



Town of Underhill

Development Review Board

Findings and Decision

FINAL SUBDIVISION APPLICATION OF Paula & John Connell, III REGARDING A 2-LOT SUBDIVISION

In re: Paula & John Connell, III
14 Krug Road (KR014)
Underhill, VT 05489

April 12, 2022

Docket No. DRB-21-15

Decision: Approved with conditions (see Section V – Decisions and Conditions of Approval)

I. INTRODUCTION AND PROCEDURAL HISTORY

This proceeding concerns the final subdivision application submitted by the Applicants, Paula & John Connell, III, regarding a 2-lot subdivision of property they own located at 14 Krug Road in Underhill, Vermont.

- A. On September 8, 2021, the Applicant filed a sketch plan review application for the abovementioned project. A sketch plan review meeting for the project was held on October 4, 2021, and a letter of acceptance was issued on October 18, 2021. At the October 4, 2021, meeting, the Development Review Board classified the application as a “minor” subdivision, which allowed for the preliminary subdivision review to be waived or combined with the final subdivision review.
- B. On February 21, 2022, the Applicant filed an application for final subdivision approval for the abovementioned project. The Town Administrator and Interim Zoning Administrator, Brad Holden, received the application and determined that it was complete shortly thereafter. A hearing date was scheduled to commence at the Town of Underhill Town Hall, 12 Pleasant Valley Road, Underhill, Vermont on Monday, March 21, 2022, at 6:30 PM including a site visit scheduled to commence at 14 Krug Road at 6:00 PM the same evening of March 21, 2022.
- C. During the week of March 2, 2022, notice of the public hearing for the proposed Paula & John Connell, III Final Subdivision hearing was posted at the following places:
 1. The Underhill Town Clerk’s office;
 2. The Underhill Center Post Office; and
 3. The Underhill Flats Post Office.
- D. On March 2, 2022, a copy of the notice of the final subdivision review hearing was mailed via certified mail to the following property owners adjoining the property subject to the

application:

1. **(KR014)** – *Applicant:* Paula & John Connell, III, 14 Krug Road (PO Box 148), Underhill Center, VT 05490
 2. *Applicant's Engineer:* Justin Willis, Willis Design Associates, Inc., PO Box 1001, Jericho, VT 05465
 3. **(RA023)** Anderson H. & Theresa A. Hunt, 23 Range Road (PO Box 167), Underhill Center, VT 05490
 4. **(RA015)** Dana C. Williams, 15 Range Road, Underhill, VT 05489
 5. **(KR018)** Ronald & Susan Racine, 18 Krug Road (PO Box 198), Underhill Center, VT 05490
 6. **(RA007)** Robert L. & Linda S. Gordon, 7 Range Road (PO Box 194), Underhill Center, VT 05490
 7. **(GR008)** Jennifer Kennedy, 8 Green Street (PO Box 1), Underhill Center, VT 05490
 8. **(KR010)** Peter & Nancy Geiss, 10 Krug Road, Underhill, VT 05489
 9. **(GR002X)** Roman Catholic Diocese of Burlington c/o Father Jordan, 2 Green Street (PO Box 3), Underhill Center, VT 05490
- E. On Friday, March 4, 2022, notice of the public hearing was published in the *Burlington Free Press*.
- F. The site visit began at approximately 6:00 PM on March 21, 2022, at 14 Krug Road, Underhill, Vermont.
- G. Present at the site visit were the following members of the Development Review Board:
1. Board Member, Charles Van Winkle, Chairperson
 2. Board Member, Brian Bertsch, Vice Chair
 3. Board Member, Karen McKnight
 4. Board Member, Penny Miller
 5. Board Member, Shanie Bartlett
- Others physically present at the site visit were:
1. Justin Willis, Willis Design Associates, Inc (Applicant's Engineer)
 2. Paula & John Connell, Applicants, 14 Krug Road (KR014)
 3. Ronald & Susan Racine, 18 Krug Road (KR018)
 4. Alden and Florence Oliver, 5 Range Road (RR05)
 5. Dan Lee, residing at 15 Range Road (RA15)
Patrick Stevens, residing at 17 Krug Road (KA17)
- H. The final subdivision review hearing began at 6:30 PM on March 21, 2022, at the Town of Underhill Town Hall, 12 Pleasant Valley Road, Underhill, Vermont.
- I. Present at the final subdivision hearing were the following members of the Development Review Board:

1. Board Member, Charles Van Winkle, Chairperson
2. Board Member, Brian Bertsch, Vice Chair
3. Board Member, Karen McKnight
4. Board Member, Penny Miller
5. Board Member, Shanie Bartlett
6. Board Member, Mark Hamlin

All Board Members were physically present at the hearing

Others present at the hearing were:

1. Justin Willis, Willis Design Associates, Inc (Applicant's Engineer)
2. Paula & John Connell, Applicants, 14 Krug Road (KR014)
3. Ronald & Susan Racine, 18 Krug Road (KR018)
4. Alden and Florence Oliver, 5 Range Road (RA05)
5. Dan Lee, residing at 15 Range Road (RA15)
6. Patrick Stevens, residing at 17 Krug Road (KR17)
7. Linda Gordon, 7 Range Road (RA007) – *by phone*

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

1. Justin Willis, Willis Design Associates, Inc.
2. Paula & John Connell, Applicants, 14 Krug Road (KR014)
3. Ronald & Susan Racine, 18 Krug Road (KR018)
4. Linda Gordon, 7 Range Road, Underhill, VT (Rinda.Gordon@Gmail.com)

K. In support of the final subdivision application, the following exhibits were submitted to the Development Review Board:

- Exhibit A - Connell_Preliminary_Final_Plat_Application (1).pdf
- Exhibit B - Connell_Project_Narrative.pdf
- Exhibit C - Connell_Abutter_Letters_Sent_3-2-2022.pdf
- Exhibit D - CONNELL-rev_FINAL-2-16-22.pdf
- Exhibit E - WWPlan-1_Connell021022.pdf
- Exhibit F - WWPlan-2_Connell021022.pdf
- Exhibit G - CONNELL_SHARED_DRIVE_14_KRUG_ROAD_UNDERHILL-STAMPED.pdf
- Exhibit H - Racine_Easement_Deed.pdf
- Exhibit I - UJFD_Driveway_Inspection_Letter.pdf
- Exhibit J - UJFD_1_or_2_family_residences_criteria_rev_1_(1)_(003).pdf
- Exhibit K - Connell_School_Impact_email.pdf
- Exhibit L - SIGNED_KR014_Connell_Acceptance_Letter_-_10.18.21.pdf
- Exhibit M - Final_-_DRB_10-04-2021_Minutes (1).pdf
- Exhibit N - KR014_Connell_Sketch_Plan_Review_Staff_Report.pdf
- Exhibit O - Affidavit of Publication (Burlington Free Press)
- Exhibit P - Email from Willis Design to the State of Vermont re: Groundwater Source Protection Area
- Exhibit Q - Email from abutter Robert Gordon to Polly Connell re: his contact information
- Exhibit R – not used

Exhibit S - Letter from Andy Forsberg of the Jericho Underhill Fire Department (UJFD) re: comments on the revised Site Plan (Exhibit T)
Exhibit T - Revised Site Plan (3/20/2022 rev 1) from Cronin Engineering to reflect UJFD review of the original Site Plan

The exhibits submitted as part of the sketch plan application, except as amended above, are also incorporated into this decision.

All exhibits are available for public review in the KR014 Final Subdivision Review file (DRB 21-15) at the Underhill Zoning & Planning office.

II. FACTUAL FINDINGS & CONCLUSIONS RELATING TO THE UNDERHILL UNIFIED LAND USE & DEVELOPMENT REGULATIONS

The Minutes of the March 21, 2022 meeting, written by Donna Griffiths, are incorporated by reference into this decision. Please refer to the Minutes for a summary of the testimony.

Based on the submitted application, testimony, exhibits, and evidence, the Development Review Board makes the following findings under the requirements of the 2011 *Underhill Unified Land Use and Development Regulations* (ULUDR), as amended through March 3, 2020:

FACTUAL FINDINGS

The Applicants, Paula & John Connell, III, record owners of the property located at 14 Krug Road in Underhill, VT, are seeking a subdivision permit to subdivide the abovementioned land. The property is located in the Underhill Village Center District as defined in Article II, Table 2.3 of the 2020 ULUDR.

ARTICLE II – ZONING DISTRICTS

A. ARTICLE II, TABLE 2.3 – UNDERHILL CENTER VILLAGE DISTRICT

The Board finds that the newly created lot will meet the zoning requirements of the Underhill Center Village District.

ARTICLE III – GENERAL REGULATIONS

A. SECTION 3.2 – ACCESS

Lot 1 contains a driveway that serves an existing single-family dwelling. The proposed Lot 2 will be accessed by a shared driveway from 18 Krug Road. Lot 2 driveway design plans have been submitted via Exhibit T, noted above, *Revised Site Plan (3/20/2022 rev 1) from Cronin Engineering to reflect UJFD review of the original Site Plan*. The Board finds that the driveway as required by the UJFD and proposed by the Applicant's engineer exceeds the minimum driveway width and turning radius as required Underhill Road Driveway and Trail Ordinance as amended.

The Underhill Selectboard has delegated authority to approve access permits to this Board when reviewing applications involving access components. The Applicant must submit an access permit for Lot 2.

B. SECTION 3.7 – LOT, YARD & SETBACK REQUIREMENTS

The Board finds that both lots and the proposed development will satisfy the requirements of the Underhill Center Village zoning district. Lot 1 will contain the existing single-family dwelling

and the proposed Lot 2 will contain one proposed single-family dwelling. A single-family dwelling on the proposed Lot 2 is permitted per Table 2.3(B)(5).

Both lots meet the Underhill Center Village zoning district minimum acreage requirement of 1.5 acres and satisfy the identified setbacks. Lot 1 will retain 2.68 acres and the proposed Lot 2 will consist of the remaining 1.51 acres of the original 4.19 acres parcel.

The Applicant proposes no road frontage for Lot 2 and therefore does not meet the Underhill Center Village zoning district minimum road frontage requirement of 100 feet. Per § 3.7(F)(3), the Board can waive the frontage requirement. Two of the enumerated circumstances apply to this application allowing a frontage waiver: subsection (a) “minor subdivisions (up to three lots) that are accessed by a shared driveway,” and subsection (d) “to allow for rear (e.g., flag lot) infill development within the . . . Underhill Center Village zoning district.” As noted above under Article III A., the proposed Lot 2 will be accessed via a shared driveway.

The 2020 ULUDR Table 2.3(D) specifies a maximum building coverage (all building footprints) of 50% and a maximum lot coverage (all impervious surfaces) of 75%. The Board finds that while the Applicant has depicted a building envelope that is greater than 50% of the lot size, the depicted building footprint and impervious surfaces are well within the maximum coverage.

C. SECTION 3.13 – PARKING, LOADING & SERVICE AREAS

The Board finds that both lots will contain single-family dwellings, as Lot 1 already contains an existing single-family dwelling, and Lot 2 is proposed to include a single-family dwelling. The Board finds that there is sufficient evidence for subdivision approval and the Interim Zoning Administrator will review the requirements of this section upon the submission of an access permit application to ensure both lots satisfy the parking requirements outlined in Table 3.1.

D. SECTION 3.17 – SOURCE PROTECTION AREAS

The Board finds the existing property is located within an identified Source Protection Area yet is not located near any public water sources and, per § 3.17(B), single-family dwellings are exempt from requiring additional review under this Section.

E. SECTION 3.18 – STEEP SLOPES

The Board finds that the existing lot does not contain areas of steep slopes (15-25%) or very steep slopes (>25%).

F. SECTION 3.19 – SURFACE WATERS & WETLANDS

The Board finds there are no mapped wetlands or hydric soils, and no named or unnamed streams exist on the subject lot proposed Lot 2.

G. SECTION 3.23 – WATER SUPPLY & WASTEWATER SYSTEMS

The Board finds that the Applicant must obtain a Wastewater System and Potable Water Supply Permit from the Agency of Natural Resources (ANR) and submit a copy of the approved permit to the Town for recording. The issuance of this permit satisfies the presumption that the project has adequate water and wastewater disposal capabilities and will not pollute or contaminate nearby soils, groundwater, and surface waters.

ARTICLE VI – FLOOD HAZARD AREA REVIEW

The Board finds that a Special Flood Hazard Area does not exist on the subject property, and therefore, review under this Article of the regulations is not required.

ARTICLE VII – SUBDIVISION REVIEW

A. SECTION 7.2 – APPLICABILITY

The Board finds that the Applicant's proposed subdivision is subject to the requirements of the current *Underhill ULUDR* per § 7.2 and was classified as a “minor subdivision” during the sketch plan review meeting and in the acceptance letter issued on October 18, 2021—See Exhibit L.

B. SECTION 7.3 – SKETCH PLAN REVIEW

The Board finds that the Applicant adequately satisfied the conditions of approval provided in the Sketch Plan Review Letter issued on October 18, 2021—See Exhibit L.

C. SECTION 7.5 – PRELIMINARY SUBDIVISION REVIEW

The Board finds that, having previously waived a separate preliminary subdivision review hearing (see Exhibit L), the Applicant is permitted to combine preliminary and final subdivision review. As a result, the Applicant submitted an application that addressed the requirements that are typically part of a preliminary subdivision review hearing.

D. SECTION 7.6 – FINAL SUBDIVISION REVIEW

As part of the combined preliminary & final subdivision review application, the Applicant generally addressed the comments and concerns identified in the sketch plan review decision. Therefore, the Board finds that the Applicant satisfied the intent of this section and provided the necessary materials to make a determination on the final subdivision review application.

ARTICLE VIII – SUBDIVISION STANDARDS

A. SECTION 8.1 – APPLICABILITY

The Board finds that no technical review is needed for this proposed project. The Applicant has requested a road frontage waiver for proposed Lot 2 as described above under Section 3.7.

B. SECTION 8.2 – GENERAL STANDARDS

SECTION 8.2(A) – DEVELOPMENT SUITABILITY

The Board finds that there are no additional unforeseen undue adverse impacts to the public health and safety, neighboring properties, or the character of the area as a result of the subdivision, or as a result of where the anticipated development is to be located. The Applicant has not expressed any intention of setting aside land as open space that would exclude periodic flooding, poor drainage, very steep slopes (>25%), or other known hazards, or that is otherwise not suitable to support structures or infrastructure.

SECTION 8.2.(B) – DEVELOPMENT DENSITY

The Board finds that the proposed subdivision meets the density requirements of the Underhill Village Center zoning district.

SECTION 8.2(C) – EXISTING SITE CONDITIONS

The Board finds that the Vermont ANR Atlas does not depict any prime agricultural soils within the building envelope on proposed Lot 2. Additionally, the Board finds that the impact to existing site features and natural amenities will be as minimal as possible provided development is made in accordance with the proposed site development plan.

SECTION 8.2(D) – UNDERHILL TOWN PLAN & DEVELOPMENT REGULATIONS

The Board finds that the proposed subdivision & development conform to the current *Underhill Town Plan* & the 2020 *Underhill ULUDR*.

SECTION 8.2(E) – DISTRICT SETTLEMENT PATTERNS

The Board finds that the proposed subdivision and development are consistent with the characteristics of the Underhill Village Center District as described in Section 8.2(E)(1), as the subdivision and existing development are to be configured within the existing character of the district. The proposed project appears to conform with the Underhill Village Center Districts settlement patterns as outlined in Section 8.2(E)(1).

SECTION 8.2(F) – LOT LAYOUT

The Board waives the frontage requirement for proposed Lot 2 per § 3.7(F)(3). With this waiver, the Board finds that the proposed subdivision conforms with the requirements of this subsection. See Section 3.7 above for more analysis relating to this subsection.

SECTION 8.2(G) – BUILDING ENVELOPE

The Board finds that the Applicant has depicted a building envelope on proposed Lot 2, as shown on the Subdivision Plan (Exhibit T-*Revised Site Plan (3/20/2022 rev 1) from Cronin Engineering to reflect JUF D review of the original Site Plan*) and noted above under Section 3.7, that maximizes the building envelope allowed in the Underhill Village Center zoning district. The Board acknowledges that the building footprint will be significantly smaller than the depicted building envelope.

SECTION 8.2(H) – SURVEY MONUMENTS

The Board finds that proposed property monumentation shall be installed as defined on the recordable Mylar.

SECTION 8.2(I) – LANDSCAPING & SCREENING

The Board finds that very little vegetation exists between the proposed dwelling unit on proposed Lot 2 and Krug Road, which is consistent with other residential development in the area and satisfies the intent of this section. To the greatest extent possible, the proposed clearing limits shall be adhered to and existing vegetation between lots shall be preserved in accordance with Section 8.2(I) of the Regulations.

SECTION 8.2(J) – ENERGY CONSERVATION

The Board makes no finding regarding this subsection.

C. SECTION 8.3 – NATURAL & CULTURAL RESOURCES

SECTION 8.3(A) – RESOURCE IDENTIFICATION & PROTECTION

The Board is not aware of, nor has it or the Applicant identified, any cultural or natural resources/features that require protection or preservation.

SECTION 8.3(B) – SURFACE WATERS, WETLANDS & FLOODPLAINS

See Section 3.19 and Article VI above for more information.

SECTION 8.3(C) – ROCK OUTCROPS, STEEP SLOPES, HILLSIDES & RIDGELINES

As noted above under Section 3.18, the Board finds that there is no development proposed in areas of steep slopes (15-25%) nor very steep slopes (>25%) on proposed Lot 2. The Board

finds the Applicant has proposed a reduced building envelope to avoid a slope in the northeast corner of Lot 2.

SECTION 8.3(D) – NATURAL AREAS & WILDLIFE HABITAT

The Board recognizes that the Vermont ANR Biodfinder has not identified any priority wildlife habitat, forest blocks or deer wintering areas on the subject property. However, based on observations made during the site visit on March 21, 2022, the Board finds clear evidence of deer activity throughout proposed Lot 2.

The ANR Atlas has identified surface waters and riparian area over a portion of the property. Exhibit N- *K014_Connell_Sketch_Plan_Review_Staff_Report* provides additional detail. The Boards finds the area of surface waters and riparian area to be located in the southwest corner of the property.

SECTION 8.3(E) – HISTORIC & CULTURAL RESOURCES

The Board finds that there are no historic and cultural resources are evident on the existing lot.

SECTION 8.3(F) – FARMLAND

As depicted in Exhibit N- *K014_Connell_Sketch_Plan_Review_Staff_Report*, the Board that areas of statewide agricultural soils are located on both Lot 1 and proposed lot 2.

SECTION 8.3(G) – FORESTLAND

The Board finds the proposed lot 2 appears to be in an area that is entirely unforested.

D. SECTION 8.4 – OPEN SPACE & COMMON LAND

SECTION 8.4(A) – OPEN SPACE

As noted above under section 8.2(A), the Board finds that the Applicant has not proposed to designate any land as open space.

SECTION 8.4(B) – COMMON LAND

The Board finds that the Applicant has not proposed to designate any land as common land.

SECTION 8.4(C) – LEGAL REQUIREMENTS

The Board finds that this subsection does not apply since the Applicant has not designated any land as open space or common land as part of the proposed project.

E. SECTION 8.5 – STORMWATER MANAGEMENT & EROSION CONTROL

The Board finds the Applicant shall conform to the Vermont DEC Low Risk Site Handbook for Erosion Prevention and Sediment Control, published by the Watershed Management Division of the Vermont Department of Environmental Conservation when performing excavation and site work. The Board also finds that the proposed development shall have a minimal impact on stormwater runoff and does not require an additional treatment plan.

F. SECTION 8.6 – TRANSPORTATION FACILITIES

SECTION 8.6(A) – ACCESS & DRIVEWAYS

As noted under Section 3.2 and 3.7 above, Lot 1 is served by its own driveway, which accesses Krug Road, a Class II Highway. Lot 2 will be accessed by a shared driveway from 18 Krug Road.

The 2020 *Underhill ULUDR* Section 8.6.A.1 authorizes this Board to waive road frontage requirements and approve shared driveways. See findings in Section 3.2 above for more information as it relates to the 2020 *Underhill ULUDR*. See Section III of this decision for more information as it relates to the *Underhill Road, Driveway & Trail Ordinance*.

SECTION 8.6(B) – DEVELOPMENT ROADS

The Board finds that this subsection does not apply since the subject access ways already do or will serve less than three (3) lots.

SECTION 8.6(C) – PARKING FACILITIES

The Board finds that no parking facilities, other than those to be expected with single-family residences, are proposed.

SECTION 8.6(D) – TRANSIT FACILITIES

The Board finds that no transit facilities are proposed.

SECTION 8.6(E) – PEDESTRIAN ACCESS

The Board finds that this section does not apply, and therefore, review under this Section is not required.

G. SECTION 8.7 – PUBLIC FACILITIES & UTILITIES

SECTION 8.7(A) – PUBLIC FACILITIES

The Board finds the proposed subdivision and development will not create an undue burden on the existing and/or planned public facilities. Mount Mansfield Unified School District confirmed that there will not be an adverse impact on the school district. See Exhibit K-*Connell_School_Impact_email*. The Road Foreman did not provide any comments indicating that the proposed development would create an adverse impact on the Town's roadway network.

SECTION 8.7(B) – FIRE PROTECTION

The Board finds the proposed subdivision and development is not expected to create an undue burden on the ability of the Underhill-Jericho Fire Department to provide fire protection. See Exhibit I-*UJFD_Driveway_Inspection_Letter*. The Board finds that the driveway serving the residence on Lot 1 existed long before the subject subdivision application. The proposed Lot 2 will receive access approval from the Zoning Administrator prior to receiving a building permit.

SECTION 8.7(C) – WATER SYSTEMS

The Board finds that for Lot 1, the Applicant has a pre-existing wastewater system and potable water supply. As noted in Section 3.23 above, the Board finds that for proposed Lot 2, the Applicant must obtain a Wastewater System and Potable Water Supply Permit from the ANR Drinking and Groundwater Protection Division approving the 2-lot subdivision and single-family home with four (4) bedrooms on Lot 2.

SECTION 8.7(D) – WASTEWATER SYSTEMS

The Board finds that for proposed Lot 1, the Applicant has a pre-existing wastewater system and potable water supply. As noted in Section 3.23 above, the Board finds that for proposed Lot 2, the Applicant must obtain a Wastewater System and Potable Water Supply Permit from the ANR Drinking and Groundwater Protection Division approving the 2-lot subdivision and single-family home with four (4) bedrooms on Lot 2. from the Agency of Natural Resources,

Department of Environmental Conservation which will include an approved potable wastewater system design to serve a single-family residence.

SECTION 8.7(E) – UTILITIES

The Board finds that all communications, and media utilities shall be installed underground in accordance with Section 8.7(E). Therefore, upon installation, the Applicant(s), or future applicant(s), shall submit an updated site plan documenting the location of those utilities.

H. SECTION 8.8 – LEGAL REQUIREMENTS

The Board finds that this subsection does not apply.

III. FACTUAL FINDINGS & CONCLUSIONS RELATING TO THE UNDERHILL ROAD, DRIVEWAY & TRAIL ORDINANCE

The Board finds that the Applicant has not submitted an access permit application. The Board notes that an access permit is required, however they note that, based on the submitted materials, a satisfactory design is likely. The Board finds the driveway design as requested by the UJFD exceeds the minimum design standards as depicted by the Underhill Road Driveway and Trail ordinance, as amended. The Underhill Road Driveway and Trail Ordinance incorporates detail B-71 prepared by the Vermont Agency of Transportation. The Board finds that the UJFD has not provided reasonable grounds for requiring the Applicant to exceed the design minimums stipulated in the Ordinance, and, therefore, the Board will allow the Applicant to deviate from the driveway design requested by the UJFD. See subsequent Conditions of Approval in Section V below.

IV. Conclusion

The Board is satisfied with the level of investigation, engineering and evaluation conducted in the application submittal and review process concerning the abovementioned project. The Board thoroughly reviewed all aspects of the proposal under the evaluation criteria in the ULUDR.

The Board concludes that based on the evidence submitted and the above findings, the proposed subdivision/development generally conforms to the 2011 *Underhill Unified Land Use and Development Regulations* (ULUDR), as amended through March 3, 2020.

V. Decisions and Conditions of Approval

Based upon the findings above, and subject to the conditions below, the Development Review Board grants final approval for the subdivision as presented at the hearing with the following conditions:

Procedural Conditions

1. **Application Fees.** All subdivision and recording fees must be paid in full prior to recording a subdivision plat in accordance with Section 7.7(B) of the *Underhill ULUDR*.
2. **Recording.** Only the “Subdivision Plat” (Exhibit T) shall be submitted for recordation in the Underhill Land Records. The plat shall include parcel codes and shall be submitted for recording within 180 days of the date of this approval (12 April 2022)

in accordance with Section 7.7 of the *Underhill ULUDR*. One-hundred eighty (180) days from the date of this approval is 9 October 2022.

3. **Monumentation.** The Applicant shall ensure that the proposed property monumentation for that lot shall be installed as defined on the recordable Mylar.
4. **Transfer of Land.** No transfer, sale, or long-term lease, of title to property as defined under 32 V.S.A. § 9601 of any portion of an existing lot; predevelopment site work; or issuance of zoning permits to develop a subdivided lot shall occur until final subdivision approval has been obtained from this Board, and the final Mylar (the subdivision plat) has been recorded in the Underhill Land Records per Section 7.2(C).
5. **Subdivision of Land.** Per Section 7.2(B), no land shall be subdivided until the approved subdivision plat is recorded in the Town of Underhill Land Records. The Board hereby grants a frontage waiver as outlined in Section 8.6A in the findings above.
6. **Subdivision Drawings – Revisions & Submission.** The Applicant shall submit two full-size and two 11-inch by 17-inch hardcopies of the revised drawing set, in addition to digital pdf copies, to the Interim Zoning Administrator to be filed in the corresponding zoning file. The Applicant is responsible for submitting the following drawings as prepared by Cronin Engineering, and as these relate to the Connell subdivision for Parcel KR014. The drawings shall be revised in conformance with this Decision and shall be consistent across all the submitted drawings.
 - a. Site Plan (dated 3/20/2022) (Exhibit T- *Revised Site Plan (3/20/2022 rev 1) from Cronin Engineering to reflect UJFD review of the original Site Plan*), to be revised in accordance with condition 12 below.
 - b. The surface waters and riparian area including a 25 feet buffer shall be shown on the final subdivision plat.
 - c.

Revisions to the drawing set shall include the following, along with other requirements set forth in the body of this Decision:

- a. The survey plat shall include E-911 parcel codes: Contact the Zoning Administrator or Town Listers office for the correct code identification.
 - b. The Subdivision Plat shall be revised to depict the retained 2.68-acre lot containing the existing single-family dwelling as Lot 1 and the proposed 1.51 acre lot as Lot 2 as depicted on the Subdivision Plan.
7. **Approved Plans & Construction.** The Project shall be generally constructed in accordance with the drawing set submitted as part of the review process. The house and driveway turnaround shall be constructed within the depicted building envelope. Any minor deviations to the approved project prior to or during construction shall be reflected in an 'As-Built' drawing submitted to the Zoning Administrator prior to the issuance of a certificate of occupancy.
 8. **Infrastructure Certification.** Prior to the issuance of the Certificate of Occupancy Permit, the Applicant shall provide a certification letter from a Vermont Licensed Professional Engineer or qualified consultant indicating that all infrastructure improvements identified in the subdivision plans under Condition 6 above, and what is required by this Decision, have been constructed according to what was proposed as part of this review.
 9. **E-911 Codes.** Prior to the issuance of the Certificates of Occupancy, the E-911 signage for the respective lot shall be posted per the Underhill-Jericho Fire Department specifications.

Substantive Land Use & Development Regulations Conditions

10. **Erosion Prevention & Sediment Control.** The Applicant and their successors shall conform to the Vermont DEC Low Risk Site Handbook for Erosion Prevention and Sediment Control, published by the Watershed Management Division of the Vermont Department of Environmental Conservation, when performing future excavation and site work for any proposed projects.
11. **Conformance with State Permits.** The Board requires the Applicant to provide a copy of the issued ANR permit WW-4-5734 prior to the issuance of an occupancy permit.

Substantive Road, Driveway & Trail Ordinance Conditions

12. **Access Permit Approval.** The Board approves the following modifications to the driveway design as submitted by Cronin Engineering.
 - a. The driveway width shall be reduced to 14' wide per Town standard for two residences.
 - b. The fire vehicle turnaround at the terminus of the driveway shall be incorporated into the final design.
 - c. The 30-foot driveway radius to the north on Krug Road shall remain as presently proposed.
 - d. The Board acknowledges the Applicant's request to preserve the apple tree on the south side of the existing driveway intersection at Krug Road and therefore grants a waiver from the design to a turn radius of 20-feet or less. Specifically, allows for the applicant to incorporate whatever radius is necessary to preserve the apple tree.
 - e. The Board requires an updated plan to be submitted as part of the access permit.

Dated at Underhill, Vermont this 12th day of April 2022.

Charles Van Winkle, Chair, Development Review Board

NOTICE: This decision may be appealed to the Vermont Environment Court by an interested person who participated in the proceedings before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings. Appeal period ends 12 May 2022.