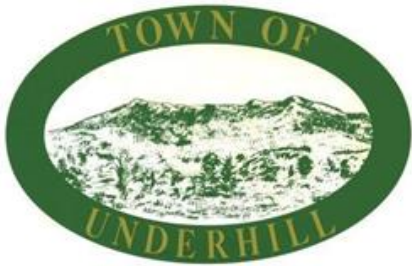


***APPLICATION OVERVIEW***  
***PRELIMINARY SUBDIVISION REVIEW (§ 7.5)***  
***& FINAL SUBDIVISION REVIEW (§ 7.6)***

<b>DRB DOCKET #:</b>	DRB-19-08
<b>APPLICANT(S):</b>	Jason & Karen Guymon Antoine & Pamela Catudal
<b>CONSULTANT(S):</b>	Rob Goodwin (Surveyor) Michael Garvis (Engineer)
<b>PROPERTY ADDRESS (PARCEL ID CODE):</b>	73 North Underhill Station Road (NU073)
<b>ZONING DISTRICT(S):</b>	Rural Residential
<b>INITIAL FILING DATE:</b>	January 31, 2020
<b>APPLICATION COMPLETION DATE:</b>	February 6, 2020
<b>SCHEDULED HEARING DATE:</b>	March 2, 2020
<b>PROJECT DESCRIPTION:</b>	The Applicants are seeking to subdivide 73 North Underhill Station Road (NU073) into two separate lots.
<b>MOST RELEVANT ULUDR SECTIONS:</b>	§ 3.2 (Access); § 3.7 (Lot, Yard & Setback Requirements); § 7.5 (Preliminary Subdivision Review); § 7.6 (Final Subdivision Review); and Appendix A ( <i>Underhill Road, Driveway &amp; Trail Ordinance</i> ).
<b>REASON FOR SUBDIVISION REVIEW:</b>	Proposed subdivisions are required to be reviewed by the Development Review Board per Article VII. A combined Preliminary Subdivision Review & Final Subdivision Review requires a formal hearing that allows the public to provide comments. Should the Board require additional information during their review, the option to continue the hearing to a date and time certain is available.
<b>APPLICABILITY OF ROAD ORDINANCE:</b>	The 2015 Road Ordinance, as amended thru December 18, 2018 <b>APPLIES</b> .
<b>STATE PERMIT INFORMATION:</b>	<ul style="list-style-type: none"> <li>• WW Permit #: WW-4-4186</li> </ul>
<b>COMMENTS/NOTABLE ISSUES:</b>	<ul style="list-style-type: none"> <li>• The Board should evaluate whether the constructed shared driveway and driveways meet the requirements of <i>Underhill Road, Driveway &amp; Trail Ordinance</i>, specifically the turning radii.</li> <li>• The Board should determine if widening the driveway will impact steep slopes, thus requiring additional review under Section 3.18 of the ULUDR.</li> <li>• The Applicants have asked the Board to waive the frontage requirement for Lot 1.</li> </ul>



# TOWN OF UNDERHILL

## Development Review Board

JASON A. & KAREN M. GUYMON AND  
ANTOINE M. & PAMELA J. CATUDAL  
PRELIMINARY & FINAL SUBDIVISION REVIEW  
Docket #: DRB-19-08

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<b>Applicant(s):</b>	Jason A. & Karen M. Guymon and Antoine M. & Pamela J. Catudal
<b>Consultant(s):</b>	Rob Goodwin (Surveyor) & Michael Gervis (Engineer)
<b>Property Location:</b>	73 North Underhill Station Road (NU073)
<b>Acreage:</b>	±29.9 Acres
<b>Zoning District(s):</b>	Rural Residential

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<b>Project Proposal:</b>	Preliminary & Final Subdivision Review of Jason A. & Karen M. Guymon and Antoine M. & Pamela J. Catudal for a proposed 2-Lot Subdivision of property located at the aforementioned address.
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### Relevant Background Info:

- September 19, 2014: The Board approved the Applicants', Jason & Karen Guymon, Conditional Use Review application (DRB-14-11) to construct a bridge and portions of a residential driveway within a riparian buffer (see Sketch Plan Exhibit F), with conditions.
- September 30, 2014: The Applicants subsequently obtained an Access Permit (A-14-03) for the construction of the driveway; however, the Selectboard only permitted the driveway serving the principal residence and not the second driveway (see Sketch Plan Exhibit G).
- April 1, 2015: The Building Permit (B-15-01) for a principal residence (a single-family dwelling) and an attached garage was approved.
- August 13, 2017: Since the Applicants did not build the attached garage at the time, they applied for another Building Permit (B-17-27) to build the attached garage, as well as to build a deck. The permit became effective on the aforementioned date.
- August 22, 2018: The Applicants submitted a building permit (B-18-31) to construct a barn/garage in the area labeled "proposed accessory dwelling" on the access permit (see Sketch Plan Exhibit G). The building permit explicitly stated that the building was not approved for dwelling purposes, which is in conformance with the Board's 2014 decision (DRB-14-11). This building permit became effective on September 7, 2018.
- August 20, 2019: The Development Review Board accepted the proposed 2-Lot subdivision where one lot would retain the existing single-family dwelling and the other lot would retain the existing accessory structure – the detached garage.

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## 2018 UNDERHILL UNIFIED LAND USE & DEVELOPMENT REGULATIONS

### RELEVANT REGULATIONS:

- Article II, Table 2.4 – Rural Residential (pg. 15)

- Article III, Section 3.2 – Access (pg. 30)
- Article III, Section 3.7 – Lot, Yard & Setback Requirements (pg. 38)
- Article III, Section 3.9 – Nonconforming Structures (pg. 40)
- Article III, Section 3.13 – Parking, Loading & Service Areas (pg. 44)
- Article III, Section 3.17 – Source Protection Areas (pg. 55)
- Article III, Section 3.18 – Steep Slopes (pg. 56)
- Article III, Section 3.19 – Surface Waters & Wetlands (pg. 63)
- Article III, Section 3.23 – Water Supply & Wastewater Systems (pg. 68)
- Article VI – Flood Hazard Area Review (pg. 127)
- Article VII, Section 7.2 – Applicability (pg. 139)
- Article VII, Section 7.3 – Sketch Plan Review (pg. 141)
- Article VII, Section 7.5 – Preliminary Subdivision Review (pg. 144)
- Article VII, Section 7.6 – Final Subdivision Review (pg. 146)
- Article VIII – Subdivision Standards (pg. 150)
- Appendix A – Underhill Road, Driveway & Trail Ordinance

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## CONTENTS:

### Preliminary & Final Subdivision Review Exhibits

- a. Exhibit A - Guymon/Catudal Sketch Preliminary & Final Subdivision Review Staff Report
- b. Exhibit B - Guymon-Catudal(NU073) PrelimFinal Subd Review Hearing Procedures
- c. Exhibit C - Application for Subdivision
- d. Exhibit D - Access Permit Application (Permit No. A-20-02)
- e. Exhibit E - Project Summary
- f. Exhibit F - BFP Notice
- g. Exhibit G - NU073 Certificate of Service
- h. Exhibit H - Project Narrative
- i. Exhibit I - MMU Ability to Serve Correspondence
- j. Exhibit J - Bassler Correspondence
- k. Exhibit K - Shared Maintenance Agreement
- l. Exhibit L - Guymon-Catudal Sketch Plan Review Letter
- m. Exhibit M - WW Permit No. WW-4-4186
- n. Exhibit N - Proposed Survey Plat
- o. Exhibit O - Proposed Site Plan

### Relevant Sketch Plan Review Exhibits

- p. Exhibit F - DRB Decision #: DRB-14-11
- q. Exhibit G - Access Permit #: A-14-03
- r. Exhibit H - Subdivision Plan

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## COMMENTS/QUESTIONS

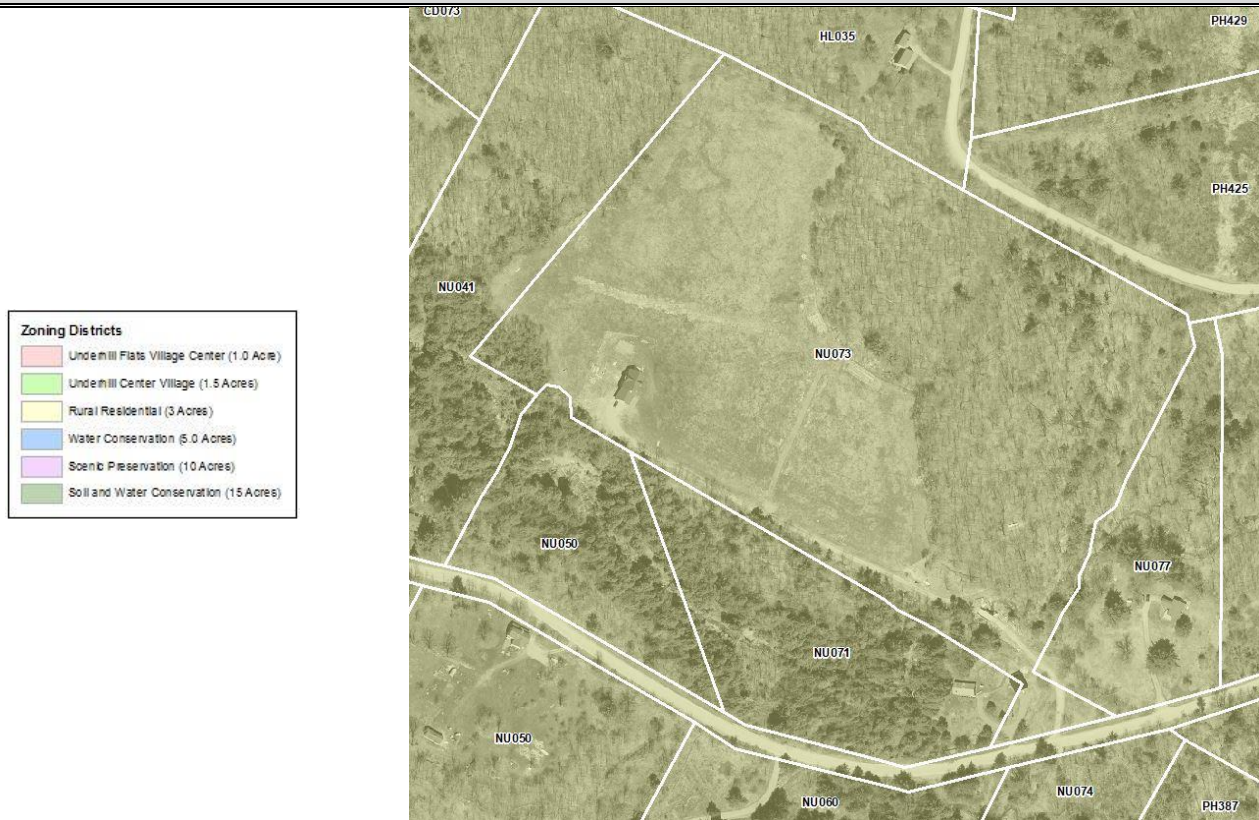
1. **SECTION 3.2 – ACCESS:** Lot 1 fails to satisfy the frontage require; however, the frontage requirement can be waived in accordance with §§ 3.7.E.1 & 8.6.A.2 since the lot will be accessed by a shared driveway.
2. **SECTION 3.18 – SLOPE:** The Board should determine if additional review under this section is required, as the shared driveway will need to be widened to 14 ft. If the widening of the driveway will occur on land that is under 15% slope, then no further review under this section is required.

3. **SECTION 7.3 – SKETCH PLAN REVIEW, CONDITION 1:** The submitted site plan and submitted plat both depict streams/brooks; however, do not depict any wetlands.
  4. **SECTION 7.3 – SKETCH PLAN REVIEW, CONDITION 7:**
    - a. The Applicants are proposing a turning radius of 28 ft. at the intersection of the two driveways.
    - b. Information regarding the turning radii at the intersection of the shared driveway and North Underhill Station Road has not been provided.
  5. **SECTION 7.3 – SKETCH PLAN REVIEW, CONDITION 9:** Draft deeds containing, or making reference to the shared right-of-way serving Lot 1 and wastewater easement serving Lot 2 have not been provided.
  - **SECTION 8.2.G – BUILDING ENVELOPES:** The Applicants have identified a proposed building envelope for the proposed Lot 2, which is more restrictive than the Rural Residential District allows. While more restrictive, the building envelope has been reduced in size in order to protect forested areas on the proposed Lot 2.
  6. **SECTION 8.8 – LEGAL REQUIREMENTS:** A deed containing a draft septic easement for the benefit of Lot 2 has not been provided.
  7. **APPENDIX A – ROAD & DRIVEWAYS STANDARDS, SECTION 4.C.3:** The Applicants have not provided information regarding the turning radii of where the shared driveway will meet North Underhill Station Road. The Board should consider a condition of approval regarding the turning radii at this intersection if they find this intersection needs to be brought up to the standards within the Road Ordinance.
  8. **CONDITION D IN DRB DECISION: DRB-14-11:** The Board should address the condition requiring Board approval prior to filing for a building permit application for the construction of a detached accessory dwelling by either superseding the condition or require conditional use review to be held in conjunction with final subdivision review.
-



# STAFF FINDINGS OF RELEVANT SECTIONS

## ARTICLE II – ZONING DISTRICTS



	Rural Residential	Proposed Lot Lot 1 (SFD)	Proposed Lot 2
<b>Lot Size:</b>	3.0 Acres	±9.82	±20.8 Acres
<b>Frontage:</b>	250 ft.	0 ft.	±290
<b>Setbacks:</b>			
• Front	30 ft.	±166 ft. (East)	>400 ft. (South)
• Side 1	50 ft.	>400 ft. (North)	±139 ft. (South)
• Side 2	50 ft.	±103 ft. (South)	>400 ft. (North)
• Rear	50 ft.	±327 ft. (West)	±139 ft. (West)
<b>Max. Building Coverage:</b>	25%	Presumably Met	Presumably Met
<b>Max. Lot Coverage:</b>	50%	Presumably Met	Presumably Met
<b>Maximum Height:</b>	35 ft.	Presumably Met	Presumably Met

TABLE 2.4 – RURAL RESIDENTIAL

PG. 15

**Purpose Statement:** Accommodate medium density development on land that has access to public roads where traditional development has taken place, where soil cover is thicker than on the hillside. The Rural Residential district allows for the continuation of existing commercial, residential, and public uses and to encourage future development, particularly along Route 15, Poker Hill Road and Irish Settlement Road that is compatible with these historic uses.

- The proposed subdivision will subdivide an ~30 Acre lot into two lots, which better conforms with medium density development.
- Both lots will utilize a shared driveway via a right-of-way that connects with North Underhill Station Road, a Class III Town Highway, that connects Route 15 with Poker Hill Road.
- Single-family dwellings are proposed for both lots furthering the residential aspect of the purpose statement.

## **ARTICLE III – GENERAL REGULATIONS**

### **SECTION 3.2 – ACCESS**

**PG. 30**

- Lot 1 fails to satisfy the frontage require; however, the frontage requirement can be waived in accordance with §§ 3.7.E.1 & 8.6.A.2 since the lot will be accessed by a shared driveway.
- Both lots will have access via North Underhill Station Road, a Class III Highway, by a shared driveway.
- The Selectboard has delegated authority to approve access permits to the Development Review Board when reviewing applications involving access components.
  - An access permit application for the proposed Lot 1 has been approved (see Sketch Plan Exhibit G), while an access permit application for the proposed Lot 2 has been submitted (see Exhibit D). Both driveways have already been constructed, with the driveway serving Lot 2 being constructed without a permit.
    - See Appendix A for greater details about the shared driveways, and separate driveways.
- The shared driveway and driveway serving Lot 1 are approximately 16 ft. to the nearest point of the south property line of both lots.

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

**PG. 38**

- Both proposed lots meet the minimum three (3) acre requirement (see Chart on Page 4).
- One principal use/structure is anticipated for each lot – single-family dwellings.
  - Both structures are intended to meet the setback requirements (see Chart on Page 4 and Exhibit O).
- Lot 2 has a frontage of ±290 ft., which satisfies the frontage requirement of 250 ft.
- A frontage waiver is required for Lot 1, which is allowed in accordance with §§ 3.7.E.1 & 8.6.A.2 since Lot 1 will be accessed via a Shared Driveway.

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

**PG. 44**

- Both lots will contain single-family dwellings, and are likely to satisfy the parking requirement – 2 parking spaces per dwelling (to be confirmed during zoning permit review).

### **SECTION 3.17 – SOURCE PROTECTION AREAS**

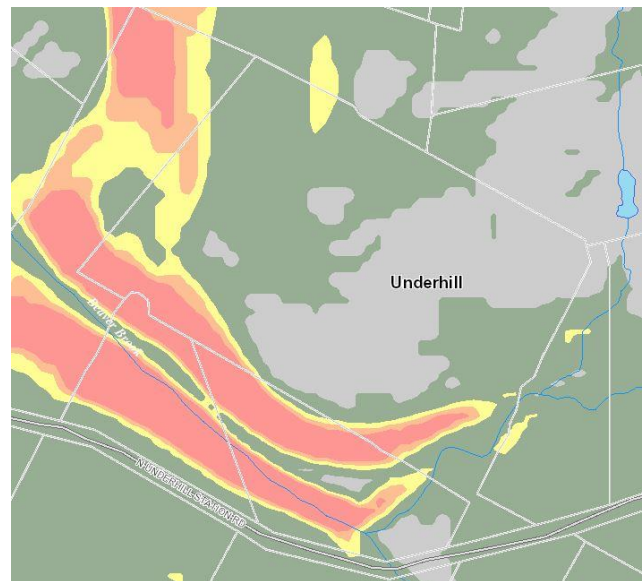
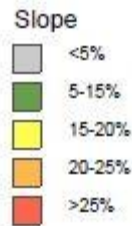
**PG. 55**

- The subject lot is not located within a Source Protection Area.

### **SECTION 3.18 – STEEP SLOPES**

**PG. 56**

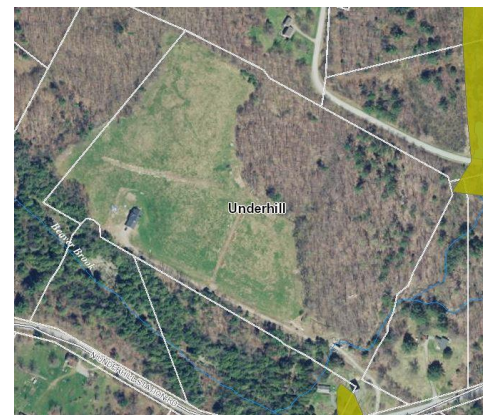
- Areas of steep slopes (15-25%) are present on the existing lot (see directly to the right).
  - Steep Slopes (15-25%) and Very Steep Slopes (>25%) appear to affect both lots; however, the proposed/existing developments (single-family dwellings) appear to be outside of these areas.
- Since both driveways are already constructed, no significant additional impact to these areas is anticipated.
  - The Board should determine if additional review under this section is required, as the shared driveway will need to be widened to 14 ft.
    - If the Board finds that the widening of the driveway will occur on land that is under 15% slope, then no further review under this section is required.



### SECTION 3.19 – SURFACE WATERS & WETLANDS

PG. 63

- An unnamed stream bisects the southern portion of the lot in an east to west direction (see directly to the right) – 25 ft. Setback Requirement.
- Beaver Brook is located to the south of the property; A 50 ft. Setback from the “top of slope” is required since no floodplains are associated with the Brook in this location.
- A Class II Wetland has been identified to the northeast of the property, as well in the south portion of the property – 50 ft. Setback Requirement.
- All anticipated new development is expected to satisfy the aforementioned setback requirements for wetlands and surface waters.



### SECTION 3.23 – WATER SUPPLY & WASTEWATER SYSTEMS

PG. 68

- The Applicants have obtained a Wastewater System & Potable Water Supply Permit (WW-4-4186, see Exhibit M).
- The WW Permit allows for two, 4-bedroom, single-family residences on the existing lot.

- Each single-family dwelling is approved for a drilled well, to be located on each lot.
- A septic system has been approved for each single-family dwelling, noting that the proposed Lot 2 septic system will be located on Lot 1.

## **ARTICLE IV – SPECIFIC USE STANDARDS**

### **SECTION 4.15 – MULTI-DWELLING STRUCTURES (ACCESSORY DWELLINGS, TWO-FAMILY DWELLINGS AND MULTI-FAMILY DWELLINGS)**

**PG. 92**

- In accordance with Section 4.15.D.3:  
“A detached accessory dwelling may be subdivided and or converted for conveyance or use as principal dwellings only if they are found to meet all current municipal regulations for two single family dwellings in the district where it is located. All municipal permits and approvals shall be obtained prior to conversion to or conveyance as a principal Dwelling.”
- While the barn/garage is not permitted as an accessory dwelling, that structure is expected to be converted to a principal dwelling, and therefore, the Board should consider the abovementioned provision of the *Unified Land Use & Development Regulations*.

## **ARTICLE VI – FLOOD HAZARD AREA REVIEW**

- No Special Flood Hazard Areas were depicted on the existing lot according to the ANR Website; therefore, review of this section is not required.

## **ARTICLE VII – SUBDIVISION REVIEW**

### **SECTION 7.2 – APPLICABILITY**

**PG. 139**

- The Applicants are proposing a 2-Lot subdivision that meets the requirements of Section 7.2.E.1.a.
- The Board classified this project as a minor subdivision during the sketch plan review meeting (see Exhibit L).

### **SECTION 7.3 – SKETCH PLAN REVIEW**

**PG. 141**

- The Board accepted the proposed subdivision during the Sketch Plan Review meeting on August 5, 2019, noting the following items to be address:
  1. All surface waters, including streams and brooks, wetlands and floodplains shall be identified and delineated on the submitted site plan;
    - The submitted site plan (see Exhibit O) and submitted plat (see Exhibit N) both depict streams/brooks; however, do not depict any wetlands.
  2. The survey plat prepared by a licensed surveyor shall depict all easements and/or rights-of-way that are located on the existing parcel of land to be subdivided, including easements for potential utilities;
    - The Applicants submitted a survey plat prepared by a licensed surveyor – Michael J. Gervais (see Exhibit N).
    - Easements for proposed utilities are not shown, but are presumed to be in the shared right-of-way.
  3. The applicants shall identify the well shield and isolation distances on the submitted site plans and how those distances will impact the adjacent property owners.
    - The site plan depicts the well shields and isolation distances for wastewater systems (see Exhibit O).

4. The applicant shall consider all components of the Article VIII Subdivision Standards, and submit a project narrative outlining the property's history, references to book and page numbers, as well as provide comments on any related issues pertaining to aforementioned Article VIII Subdivision Standards. The narrative shall substitute for the previously distributed Preliminary Subdivision Findings Checklist per Section 7.5 of the *Underhill Unified Land Use & Development Regulations* that used to be required (see enclosed example);
  5. The site plan shall depict proposed building envelopes for the principal structure, as well as building envelopes for ancillary structures and on-site parking. These building envelopes shall depict the distance from the envelope itself to the property's boundaries. Also note that the building envelope shall exclude constraints such as steep slopes, streams, wetlands, etc., where feasible.
  6. The applicant shall submit engineering drawings in conformance with the application requirements in the *Underhill Unified Land Use & Development Regulations*, specifically:
    - a. Areas of steep slopes, flood hazards, stream water setbacks, septic setbacks, and well shields, isolation distances; and
    - b. The requisite size culverts shall also be illustrated on the plans;
  7. The applicant shall submit engineering drawings in conformance with the requirements of the *Underhill Road, Driveway and Trail Ordinance*, which shall address:
    - a. A turnaround area measuring 12 ft. by 37.5 ft. measured from the edge of the driveway;
    - b. All turning radii at the driveway entrance must meeting the 35 ft. requirement as measured from the far side of the approaching road to the far site of the required driveway width – or as approved by the Fire Department.
  8. An Application for Subdivision shall be submitted in accordance with the criteria listed below under "Final Subdivision/Hearing – Process."
- The Applicants have submitted a project narrative addressing relevant information in Article VIII of the *Underhill Unified Land Use & Development Regulations* (see Exhibit H).
  - The Applicants have depicted a building envelope for the proposed Lot 2 (see Exhibits N & O) that is more restrictive than the minimum requirements in order to preserve the forested areas.
  - The Applicants have submitted engineering drawings (see Exhibit O).
  - The Applicants have submitted engineering drawings depicting the driveway layout (see Exhibits N & O).
    - The Applicants are proposing to use the intersection of the two driveways as the turnaround area for each lot.
    - The Applicants are proposing a turning radius of 28 ft. at the intersection of the two driveways.
    - Information regarding the turning radii at the intersection of the shared driveway and North Underhill Station Road has not been provided.
  - An Application for Subdivision review has been submitted (see Exhibit C).

- 9. Draft deeds containing, or making reference to:
    - a. The right-of-way easement that serves Lot 1;
    - b. The wastewater system easement that serves Lot 2; and
    - c. A road maintenance agreement.
  - 10. The scheduling of a site visit prior to the final subdivision review hearing.
- Draft deeds containing, or making reference to the shared right-of-way serving Lot 1 and wastewater easement serving Lot 2 have not been provided.
  - A draft Road Maintenance Agreement has been submitted for review (see Exhibit K).
  - A site visit has been scheduled for Saturday, February 29, 2020 @ 8:30 AM.

#### **SECTION 7.5 – PRELIMINARY SUBDIVISION REVIEW**

**PG. 144**

- The Board waived preliminary subdivision review (see Exhibit L).
- Staff has advised the Applicants to forgo the findings checklist for Preliminary Subdivision Review.

#### **SECTION 7.6 – FINAL SUBDIVISION REVIEW**

**PG. 146**

- The Applicants have substantially submitted the necessary materials to make a decision regarding the final subdivision review application.

## **ARTICLE VIII – SUBDIVISION STANDARDS**

#### **SECTION 8.1 – APPLICABILITY**

##### SECTION 8.1.B – REQUEST FOR MORE INFORMATION

**PG. 150**

- Technical review is not required at this time.

##### SECTION 8.1.C – FINDINGS OF FACT

**PG. 150**

- Staff advised the Applicants to submit a project narrative (see Exhibit H) in place of the Findings of Facts.

##### SECTION 8.1.D – MODIFICATIONS & WAIVERS

**PG. 150**

- The Applicants have not requested any additional modifications or waivers other than the frontage requirement waiver for Lot 1 (in accordance with §§ 3.7.E.1 & 8.6.A.2).
  - Lot 1 will be accessed by a shared driveway with Lot 2 (Section 8.6.A.2.a).

#### **SECTION 8.2 – GENERAL STANDARDS**

##### SECTION 8.2.A – DEVELOPMENT SUITABILITY

**PG. 151**

- No unforeseen undue adverse impacts to the public health, safety or the character of the area in which the proposed development is located are anticipated.
- The Applicants have not expressed any intention of setting aside land as open space that would be excluded from subsequent development lands that periodically flood, have poor drainage, contain very steep slopes (>25%), or have other known hazards, or that is otherwise not suitable to support structures or infrastructure.

##### SECTION 8.2.B – DEVELOPMENT DENSITY

**PG. 151**

- The proposed subdivision meets the density requirements of this Section.

##### SECTION 8.2.C – EXISTING SITE CONDITIONS

**PG. 151**



- A small area of prime agricultural soils will likely be bisected by the proposed property line (see directly right in comparison to Exhibit H); anticipated development could potentially impact this area.
- Areas of steep slopes (15%-25%) and very steep slopes (>25%) exist on both lots (see § 3.18 above).
- An unnamed stream bisects the southern portion of the lot, while Beaver Brook traverses the area to the south of the lot (see § 3.19 above).
- Class II Wetlands exist to the northeast of the property, as well as on the southern area of the property (see § 3.19 above).
  - These areas are not depicted on the site plan (see Exhibit O).
- Given the proposed location of the single-family dwelling on Lot 2, as well as the completed single-family dwelling on Lot 1, and the completed driveways, the prime agricultural soils seem to be the only resource being impacting:
  - The Board could explore if there are any options for minimizing impact to the prime agricultural soils.
- The proposed layout of the subdivision and development does not appear to adversely affect any of the other existing site features and/or natural amenities listed in this subsection.



Local
Local (b)
Not rated
Prime
Prime (b)
Prime (f)
Statewide
Statewide (a)
Statewide (b)
Statewide (c)

#### SECTION 8.2.D – UNDERHILL TOWN PLAN & REGULATIONS

**PG. 152**

- The proposed project appears to conform to the *Underhill Town Plan* and the *Underhill Unified Land Use & Development Regulations*.

#### SECTION 8.2.E – DISTRICT SETTLEMENT PATTERNS

**PG. 152**

**Rural Districts.** Subdivisions within the Rural Residential, Water Conservation and Scenic Preservation Districts shall be designed and configured to reinforce the rural character and historic working landscape of these districts, characterized by forested hillsides and hilltops, open fields, and moderate to low densities of residential development interspersed with large contiguous tracts of undeveloped land. Lots shall be configured to maintain contiguous tracts of open land between adjoining parcels.

- The proposed project appears to conform with the Rural Districts settlement patterns outlined in Section 8.2.E.1 (see directly to the left).

**SECTION 8.2.F - LAYOUT**

**PG. 153**

- The proposed subdivision conforms with the requirements of this section.
- The proposed layout of the subdivision is configured in a way that would allow subsequent subdivisions should the landowners, or their successors, choose to subdivide.

**SECTION 8.2.G – BUILDING ENVELOPES**

**PG. 153**

- The Applicants have identified a proposed building envelope for the proposed Lot 2, which is more restrictive than the Rural Residential District allows.
  - While more restrictive, the building envelope has been reduced in size in order to protect forested areas on the proposed Lot 2.
  - If the Board finds that the building envelope should remain as depicted, they should explicitly state the reason for do so in the decision.

**SECTION 8.2.H – SURVEY MONUMENTS**

**PG. 153**

- No findings.

**SECTION 8.2.I – LANDSCAPING & SCREENING**

**PG. 153**

- The Board should take note of the existing landscaping and screening currently in place during the scheduled site visit – 8:30 AM @ February 29, 2020.

**SECTION 8.2.J – ENERGY CONSERVATION**

**PG. 154**

- No findings by Staff.
- Questions pertaining to zoning regulations for the Applicants to answer during the hearing:
  - Do the proposed locations of the SFDs maximize southern exposure? (§ 8.2.J.1)
  - Are the SFDs clustered enough to allow for group net-metering? (§ 8.2.J.2)

**SECTION 8.3 – NATURAL CULTURAL RESOURCES**

**SECTION 8.3.A – RESOURCE IDENTIFICATION & PROTECTION**

**PG. 154**

- No information pertaining to, nor has any identification relating to, significant cultural and natural features necessitating protection has been submitted for consideration.

**SECTION 8.3.B – SURFACE WATERS, WETLANDS & FLOODPLAINS**

**PG. 155**

- See Section 3.19 and Article VI above for more information.

**SECTION 8.3.C – ROCK OUTCROPS, STEEP SLOPES, HILLSIDES & RIDGELINES**

**PG. 155**

- See Section 3.18 above for more information.

**SECTION 8.3.D – NATURAL AREAS & WILDLIFE HABITAT**

**PG. 156**

- A priority level 4 habitat block is located on the existing lot (see directly to the right on the next page).
- Proposed development on the proposed Lot 2 will not likely impact the identified habitat block.
- No Deer Wintering Yards have been identified on the lot.
- The ANR Biofinder has also identified the following priority characteristics:
  - Class II Wetlands (see § 3.19 above);



- Highest Priority Wildlife Crossing (overlaying the same area as the Class II Wetland on the southern portion of the Lot);
- Riparian Wildlife Connectivity (encompassing Beaver Brook and the unnamed stream);
- Highest Priority Surface Water and Riparian Areas (encompassing Beaver Brook and the unnamed stream);
- Priority Interior Forest Blocks (same area as the identified Forest Blocks to the right);
- Highest Priority Connectivity Blocks (same area as the identified Forest Blocks to the right); and
- Representative Physical Landscapes; (mostly the same area as the identified Forest Blocks to the right).



#### SECTION 8.3.E – HISTORIC & CULTURAL RESOURCES

**PG. 157**

- Staff is unaware of any historic and cultural resources located on the existing lot.

#### SECTION 8.3.F – FARMLAND

**PG. 157**

- A small area of prime agricultural soils exists in an area where the proposed property line is anticipated.
- See § 8.2.C above for more information.

#### SECTION 8.3.G - FORESTLAND

**PG. 158**

- The proposed property line appears to consider the forested land located towards the northeast portion of the property.
- Anticipated development is expected to occur outside of this forested area.
- The building envelope takes into consider the forested areas on the proposed Lot 2 – see Section 8.2.G above.

### **SECTION 8.4 – OPEN SPACE & COMMON LAND**

#### SECTION 8.4.A – OPEN SPACE

**PG. 159**

- The Applicants are not proposing to designate any land as open space.

#### SECTION 8.4.B – COMMON LAND

**PG. 160**

- The Applicants are not proposing to designate any land as common land.

#### SECTION 8.4.C – LEGAL REQUIREMENTS

**PG. 160**

- No findings.

### **SECTION 8.5 – STORMWATER MANAGEMENT EROSION CONTROL**

**PG. 160**

- No findings at this time.

### **SECTION 8.6 – TRANSPORTATION FACILITIES**

**SECTION 8.6.A – ACCESS & DRIVEWAY**

**PG. 162**

- Both lots will be served by their own driveways, which will access a shared driveway with access to North Underhill Station Road, and therefore, only the requirements from Sections 3.2 & 8.6.A apply (see above for more information as it relates to the *Underhill Unified Land Use & Development Regulations*). See Appendix A below for more information as it relates to the *Underhill Road, Driveway & Trail Ordinance*.

**SECTION 8.6.B – DEVELOPMENT ROADS**

**PG. 164**

- This subsection does not apply.

**SECTION 8.6.C – PARKING FACILITIES**

**PG. 167**

- This subsection does not apply.

**SECTION 8.6.D – TRANSIT FACILITIES**

**PG. 167**

- This subsection does not apply.

**SECTION 8.6.E – PEDESTRIAN ACCESS**

**PG. 167**

- This subsection does not apply.

**SECTION 8.7 – PUBLIC FACILITIES & UTILITIES**

**SECTION 8.7.A – PUBLIC FACILITIES**

**PG. 168**

- An undue burden on existing and/or planned public facilities is not anticipated.
- The MMU School District has confirmed that there will not be an adverse impact on the school system (see Exhibit I).
- Comments have been requested from the Underhill Road Foreman regarding the driveways and will be subsequently submitted into the record.

**SECTION 8.7.B – FIRE PROTECTION**

**PG. 168**

- An undue burden on the Underhill-Jericho Fire Department is not anticipated.
- Comments from the Underhill-Jericho Fire Department have been solicited; however, no comments have been provided at this time.
  - If comments are received prior to the hearing, they will be submitted into the record.

**SECTION 8.7.C – WATER SYSTEMS**

**PG. 168**

- The Applicants have obtained a Wastewater System & Potable Water Supply Permit (WW-4-4186, see Exhibit I).
- The WW Permit allows for two, 4-bedroom, single-family residences on the existing lot.
- Each single-family dwelling is approved for a drilled well, to be located on each lot.

**SECTION 8.7.D – WASTEWATER SYSTEMS**

**PG. 169**

- The Applicants have obtained a Wastewater System & Potable Water Supply Permit (WW-4-4186, see Exhibit I).
- The WW Permit allows for two, 4-bedroom, single-family residences on the existing lot.
- A septic system has been approved for each single-family dwelling, noting that the proposed Lot 2 septic system will be located on Lot 1.

**SECTION 8.7.D – UTILITIES**

**PG. 169**

- No findings.

## SECTION 8.8 – LEGAL REQUIREMENTS

PG. 170

- The Applicants have submitted a draft Road Maintenance Agreement prior to the Preliminary/Final Subdivision Review hearing (see Exhibit K).
- A deed containing a draft septic easement for the benefit of Lot 2 has not been provided.

## APPENDIX A – ROAD & DRIVEWAY STANDARDS

### SECTION 4 – GENERAL PROVISIONS RELATING TO ACCESSWAYS

#### SECTION 4.B – REASONABLE ACCESS

PG. 8

- Both lots will have access to North Underhill Station Road via a shared driveway.

#### SECTION 4.C – DEVELOPMENT ROAD & DRIVEWAY STANDARDS

PG. 8

1. *GRADES*
  - Both driveways, including the shared portion, currently exist and presumably satisfy the 10% slope requirement.
  - The Board should take note of any grade concerns during the site visit on February 29, 2020 @ 8:30 AM.
2. *TOPOGRAPHY*
  - Both driveways, including the shared portion, currently exist and presumably satisfy the topography requirements.
  - The Board should take note of any topography concerns during the site visit on February 29, 2020 @ 8:30 AM.
3. *RADII*
  - The Applicants shall ensure that all turning radii are satisfactory to the Underhill-Jericho Fire Department.
    - The proposed turning radii where the two driveways meet is 28 ft.
    - The Applicants have not provided information regarding the turning radii of where the shared driveway will meet North Underhill Station Road.
      - The Board should consider a condition of approval regarding the turning radii at this intersection if they find this intersection needs to be brought up to the standards within the *Road Ordinance*.
  - The Board should determine if the proposed turning radii is satisfactory should the Underhill-Jericho Fire Department not reply.
4. *CURBS*
  - Does not apply.
5. *GEOTEXTILES*
  - Does not apply.
6. *DRAINAGE*
  - The Applicants shall ensure that no drainage will occur in the Town's right-of-way, nor will drainage impact North Underhill Station Road (which includes sedimentation, erosion or impounding of water).
7. *SLOPES, BANKS & DITCHES*
  - The Applicants shall ensure that ditches will be provided where necessary to prevent infiltration of water into the gravel subbase, and to conduct storm drainage to waterways and absorption areas.
8. *WET AREAS*
  - Staff makes no findings.
9. *CULVERS*
  - Comments from the Road Foreman have been solicited and will be subsequently entered into the record.

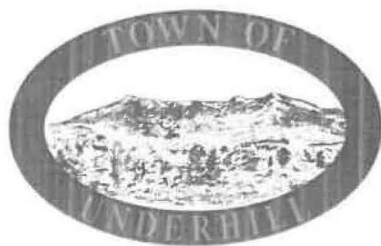
- 10. *STREAM CROSSINGS*
- 11. *BRIDGES*
- 12. *DESIGN*
  - The Applicants already obtained approval to construct a bridge over the unnamed stream (see DRB-14-11, Sketch Plan Exhibit F).
  - The Applicants already obtained approval to construct a bridge over the unnamed stream (see DRB-14-11, Sketch Plan Exhibit F).
  - The Applicants are planning to utilize the intersection of the two driveways as the turnaround area.
    - The Board should evaluate if this design is satisfactory.
  - The Board should evaluate if they wish to require a 10 ft. apron at the intersection of the shared driveway and North Underhill Station Road.

## **SECTION 5 – SPECIFIC PROVISIONS: DRIVEWAYS & DEVELOPMENT ROADS**

### **SECTION 5.A - DRIVEWAYS**

**PG. 11**

- 1. *CONSTRUCTION & DESIGN REQUIREMENTS*
  - The Board should evaluate (at the site visit – Saturday, February 29, 2020) if the existing driveways, and shared driveway, and determine if they need to be brought up to the AOT B-71 Standards.
- 2. *LOCATION*
  - One existing access point onto North Underhill Station Road is proposed and currently being utilized.
- 3. *WIDTHS*
  - The existing driveways, as depicted on the site plans (Exhibit O) meet the 12 ft. wide driveway width requirement.
  - The shared driveway is depicted as 12 ft. wide.
    - The Board should condition approval of the submitted access permit application (Exhibit D) and subdivision application (Exhibit C) on upgrading the width to 14 ft.
- 4. *NONCONFORMING LOTS*
  - Does not apply.

**UNDERHILL DEVELOPMENT REVIEW BOARD****PRELIMINARY & FINAL SUBDIVISION REVIEW****HEARING PROCEDURES****Monday, March 2, 2020****Applicant(s):** Jason A. & Karen M. Guymon and Antoine E. & Pamela J. Catudal**Docket #:** DRB-19-08

State the following:

1. This is a combined preliminary subdivision & final subdivision review hearing on the application of Jason A. & Karen M. Guymon and Antoine E. & Pamela J. Catudal for a proposed 2-lot subdivision on the land they own at 73 North Underhill Station Road in Underhill, Vermont.

This application is subject to review under the 2011 *Unified Land Use & Development Regulations*, as amended March 6, 2018; as well as the proposed amendments to the aforementioned regulations, which are to be voted on during the March 3, 2020 Town Meeting; and the 2015 *Road, Driveway and Trail Ordinance*, as amended December 18, 2018. The proposed project was classified as a minor subdivision during the sketch plan review meeting on Monday, August 5, 2019.

While preliminary subdivision review has been waived, the Board still reviews the draft subdivision plat and supporting documentation to determine that the proposed subdivision conforms with the municipal plan, these regulations and other municipal ordinances in effect at the time of application; to identify particular issues or concerns associated with a proposed subdivision; to recommend modifications necessary to achieve conformance; and to identify any additional information prior to the final subdivision plans, engineering plans and legal documents for the subdivision and related site improvements are finalized. Should additional information be required, the Board reserves the option to continue the hearing to a time and date certain in order for that information to be submitted and reviewed by this Board.

2. Copies of the Board's Rules of Procedure are available for review at the front counter, and can be obtained from the Planning & Zoning Administrator.
3. The order of speakers tonight will be:
  - a. We will hear from, and ask questions of, the applicant(s) and his or her representative(s);
  - b. Then we will hear and ask questions of the Planning & Zoning Administrator;
  - 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 extended 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.

All speakers should address their comments to the Board, not to other parties present at the hearing. Board Members may feel free to ask questions of any speaker.

4. Are any state or municipal representatives present, and acting in their representative capacities?
5. An Interested Parties Info Sheet is available to all attendees at the front counter or from the Planning & Zoning Administrator. 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.

6. If you are an applicant, representative of the applicant(s), 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.
7. 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?"***
8. Are there any conflicts of interest or have there been any ex parte communications on the part of the Board Members?
9. 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:

Exhibit A - Guymon/Catudal Sketch Preliminary & Final Subdivision Review Staff Report

Exhibit B - Guymon-Catudal(NU073) PrelimFinal Subd Review Hearing Procedures

Exhibit C - Application for Subdivision

Exhibit D - Access Permit Application (Permit No. A-20-02)

Exhibit E - Project Summary

Exhibit F - BFP Notice

Exhibit G - NU073 Certificate of Service

Exhibit H - Project Narrative

Exhibit I - MMU Ability to Serve Correspondence

Exhibit J - Bassler Correspondence

Exhibit K - Shared Maintenance Agreement

Exhibit L - Guymon-Catudal Sketch Plan Review Letter

Exhibit M - WW Permit No. WW-4-4186

Exhibit N - Proposed Survey Plat

Exhibit O - Proposed Site Plan

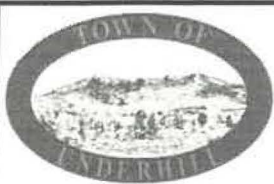
These exhibits are available in the Guymon/Catudal combined preliminary subdivision & final subdivision review file DRB-19-08 / NU073 at the Underhill Zoning & Planning Office and on the Town's website.

These exhibits are available in the Guymon/Catudal combined preliminary subdivision & final subdivision review file DRB-19-08 / NU073 at the Underhill Zoning & Planning Office and on the Town's website.

10. We'll begin testimony, and hear from the applicant(s) and/or their representative(s).
11. Next we will hear from the Planning & Zoning Administrator.
12. Are there members of the public who would like to speak?
13. Any final comments from the Board or applicant(s) and/or their representative(s)?
14. 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, continue the hearing to a date and time certain, and outline for the Applicant(s) what is required at that continued hearing; or*
  - b. *If, by consensus, enough information has been presented to make a decision on the application, ask for a motion to close the evidentiary portion of the hearing.*
15. Ask for a motion to approve or deny the application, as well as asking the Board if they wish to discuss the application in open deliberation or closed deliberation? (After the ruling, continue with the info below.)

"Within 45 days from this hearing, the Planning & Zoning Administrator, on behalf of the Board, will send a copy of the decision to the Applicant(s), their representative(s), 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

## APPLICATION FOR SUBDIVISION

**OFFICE USE ONLY**PROPERTY CODE: NU073DRB DOCKET #: DRB-19-08MEETING DATE: 3/2/2020**ZONING DISTRICT(S):**

- ☐ Underhill Flats Village Center  
☐ Underhill Center Village  
☒ Rural Residential  
☐ Water Conservation  
☐ Mt. Mansfield Scenic Preservation  
☐ Soil & Water Conservation

**APPLICATION TYPE:**

- ☐ Sketch Plan Review  
☐ Preliminary Subdivision Review  
☐ Final Subdivision Review  
☒ Preliminary & Final Subdivision Review  
☐ Subdivision Amendment

**PROPERTY OWNER INFORMATION:****RECORD OWNER OF PROPERTY:**

Antoine M., Pamela J., &amp; Karen M. Catudal and Jason A. Guymon

**MAILING ADDRESS:**

North Underhill Station Road, Underhill VT

**EMAIL ADDRESS:**

pcatudal@yahoo.com, jasonguymon72@gmail.com

**PHONE NUMBER:**

Pamela: 802-881-4475, Jason: 802-238-4861

**DESIGNER/ENGINEER INFORMATION:****DESIGNER/ENGINEER:**

Michael Gervais, Licensed Designer #126893

**MAILING ADDRESS:**

PO Box 820, Enosburg Falls VT 05450

**EMAIL ADDRESS:**

michael@barnardandgervais.com

**PHONE NUMBER:**

802-933-5168

**SURVEYOR INFORMATION:****SURVEYOR:**

Michael Gervais, Licensed Land Surveyor #735

**MAILING ADDRESS:**

PO Box 820, Enosburg Falls VT 05450

**EMAIL ADDRESS:**

michael@barnardandgervais.com

**PHONE NUMBER:**

802-933-5168

**DEVELOPER INFORMATION (IF KNOWN):** N/A**SURVEYOR:****MAILING ADDRESS:****EMAIL ADDRESS:****PHONE NUMBER:****Project Information**Property Location: 73 North Underhill Station Road  
Underhill, VT 05489Acreage in Original Parcel: 29.9± acresProposed Number of Lots: 2 Lots

Is this a Planned Residential Development?

- ☐ Yes  
☒ No

Is this a Planned Unit Development?

- ☐ Yes  
☒ No

Is the parent lot part of a previously approved subdivision?

- ☐ Yes  
☒ No

If so, when was the previous subdivision approved?

Year: N/A

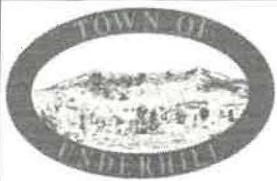
If known, what was the application number:

Application Number: N/A

If the proposed project is to amend a subdivision, what is the proposed amendment?

N/A





# TOWN OF UNDERHILL

## APPLICATION FOR SUBDIVISION

Sketch Plan Application Materials (Only)	Section B (Engineering Plans Requirements)	Section C (Written Materials)
<p>Applicable:</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><i>The following Sketch Plan Review materials must be submitted at least 10 business days prior to a regularly scheduled Development Review Board:</i></p> <p>Checklist</p> <p><input type="checkbox"/> Sketch of Proposed Subdivision</p> <p><input type="checkbox"/> Project Description</p> <p><input type="checkbox"/> Description of Proposed Modifications or Waivers</p> <p><input type="checkbox"/> Application Fee (\$100.00)</p> <p><i>Please Checkoff All Submitted Materials</i></p>	<p>Checklist</p> <p><input checked="" type="checkbox"/> Two Large (to Scale) Copies</p> <p><input checked="" type="checkbox"/> Twelve 11" x 17" Copies</p> <p><input checked="" type="checkbox"/> Prepared by a Professional Engineer</p> <p><input checked="" type="checkbox"/> Date, Including Revision Date(s)</p> <p><input checked="" type="checkbox"/> North Arrow, Scale, Legend</p> <p><input checked="" type="checkbox"/> Proposed New Lot Lines &amp; New Acreages</p> <p><input checked="" type="checkbox"/> Proposed Building Envelopes (including Setbacks)</p> <p><input checked="" type="checkbox"/> Extent of Site Clearing &amp; Disturbance</p> <p>N/A Existing/Proposed Open Space</p> <p>N/A Existing/Proposed Common Land</p> <p><input checked="" type="checkbox"/> Existing/Proposed Building Footprints</p> <p>N/A Zoning District Boundary</p> <p><input checked="" type="checkbox"/> Property Codes of Adjacent Properties</p> <p><input checked="" type="checkbox"/> Record Owners of Adjacent Properties</p> <p><input checked="" type="checkbox"/> Existing/Proposed Easements</p> <p><input checked="" type="checkbox"/> Existing/Proposed Rights-of-Ways</p> <p>N/A Existing/Proposed Roads</p> <p><input checked="" type="checkbox"/> Existing/Proposed Utility Corridors</p> <p><input checked="" type="checkbox"/> Locations/Designs of Proposed Water &amp; Wastewater Disposal Systems (including Isolation &amp; Well Shields)</p> <p><input checked="" type="checkbox"/> Existing/Proposed Curb Cut, Driveways, Roads and/or Parking Areas (includes: cuts, fills, grades, drainage, culverts, travel lane widths, shoulder widths, surfacing etc.)</p> <p><input checked="" type="checkbox"/> Topography</p> <p>Existing Surface Grades /Contours</p> <p>Post-Development Contours/Grades</p> <p>N/A Existing Outcrops, Ledges, Visually Prominent Ridgelines and Peaks</p> <p><input checked="" type="checkbox"/> Surface Waters &amp; Associated Buffers</p> <p>N/A Wetlands &amp; Associated Buffers</p> <p>N/A Vernal Pools &amp; Associated Buffers</p> <p>N/A Mapped Floodplains</p> <p><input checked="" type="checkbox"/> Drainage Patterns</p> <p><input checked="" type="checkbox"/> Natural Vegetative Cover</p> <p><u>Where Applicable:</u></p> <p><input checked="" type="checkbox"/> Location &amp; Size of Existing Culverts and Drains</p> <p><input checked="" type="checkbox"/> Location &amp; Size of Existing Sewerage Systems &amp; Water Supplies</p> <p>N/A Existing/Proposed Pedestrian Walkways</p> <p>N/A Designated Source Protection Areas</p> <p><input checked="" type="checkbox"/> Existing or Preserved Forestland</p> <p>N/A Preserved Natural, Cultural &amp; Historic Features (e.g. Sites &amp; Structures)</p> <p><input checked="" type="checkbox"/> Other Unique Topographical or Geographical Features</p> <p><input checked="" type="checkbox"/> Areas of Steep or Very Steep Slopes</p> <p><input checked="" type="checkbox"/> Primary Agricultural Soils</p> <p><i>Please Checkoff All Submitted Materials</i></p>	<p>Checklist</p> <p><input checked="" type="checkbox"/> Written Disclosure of Intended Use of Land to be Subdivided</p> <p><input checked="" type="checkbox"/> General Plans for Subsequent Development of Land to be Retained by Applicant/Landowner</p> <p>N/A Written Requests for Modifications or Waivers (including Justifications)</p> <p><input checked="" type="checkbox"/> Draft Deeds</p> <p><input checked="" type="checkbox"/> Draft Easements</p> <p>N/A Draft Homeowners Associations</p> <p><input checked="" type="checkbox"/> Draft Maintenance Agreements</p> <p><input checked="" type="checkbox"/> Snow Removal &amp; Management Plan</p> <p><i>Please Checkoff All Submitted Materials</i></p>
<p><b>Requirements for All Other Applications</b></p> <p>Checklist</p> <p><input checked="" type="checkbox"/> Surveys (see Section A)</p> <p><input checked="" type="checkbox"/> Engineering Plans (see Section B)</p> <p><input checked="" type="checkbox"/> Written Materials (see Section C)</p> <p><input checked="" type="checkbox"/> State of VT Materials (see Section D)</p> <p><input checked="" type="checkbox"/> Application Fee (see Fee Schedule)</p> <p><i>Please Checkoff All Submitted Materials</i></p>		<p><b>Section D (Non-Town Related Materials)</b></p> <p>Checklist</p> <p>N/A Project Review Sheet</p> <p><input checked="" type="checkbox"/> Wastewater System &amp; Potable Water</p> <p>Supply Permit (Permit #: _____)</p> <p>WW Permit Amendment in process</p> <p>N/A Act 250 Permit (Permit #: _____)</p> <p>N/A Stormwater/Erosion Permit</p> <p>(Permit #: _____)</p> <p>N/A Agency of Natural Resources Wetlands</p> <p>Permit (Permit #: _____)</p> <p>N/A Army Corps of Engineers Permit</p> <p>(Permit #: _____)</p> <p><i>Please Checkoff All Submitted Materials</i></p>
<p><b>Section A (Survey Requirements)</b></p> <p>Checklist</p> <p><input checked="" type="checkbox"/> Two Large (to Scale) Copies</p> <p><input checked="" type="checkbox"/> Twelve 11" x 17" Copies</p> <p><input checked="" type="checkbox"/> Prepared by a Licensed Surveyor</p> <p><input checked="" type="checkbox"/> Date, Including Revision Date(s)</p> <p><input checked="" type="checkbox"/> North Arrow</p> <p><input checked="" type="checkbox"/> Scale</p> <p><input checked="" type="checkbox"/> Legend</p> <p><input checked="" type="checkbox"/> Property Codes of Adjacent Properties</p> <p><input checked="" type="checkbox"/> Record Owners of Adjacent Properties</p> <p><input checked="" type="checkbox"/> Existing/Proposed Easements</p> <p><input checked="" type="checkbox"/> Existing/Proposed Rights-of-Ways</p> <p><input checked="" type="checkbox"/> Existing/Proposed Roads</p> <p><input checked="" type="checkbox"/> Existing/Proposed Utility Corridors</p> <p>Proposed Utility Easements Shall Be Centered On As-Built Utility Lines</p> <p>N/A Existing/Proposed Open Space Areas</p> <p><input checked="" type="checkbox"/> Existing/Proposed Lot Lines with Dimensions</p> <p><input checked="" type="checkbox"/> Vicinity Map</p> <p>To Show Area within 2,000 ft. of the Subject Lot Proposed to be Subdivided</p> <p><i>Please Checkoff All Submitted Materials</i></p>		<p><b>Other Required Plans Where Applicable</b></p> <p>Checklist</p> <p><input type="checkbox"/> Outdoor Lighting Plan</p> <p><input type="checkbox"/> Landscaping and Screening Plan</p> <p><input type="checkbox"/> Temporary &amp; Permanent Stormwater Management Plans</p> <p><input type="checkbox"/> Temporary &amp; Permanent Erosion Control Measures/Plans (including Areas Impacted by Downstream Runoff)</p> <p><input type="checkbox"/> Significant Wildlife Habitat Areas &amp; Corridors (including Areas Impacted by Downstream Runoff)</p> <p><input type="checkbox"/> Areas of Rare, Threatened and Endangered Plant and Animal Communities (and Associated Buffers)</p> <p><input type="checkbox"/> Master Plan (if Applicable-see § 8.1.B.1.a)</p>

APPLICANT SIGNATURE

DATE

RECEIVED

Andrew Strimite

DATE

2/3/2020





# TOWN OF UNDERHILL

**EXHIBIT****D**

## ACCESS PERMIT APPLICATION

**OFFICE USE ONLY**APPLICATION #: A-20-02PROPERTY CODE: NU073**ZONING DISTRICT(S):**

- ☐ Underhill Flats Village Center
- ☐ Underhill Center Village
- ☐ Rural Residential
- ☐ Water Conservation
- ☐ Mt. Mansfield Scenic Preservation
- ☐ Soil & Water Conservation

All Driveways and private roads shall conform to the standards of the 2015 Underhill Driveway, Road and Trail Ordinance, as amended December 18, 2018, which includes the AOT A-76 and B-71 standards. Waiver requests must be submitted at the time application. Applications shall be referred by the Zoning Administrator to the Selectboard and/or the Development Review Board where applicable.

**APPLICATION TYPE**

- ☐ Access Permit
- ☐ Access Permit Amendment
- ☐ Administrative Access Permit Amendment
- ☐ Temporary Access Permit

**REVIEWING BODY**

- ☐ Administration/Staff
- ☒ Development Review Board
- ☐ Selectboard

Review Date

  /  /  **OFFICE REVIEW**Received by: Andrew StrimpeReceived Date: 2/10/2020Site Visit Date:   /  /  Road Classification:   Speed Limit / Average Running Speed:    mph  
(if applicable)

Sight Distances:

Left:    ft.Right:    ft.

Culvert Required?

- ☐ No
- ☐ Yes; Size:

Comments, Restrictions, Conditions Recommended:

**REQUIRED APPLICATION MATERIALS****Required Materials**

- ☐ Application
- ☐ Application Fee (\$50.00 + Recording Fees)
- ☐ Copies of a Site Plan Illustrating (please submit 3 copies):
  - ☐ Proposed Access on a Public or Private Road
  - ☐ Property Boundaries with Measurements to Proposed Curb Cut
  - ☐ Landmarks Sufficient to Determine Access Point and Path of Traveled Way
  - ☐ Distance From All Waterways
  - ☐ All Easements, Covenants, and Abutting Property Owners
- ☐ Written Waivers/Modifications Requests
- ☐ Stake the Centerline of the Proposed Driveway/Road at 50 ft. Intervals

*Please Checkoff All Submitted Materials*

APPLICANT SIGNATURE

DATE

2-7-20

LANDOWNER SIGNATURE

DATE

2-7-20

All construction is to be completed in accordance with the Town of Underhill Unified Land Use & Development Regulations, as amended, and any & all federal and/or State regulations currently in effect. Once approved, notice of the permit is required to be posted in a conspicuous location on the property during the appeal period. The Town recommends that that notice be posted during the duration of the construction period. The applicant and/or landowner is required to contact the necessary State agencies to obtain permits: (802) 477-2241 (permit specialist). Interest persons have the right to appeal the approval of a permit to the Development Review Board within fifteen days (15) from the date of issuance.

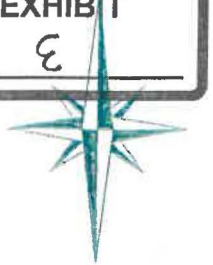
# BARNARD & GERVAIS, LLC

*Land Surveyors, Licensed Designers, Environmental Consultants*

www.barnardandgervais.com

EXHIBIT

ε



December 12, 2019

Town of Underhill  
Planning & Zoning  
Attn: Andrew Strniste, Zoning Administrator  
PO Box 120  
Underhill, VT 05489

Subject: Antoine M. & Pamela J. Catudal and Jason A. & Karen M. Guymon, Two-Lot Subdivision;  
73 North Underhill Station Road, Underhill, Vermont – Final Plat Hearing Application and  
Required Information

Dear Andrew:

I am writing on behalf of Antoine M. & Pamela J. Catudal and Jason A. & Karen M. Guymon to formally request a Final Subdivision Review hearing for a proposed two-lot subdivision of a 29.9± acre parcel located at 73 North Underhill Station Road in Underhill. As a result of this subdivision, the following lots will be created:

Lot 1 will be 9.82± acres and will include the existing 4-bedroom single-family residence that will continue to be served by the existing on-site pressurized in-ground wastewater system and will be provided water by the existing on-site drilled well.

Lot 2 will be 20.08± acres and will include the existing garage to be converted to a 4-bedroom single-family residence that will continue to be served by the existing off-site pressurized in-ground wastewater system located within an easement on Lot 1 and will continue to be provided water by the existing on-site drilled well.

In accordance with the Town of Underhill Unified Land Use & Development Regulations, the following items are respectfully submitted:

1. Town of Underhill Application for Subdivision – Final Review.
2. Project Narrative.
3. Names and Addresses of Adjoining Property Owners.
4. Survey Plat, dated 11/25/2019 (two full-size & twelve reduced-size copies):
  - o Drawing PL-1 – Two Lot Subdivision Survey Plat, last revised 10-23-2019.
5. Design Drawing, dated 11-26-2019 (two full-size & twelve reduced-size copies):
  - o Drawing S-1 – Site Plan.
6. Major Subdivision Application Fee of \$500.00.

Please review the included information and let me know if there are any other items that are required for the Final Subdivision Review hearing. In the meantime, should you have any questions or comments, please do not hesitate to give me a call at (802) 933-5168.

Sincerely,

Michael Gervais  
Licensed Designer #126893

c: Antoine M. & Pamela J. Catudal  
Jason A. & Karen M. Guymon





To: Burlington Free Press  
Classifieds/Legals  
legals@bfp.burlingtonfreepress.com  
860-5329

From: Town of Underhill  
Zoning & Planning  
P.O. Box 120  
Underhill, VT 05489

**LEGAL AD**

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

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**Release Date: NO LATER THAN 02/15/2020**

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**NOTICE OF PUBLIC MEETING**

Town of Underhill Development Review Board (DRB)  
Monday, March 2, 2020

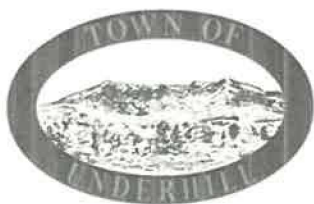
At the Underhill Town Hall, 12 Pleasant Valley Road, Underhill, VT

The DRB will hold a hearing on the combined Preliminary & Final Subdivision Review application by Jason & Karen Guymon and Pamela & Antoine Catudal for a proposed two (2) lot subdivision of property they own at 73 North Underhill Station Road (NU073). The subject property is located in the Rural Residential zoning district. A site visit at the property's location will begin at 8:30 AM on Saturday, February 29, 2020, and the hearing will commence at Underhill Town Hall at 6:35 PM on Monday, March 2, 2020.

Additional information may be obtained at the Underhill Town Hall. The hearing(s) are 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 hearing(s), comments may be made in writing prior to the meeting and mailed to: Andrew Strniste, Planning Director & Zoning Administrator, P.O. Box 120 Underhill, VT 05489 or to [astrniste@underhillvt.gov](mailto:astrniste@underhillvt.gov).

\*\*\*\*\*

***Please call Andrew Strniste at the Planning & Zoning 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: 03-02-19 DRB Hearing, P.O. Box 120, Underhill, VT 05489. Thank you.***



## Town of Underhill Development Review Board

P.O. Box 120, Underhill, VT 05489  
www.underhillvt.gov

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

### Certificate of Service

I hereby certify that on this 12<sup>th</sup> day of February, 2020, a copy of the following documents were delivered to the below recipients and corresponding addresses by United States certified mail, return receipt requested.

#### Documents:

Notice to abutting neighbors regarding a combined Preliminary & Final Subdivision Review hearing for a proposed 2-lot subdivision of land located at 73 North Underhill Station Road (NU073), Underhill, Vermont, owned by Antoine M. & Pamela J. Catudal and Jason A. & Karen M. Guymon.

#### Recipients and Corresponding Address:

\$6.90

✓ **73 NORTH UNDERHILL STATION ROAD (NU073)**  
Antoine M. & Pamela J. Catudal  
Jason A. & Karen M. Guymon  
73 North Underhill Station Road  
Underhill, VT 05489

✓ **35 HIGHLAND ROAD (HL035)**  
Ellen Goodman Trustee  
35 Highland Road  
Underhill, VT 05489

✓ **41 NORTH UNDERHILL STATION ROAD (NU041)**  
Sharon A. Davis  
41 North Underhill Station Road  
Underhill, VT 05489

✓ **50 NORTH UNDERHILL STATION ROAD (NU050)**  
Craig & Morgan Luce  
50 North Underhill Station Road  
Underhill, VT 05489

✓ **60 NORTH UNDERHILL STATION ROAD (NU060)**  
Drew S. Vandeth & Kristen Juel  
60 North Underhill Station Road  
Underhill, VT 05489

✓ **71 NORTH UNDERHILL STATION ROAD (NU071)**  
Cathy S. Bassler  
71 North Underhill Station Road  
Underhill, VT 05489

✓ **74 NORTH UNDERHILL STATION ROAD (NU074)**  
Peter Hagen & Lauren Milne  
74 North Underhill Station Road  
Underhill, VT 05489

✓ **77 NORTH UNDERHILL STATION ROAD (NU077)**  
Gerard Deforge  
77 North Underhill Station Road  
Underhill, VT 05489

✓ **425 POKER HILL ROAD (PH425)**  
Michael S. & Kathleen A. Simanskas  
425 Poker Hill Road  
Underhill, VT 05489



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Andrew Starniste  
Planning Director & Zoning Administrator  
12 Pleasant Valley Road  
Underhill, VT 05489

Date: 2/12/2020

Antoine M. & Pamela J. Catudal and  
Jason A. & Karen M. Guymon  
Two-Lot Subdivision  
73 North Underhill Station Road  
Underhill, Vermont

Project Narrative

**Property History**

The recent history of the subject property includes acquisition in the 1970's by the Gates family, who commissioned a survey of the property by John Marsh, L.S., in 1978. On May 13, 2013, the property was conveyed from Mark and David Gates to Antoine M. & Pamela J. Catudal and Jason A. & Karen M. Guymon, as recorded in book 204, page 85.

**Section 8.2 General Standards**

The subject property is a  $29.9\pm$  acre parcel located in the Rural Residential zoning district, which requires a minimum Lot Size of three (3) acres. The proposed Lot Sizes of  $9.82\pm$  acres (Lot 1) and  $20.08\pm$  acres (Lot 2) significantly exceed the minimum required Lot Size. These relatively large parcels are suitable for the intended use of two single-family residences, and will not result in undue adverse impact to public health and safety, the natural environment, neighboring properties and uses, or the character of the area. The existing site conditions will remain predominantly as-is due to the fact that the structures, driveways, and water & wastewater systems are already constructed. The proposed Lot 2 building envelope will further protect the existing site conditions by prohibiting development within the forested portion of the property that provides a wildlife habitat block. Further, the house locations are suitable for solar energy generation and will not preclude the use of renewable energy resources in the future.

**Section 8.3 Natural & Cultural Resources**

The primary natural resources on the subject property include the steeper slopes at the western edge of the parcel; a portion of the Beaver Brook and its tributary; the open field, including prime agricultural soils on Lot 1; and the level 4 habitat block within the forested portion of Lot 2. The proposed subdivision is designed to minimize impact to these identified natural resources, with the proposed Lot 2 building envelope providing added protection. The property does not contain VSWI mapped wetlands or floodplains, or any known historical or cultural resources.

**Section 8.4 Open Space & Common Land**

N/A - Designated open space & common land are not proposed for a minor two-lot conventional subdivision. The proposed Lot 2 building envelope will serve as the protection mechanism to maintain the forested portion of Lot 2 in its current undeveloped state.

**Section 8.5 Stormwater Management & Erosion Control**

The large majority of the proposed structures and driveways are already constructed; the only additional disturbance will be for the hammerhead "T" emergency vehicle turn-around, the

parking area for the Lot 2 residence, and minor exterior improvements to the Lot 2 residence. Due to the small scale (less than one acre of disturbance) of the project, an Erosion and Sediment Control Permit is not required under Construction General Permit# 3-9020. Instead, the remaining construction will be completed in accordance with the standards set forth in the Vermont Low Impact Development Guide for Residential and Small Sites.

#### **Section 8.6 Transportation Facilities**

The proposed subdivision will utilize the existing gravel drives (the eastern portion of which is shared) for access to North Underhill Station Road. As part of this project, an alternate hammerhead "T" emergency vehicle turn-around area is proposed to improve emergency access. Further, there are two existing pull-off areas along the shared drive that will continue to be maintained to facilitate passage of emergency and other large vehicles.

#### **Section 8.7 Public Facilities & Utilities**

The proposed two lot subdivision will result in only one new single-family residence that will continue to be served by the existing utilities and the existing soil-based wastewater system, and will continue to be provided water by the existing on-site drilled well. As such, the primary demand on public facilities and utilities is fire protection. As part of this project, the proposed access and hammerhead "T" turn-around area will be reviewed and approved by the Underhill-Jericho Fire Department.

#### **Section 8.8 Legal Requirements**

Legal documentation is required to assure proper access and maintenance of the shared drive located on proposed Lot 2, and the wastewater and force main easement located on Lot 1. These documents will be prepared by the applicant's attorney and submitted to the Board for review and recording in the town land records.





**Mount Mansfield Unified Union School District**

10 River Road Jericho, VT 05465  
P:802-434-2128 F:802-899-4001  
mmuusd.office@mmuusd.org  
www.mmuusd.org

---

EXHIBIT

I

February 21, 2020

Andrew Strniste  
Zoning Administrator  
Underhill Town Offices  
PO Box 120  
Underhill, VT 05489

Dear Andrew:

I am writing regarding the proposed 2-lot subdivision at 73 North Underhill Station Road in Underhill. Mt. Mansfield Unified Union School District will be able to provide services for students this development 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, Ed.D.  
Superintendent

**Andrew Strniste**

**From:** Cathy Bassler <cbassler1@myfairpoint.net>  
**Sent:** Saturday, February 22, 2020 10:09 AM  
**To:** Andrew Strniste  
**Subject:** DRB-19-08 Subdivision Review for 73 North Underhill Station Road

Hi,

I will not be able to attend the Subdivision Review meeting on March 2, 2020 for the property located at 73 North Underhill Station Road. The driveway to this property is right next to my property at 71 North Underhill Station Rd and I have absolutely NO issue with this subdivision. If it wasn't for the occasional car going out the driveway, I would never know there was a house back there. I have no issues with another home being built once the lot is subdivided. It's nice to see that the property is well taken care of and having 2 lot's instead of one big lot is fine by me.

Thank you.

Sincerely,  
Cathy Bassler  
71 North Underhill Station Rd  
Underhill,Vt 05489  
802-899-3469

# SHARED ROADWAY SNOW MAINTENANCE AGREEMENT

EXHIBIT

The Shared Roadway / Maintenance Agreement dated this   26   day of   K   20  20   by Tony & Pam Catudal    and    Jason & Karen Guymon collectively referred to as **Users.** **Background of Agreement**

Owners of properties in the Township of Underhill, VT.                                 ,                                  is owner of the property.

The Users own properties that each access North Underhill Station Rd . There is a driveway that serves both properties. The Users have determined that it is in their mutual interest to have executed and recorded and agreement for sharing the costs of maintenance / plowing and repair of the roadway. That is shared up to the First driveway owned by Tony & Pam Catudal. The purpose of this Agreement is the place into writing the mutual rights and obligations the users of the jointly used driveway.

**Agreement -** NOW THEREFORE, in consideration of their mutual promises and intending to be legally bound, the parties agree as follows:

**1. Grant of Easement.** Each party grants to the other a permanent easement over and across their respective properties for the purpose in ingress and egress to their adjoining properties.

**2. Sharing of Costs and Expenses.** The parties shall share the expenses as follows:

Shared part of the driveway , his/her successors and assigns shall pay half of the maintenance/plowing and repair of the driveway that is jointly used. @ 73 North Underhill Station Rd Underhill VT 05489

The portions of the driveway that is solely used by owner will be at the owners cost for maintence/plowing and repair.

**3. Binding Effect.** This Shared Driveway Agreement shall not be modified except in writing signed by the parties, their successors or assigns. This Agreement and its obligations and benefits shall run with the land and shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

This Agreement dated this   26   day of   Jan  , 20  20  .

Antonio Catudal, for J Guymon



## Town of Underhill

### Development Review Board

### Sketch Plan Findings & Decision

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#### Application of Jason & Karen Guymon and Antoine & Pamela Catudal for a 2-Lot Subdivision

Jason & Karen Guymon  
Antoine & Pamela Catudal  
73 North Underhill Station Road  
Underhill, VT 05489

August 20, 2019

During the August 5, 2019 meeting with the Development Review Board, the Board accepted your sketch plan application for a 2-lot subdivision of property located at 73 North Underhill Station Road (NU073) 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. If a preliminary/final subdivision application is not filed within a year of the date this letter was issued, another sketch plan review meeting shall be required [Section 7.3.E].

#### SUBDIVISION CLASSIFICATION

This application was reviewed under the *Unified Land Use & Development Regulations* adopted March 2011, as amended through March 6, 2018. The subdivision process must distinguish between major and minor classifications. Due to the nature of your submitted proposal, the DRB has classified this as a "minor subdivision" [Section 7.2.E]. Also, as you know, the Board voted to waive preliminary subdivision review, and therefore, only a final subdivision hearing will be required [Section 7.5.B].

#### REGULATION CONFORMANCE

Based upon the information submitted at the sketch plan hearing, the proposed subdivision appears to have the potential to conform to the regulations. However, you and your consultant(s) should ensure that all subdivision review standards in Article VIII are addressed and satisfied, as well as all applicable preliminary subdivision review requirements in Section 7.5, all final subdivision review requirements, and applicable requirements of the current *Underhill Road, Driveway & Trail Ordinance*.

#### REVIEW CRITERIA & ISSUES TO BE ADDRESSED

This sketch plan letter outlines "specific areas of concern to address" per Section 7.3.D and is meant to provide recommendations and guidance to the applicant(s). During the sketch review meeting, the Board felt that the following items and concerns should be addressed in your application for preliminary subdivision approval:

1. All surface waters, including streams and brooks, wetlands and floodplains shall be identified and delineated on the submitted site plan;
2. The survey plat prepared by a licensed surveyor shall depict all easements and/or rights-of-way that are located on the existing parcel of land to be subdivided, including easements for potential utilities;

3. The applicant shall identify the well shield and isolation distances on the submitted site plans and how those distances will impact the adjacent property owners;
4. The applicant shall consider all components of the Article VIII Subdivision Standards, and submit a project narrative outlining the property's history, references to book and page numbers, as well as provide comments on any related issues pertaining to the aforementioned Article VIII Subdivision Standards. This narrative shall substitute for the previously distributed Preliminary Subdivision Findings Checklist per § 7.5 of the *Underhill Unified Land Use & Development Regulations* that used to be required (see enclosed example);
5. The site plan shall depict proposed building envelopes for the principal structure, as well as building envelopes for ancillary structures and on-site parking. These building envelopes shall depict the distance from the envelope itself to the property's boundaries. Also note that the building envelope shall exclude constraints such as steep slopes, streams, wetlands, etc., where feasible;
6. The applicant shall submit engineering drawings in conformance with the application requirements in the *Underhill Unified Land Use & Development Regulations*, specifically:
  - a. Areas of steep slopes, flood hazards, stream water setbacks, septic setbacks, and well shields, isolation distances; and
  - b. The requisite size culverts shall also be illustrated on the plans;
7. The applicant shall submit engineering drawings in conformance with the requirements of the *Underhill Road, Driveway and Trail Ordinance*, which shall address:
  - a. A turnaround area measuring 12 ft. by 37.5 ft. measured from the edge of the driveway;
  - b. All turning radii at the driveway entrance must meeting the 35 ft. requirement, as measured from the far side of the approaching road to the far side of the required driveway width – or as approved by the Fire Department.
8. An Application for Subdivision shall be submitted in accordance with the criteria listed below under "Final Subdivision/Hearing – Process."
9. Draft deeds containing, or making reference to:
  - a. The right-of-way easement that serves Lot 1;
  - b. The wastewater system easement that serves Lot 2; and
  - c. A road maintenance agreement.
10. The scheduling of a site visit prior to the final subdivision review hearing.

Other preliminary/final subdivision review requirements are outlined in the accompanying Preliminary and Final Subdivision checklists and in the Unified Land Use & Development Regulations. The Board expects that all the requirements of both the preliminary subdivision review application and final subdivision review application be satisfied.

#### **FINAL SUBDIVISION APPLICATION/HEARING – PROCESS**

Per Section 7.5.B and at your request, the Board has waived the preliminary subdivision review hearing, and therefore, only a final subdivision review hearing is required - the next step in the subdivision process. The application requirements for this step are detailed in Section 7.6 "Final Subdivision Review" and Article VIII "Subdivision Standards" of the Unified Land Use &

Development Regulations. However, please note that requirements under Section 7.5 "Preliminary Subdivision Review" still apply to your application, despite the waiver of the preliminary hearing. Directly below is a general overview of the Final Subdivision Application/Hearing process.

The following documentation is to be submitted to the Zoning Administrator:

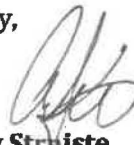
- Two full-size copies of the plat and engineering plans to scale, twelve 11" x 17" reduced copies of the plat and the engineering drawings, seven copies of draft legal documents, as well as the associated pdf digital files (which can be submitted by email).
- Information addressing the items under "Review Criteria & Issues To Be Addressed" (see above).
- Completed Application for Subdivision.

Once the completed final application package is received, the site visit and final hearing will be scheduled and warned. You will be asked to post a red "Z" sign on the lot no later than 15 days prior to the scheduled hearing. Planning staff will take care of the notice requirements, which includes certified mail to your neighbors and publication in a newspaper. The cost for notice and the newspaper fee is borne by you and will be included in the invoice with your final decision.

After the Final Subdivision Hearing, the Board will have 45 days to issue a 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.

If you have any questions or need assistance with the required submissions, please feel free to contact me by phone: (802) 899-4434, ext. 106; or by email: [astrniste@underhillvt.gov](mailto:astrniste@underhillvt.gov).

Sincerely,



**Andrew Strniste**  
Planning Director & Zoning Administrator

cc: Jason Guymon, 73 North Underhill Station Road, Underhill, VT 05489  
Antoine Catudal, 73 North Underhill Station Road, Underhill, VT 05489  
Cathy Bassler, 71 North Underhill Station Road, Underhill, VT 05489

encl: Application for Subdivision  
Project Narrative Example  
Final Sketch Plan Review Meeting Invoice (x2)



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)

EXHIBIT

M

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

February 28, 2014

Antoine & Pamela Catudal  
272 Pumpkin Harbor Road  
Cambridge VT 05444

Dear Applicant:

Subject: Wastewater System and Potable Water Supply Permit #WW-4-4186 for a project located in Underhill, Vermont.

Enclosed you will find:

1. The WW-4-4186 Permit document marked "Documents For Recording".
2. The corresponding plans referenced in the permit for your records.
3. A copy of permit document for your records.

Please read your permit thoroughly and be sure you understand all the requirements. **Be aware that failure to submit any permit-required installation certifications will render your permit invalid and will cause problems during any future title searches done on this property.**

**You are required to file this permit with your town clerk within 30 days of issuance of the permit.** Please take the document stamped "Documents For Recording" to your town clerk. You will be required to pay a recording fee to your town clerk at that time. Failure to file the permit with your town clerk will cause problems during any future title searches done on this property.

You may either contact your consultant for additional copies of the approved plans or you may obtain a copy of them, when they become available on the internet, by accessing our website [www.septic.vt.gov](http://www.septic.vt.gov) and using the document search option. You may print out any documents or plans that you view. Thank you for your cooperation. If you have any questions, please contact me at the above address.

Sincerely,

Dolores Eckert  
Assistant Regional Engineer

Enclosures





**WASTEWATER SYSTEM AND POTABLE WATER SUPPLY PERMIT****LAWS/REGULATIONS INVOLVED**

10 V.S.A. Chapter 64, Potable Water Supply and Wastewater System Permit  
Wastewater System and Potable Water Supply Rules, Effective September 29, 2007  
Chapter 21, Water Supply Rules, Effective December 1, 2010

**Landowner(s): Antoine & Pamela Catudal**  
**272 Pumpkin Harbor Road**  
**Cambridge VT 05444**

**Permit Number: WW-4-4186**  
**PIN:**

This permit affects property identified as Town Tax Parcel ID # Underhill: NU073 referenced in a deed recorded in Book 204 Page 085 of the Land Records in Underhill, Vermont.

This project, to construct two – four bedroom single family residences on a 30 +/- acres lot, located on N. Underhill Station Road in Underhill, Vermont, is hereby approved under the requirements of the regulations named above subject to the following conditions.

**1. GENERAL**

- 1.1 The project shall be completed as shown on the plans and/or documents prepared by Michael Gervais from Northern Land Surveying, LLC, with the stamped plans listed as follows:

Sheet Number	Title	Plan Date	Plan Revision Date
SP-1	Wastewater & Potable Water Supply Site Plan	1/20/2013	
D1	Both Houses Wastewater System and Potable Water Supply Details & Notes	1/20/2014	

- 1.2 This permit does not relieve the landowner from obtaining all other approvals and permits **PRIOR** to construction including, but not limited to, those that may be required from the Act 250 Environmental Commission; the Drinking Water and Groundwater Protection Division; the Watershed Management Division; the Division of Fire Safety; the Vermont Department of Health; the Family Services Division; or other State departments and local officials.
- 1.3 The conditions of this permit shall run with the land and will be binding upon and enforceable against the landowner and all assigns and successors in interest. The landowner shall record and index this permit in the Underhill Land Records within thirty, (30) days of issuance of this permit and prior to the conveyance of any lot subject to the jurisdiction of this permit.
- 1.4 The landowner shall record and index all required installation certifications and other documents that are required to be filed under these Rules or under a specific permit condition in the Underhill Land Records and ensure that copies of all certifications are sent to the Secretary.
- 1.5 No permit issued by the Secretary shall be valid for a substantially completed potable water supply and wastewater system until the Secretary receives a signed and dated certification from a qualified Vermont Licensed Designer (or where allowed, the installer) that states:

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

or which otherwise satisfies the requirements of §1-308 and §1-911 of the referenced rules.





- 1.6 This project is approved for the construction of two – four bedroom single family residences on the lot. Construction of additional nonexempt buildings, including commercial and residential buildings, is not allowed without prior review and approval by the Drinking Water and Groundwater Protection Division and such approval will not be granted unless the proposal conforms to the applicable laws and regulations. No construction is allowed that will cause non-compliance with an existing permit.
- 1.7 Each purchaser of any portion of the project shall be shown a copy of the Wastewater System and Potable Water Supply Permit and the stamped plans prior to conveyance of any portion of the project to that purchaser.
- 1.8 By acceptance of this permit, the landowner agrees to allow representatives of the State of Vermont access to the property covered by the permit, at reasonable times, for the purpose of ascertaining compliance with the Vermont environmental and health statutes and regulations, and permit conditions.
- 1.9 Any person aggrieved by this permit may appeal to the Environmental Court within 30 days of the date of issuance of this permit in accordance with 10 V.S.A. Chapter 220 and the Vermont Rules of Environmental Court Proceedings.

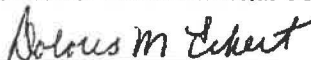
## **2. WATER SUPPLY**

- 2.1 The components of the potable water supply herein approved shall be routinely and reliably inspected during construction by a qualified Vermont Licensed Designer (or where allowed, the installer) who shall, upon completion and prior to occupancy of the associated building, report in writing to the Drinking Water and Groundwater Protection Division that the installation was accomplished in accordance with the referenced plans and permit conditions, as specifically directed in Condition #1.5 herein.
- 2.2 Each single family residence is approved for a potable water supply using a drilled or percussion bedrock well for a maximum of 490 gallons of water per day provided the supply is located as shown on the stamped plans and meets or exceeds the isolation distances, construction standards, and water quality standards required in the Water Supply Rule. The landowner shall operate the potable water supply in a manner that keeps the supply free from contamination. The landowner shall immediately notify the Division if the water supply system fails to function properly and becomes a "failed supply".
- 2.3 The water source locations as shown on the stamped plans shall be staked out and flagged by a qualified Vermont Licensed Designer prior to any construction on this project with the flagging being maintained until construction is complete.

## **3. WASTEWATER DISPOSAL**

- 3.1 The components of the sanitary wastewater system herein approved shall be routinely and reliably inspected during construction by a Vermont Licensed Designer (or where allowed, the installer) who shall, upon completion and prior to occupancy of the associated building, report in writing to the Drinking Water and Groundwater Protection Division that the installation was accomplished in accordance with the referenced plans and permit conditions, as specifically directed in Condition #1.5 herein.
- 3.2 Each single family residence is approved for the disposal of wastewater in accordance with the design depicted on the stamped plans for a maximum of 490 gallons of wastewater per day and sized for 150 percent of the design flow. Each system shall be operated at all times in a manner that will not permit the discharge of effluent onto the surface of the ground or into the waters of the State. Should the system fail and not qualify for the minor repair or replacement exemption, the current landowner shall engage a qualified Vermont Licensed Designer to evaluate the cause of the failure and to submit an application to this office and receive written approval prior to correcting the failure.
- 3.3 The corners of the proposed primary wastewater disposal areas shall be accurately staked out and flagged prior to construction with the flagging/staking being maintained until construction is complete.
- 3.4 The wastewater systems for this project are approved for domestic type wastewater only except as allowed for water treatment discharges. No discharge of other type process wastewater is permitted unless prior written approval is obtained from the Drinking Water and Groundwater Protection Division.
- 3.5 No buildings, roads, water lines, earthwork, re-grading, excavation or other construction that might interfere with the installation or operation of the wastewater disposal systems are allowed on or near the site-specific wastewater disposal systems depicted on the stamped plans. All isolation distances that are set forth in the Wastewater System and Potable Water Supply Rules shall be adhered to and will be incorporated into the construction and installation of the wastewater disposal fields.

David K. Mears, Commissioner  
Department of Environmental Conservation

By   
Dolores M. Eckert, Assistant Regional Engineer  
Essex Regional Office  
Drinking Water and Groundwater Protection Division

Dated February 28, 2014

cc Underhill Planning Commission  
Michael Gervais

