
- 5) Actual area each house: two trenches 1 @ 4' x 45' = 180 sf & 1 @ 4' x 90' = 360 sf total = 540 sf / house, 1040 sf total
- 6) Required minimum effective basal area: 980 gpd / 0.74 gpd/sf = 1324 sf
- 7) Basal area = 3380 sf

**Leachfield - Construction Notes:**

- 1) Contact the consultant prior to any work to discuss system layout and inspection requirements.
- 2) Construction of the mound shall not take place if the soil moisture content is high. If questionable contractor to contact designer prior to construction.
- 3) Install force main, leaving 4"± above grade.
- 4) Plow or scarify to limits of fill. Area to be plowed to a depth of 8" with plow lines running parallel with the contours, and throwing the soil uphill. Do not plow if area is wet. Do not run machinery on plowed surface.
- 5) Mound sand to meet the requirements of §1-913(c), see table:

Sieve Number	Opening (mm)	Percent Passage, by Weight	
3/8	9.500	85 - 100	
40	0.420	25 - 75	
Option 1	60	0.240	0 - 30
100	0.149	0 - 10	
200	0.074	0 - 5	
4	4.750	95 - 100	
8	2.380	80 - 100	
Option 2	16	1.190	50 - 85
30	0.590	25 - 60	
50	0.297	10 - 30	
100	0.149	2 - 10	
Option 3	3/8	9.500	85 - 100
40	0.420	30 - 50	
200	0.074	0 - 5	

- 6) Sand is to be stockpiled on the edge of the plowed area and placed with a small track machine, keeping a minimum of 6" of sand below the tracks. Do not compact the sand.
- 7) Place 8" of 1"-1 1/2" clean hard crushed stone or washed stone per the detail. Lay pressure piping and connect to force main. 1/4" holes to be pointed up with orifice shields over all holes and spaced according to the detail. Room all holes to remove burrs. System must be tested prior to covering.
- 8) Cover pipe with a minimum of 2" of stone and filter fabric. Topsoil, seed, and mulch the entire area. Grade to drain runoff away from system.

**Water Supply Basis of Design:**

- a) Average day demand = 4 bedroom house @ 490 gpd
- b) Maximum day demand (gpm) = 0.68
- c) Instantaneous peak demand (gpm) = 5 gpm
- d) Source capacity = to be determined
- e) Storage capacity = not required for single family residence
- f) Pump capacities = to be determined
- g) Operating pressure ranges = 30-50 psi
- h) Reference to the floodplain = this project is not in the floodplain

**Water Supply Well:**

- 1) Install well in the location shown on the plan.
- 2) Provide well driller's log.
- 3) Provide well driller's certification as specified below.

**Inspections and Certifications:**

- 1) It is the owner's/ contractor's responsibility to contact the consultant (McCain Consulting - 802-244-5093) for the following:

- a) For stakeout of the well and leachfield locations - Please provide 2 weeks notice.
- b) For inspection of the scarification of the soil prior to placing stone - Please provide 72 hours notice.
- c) For inspection of the pressurization of the force main to 50 psi.
- d) To observe pump operation and to verify discharge height at the leachfield.

- 2) The septic system installer will provide the consultant with a signed and dated statement as follows:

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

**Inspections and Certifications (Continued):**

- 3) The well driller will provide the consultant with a signed and dated statement as follows:

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

- 4) The certification of construction as required by section 1-308(a) of the Environmental Protection Rules may not be provided by the designer if the procedures outlined herein are not followed.

**Maintenance:**

- 1) At least once a year, the depth of sludge and scum in the septic tank should be measured. The tank should be pumped if:
  - (a) the sludge is closer than twelve inches to the outlet baffle or
  - (b) the scum layer is closer than three inches to the septic tank outlet baffle.
  - (c) Following septic tank cleaning in units over 5,000 gallons, all interior surfaces of the tank should be inspected for leaks and cracks.

- 2) At least twice a year, the outlet filter on the septic tank should be removed and cleaned by spraying it with water under normal household pressure.

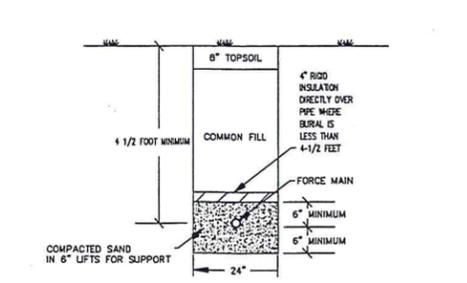
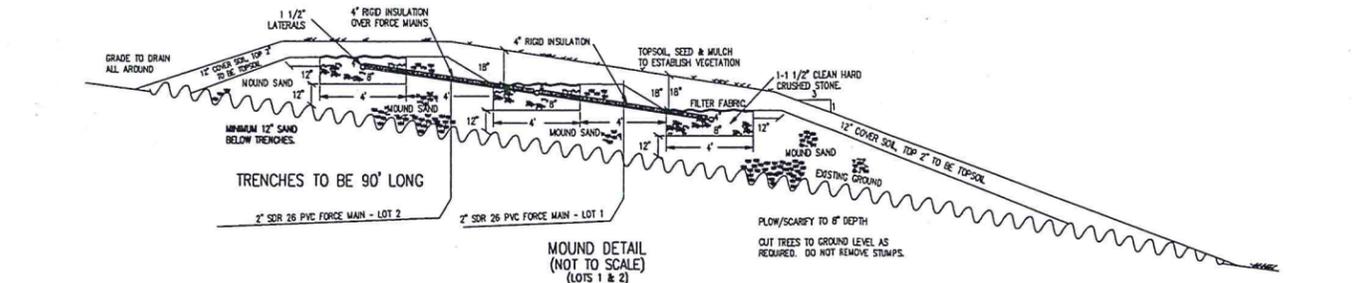
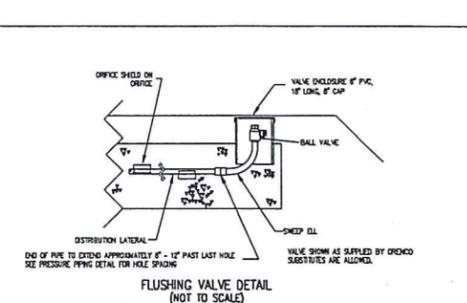
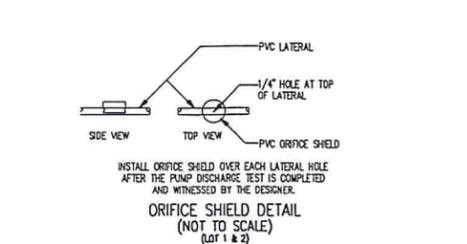
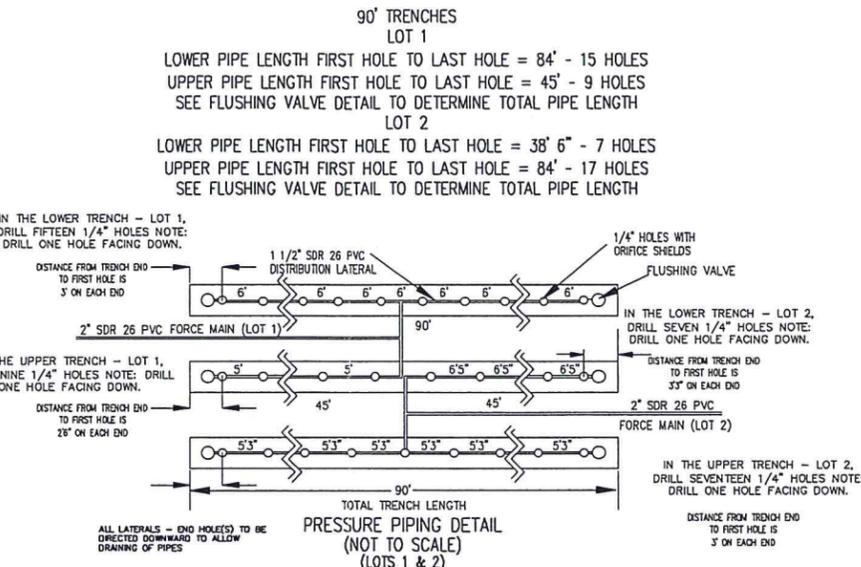
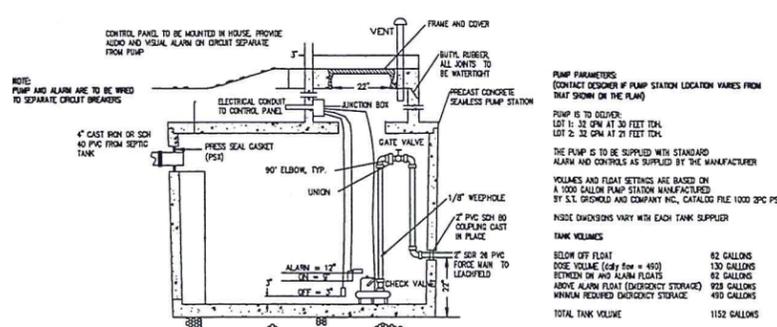
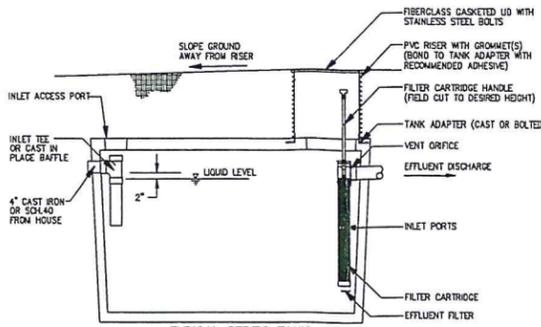
- 3) At least once a year, dosing tanks and distribution boxes should be opened and settled solids removed as necessary and the dosing tank or distribution box checked for levelness.

- 4) At least once a year, pump stations should be inspected:

- (a) Remove settled solids as necessary. Solids and scum accumulation in the pump station may be indicative of a septic tank outlet filter malfunction, septic tank overflowing, or other cause that should be investigated and remedied.
- (b) On/off and alarm floats should be tripped to ensure proper operation.
- (c) Inspect delivery of effluent to the leachfield. Slow delivery may indicate impending pump failure.

- 5) Toxic or hazardous substances should in general not be disposed of in septic systems. These substances may pass through the system in an undiluted state and contaminate groundwater or remain in the septic tank and subsequently contaminate the soil or crops at the site of ultimate disposal.

- 6) The leachfields are not designed for the disposal of filter backwash or other byproducts of water treatment, filtration or purification systems.



**SOIL INFORMATION**

Test pits excavated November 13, 2003 by backhoes, John Angelino, Nicholas Nowlan, McCain, Mike Baslow, Ernie Christenson, Agency of Natural Resources, Carolyn Grogan, Town of Underhill, Dave Chenette, Realtor

- SB-1  
0 - 31" Brown, very stony, loose, fine sandy loam, friable  
Cobbles to 24"
- 31" - 64" Olive brown/gray fine sandy loam, stony, firm  
Cobbles up to 8"  
Mottles @ 31" - 35"
- SB-2  
0 - 16" Dark reddish brown, loose, medium sandy loam  
16" - 22" Yellowish brown, friable, fine sandy loam  
22" - 31" Light yellowish brown, fine sandy loam  
31" - 52" Olive brown, firm, fine sandy loam  
Few faint mottles
- SB-3  
0 - 6" Very dark brown, fine sandy loam, loose  
6" - 22" Yellowish brown, stony, fine sandy loam, loose  
22" - 26" Olive brown, fine sandy loam, friable  
26" - 33" Olive brown, medium sandy loam, friable  
33" - 52" Olive brown medium fine sandy loam, firm  
Many faint mottles @ 33"
- SB-4  
0 - 10" Very dark brown, medium sandy loam, loose  
10" - 33" Dark reddish brown, friable medium sandy loam  
33" - 54" Olive brown, firm, medium sandy loam  
Many faint mottles @ 33"
- SB-5  
0 - 14" Dark reddish brown, loose, silty medium sand  
14" - 21" Yellowish brown, stony, friable, silty fine sand  
21" - 32" Light yellowish brown, friable, fine sandy loam  
32" - 48" Olive brown, firm, silty fine sand, friable  
Many faint mottles
- SB-6  
0 - 7" Very dark brown, sandy loam, loose  
7" - 24" Reddish brown, fine sandy loam, stones, friable  
24" - 32" Yellow brown fine sandy loam, stones, friable  
32" - 50" Light olive brown medium sandy loam, firm  
Mottles @ 32"
- SB-7  
0 - 10" Very dark brown sandy loam, loose  
10" - 24" Reddish brown sandy loam, loose  
Bedrock @ 24"
- SB-8  
0 - 10" Very dark brown sandy loam, loose  
10" - 24" Reddish brown sandy loam, loose  
Bedrock @ 24"
- SB-9  
0 - 15" Very dark brown sandy loam with cobbles, loose  
15" - 25" Reddish brown sandy loam with stones, friable  
25" - 42" Yellowish brown/brown sandy loam with stones, friable  
Bedrock @ 42"
- SB-10  
0 - 10" Very dark brown sandy loam, with cobbles  
10" - 32" Reddish brown sandy loam with stones  
32" - 42" Light gray medium sandy loam  
Many faint mottles, firm
- SB-11  
0 - 18" Olive brown fine sandy loam  
18" - 37" Light gray medium sandy loam, firm  
Few faint mottles

Note: Ground water @ 32" in old test pit next to SB-11

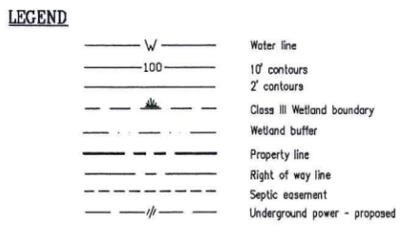
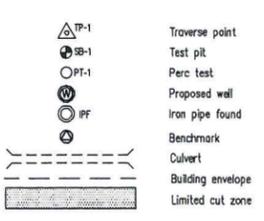
**PERCOLATION TESTS**

PT-3	6 in/in	24"
PT-4	4 in/in	25"
PT-5	4 in/in	24"

THE CONTRACTOR SHALL REVIEW ALL CONSTRUCTION ACTIVITIES, COMPONENT LOCATIONS, SPECIFICATIONS, AND DETAILS PRIOR TO COMMENCEMENT OF SITE WORK AND SHALL NOTIFY MCCAIN CONSULTING OF ANY ISSUES OR DISCREPANCIES THAT ARISE FROM THAT REVIEW.

**PRELIMINARY NOT FOR CONSTRUCTION**  
 CONSULTANT:  
 GUNNER MCCAIN  
 LD-B #237  
 CPESC #2848  
 CESSWI #0177

**DETAILS WARREN PALMER**  
 REVISION TO WW-4-2103-1 FOR LOT 1 & 2 SEPTIC SYSTEMS, LOT 2 BUILDING ENVELOPE & CREATION OF COMMON LAND  
 WARNER CREEK ROAD UNDERHILL, VT  
 SCALE: NTS  
 DESIGNED BY: GNM PROJECT: 23091b  
 DRAWN BY: PCL  
 CHECKED BY: GNM  
 McCAIN CONSULTING, INC.  
 93 SOUTH MAIN STREET  
 WATERBURY, VERMONT 05676  
 DATE: OCTOBER 17, 2014 SHEET 2 OF 2

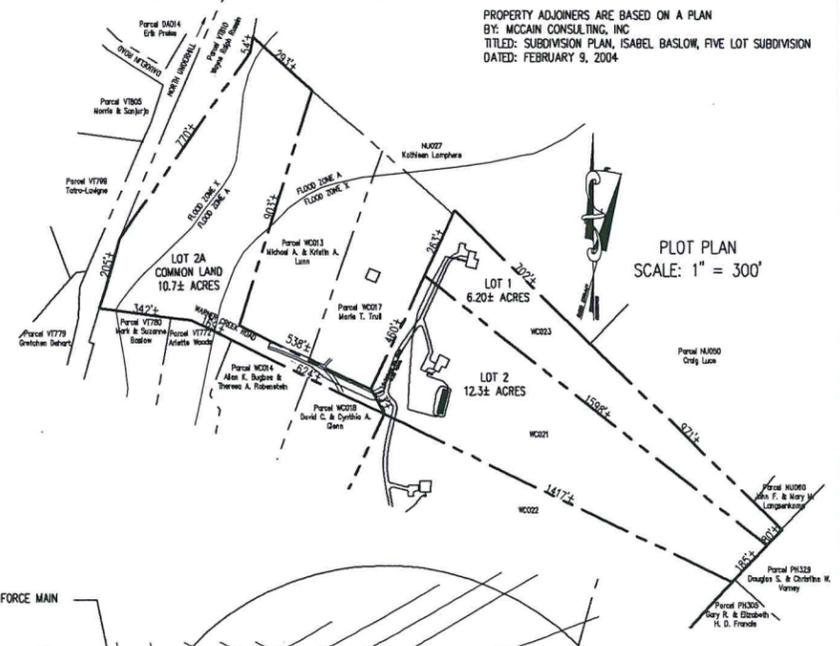
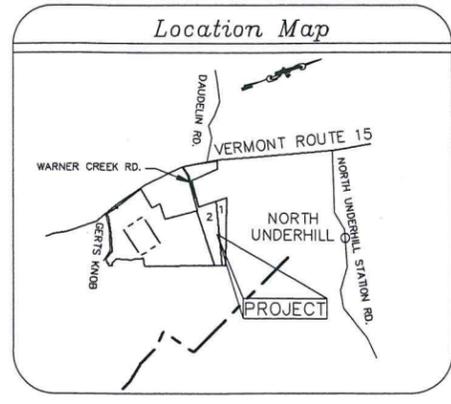


**Setbacks:**  
 The following are general setback distances that must be met unless otherwise authorized by the permitting authority and/or the consultant. This list does not necessarily include all required setback distances and the listed setback distances may not apply to all sites:

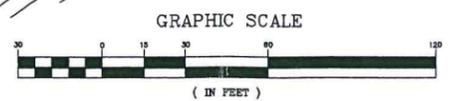
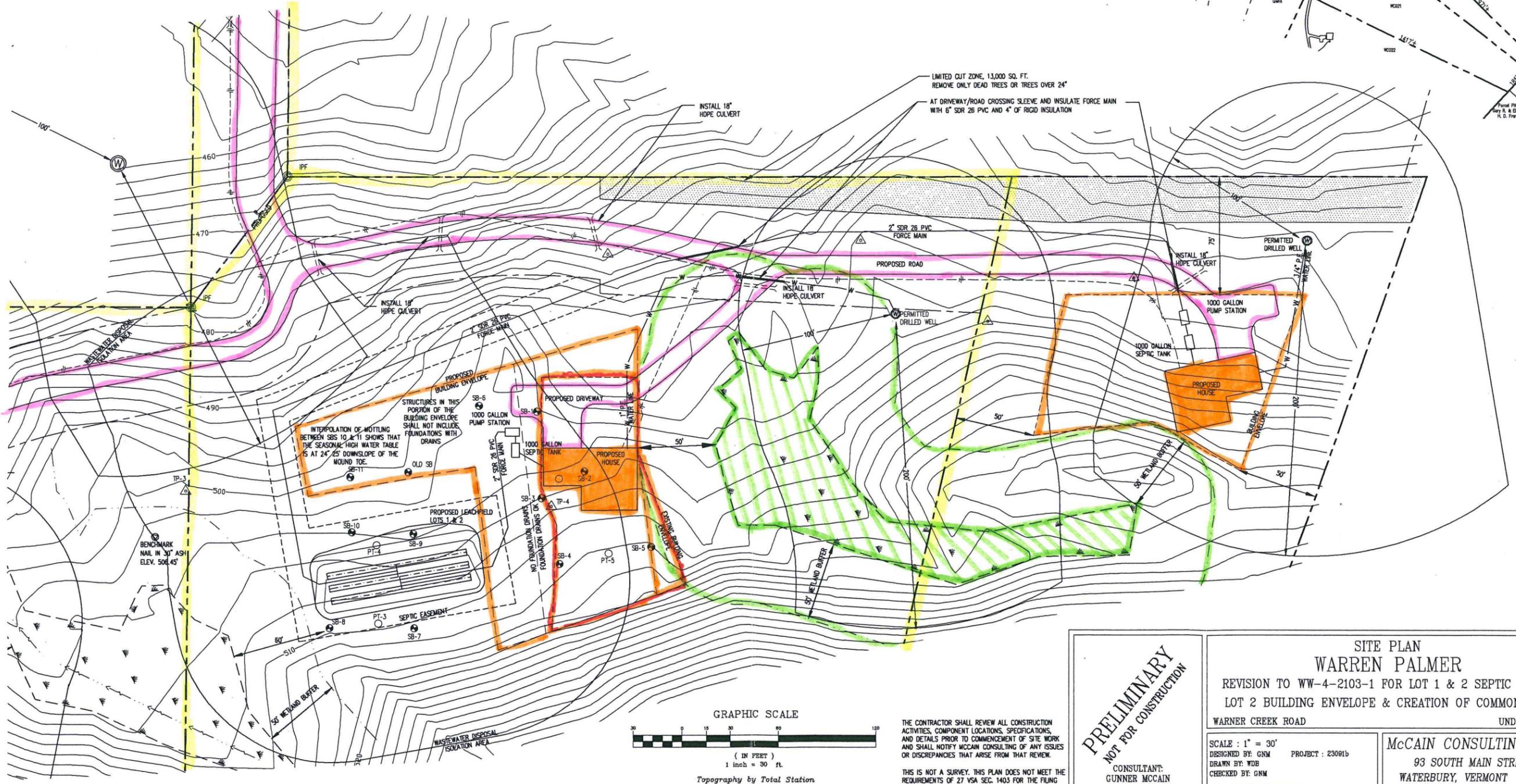
ITEM	LEACHFIELD	SEPTIC TANK	SEWER
DRILLED WELL	50	50	50
SEE PLAN	75	75	75
LAKES, PONDS, IMPOUNDMENTS	50	25	25
RIVERS, STREAMS	50	25	10
PROPERTY LINE	25	10	10
ROADWAY, DRIVEWAY, PARKING LOTS	10	5	SEE PLAN
TREES	10	10	10
SERVICE WATER LINE	25	25	SEE PLAN

**ZONING DATA**

DISTRICT	RURAL RESIDENTIAL
LOT SIZE	3 ACRES
ROAD FRONTAGE	250'
FRONT YARD SETBACK	75'
SIDE YARD SETBACK	50'
REAR YARD SETBACK	50'
BUILDING HEIGHT	35'



PROPERTY ADJOINERS ARE BASED ON A PLAN BY: MCCAIN CONSULTING, INC. TITLED: SUBDIVISION PLAN, ISABEL BASLOW, FIVE LOT SUBDIVISION DATED: FEBRUARY 9, 2004



Topography by Total Station  
 Contour Interval 2'  
 Assumed Datum

THE CONTRACTOR SHALL REVIEW ALL CONSTRUCTION ACTIVITIES, COMPONENT LOCATIONS, SPECIFICATIONS, AND DETAILS PRIOR TO COMMENCEMENT OF SITE WORK AND SHALL NOTIFY MCCAIN CONSULTING OF ANY ISSUES OR DISCREPANCIES THAT ARISE FROM THAT REVIEW.

THIS IS NOT A SURVEY. THIS PLAN DOES NOT MEET THE REQUIREMENTS OF 27 VSA SEC. 1403 FOR THE FILING OF SURVEY PLATS.

Y:\Cadd\23000\23091b\23091b 10-17-14.dwg

**PRELIMINARY**  
 NOT FOR CONSTRUCTION

CONSULTANT:  
 GUNNER MCCAIN  
 LD-B #237  
 CPBSC #2848  
 CESSWI #0177

**SITE PLAN**  
**WARREN PALMER**  
 REVISION TO WW-4-2103-1 FOR LOT 1 & 2 SEPTIC SYSTEMS,  
 LOT 2 BUILDING ENVELOPE & CREATION OF COMMON LAND  
 WARNER CREEK ROAD UNDERHILL, VT

SCALE: 1" = 30'  
 DESIGNED BY: GNM PROJECT: 23081b  
 DRAWN BY: WDB  
 CHECKED BY: GNM

**MCCAIN CONSULTING, INC.**  
 93 SOUTH MAIN STREET  
 WATERBURY, VERMONT 05676

DATE: OCTOBER 17, 2014 SHEET 1 OF 2

State of Vermont  
Department of Environmental Conservation  
Drinking Water and Groundwater Protection Division  
Essex Regional Office  
111 West Street  
Essex Junction, VT 05452-4695  
[www.septic.vt.gov](http://www.septic.vt.gov)

Agency of Natural Resources  
[phone] 802-879-5656  
[fax] 802-879-3871

November 14, 2014

Saxon Oaks Corporation  
122 Skunk Hollow Road  
Jericho VT 05465

RE: WW-4-2103-3, amend WW-4-2103 to revise leach fields on Lots 1 & 2 from individual at grade systems to shared mound system located on Warner Creek Road in Underhill, Vermont.

Dear Applicant:

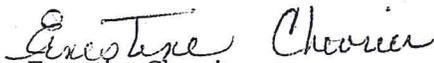
We received your completed application for the above-referenced project on November 12, 2014, including a fee of \$580.00 paid by check #3021. Under the performance standards for this program, we will have a maximum of 45 days of "in-house" time to review your application. If we require further information from you to make a decision, the time until we receive it is not included in the in-house performance standards.

If you have any questions about the review process, or if you have not received a decision on your application within the 45 in-house days, please contact this office.

We have forwarded the information contained in your application to the Information Specialist for this region. A Project Review Sheet will be sent to you indicating other state agencies and departments you should contact regarding additional permits or approvals you may need under their programs. If you have not already done so, you should also check with town officials about any necessary town permits.

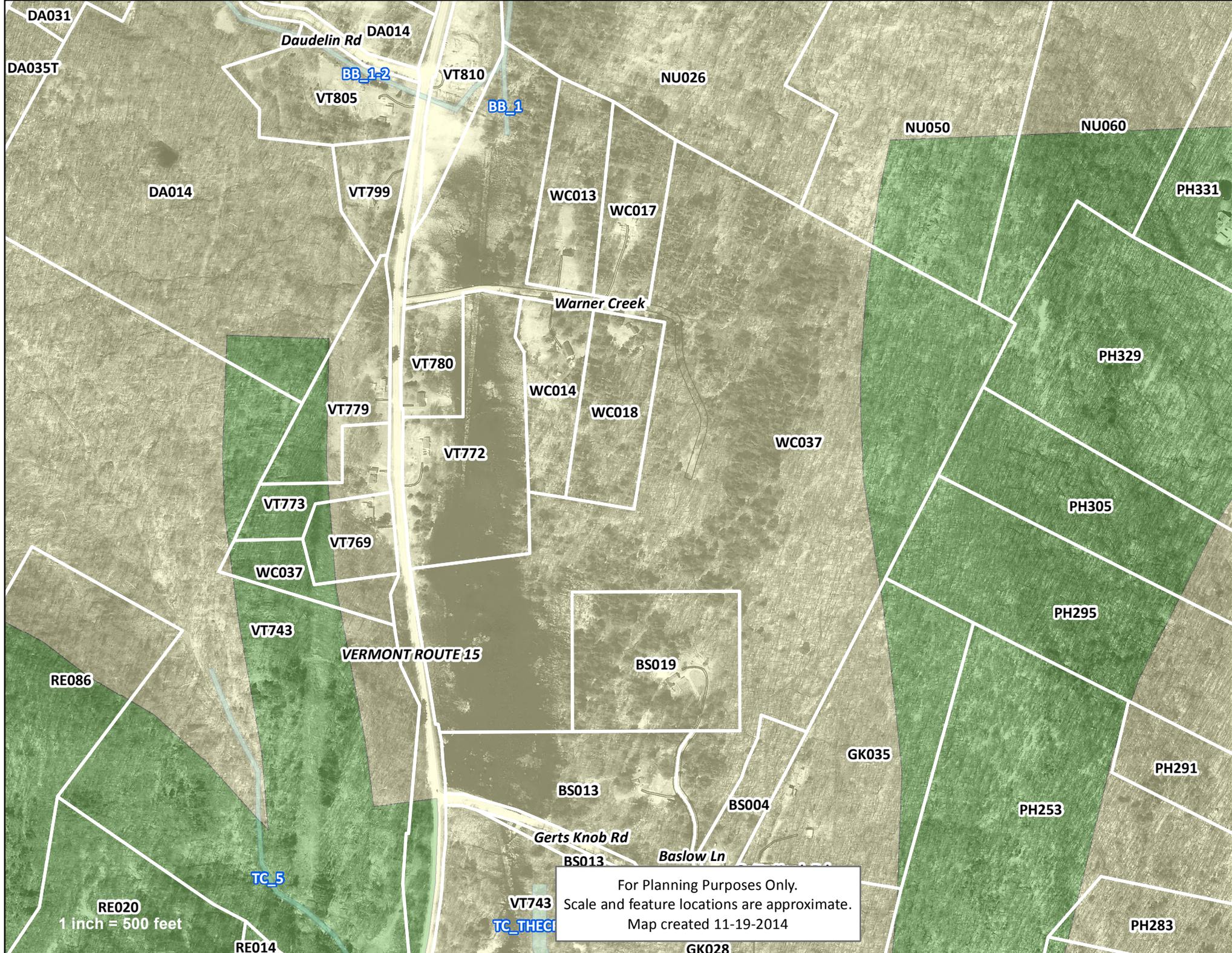
**If you submitted your application electronically through eDEC, your consultant will need to upload any revisions and send an email to Ernestine Chevrier and the reviewer notifying us that you have resubmitted information. This email should reference both the eDEC number and the WW number for the project.**

For the Drinking Water and Groundwater Protection Division

  
Ernestine Chevrier  
Regional Office Coordinator

cc: Underhill Planning Commission  
Gunner McCain





For Planning Purposes Only.  
Scale and feature locations are approximate.  
Map created 11-19-2014



# Town of Underhill

P.O. Box 32, Underhill Center, VT 05490  
www.underhillvt.gov

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

\*\*\*\*\*

## NOTICE OF PUBLIC MEETING

Town of Underhill Development Review Board (DRB) Hearing  
Monday, December 1, 2014 at 6:30 PM  
At the Underhill Town Hall, 12 Pleasant Valley Rd. Underhill, VT

The DRB will hold a Final Subdivision Amendment hearing on the application of Warren Palmer to subdivide portions of Lot 2 to include common land and to revise the building envelope on Lot 2 of the previously approved Isabel L. Baslow Subdivision approved by the DRB in 2009. The property is located within the Rural Residential and Soil & Water Conservation zoning districts at 21 Warner Creek (WC021) in Underhill, VT. The public hearing will begin at Town Hall at 6:35 PM.

The DRB will also hold a Preliminary Subdivision Review hearing on the application of Arnold & Paula Baizley for a proposed 2-lot subdivision of property located at 623 Pleasant Valley Road (PV623). This property is located in the Rural Residential, Soil and Water Conservation, and Mt. Mansfield Scenic Preservation zoning districts. The hearing will begin at the Town Hall at approximately 7:00 PM.

Additional information for this hearing may be obtained at the Underhill Town Hall. The hearing is open to the public. Pursuant to 24 VSA §§4464(a)(1)(C) and 4471(a), participation in this local proceeding is a prerequisite to the right to take any subsequent appeal. If you cannot attend the hearings, comments may be made in writing prior to the meeting and mailed to: Zoning & Planning Administrator, P.O. Box 32, Underhill Center, VT 05490 or to [smcshane@underhillvt.gov](mailto:smcshane@underhillvt.gov)

\*\*\*\*\*

To: Seven Days Magazine  
Classifieds/Legals  
[classifieds@sevendaysvt.com](mailto:classifieds@sevendaysvt.com)

From: Town of Underhill  
Zoning & Planning  
P.O. Box 32  
Underhill Center, VT 05490

LEGAL AD

*\*Please e-mail to confirm receipt of this ad.\**

.....  
Release Date: NO LATER THAN 11/15/2014

\*\*\*\*\*

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\*\*\*\*\*

Please call Sarah McShane at the Zoning & Planning Administrator's office at 899-4434 x106 with any questions concerning this ad and to confirm receipt. Please remit bill to: Town of Underhill, RE: 12-1-14 Zoning Hearing, P.O. Box 32, Underhill Center, VT, 05490. Thank you.

**Town of Underhill**  
Development Review Board Minutes  
Chairperson Scott Tobin

October 19, 2009

**Board Members Present:**

Scott Tobin, Chair  
Penny Miller  
Will Towle  
Stan Hamlet  
Chuck Brooks  
Deb Shannon  
Charlie Van Winkle

**Also Present:**

Kari Papelbon, Zoning Administrator  
Amanda Bosley, applicant for next meeting  
Michael Lunn, interested party for the Baslow hearing  
Mike and Deb Baslow, applicants for the Baslow hearing  
Gunner McCain, consultant for the Baslows  
Guest

**6:34 PM:** Chairperson Scott Tobin called the Netelkos sketch plan meeting to order.

**Applicants Present:**

Christopher and Beth Netelkos  
295 Poker Hill Rd.  
Underhill, VT

**Interested Parties:**

Georgia Cumming  
311 Poker Hill Rd.  
Underhill, VT

<b>Identifier:</b>	<b>Contents:</b>
ZA-1	Beth Netelkos' Application for Subdivision: Sketch Plan (dated 8-29-09)
ZA-2	A copy of the completed Subdivision Checklist: Sketch Plan
ZA-3	A copy of the proposed plan
ZA-4	Staff report prepared by ZA Papelbon

- Chairperson Tobin began the meeting by explaining the procedure for the sketch plan meeting.
- Christopher and Beth Netelkos provided an overview of their plans. 31.5 acres at 295 Poker Hill Rd. Current residence approximately 800 feet back

from road. Would like to create a parcel of 7-10 acres with the house and the remaining land would be another parcel. Keep building in line with current development pattern—staggered houses. Spoke with neighbor about unclear covenant regarding the meadow. Keep front pasture as open land.

- Board Member Charlie Van Winkle asked if the lots would have separate driveways or a shared driveway. The Netelkos stated that the lots would have separate driveways. Mr. Netelkos explained that the lot size may change, but that they would like to keep the minimum road frontage. Board Member Chuck Brooks asked which lot would have the minimum frontage, to which Mrs. Netelkos stated the lot with the current house would have the minimum.
- Chairperson Scott Tobin asked what the total current frontage is. It was stated that the deed description is “500 feet, more or less.”
- Chairperson Tobin stated that the front of the property is in Rural Residential and the rear portion is in Soil & Water Conservation. Mr. Netelkos stated that the lot without the existing house would be larger than the 15-acre district minimum.
- Chairperson Tobin asked if the sketch plan were accepted, would the Netelkos ask for a variance from the road frontage minimum. Mr. Netelkos responded that they would, but if that would not be approved then they would have another plan.
- Chairperson Tobin asked if the site had any wetlands. Mrs. Netelkos responded that there is a melt runoff that runs down Poker Hill Road and across the property, which is typically seasonal.
- Board Member Stan Hamlet asked if the land was flat. Mr. Netelkos replied that it was not, that Metcalf Hill is behind the house. Mrs. Netelkos added that there’s meadow at the front of the property by the road, then there are trees, and the property behind the house increases up the ridge.
- A short discussion of the location of the meadow ensued.
- Board Member Will Towle asked if the Francis’ driveway crosses the Netelkos lot as depicted on the tax map. The Netelkos replied that they were unsure.
- Chairperson Tobin asked ZA Papelbon if she had information to add, to which she replied that she did not. He then asked for public comment.
- Georgia Cumming, 311 Poker Hill Road, stated her concerns for the deed covenants that prohibit a house in the meadow, that limit the number of houses on the property to 2, and that states a septic system will not interfere with her well. She then stated that the Francis’ driveway is on her property, with a right-of-way over her land.

- Board Member Charlie Van Winkle stated that the Board would expect a proposal from the Netelkos defining the meadow location.

**6:48 PM:** Chairperson Scott Tobin asked if the Board felt they had enough information to make a decision on whether the requirements for sketch plan had been met. The Board stated that they did.

**6:49 PM:** Board Member Charlie Van Winkle made a motion, seconded by Board Member Stan Hamlet, to accept the sketch plan application as presented. The motion was passed by all Board Members present.

**6:50 PM:** Chairperson Scott Tobin called the Bosley sketch plan meeting to order.

**Applicant Present:**

Amanda Bosley  
73 Bill Cook Rd.  
Underhill, VT

**Others Present:**

Michael Lunn, interested party for the Baslow hearing  
Mike and Deb Baslow, applicants for the Baslow hearing  
Gunner McCain, consultant for the Baslows  
Guest

**Identifier:      Contents:**

---

ZA-1	Amanda and Wade Bosley's Application for Subdivision: Sketch Plan (dated 10-1-09)
ZA-2	A copy of the completed Subdivision Checklist: Sketch Plan
ZA-3	A copy of the proposed plan
ZA-4	ZA-4 Staff report prepared by ZA Papelbon

- Chairperson Tobin began the meeting by explaining the procedure for the sketch plan meeting.
- Amanda Bosley provided an overview of the proposed plan. She and her husband would like to divide their 11.9 acres into two lots as depicted in the 1977 map. At that time it was not possible to divide the land in such a way as noted on the map. The Bosleys would keep the 6.4-acre lot for themselves and sell the 5.5-acre lot to friends.
- Chairperson Tobin stated that the land is in the 3-acre zoning district and both lots would exceed that requirement. He asked if Mrs. Bosley knew how much frontage she currently has. Although an exact number is not known, there is more than adequate frontage.
- Board Member Chuck Brooks asked Mrs. Bosley if the plan was to divide the lots the same as the map shows or if she was going to keep only 3 acres.

Mrs. Bosley explained that the 6.4 acres with the house will be retained and the 5.5-acre lot would be sold.

- Board Member Charlie Van Winkle asked if the Town maintains the road along the entire parcel. Mrs. Bosley replied that they do.
- Chairperson Tobin asked if the house site on the proposed new lot would be sited without the need for a variance. Mrs. Bosley stated she did not think so, but there is a small corner of the proposed new lot that has a stream and small wetland on it. She also stated that she spoke to adjoining property owner Phil Cook about a right-of-way over their property to get to his.
- Board Member Van Winkle asked if Mrs. Bosley found out what the note on the map meant. She replied that she did not. ZA Papelbon stated that it might have been because the two lots proposed were less than 10 acres.
- Board Member Will Towle asked what the estimated area of the wetland was. Mrs. Bosley responded that it was not very big.
- Chairperson Tobin asked ZA Papelbon if she had any additional information. ZA Papelbon stated that there were 2 missing items from the checklist: the proposed driveway and utilities and natural features, but the natural features are located on the tax map. She asked Mrs. Bosley if she had an idea of where the new driveway would be. Mrs. Bosley pointed to the area on the map (closer to the common lot line with the retained lot).
- Board Member Towle asked what the lot was like, to which Mrs. Bosley replied it was flat.
- Chairperson Tobin asked for public comments. There were none.

**6:58 PM:** Chairperson Scott Tobin asked if the Board felt they had enough information to make a decision on whether the requirements for sketch plan had been met. The Board stated that they did.

**6:59 PM:** Board Member Charlie Van Winkle made a motion, seconded by Board Member Chuck Brooks, to accept the sketch plan application as presented. The motion was passed by all Board Members present. Board Member Chuck Brooks suggested thinking carefully about putting a right-of-way on the property. Chairperson Tobin explained that Mrs. Bosley had 6 months to provide an application for preliminary and that ZA Papelbon would assist with the requirements.

Board Member Will Towle left at this point.

**7:03 PM:** Chairperson Scott Tobin called the Baslow final subdivision hearing to order.

**Applicants Present:**

Mike and Deb Baslow (for Isabel Baslow)

13 Baslow Ln.  
Underhill, VT

**Consultant Present:**

Gunner McCain  
McCain Consulting  
93 S. Main St.  
Waterbury, VT

**Others Present:**

Michael Lunn  
13 Warner Creek  
Underhill, VT

Guest

<b>Identifier:</b>	<b>Contents:</b>
ZA-1	Isabel Baslow's Application for Subdivision: Final Hearing (8-9-09)
ZA-2	A copy of the completed Subdivision Checklist: Final Hearing
ZA-3	A copy of plans prepared by Gunner McCain of McCain Consulting for Isabel Baslow (Sheet 1 of 5 revised 7-29-09; Sheet 2 of 5, Sheet 4 of 5, and Sheet 5 of 5 revised 4-21-09; Sheet 3 of 5 revised 11-10-05; Sheets SW-1 through SW-3 dated 6-1-09)
ZA-4	A copy of the Final Plat prepared by Lynn Ribolini for Isabel Baslow (revised 9-29-06)
ZA-5	A copy of the Access and Utilities Right-of-Way Survey prepared by Keith Van Iderstine of McCain Consulting for Isabel Baslow (dated 8-7-09)
ZA-6	A copy of the letter from Ernest Christianson regarding the boundary adjustment for Lots 2 and 5 (dated 6-3-09)
ZA-7	A copy of the Construction General Permit # 6154-9020 (dated 7-17-09)
ZA-8	A copy of the Stormwater Permit #6154-9015 (dated 8-10-09)
ZA-9	A copy of the letter from the Underhill-Jericho Fire Department (dated 7-1-09)
ZA-10	A copy of the Private Roadway Agreement
ZA-11	A waiver request for the bonding requirement and Lot 1 wetland setback (dated 8-12-09)
ZA-12	A copy of the minutes from the May 11, 2009 hearing
ZA-13	A copy of the Preliminary Decision (dated 6-1-09)
ZA-14	A copy of the hearing notice published in the Burlington Free Press (dated 10-1-09)
ZA-15	Staff report prepared by ZA Papelbon
S-1	Notice submitted to the Burlington Free Press for publication on Oct. 1, 2009
S-2	Draft Declaration of the Warner Creek Planned Community
S-3	Proposed Conditions for Subdivision

- Chairperson Tobin began the meeting by explaining the procedure for the final subdivision hearing. Selectboard Member Steve Walkerman arrived. Chairperson Tobin then swore in all interested parties and entered the above items into record. Board Member Penny Miller noted that the revised date for the Lynn Ribolini survey was actually 10-12-06.
- Gunner McCain, McCain Consulting, stated that nothing has changed in the plans from preliminary—there have just been minor revisions made. He welcomed questions from the Board.
- Board Member Miller stated that she recalled a neighbor question about pushing the proposed road extension further away and also screening. Mr. McCain stated that the road was pushed over as far as it could be and that he believed the Baslows had spoken to the neighbor about screening. Deb Baslow stated that she and Mike Baslow had spoken with the neighbors (the Glens) and that it was decided that they (the Baslows) would provide evergreens along the edge of the road for screening. Board Member Miller asked if there was any documentation for such screening, to which Mr. McCain replied that it was not included as part of this process.
- Board Member Stan Hamlet asked about the Selectboard driveway approval. ZA Papelbon stated that Selectboard Member Steve Walkerman is in attendance, but that a quorum was not present. Selectboard Member Walkerman is welcome to provide his input and ZA Papelbon will provide a memo regarding approvals for the Baslow subdivision for the full Selectboard to consider at their next meeting.
- Chairperson Tobin asked what the outstanding items from preliminary were. He then read the outstanding items that had been received and/or revised.
- Chairperson Tobin asked ZA Papelbon to review her notes provided in the information packet, which she did. A brief discussion of the variances ensued. She then stated that the decision from 2006 required Sheet 2 of 5 to be recorded as well. Mr. McCain stated that he had no issue with such a requirement. ZA Papelbon asked if there were any updates to the orphan stormwater permit, to which Mr. McCain replied that there were not. ZA Papelbon then stated that she and Mr. McCain had spoken about the issue of the piece of land owned by the Baslows across VT Rte. 15. It was discussed that a small portion of land existed that was not included in the acreage for the plans as the Baslows and their consultant were not aware that the land was owned by Isabel. The issues are that there is no record of conveyance and no description of the land exists (no acreage, etc.). Mr. McCain stated that he would have his surveyor look into the issue.
- Chairperson Tobin stated that the issue before the Board is whether this additional land renders the survey incomplete. Board Member Hamlet stated

that it is shown on the engineering plans. A discussion of the land ensued. Chairperson Tobin offered that some language requiring verification could be included in the conditions in order to proceed with the subdivision review. Mr. McCain agreed.

- ZA Papelbon asked if the Private Roadway Agreement was superseded by the Homeowners Association agreement. It was determined that the Agreement was in addition to the Homeowners Association agreement and ZA Papelbon stated that the dates for the Agreement would need to be updated. Copies of all State permits have been submitted. No new concerns were raised in the revised UJFD letter. A brief discussion of the UJFD letter ensued. A letter from Ernie Christianson stated that the boundary adjustment did not need a new wastewater permit. Finally, the Utilities and Right-of-Way survey is missing the zoning data.
- The variances were discussed. The 50-foot wetland setback variance on Lot 2 is for the north side of the building envelope, the 50-foot wetland setback variance on Lot 3 is for the north and south sides of the building envelope, and the 50-foot wetland setback variance on Lot 1 is for the east-southeast side of the building envelope.
- Board Member Deb Shannon stated that she had a concern about the flooding issues raised in the UJFD letter and asked whether the area floods. Mr. McCain stated he was never aware that Warner Creek floods. Mr. Lunn said that it has gotten close. Mrs. Baslow stated that the Town did a lot of work this year on the beaver baffles.
- Board Member Miller asked Mr. McCain for clarification on the wetland buffer depicted on the map.
- Chairperson Tobin asked for public comment.
- Mike Lunn, 13 Warner Creek, asked how the road was changed. Mr. McCain explained that the road changed with regard to Marie Trull's property a while back, but no further changes to the road had been made. Mr. Lunn then asked about whether the road crossing his property and the agreement for such would have to be changed since the road was being extended. Mr. McCain explained that the agreement would not change and the road would not be further extended onto Mr. Lunn's property. ZA Papelbon stated that she believed the only change would be to add the new lots to the agreement.
- Chairperson Tobin asked if Mr. McCain and the Baslows had reviewed the Proposed Conditions for Subdivision, to which Mr. McCain replied that they had. There were no concerns.
- Board Member Chuck Brooks raised the concern of the missing Selectboard approval. It was discussed and determined that the Board would make recommendations to the Selectboard for the driveway/road extension,

bonding requirement, underground utilities, waiver of 10% grade and that ZA Papelbon would prepare a memo.

- Chairperson Tobin asked Selectboard Member Walkerman if he had any requests for additional information from the DRB with regard to their recommendations. Selectboard Member Walkerman stated that he was familiar with the site and was comfortable with what the DRB was proposing.
- ZA Papelbon stated that an additional proposed condition would be verification of the land across VT Rte. 15.
- Chairperson Tobin provided a brief summary of the variances, Selectboard approvals required, and final determination of the remaining land that would be added to the conditions. Board Member Van Winkle asked how the land would be treated if it was discovered that the Baslows own it—Lot 6 or part of Lot 5? Mrs. Baslow and Mr. McCain stated it would become part of Lot 5.

**7:47 PM:** Chairperson Tobin asked if the Board felt they had enough information to make a decision on whether the application fulfills the final hearing requirements for subdivision. The Board stated that they did. Mr. McCain asked whether a survey of the remaining land would be required if it was found to belong to the Baslows. Chairperson Tobin stated that the final plat would have to show that the acreage would be included with the remaining parcel. Chairperson Tobin stated that the evidentiary portion of the hearing was closed.

**7:48 PM:** Chairperson Tobin asked if the Board would like to deliberate in open or closed session. Board Member Stan Hamlet made a motion, seconded by Board Member Chuck Brooks, to deliberate in closed session. The motion was passed by all Board Members present (Board Member Charlie Van Winkle did not cast a vote as he remembered that he did not participate in the preliminary hearing).

End of hearing.

The Board discussed the Baslow variances and conditions.

**8:18 PM:** Chairperson Tobin moved the Board into open session upon majority agreement. Chairperson Scott Tobin made a motion, seconded by Board Member Stan Hamlet, to approve of the 50-foot wetland setback variance request for the east-southeast side of the building envelope on Lot 1. The motion was passed by all Board Members present.

**8:20 PM:** Chairperson Scott Tobin made a motion, seconded by Board Member Chuck Brooks, that the previously-approved variances for Lot 2 (50-foot wetland setback for the north side of the building envelope) and Lot 3 (50-foot wetland setback for the north and south sides of the building envelope) remain valid. The motion was passed by all Board Members present.

**8:21 PM:** Chairperson Scott Tobin made a motion, seconded by Board Member Chuck Brooks, to approve the 5-lot subdivision subject to the following conditions:

1. Per the Underhill Subdivision Regulations, final approval of the subdivision is granted upon filing of the final subdivision plat in the Underhill Land Records. No transfer or sale of property may occur prior to recording the final plat and all applicable permits in the Town of Underhill Land Records.
2. All State permits shall be recorded in the Land Records.
3. Prior to issuance of a building permit to any lot out of this subdivision, an engineer shall provide a letter to the Zoning Administrator certifying
  - a. that the shared infrastructure has been installed to the lot per the phasing schedule in the approved plans;
  - b. that the approved curb cut has been installed per the plan; and
  - c. that the driveway has been "roughed in" per the approved plan.

Driveway top treatment may be installed at the end of the construction period. All erosion prevention, sediment control, and stormwater measures shall be installed per the phasing schedule in the approved plans. Approved driveways shall be the only points of ingress and egress during the construction period so as to minimize:

- a. compaction of site soils; and
- b. the effect on the submitted stormwater plans.

Upon completion of construction, the designer/engineer must certify by letter to the Zoning Administrator that the shared infrastructure and driveways have been constructed as designed.

4. The Private Roadway Agreement shall include the correct revised dates. This agreement may appear in the Homeowners Association agreement.
5. Reference to the Homeowners Association agreement shall appear in any deed in this subdivision. Failure to maintain a Homeowners Association and required agreements shall be considered a violation of the subdivision permit
6. All building envelopes and septic areas shall be staked out by the surveyor/engineer prior to any construction, and off-set stakes shall be held in place until completion of construction.
7. A copy of the engineer's letter to the State certifying that the septic system for any lot out of this subdivision has been installed per the approved plans shall be filed with the Zoning Administrator.
8. A copy of all inspection reports and certification reports sent to the State for the stormwater infrastructure shall be copied to the Zoning Administrator.

9. Prior to recording the final Mylars, the applicant shall submit a copy of the final plats and site plan Sheet S-1 in digital format to the Zoning Administrator.
10. All lots shall have their 911 codes posted prior to issuance of any building permit (Lot 1: WC023, Lot 2: WC021, Lot 3: WC022, Lot 4: WC024).
11. All subdivision fees shall be paid in full to the Zoning Administrator prior to filing the final plat with the Town Clerk.
12. Applicant shall obtain approval of the curb cut, driveways, and waiver requests from the Selectboard prior to filing the final plat.
13. Applicant shall provide a determination to the Zoning Administrator on the remaining lands across VT Rte. 15 prior to filing the final plat. The determination shall either
  - a. confirm that the land is owned by Isabel Baslow and will be a part of Lot 5 or
  - b. provide evidence of conveyance of the land.
14. Applicant shall obtain Selectboard approval of the driveway and road design, waiver request for the bonding requirement, the underground utilities, and the waiver request for the 10% grade requirement.
15. Mylars of Sheet 1 of 5 and Sheet 2 of 5 shall be recorded in the Underhill Land Records.

ZA Papelbon suggested amending Condition #9 to include Condition #15 and to combine Condition #12 with Condition #14. Upon agreement to include ZA Papelbon's suggestions, the motion was passed by all Board Members present.

The Board discussed their upcoming schedules and miscellaneous items.

**8:30 PM:** Meeting adjourned.

Note: It was determined that Board Member Deb Shannon did not participate in the Baslow preliminary hearing and thus her vote was not counted.

These minutes of the 10-19-09 meeting of the DRB were accepted

This 9<sup>th</sup> day of November, 2009.



Chairperson Scott Tobin

***These minutes are subject to correction by the Underhill Developmental Review Board. Changes, if any, will be recorded in the minutes of the meeting of the DRB.***

**TOWN OF UNDERHILL  
APPLICATION OF ISABEL BASLOW  
FOR A 5-LOT SUBDIVISION  
FINAL HEARING FINDINGS AND DECISION**

In re: Isabel Baslow  
13 Baslow Lane  
Underhill, VT 05489

Docket No. DRB-09-02: Isabel Baslow

**I. INTRODUCTION AND PROCEDURAL HISTORY**

This proceeding concerns Isabel Baslow's final hearing application for a 5-Lot subdivision of property located at 13 Baslow Lane in Underhill, VT.

1. On August 13, 2009, Michael Baslow, Power of Attorney, filed an application for subdivision on behalf of Isabel Baslow for the project. A copy of the application and plans are available at the Underhill Town Hall.
2. On September 28, 2009, a copy of the notice of a public site visit and hearing was mailed via Certified Mail to the applicant, Isabel Baslow, c/o Mike & Deb Baslow, 19 Baslow Ln., Underhill, VT 05489 and to the following owners of properties adjoining the property subject to the application:
  - a. Bosley, P.O. Box 253, Underhill, VT 05489
  - b. Raineault, 28 Gerts Knob, Underhill, VT 05489
  - c. Coia, P.O. Box 212, Underhill, VT 05489
  - d. Lamphere, 27 North Underhill Station Rd., Underhill, VT 05489
  - e. Luce, 50 North Underhill Station Rd., Underhill, VT 05489
  - f. Langsenkamp, 60 North Underhill Station Rd., Underhill, VT 05489
  - g. Netelkos/Boquel, 295 Poker Hill Rd., Underhill, VT 05489
  - h. Francis, 305 Poker Hill Rd., Underhill, VT 05489
  - i. Varney, 329 Poker Hill Rd., Underhill, VT 05489
  - j. Tatro, 1617 VT Rte. 15, Morrisville, VT 05661
  - k. Sminkey/Nadeau, 769 VT Rte. 15, Underhill, VT 05489
  - l. Woods, 772 VT Rte. 15, Underhill, VT 05489
  - m. Dehart, 779 VT Rte. 15, Underhill, VT 05489
  - n. Baslow, 780 VT Rte. 15, Underhill, VT 05489
  - o. Russin, P.O. Box 417, Underhill, VT 05489
  - p. Lunn, 13 Warner Creek Rd., Underhill, VT 05489
  - q. Bugbee/Robenstein, P.O. Box 221, Underhill, VT 05489
  - r. Trull, 17 Warner Creek Rd., Underhill, VT 05489
  - s. Glenn, P.O. Box 336, Underhill, VT 05489
  - t. Smith, 38 Gerts Knob, Underhill, VT 05489
  - u. Tatro-Lavigne, 799 VT Rte. 15, Underhill, VT 05489

Notice was also provided via email to Gunner McCain, McCain Consulting.

3. On October 1, 2009, notice of the final hearing was published in the Burlington Free Press.

4. By September 30, 2009, notice of the site visit and the preliminary hearing on the proposed Baslow subdivision were posted at the following places:
  - a. The property to be developed, BS013;
  - b. The Underhill Town Clerk's office;
  - c. The Underhill Center Post Office;
  - d. The Underhill Flats Post Office;
  - e. The Deborah Rawson Memorial Library;
  - f. The Town of Underhill website.
5. The final hearing was scheduled to begin immediately following the second sketch plan meeting on October 19, 2009.
6. Present at the final hearing were the following members of the Development Review Board:
  - Chuck Brooks
  - Penny Miller
  - Deb Shannon
  - Stan Hamlet
  - Scott Tobin, Chair
  - Charlie Van Winkle

Kari Papelbon, Zoning Administrator, Stephen Walkerman, Selectboard Chair, and a guest also attended the meeting. Board Member Charlie Van Winkle did not cast a vote as he did not participate in the preliminary hearing. Board Member Deb Shannon's vote was not counted as she did not participate in the preliminary hearing.

7. At the outset of the hearing, Chairperson Scott Tobin explained the criteria under 24 V.S.A. § 4465 (b) for being considered an "interested party." Interested parties who spoke at the hearing were:
  - Gunner McCain, McCain Consulting, 93 South Main Street, Waterbury, VT 05676
  - Mike and Deb Baslow, 19 Baslow Lane, Underhill, VT
  - Mike Lunn, 18 Warner Creek, Underhill, VT (mailing address in 2 above)
8. During the course of the hearing the following exhibits were submitted to the Development Review Board:
  - a. A staff report sent by Zoning Administrator Kari Papelbon to the Development Review Board, Mike and Deb Baslow, and Gunner McCain of McCain Consulting;
  - b. Isabel Baslow's Application for Subdivision: Final Hearing (8-9-09);
  - c. A copy of the completed Subdivision Checklist: Final Hearing;
  - d. A copy of plans prepared by Gunner McCain of McCain Consulting for Isabel Baslow (Sheet 1 of 5 revised 7-29-09; Sheet 2 of 5, Sheet 4 of 5, and Sheet 5 of 5 revised 4-21-09; Sheet 3 of 5 revised 11-10-05; Sheets SW-1 through SW-3 dated 6-1-09);
  - e. A copy of the Final Plat prepared by Lynn Ribolini for Isabel Baslow (revised 10-12-06);
  - f. A copy of the Access and Utilities Right-of-Way Survey prepared by Keith Van Iderstine of McCain Consulting for Isabel Baslow (dated 8-7-09);

- g. A copy of the letter from Ernest Christianson regarding the boundary adjustment for Lots 2 and 5 (dated 6-3-09);
- h. A copy of the Construction General Permit # 6154-9020 (dated 7-17-09);
- i. A copy of the Stormwater Permit #6154-9015 (dated 8-10-09);
- j. A copy of the letter from the Underhill-Jericho Fire Department (dated 7-1-09);
- k. A copy of the Private Roadway Agreement;
- l. A waiver request for the bonding requirement and Lot 1 wetland setback (dated 8-12-09);
- m. A copy of the minutes from the May 11, 2009 hearing;
- n. A copy of the Preliminary Decision (dated 6-1-09);
- o. A copy of the hearing notice published in the Burlington Free Press (dated 10-1-09);
- p. Draft Declaration of the Warner Creek Planned Community;
- q. Proposed Conditions for Subdivision;
- r. Sheet 1 of 5 revised 10-1-09.

These exhibits are available in the Isabel Baslow, BS013 Subdivision file at the Underhill Zoning Office.

## II. FINDINGS

### Background

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 on the final plat submission requirements as delineated on pages 9-11 of the Underhill Subdivision Regulations, "Final Plat for Subdivisions:"

#### A. Submission Requirements

Final Hearing Requirements:

1. Survey and Engineering Plan Elements: The Board finds that the engineering drawings and survey show the identifying title, parcel codes, name of the municipality, name and address of the record owner and sub divider, the seal of the registered land surveyor, the boundaries of the subdivision, scale, date, north point, and legend. The seals of the registered engineer on the engineering drawings and surveyor on the Access and Utilities Right-of-Way Survey are missing. These are not errors as the plans and survey are stamped after receiving final approval and the Applicants' consultant has indicated that the final plans and survey will be stamped and signed. The seals and signatures shall appear on the Mylars. The Board also finds that the acreage on the western side of VT Route 15 was not included in the overall acreage for Lot 5. A determination of such acreage or evidence of conveyance of the acreage shall be submitted to the Zoning Administrator prior to filing the final plat.
2. Road/Pedestrian Ways/Easements/Reservations: The Board finds that the application satisfies the requirement as the proposed road extension, the lots, and easements are shown on the plans. No areas are proposed for public use beyond the roadway extension.
3. Lot Lines/Bearings/Distances: The Board finds that the application satisfies the requirement as the lot lines, bearings, and distances are shown on the plans.

4. Road Details: The Board finds that no new roads are proposed and the details for the extension of Warner Creek are contained in the plans.
5. Public Space/Reserved Space: The Board finds that this requirement is not applicable as there are no dedicated open spaces in the subdivision.
6. Lot Numbering: The Board finds that the application satisfies the requirement as the lots are numerically numbered on the proposed plan.
7. Infrastructure: The Board finds that the application satisfies the requirement as septic systems, proposed utility locations, grading, and stormwater details are contained in the plans.
8. Wastewater System Design: The Board finds that the application satisfies the requirement as the location and results of all test pits and septic system areas are shown on the plans. Two State of Vermont Wastewater System and Potable Water Supply Permits were issued for the project on October 4, 2004 and July 25, 2006. A letter from Regional Engineer Ernest Christianson on June 3, 2009 states that these two permits are still valid.
9. Existing and Proposed Water Supplies: The Board finds that the application satisfies the requirement as the location and results of all test pits and septic system areas are shown on the plans. The State of Vermont has jurisdiction over isolation distances between potable water supplies and wastewater disposal systems. Two State of Vermont Wastewater System and Potable Water Supply Permits were issued for the project on October 4, 2004 and July 25, 2006. A letter from Regional Engineer Ernest Christianson on June 3, 2009 states that these two permits are still valid.
10. Monumentation: The Board finds that the application satisfies the requirement as monumentation locations and details are contained in the plans.
11. Installation of Infrastructure or Bonding: A waiver request from the requirement that an engineer provide a letter certifying that all required improvements have been satisfactorily completed or, in lieu thereof, supply a Selectboard-approved 2-year performance bond for the improvements at the time of filing the final plat has been submitted. See (B) below.
12. UJFD/CESU Letters: The Board finds that the application satisfies the requirement as letters from the Underhill-Jericho Fire Department and Chittenden East Supervisory Union have been submitted.
13. State Permits: The Board finds that the application satisfies the requirement as Construction General Permit # 6154-9020 dated 7-17-09, Stormwater Permit #6154-9015 dated 8-10-09, and two State of Vermont Wastewater System and Potable Water Supply Permits dated October 4, 2004 and July 25, 2006 have been issued. A letter from Regional Engineer Ernest Christianson on June 3, 2009 states that the two Wastewater System and Potable Water Supply Permits are still valid.
14. Curb Cut/Selectboard Approval of Driveways and Road: The Selectboard has final jurisdiction over approval of curb cuts, road/driveway designs, and improvements on existing Town roads.

The Board recommends to the Selectboard that they approve the proposed driveway/roadway extension designs, the underground utilities, and waivers in B (2) below.

B. Waivers: The Board makes recommendations on waiver requests of any Road Policy requirement, bonding requirement, underground utilities, and other requirements that are the jurisdiction of the Selectboard. The following requests have been submitted:

1. Engineer's Certification or Bond for Improvements with the Final Mylar: The Board recommends approval with the condition that prior to issuance of a building permit to any lot out of this subdivision, an engineer shall provide a letter to the Zoning Administrator certifying
  - a. that the shared infrastructure has been installed to the lot per the phasing schedule in the approved plans;
  - b. that the approved curb cut has been installed per the plan; and
  - c. that the driveway has been "roughed in" per the approved plan.

Driveway top treatment may be installed at the end of the construction period. All erosion prevention, sediment control, and stormwater measures shall be installed per the phasing schedule in the approved plans. Approved driveways shall be the only points of ingress and egress during the construction period so as to minimize:

- a. compaction of site soils; and
- b. the effect on the submitted stormwater plans.

Upon completion of construction, the designer/engineer must certify by letter to the Zoning Administrator that the shared infrastructure and driveways have been constructed as designed.

2. 10% Maximum Grade: The plans depict a maximum grade of approximately 13%. The Board recommends approval.
3. Underground Utilities: The Board recommends approval.
4. Roadway Extension/Driveway Design: The Board recommends approval.

C. Variances: The Board finds that two variances were granted in the 2006 decision.

1. Lot 2: 50-foot variance of the wetland setback requirement for the north side of the building envelope.
2. Lot 3: 50-foot variance of the wetland setback requirement for the north and south sides of the building envelope.

These variances remain valid. A request for a 50-foot variance of the wetland setback requirement for the east-southeast side of the building envelope on Lot 1 was also submitted. Variances must meet the following requirements per 24 V.S.A. §4469:

1. There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to these conditions, and not the circumstances or conditions generally created by the provisions of the bylaw in the neighborhood or district in which the property is located.

The Board finds that the lot to be developed contains multiple Class III wetlands and steep embankments that limit potential building locations.

2. Because of these physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the bylaw, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

The Board finds that due to the presence of Class III wetlands and the steep embankments behind the wetlands that the property could not be developed in strict conformity with the provisions of the bylaw. Approval of the variance request allows the Applicant to develop the property in a reasonable manner.

3. Unnecessary hardship has not been created by the appellant.

The Board finds that the presence of natural features such as the Class III wetlands and steep embankments on the property have not been created by the Applicant.

4. The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare.

The Board finds that approval of the variance will not alter the essential character of the neighborhood as a buffer zone around the wetland will still exist and the proposed development is residential in a residential neighborhood, will not substantially or permanently impair the appropriate use or development of the adjacent property as a buffer zone around the wetland will still exist to protect its functions for stormwater control, will not reduce access to renewable energy resources, and a reduction in the wetland buffer will not be detrimental to the public welfare as the buffer will still exist. The Board also recognizes that the State requires a 50-foot buffer around Class II wetlands; therefore, a 50-foot variance of the Town's 100-foot buffer requirement around Class III wetlands seems reasonable.

5. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the bylaw and from the plan.

The Board finds that authorization of this variance will allow the Applicant to reasonably develop the land in a way that best conforms to the Town requirements. The Board also recognizes that the State requires a 50-foot buffer around Class II wetlands; therefore, a 50-foot variance of the Town's 100-foot buffer requirement around Class III wetlands seems reasonable.

The 50-foot variance for the wetland setback requirement on the east-southeast side of the building envelope on Lot 1 is approved.

#### D. Planning Standards: Evaluation Considerations

The Board finds that the Planning Standards: Evaluation Considerations in the preliminary decision remain valid.

Based on the fulfillment of the above subdivision requirements subject to final conditions, granted conditional waivers and variances, findings, and evaluation considerations, the Board finds that the application satisfies the requirements for a subdivision.

### **III. DECISION AND ADDITIONAL FINAL HEARING REQUIREMENTS**

Based upon the findings above, and subject to any of the conditions set forth below, the Development Review Board grants approval for the 5-lot subdivision as presented at the final hearing. The Development Review Board recommends approval of the roadway extension/driveway design, underground utilities, and the waiver requests with the suggested condition listed in §II (B) above.

#### **A. Conditions for Subdivision:**

1. **Determination of Ownership of Bulk Land:** Applicant shall provide a determination to the Zoning Administrator on the remaining land on the western side of VT Rte. 15 prior to filing the final plat. The determination shall either
  - a. confirm that the land is owned by Isabel Baslow and will be a part of Lot 5; or
  - b. provide evidence of conveyance of the land.
2. **Recording Requirement:** Per the Underhill Subdivision Regulations, final approval of the subdivision is granted upon filing of the final subdivision plat in the Underhill Land Records. No transfer or sale of property may occur prior to recording the final plat and all applicable permits in the Town of Underhill Land Records.
3. **State and Federal Permits:** All required permits shall be recorded in the Land Records.
4. **Driveway and Erosion Control Measures:** Prior to issuance of a building permit to any lot out of this subdivision, an engineer shall provide a letter to the Zoning Administrator certifying
  - a. that the shared infrastructure has been installed to the lot per the phasing schedule in the approved plans;
  - b. that the approved curb cut has been installed per the plan; and
  - c. that the driveway has been "roughed in" per the approved plan.

Driveway top treatment may be installed at the end of the construction period. All erosion prevention, sediment control, and stormwater measures shall be installed per the phasing schedule in the approved plans. Approved driveways shall be the only points of ingress and egress during the construction period so as to minimize:

- a. compaction of site soils; and
- b. the effect on the submitted stormwater plans.

Upon completion of construction, the designer/engineer must certify by letter to the Zoning Administrator that the shared infrastructure and driveways have been constructed as designed.

5. **Stake-out of Improvements:** All building envelopes and septic areas shall be staked out by the surveyor/engineer prior to any construction, and off-set stakes shall be held in place until completion of construction.
6. **Septic Certification Letter:** A copy of the engineer's letter to the State certifying that the septic system for any lot out of this subdivision has been installed per the approved plans shall be filed with the Zoning Administrator.

- 7. Inspection Reports and Certifications: A copy of all inspection reports and certification reports sent to the State for the stormwater infrastructure shall be copied to the Zoning Administrator.
- 8. Homeowners Association Document: Reference to the Homeowners Association agreement shall appear in any deed in this subdivision. Failure to maintain a Homeowners Association and required agreements shall be considered a violation of the subdivision permit.
- 9. Road Maintenance Agreement: The Private Roadway Agreement shall include the correct revised dates. This agreement may appear in the Homeowners Association agreement.
- 10. Digital Submission of Plat and Plans: Prior to recording the final Mylars, the applicant shall submit a copy of the certified plats and Sheet 1 of 5 and Sheet 2 of 5 in digital format. The format of the digital information shall require approval of the Zoning Administrator.
- 11. 911 Codes: All lots shall have their 911 codes posted prior to issuance of any building permit (Lot 1: WC023, Lot 2: WC021, Lot 3: WC022, Lot 4: WC024).
- 12. Fees: All subdivision fees shall be paid in full to the Zoning Administrator prior to filing of the final plat.
- 13. Selectboard Approval: Applicant shall obtain approval of the roadway extension and driveways, underground utilities, and waiver requests for the bonding requirement and 10% grade requirement from the Selectboard prior to filing the final plat (see 10-29-09 minutes).

Dated at Underhill, Vermont this 9th day of NOVEMBER, 2009.

Scott Tobin  
Scott Tobin, Chair, Development Review Board

**UNDERHILL TOWN CLERK'S OFFICE**  
 Received For Record 2:3 A.D., 20 10  
 At 11 O'clock — minutes A M. & Recorded  
 In Book 129 Page 131-134 of Underhill Records  
 Attest [Signature]  
 Town Clerk

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. No documents shall be recorded until December 9, 2009, when the 30-day appeal period has expired.

# TOWN OF UNDERHILL

P.O. Box 32  
Underhill Center, VT 05490

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

0378

## SUBDIVISION PERMIT

THIS PERMIT IS VALID UPON FULFILLMENT OF SUBDIVISION CONDITIONS AND SIGNATURE OF THE ZONING ADMINISTRATOR.

Permit #: SUB-10-02

Date Effective: 2-1-2010

Applicant(s): Isabel Baslow c/o Mike & Deb Baslow

Property Code: BS013

Property Location: 13 Baslow Lane

DRB Docket # DRB-09-02

Number of Lots Permitted: 5

Date of Final Hearing: 10-19-09

Zoning District(s): Rural Res. / Soil & Water Conservation

Date of Decision: 11-9-09

### PERMIT CONDITIONS:

1. Determination of Ownership of Bulk Land: Applicant shall provide a determination to the Zoning Administrator on the remaining land on the western side of VT Rte. 15 prior to filing the final plat. The determination shall either
  - a. confirm that the land is owned by Isabel Baslow and will be a part of Lot 5; or
  - b. provide evidence of conveyance of the land.
2. Recording Requirement: Per the Underhill Subdivision Regulations, final approval of the subdivision is granted upon filing of the final subdivision plat in the Underhill Land Records. No transfer or sale of property may occur prior to recording the final plat and all applicable permits in the Town of Underhill Land Records.
3. State and Federal Permits: All required permits shall be recorded in the Land Records.
4. Driveway and Erosion Control Measures: Prior to issuance of a building permit to any lot out of this subdivision, an engineer shall provide a letter to the Zoning Administrator certifying
  - a. that the shared infrastructure has been installed to the lot per the phasing schedule in the approved plans;
  - b. that the approved curb cut has been installed per the plan; and
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Driveway top treatment may be installed at the end of the construction period. All erosion prevention, sediment control, and stormwater measures shall be installed per the phasing schedule in the approved plans. Approved driveways shall be the only points of ingress and egress during the construction period so as to minimize:

- a. compaction of site soils; and
- b. the effect on the submitted stormwater plans.

Upon completion of construction, the designer/engineer must certify by letter to the Zoning Administrator that the shared infrastructure and driveways have been constructed as designed.

5. Stake-out of Improvements: All building envelopes and septic areas shall be staked out by the surveyor/engineer prior to any construction, and off-set stakes shall be held in place until completion of construction.
6. Septic Certification Letter: A copy of the engineer's letter to the State certifying that the septic system for any lot out of this subdivision has been installed per the approved plans shall be filed with the Zoning Administrator.

CONTINUED ON NEXT PAGE

# TOWN OF UNDERHILL

P.O. Box 32  
Underhill Center, VT 05490

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

## SUBDIVISION PERMIT

THIS PERMIT IS VALID UPON FULFILLMENT OF SUBDIVISION CONDITIONS AND SIGNATURE OF THE ZONING ADMINISTRATOR.

Permit #: SUB-10-02

Date Effective: 2-1-2010

Applicant(s): Isabel Baslow c/o Mike & Deb Baslow

Property Code: BS013

Property Location: 13 Baslow Lane

DRB Docket # DRB-09-02

Number of Lots Permitted: 5

Date of Final Hearing: 10-19-09

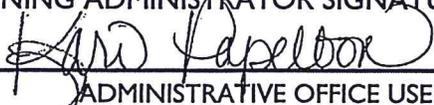
Zoning District(s): Rural Res. / Soil & Water Conservation

Date of Decision: 11-9-09

### PERMIT CONDITIONS:

7. Inspection Reports and Certifications: A copy of all inspection reports and certification reports sent to the State for the stormwater infrastructure shall be copied to the Zoning Administrator.
8. Homeowners Association Document: Reference to the Homeowners Association agreement shall appear in any deed in this subdivision. Failure to maintain a Homeowners Association and required agreements shall be considered a violation of the subdivision permit.
9. Road Maintenance Agreement: The Private Roadway Agreement shall include the correct revised dates. This agreement may appear in the Homeowners Association agreement.
10. Digital Submission of Plat and Plans: Prior to recording the final Mylars, the applicant shall submit a copy of the certified plats and Sheet 1 of 5 and Sheet 2 of 5 in digital format. The format of the digital information shall require approval of the Zoning Administrator.
11. 911 Codes: All lots shall have their 911 codes posted prior to issuance of any building permit (Lot 1: WC023, Lot 2: WC021, Lot 3: WC022, Lot 4: WC024).
12. Fees: All subdivision fees shall be paid in full to the Zoning Administrator prior to filing of the final plat.
13. Selectboard Approval: Applicant shall obtain approval of the roadway extension and driveways, underground utilities, and waiver requests for the bonding requirement and 10% grade requirement from the Selectboard prior to filing the final plat (see 10-29-09 minutes).

ZONING ADMINISTRATOR SIGNATURE



ADMINISTRATIVE OFFICE USE ONLY

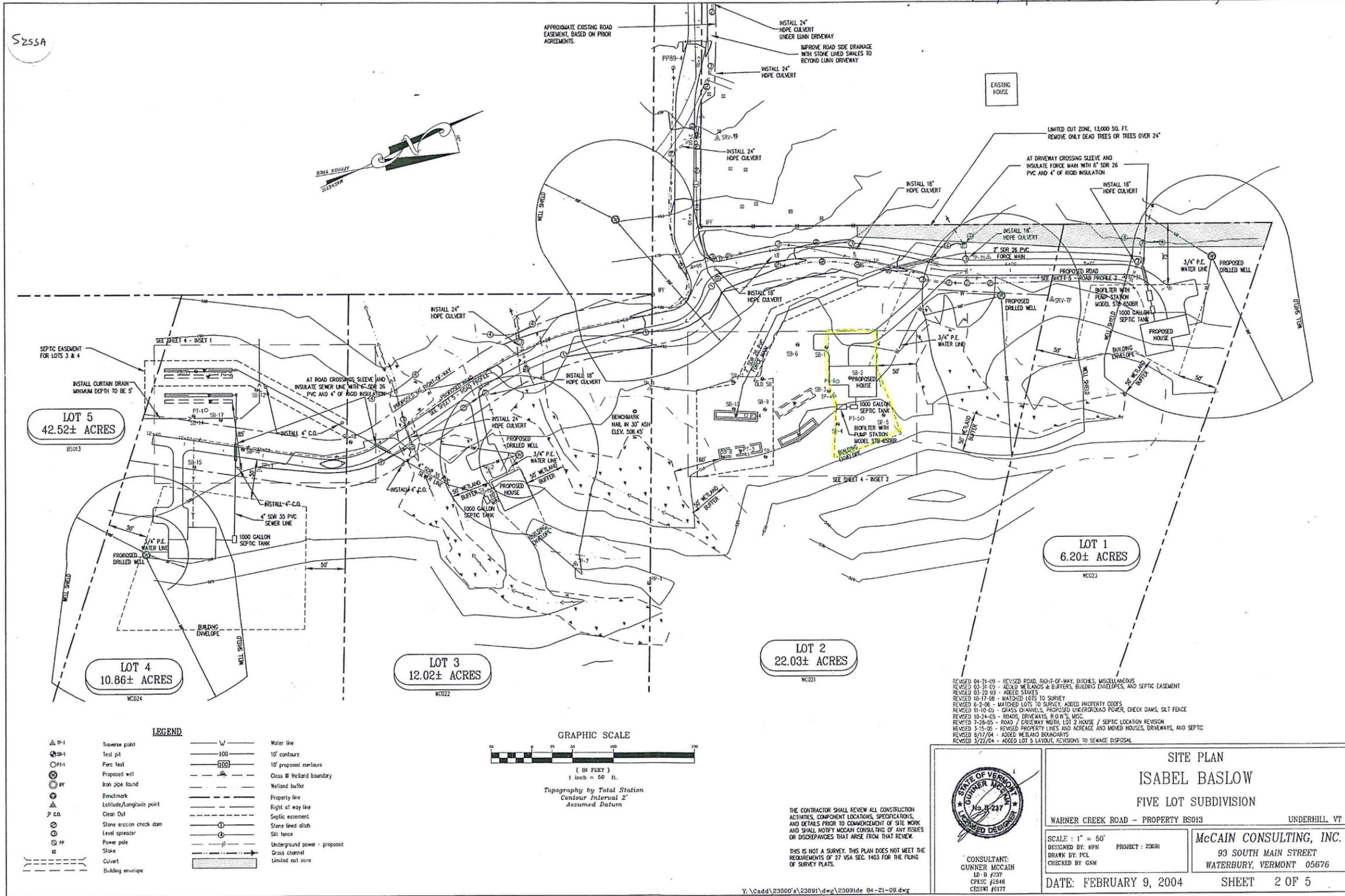
TOWN CLERK RECORDING

UNDERHILL TOWN CLERK'S OFFICE

Received For Record 2/3 A.D., 20 10  
 At 11 O'clock 13 minutes A M. & Recorded  
 In Book 179 Page 139-140 of Underhill Records  
 Attest [Signature] Town Clerk

Received for Record 2.3.10 @ 8 AM Steve Ahern Town Clerk

S255A



LOT 5  
42.52± ACRES

LOT 4  
10.86± ACRES

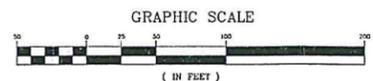
LOT 3  
12.02± ACRES

LOT 2  
22.03± ACRES

LOT 1  
6.20± ACRES

**LEGEND**

△ TP-1	Traverse point	— W —	Water line
○ SP-1	Test pit	— 100 —	10' contours
○ PP-1	Proposed well	— 1000 —	10' proposed contours
○ PF	Iron pipe found	— — —	Class II Wetland boundary
○ B	Benchmark	— — —	Wetland buffer
○ L	Latitude/Longitude point	— — —	Property line
○ C.O.	Clear Cut	— — —	Right of way line
○ S.C.D.	Stone scason check dam	— — —	Septic easement
○ L.S.	Level spreader	— — —	Stone lined ditch
○ P.P.	Power pole	— — —	Silt fence
○ S	Slope	— — —	Underground power - proposed
○ C	Culvert	— — —	Grass channel
○ B.E.	Building envelope	— — —	Limited out zone



Topography by Total Station  
Contour Interval 2'  
Assumed Datum

- REVISED 04-21-09 - REVISED ROAD, RIGHT-OF-WAY, ETTCHES, MISCELLANEOUS
- REVISED 03-31-09 - ADDED WETLANDS & BUFFERS, BUILDING ENVELOPES, AND SEPTIC EASEMENT
- REVISED 03-09-09 - ADDED STAKES
- REVISED 10-17-08 - MATCHED LOTS TO SURVEY
- REVISED 06-24-08 - MATCHED LOTS TO SURVEY, ADDED PROPERTY CODES
- REVISED 11-10-05 - GRASS CHANNELS, PROPOSED UNDERGROUND POWER, CHECK DAMS, SILT FENCE
- REVISED 10-24-05 - ROADS, DRIVEWAYS, R.O.W.'S, MISC.
- REVISED 7-28-05 - ROAD / DRIVEWAY NOTED, LOT 2 HOUSE / SEPTIC LOCATION REVISION
- REVISED 3-15-05 - REVISED PROPERTY LINES AND ACRES AND MOVED HOUSES, DRIVEWAYS, AND SEPTIC
- REVISED 8/17/04 - ADDED WETLAND BOUNDARIES
- REVISED 3/22/04 - ADDED LOT 5 LAYOUT, REVISIONS TO SEWAGE DISPOSAL

THE CONTRACTOR SHALL REVIEW ALL CONSTRUCTION ACTIVITIES, COMPONENT LOCATIONS, SPECIFICATIONS, AND DETAILS PRIOR TO COMMENCEMENT OF SITE WORK AND SHALL NOTIFY MCCAIN CONSULTING OF ANY ISSUES OR DISCREPANCIES THAT ARISE FROM THAT REVIEW.

THIS IS NOT A SURVEY. THIS PLAN DOES NOT MEET THE REQUIREMENTS OF 27 VSA SEC. 1403 FOR THE FILING OF SURVEY PLATS.



CONSULTANT:  
GUNNER MCCAIN  
LD-8 #237  
CFESC #2548  
CENNY #1177

**SITE PLAN**  
**ISABEL BASLOW**  
**FIVE LOT SUBDIVISION**

WARNER CREEK ROAD - PROPERTY BS013 UNDERHILL, VT

SCALE: 1" = 50'  
DESIGNED BY: NPN PROJECT: 23091  
DRAWN BY: PCL  
CHECKED BY: GNM

**MCCAIN CONSULTING, INC.**  
93 SOUTH MAIN STREET  
WATERBURY, VERMONT 05676

DATE: FEBRUARY 9, 2004 SHEET 2 OF 5

Reproduction of Vermont Wetland Warnings Act by certifies that  
 this map was reproduced by the listed firm photoduplicate process.  
 CK Jeger

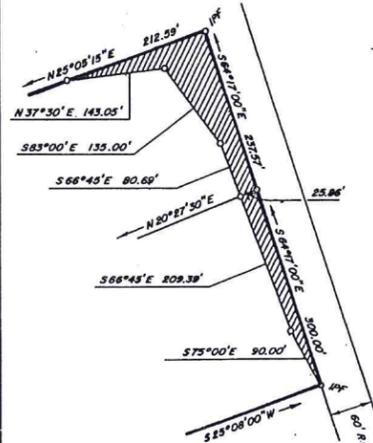
Y:\Cadd\23000\23091\dwg\23091de 04-21-09.dwg

NOTES:

1. THIS SURVEY WAS DONE BY MEANS OF A TOTAL STATION E.D.M.
2. THE BEARINGS SHOWN REFER TO MAGNETIC NORTH.
3. THIS SURVEY WAS BASED ON DEEDS OF RECORD, PHYSICAL EVIDENCE AS FOUND AND THE FOLLOWING PRIOR SURVEYS:
  - (A) "PLAT OF SURVEY FOR CHRISTOPHER PRATT & PATRICK MALLOW" BY JOHN A. MARSH DATED AUGUST 24, 1985.
  - (B) "PLAT OF SURVEY FOR MICHAEL & CATHY BASLOW" BY JOHN A. MARSH DATED AUGUST 11, 1977.
  - (C) "PROPERTY TRANSFER NORMAN AND ISABEL BASLOW TO THOMAS BOSLEY" DATED NOV. 1972.
  - (D) "A SURVEY OF A PORTION OF LAND OF NORMAN BASLOW" BY PROPERTY DESIGN DATED OCTOBER 1994 AND BEARING PROJECT NO. 126-94.
  - (E) "A SURVEY OF A PORTION OF LANDS NOW OR FORMERLY OF NORMAN C. BASLOW" BY PROPERTY DESIGN DATED MAY 1996 AND BEARING PROJECT NO. 126-94-B.

SEPTIC EASEMENTS:

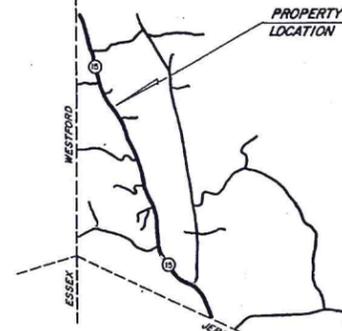
LOT 2			LOT 4		
COURSE	BRG.	DIST.	COURSE	BRG.	DIST.
J	S 03°30'00"W	131.71'	T	S 64°30'00"W	135.00'
K	S 38°00'00"E	64.64'	U	S 25°07'00"W	126.21'
L	N 16°30'00"E	25.00'	V	N 47°05'00"W	33.61'
M	S 64°17'00"E	112.00'	W	N 25°07'00"E	99.84'
N	S 16°30'00"W	97.00'	X	N 64°30'00"E	153.91'
O	N 64°17'00"W	112.00'	Y	S 63°58'30"E	22.75'
P	N 16°30'00"E	47.43'			
Q	N 38°00'00"W	106.48'			
R	N 03°30'00"E	110.37'			
S	N 38°10'00"E	35.16'			



LEGEND:

- IPF IRON PIN FOUND
- IPS IRON PIN SET
- PROPERTY LINE
- HIGHWAY RIGHT-OF-WAY
- WIRE FENCE
- STONE WALL
- PROPOSED RIGHT-OF-WAY

COURSE	BEARING	DISTANCE
a	N 53°57'15"W	210.50'
b	S 84°39'45"W	100.00'
c	S 40°32'15"W	113.74'
d	S 33°42'30"W	72.00'
e	S 46°02'30"W	189.38'
f	S 43°35'15"W	182.04'
g	S 03°03'15"W	159.85'
A	S 50°42'00"E	64.46'



REVISIONS:

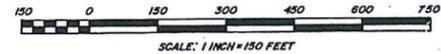
- 09/29/06 THE PARCEL OF LAND LOCATED BETWEEN LAND OF RUSSIN AND LAND OF LUHN WAS ADDED TO LOT 2. THE LAND OF RUSSIN WAS DESCRIBED IN A DEED RECORDED IN BK. 68, PG. 281 AND WAS BASED ON A SURVEY BY JOHN A. MARSH. THE SURVEY IS NOT RECORDED, THE DEED REFERRED TO CONTAINS SOME ERRORS AND NO MONUMENTATION OF THE CORNERS OF LAND OF RUSSIN WERE FOUND. THE PROPERTY LINE BETWEEN BASLOW & RUSSIN IS BASED SOLELY ON THE EXISTENCE OF PORTIONS OF WIRE FENCE BELIEVED TO DELINEATE A PORTION OF THE LAND OF RUSSIN.
- 10/12/06 SMALL PARCEL OF LAND SOUTHERLY OF GERTS KNOB ROAD WAS ADDED TO LOT 5.

ZONING DATA

- DISTRICT RURAL RESIDENTIAL
- LOT SIZE 3 ACRES
- ROAD FRONTAGE 250'
- FRONT YARD SETBACK 75'
- SIDE YARD SETBACK 50'
- REAR YARD SETBACK 50'
- BUILDING HEIGHT 35'

FINAL PLAT

A SURVEY & SUBDIVISION OF LAND OF  
**ISABEL L. BASLOW**  
 P.O. BOX 398  
 UNDERHILL, VERMONT (05489)  
 BY  
**PROPERTY DESIGN — MONTPELIER, VERMONT**  
 NOVEMBER 2005



Approved by the Underhill  
 Development Review Board  
 Chair: [Signature] Date: 11/12/10



I hereby certify that this survey was performed by me or under my supervision and to the best of my knowledge is correct and accurate.

RIGHT-OF-WAY CURVE DATA:

	A	R	L
C1	83°00'00"	75.00'	82.47'
C2	40°10'00"	150.00'	105.16'
C3	24°41'00"	360.00'	158.09'
C4	48°54'00"	160.00'	119.80'
C5	22°54'47"	100.00'	38.99'
C6	19°59'13"	100.00'	34.88'
C7	24°41'00"	480.00'	180.94'

Reprographics of New England, Winoski, VT hereby certifies that this map was reproduced by the fixed line photographic process.

TOWN OF UNDERHILL  
APPLICATION OF MARTY BASLOW AND MICHAEL BASLOW,  
REMAINDERMEN OF THE ISABELLE BASLOW LIFE ESTATE  
FOR A 2-LOT SUBDIVISION  
FINAL FINDINGS AND DECISION

In re: Marty Baslow & Michael Baslow  
13 Baslow Ln.  
Underhill, VT 05489

Docket No. DRB-11-01: Baslow

**I. INTRODUCTION AND PROCEDURAL HISTORY**

This proceeding concerns Marty Baslow's and Michael Baslow's combined preliminary and final hearing application for a 2-lot subdivision of property located at 13 Baslow Ln. in Underhill, VT.

- A. On April 25, 2011, McCain Consulting filed an application for subdivision on behalf of the Baslows for the project. 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 February 7, 2011 and was accepted.
- B. On April 25, 2011, a copy of the notice of the combined preliminary and final hearing was mailed to the applicants, Marty Baslow, 65 Colonel Page Rd., Essex Junction, VT 05452, Michael Baslow, 19 Baslow Lane, Underhill, VT 05489, and to the following owners of properties adjoining the property subject to the application:
1. Sminkey/Nadeau, 769 VT Rte. 15, Underhill, VT 05489
  2. Russin, P.O. Box 417, Underhill, VT 05489
  3. Dehart, 779 VT Rte. 15, Underhill, VT 05489
  4. Baslow, 780 VT Rte. 15, Underhill, VT 05489
  5. Lunn, 13 Warner Creek, Underhill, VT 05489
  6. Bugbee/Robenstein, P.O. Box 221, Underhill, VT 05489
  7. Glenn, 18 Warner Creek, Underhill, VT 05489
  8. Tatro-Lavigne, 799 VT Rte. 15, Underhill, VT 05489
  9. Smith, 38 Gerts Knob, Underhill, VT 05489
  10. Francis, 305 Poker Hill Rd., Underhill, VT 05489
  11. Tatro, 1617 VT Rte. 15E, Morrisville, VT 05489 (was not returned)
  12. Varney, 329 Poker Hill Rd., Underhill, VT 05489
  13. Cook, 773 VT Rte. 15, Underhill, VT 05489
  14. Langsenkamp, 60 North Underhill Station Rd., Underhill, VT 05489
  15. Luce, 50 North Underhill Station Rd., Underhill, VT 05489
  16. Netelkos/Boquel, 295 Poker Hill Rd., Underhill, VT 05489
  17. Raineault, 28 Gerts Knob Rd., Underhill, VT 05489
  18. Coia, P.O. Box 212, Underhill, VT 05489
  19. Lamphere, MJFM Lamphere Remaindermen, 27 No. Underhill Station Rd. Underhill, VT 05489
  20. Bosley, 4 Baslow Ln., Underhill, VT 05489

21. Mike and Deb Baslow/Baslow Life Estate c/o Michael Baslow, 19 Baslow Ln., Underhill, VT 05849
22. Pecor, 772 VT Rte. 15, Underhill, VT 05489
23. Pamela Hogan, 17 Warner Creek, Underhill, VT 05489

A copy of the notice was also emailed to Gunner McCain, McCain Consulting at gmccain@mccainconsulting.com.

- C. On April 25, 2011, notice of the combined preliminary and final hearing on the proposed Baslow subdivision was posted at the following places:
1. The property to be developed, BS013 (April 27, 2011);
  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 April 27, 2011, notice of the combined preliminary and final hearing was published in *Seven Days*.
- E. The hearing began at 6:32 PM on May 16, 2011.
- F. Present at the hearing were the following members of the Development Review Board:
- Chuck Brooks
  - Matt Chapek
  - Penny Miller, Vice Chairperson
  - Will Towle
  - Peter Seybolt
  - Charles Van Winkle, Chairperson
- Kari Papelbon, Zoning Administrator; Gunner McCain, Consultant; Marty Baslow, Applicant; and Elizabeth Baslow (Marty's wife) also attended the hearing.
- G. At the outset of the hearing, Vice Chairperson Penny Miller explained the criteria under 24 V.S.A. § 4465 (b) for being considered an "interested party." Those who spoke at the hearing were:
- Marty Baslow, 65 Colonel Page Rd., Essex Junction, VT 05452
- Consultant(s) who spoke on behalf of the Applicant(s):
- Gunner McCain, McCain Consulting, 93 South Main Street, Ste. 1, Waterbury, VT 05676
- H. During the course of the hearing the following exhibits were submitted to the Development Review Board:

1. A staff report sent by Zoning Administrator Kari Papelbon to the Development Review Board, Marty Baslow, Michael Baslow, and Gunner McCain of McCain Consulting;
2. Marty Baslow's and Michael Baslow's Applications for Subdivision: Final (dated 2-25-11 and 4-25-11);
3. Copies of the completed Subdivision Checklist: Preliminary Hearing and the completed Subdivision Checklist: Final Hearing;
4. A copy of the survey prepared by Keith Van Iderstine of McCain Consulting, Inc. for Michael Baslow and Marty Baslow (dated 4-20-11);
5. A copy of the Flood Insurance Rate Map Panel 0010 B for the property;
6. A copy of the Wastewater System and Potable Water Supply Permit #WW-4-2103-2 (dated 2-5-11);
7. A copy of the letter from Harry Schoppmann of the Underhill-Jericho Fire Department (dated 4-25-11);
8. A copy of the completed School Impact Questionnaire from Superintendent of Schools John Alberghini (dated 2-23-11);
9. A copy of the Proposed Findings of Fact;
10. A copy of the proposed Private Roadway Agreement;
11. A copy of the waiver request for the bonding requirement (dated 4-21-11);
12. A copy of the sketch plan meeting minutes (dated 2-21-11);
13. A copy of the tax map for BS013;
14. A copy of the hearing notice published in *Seven Days* (4-27-11).

These exhibits are available in the Baslow, BS013, 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 ±42.53-acre parcel located at 13 Baslow Lane in Underhill, VT (BS013).
- B. The property is located in the Rural Residential and Soil & Water Conservation zoning districts as defined in §VI and §IX of the 2003 Underhill Zoning Regulations.
- C. Subdivision approval is requested for the project pursuant to review under the following sections of the 2002 Town of Underhill Subdivision Regulations:
  - Application Submission Requirements, pages 7-9, "Preliminary Plat for Subdivisions"
  - Application Submission Requirements, pages 9-11, "Final Plat for Subdivisions"
  - Planning Standards, pages 11-12, "Evaluation Considerations"

- D. Application Submission Requirements, "Preliminary Plat for Subdivisions" – The preliminary plat shall be drawn to a scale of not more than two hundred (200) feet to the inch, and shall show or be accompanied by the following information:
1. Proposed subdivision name or identifying title and the name of the town.
  2. Name and address of record owner, sub divider and designer of Preliminary Plat.
  3. Number of acres within the proposed subdivision, location of property lines, existing easements, buildings, water-courses and other essential existing physical features, natural features and resources.
  4. The location of natural features or site elements to be preserved.
  5. The names of all subdivisions immediately adjacent and the names of owners of record of adjacent acreage, including those directly across any road adjoining proposed subdivision.
  6. The provisions of the Zoning Regulations applicable to the area to be subdivided and any zoning district boundaries affecting the tract.
  7. The location and size of any existing sewerage systems and water supplies, culverts and drains or underground cables on the property to be subdivided.
  8. Location, names and present widths of existing and proposed roads, easements, building lines, parks, and other public open spaces as well as similar facts affecting adjacent property.
  9. Contour lines at intervals of ten (10) feet of existing grades and of proposed finished grades where change of existing ground elevation will be five (5) feet or more.
  10. Typical cross sections of the proposed grading and roadways.
  11. Date, true north point, scale, and legend.
  12. Complete survey of subdivision tract by a licensed registered engineer or surveyor.
  13. Means of providing water supply to the proposed subdivision.
  14. Means of on-site disposal of septic wastes including location and results of tests to ascertain subsurface soil, rock and ground water conditions, depth to ground water unless pits are dry at depth of seven (7) feet; location and results of preliminary percolation tests for plat.
  15. Provisions for collecting and discharging storm drainage, in the form of drainage plan.
  16. Preliminary designs of any bridges or culverts which may be required.
  17. The proposed lot lines with approximate dimensions and suggested locations of buildings.

18. The location of temporary markers adequate to enable the Commission to locate readily and appraise the basic layout in the field. Unless an existing road intersection is shown, the distance along a road from one corner of the property to the nearest existing road intersection shall be shown.
  19. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
  20. The sub divider shall coincidentally with submitting the preliminary layout, also furnish a statement signed by him or her to the Commission reciting:
    - a. The nature and extent of the proposed road or roads. These must meet Town highway specifications as established by the Selectmen;
    - b. The nature and extent of any recreational features, parks, or playgrounds to be provided, if any, and whether or not and under what conditions they are to be dedicated to the Town;
    - c. The way in which the proposed development relates to the Comprehensive Plan for the Town of Underhill.
  21. The sub divider shall indicate if any of the proposed units are to be considered as public buildings.
  22. The sub divider shall indicate the location of proposed underground cables.
  23. List of waivers, if any, the sub divider desires from the requirements of these regulations, and justification therefore.
  24. 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 the area within two thousand (2,000) feet of any property line of the proposed subdivision. Such vicinity map will be shown on a U.S.G.S. map at a scale of approximately one (1) inch to 24,000.
  25. If the preliminary Plat submitted covers only part of the sub divider's entire holding, then the applicant shall submit an outline of the platted area, together with its road system and an indication of the future probable road system of the remaining portion of the tract.
- E. Application Submission Requirements, "Final Plat for Subdivisions" – The final Subdivision Plat shall consist of one or more sheets of drawings which conform to the following requirements: One copy shall be on mylar clearly and legibly drawn, and the size of the sheets shall be either 18" X 24" or a multiple thereof. Four paper copies shall complete the submission. Such sheets shall have a margin of 2" outside of the borderlines on the left side for binding and a 1" margin outside the border along the remaining sides. Space shall be reserved thereon for endorsement by all appropriate agencies. The final plat for a subdivision shall conform in all respects to the preliminary plat as approved by the [DRB]. One such drawing shall be a survey of the

affected property, drawn to meet the requirement for plat plans filed with the Town Clerk (Title 27, V.S.A., Chapter 117). The final plat shall be drawn to a scale of not more than two hundred (200) feet to the inch, and shall show:

1. Proposed subdivision name or identifying title, the parcel code of the original lot, the name of the municipality, the name and address of the record owner and sub divider, the name, license number and seal of the licensed land surveyor and/or professional engineer, the boundaries of the subdivision and its general location in relation to existing roads or other landmarks and scale, date, true north point, and legend.
2. Road names and lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use.
3. Sufficient data acceptable to the [DRB] to determine readily the location, bearing and length of every road line, lot line, boundary line and to reproduce such lines upon the ground. When practicable these should be tied to reference points previously established by a public authority.
4. The length of all straight lines, the deflection angles, radii, length of curves, tangent distances and bearings for each road.
5. By proper designation on such Plat, all public open space for which offers of dedication are made by the sub divider and those spaces title to which is reserved by the sub divider.
6. Lots within the subdivision numbered in numerical order within blocks, and blocks lettered in alphabetical order.
7. The location of all of the improvements referred to in Article VIII and in addition thereto the location of all utility poles, sewage disposal systems, and rough grading and other devices and methods of draining the area within the subdivision.
8. The location and results of all percolation tests for each lot of the subdivision, the location of all proposed sanitary sewage systems, and a statement that all such systems will be designed and constructed in conformance with the Sewage Ordinance for the Town of Underhill, as well as to applicable state regulations and standards.
9. The location of all existing and proposed sources of potable water, along with evidence that such will not be contaminated by the proposed sewage systems.
10. Monuments - Monuments shall be set at all R.O.W. intersections, and at all points of curvance (P.C.), points of tangency (P.T.), on both sides of the right-of-way and any other critical points in the road lines as will enable a land surveyor to correctly stake out any lot in the subdivision. In addition, monuments will be set on all corners of the boundary. Each monument shall have identification on the top, so that the marked center shall be the point of reference. The tops of such monuments shall project

above the surrounding ground surface at least four (4) inches. The monuments shall be set in place after all other road improvements are completed.

11. There shall be submitted to the [DRB] with the final plat the following supporting documents:
    - a. A certificate from an engineer or other consultant approved by the Town as to the satisfactory completion of all improvements required by the [DRB], or, in lieu thereof, a performance bond to secure completion of such improvements and their maintenance for a period of two years, with a certificate from the Board of Selectmen that it is satisfied either with the bonding or surety company, or with security furnished by the sub divider.
    - b. The sub divider shall provide letters from the Chittenden East School District Superintendent and the Underhill-Jericho Fire Department, addressing the impact of the proposed subdivision under criterion (10) of Section 600.
    - c. For lots less than 10 acres in size, the applicant must provide a subdivision permit from the Vermont Agency of Environmental Conservation, Department of Water Resources.
    - d. The sub divider shall provide written acknowledgement from the Selectmen that all plans for road construction have been reviewed by the Selectmen and are in compliance with the road policy for the Town of Underhill.
    - e. Any other documents required by the [DRB] as a result of preliminary plat approval.
- F. Planning Standards, "Evaluation Considerations"
1. Whether land is unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas.
  2. Whether the proposal includes due regard for the preservation and protection of existing features, trees, scenic points, brooks, streams, wetlands, rock outcroppings, water bodies, deer yards and other wildlife habitat, and other natural and historical resources.
  3. Whether the proposal includes sufficient open space for active and passive recreation.
  4. Whether the proposal includes adequate provision for the control of runoff and erosion during and after construction.
  5. Whether the proposed development is in compliance with the Comprehensive Plan, Zoning Ordinance and any other By-Laws then in effect.
  6. Whether any portion of the proposed development is located in a flood plain.
  7. Whether the proposed development is compatible with surrounding properties.

8. Whether the site is suitable for the proposed density.
  9. Whether the proposal contains adequate provision for pedestrian traffic in terms of safety, convenience, access to points of destination and attractiveness.
  10. Whether the proposed development when viewed in the context of other developments in the town, will place an unreasonable burden on the ability of local governmental units to provide municipal or governmental services and facilities.
  11. Whether there is sufficient water available for the reasonably foreseeable needs of the proposed development.
  12. Whether the proposed development will cause unreasonable highway congestion or unsafe conditions with respect to the use of roads and highways in the Town.
  13. Whether the proposed development will cause a significant increase in visual, air, noise or water pollution.
- G. The following variance has been requested:
- Lot 6 existing shed front setback – 30 feet from the proposed front lot line (centerline of Baslow Lane)
- I. The following waiver has been requested:
- Bonding requirement – The Board recognizes that this is a final application submission requirement under the 2002 Underhill Subdivision Regulations and is under the jurisdiction of the Selectboard. Recommendations by the DRB will be provided for Selectboard consideration.

### **III. CONCLUSIONS**

#### **Applicable Regulation Standards**

*Application Submission Requirements, "Preliminary Plat for Subdivisions" [as noted above in Section II (D)]* – The Board finds that the application fulfills requirements (1) through (6), (8), (11), and (12), and that requirements (7), (9), (10), and (13) through (22) are not applicable to the proposed plan as there is no new development proposed.

- A. Requirement #23 - The Board finds that a waiver and a variance request have been submitted. See Section IV.

*Application Submission Requirements, "Final Plat for Subdivisions" [as noted above in Section II (E)]* – The Board finds that the application fulfills requirements (1) through (4), (6), (10), and 11(b), and that requirements (5), (7), (8), (9), and (11) (b)-(d) are not applicable to the plan as there is no new development proposed. The Board recognizes that a State Wastewater Permit was obtained for the project although no new development or systems are proposed.

- A. Requirement #11(a) - The Board finds that a waiver request has been submitted. See Section IV.

*Planning Standards, "Evaluation Considerations"*

- A. The Board finds that the land is suitable for subdivision as no new development is proposed.
- B. The Board finds that the proposal does not include new development and existing natural features will not be affected.
- C. The Board finds that the proposal does not affect the existing open space for active and passive recreation.
- D. The Board finds that the proposal does not include new development that would affect erosion or runoff.
- E. The Board finds that a waiver request for the bonding requirement and a variance request for the existing shed have been submitted. See Section IV.
- F. The Board finds that no Special Flood Hazard Areas have been identified on the land to be subdivided and no new development is proposed.
- G. The Board finds that the proposed subdivision is compatible with the residential nature of surrounding properties.
- H. The Board finds that the subdivision will not change the existing density.
- I. The Board finds that the subdivision does not change the existing pedestrian traffic possibilities.
- J. The Board finds that letters from the Underhill-Jericho Fire Department (UJFD) and Chittenden East regarding their abilities to serve the proposed subdivision have been submitted.
- K. The Board finds that the subdivision does not include new development, and that existing sewage and water supplies will continue to be used. A State Wastewater Permit has been issued for the subdivision.
- L. The Board finds that there are no new roads proposed for the subdivision. Access will remain via the existing private road (Baslow Lane).
- M. The Board finds that the proposed subdivision will not cause a significant increase in visual, air, noise or water pollution as the proposal does not include new development.

**IV. DECISION AND CONDITIONS**

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

- A. The Road Maintenance Agreement shall be revised to reflect the correct acreage.

Baslow Final Decision  
24 May 2011

- B. The shed is approved for a variance in its current location. Routine maintenance and repair are allowed; however, any expansion or change of use will require additional approvals.
- C. The waiver for the bonding requirement will be recommended for approval to the Selectboard.
- D. Per the Underhill Subdivision Regulations, final approval of the subdivision is granted upon filing of the final subdivision plat in the Underhill Land Records. No transfer or sale of property may occur prior to recording the final plat and all applicable permits in the Town of Underhill Land Records.
- E. The shared driveway maintenance agreement shall be recorded in the Land Records. A reference to this agreement shall appear in the deeds to the lots.
- F. All required State and local permits shall be recorded in the Land Records.
- G. Prior to recording the final Mylars, the applicant shall submit a copy of the plat in digital format. The format of the digital information shall require approval of the Zoning Administrator.
- H. All subdivision fees shall be paid in full to the Zoning Administrator prior to filing the final plat.

Dated at Underhill, Vermont this 1 day of June, 2011.



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.

# TOWN OF UNDERHILL

## Zoning Board of Adjustment

### Application for Conditional Use Review Findings and Decision

**In re: Isabel Baslow**

#### INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for a variance and a determination on the adequacy of the erosion control plans submitted by Isabel Baslow under the Town of Underhill Zoning Bylaw.
2. On September 1, 2005 notice of a public hearing was published in the Burlington Free Press.
3. On September 1, 2005, notice of a public hearing was posted at the following places:
  - a. The Underhill Town Clerk's office.
  - b. The Underhill Flats Post Office
  - c. The Underhill Center Post Office
  - d. At the intersection of Warner Creek Road and Route 15.
4. On August 26, 2005, a copy of the notice of a public hearing was mailed to the applicant. On August 26, 2005, a copy of the notice of public hearing was mailed to the following owners of properties adjoining the property subject to the application:
  - Lyford and Kathleen Lamphere
  - Kirby/Henderson
  - John Langsenkamp
  - Douglas Varney
  - Gary Francis
  - Netelkos/Boquel
  - Steve Coia
  - Claude Raineault
  - Thomas Bosley
  - Eunice Tatro
  - Michàel Baslow
  - Michael Audet
  - Sminkey/Nadeau
  - Arlette Woods

- Andrew Davis
- Mark Baslow
- Wayne Russin
- Michael Lunn
- Bugbee/Robenstein
- Matt Stiles
- David Glenn

5. The application was considered by the Zoning Board of Adjustment at a public hearing on September 19, 2005. A site visit was also performed on this date. The hearing was adjourned and continued on November 14th, 2005. This was determined to be the final public hearing. The Zoning Board of Adjustment reviewed the application under the Town of Underhill Zoning Regulations § III (V).
6. Present at the September 19<sup>th</sup>, 2005 hearing were the following members of the Zoning Board of Adjustment:
- Mike Babbit
  - Scott Tobin
  - Kathleen Rupright
  - Dan Clayton (Secretary)
  - Stan Hamlet
  - Rich Heh, (Chair)
  - **CHUCK BROOKS** *CLB*

Present at the November 22, 2005 hearing were the following members of the Zoning Board of Adjustment:

Rick Heh – Chairperson  
 Mike Babbitt  
 Pete Seybolt  
 Scott Tobin  
 Chuck Brooks – Acting Secretary

7. At the outset of the hearing, the Zoning Board of Adjustment afforded those persons wishing to achieve status as an interested person an opportunity under 24 V.S.A. § 4465(b) to demonstrate that the criteria set forth in that statute could be met. A record of the name and address of persons wishing status as an interested person, a summary of their evidence with regard to the criteria, and a record of their participation at the hearing is attached hereto.
8. During the course of the hearing the following exhibits were submitted to the Zoning Board of Adjustment:

*September 19, 2005*

The information package including:

- A Memorandum from the Zoning Administrator
- A Procedure Checklist

- A copy of the notice of the hearing that was published in the Burlington Free Press
- 2 Maps, one site plan and one engineering drawing submitted by McCain Consulting

*November 22, 2005*

- Engineering data, charts and sketch from Nick Nowlan
- Memorandum from Mike Weisel
- Revised engineering map for subdivision, dated 02-09-2004, revised 11-10-2005, project # 23091, submitted by Nick Nowlan

These exhibits are available at Underhill Town Hall.

## **FINDINGS**

Based on the application, testimony, exhibits, and other evidence the Zoning Board of Adjustment makes the following findings:

1. The applicant seeks a variance from the 100' streambank set-backs required for septic systems and houses and a determination as to the adequacy of the erosion control plans for the driveways and proposed roads in this subdivision.
2. The subject property is an 84 acre parcel located at 13 Baslow Lane in the Town of Underhill (tax map parcel # BS013) with a physical location at the end of Warner Creek Road in Underhill, VT.
3. The property is located in the Rural Residential and Water Conservation District as described on the Town of Underhill Zoning Map on record at the Town of Underhill municipal office and Section V Subsections (V) & (VII) of the Zoning Bylaw.
4. The Applicant is seeking approval of variances from the 100' streambank setback requirements for septic and houses as defined and regulated under §§ II and III (V) of the Underhill Zoning Regulations. In addition, the Applicant is seeking a determination that the erosion control plans as presented are adequate under § III (V)(2). The requested variances are:
  1. Lot 2: 50' variance from the wetlands setback for the west and east side of the proposed house site;
  2. Lot 3: A 50' variance from the wetland set-back on the east side of the proposed house site and a 40' and 25' variance from the wetland set-back for the septic system.
5. Based on the information, site visit, and testimony presented, the Zoning Board finds:

- a. That because of the topography of the site, if the houses and septic systems were relocated away from the wetlands and streams the houses would be visible from Route 15 and the impact on the land as far as excavating would be much greater;
- b. That because of this topography, the proposed subdivision plan could not be implemented in strict conformance with the 100' streambank set-back requirement of the Underhill Zoning Regulations.
- c. That the variance will not alter the essential character of the neighborhood as the neighborhood is already developed near a Class II wetland, and the wetlands that are impacted by this development, based on the certification by the State of Vermont wetlands specialist Shannon Morrison are Class III wetlands. Further, based on an inspection during the site visit, the Class III wetlands impacted are not of significant size and the will be minimally impacted by the proposed construction.
- d. That the erosion control plans as submitted will : (i) adequately protect the subject project and properties on Warner Creek Road from negatively affecting the water table or natural water flow patterns; and (ii) not cause erosion due to removal of vegetative cover or increase the possibility of flooding.
- e. That the requested variances are the minimum variances that will afford relief and represent the least deviation from the Underhill Zoning Regulations.

**DECISION AND CONDITIONS**

Based upon these findings, the Zoning Board of Adjustment grants the following variances from the set-back requirements for wetlands and streams:

- 1. Lot 2: 50' variance from the wetlands setback for the west and east side of the proposed house site;
- 2. Lot 3: A 50' variance from the wetland set-back on the east side of the proposed house site and a 40' and 25' variance from the wetland set-back for the septic system.

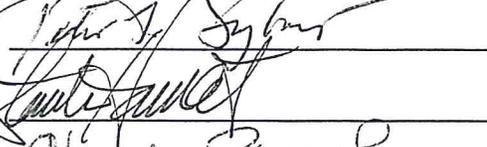
In addition, the Zoning Board of Adjustment determines that the erosion control plans as presented are adequate to meet the requirements of the Underhill Zoning Regulations § (V) (2).

These variances and this determination have the following condition:

That the plan presented at this hearing for the construction of improvements (roads, driveways, septic systems and house sites) must be strictly adhered to during development.

Dated at 9th Underhill, Vermont, this 9 day of January, 2006.

*Paul Lee*, Chair  
*Scott Cole*

  
\_\_\_\_\_  
Peter J. Sylva  
  
\_\_\_\_\_  
Charles Brooks

**NOTICE:** This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the Zoning Board of Adjustment. 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.



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

P.O. Box 32, Underhill Center, VT 05490  
E-mail: [smcshane@underhillvt.gov](mailto:smcshane@underhillvt.gov)

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

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**MEMORANDUM**

To: DRB, SB, UJFD, UCC  
From: Sarah McShane, PZA  
Date: 12/1/2014  
Re: Agenda and Information for 12/1/2014 Hearing of Arnold Baizley

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

Monday, December 1, 2014  
Public Hearing at 6:30 PM  
Underhill Town Hall, 12 Pleasant Valley Rd. Underhill, VT

- 6:30 pm: Public Comment
- 6:35 pm: Subdivision Amendment- Final Subdivision Review  
Docket # DRB 14-15  
Applicant: Warren Palmer  
Location: 21 Warner Creek, Underhill, VT
- 7:00 pm: Preliminary Subdivision Review  
Docket # DRB 14-04  
Applicant: Arnie & Paula Baizley  
Location: 623 Pleasant Valley Road, Underhill, VT
- 7:30 pm Old Business  
Review 11/17/14 Minutes
- 7:45 pm: Adjourn

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**PV623 Contents:**

1. A staff report sent by PZA to the Development Review Board, the Applicants, the Selectboard, the Underhill Jericho Fire Department, and the Conservation Commission Chair;
2. Application for Subdivision: Preliminary & Checklist (dated 10-22-14; received 11-6-14);
3. A copy of the plans prepared by Lamoureux & Dickenson, (Project #14047: Sheets S1, S2, and D1) dated 10-3-2014;

4. Plat of proposed 2 Lot Subdivision of Arnold & Paula Baizley, prepared by William H. Hannon, date 7-14-14, Plat #14434;
5. A copy of the Subdivision Standards Findings Checklist;
6. A copy of the tax map for PV623;
7. A copy of the minutes from the 6-2-2014 Sketch Plan meeting;
8. A copy of the letter provided to the Applicant after Sketch plan review (dated 6-11-2014);
9. A copy of the hearing notice as published in *Seven Days published on 11-12-2014*, posted in three public places, and mailed to abutting property owners;
10. A copy of the Project Review Sheet;
11. A copy of the Bridge Assessment by Michael C. Weisel, P.E. (dated 6-16-1995);
12. A copy of the List of Abutters;
13. A copy of the deed and draft shared driveway agreement;
14. Copies of ANR Natural Resource Atlas maps;
15. A copy of November 13, 2014 input from the Chittenden East Supervisory Union;
16. This memo.

**\*\*Outstanding\*\*** Input from the Underhill-Jericho Fire Department.

These exhibits are available in the Baizley, PV623, Subdivision file (DRB-14-04) at the Underhill Zoning & Planning Office.

**Preliminary Subdivision Hearing on the Application of  
Arnold Baizley for 2 Lot Subdivision**

Applicant(s): Baizley

Consultant(s): Brian Tremack/Lamoureux & Dickenson

Property Location: 623 Pleasant Valley Road (PV623)

Acreage: ±84.20 Acres

Zoning District(s):

**RURAL RESIDENTIAL**: 3 acres

250 ft road frontage

Setbacks: Front – 30 ft

Side & Rear – 50 ft

Accessory Bldgs. – 30 ft (front)

20 ft (side & rear lines)

Max. Bldg. Coverage: 25%

Max. Lot Coverage: 50%

Max. Building Height: 35 ft

**SCENIC PRESERVATION**: 10 acres

400 ft road frontage

Setbacks: Front – 30 ft

Side & Rear – 75 ft

Accessory Bldgs. – 30 ft (front)

20 ft (side & rear lines)

Max. Bldg. Coverage: 10%

Max. Lot Coverage: 15%

Max. Building Height: 35 ft

**SOIL & WATER CON.**: 15 acres

400 ft road frontage

Setbacks: Front – 30 ft

Side & Rear – 75 ft

Accessory Bldgs. – 30 ft (front)

20 ft (side & rear lines)

Max. Bldg. Coverage: 7%

Max. Lot Coverage: 10%

Max. Building Height: 35 ft

**Relevant Regulations**: 2012 Underhill Unified Land Use & Development Regulations  
2002 Road Policy

- Article II, Table 2.3 – Rural Residential District (pg. 12)
- Article II, Table 2.5 – Mt. Mansfield Scenic Preservation District (pg. 18)
- Article II, Table 2.6 – Soil & Water Conservation District (pg. 21)
- 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 & Service Area (pg. 41)
  - Section 3.18 – Steep Slopes (p. 53)
  - Section 3.19 – Surface Waters & Wetlands (60)
  - Section 3.22 – Water Supply & Wastewater Systems (pg. 65)
  - Section 7.5 – Preliminary Subdivision Review (pg. 137)
  - Article VIII – Subdivision Standards (pg. 143)
- 

### **Staff Comments / Review of Relevant Sections**

Subdivision approval is requested for the 2 Lot subdivision pursuant to review under the following sections of the 2012 Unified Land Use and Development Regulations:

#### ***Article II, Tables 2.3, 2.5, and 2.6***

The property is located in the Rural Residential, Scenic Preservation, and Soil & Water Conservation zoning districts as defined in Article II, Tables 2.3, 2.5, and 2.6 of the 2012 Unified Land Use and Development Regulations. The proposed dwelling is located within the Scenic Preservation zoning district. The Applicant is proposing to subdivide a ±28.3 parcel.

The application appears to meet all of the applicable dimensional standards. During the Sketch Plan Review meeting, the Board determined that the Applicant would not need to demonstrate the required 400 ft of frontage (see minutes from 6-2-2014). Does the DRB vote on 6-2-2014 waive the frontage requirement or does the applicant still need to request this as a waiver?

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

Portions of the existing driveway leading to the property are located within a mapped Special Flood Hazard Area. All proposed residential development is located outside of this area. Will any driveway or bridge improvements need floodplain approval? Maintenance of existing infrastructure is exempt from floodplain review; however new or substantially improved roads do require floodplain review. Recommendation- solicit comments from State Floodplain Manager for consideration during Final Subdivision hearing.

#### ***Section 3.2, Access***

Access for the subdivision is proposed via existing 60' wide easement off Pleasant Valley Road.

Per Section 3.2.C.3- A town access permit "shall be obtained after site plan, conditional use or preliminary subdivision approval." The Applicant will be required to submit an approved Access Permit with the final subdivision application.

The Applicant has provided a draft shared maintenance agreement as part of the draft deed.

Does the driveway meet the Driveway Standards as stated in 3.2.D.9? The driveway appears to meet the access requirements of Section 3.2 and Standard B-71 with the exception of standard d: "Driveways that exceed 500 feet in length shall include a 10-foot by 30-foot pull-off area every 500 feet and terminate in a "Y" turnaround." Final plans should include the required pull-off areas.

Per Section 3.2(D)(9) the proposed driveway should meet the minimum requirements of the Vermont Agency of Transportation B-71 standard for residential drives. The average finished grade of the driveway as proposed will be less than 12% as measured over any 50-foot section.

### ***Section 3.7, Lot, Yard & Setback Requirements***

Only one principal structure is proposed per lot [Section 3.7(A)]. The subdivision appears to meet the requirements of Section 3.7(B). However, the setbacks indicated on the plans are measured from the proposed dwelling since a building envelope has not been designated.

### ***Section 3.13, Parking, Loading & Service Areas***

Off-street parking for the single family dwelling on the proposed lot appears adequate.

### ***Section 3.18, Steep Slopes***

Portions of the property contain steep slopes (15% -25%) and very steep slopes (>25%). All proposed development appears to be outside of these areas according to the ANR Natural Resources Atlas. Development on steep and very steep slopes is subject to Conditional Use review under Section 5.4, or for the subdivision of land, applicable subdivision standards under Article VII, and the requirements of Section 3.18.

### ***Section 3.19, Surface Waters & Wetlands***

Settlement Brook runs along portions of the far western property. Settlement Brook is more than 2,500 ft from the proposed development.

The existing driveway and bridge cross the Seymour River. No residential development or encroachments are proposed within the riparian buffers or setbacks. According to the ANR Natural Resources Atlas there are no wetlands on the property.

### ***Section 3.22, Water Supply & Wastewater Systems***

The applicant has **not** yet submitted evidence to indicate whether the proposed septic system design for the lot in the subdivision has been reviewed by the Vermont Department of Environmental Conservation Wastewater Management Division. A Vermont Agency of Natural Resources and Natural Resources Board Project Review Sheet has been submitted with the preliminary plans. Submission of an approved Wastewater System and Potable Water Supply Permit with final application will be considered fulfillment of this section [Section 3.22 (A), (C)(1), and (E)]. The on-site septic system is not proposed within the riparian buffer or setback [Section 3.22(C)(4)].

**Section 7.5, Subdivision Review, Preliminary Subdivision Review**

It was determined at the sketch plan meeting on June 2, 2014 that preliminary subdivision review would not be waived in accordance with Section 7.5(B).

The submission requirements of Section 7.5(C) and the hearing requirements of Section 7.5(D) have been fulfilled. A site visit has not been scheduled for this subdivision since the public hearing was so close to Thanksgiving weekend. A site visit will be scheduled prior to final subdivision review or at the request of board members.

**Article VIII, Subdivision Standards**

The Applicant has provided responses to applicable sections of Article VIII on the Findings Checklist. This document should be reviewed [Section 8.1(C), Sections 8.2 through 8.8].

A building envelope has not been designated on the plans. Section 8.2.G (pg 146) requires the designation of building envelopes to “limit the location of structures, parking areas, and associate site improvements.”

Per Section 8.3.C (Rock outcrops, Steep Slopes, Hillsides & Ridgelines -pg 148) “Building envelopes, to the extent physically feasible, shall be located to exclude these areas.”

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

The driveway appears to meet Standard B-71. Access improvements are required to be reviewed by the Selectboard. An Access Permit will be required prior to final subdivision approval.

**Other:**

**Portions of the property contain mapped deer yards. The proposal has been sent to Conservation Commission for comment.**

---

Underhill DRB Rules of Procedure  
Preliminary Hearing Application of  
Arnold & Paula Baizley  
12-1-2014

State the following:

- 1) “This is a preliminary hearing on the application of Arnold & Paula Baizley for a 2 Lot subdivision of property they own at 623 Pleasant Valley Road in Underhill, VT.

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

This subdivision 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 representatives the Applicants' consultant, and/or the Applicants;
  - b. Then we will hear and ask questions of the Planning & Zoning Administrator, Sarah McShane;
  - 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 or their consultants 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) 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 Planning & Zoning Administrator prior to the hearing. The information included in this package relevant to this hearing is:

1. A staff report sent by PZA to the Development Review Board, the Applicants, the Selectboard, the Underhill Jericho Fire Department, and the Conservation Commission Chair;
  2. Application for Subdivision: Preliminary & Checklist (dated 10-22-14; received 11-6-14);
  3. A copy of the plans prepared by Lamoureux & Dickenson, (Project #14047: Sheets S1, S2, and D1) dated 10-3-2014;
  4. Plat of proposed 2 Lot Subdivision of Arnold & Paula Baizley, prepared by William H. Hannon, date 7-14-14, Plat #14434;
  5. A copy of the Subdivision Standards Findings Checklist;
  6. A copy of the tax map for PV623;
  7. A copy of the minutes from the 6-2-2014 Sketch Plan meeting;
  8. A copy of the letter provided to the Applicant after Sketch plan review (dated 6-11-2014);
  9. A copy of the hearing notice as published in *Seven Days published on 11-12-2014*, posted in three public places, and mailed to abutting property owners;
  10. A copy of the Project Review Sheet;
  11. A copy of the Bridge Assessment by Michael C. Weisel, P.E. (dated 6-16-1995);
  12. A copy of the List of Abutters;
  13. A copy of the deed and draft shared driveway agreement;
  14. Copies of ANR Natural Resource Atlas maps;
  15. A copy of November 13, 2014 input from the Chittenden East Supervisory Union;
  16. This memo.
- 9) We'll begin testimony, and hear from applicants and/or their consultant.
- 10) Next we will hear from the Planning & Zoning Administrator.
- 11) Are there members of the public who would like to speak?
- 12) Any final comments from anyone?
- 13) 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, adjourn the hearing to a time certain and outline for the applicant 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.*
- 14) Does the Board wish to discuss the application in open or (closed) deliberative session? (After the ruling, continue with the info below.)

“Within 45 days from this hearing, the Zoning Administrator, on behalf of the DRB, will send a copy of the decision and letter to the Applicants, 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."



November 4, 2014

Sarah McShane  
Zoning & Planning Administrator  
Town of Underhill  
P.O. Box 32  
Underhill Center, VT 05490

RE: Baizley property, 623 Pleasant Valley Road  
Preliminary plan application

Dear Sarah:

On behalf of Arnold and Paula Baizley, we are submitting a preliminary plan application for the subdivision of their 84.3-acre property on Pleasant Valley Road. They propose to create a 28.3-acre single-family residential lot and retain 56 acres with the existing house. No further development of the property will occur, as stipulated by a covenant in the Baizleys' deed.

We have enclosed:

1. Preliminary Plan Application
2. Check for the application fee
3. Subdivision Checklist
4. Findings Checklist
5. State Project Review Sheet
6. Evaluation of the existing driveway bridge prepared by Mike Weisel, P.E.
7. Abutting landowner mailing addresses
8. One full-size set of plans
9. Twelve 11" x 17" copies of the plans

The draft easements will be dropped off by Arnold Baizley. If you have any questions or need additional information, please don't hesitate to contact me.

Sincerely,

Brian Tremback  
*Certified Professional Soil Scientist*  
*Licensed Designer, Class B*  
*Wetland Scientist*  
[brian@LDengineering.com](mailto:brian@LDengineering.com)

Enclosures

P:\2014\14047\14047-Ltr-Prelim plan application.McShane.bjt.wpd

# 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)

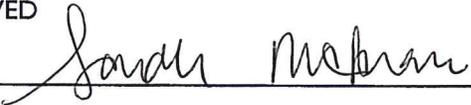
## APPLICATION FOR SUBDIVISION: PRELIMINARY

ZONING DISTRICT(S):

PROPERTY CODE: PV623

FEES: \$100 per lot hearing  
fee + costs

Residential  Rural Residential  Water Conservation  Scenic Preservation  Soil & Water Conservation

RECORD OWNER OF PROPERTY: Arnold and Paula Baizley	MAILING ADDRESS: 623 Pleasant Valley Road
PHONE: 802-899-3281	E-MAIL: <a href="mailto:baizleya@us.ibm.com">baizleya@us.ibm.com</a>
ACREAGE IN ORIGINAL PARCEL: 84.3	PROPOSED NUMBER OF LOTS: 2
DESCRIPTION OF PROJECT: The project consists of subdividing a 84.3-acre parcel to create two lots. Lot 1 will contain the existing house and be 56 acres in size. Lot 2 will be used for one new single-family residence and be 28.3 acres in size. The existing driveway from Pleasant Valley Road will be shared by both houses.	
DEVELOPER: Arnold & Paula Baizley	CONTACT INFORMATION: see above
DESIGNER / ENGINEER: Brian Tremback / Lamoureux & Dickinson	ADDRESS: 14 Morse Drive, Essex Junction, VT 05452
PHONE: 802-878-4450	E-MAIL: <a href="mailto:brian@LDengineering.com">brian@LDengineering.com</a>
SURVEYOR: William Hannon	ADDRESS: 774 Bakersfield Rd, Jeffersonville, VT 05464
PHONE: 802-644-5726	EMAIL: <a href="mailto:bhannon@crossconsultingengineers.com">bhannon@crossconsultingengineers.com</a>
APPLICANT SIGNATURE 	DATE 10/22/14
RECEIVED 	DATE 11-6-2014

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](mailto:underhillzoning@comcast.net).

Received check #1206 for \$100  
with application on Nov. 6<sup>th</sup>. SCM

# TOWN OF UNDERHILL, VERMONT

## Subdivision Checklist: Preliminary Hearing

**Docket #:** \_\_\_\_\_ **Property ID:** PV623 **Meeting Date:** \_\_\_\_\_

**Applicant/Consultant:** Applicant: Arnold & Paula Baizley  
Consultant: Brian Tremback / Lamoureux & Dickinson

**# of Lots:** 2 **Zoning District(s):** RR, SWC, SP

**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 checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	One large and twelve 11" x 17" copies of the draft subdivision plan.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Engineering drawings (see attached checklist).
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	State of Vermont Project Review Sheet. To be forwarded when received.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Draft legal documents (deeds, easements, Homeowners Associations, maintenance agreements, etc.).
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Fees.
<input checked="" 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).
<input type="checkbox"/>	<input type="checkbox"/>	Master Plan. See Section 8.1(B)(1)(a) for specific requirements.
<input checked="" type="checkbox"/>	<input checked="" 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 checked="" 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 checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Date, north orientation used and basis, scale, and legend.
<input checked="" 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 checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	The provisions of the zoning regulations applicable to the area to be subdivided. See Site Plan
<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	Surface waters, wetlands, vernal pools, and associated buffers. None within project area.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Mapped floodplains. None within construction areas.
<input type="checkbox"/>	<input type="checkbox"/>	Open space areas.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Proposed lot lines with dimensions.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Building envelopes for all structures, parking areas, and associated site improvements. See Site Plan
<input checked="" 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 checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Name and address of record owner(s) and designer of preliminary engineering plans.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Date, north orientation used and basis, scale, and legend.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Abutting neighbors identified by name and property code.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	The provisions of the zoning regulations applicable to the area to be subdivided.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Natural topography (surface contours, grades) and drainage patterns.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Surface waters, wetlands, vernal pools, and associated buffers. None within construction areas.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Mapped floodplains. None within construction areas.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Natural vegetative cover (timber and orchard stands, witness and shade trees, copses, hedgerows, etc.).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Significant wildlife habitat areas and corridors, and rare, threatened, and endangered plant and animal communities and associated buffers. None within construction areas.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Areas of forestland.
<input checked="" 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). None within construction areas.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Areas of steep or very steep slopes.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Primary agricultural soils. See narrative.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Open space areas. N/A
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Common land areas. N/A
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Historic sites and structures. None within construction areas.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Designated Source Protection Areas. None within construction areas.
<input checked="" 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 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 checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Existing buildings and grades.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Proposed new lot lines (dimensions to the nearest foot, no bearings) and acreages.
<input checked="" 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

## Article VIII. Subdivision Standards Findings Checklist

Docket #: DRB 14-04 Property ID: PV 623 Hearing Date: \_\_\_\_\_

Applicant/Consultant: Arnold & Paula Baizley / Brian Tremback (L&D)

*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 project will not result in undue adverse impacts:

- The subdivision will result in the creation of only a single new residential lot.
- The new house is unlikely to be visible from any public viewing point.
- The new house will take advantage of an existing clearing in the woods.
- The new house will be located in the same portion of the property as the existing house.
- The new house will share the existing driveway from Pleasant Valley Road.
- There are generous sight distances in both directions from the driveway entrance at Pleasant Valley Road.
- The Vermont Natural Heritage Inventory records no occurrences of rare, threatened, or endangered species on the subject property or in the area. A deer wintering area is designated on the western portion of the property but its limits are outside the area proposed for construction.

# 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		2,077,830	ft <sup>2</sup>
b. Area of land within existing road rights-of-way	0	ft <sup>2</sup>	
c. Area of land within proposed road rights-of-way	18,590	ft <sup>2</sup>	
d. Add lines b & c	18,590	ft <sup>2</sup>	
e. Subtract line d from line a		2,059,240	ft <sup>2</sup>
f. Minimum lot size for this district	435,600	ft <sup>2</sup>	
i. Divide line e by line h		4.7	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.).

- The proposed new house will be located in an existing clearing and will not require the cutting of more than a few trees, and therefore will not affect the forestry potential of the property.
- The portion of the property to be developed is not suitable for agriculture due to the small size of the clearing and steep slopes to the east.
- Wetland impacts are avoided.
- Sewage will be accommodated with an on-site wastewater system to be reviewed by the State. The District Assistant Regional Engineer has observed soil test pits on the property and confirmed suitability for a mound wastewater system.
- New impervious surfaces will be well below one acre and not require State permitting. Runoff will be dispersed by overland flow or conducted by vegetated swale to existing drainageways.
- No rare, threatened or endangered species, or deer wintering areas are recorded for the portion of the property that will support new construction.
- New construction will not be located on a ridgeline or a hillside visible from Pleasant Valley Road or other public viewing points.
- New construction will be supported in area that has no potential for sand or gravel extraction.

# 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 proposal includes the creation of one new building site well-suited to accommodate a house, driveway, drilled well, and septic system. Construction will occur relatively near the existing driveway and house. It avoids undue adverse impacts to scenic resources and environmentally sensitive areas.

# 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).

The new house will be built in the Scenic Preservation District and will be situated so that improvements are not visible from Pleasant Valley Road.

# 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).

No significant changes to topography or clearing of vegetation are proposed. The new house and driveway will be located in an existing clearing and avoid wetlands, surface waters, prime agricultural soils, etc.

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

The proposed subdivision conforms to the requirements of the Town Plan, the Land Use and Development Regulations, and the Sketch Plan review comments.

# 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 minimum lot size for the district in which the new house will be built is 10 acres. Proposed lot size is 28 acres.

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

The required setbacks will be met.

# 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.

Almost 1/2 mile of new property line is proposed, consisting of only 4 line segments.

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

See application checklist.

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	(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?

The proposal restricts the new house site to the existing clearing and avoids the western portion of the property where deer wintering area has been identified.

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 proposal preserves the wooded slope to the east and forested land to the north and west. The clearing in which the house will be built extends south to the shared driveway. Few trees will need to be cut.

# 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?

Proposed land use - single-family residential - on the new lot will be the same as that on the existing lot. Woodland will be preserved between the existing and proposed house sites.

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

Not applicable - no roads or pedestrian walkways are proposed.

# 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 new house will be orientated at the north end of a clearing, oriented roughly west to east. This will provide protection from north winds as well as reasonable sun exposure.

# 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.

There are no known cultural or natural features in the area of the proposed house site.

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).

The proposed building envelope is in a location with minimal slope. There are no Flood Hazard, Source Protection Areas, or wetlands near the proposed building envelope or wastewater disposal 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, 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 proposed house site is in an area with low slope and avoids a nearby area of forested steep slope. The site is not near bedrock outcrops, hilltops, or ridgelines.

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

The proposed building envelope has been located to avoid steep slopes and preserve forested areas.

# 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.

The overall property is part of a contiguous forested area between Pleasant Valley and Irish Settlement Roads. The proposed building envelope is outside of a mapped deer wintering area and near the edge of a mapped habitat block. Locating the proposed new house near the existing house and driveway minimizes impact on wildlife habitat.

# 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.

# 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



<u>Required</u>	<u>Submitted</u>	<u>Section 8.4 Open Space &amp; Common Land</u>
<input type="checkbox"/>	<input type="checkbox"/>	(A) Open Space

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

The proposal does not include an open space lot.

# TOWN OF UNDERHILL, VERMONT

## Article VIII. Subdivision Standards Findings Checklist



<u>Required</u>	<u>Submitted</u>	<u>Section 8.4 Open Space &amp; 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 &amp; Erosion Control</u>
-----------------	------------------	--

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.

The proposed site grading has been designed to transmit water principally by sheet flow. The woodland on the steep slope to the north and east of the proposed house site will be protected from clearing of trees. Temporary erosion control measures to be used during construction are shown on the plan.

# 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 proposed project involves less than 10,000 sq ft of new impervious surface and will constitute a minimal increase in stormwater runoff.

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

Runoff will be dispersed largely as sheet flow and is unlikely to measurably increase runoff to receiving waters.

# 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).

Access to the proposed lot will be provided by sharing the existing driveway and constructing a new private drive from the shared drive to the house. No new curb cut from a Town road is required. The new lot will hold a permanent easement to the shared portion of the driveway from Pleasant Valley Road to its property line.

# 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



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.

The new lot is not anticipated to be a burden on existing facilities.

# 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 the proposed house is provided by a 12-ft wide driveway with less than 8% grades. Turnarounds are provided at the intersection of the shared and the new driveway, as well as near the new house.

# 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).

The proposed house will be served by an on-site drilled bedrock well. The nearest drilled wells depicted on the ANR Atlas have yields ranging from 2.5 to 80 gallons per minutes. It is anticipated the aquifer will yield potable water of sufficient quantity and quality.

# 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).

A site evaluation and test pits performed in April 2014 with the State Assistant Regional Engineer identified soils suitable for mound systems. This will accommodate one mound system for the new house and a mound system replacement area for the existing house, as required by State regulations.

# 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).

# 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 will consist of underground electric and cable service.

# TOWN OF UNDERHILL, VERMONT

## Article VIII. Subdivision Standards Findings Checklist

Required

Submitted

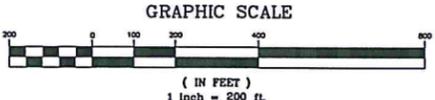
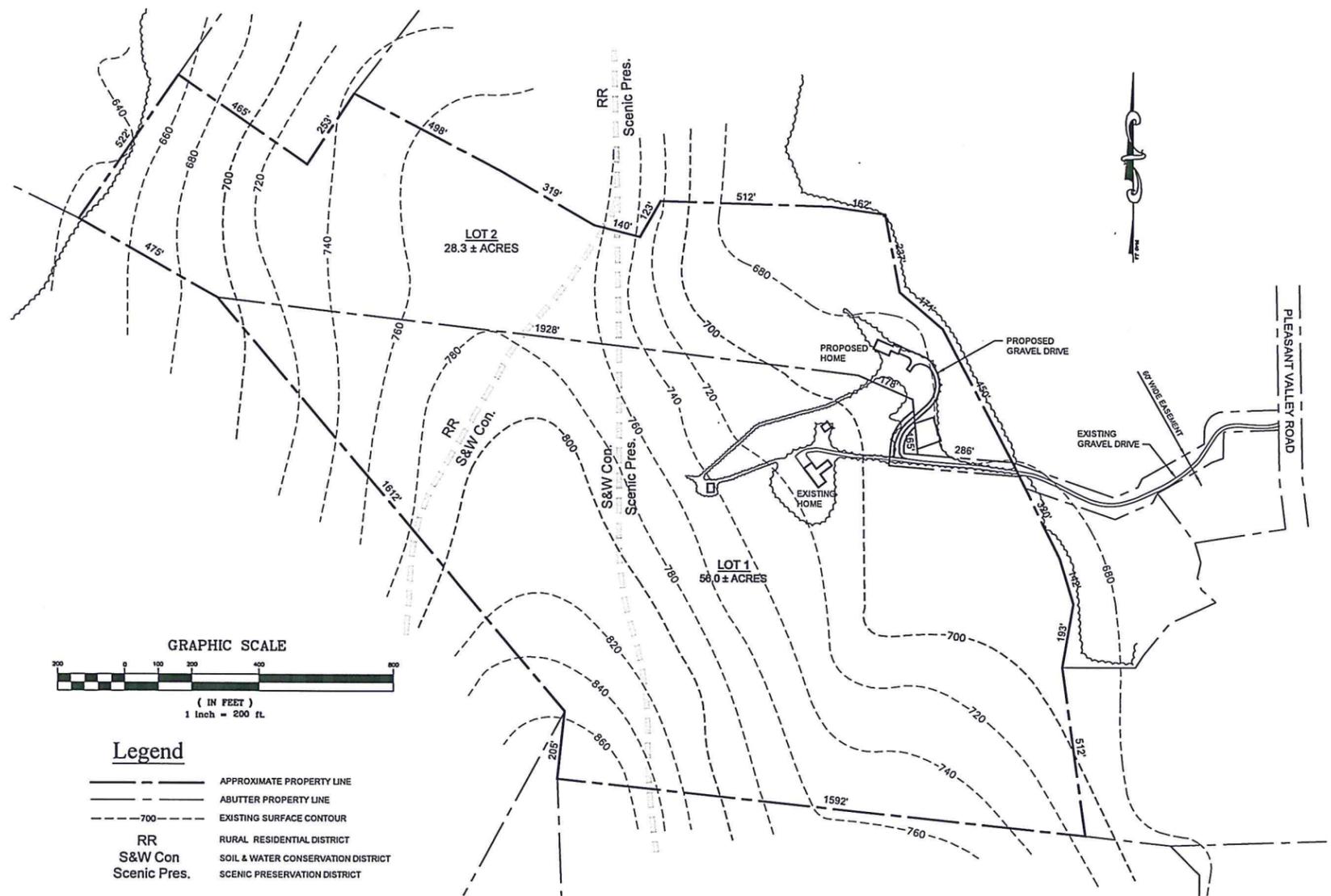
### Section 8.8 Legal Requirements



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.

Easements will be granted for the following:

- 1) Easement from Lot 1 to Lot 2 for ingress, egress, and utilities along the shared portion of the existing driveway.
- 2) Management agreement between Lot 1 and Lot 2 for maintenance of the shared driveway.
- 3) Easement from Lot 1 to Lot 2 for ingress, egress, and utilities along the first 140 ft of Lot 2's driveway.
- 4) Easement from Lot 2 to Lot 1 for Lot 1's wastewater replacement area.



**Legend**

- APPROXIMATE PROPERTY LINE
- ABUTTER PROPERTY LINE
- - - - - EXISTING SURFACE CONTOUR
- RR RURAL RESIDENTIAL DISTRICT
- S&W Con SOIL & WATER CONSERVATION DISTRICT
- Scenic Pres. SCENIC PRESERVATION DISTRICT

**Overall Site Plan**  
SCALE: 1" = 200'



**LOCATION MAP**  
NOT TO SCALE

**OWNER / APPLICANT**

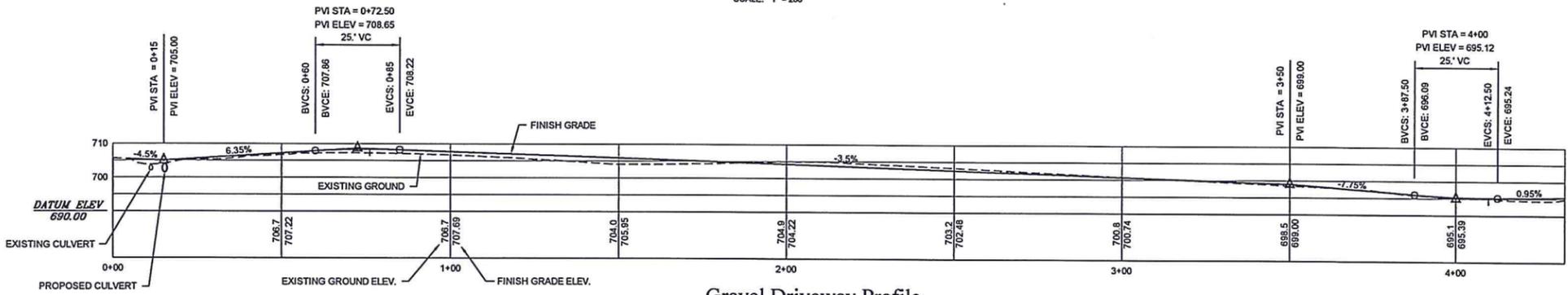
ARNOLD & PAULA BAIZLEY  
623 PLEASANT VALLEY ROAD  
UNDERHILL, VT 05489  
PARCEL ID: PV623  
AREA = 84.3 AC.

**ZONING REQUIREMENTS**

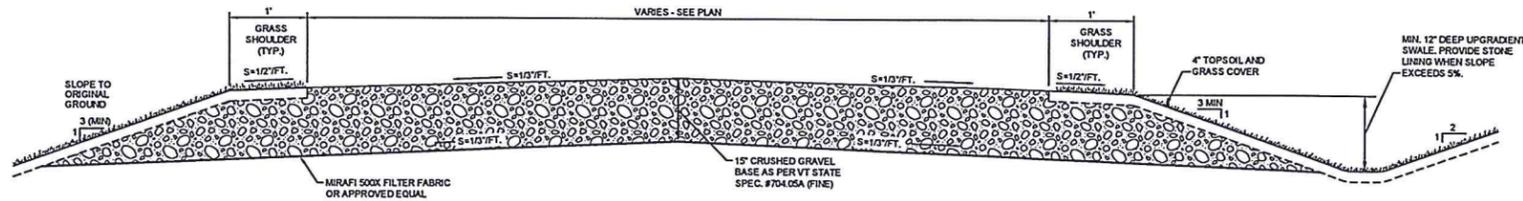
RURAL RESIDENTIAL (RR)  
SOIL & WATER CONSERVATION (SWC)  
SCENIC PRESERVATION (SP)

DIMENSION	RR	SWC	SP
MIN. LOT AREA	3 ac.	15 ac.	10 ac.
MIN. ROAD FRONTAGE	250'	400'	400'
FRONT SETBACK	50'	75'	75'
SIDE SETBACK	50'	75'	75'
REAR SETBACK	50'	75'	75'
MAX. BUILDING COVERAGE	25%	7%	10%
MAX. BUILDING HEIGHT	35'	35'	35'
MAX. LOT COVERAGE	50%	10%	15%

THE CONTRACTOR SHALL CALL "DIGSAFE" AT 811 PRIOR TO ANY EXCAVATION.



**Gravel Driveway Profile**  
SCALE: 1" = 20'

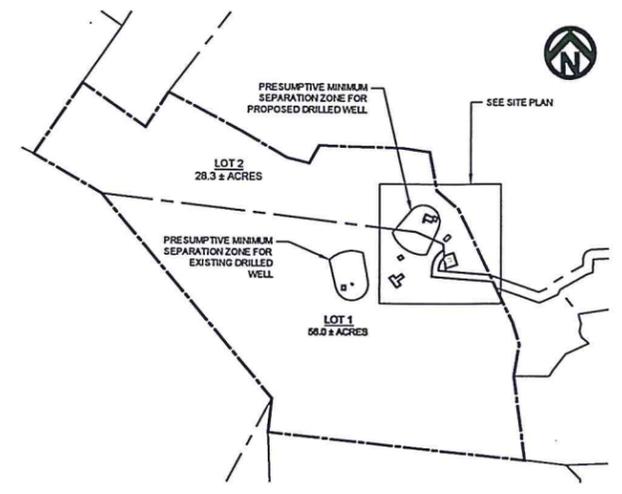
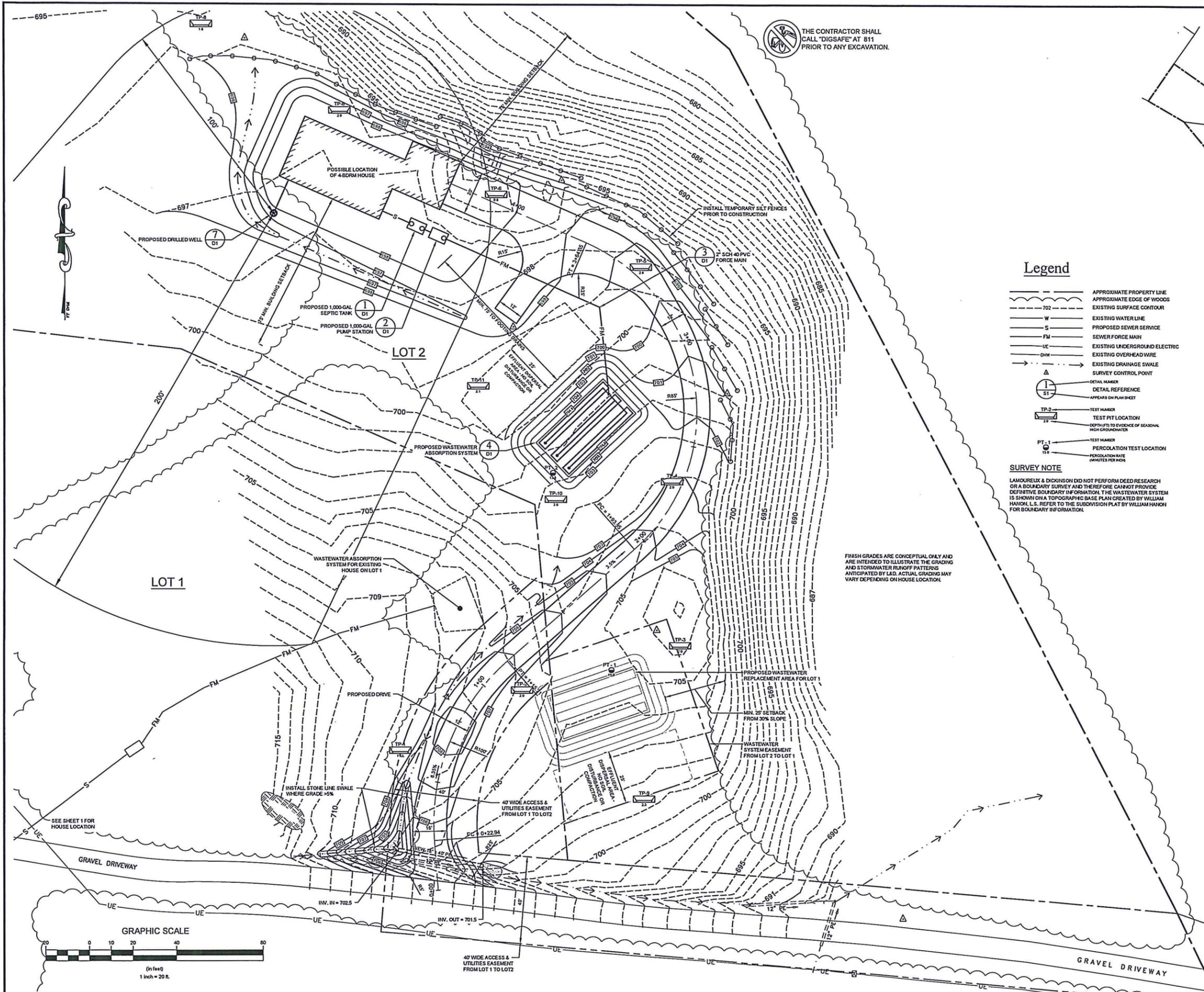


**Typical Gravel Driveway Cross-Section**  
N.T.S.

Date	Revision	By
These plans shall only be used for the purpose shown below:		
<input type="checkbox"/> Sketch/Concept	<input type="checkbox"/> Act 250 Review	
<input type="checkbox"/> Preliminary	<input type="checkbox"/> Construction	
<input type="checkbox"/> Final Local Review	<input type="checkbox"/> Record Drawing	
<b>Property of</b> <b>Arnold &amp; Paula Baizley</b> 623 Pleasant Valley Road, Underhill, Vermont		Project No. 14047 Survey OTHERS Design BJT Drawn WEH/BJT Checked DJG Date 10-3-2014 Scale 1" = 200' Sheet number <b>S1</b>
<b>Overall Site Plan</b>		Lamoureux & Dickinson Consulting Engineers, Inc. 14 Morse Drive, Essex, VT 05452 802-878-4450 www.LDEngineering.com

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THE CONTRACTOR SHALL CALL "DIGSAFE" AT 811 PRIOR TO ANY EXCAVATION.



**Legend**

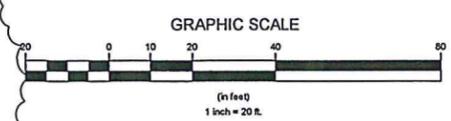
- APPROXIMATE PROPERTY LINE
- - - APPROXIMATE EDGE OF WOODS
- EXISTING SURFACE CONTOUR
- W EXISTING WATER LINE
- S PROPOSED SEWER SERVICE
- FM SEWER FORCE MAIN
- UE EXISTING UNDERGROUND ELECTRIC
- DHW EXISTING OVERHEAD WIRE
- EXISTING DRAINAGE SWALE
- ▲ SURVEY CONTROL POINT
- ① DETAIL NUMBER
- ①-51 DETAIL REFERENCE
- ①-51 APPEARS ON PLAN SHEET
- TP-2 TEST NUMBER
- ①-20 TEST PIT LOCATION
- ①-20 DEPTH (FT) TO EVIDENCE OF SEASONAL HIGH GROUNDWATER
- PT-1 TEST NUMBER
- ①-15 PERCOLATION TEST LOCATION
- ①-15 PERCOLATION RATE (MINUTES PER FOOT)

**SURVEY NOTE**  
LAMOUREUX & DICKINSON DID NOT PERFORM DEED RESEARCH OR A BOUNDARY SURVEY AND THEREFORE CANNOT PROVIDE DEFINITIVE BOUNDARY INFORMATION. THE WASTEWATER SYSTEM IS SHOWN ON A TOPOGRAPHIC BASE PLAN CREATED BY WILLIAM HANON, L.S. REFER TO THE SUBDIVISION PLAN BY WILLIAM HANON FOR BOUNDARY INFORMATION.

FINISH GRADES ARE CONCEPTUAL ONLY AND ARE INTENDED TO ILLUSTRATE THE GRADING AND STORMWATER RUNOFF PATTERNS ANTICIPATED BY L&D. ACTUAL GRADING MAY VARY DEPENDING ON HOUSE LOCATION.

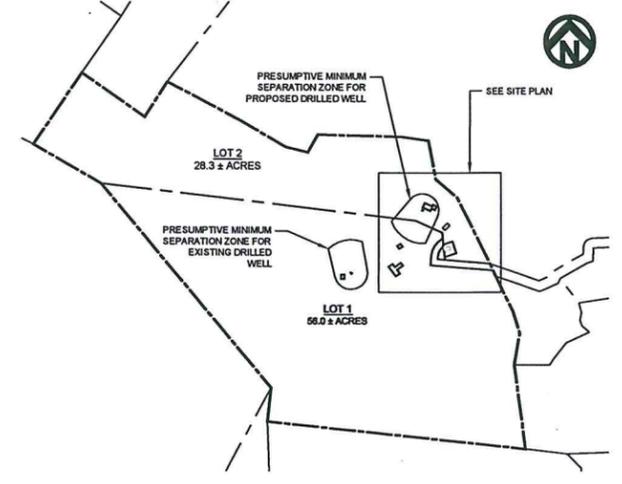
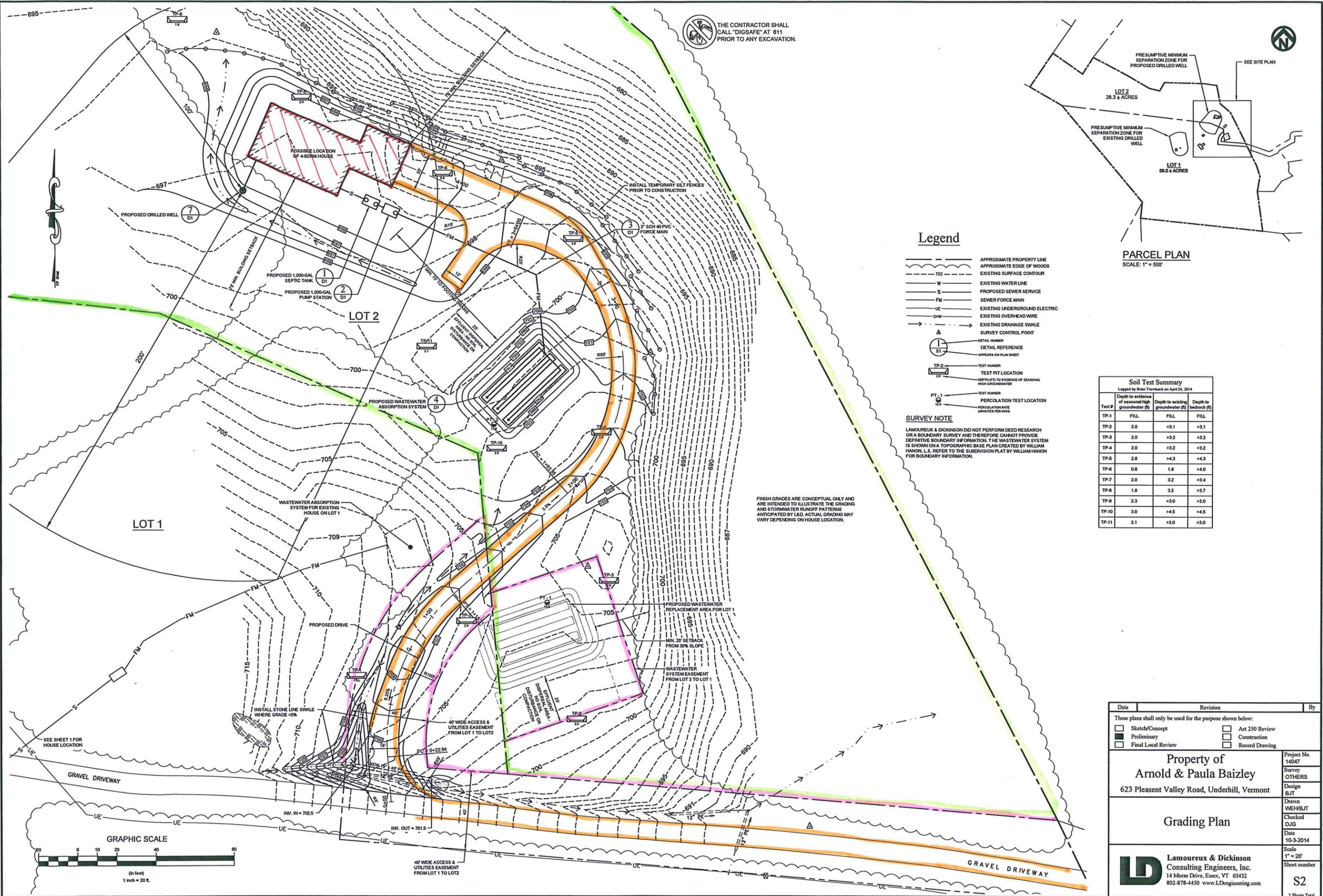
**Soil Test Summary**  
Logged by Brian Tremback on April 24, 2014

Test #	Depth to evidence of seasonal high groundwater (ft)	Depth to existing groundwater (ft)	Depth to bedrock (ft)
TP-1	FILL	FILL	FILL
TP-2	2.0	>3.1	>3.1
TP-3	2.0	>3.2	>3.2
TP-4	2.0	>3.2	>3.2
TP-5	2.8	>4.3	>4.3
TP-6	0.8	1.6	>4.0
TP-7	2.0	3.2	>3.4
TP-8	1.8	3.2	>3.7
TP-9	2.3	>3.0	>3.0
TP-10	3.0	>4.5	>4.5
TP-11	2.1	>3.0	>3.0



Date	Revision	By
These plans shall only be used for the purpose shown below:		
<input type="checkbox"/> Sketch/Concept	<input type="checkbox"/> Act 250 Review	
<input type="checkbox"/> Preliminary	<input type="checkbox"/> Construction	
<input type="checkbox"/> Final Local Review	<input type="checkbox"/> Record Drawing	
<b>Property of</b> <b>Arnold &amp; Paula Baizley</b> 623 Pleasant Valley Road, Underhill, Vermont		Project No. 14047 Survey OTHERS Design BJT Drawn WEH/BJT Checked DJG Date 10-3-2014 Scale 1" = 20' Sheet number <b>S2</b>
<b>Grading Plan</b>		
<b>Lamoureux &amp; Dickinson</b> Consulting Engineers, Inc. 14 Morse Drive, Essex, VT 05452 802-878-4450 www.LDEngineering.com		

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**Legend**

- APPROXIMATE PROPERTY LINE
- - - APPROXIMATE EDGE OF WOODS
- EXISTING SURFACE CONTOUR
- W --- EXISTING WATER LINE
- S --- PROPOSED SEWER SERVICE
- FM --- SEWER FORCE MAIN
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- PT-1 TEST NUMBER
- PERCOLATION TEST LOCATION
- PERCOLATION RATE (MINUTES PER INCH)

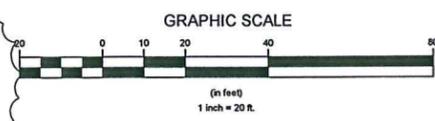
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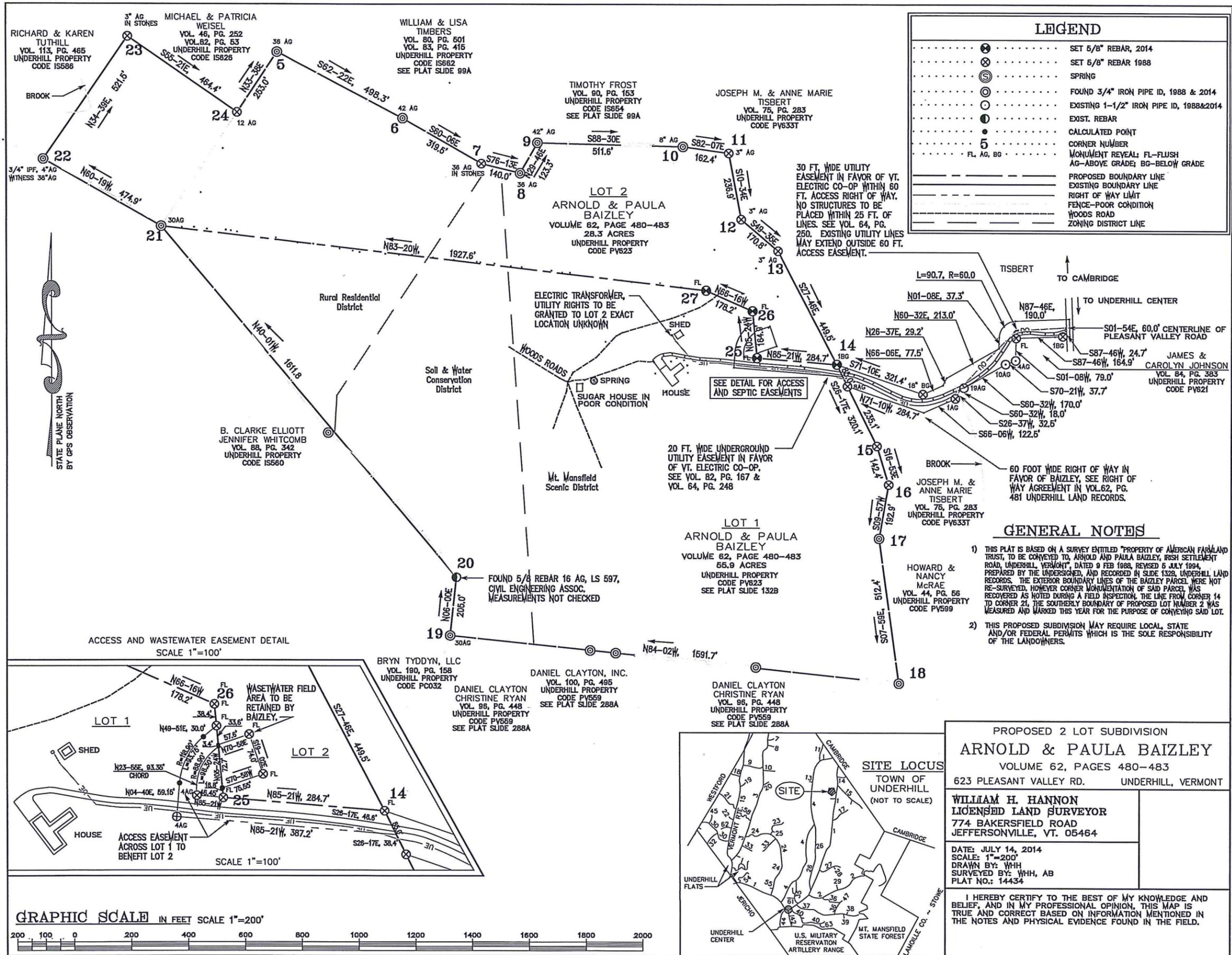
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TP-2	2.0	>3.1	>3.1			
TP-3	2.0	>3.2	>3.2			
TP-4	2.0	>3.2	>3.2			
TP-5	2.8	>4.3	>4.3			
TP-6	0.8	1.6	>4.0			
TP-7	2.0	3.2	>3.4			
TP-8	1.8	3.2	>3.7			
TP-9	2.3	>3.0	>3.0			
TP-10	3.0	>4.5	>4.5			
TP-11	2.1	>3.0	>3.0			

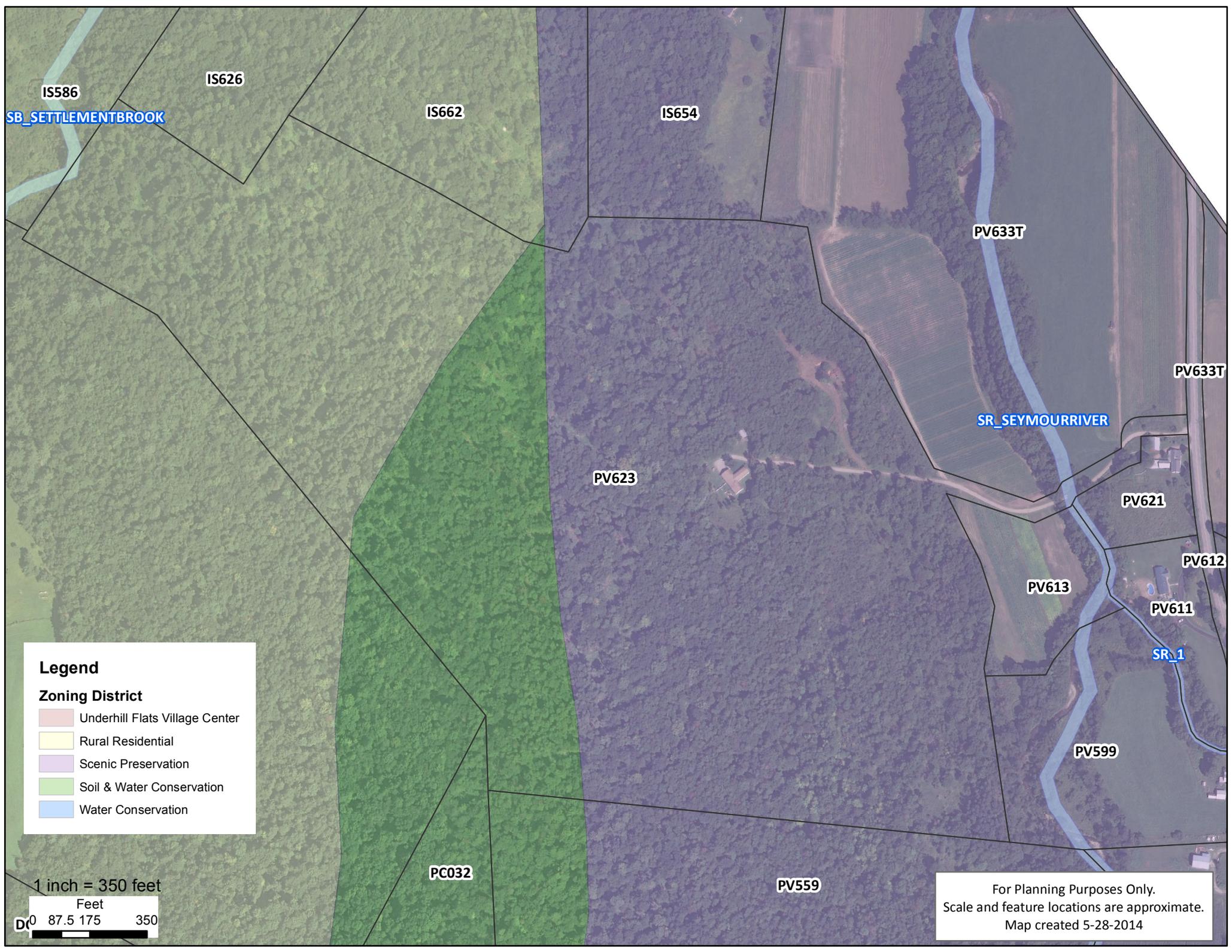


Date	Revision	By
These plans shall only be used for the purpose shown below:		
<input type="checkbox"/> Sketch/Concept	<input type="checkbox"/> Act 250 Review	
<input type="checkbox"/> Preliminary	<input type="checkbox"/> Construction	
<input type="checkbox"/> Final Local Review	<input type="checkbox"/> Record Drawing	
<b>Property of</b> <b>Arnold &amp; Paula Baizley</b> 623 Pleasant Valley Road, Underhill, Vermont		Project No. 14047 Survey OTHERS Design BJT
<b>Grading Plan</b>		Drawn WEH/BJT Checked DJG Date 10-3-2014 Scale 1" = 20' Sheet number
<b>Lamoureux &amp; Dickinson</b> Consulting Engineers, Inc. 14 Morse Drive, Essex, VT 05452 802-878-4450 www.LDengineering.com		<b>S2</b> 3 Sheets Total





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IS586

IS626

IS662

IS654

PV633T

PV633T

PV623

PV621

PV612

PV611

PV613

SR\_1

PV599

PC032

PV559

SB\_SETTLEMENTBROOK

SR\_SEYMOURRIVER

**Legend**

**Zoning District**

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

1 inch = 350 feet



For Planning Purposes Only.  
Scale and feature locations are approximate.  
Map created 5-28-2014

**Town of Underhill**  
**Development Review Board Minutes**  
**June 2, 2014**

**Board Members Present:**

Charles Van Winkle, Chairperson  
Penny Miller  
Will Towle  
Jim Gilmartin  
Matt Chapek  
Karen McKnight  
Shanie Bartlett (Alternate)

**Staff/ Municipal Representatives Present:**

Sarah McShane, PZA

**Others Present:**

Martin Danaher (Applicant-1<sup>st</sup> hearing)  
Arnold & Paula Baizley (Applicants- 2<sup>nd</sup> hearing)  
Patrick Lamphere (Applicant- 3<sup>rd</sup> hearing)  
Mike Weisel (Abutter- 2<sup>nd</sup> hearing)  
Dan Clayton (Abutter- 2<sup>nd</sup> hearing)  
Thom Hartswick (Abutter- 3<sup>rd</sup> hearing)  
Karen McKnight (Abutter- 3<sup>rd</sup> hearing)

- Chairperson Van Winkle called the meeting to order at 6:45 PM.
- Board members discussed using google docs to collaboratively edit DRB documents. Jim Gilmartin will email a test document. Board members were encouraged to try editing the test document prior to the next meeting.
- Board member Will Towle asked whether or not members were still interested in him drafting a standard disclaimer for decisions indicating that the DRB cannot guarantee that all permit conditions will be met with satisfaction. Board members were interested. W.Towle draft language to be included in future decisions.
- Board members discussed the May 5, 2014 DRB minutes. Board member Shanie Bartlett, seconded by Penny Miller, made a motion to approve the minutes as submitted. The motion was passed by all Board members present.
- Chairperson Van Winkle asked for public comment. No public comments were presented.

**7:00 PM- 20 Russin Drive- Final Subdivision Review for a 2 Lot subdivision**

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**(RU020) EXHIBITS:**

- a. A staff report sent by Zoning & Planning Administrator to the Development Review Board, the Applicants, the Selectboard, the Underhill Jericho Fire Department, and the Conservation Commission Chair;
- b. Martin & Betty Danaher's Application for Subdivision: Final (dated 5-1-14);
- c. Copy of the Subdivision Checklist: Final Hearing;
- d. Copy of the Findings Checklist;
- e. Written request for front setback waiver;
- f. Copy of the ANR Project Review Sheet;
- g. Copy of the Wastewater System and Potable Water Supply Permit;
- h. Copy of the plans prepared by Grover Engineering PC (Project 04009- DWG NO. 1 last revised 10/11/13, DWG NO. 2 date 11/5/04, DWG No. 3 date 11/5/04);
- i. Copy of the Property Subdivision Plat prepared by William Robenstein (Project No. 321-24; dated 10/22/2004);
- j. Copy of the tax map for RU020 indicating the locations of wetland and surface water;

DRB Meeting Minutes  
June 2, 2014

- k. Copy of the ANR Natural Resource Map indicating slope;
- l. Copy of the hearing notice as published in *Seven Days* on 5/14/2014, posted in three public places, and mailed to abutting property owners;
- m. Copy of email correspondence from Everett Marshall regarding Habitat Block designation (dated April 21, 2014);
- n. Copy of the draft minutes from the 6-17-2013 Sketch Plan meeting;
- o. Copy of 5/23/2014 input from the Chittenden East Supervisory Union;
- p. A copy of the procedure checklist for this meeting;
- q. Copy of emailed comments from Pam & Shawn Martell (dated 6-2-2014);
- r. Comments from the Underhill Jericho Fire Department (dated 6-11-2014);
- s. Copy of Shred Right-of-Way and Easement Maintenance Agreement;
- t. Copy of Easement Deed.

**\*\*Note:** A site visit at 20 Russin Drive took place at 6:00 PM; those present included Sarah McSharie (staff), Martin Danaher (Applicant), and Board members Charles Van Winkle, Matt Chapek, Karen McKnight, Penny Miller, Shanie Bartlett, Will Towle, and Jim Gilmartin.\*\*

- Chairperson Van Winkle began the hearing by explaining the procedure for final subdivision review, which comes under the 2012 Unified Land Use and Development Regulations and the definition of an interested party.
- Chairperson Van Winkle swore in all speakers and entered exhibits A-T into the record. PZA provided exhibits Q, R, S, T to DRB members earlier in the day.
- Martin Danaher, Applicant, provided an overview of the proposal, which includes creating a 2 lot subdivision on his property at 20 Russin Drive. The applicant stated that the subdivision was previously approved, however he failed to record the Mylar during the allotted time and was required to go through the subdivision process again.
- Chairperson Van Winkle stated that there were several unresolved issues the Applicant was requested to address in his final application. One issue to be addressed was updating the engineering drawings and site plan to indicate the zoning districts.
- Martin Danaher, Applicant, stated that he is requesting a setback waiver from the side property line.
- Chairperson Van Winkle stated that 250' of frontage is required and the proposal only indicates 78' of frontage along the ROW.
- Board member Will Towle asked if there is a current road maintenance agreement.
- Martin Danaher, Applicant, stated that a new road agreement has been drafted and is ready to be signed. He stated that he does not foresee any issues with the road agreement since many of his neighbors are family members and the others want the agreement.
- Chairperson Van Winkle stated that as a condition of approval Lot 1 & Lot 2 will be required to sign the road maintenance agreement.
- Board member Penny Miller stated that Section 8.6 states that the frontage requirement can be waived for lots located on cul-de-sacs and dead end roads.
- Chairperson Van Winkle stated that the applicant is requesting two waivers- one for frontage, and one for the side setback requirement.
- Board members discussed whether or not the private road is required to be brought up to development road standards since more than 4 lots will be served.
- Martin Danaher, Applicant, stated that Russin Drive is roughly 30' wide at the intersection of Rt. 15.

- Board member Will Towle stated that a permit requirement will be to bring the road up to A71 standards subject to a Certificate of Compliance. Since the Applicant has stated that the improvements have already been completed, he would just need to certify that the improvements have been made.
- In regards to the side setback waiver, Board member Penny Miller asked the Applicant if he could relocate the building envelope or property line so that he could avoid the need to request the setback waiver.
- Chairperson Van Winkle stated that there may be technical reasons for the reduced side setback, such as the location of the septic system.
- In the interest of time, Chairperson Van Winkle told the applicant that his application would be continued later in the evening.

**7:45 PM- 623 Pleasant Valley Road- Sketch Plan Review for a 2 Lot subdivision**

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(PV623) EXHIBITS:

- A. Arnold & Paula Baizley Application for Subdivision: Sketch Plan (dated 5/4/14; received 5/6/14);
  - 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. A copy of the warranty deed;
  - G. Copies of the ANR Natural Resources Atlas maps;
  - H. A copy of a zoning map of the property (PV623);
  - I. A copy of the procedure checklist for this meeting;
- Chairperson Van Winkle began the meeting by explaining the procedure for sketch plan review, which comes under the 2012 Unified Land Use and Development Regulations.
  - Arnold Baizley, Applicant, stated that he is proposing to subdivide a 27 acre lot off from his property. He has a 60' easement off from Pleasant Valley Road that he uses to access his property. There are three zoning districts on his property. He stated that he has a deed restriction limiting him to subdividing one lot.
  - Board members discussed the frontage requirement. Sarah McShane, PZA, stated that since development is being proposed in the Scenic Preservation zoning district, the frontage requirement is 400 feet.
  - Sarah McShane, PZA, stated that the property is in the current use program and as part of the preliminary application, the board may want to request correspondence indicating that it is okay to subdivide properties in the program.
  - Board member Penny Miller asked if there were any mapped deer yards on the property. Sarah McShane, PZA, will look into whether or not there are any documented deer yards on the property.
  - Chairperson Van Winkle asked for public comment.
  - Mike Weisel (PO Box 71, Underhill Center, VT 05490- Abutter) stated that he does not have any problems with the subdivision proposal. He stated that he does not foresee potential for soil erosion and that the property was unlikely a mapped deer yard.

- Dan Clayton (PO Box 187, Underhill Center, VT 05490- Abutter) stated that he wanted to attend the meeting to view the subdivision proposal. He also stated that he has no objections to the proposal and it appears to be low impact.
- Chairperson Van Winkle asked for final comments and whether or not the Board had enough information.
- Board member Will Towle stated that he felt the property met its frontage requirement from the parcel on Pleasant Valley Road (PV621). He stated that he believes the intent of the frontage requirement was to require appropriate spacing of driveways along Pleasant Valley Road.
- Board members asked the Applicant whether or not the driveway is currently shared with other property owners. The Applicant stated that he currently does not share the driveway.
- Board members discussed the issue of frontage and agreed that the DRB could waive the requirement since the lot is located at the end of a road.
- Board member Will Towle made a motion, seconded by Matt Chapek, to accept the proposal, to classify it as a minor subdivision, and that the applicant does not have to show 400 ft of frontage on subsequent subdivision plans. The motion passed by all Board members present.
- Board members discussed the pros and cons of combining the preliminary and final subdivision hearings.
- Board member Will Towle made a motion, seconded by Penny Miller, to grant the Applicant's request for a waiver to combine the preliminary and final hearings. The motion did not pass (FOR: Miller, Gilmartin, Chapek; AGAINST: McKnight, Bartlett, Towle, VanWinkle). Applicant will be required to have both a preliminary and final subdivision review hearing.
- Arnold Baizely, Applicant, asked whether or not he had to indicate a building envelope on the subdivision plans. Board members stated only if the applicant so desired.
- PZA will draft a sketch plan review letter to be mailed to the applicant within 15 days.
- The sketch plan meeting ended at 8:30 PM.

**8:31 PM- 108 Beartown Road- Sketch Plan Review for a 2 Lot subdivision**

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(BE108) EXHIBITS:

- A. Luella Lamphere Estate (c/o Pat Lamphere) Application for Subdivision: Sketch Plan (received 5/7/14);
  - B. A copy of the completed Subdivision Checklist: Sketch Plan;
  - C. A copy of the proposed subdivision plan (Drawings 1 of 2 and 2 of 2, dated 4-2-2014);
  - D. A written project description;
  - E. A copy of the tax map;
  - F. A copy of the property deed;
  - G. A copy of the notice sent to applicant and property abutters;
  - H. Copies of the ANR Natural Resources Atlas maps;
  - I. Copy of the procedure checklist for this meeting;
- Chairperson Van Winkle began the meeting by explaining the procedure for sketch plan review, which comes under the 2012 Unified Land Use and Development Regulations.
  - Board Member Karen McKnight excused herself from the meeting.
  - Patrick Lamphere, Applicant, provided an overview of the proposal. He stated that the property is 15 acres and belongs to his mother's estate. He would like to subdivide a 10 acre lot, with the

intent of possibly further subdividing the 10 acres in the future; however this application is for a 2 lot subdivision.

- Board member Penny Miller asked about the discrepancy in acreage. Sarah McShane, PZA, stated that the town has the property listed at 10.43 acres however the Applicants' survey indicates the property is 15 acres. She stated that she checked with the Listers' Office regarding the discrepancy in acreage and the Listers' stated that it was somewhat common for such discrepancy.
- Sarah McShane, PZA, stated that an Access Permit will be required if the Applicant was proposing a curb cut to the town road. She stated that voters approved the ballot measure on Town Meeting Day that corrected the zoning district boundaries on the property. She did not see any environmental constraints that would prohibit subdivision.
- Chairperson Van Winkle asked for public comment.
- Karen McKnight (164 Beartown Road-Abutter) stated that she was concerned with the uplands project and animal crossing issues.
- Thom Hartswick (130 Beartown Road- Abutter) stated that he would be more concerned if the proposal was for two five acre lots.
- Chairperson Van Winkle asked if the Board had enough information to make a decision.
- Board member Will Towle made a motion, seconded by Penny Miller, to accept the sketch plan and to classify it as a minor subdivision. The motion passed by all board members present.
- Board member Will Towle made a motion, seconded by Matt Chapek, to allow the applicant to combine preliminary and final subdivision review if he so chooses. The motion passed by all board members present.
- PZA will draft a sketch plan review letter to be mailed to the applicant within 15 days.
- The sketch plan review meeting ended at 8:50 PM

**8:51 PM- Continued: 20 Russin Drive- Final Subdivision Review for a 2 Lot subdivision**

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- At 8:51 PM Board members continued the review of the application of Martin Danaher for a 2 lot subdivision at 20 Russin Drive.
- Board member Penny Miller asked the Applicant about the Class 2 wetlands on the property.
- Martin Danaher, Applicant, stated that the man-made pond on the property is considered a Class 2 wetland.
- Board member Penny Miller asked about the utilities and whether or not they will be buried underground.
- Martin Danaher, Applicant, stated that the utilities will be above ground and will follow the driveway until approximately the top of the hill, at which point they will be buried up to the house.
- Board member Penny Miller stated that it is a re-subdivision of a subdivision.
- The Applicant stated that it is part of the Russin subdivision from 1996 or 1997.
- Sarah McShane, PZA, stated that she had not reviewed the conditions of the original subdivision permit.
- Chairperson Van Winkle stated that some older planned residential developments (PRD's) had restrictions that no further subdivision could take place.
- Sarah McShane, PZA, will review the zoning files and report back to the DRB regarding the conditions of approval for the original subdivision.
- Board member Penny Miller asked whether or not erosion control measures need to be indicated on the site plan.

DRB Meeting Minutes  
June 2, 2014

- Chairperson Van Winkle stated that the site appeared to be dry and that the Applicant would be the receiver of any erosion impacts since he owns the downslope property.
- Penny Miller stated that it may be beneficial to have erosion control measures around the building site during construction and to have the setbacks indicated on the site plan.
- Chairperson Van Winkle stated that there are still unresolved issues to be addressed. The applicant is requesting a side setback waiver and a frontage waiver.
- Board member Will Towle stated that if the site plan indicates an area as "open space", it designates that area to be left open, restricting future development. He stated that if something is indicated on the plan, it is part of the plan. Depending on the intention of the Applicant, he should reconsider items listed on the site plan.
- Chairperson Van Winkle stated that the DRB approves the plat and the engineering drawings are often incorporated by reference in the decision.
- Chairperson Van Winkle provided an overview of the application process. The Applicant is requesting two waivers- one for frontage and one for a reduced side setback; he has an approved wastewater permit; the Applicant provided testimony that the road is constructed to be at least 24' at the intersection, and has submitted a draft easement and road maintenance agreement. One outstanding issue is for PZA to research whether or not there are any previous subdivision conditions that would restrict re-subdivision.
- Chairperson Van Winkle stated prior to occupancy, the road agreement with Lot 1 & Lot 2 must be recorded as part of the deed.
- Board member Will Towle stated that setback waivers should not just be granted when requested. The Applicant should make a strong case of why it's necessary.
- Chairperson Van Winkle stated that the Applicant is creating his own hardship and that he could redraw the property line or building envelope to meet the required setback. He stated that he needs to have a stronger technical argument supporting his waiver request.
- Board member Penny Miller made a motion, seconded by Karen McKnight, to continue the applicants hearing on June 16<sup>th</sup> at 7:00 PM. The motion passed by all members present.
- The DRB closed the hearing at 9:38 PM and will continue the hearing on 6/16/2014 at 7:00 PM.

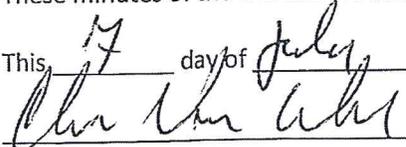
Meeting adjourned at 9:40 PM.

Submitted by:

Sarah McShane, PZA

These minutes of the 6-2-2014 meeting of the DRB were accepted

This 17 day of July, 2014.

  
\_\_\_\_\_  
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.*

**DEVELOPMENT REVIEW BOARD**  
Town of Underhill, VT

P.O. Box 32, Underhill Center, VT 05490  
E-mail: [underhillzoning@comcast.net](mailto:underhillzoning@comcast.net)

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

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June 11, 2014

Arnold & Paula Baizley  
623 Pleasant Valley Road  
Underhill, VT 05489

At the meeting on June 2, 2014, the Development Review Board reviewed your sketch plan application for a 2-lot subdivision of your property at 623 Pleasant Valley Road in Underhill, VT. This letter is provided per Section 7.3 (D) of the Unified Land Use and Development Regulations, and is valid for one year.

**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 has the potential to conform to the regulations. However, the Board did raise some concerns during the meeting that should be addressed in your subsequent plans.

**REVIEW CRITERIA & ISSUES TO BE ADDRESSED**

This sketch plan letter outlines "specific areas of concern to be addressed" per Section 7.3 (D) and per Section 8.2, General Standards for subdivision review.

1. Draft shared maintenance agreement for the proposed shared driveway;
2. An Access Permit issued by the Selectboard;
3. A written determination from the Current Use program indicating that properties in the program are allowed to be subdivided;
4. VT Wastewater & Potable Water Permit for the new lot;
5. VT ANR Project Review Sheet;
6. A site visit will need to be scheduled prior to the final hearing.

The above should be included in an application for the preliminary hearing stage in addition to the information required on the enclosed checklists.

## PRELIMINARY SUBDIVISION HEARING – PROCESS

As you are aware, the Board voted to require a preliminary hearing due to the outstanding questions raised during the sketch plan review meeting. Therefore, 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 (\$100), a copy of the State Project Review Sheet, and copies of draft legal documents. Also include information addressing items 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 a 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. 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,

  
Sarah C. McShane  
Planning & Zoning Administrator

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



# Town of Underhill

P.O. Box 32, Underhill Center, VT 05490  
www.underhillvt.gov

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

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## NOTICE OF PUBLIC MEETING

Town of Underhill Development Review Board (DRB) Hearing  
Monday, December 1, 2014 at 6:30 PM  
At the Underhill Town Hall, 12 Pleasant Valley Rd. Underhill, VT

The DRB will hold a Final Subdivision Amendment hearing on the application of Warren Palmer to subdivide portions of Lot 2 to include common land and to revise the building envelope on Lot 2 of the previously approved Isabel L. Baslow Subdivision approved by the DRB in 2009. The property is located within the Rural Residential and Soil & Water Conservation zoning districts at 21 Warner Creek (WC021) in Underhill, VT. The public hearing will begin at Town Hall at 6:35 PM.

The DRB will also hold a Preliminary Subdivision Review hearing on the application of Arnold & Paula Baizley for a proposed 2-lot subdivision of property located at 623 Pleasant Valley Road (PV623). This property is located in the Rural Residential, Soil and Water Conservation, and Mt. Mansfield Scenic Preservation zoning districts. The hearing will begin at the Town Hall at approximately 7:00 PM.

Additional information for this hearing may be obtained at the Underhill Town Hall. The hearing is open to the public. Pursuant to 24 VSA §§4464(a)(1)(C) and 4471(a), participation in this local proceeding is a prerequisite to the right to take any subsequent appeal. If you cannot attend the hearings, comments may be made in writing prior to the meeting and mailed to: Zoning & Planning Administrator, P.O. Box 32, Underhill Center, VT 05490 or to [smcshane@underhillvt.gov](mailto:smcshane@underhillvt.gov)

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# TOWN OF UNDERHILL, VT

Planning & Zoning Administrator

P.O. Box 32, Underhill Center, VT 05490  
E-mail: [underhillzoning@comcast.net](mailto:underhillzoning@comcast.net)

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

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November 7, 2014

Dear Neighbor:

This letter is to notify you, as an adjoining property owner, of a Preliminary Subdivision Review hearing with the Underhill Development Review Board on Monday, December 1, 2014 for a proposed 2-lot subdivision of property located at 623 Pleasant Valley Road (PV623), owned by Arnold & Paula Baizley. This property is located in the Rural Residential, Soil and Water Conservation, and Mt. Mansfield Scenic Preservation zoning districts. The hearing will begin at the Town Hall, 12 Pleasant Valley Rd., at approximately 7:00 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 application is available at the Town Hall Planning & Zoning Administrator's Office. 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 or emailed to me at the information above.

Pursuant to 24 VSA §§4464(a) (1) (C) and 4471(a), participation in this hearing is a prerequisite to the right to take any subsequent appeal. If you have any questions, I can be reached at the addresses or phone number listed above.

Sincerely,



Sarah McShane

Planning & Zoning Administrator

# Project Review Sheet

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

## Project Information

### General Information

PROJECT NAME (if applicable) 623 Pleasant Valley Road Subdivision	PROJECT TOWN Underhill
PROJECT LOCATION (911 address if available) 623 Pleasant Valley Road	

### Contact(s)

CONTACT TYPE Landowner	NAME Arnold & Paula Baizley	ORGANIZATION NAME (if applicable)		
ADDRESS 623 Pleasant Valley Road		TOWN Underhill	STATE VT	ZIP 05489
PHONE 802-899-3281	CELL PHONE	EMAIL baizleya@us.ibm.com		
CONTACT TYPE Consultant	NAME Brian Tremback	ORGANIZATION NAME (if applicable) Lamoureux & Dickinson Consulting Engineers, Inc.		
ADDRESS 14 Morse Drive		TOWN Essex Junction	STATE VT	ZIP 05452
PHONE 802-878-4450	CELL PHONE	EMAIL brian@LDengineering.com		

### Project Description

ENTERED BY Jeffrey McMahon	INFORMATION SOURCE Individual	DATE ENTERED 10/30/2014 11:29 AM
PROJECT DESCRIPTION Subdividing 84.3 acres, Lot 1, 56 acres w/ an existing single family residence being served by onsite water supply and wastewater disposal, Lot 2, 28.3 acres for a proposed single-family residence to be served by onsite wastewater disposal and water supply.		

### 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)	HAS THE LANDOWNER SUBDIVIDED BEFORE? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
TYPE OF PROJECT (check all that apply) <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Agricultural <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> 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 type="checkbox"/> No	

BASIS FOR DECISION Lot count less than 10, not a subdivision pursuant to 10 V.S.A. 6001(19)	
DISTRICT COORDINATOR SIGNATURE  Peter E. Keibel 2014.10.30 12:44:10 -04'00'	Peter Keibel, <i>Coordinator</i> [phone] 802-879-5658 [email] peter.keibel@state.vt.us Natural Resources Board District 4 Environmental Commission 111 West Street, Essex Junction, VT 05452

**Drinking Water & Groundwater Protection Division Regional Office Permit Jurisdictional Opinion**

IS A WASTEWATER SYSTEM & POTABLE WATER SUPPLY PERMIT/APPROVAL REQUIRED? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Permit application currently under review <input type="checkbox"/> No <input type="checkbox"/> Permit issued on _____	PERMIT NOT REQUIRED? <input type="checkbox"/> Boundary Line Adjustment <input type="checkbox"/> Home Occupation <input type="checkbox"/> Clean Slate <input type="checkbox"/> Notice of Permit Requirement
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BASIS FOR DECISION  
 Subdivision of improved lot and proposed development on new lot.

REGIONAL OFFICE STAFF SIGNATURE  2014.10.30 12:42:11 -04'00'	Jessanne Wyman, <i>Regional Engineer</i> [phone] 802-879-5673 [email] jessanne.wyman@state.vt.us Department of Environmental Conservation Drinking Water & Groundwater Protection Division - Essex Regional Office 111 West Street, Essex Junction, VT 05452
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*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](http://www.anr.state.vt.us/dec/permit_hb/tableofcontents.htm)*

Agency of Natural Resources - Department of Environmental Conservation

WATERSHED MANAGEMENT DIVISION

Wetlands [ Fact Sheet #29 ]

Northern Chittenden, Franklin, and Grand Isle Counties:  
 Contact: Danielle Owczarski      Email: [danielle.owczarski@state.vt.us](mailto:danielle.owczarski@state.vt.us)      Phone: 802-490-6176

Vermont Energy Code Assistance Center

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

Local Permits

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

PERMIT SPECIALIST SIGNATURE  2014.10.30 12:53:38 -04'00'	Jeff McMahon, <i>Permit Specialist</i> [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
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Michael C. Weisel, P.E.  
P. O. Box 71  
Underhill Center, VT. 05490

June 16, 1995

Mr. Arnold Baizley  
RR 1, Pleasant Valley Road  
Cambridge, VT. 05444

Dear Arnold,

In order to evaluate the capacity of the farm bridge which carries your driveway over the Seymour River, I conducted an on-site inspection of the size and condition of the abutments and bridge members and computed the beam strength using the AISC Manual of Steel Construction.

This structure is a 38' single span steel beam bridge with a wood deck, founded on solid, concrete abutments. The two central beams are 24" high, located beneath the two wheel runners, and, from their specific dimensions, appear to be either 24WF76 or 24WF84. They are attached to the deck through bolted connection to wooden sill plates. The two outside beams are smaller 12" beams which, for the purposes of this analysis, were not taken into account.

Assuming the two main beams to be the lighter 24WF76, and considering them to be laterally braced by the deck structure, each beam can support better than 36,000 pounds after deduction for the weight of the beams themselves and the weight of the wood deck. I would reduce this capacity by 10% to account for the light rusting that has occurred. Considering both beams together, this bridge is capable of supporting an axle load of 65,000 pounds at mid span.

I hope this analysis will be of some assistance to you. If you have any additional questions or concerns, please feel free to call me.

Sincerely,



Michael C. Weisel, P. E.

Arnold & Paula Baizley, 623 Pleasant Valley Road, Underhill

**Abutters**

PV599 Howard & Nancy McCrae

599 Pleasant Valley Road

Underhill, VT 05489

PV613 Daniel Clayton Inc

P.O. Box 187

Underhill Center VT 05490

PV621 Carolyn Johnson

621 Pleasant Valley Road

Underhill, VT 05489

PV633T Joe & Anne Marie Tisbert

Also across from right of way

5901 Pleasant Valley Road

Cambridge, VT 05444

IS654 Timothy Frost

654 Irish Settlement Road

Underhill, VT 05489

IS662 William & Lisa Timbers

662 Irish Settlement Road

Underhill, VT 05489

IS626 Michael & Pat Weisel

P.O. Box 71

Underhill Center, VT 05490

IS586 Richard & Karen Tuthill

586 Irish Settlement Road

Underhill, VT 05489

IS560 Elliott Clarke and Jennifer Whitcomb

560 Irish Settlement Road

Underhill, VT 05489

PC032 Bryn Tynddyn LLC

1654 Moores Hill Road

Syosset, NY 11791

PV559 Daniel Clayton and Christine Ryan

P.O. Box 187

Underhill Center, VT 05490

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS That,

ARNOLD BAIZLEY and PAULA BAIZLEY of the Town of Underhill, County of Chittenden and State of Vermont

hereinafter referred to as GRANTOR FOR AND IN CONSIDERATION OF  
-----TEN AND MORE DOLLARS-----  
paid to GRANTOR'S satisfaction by

\_\_\_\_\_, of the Town  
of \_\_\_\_\_, County of \_\_\_\_\_ and State of Vermont

hereinafter referred to as GRANTEE do hereby GIVE, GRANT, SELL, CONVEY AND CONFIRM unto GRANTEE

\_\_\_\_\_

and GRANTEE's heirs, executors, administrators, successors and assigns forever a certain piece of land located in the Town of Underhill, County of Chittenden and State of Vermont described as follows, viz:

Being a parcel of land containing 28.3 acres, more or less, and being a portion of all and the same lands and premises conveyed to Arnold Baizley and Paula Baizley by the following deeds:

1. Warranty Deed of American Farmland Trust which deed is dated the 2nd day of March, 1988 and recorded in Book 62 at Page 480 of the Underhill Land Records.
2. Quit Claim Deed conveyed by Frederick K. Trask, Jr. to Arnold Baizley and Paula Baizley by deed dated March 1988 and recorded in Book 62 at Page 482 of the Underhill Land Records.
3. Quit Claim Deed conveyed by The Nature Conservancy to Arnold Baizley and Paula Baizley by deed dated March 1, 1988 and recorded in Book 62 at Page 483 of the Underhill Land Records.

The within conveyed lands and premises are more particularly described as follows:

Beginning at a point marked by an existing 5/8" iron pipe set in the easterly boundary of lands and premises of the within Grantors and lands now of Joseph M. and Anne Marie Tisbert at that point lying northerly of a common access easement labeled Corner 14 on the below referenced survey;

thence proceeding on a bearing North 85 degrees 21 West a distance of 284.7 feet to a point marked by an 5/8" iron pipe set;

thence turning to the right and proceeding on a bearing North 66 degrees 16 minutes West a distance of 178.2 feet to a point marked by a 5/8" rebar set;

thence deflecting slightly to the left and proceeding on a bearing North 83 degrees 20 minutes West a distance of 1,927.6 feet to a point marked by a found 3/4" iron pipe;

thence deflecting to the right and proceeding on a bearing North 60 degrees 19 minutes West a distance of 474.9 feet to a point marked by found 3/4" iron pipe;

thence turning o the right and proceeding on a bearing North 34 degrees 39 minutes East a distance of 521.5 feet to a point marked by a set 5/8" rebar;

thence turning to the right and proceeding on a bearing South 55 degrees 21 minutes East a distance of 464.4 feet to a point marked by a 5/8" rebar set;

thence turning to the left and proceeding on a bearing North 33 degrees 38 minutes East a distance of 253.0 feet to a point marked by a found 3/4" iron pipe;

thence turning to the right and proceeding on a bearing South 62 degrees 22 minutes East a distance of 498.3 feet to a point marked by a found 3/4" iron pipe;

thence deflecting slightly to the right and proceeding on a bearing South 60 degrees 06 minutes East a distance of 319.5 feet to a point marked by a set 5/8" rebar;

thence deflecting slightly to the left and proceeding on a bearing South 76 degrees 13 minutes East a distance of 140.0 feet to a point marked by a found 3/4" iron pipe;

thence turning to the left and proceeding on a bearing North 29 degrees 46 minutes East a distance of 123.3 feet to a point marked by a found 3/4" iron pipe;

thence turning to the right and proceeding on a bearing South 88 degrees 30 minutes East a distance of 511.6 feet to a point marked by a found 3/4" iron pipe;

thence deflecting slightly to the right and proceeding on a bearing South 82 degrees 07 minutes East a distance of 162.4 feet to a point marked by a found 3/4" iron pipe;

thence turning to the right and proceeding on a bearing South 10 degrees 35 minutes East a distance of 170.8 feet to a point marked by a found 3/4" iron pipe;

thence deflecting to the right and proceeding on a bearing South 27 degrees 46 minutes East a distance of 449.5 feet to the point and place of beginning.

All distance recited herein are approximate only.

Being more particularly depicted as Lot 2 on a survey map entitled "Proposed 2 Lot Subdivision, Arnold & Paula Baizley, Volume 62, Pages 480-483, \_\_\_ Pleasant Valley Road, Underhill, Vermont" dated July 14, 014 and prepared by William H. Hannon, Licensed Land Surveyor, which survey is to be recorded herewith in the Underhill Land Records and which shall govern this description in the event of any question or ambiguity.

The within conveyed lands and premises are conveyed subject to restrictive covenants set forth in the above referenced deeds which covenants, among other things, restrict the within conveyed lands and premises to the construction of no more than one single family home and appurtenances thereon and restrict the cutting of trees thereon, except for a two acre house site and access thereto and for the removal of dead and diseased trees and except as approved by a forester plan approved by the County Forester, all as more particularly set forth in a deed from Frederick R. Trask, Jr. Which deed is dated March, 1988 and recorded in Book 62 at Page 482 of the Underhill Land Records.

This conveyance is made subject to and with the benefit of the terms and conditions of a certain agreement for the maintenance of a bridge and sixty (60) foot access road of record in Book 68 at Page 481 of the Underhill Land Records. Included in this conveyance is an easement in common with the within Grantor and others entitled thereto over said sixty (60) foot wide right of way and bridge as the same appears on the above referenced survey. The within Grantee their heirs and assigns shall share equally with the within Grantor and their heirs and assigns the obligations imposed by said agreement for maintenance, repair and replacement of the bridge and roadway.

Further included in this conveyance is an easement for ingress and egress forty feet (40') in width, with the traveled portion not to exceed twelve feet (12') feet in width to be used in common with the within Grantor and their heirs and assigns over a portion of the Grantors existing driveway as the same is depicted on the above referenced survey and departing therefrom and proceeding in a generally northerly direction as depicted on the aforesaid survey to the within conveyed parcel of land. By acceptance and recording of this deed the within Grantee, for themselves and their heirs and assigns covenant and agree to pay a proportionate share of the cost of maintenance, repair and snow plowing of those areas of said driveway easement and access road used in common with the within Grantee and their heirs and assigns and to exclusively pay all such costs associated with the use of those portions of said driveway used exclusively by Grantee.

Further included herewith is the right to connect to a transformer located off the north west corner of the detached shed located on the lands and premises retained from this conveyance by the within Grantors and an underground easement, twenty (20) feet in width for power and other utilities from said transformer running in a northerly direction to the within conveyed Lot 2. This conveyance is made subject to and with the benefit of the terms and conditions of the following permits and approvals:

1. State of Vermont Wastewater and Potable Water Supply Permit # \_\_\_\_\_, dated \_\_\_\_\_ and recorded \_\_\_\_\_.
2. Town of Underhill Zoning Permit # \_\_\_\_\_ dated \_\_\_\_\_.

This conveyance shall act as a deed of Quit Claim only as to any portion of the herein conveyed real estate which may lie within any road or highway right of way.

All taxes, municipal, utility and other charges, if any, connected with the herein conveyed real estate shall be prorated as of the date of this deed, and the herein Grantees shall be liable therefore hereafter.

This conveyance is made subject to and with the benefit of highway easements, utility easements, easements for ingress and egress, water and pipeline rights, state and local land use permits, if any, and rights incident to each of the same as may appear more particularly of record provided that this paragraph shall not reinstate any such encumbrance previously extinguished by the Marketable Record Title Act, Subchapter 7, Title 27, Vermont Statutes Annotated,

Reference is hereby made to the above mentioned deed and its records, and to the references therein contained, in further aid of this description.

TO HAVE AND TO HOLD said premises with all privileges and appurtenances thereto unto the said GRANTEE

\_\_\_\_\_

and GRANTEE'S heirs, executors, administrators, successors and assigns to their own use and behoof forever and the said GRANTOR for GRANTOR and GRANTOR'S heirs, executors, administrators, successors and assigns does hereby covenant with GRANTEE and GRANTEE'S heirs, executors, administrators, successors and assigns that until the ensealing of these presents GRANTOR is the sole owner of the premises and has good right and title to convey same in the manner aforesaid, that said premises are conveyed FREE FROM EVERY ENCUMBRANCE, except as aforesaid, and GRANTOR hereby engages to WARRANT AND DEFEND the same against all lawful claims, whatever.

IN WITNESS WHEREOF, We hereunto set our hands this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
ARNOLD BAIZLEY

PAULA BAIZLEY

\_\_\_\_\_

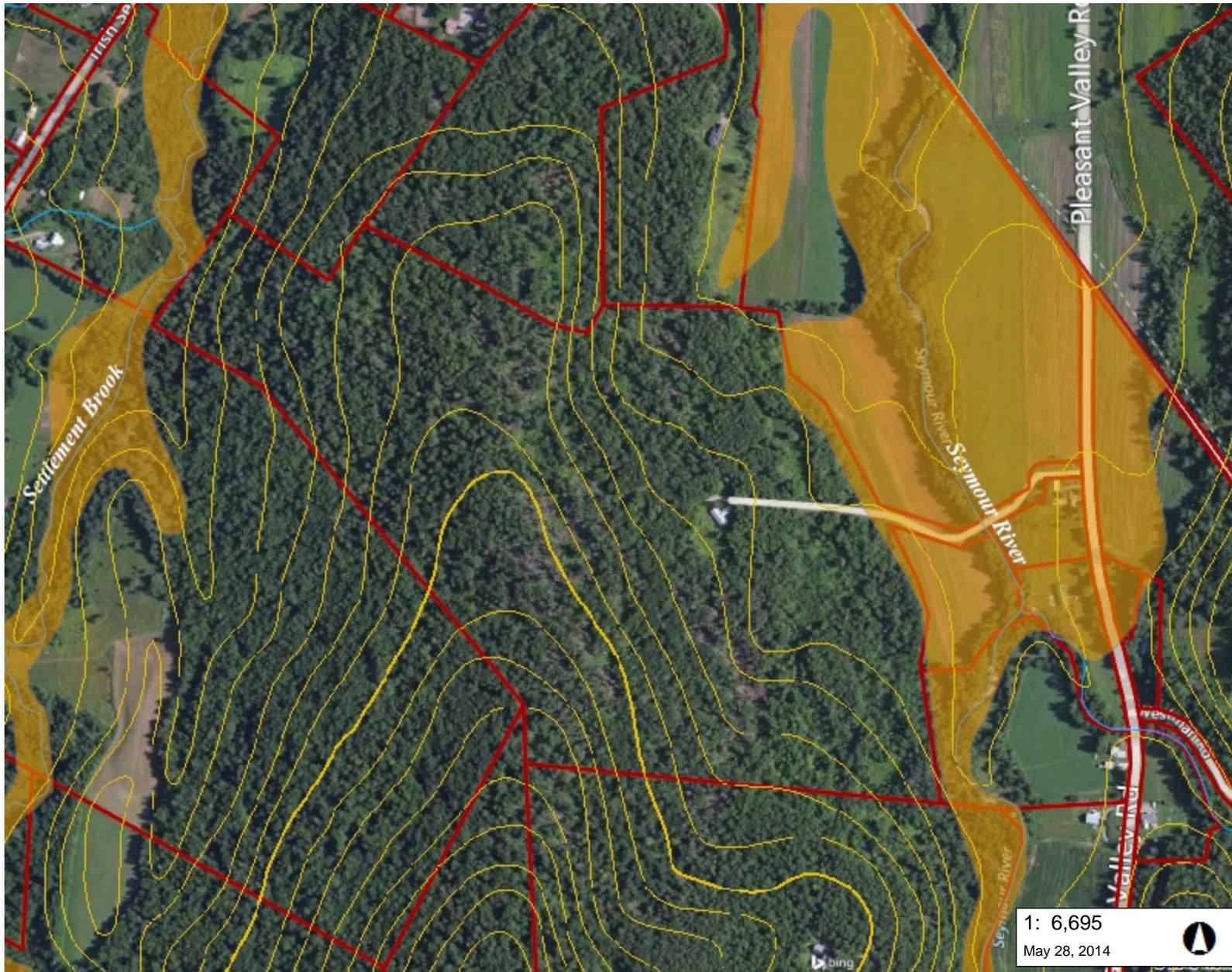
STATE OF VERMONT  
COUNTY OF \_\_\_\_\_, SS.

At \_\_\_\_\_ in said County and State on this \_\_\_\_ day of \_\_\_\_\_, 2014 personally appeared

ARNOLD BAIZLEY and PAULA BAIZLEY  
and they acknowledged this instrument by them sealed and subscribed to be their free act and deed.

Before me: \_\_\_\_\_  
Notary Public

My Commission Expires:  
2/10/15



### LEGEND

- 200-40 ft contours
  - 200 ft
  - 40 ft
- Special Flood Hazard Areas (A Counties)
  - AE (1-percent annual chance flood)
  - A (1-percent annual chance floodpl)
  - AO (1-percent annual chance zone feet)
  - 0.2-percent annual chance flood ha
- Stream
- Parcels (where available)
- Town Boundary

1: 6,695  
 May 28, 2014

340.0      0      170.00      340.0 Meters

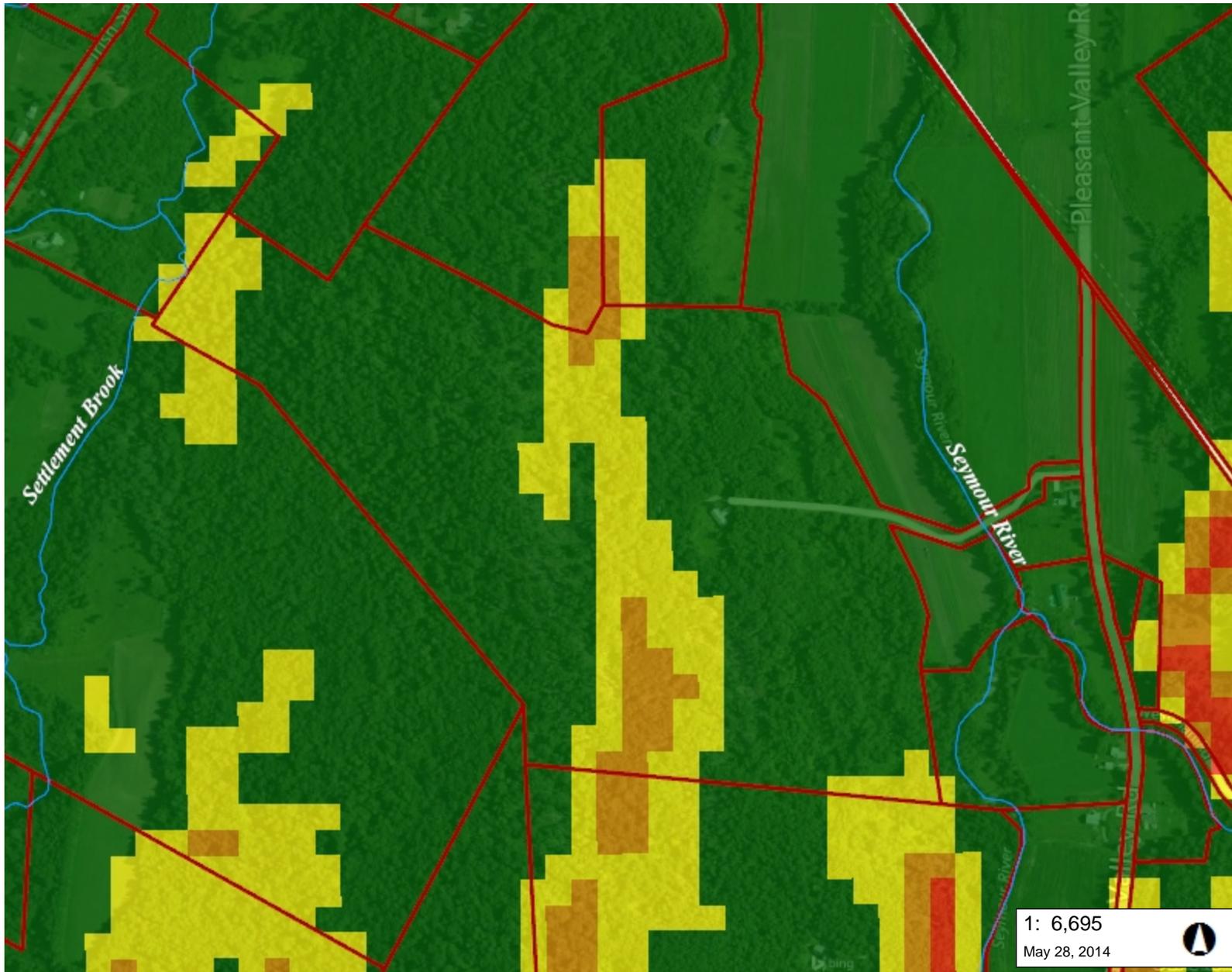
WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere      1" = 558 Ft.      1cm = 67 Meters

© Vermont Agency of Natural Resources      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.

### NOTES

Map created using ANR's Natural Resources Atlas



### LEGEND

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

1: 6,695  
 May 28, 2014



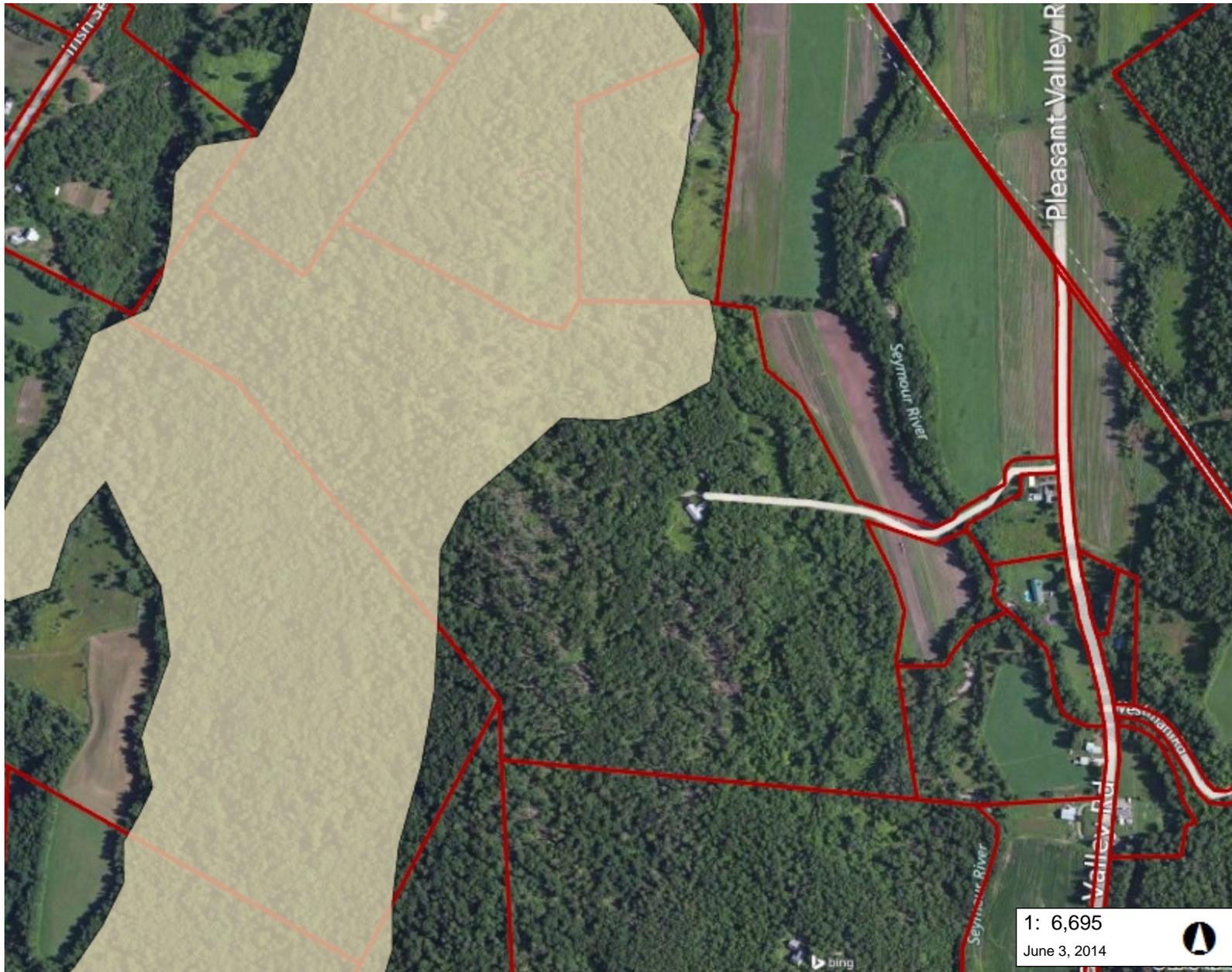
340.0                      0                      170.00                      340.0 Meters

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere      1" = 558 Ft.      1cm = 67 Meters  
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### NOTES

Map created using ANR's Natural Resources Atlas



**LEGEND**

- Deer Wintering Areas
- Parcels (where available)
- Town Boundary

**NOTES**

Map created using ANR's Natural Resources Atlas

340.0 0 170.00 340.0 Meters

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1: 6,695  
June 3, 2014



**Chittenden East**  
*Supervisory Union*

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

*Bolton      Huntington      Jericho      Richmond      Underhill ID      Underhill      Mt. Mansfield USD #17*

November 13, 2014

Sarah McShane  
Underhill Zoning Administrator  
Underhill Town Offices  
PO Box 32  
Underhill Center, VT 05490

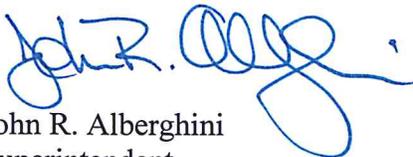
RE: Baizley Proposed Subdivision

Dear Sarah:

I am writing regarding the Baizley's proposed 2-lot subdivision at 623 Pleasant Valley Road in Underhill. Chittenden East Supervisory Union 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,



John R. Alberghini  
Superintendent