



# Town of Underhill

## Development Review Board

### Final Subdivision Findings and Decision

#### FINAL SUBDIVISION REVIEW APPLICATION OF PETER & PAMELA BATES FOR A 2-LOT SUBDIVISION

In re: Peter & Pamela Bates  
40 Page Rd  
Underhill, VT 05489  
Docket No. DRB-21-07

February 22, 2023

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

#### I. INTRODUCTION AND PROCEDURAL HISTORY

This proceeding concerns the final subdivision review application submitted by the Applicants, Peter & Pamela Bates (hereafter Applicants) regarding a 2-lot subdivision of property they own located at 40 Page Rd (PG040) in Underhill, Vermont.

- A. On June 2, 2021, the Applicants, Peter and Pamela Bates, filed a complete Sketch Plan Review application for a 2-Lot subdivision regarding land they own at 40 Page Road in Underhill, Vermont.
- B. On June 21, 2021, the Applicants appeared before the DRB for a sketch plan hearing concerning a proposed 2-lot subdivision of the parcel at 40 Page Rd. The Board voted to accept their application.
- C. On June 9<sup>th</sup>, 2022, Peter and Pamela Bates filed an application for Preliminary Subdivision Review for the above-mentioned project. Planning & Zoning Administrator, Nick Atherton, received the application and determined that it was complete on June 28, 2022. A site visit was scheduled for, and held on, July 18, 2022, at 6:00 PM. The public hearing was scheduled for, and held on, July 18, 2022, at 6:35 PM at the Underhill Town Hall.
- D. On August 31, 2022, the Underhill Development Review Board issued its Findings & Decision which granted Preliminary Subdivision approval.
- E. On September 16, 2022, Peter and Pamela Bates filed an application for Final Subdivision review for the above-mentioned project. Planning & Zoning Administrator, Nick Atherton, received the application and advised the Applicants that the public hearing would be scheduled for October 3, 2022 at 6:35 PM at the Underhill Town Hall.
- F. On September 14, 2022, notice of the public hearing for the Final Subdivision Review hearing was posted at the following places:
  - The Underhill Town Clerk's office;
  - The Underhill Center Post Office; and

- Jacobs & Son Market.
- G. On September 14, 2022, notice pertaining to the Final Subdivision Review hearing was mailed via certified mail to the following property owners adjoining the property subject to the application:
- Peter & Pamela Bates, PO Box 42, Underhill, VT 05489
  - Richard A. & Benjamin R. Wilcox, 152 Weed Rd., Essex, VT 05452
  - Robert J. & Nancy J. Ettensperger, PO Box 86, Underhill, VT 05489
  - Matthew C. & Janet T. Bean, 348 Poker Hill Road, Underhill, VT 05489
  - Steven A. & Deborah J. Kendall, 362 Poker Hill Road, Underhill, VT 05489
  - Abbie G. Penfield & Charles R. Cyr, 380 Poker Hill Road, Underhill, VT 05489
  - Anthony M. & Patricia E. Palagonia, 30 Page Road, Underhill, VT 05489
  - Rodney & Terina Page, 39 Page Road, Underhill, VT 05489
  - William R. & Debbie M. Davis, 36 Hillcrest Drive, Underhill, VT 05489
  - David C. & Sherrie A. Adams, 13 N. Underhill Station Road, Underhill, VT 05489
- H. On September 18, 2022, the notice of public hearing was published in the *Burlington Free Press*.
- I. The Final Subdivision Review hearing began at 6:35 PM on October 3, 2022 at the Underhill Town Hall, 12 Pleasant Valley Road, Underhill, Vermont.
- J. Present at the final subdivision hearing were the following members of the Development Review Board:
- Charlie Van Winkle, Chair
  - Brian Bertsch, Vice Chair
  - Daniel Lee
  - Shanie Bartlett\*
  - Mark Green
  - Karen McKnight

\* Attended virtually via GoToMeeting platform

Others present at the hearing were:

- Applicants, Peter & Pamela Bates
  - Applicant's consultant, Mark Day
  - Nick Atherton, Planning & Zoning Administrator, Town of Underhill
- K. In support of the combined preliminary & final subdivision application, the following exhibits were submitted to the Development Review Board:
- Exhibit A - DRB Agenda October 3, 2022
  - Exhibit B- Town Application for Bates
  - Exhibit C - C2-01 REV
  - Exhibit D - 22019 FINALPLAT
  - Exhibit E - E - Bates- MMU Ability to Serve Letter
  - Exhibit F - Fire Dept Ability to Serve
  - Exhibit G - PG040 Certificate of Service
  - Exhibit H - BFP Notice 9\_18\_22

- L. The board reviewed the evidence presented at the time and sought additional information. The hearing concluded without the DRB having closed the evidentiary portion. A continuation of the hearing was scheduled at a date and time certain: November 7, 2022, at 6:35 PM.
- M. On November 7, 2022, at 6:35, DRB Chair Charlie Van Winkle and PZA Nick Atherton attended the continued hearing. During the hearing, PZA explained that the Applicants had requested that the hearing be further continued while they and their consultant prepared additional materials that were requested at the original hearing on October 3, 2022. Chair Van Winkle moved to leave the evidentiary portion open and to continue the hearing at a date and time certain: January 9, 2023.
- N. On January 9, 2023, at 6:35 PM, the DRB reconvened at the Underhill Town Hall, 12 Pleasant Valley Road, Underhill, Vermont, for a continuation of the hearing originally scheduled for October 3, 2022.
- O. Present at the final subdivision hearing were the following members of the Development Review Board:
- Charlie Van Winkle, Chair
  - Brian Bertsch, Vice Chair
  - Matt Chapek
  - Daniel Lee
  - Shanie Bartlett
  - Mark Green

Others present at the hearing were:

- Applicants, Peter & Pamela Bates
  - Applicant's consultant, Mark Day
  - Nick Atherton, Planning & Zoning Administrator, Town of Underhill
- P. In support of the Final Subdivision Review application, the following exhibits were submitted to the Development Review Board:
- Exhibit I - Letter from Fran Sladyk, 08.18.2021
  - Exhibit J - WW-4-5859\_Permit
  - Exhibit K - 22019 PROFILE
  - Exhibit L - 22019 FINALPLAT REV2
  - Exhibit M - C2-02
  - Exhibit N - PZA Memo to DRB RE DRB-21-07

The exhibits submitted as part of the Preliminary Subdivision Review application are also incorporated into this decision.

All exhibits are available for public review in the PG040 Bates Final Subdivision Review file (PG040 / DRB-21-07) at the Underhill zoning files.

## **II. FACTUAL FINDINGS & CONCLUSIONS**

The Minutes of the following hearings, written by Donna Griffiths, are incorporated by reference into this decision. Please refer to the Minutes for a summary of the testimony.

1. October 3, 2022
2. November 7, 2022
3. January 9, 2023

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

### ***PROJECT SYNOPSIS***

The Applicants, Peter & Pamela Bates, record owners of the property located at 40 Page Rd in Underhill, VT, are seeking a two-lot subdivision. The property is in both the Rural Residential and Soil & Water Conservation zoning districts.

### ***ARTICLE II – ZONING DISTRICTS***

The Board finds that the proposed subdivision involves the division of ±36.64 parcel containing an existing single-family dwelling into two lots: a ±32-acre parent lot and a ±4.64-acre new lot, intended to host a new single-family dwelling. The parent lot is depicted as “Lot 1” on the submitted Subdivision Plan (see Exhibit H) and contains the existing single-family dwelling; the new lot (depicted as “Lot 2” on the Subdivision Plan) is proposed to contain a new single-family dwelling.

The Board finds the parcel is located in both the Soil and Water Conservation (15 acre minimum), and the Rural Residential District (3 acre minimum). Article II, Section 2.2(E)(2) states that “the minimum frontage and minimum setback requirements for that portion of the lot within the district in which the structure is located shall control. If the structure is to be located in both districts, the more stringent requirement shall control.” The Board finds that the proposed house site (structure) on lot 2 is located entirely within the Rural Residential District and therefore the dimensional requirements of the Rural Residential District shall apply, consistent with Article II section 2.2 (E)(2).

### ***ARTICLE III – GENERAL REGULATIONS***

#### **SECTION 3.2 – ACCESS**

The Board finds that the applicants propose to convert their existing driveway into a shared driveway serving both lots, and to construct a new driveway to serve the proposed single-family home on Lot 2.

#### **SECTION 3.7 – LOT, YARD & SETBACK REQUIREMENTS**

The Board finds that the proposed Lot 1 will contain the existing single-family dwelling, while the proposed Lot 2 will contain a proposed single-family dwelling. The existing development on Lot 1 conforms to the dimensional standards of the underlying district, and as proposed the development on Lot 2 conforms to the lot, yard, and setback requirements of the Rural Residential zoning district. The Board finds the applicant conforms to the frontage requirement for both lots by extending the Right-of-Way, over the existing driveway, to meet the required 250-foot frontage minimum. The board finds that based on the current lot configuration, a frontage waiver is not necessary.

The Board finds that the Applicant’s proposal satisfies all other dimensional requirements.

**SECTION 3.13 – PARKING, LOADING & SERVICE AREAS**

The Board finds that the Applicant’s proposal satisfies all requirements under this section.

**SECTION 3.17 – SOURCE PROTECTION AREAS**

The Board finds that the proposed subdivision is not located in any Groundwater Source Protection Area; therefore, review under this section is not required.

**SECTION 3.18 – STEEP SLOPES**

Steep slopes are present on the subject property. The Board finds that the Applicant’s proposal avoids areas of steep slope, and therefore, this proposal meets the Town’s standards in this section.

**SECTION 3.19 – SURFACE WATERS & WETLANDS**

One unnamed stream is present on the parent lot. However, this stream nor any section of its buffer is located in the area proposed for subdivision. Therefore, the Board finds that the proposed development will not result in disturbance to the surface waters.

The Board additionally finds that there are no wetland areas on the subject property.

**SECTION 3.23 – WATER SUPPLY & WASTEWATER SYSTEMS**

The Applicant has submitted WW-4-5859, a Wastewater System and Potable Water Supply Permit issued by the State of Vermont’s Department of Environmental Conservation. This permit authorizes a replacement wastewater disposal system for Lot 1 and a new on-site wastewater disposal system and drilled well water supply for Lot 2.

The Board finds that Applicant’s state-issued permit satisfies the requirements of this section.

**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 2020 *Underhill Unified Land Use & Development Regulations* per § 7.2 and was classified as a “minor subdivision” but that both a Preliminary and Final Subdivision hearing would be required during the Sketch Plan Review meeting and in the acceptance letter dated July 5, 2021.

**B. SECTION 7.3 – SKETCH PLAN REVIEW**

The Board finds that the Applicant adequately satisfied the conditions of acceptance provided in the Sketch Plan Review Letter issued on July 5, 2021.

**C. SECTION 7.5 – PRELIMINARY SUBDIVISION REVIEW**

As part of the preliminary subdivision review application, the Applicant generally addressed many of 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 preliminary subdivision review application. On August 31, 2022, the Underhill Development Review Board issued its Findings & Decision which granted Preliminary Subdivision approval.

**ARTICLE VIII – SUBDIVISION STANDARDS**

**A. SECTION 8.1 – APPLICABILITY**

The Board finds the project to be applicable to the zoning districts it is within.

**B. SECTION 8.2 – GENERAL STANDARDS**

SECTION 8.2.(A) – DEVELOPMENT SUITABILITY

The Board finds that the proposed subdivision meets the density requirements of the Rural Residential zoning district.

SECTION 8.2.(B) – DEVELOPMENT DENSITY

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 proposed subdivision. The Board finds that the development of the parcel in supporting a single-family home is consistent with development in the surrounding area.

SECTION 8.2.(C) – EXISTING SITE CONDITIONS

The Board finds that the impact to existing site conditions will be minimal 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 conforms to the 2021 *Underhill Town Plan* & the 2020 *Underhill Unified Land Use and Development Regulations*.

SECTION 8.2.(E) – DISTRICT SETTLEMENT PATTERNS

The Board finds that the proposed subdivision & development are consistent with the characteristics of the Rural Residential District as described in Section 8.2.E.2, as the subdivision and existing development are to be configured in a way that retains the rural character, as well as reinforcing low densities of residential development interspersed with large contiguous tracts of undeveloped land.

SECTION 8.2.(F) – LOT LAYOUT

The Board finds that the proposed lot layout conforms to the requirements of this subsection.

SECTION 8.2.G – BUILDING ENVELOPE

The Board finds that the Applicant has proposed a building envelope for Lot 2 that is co-located with the minimum setbacks as per Section 3.7 to the north, east and south of the proposed development. The building envelope to the west is limited to roughly the top of the slope and is depicted on Exhibits L & M.

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 the entire acreage of Lot 2 is currently forested, and that the forested area is designated as a high priority forest block. The Board recognizes that forest clearing is inevitable in the process of development but recognizes the need to preserve high-priority forested areas. Therefore, the Board accepts the Applicants' site plan and updated survey plat, which together depicts proposed cutting limits and a limited building envelope (Exhibits L & M).

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 have they or the Applicant identified, any cultural or natural resources/features that require protection or preservation.

SECTION 8(B) – SURFACE WATERS, WETLANDS & FLOODPLAINS

The Board finds that the proposed subdivision/development contains an unnamed stream in southwest corner of Lot 1. No special flood hazard areas are located on the property. No existing development is in, nor is any proposed development expected to be in, the vicinity of this feature or its associated buffers, as explained under Section 3.19 above.

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

The Board finds that areas of steep slopes (15-25%) and very steep slopes (>25%) exist on both proposed lots (Exhibit C). Based on the proposed Site Plan (Exhibit H) the site design appears to avoid impacting very steep slopes and satisfactorily minimizes the impact to steep slopes. See Section 3.18 above for more information.

SECTION 8.3(D) – NATURAL AREAS & WILDLIFE HABITAT

The Board finds that there is a priority level 7 habit block located on both lots. The habitat block has already been minimally impacted with existing development. The Board is concerned with the development's overall impact on the highest-priority habitat and wildlife blocks as presented on the 2016 Agency of Natural Resources Bio Finder. The Board finds that the proposed building envelope and clearing limits, as depicted on Exhibits L & M, minimizes the impact to this area and therefore provides adequate protection for the existing habitat blocks.

SECTION 8.3.E – HISTORIC & CULTURAL RESOURCES

The Board finds no historic or cultural resources that require preservation, have been identified and therefore, makes no finding regarding this Section.

SECTION 8.3.F – FARMLAND

The Board finds that there is statewide agricultural land located on the existing lot, however these areas are not impacted by the proposed development on Lot 2.

SECTION 8.3.G – FORESTLAND

The Board finds, according to aerial photography, their site visit, and the Applicants' Forest Management Plan prepared by Fran Sladyk (see Exhibit G) that both proposed lots are largely forested. The Management Plan documents that 35 acres of the existing parcel are enrolled in the Vermont Use Value Appraisal Program (Current Use) as Productive Forestland. The unenrolled area contains existing development, and The Board finds that while, upon subdividing, additional impact to forestland is anticipated on Lot 2, the clearing limits and building envelope depicted on Exhibits L & M provide adequate protection for the existing forestland.

**D. SECTION 8.4 – OPEN SPACE & COMMON LAND**

SECTION 8.4.A – OPEN SPACE

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 proposed any public infrastructure.

**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

The existing lot is served by its own driveway, off Page Rd. Lot 2 is proposed to be served by a new driveway off the existing driveway to Lot 1. A new private Right-of-Way has been proposed over the lower portion of the existing driveway that will be shared by Lots 1 and 2. Since each proposed access way will serve two or less lots, only the requirements under Sections 3.2 & 8.6.A apply. See findings in Section 3.2 above for more information as it relates to the *Unified Land Use & Development Regulations*. See Section III of this decision for more information as it relates to the *Underhill Driveway, Road & 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 that the applicant has submitted an ability to serve letter from the Mount Mansfield Union School District (Exhibit E) which states that the proposed subdivision will not adversely impact their ability to provide educational services.

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



services. The Board finds that the driveway serving the residence on Lot 1 existed long before the subject subdivision application and that the new driveway proposed for Lot 2 will require an ability to serve letter from the Jericho-Underhill Fire Department. The applicant shall provide an ability-to-serve letter from the Jericho-Underhill Fire Department prior to recording a Final Plat.

SECTION 8.7.C – WATER SYSTEMS

The Board finds that the Applicants have proposed a new drilled well located on Lot 2 and has received a Wastewater System and Potable Water Supply permit from the State of Vermont

SECTION 8.7.D – WASTEWATER SYSTEMS

The Board finds that the Applicants have proposed a new onsite wastewater system for Lot 2 and have received a Wastewater System and Potable Water Supply permit from the State of Vermont (see Section 3.23 above).

SECTION 8.7.E – UTILITIES

The Board finds the Applicant has submitted site plans (Exhibit L) representing where all electrical, communications, and media utilities shall be installed underground in accordance with Section 8.7.E.

**H. SECTION 8.8 – LEGAL REQUIREMENTS**

The Board finds that the new Private Right-of-Way proposed over the shared portion of the existing driveway, as depicted on the Subdivision Plat (Exhibit L), will require a legal description to be submitted to the Zoning Administrator prior to recording a Final Plat..

**I. FACTUAL FINDINGS & CONCLUSIONS**

The Board finds the application to be complete and closed the evidentiary portion of the hearing on January 9, 2023.

**II. FACTUAL FINDINGS & CONCLUSIONS RELATING TO THE UNDERHILL ROAD, DRIVEWAY & TRAIL ORDINANCE, AMENDED 2018**

The Board finds that an access permit is required for the construction of the driveway to access proposed Lot 2 per the *Underhill Road, Driveway & Trail Ordinance*. The board endorses the driveway design and authorizes issuance of a curb cut permit.

**A. SECTION 4.C – DEVELOPMENT ROAD AND DRIVEWAY STANDARDS**

The Board finds that there are no development roads proposed as part of this subdivision application.

**B. SECTION 5.A – DRIVEWAYS**

The Board finds that the proposed access to Lot's 1 and 2 shall be classified as a shared driveway and shall comply with AOT Standards B-71. The Board further finds that the proposed driveway design for Lot 2, including the access location, complies with the requirements of this section.

The Board finds there is no additional driveway design necessary for Lot 1. The lower portion of the existing driveway will be converted into a shared driveway, as detailed in Exhibit L.

### **III. WAIVERS, MODIFICATIONS & SUPPLEMENTATIONS**

None requested; see Conditions of Approval.

### **IV. DECISIONS AND CONDITIONS OF APPROVAL**

The Board is satisfied with the level of investigation, engineering, and evaluation conducted in the application submittal and review process concerning the above-mentioned project. The Board thoroughly reviewed all aspects of the proposal under the evaluation of the 2020 *Underhill Land Use & Development Regulations* and concludes that based on the evidence submitted and the above findings, the proposed subdivision and development generally conform to the Regulations.

Based upon the findings above and subject to the conditions below, the Development Review Board Grants Preliminary subdivision approval for the project presented in the application and at the hearing with the following conditions:

#### **Substantive Land Use & Development Regulations Conditions**

1. The Board requires the project be constructed in accordance with the drawing set submitted as part of the review process, and are listed as follows:
  - a. Subdivision Plat, 40 Page Rd, dated 5/19/2022 and revised 1/2/2023, prepared for Peter & Pamela Bates by Mark Day of Day Land Surveying.
  - b. Grading & ECSP Plan, 40 Page Rd, dated 12/21/2022, prepared for Peter & Pamela Bates by Apex Engineering.
  - c. Driveway Profile, 40 Page Rd, dated 5/25/2022 prepared for Peter & Pamela Bates by Mark Day of Day Land Surveying.
2. Any new electric, data and communication utilities shall be underground.
3. The conditions of the ANR Wastewater System and Potable Water Supply Permit shall be incorporated herein.
4. The E-911 Codes for the lots shall be posted per the Underhill-Jericho Fire Department specifications prior to the issuance of an occupancy permit.
5. Per § 7.2(B), no land shall be subdivided until final subdivision approval has been obtained from the Development Review Board, and the approved subdivision plat is recorded in the Underhill Land Records.
6. No transfer, sale or long-term lease of title to property as defined under 32 VSA § 9601 of any portion of an existing lot; predevelopment site work; or issuance of zoning permits to develop a subdivided lot shall occur until final subdivision has been approved from the Development Review Board, and the final Mylars (the subdivision plat and the engineering drawing) have been recorded in the Underhill Land Records [see § 7.2(C)].
7. The Board requires the applicant to include parcel codes on the Final Plat. Lot 1 will retain its parcel code of 40, while Lot 2 shall be identified with a code and printed on the Final Plat before recording. Please contact the Zoning Administrator for the Lot 2 parcel code.
8. Any legal documents associated with the creation of the new Private Right-of-Way must be submitted to the Zoning Administrator prior to recording the Final Plat.
9. The Final Plat shall be submitted for recording with 180 days of the date of this approval in accordance with Section 7.7 of the Underhill Unified Land Use & Development Regulations.
10. Conditions of approval from previous decisions, unless specifically amended herein, shall remain in effect.
11. All subdivision and recording fees must be paid in full prior to recording a Final Plat in accordance with § 7.7(B)

12. Prior to the issuance of any certificate of occupancy on the new lots created along Page Rd, the applicant shall provide a Certification letter from a VT Licensed Professional Engineer, or qualified consultant indicating that all common infrastructure improvements listed in condition #1 have been constructed according to plan.
13. Notwithstanding the conditions above, prior to issuing a building permit, the applicant shall comply with applicable aspects of the Unified Land Use and Development Regulations in effect at the time of the application.
14. The Applicant shall provide an ability to serve letter from the Jericho Underhill Fire Department prior to issuing a building permit.
15. New property boundary monumentation referenced on the survey plat shall be installed as a condition of Final approval. Prior to the issuance of any building permit, all new property boundary documentation referenced on the Final Plat shall be installed.
16. This approval does not exempt the applicant from complying with applicable state regulations, include those agencies that may have applicable jurisdiction.

Substantive Road, Driveway & Trail Ordinance Conditions

1. The board approves and endorses the driveway design as presented and the applicant shall obtain an access permit from the Zoning Administrator before commencing work on the proposed driveway.

Dated at Underhill, Vermont this 21<sup>st</sup> day of February, 2023.



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Charles Van Winkle, Chair, Development Review Board

NOTICE/APPEAL (ZONING): 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.

NOTICE/APPEAL (ACCESS): This permit covers only the Selectboard's (or its designee's) jurisdiction and authority over town highways under 19 V.S.A. § 1111. It does not release the applicant from the requirements of other applicable federal, state or local statutes, ordinances, rules or regulations, including the Underhill Unified Land Use & Development Regulations. This permit addresses issues including access to, work within, and drainage affecting the town highway and its right-of-way, as described in Section 1111 and the Town's Road Ordinance. It does not address all other possible transportation, access (including the use of private access ways) or development issues which, if relevant to a proposed project, must be addressed separately. This permit may be reviewed pursuant to the procedures and time limits set forth in V.R.C.P. 75.