

TOWN OF UNDERHILL, VT
Planning & Zoning Administrator

P.O. Box 120, Underhill, VT 05489
E-mail: underhillzoning@comcast.net

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

MEMORANDUM

To: DRB, SB, UJFD, UCC
From: Sarah McShane, PZA
Date: 5/25/2015
Re: Agenda and Information for 6/1/15

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

**Monday, June 1, 2015 - 6:30 Public Hearing
Underhill Town Hall, 12 Pleasant Valley Rd. Underhill, VT**

- | | |
|---------|---|
| 6:30 PM | Public Comment Period |
| 6:35 PM | Continued: Sketch Plan Review- 5 Lot PRD & Boundary Line Adjustment Applicant: Albertini Docket #: DRB 15-01 Location: 109 Pleasant Valley Road <i>Note: This application is continued from the February 16, 2015 meeting</i> |
| 7:00 PM | Continued: Sketch Plan Review- 2 Lot Subdivision Applicant: Lamphere Docket #: DRB 15-05 Location: 116 Beartown Road |
| 7:30 PM | Other Business Review minutes from 5-4-2015 |
| 8:00 PM | Adjourn |
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Contents (BE108-Lamphere):

- a) Luella Lamphere Estate (c/o Pat Lamphere) Application for Subdivision: Sketch Plan (received 5/22/2015);
- b) Planned Residential Development Narrative, 3 pages (no date);
- c) Site Plan Review Standards Findings Checklist, 6 pages;

- d) Subdivision Site Plan Luella Lamphere Estate prepared by JH Stuart Associates, dwg 1 of 1, 5/18/2015;
- e) A copy of the procedure checklist for this meeting;

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

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

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

Relevant Regulations: 2014 Underhill Unified Land Use & Development Regulations

- Article II, Table 2.4 Water Conservation District (pg. 15)
- Section 3.2 – Access (pg. 27)
- Section 3.7 – Lot, Yard & Setback Requirements (pg. 35)
- Section 3.19 – Surface Waters & Wetlands (pg. 60)
- Section 3.22 – Water Supply & Wastewater Systems (pg. 65)
- Section 7.2 – Applicability (pg. 132)
- Section 7.3 – Sketch Plan Review (pg. 134)
- Section 7.5(B) – Waiver of Preliminary Subdivision Review (pg. 137)
- Article VIII – All (pg. 143)
- Article IX – All (pg. 165)

Comments/Questions

- The DRB approved the subdivision of a 5 acre parcel (BE108) on November 17, 2014. This application proposes to further subdivide 116 Beartown Road into two 5 acre parcels. Should this be considered a 2 or 3 lot subdivision?
- The application was submitted as a PRD. The PRD regulations should be reviewed with the applicant. Minimum lot sizes can be waived for PRD's. Although the applicant proposes two lots that meet the minimum lot size of 5 acres, a more efficient lot layout which lessens the need for a wastewater easement may be achieved if the applicant considers reducing the size of Lot 3. Request for waivers should be made in writing as part of the preliminary/final hearing application.
- Lot 2 as proposed does not meet the frontage requirement. Section 8.6 allows the DRB to reduce and/or waive district lot frontage requirements for PRD's.

- The application materials state that Lot 2 is not proposed for immediate development. This should be discussed during the meeting.
 - See Section 3.2(D)(3 & 9)- Should the two driveways be redesigned to be shared? If so, the plans should be revised to indicate a shared driveway serving both lots and draft easement language should be provided as part of the preliminary/final application.
 3. **Subdivisions.** No additional access rights to a public highway shall automatically result from the subdivision or re-subdivision of parcels established after the effective date of these regulations [March 2, 2011], nor for the development or redevelopment of contiguous parcels under common ownership and control as of the effective date of these regulations. Such lots shall be accessed from a shared access and driveway, a cross connection to an adjoining lot, or a development road, unless otherwise approved by the DRB in consultation with state or town highway officials under Subsection D.2.
 - Section 3.2(D)(9) states that “*Driveways shall be located not less than 12 feet from side and rear lot lines unless waived by the Development Review Board for shared driveways [see Subsection D.8 and Section 3.7(E)(3)] and lots with limited frontage [see Subsection B].*” As proposed, the driveway serving Lot 2 does not appear to meet this requirement.
 - The applicant should contact the Selectboard or Town Administrator to obtain a highway curb cut permit for all access and driveway improvements prior to submitting a preliminary/final application.
 - Section 8.6(A)(5) also requires that a subdivision shall be served by no more than one direct access onto a public highway, unless additional access is deemed necessary by the DRB to...
 - a. *improve traffic circulation or reduce traffic congestion,*
 - b. *facilitate emergency vehicle access, as determined by the Jericho-Underhill Fire Department,*
 - c. *allow connections between adjacent parcels of land, each of which has direct access to a public highway, or to*
 - d. *address physical site constraints, such as the presence of steep slopes, surface waters, wetlands, resource or hazard areas, or other physical site conditions that warrant additional access.*
 - As proposed, the wastewater system for Lot 2 is located on Lot 3. Draft easement language should be provided as part of the preliminary/final application. A wastewater permit or permit application should be submitted as part of the preliminary/final application.
 - Section 8.2(G) (page 146) requires the designation of building envelopes to “limit the location of structures, parking areas, and associated site improvements to one or more portions of a lot.” Building envelopes should be indicated for both lots.
 - Section 8.2(H) requires that the locations of all proposed permanent surveying monuments and corner markers shall be identified on the final subdivision plat. The application has provided a site plan for the proposed subdivision, however a survey plat will be required as part of the preliminary/final application.
 - The applicant will be required to submit letters from the school district and fire department as part of the preliminary/final subdivision application.
 - The applicant should obtain a Project Review Sheet.
 - Recommended classification: minor subdivision (any additional subdivided lots beyond three will be classified as a major subdivision.)
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Underhill DRB Rules of Procedure
Hearing Checklist
Sketch Plan Review
Request of Pat Lamphere
6-1-2015

State the following:

- 1) "This is a sketch plan review of the application of the Estate of Luella Lamphere/Patrick Lamphere, for a 2-lot subdivision at 116 Beartown Road in Underhill, VT."

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

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

- 2) The order of speakers tonight will be:
 - a. We will hear from and ask questions of the Applicant(s), Mr. Patrick Lamphere, and/or their representative(s);
 - b. Then we will hear and ask questions of the Zoning & Planning Administrator, (see staff notes);
 - c. Then we will give other persons in the room a chance to speak. Under our Rules of Procedure, each speaker is limited to five minutes; however, that time can be increased upon request to the Board and majority consent of the Board; then
 - d. The Applicant(s) and/or their representative(s) will have an opportunity to respond; then
 - e. Final comments will be solicited from all parties.
 - f. All speakers should address their comments to the Board, not to other parties present at the hearing.
 - g. Board members may feel free to ask questions of any speaker.
- 3) At this point we'll begin review and hear from Mr. Patrick Lamphere and/or their representative(s).
- ~~4) Next we will hear from the Zoning & Planning Administrator.~~
- 5) Are there members of the public who would like to speak?
- 6) Any final comments from anyone?
- 7) Does the Board feel that they have enough information to decide whether the proposed sketch plan has fulfilled the application requirements?

- 8) Does the Board classify the proposed subdivision as Major or Minor? (If the subdivision is classified as **Minor**, the Applicant(s) may request a waiver of the Preliminary Hearing requirement. If such is requested, the Board should rule on the waiver request in open session).
- 9) Does the Board wish to discuss the application in open or closed session? (After the ruling, continue with the info below.)

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

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

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

Items for Preliminary/Final Application

Application & Findings Checklist

Revisions to the subdivision plan (list requested revisions; driveways, building envelopes, proposed property lines, survey monuments, etc.)

Written request for waivers

Highway curb cut permit

Wastewater System & Potable Water Permit (or application) for both lots

Survey plat prepared by a licensed surveyor

Letters from the school district and fire department

Project Review Sheet

Other(s):

TOWN OF UNDERHILL

P.O. Box 32
Underhill Center, VT 05490

Phone: (802) 899-4434 x106

Fax: (802) 899-2137

Email: underhillzoning@comcast.net

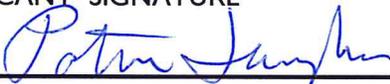
APPLICATION FOR SUBDIVISION: SKETCH PLAN

ZONING DISTRICT(S):

PROPERTY CODE: BE116

FEES: \$100 hearing fee + costs

Residential Rural Residential Water Conservation Scenic Preservation Soil & Water Conservation

| | |
|--|---|
| RECORD OWNER OF PROPERTY: Luella Lamphere Estate c/o Patrick Lamphere | MAILING ADDRESS: 176 Beartown Road Underhill 05489 |
| PHONE: 363-5014 | E-MAIL: plamp@comcast.net |
| ACREAGE IN ORIGINAL PARCEL: 10 | PROPOSED NUMBER OF LOTS: 2 |
| DESCRIPTION OF PROJECT: Subdivide ten (10) acres into two (2) lots (Lots 2 and 3) each having five (5) acres as described in the attached narrative. Lot 2 is not offered for development at this time. | |
| DEVELOPER: Patrick Lamphere | CONTACT INFORMATION: 176 Beartown Road Underhill 05489 |
| DESIGNER / ENGINEER: JH Stuart, P.E. | ADDRESS: P.O. Box 8367 Essex, VT 05451 |
| PHONE: 878-5171 or 734-9805 | E-MAIL: john@jhstuartassociates.com |
| SURVEYOR: Danid Peatman, LS | ADDRESS: P.O. Box 153 Eden 05652 |
| PHONE: 635-7720 | EMAIL: peatmansurveying@gmail.com |
| APPLICANT SIGNATURE  | DATE 5/22/2015 |
| RECEIVED  | DATE 5/22/2015 |

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

Luella Lamphere Estate
Beartown Road (BE116)
Underhill

PLANNED RESIDENTIAL DEVELOPMENT NARRATIVE

In 2014 the Underhill DRB approved the subdivision of the 15 acre parcel located at 108 Beartown Road into two lots: 5 acres with the Lamphere homestead and 10 acres without any specific development plans. The 5 acre lot has received all necessary Town and State permits and the lot was subsequently sold.

This proposal involves the subdivision of the 10 acre lot into two (2) 5 acre lots that are planned for single family dwellings. As the result of unique features of the property, a PRD is proposed to allow a subdivision that will benefit both proposed lots. In accordance with Articles VII and VIII of the Underhill Land Use & Development Regulations, the following information is offered:

1. Topography — The tract contains two distinct land forms consisting of approximately 5 acres of open meadow (Lot 3) that includes a partially reclaimed gravel pit and a higher wooded plateau (Lot 2). With the exception of the transition from the meadow to the wooded area, the topography ranges from flat to moderate slopes which are well suited for the planned use.
2. Surface Waters — Lot 2 borders Mill Brook along its southern boundary and no development is planned within 200 feet of this resource. There are not any surface water on Lot 3.
3. Mapped Flood Plains — There property is not impact by a flood plain (Panel No 50007C0310D).
4. Natural Vegetative Cover — As configured, Lot 2 is almost entirely wooded with a mixture of hardwood and softwood species. Except for the proposed boundary line between Lots 2 and 3, there is little tree cover on Lot 3. Tree cover along Mill brook will not be disturbed by this project.
5. Unique Topographic Features — There are not any unique features on the property.
6. Prime Ag Soils — There are not any prime Ag soils on the property. Lot 2 contains mostly Marlow soils which are included on the Statewide list for agricultural use, but the extensive tree cover (existing and proposed) precludes reclamation and the economic use of the lot area. Lot 3 is primarily dominated by Stetson sands and gravel soils which are not suited for agricultural use.
7. Historic Structures — There are not any historic structures on the property.

Under §9.3 application requirements for a PRD submittal, the following additional information is provided:

1. Survey — Attached is a copy of the subdivision site plan which includes a boundary survey of the 10 acres.

2. Master Plan — The site plan shows the planned creation of two lots including house sites and anticipated driveway accesses. As the result of the planned subdivision which would result in Lot 2 being almost entirely wooded and Lot 3 consisting of the open meadows, Lot 2 will not have frontage on a Town road and will need a 20' right-of-way over Lot 3. Additional information is provided as part of the section:
 - a. Building Locations — Two house sites have been shown on the project site plan. *Lot 2 is not planned for development as part of this proposal but a house location has been included as a possible structure location.* The Lot 3 house is also shown along with a building envelope.

 - b. Open Space — The lot configuration was planned to divide the acreage between the meadow and wooded sections. Proposed house locations will allow the majority of the lot area to remain undisturbed.

 - c. Intensity of Use — The lots are to support single family dwellings. Lot2 will require a driveway approximately 650 feet in length over a 20' wide right-of-way (515' long). Lot 3 would be served by an existing driveway that previously served the gravel pit. Infrastructure would include the dwellings, driveways, underground utilities, drilled wells and wastewater systems. *Again, Lot 2 is NOT being considered for approval that would result in its development.*

 - d. Access — See Item c.

 - e. Water and Wastewater Systems — Proposed water and wastewater system have been shown on the site plan. There are not any planned renewable resources planned for this project.

 - f. Mitigation of Impacts — Not applicable.

 - g. Development Schedule — Lot 2 is not proposed for approval. Lot 3 will be developed once approved.

3. Zoning Provisions Modifications — The plan to subdivide the property as described will result in Lot 2 having the required frontage on Beartown Road. Access to the lot would need a right-of-way over Lot 3 that would allow the construction of a driveway and piping to a wastewater easement area designated for use of Lot 2 on Lot 3.
4. Proposed Buildings — Each lot would be created for a single family dwelling and attached structures such as a garage. No specific design is available for Lot 3 and Lot 2 is not for approval of a house site at this time.
5. Density Calculation — The parcel is 10 acres and two (2) lots are proposed. The Water Conservation district requires 5 acres.
6. Open Space — No open space legal agreements are planned.
7. Affordable Housing — Not applicable.
8. Adjoining Parcels Involvement — Not applicable.

TOWN OF UNDERHILL, VERMONT

Article V, Section 5.3 – Site Plan Review Standards Findings Checklist

Docket #: _____ Property ID: BE116 Hearing Date: _____

Applicant/Consultant: JH Stuart, P.E.

Check the zoning district(s) in which the proposed use will occur:

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

The following standards are excerpted from Article V, Section 5.3 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 standards below as part of the application for site plan review. Proposed findings shall address how the proposed development relates to each portion of the standard.

| <u>Required</u> | <u>Submitted</u> | <u>Section 5.3 (B) Standards</u> |
|-----------------|------------------|----------------------------------|
|-----------------|------------------|----------------------------------|



(1) Existing Site Features.

Demonstrate how the proposed site layout and design avoids undue adverse impacts to significant natural, historic, and scenic resources. Refer to Section 5.3 (B)(1)(a) for specific areas of concern.

The property is divided almost equally between open meadow and a higher plateau that is wooded.

The meadow includes a gravel pit that will be reclaimed with topography that ranges from gentle to moderate slopes. Soils in the area are generally sands and gravel and well suited for wastewater disposal as demonstrated by testing performed in conjunction with ANR. The majority of the meadow will be dedicated to one of the proposed lots (Lot 3), and since testing did not extend to the wooded plateau, an easement area has been reserved for wastewater (Lot 2).

The wooded plateau is approximately 25-30 feet higher in elevation than the meadow, contains mature softwood and hardwood cover and it quite secluded.

The proposed property line has been established in order divide the property so that both lots can take advantage of the two unique site features, and preserve the rural nature of the area. To accomplish this goal, it was necessary to create an access easement for Lot 2 over Lot 3.

TOWN OF UNDERHILL, VERMONT

Article V, Section 5.3 – Site Plan Review Standards Findings Checklist

Required

Submitted

Section 5.3 (B) Standards Continued



(2) Site Layout & Design.

Explain how the proposed location and orientation of structures, and supporting infrastructure on the site, are compatible with their proposed setting and context as determined from the Underhill Town Plan, zoning district objectives, existing site conditions and features, adjoining or facing structures in the vicinity, and other applicable provisions of the Unified Land Use and Development Regulations. Refer to Section 5.3(B)(2) for details.

As noted in Item 1, the proposed lots have been created to take advantage of two land features: an open meadow and a wooded plateau. Dividing the property between the two features will allow each lot to optimally utilize that specific feature.

The Lot 2 house site (not proposed for development with this application) will be secluded. The Lot 3 house location will be between the existing gravel pit and the tree line which will preserve most of the remaining meadow.

There are slopes on the property that exceed 25%, particularly on Lot 2 in the area of Mill Brook and around the perimeter of the plateau; however, other than a driveway access from the meadow there will not be any development on the steeper slopes.

The property is not encumbered by a special flood zone, significant wildlife resources or significant viewsheds/prominent hillsides/ridgelines/stone wall, etc. The property is located with the WHPA for the Jericho-Underhill water system but does not pose a risk to that resource.

TOWN OF UNDERHILL, VERMONT

Article V, Section 5.3 – Site Plan Review Standards Findings Checklist

Required Submitted **Section 5.3 (B) Standards Continued**



(3) Vehicle Access.

Explain how the proposed use meets all town and state access management and design standards. Include an explanation of how the curb cut(s) and road intersection(s) do not create hazards to vehicles, pedestrians or bicyclists onsite or on adjoining roads, sidewalks, and pathways.

Each of the planned lots will be served by a private driveway.

As the result of the planned subdivision, Lot 2 will require a 20' easement over Lot 3 since the former will not have frontage on Beartown Road.

Lot 3 will utilize the existing curb cut that was used to access the gravel pit.

Each access will have suitable sight distances on Beartown for the posted speed.

Required Submitted



(4) Parking, Loading & Service Areas.

Indicate how the proposed use conforms to the requirements of this section.

Each lot will have parking areas adjacent to the planned houses, primarily in an attached garage.

TOWN OF UNDERHILL, VERMONT

Article V, Section 5.3 – Site Plan Review Standards Findings Checklist

Required

Submitted

Section 5.3(B) Standards Continued



(5) Site Circulation.

Explain how the proposed use has provided for adequate and safe onsite vehicular and pedestrian circulation. Site plans shall include the requirements of Section 5.3(B)(5)(a), (b) where applicable.

Vehicular and pedestrian access to the proposed lots will be over the planned driveways.

Required

Submitted



(6) Landscaping and Screening.

Explain how the proposed plan incorporates the landscaping and screening requirements of Section 5.3(B)(6).

Landscaping for Lot 2 is provided by the natural tree cover. No additional plantings are required other than ornamental plants around the house.

Lot 3 has a wooded boundary with its neighbor to the north and with Lot 2 to the east. Additional plantings for Lot 3 between the house and Beartown Road are likely to improve screening.

TOWN OF UNDERHILL, VERMONT

Article V, Section 5.3 – Site Plan Review Standards Findings Checklist



| <u>Required</u> | <u>Submitted</u> | <u>Section 5.3(B) Standards Continued</u> |
|-----------------|------------------|---|
|-----------------|------------------|---|

(7) Outdoor Lighting.

Does the proposed use require outdoor lighting?

Yes

No *(If no, skip to #8).*

Explain how the proposed outdoor lighting conforms to the requirements of Section 3.11.

All outdoor lighting will be downward directed and shielded to prevent off-lot light impacts.

TOWN OF UNDERHILL, VERMONT

Article V, Section 5.3 – Site Plan Review Standards Findings Checklist

Required

Submitted

Section 5.3(B) Standards Continued



(8) Stormwater Management and Erosion Control.

Indicate how the proposed use incorporates the requirements of Section 5.3(B)(8) including temporary and permanent stormwater management and erosion control measures.

The soils types and proposed lot coverage will not significantly increase stormwater runoff. The driveway to Lot 2 will involve cutting and filling so as to meet the 12% maximum grade. All exposed areas will be graded to 2:1 or less and mulched/seeded to prevent erosion.



MAGNETIC NORTH
OBSERVED 2000

| SYMBOL LEGEND | |
|---------------|--------------------------------------|
| — | IRON ROD OR IRON PIPE FOUND 8" OR 6" |
| □ | CONCRETE FOUND |
| — | STONE WALL |
| — | BENCHMARK MIB |
| + | TEST PIT |
| ⊙ | DRILED WELL |
| — | EDGE OF WOODS |
| — | BARS WIRE FENCE |
| — | DRAINAGE DITCH |
| ⊙ | WATER MONITOR |
| ⊙ | SHALL FOND |

JEFFREY & NANCY ALEXANDER
123 BEARTOWN ROAD
UNDERHILL, VT 05489

TOWN OF UNDERHILL
P.O. BOX 32
UNDERHILL CTR., VT 05491
BE09TX

*Is this a designated
building envelope?*

THOMAS HARTWICK & DEBRA SHIMA-HARTWICK
130 BEARTOWN ROAD
UNDERHILL, VT 05489

*2 proposed
driveways*

wastewater

MARCEL FORTIN
154 BEARTOWN ROAD
UNDERHILL, VT 05489

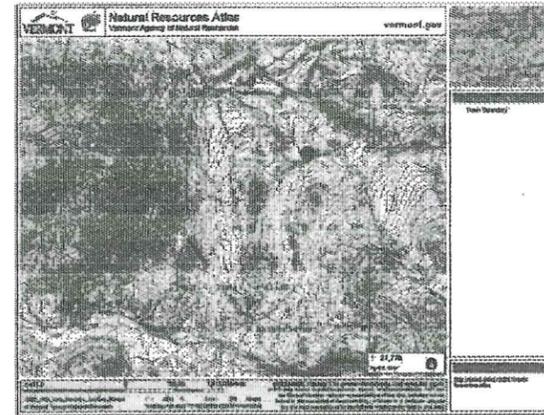
J. MICHAEL & KAREN MCKNIGHT
P.O. BOX 15
UNDERHILL CTR., VT 05490

LOT 1
5.0 ACRES
Water Conservation District

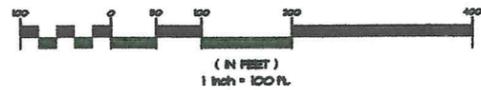
LOT 2
5.0 ACRES
Soil and Water Conservation District

*Is this the
proposed interior
lot line?*

STATE OF VT MILITARY DEPARTMENT
BLDG. 5 789 VT ARMY NATIONAL GUARD ROAD
COLCHESTER, VT 05446
RA079X



PROJECT LOCATION



PROJECT DATA

Applicant: Luella Lamphere Estate
c/o 178 Beartown Road
Underhill Ctr., VT 05491

Engineer: JH Stuart Associates
P.O. Box 8367
Essex, VT 05451

Property: 10 Acres
Volume 35 Page 226-227

Districts: Water Conservation

Tax Map: BE116

Dimensional Requirements:

Lot Area: 5 AC Min.
Frontage: 300 FT.
Front Setback: 30 FT.
Side/Rear Setback: 50/50 FT.
Coverage: — 25%

LUELLA LAMPHERE ESTATE

SUBDIVISION SITE PLAN BEARTOWN ROAD (BE116)
UNDERHILL, VERMONT DUG. 1 OF 1 05/16/2015

JH STUART ASSOCIATES

22 TANGLEWOOD DRIVE P.O. BOX 8367
ESSEX, VERMONT 05451 802-878-5171 jhstuart@jstuartassociates.com