

# TOWN OF UNDERHILL

## Development Review Board

VRV LIVING TRUST  
SKETCH PLAN REVIEW  
Docket #: DRB-20-10

---

**Applicant(s):** VRV Living Trust  
**Consultant(s):** Barnard & Gervais, LLC  
**Property Location:** 32 Downes Road (DW032)  
**Acreage:** ±19.0 Acres  
**Zoning District(s):** Rural Residential and Soil & Water Conservation

---

**Project Proposal:** Sketch Plan Review of VRV Living Trust for a proposed 2-lot subdivision of property located at the aforementioned address.

---

### 2018 UNDERHILL UNIFIED LAND USE & DEVELOPMENT REGULATIONS RELEVANT REGULATIONS:

- Article II, Table 2.4 – Rural Residential (pg. 15)
  - Article II, Table 2.7 – Soil & Water Conservation (pg. 24)
  - Article III, Section 3.2 – Access (pg. 30)
  - Article III, Section 3.7 – Lot, Yard & Setback Requirements (pg. 36)
  - Article III, Section 3.8 – Nonconforming Lots (pg. 37)
  - Article III, Section 3.13 – Parking, Loading & Service Areas (pg. 42)
  - Article III, Section 3.17 – Source Protection Areas (pg. 53)
  - Article III, Section 3.18 – Steep Slopes (pg. 55)
  - Article III, Section 3.19 – Surface Waters & Wetlands (pg. 62)
  - Article III, Section 3.23 – Water Supply & Wastewater Systems (pg. 66)
  - Article VI – Flood Hazard Area Review (pg. 125)
  - Article VII, Section 7.2 – Applicability (pg. 137)
  - Article VII, Section 7.3 – Sketch Plan Review (pg. 142)
  - Article VIII – Subdivision Standards (pg. 148)
  - Appendix A – Underhill Road, Driveway & Trail Ordinance
- 

### CONTENTS:

- a. Exhibit A - VRV Living Trust Sketch Plan Review Staff Report
- b. Exhibit B - VRV Living Trust (DW032) Sketch Plan Review Meeting Procedures
- c. Exhibit C - Application for Subdivision
- d. Exhibit D - Project Narrative
- e. Exhibit E - DW032 Certificate of Service
- f. Exhibit F - Access Permit A-18-20
- g. Exhibit G - DRB Decision DRB-18-14
- h. Exhibit H - Wastewater Permit WW-4-4978

- i. Exhibit I - Slope Analysis
- j. Exhibit J - Wetland Analysis
- k. Exhibit K - Proposed Subdivision Layout(1)
- l. Exhibit L - Proposed Subdivision Layout(2)

---

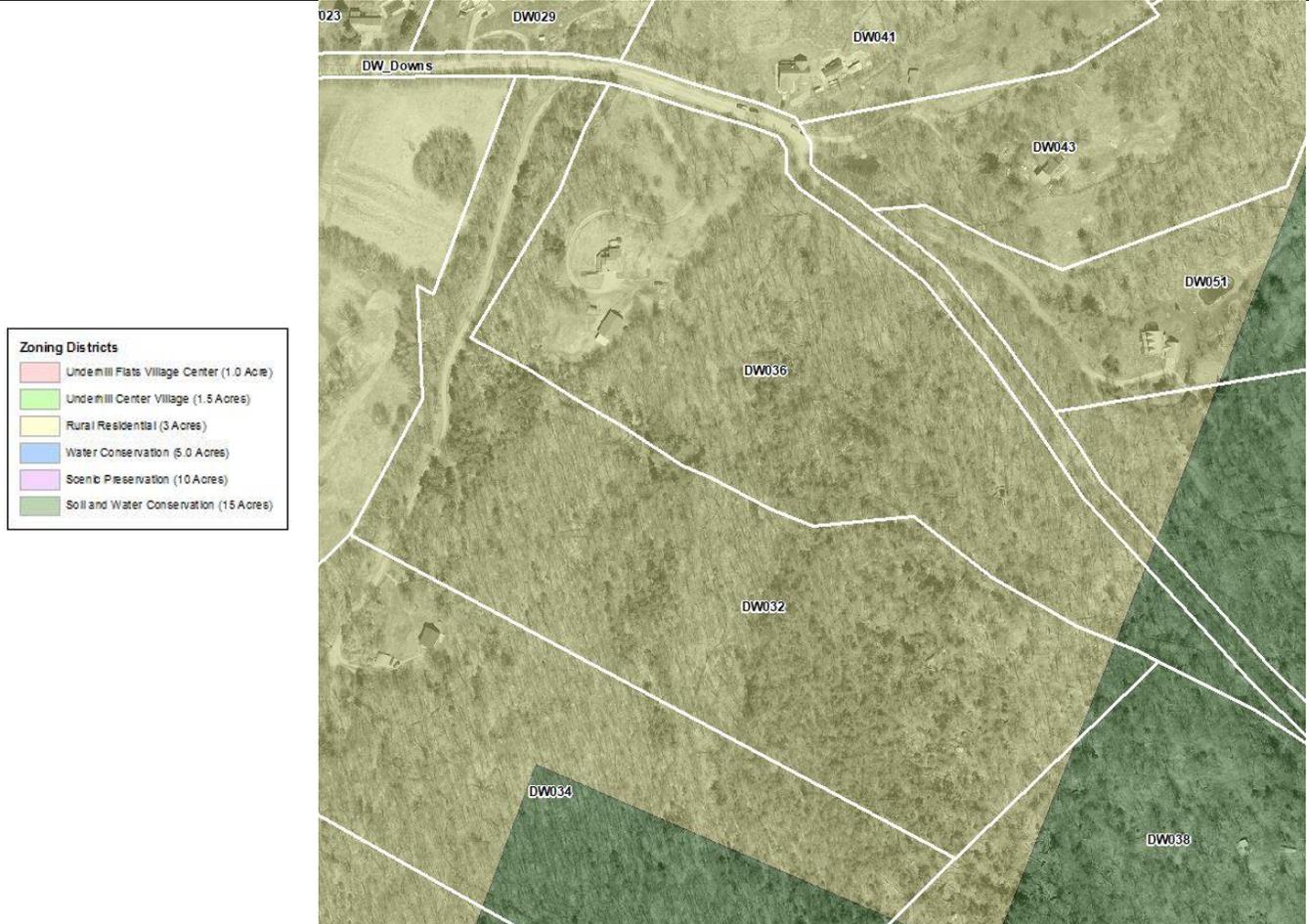
## COMMENTS/QUESTIONS

1. **TABLE 2.4 – RURAL RESIDENT DISTRICT:** The Applicant will need to submit an access permit for the proposed Lot 2, as well as for the widening of Grant’s Landing and segment of the driveway serving Lot 1 & 2.
2. **SECTION 3.2 – ACCESS:**
  - a. The driveway that will serve Lot 2 is currently constructed, but has no obtained certification.
  - b. An Access Permit will be required for the widening of Grant’s Landing from 14 ft. to 20 ft.
  - c. While Grant’s Landing is still considered a private driveway, frontage is potentially an issue.
  - d. Since the Applicant is proposing a two-lot subdivision, frontage can be waived when access involves a shared driveway in accordance with Sections 3.7.F.3.a and 8.6.A.2.a.
  - e. The Board should determine how to apply the frontage regulations prior to the Preliminary & Final Subdivision Review hearings in order to provide guidance to the Applicant.
  - f. The Applicant’s plans depict Grant’s Landing as being on the adjacent property. If that is the case, the Board should consider requiring the Applicant realigning the road.
3. **SECTION 3.7 – LOT, YARD & SETBACK REQUIREMENTS:** The proposed subdivision could potentially fail to satisfy the frontage requirements of the Rural Residential District (Lot 2) and the Soil & Water Conservation District (Lot 1).
4. **SECTION 3.23 – WATER SUPPLY & WASTEWATER SYSTEM:** Another wastewater system & potable water supply design will be required for the additional lot at the time of submitting an application for preliminary subdivision review.
5. **SECTION 8.2.F – LAYOUT:** The subject lot is already irregularly shaped, and therefore, subdividing the lot in a manner that does not perpetuate the irregular-ness is seemingly unavoidable.
6. **SECTION 8.2.G – BUILDING ENVELOPES:** The Applicant has not identified a proposed building envelope, and the Board should consider if they wish to require one prior to the submission of the plans for the preliminary subdivision review hearing.
7. **SECTION 8.2.I – LANDSCAPING & SCREEN:** The Board should consider if any landscaping and screening techniques should be implemented as a part of the subdivision application.
8. **SECTION 8.5 – STORMWATER MANAGEMENT & EROSION CONTROL:** The Board should consider requiring additional information relating to the stormwater and erosion impact from the construction of a second dwelling unit, another proposed driveway, and widening of the driveway and grant’s landing.
9. **SECTION 8.6.A – ACCESS & DRIVEWAY:** The Board should consider if the pre-existing lot not currently containing a residence requires the proposed project to be reviewed under the development road standards and associated frontage requirements..
10. **SECTION 8.7.B – FIRE PROTECTION:** The Applicant shall consider how emergency services will be provided for the proposed Lot 2, as there may be difficulty relating to the configuration of the turnaround area.
11. **SECTION 8.8 – LEGAL REQUIREMENTS:**

- a. The Board should solicit information relating to any Road Maintenance Agreement in place (if one exists), and should one exist, encourage the Applicant to amend it to include the new lot.
  - b. Easements will be required regarding the shared driveway for both proposed lots.
  - c. An easement relating to the wastewater system may be required for both proposed lots.
  - d. Easements relating to stormwater could potentially be required for both proposed lots.
12. **APPENDIX A – ROAD & DRIVEWAY STANDARDS:** The Applicant should provide information relating to the access way at the time of the preliminary subdivision review hearing, at which time Staff will provide a more detailed assessment.
-

# STAFF FINDINGS OF RELEVANT SECTIONS

## ARTICLE II – ZONING DISTRICTS



	Rural Residential	Soil & Water Conservation	Proposed Lot Lot 2	Proposed Lot Lot 1
<b>Lot Size:</b>	3.0 Acres	15.0 Acres	±3.0 Acres	±16.0 Acres
<b>Frontage:</b>	250 ft.	400 ft.	194 ft. (Downes Road) >400 ft. (Grants Landing)	0 ft. (Downes Road) ±260 ft. (Grants Landing)
<b>Setbacks:</b>				
• Front West	30 ft.	30 ft.	TBD	TBD
• Side 1 North	50 ft.	75 ft.	TBD	TBD
• Side 2 South	50 ft.	75 ft.	TBD	TBD
• Rear West	50 ft.	75 ft.	TBD	TBD
<b>Max. Building Coverage:</b>	25%	7%	TBD	TBD
<b>Max. Lot Coverage:</b>	50%	10%	TBD	TBD
<b>Maximum Height:</b>	35 ft.	35 ft.	TBD	TBD

**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 a ±19.0 Acre lot into two lots, which conforms with obtaining medium density development in this district:
  - The proposed Lot 2 will be three (3) acres.
  - The proposed Lot 1 will be 16 acres, and required to be at least 15 acres since a portion of the Soil & Water Conservation District bisects that proposed property.
- Both lots will be served by a shared curb cut on Downes Road, a Class III Road (see Exhibit G).
  - The shared driveway accessing Downes Road is currently and informally identified by the landowners as Grant’s Landing.
    - Since three residences will be accessing the shared driveway, the road name will need to be formally recognized by the Selectboard.
- The Applicant obtained conditional use approval to impact steep slopes from the Board in 2018 (DRB-18-14) (see Exhibit G).
- The Applicant obtained access permit approval from the Selectboard to construct the driveway (A-18-20) (see Exhibit F).
  - The Applicant will need to submit an access permit for the proposed Lot 2, as well as for the widening of Grant’s Landing and segment of the driveway serving Lot 1 & 2.
- The Applicant obtained a building permit to construct a single-family dwelling and a detached garage on the proposed Lot 1 (B-19-39).
- Lot 2 is presumably for a single-family dwelling.

**TABLE 2.7 – SOIL & WATER CONSERVATION**

**PG. 24**

**Purpose Statement:** The Soil & Water Conservation District includes significant headwater and aquifer recharge areas, unique and fragile natural areas, critical wildlife habitat, and mountainsides and ridges characterized by steep slopes and shallow soils. The purpose of the district is to protect Underhill’s more remote and inaccessible forested upload areas from fragmentation, development, and undue environmental disturbance, while allowing for the continuation of traditional uses such as forestry, outdoor recreation and compatible development.

- At this time, no development is proposed in the area depicted as Soil & Water Conservation.
  - The area of the lot located in the Soil & Water Conservation District is also located in an area depicted as Steep Slopes, and therefore, unlikely to be developed.

**ARTICLE III – GENERAL REGULATIONS**

**SECTION 3.2 – ACCESS**

**PG. 30**

- Lots 1 & 2 will be accessed from Downes Road, a Class III portion of Downes Road, via a shared driveway (informally known as Grant’s Landing).
- The driveway that will serve Lot 2 is anticipated to access the driveway approved under Access Permit #: A-18-20 (see Exhibit F).
  - Additional permitting will be required for that driveway.
- The driveway that will serve Lot 1 is currently constructed, but has not obtained certification.
  - This driveway is to serve a single-family dwelling with a detached garage, which were permitted under Building Permit #: B-19-39.

- An access permit will be required for the widening of Grant’s Landing from 14 ft. to 20 ft.
  - A shared maintenance agreement shall be submitted as part of the preliminary subdivision review application.
- While Grant’s Landing is still considered a private driveway, frontage is potentially an issue:
  - The proposed Lot 2 will fail to satisfy the frontage requirement along Downs Road (250 ft.)
    - Note however that the lot’s nonconforming and irregular shape is attributed from the previous subdivision and shape of the lot.
  - The proposed Lot 1 will fail to satisfy the frontage requirement (400 ft. since the lot contains the Soil & Water Conservation District) should frontage be considered along Grant’s Landing.
    - Since the Applicant is proposing a two-lot subdivision, frontage can be waived when access involves a shared driveway (§§ 3.7.F.3.a and 8.6.A.2.a).
- The Board should determine how to apply the frontage regulations prior to the preliminary & final subdivision review hearings in order to provide guidance to the Applicant.
- Grant’s Landing does not satisfies the 12 ft. setback requirement under § 3.2.B.7.
  - The Applicant’s plans depict Grant’s Landing as being on the adjacent property. If that is the case, the Board should consider requiring the Applicant realigning the road.

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

**PG. 36**

- One principal use/structure is expected for both lots – single-family dwellings.
  - Lot 1 was issued a building permit in 2019 (Permit #: B-19-39)
- One principal use/structure is assumed for Lot 2 – a single-family dwelling.
- The proposed subdivision could potentially fail to satisfy the frontage requirements of the Rural Residential District (Lot 2) and the Soil & Water Conservation District (Lot 1).
  - See Section 3.2 above for the frontage related issues.
  - If the proposed lots fail to meet the frontage requirements, a frontage waiver for both lots could potentially be required based on how the Board applies the frontage regulations
    - Frontage may be waived in accordance with §§ 3.7.F.3 a and 8.6.A.2.a if the lots are accessed via a shared driveway serving up to 3 lots.
      - The access way serving the subdivision is informally named Grant’s Landing and currently serves two residences, though a fourth residence will be accessed from this shared driveway should 30 Downes Road be developed in the future..
    - The proposed Lot 2 will access the driveway currently serving the proposed Lot 1.

**SECTION 3.8 – NONCONFORMING LOTS**

**PG. 37**

- The subject lot fails to meet the frontage requirements of the Rural Residential District, as the property is a flag lot – containing ±194 ft. of frontage along Downes Road.
  - Since the subject lot contains an area of the Soil & Water Conservation District, a frontage of 400 ft. is required.
    - Since the lot is served by a shared driveway, frontage may be waived in accordance with §§ 3.7.F.3.a and 8.6.A.2.a.

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

**PG. 42**

- The lot retaining the house presumably satisfies the parking requirement for a single-family dwelling – 2 parking spaces per dwelling.
- The proposed parking area for Lot 1 shall be designed for two parking spaces for assumedly a single-family dwelling.

- Parking requirements for single-family dwellings have been typically verified at the building permit phase of development.

**SECTION 3.17 – SOURCE PROTECTION AREAS**

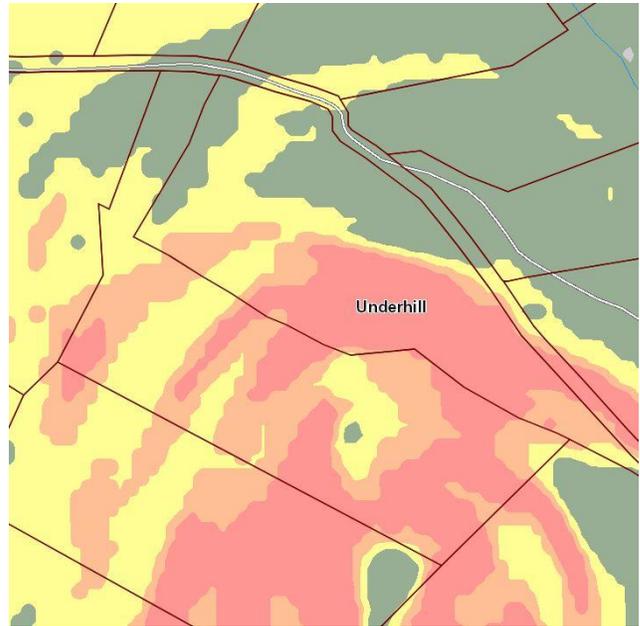
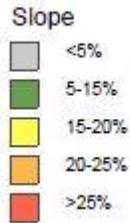
**PG. 53**

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

**SECTION 3.18 – STEEP SLOPES**

**PG. 55**

- Areas of steep slopes (15-25%) and very steep slopes (>25) are present on the existing lot, as depicted by the Agency of Natural Resources.
- In 2018, the Applicant submitted documentation that better defined the steep slopes on the property (see Exhibit I).
  - The proposed dwelling lot on the proposed Lot 2 appears to be an area that does not contain steep slopes; however, the driveway may impact steep slopes, thus requiring review similar to the previous application (see DRB-18-14).
  - The Board performed a similar review relating to the impact to steep slopes for the construction of the existing driveway – see Exhibit G.
- No additional impact other than what has been presented appears to be proposed.



**SECTION 3.19 – SURFACE WATERS & WETLANDS**

**PG. 62**

- The Agency of Natural Resources Atlas website does not depict any areas of wetlands, nor does it depict any surface waters, on the property.
- As part of the previous application, (DRB-18-14) the Applicant submitted documentation illustrating that there were no wetlands in the project area (see Exhibit J).

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

**PG. 66**

- Currently, the subject lot contains a Wastewater System & Potable Water Supply Permit (WW-4-4978; Exhibit H) for a four bedroom, single-family residence with an on-site drilled well and on-site wastewater disposal system.
  - Presumably, this wastewater system is for the single-family dwelling already permitted (B-19-39), and therefore, another wastewater system & potable water supply design will be required for the additional lot at the time of submitting an application for preliminary subdivision review.

**ARTICLE VI – FLOOD HAZARD AREA REVIEW**

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

---

## **ARTICLE VII – SUBDIVISION REVIEW**

---

- SECTION 7.2 – APPLICABILITY** **PG. 137**
- The Applicant is proposing a 2-Lot subdivision that meets the requirements of Section 7.2.E.1.a.
  - Staff recommends that the project be classified as a minor subdivision.

- SECTION 7.3 – SKETCH PLAN REVIEW** **PG. 139**
- See Exhibit D pertaining to the purpose statement for Sketch Plan Review.
  - The Applicant has submitted the necessary materials for the Board to make a decision about the application.

---

## **ARTICLE VIII – SUBDIVISION STANDARDS**

---

- SECTION 8.1 – APPLICABILITY**
- SECTION 8.1.B – REQUEST FOR MORE INFORMATION **PG. 148**
- Technical review is not required at this time.

- SECTION 8.1.C – FINDINGS OF FACT **PG. 148**
- Findings of fact are not required at this stage of the subdivision review process.

- SECTION 8.1.D – MODIFICATIONS & WAIVERS **PG. 148**
- The Applicant has not requested any modifications or waivers at this time.
    - Should the Board find that a frontage waiver will suffice, as the waiver would conform with §§ 3.7.F.3.a and 8.6.A.2.a, a request should be made as part of the preliminary subdivision review application.

- SECTION 8.2 – GENERAL STANDARDS**
- SECTION 8.2.A – DEVELOPMENT SUITABILITY **PG. 149**

- 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.
  - Impact to steep slopes in this area of Town are hard to avoid; however, with further analysis of the area, and as presented in the previous Applicant (DRB-18-14), the Applicant has presented information illustrating that the impact to steep slopes will be, and was, minimized.
- The Applicant has 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. 149**
- The proposed subdivision meets the density requirements of this Section.

- SECTION 8.2.C – EXISTING SITE CONDITIONS **PG. 149**
- The proposed subdivision does not appear to be adverse to any of the existing site features or natural resources listed in this subsection, other than the natural topography and drainage

patterns (§ 8.2.C.1), which was partially addressed in the previous DRB application (See Exhibit G; DRB-18-14).

- See § 3.18 above for more information.

SECTION 8.2.D – UNDERHILL TOWN PLAN & REGULATIONS

PG. 150

- 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. 150

**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.

**Soil & Water Conservation District.**

Subdivisions within the Soil & Water Conservation Districts shall be designed and configured to avoid undue adverse impacts to existing forest resources and environmentally sensitive upland areas, including watersheds and significant wildlife habitat and travel corridors, and to maintain traditional land uses including forestry and outdoor recreation. To the extent physically feasible, fragmentation of productive forest lands and significant wildlife habitat shall be avoided, and lots shall be configured to maintain contiguous tracts of open land between adjoining parcels. Lots created for the purpose of constructing dwellings or other structures in this district shall not result in the development of environmentally sensitive areas identified in the town plan or through site investigation, as specified in Section 8.3.

- The proposed project appears to conform with the Rural Districts settlement patterns outlined in Section 8.2.E.1 (see directly to the left).
- The subject lot contains a small area of Soil & Water Conservation towards the northeast portion of the property; no development is proposed in this area at this time.
  - This area is located in an area containing steep slopes and very steep slopes (see Section 3.18 above), and is unlikely to be developed at this point in time.

SECTION 8.2.F – LAYOUT

PG. 151

- The proposed subdivision appears to conform with the requirements of Subsections 8.2.F.1-8.2.F.3.
  - *NOTE:* as outlined in Sections 3.2 and 3.7 above, frontage could potentially be an issue depending how the Board applies the frontage regulations.
    - In some instances, the proposed subdivision has many of the same issues as presented in the recent Potvin Subdivision Application (DRB-20-01).

- The subject lot is already irregularly shaped, and therefore, subdividing the lot in a manner that does not perpetuate the irregular-ness is seemingly unavoidable.
- Upon subdividing, no more lots can be created (at least under the current iteration of the zoning regulations).

**SECTION 8.2.G – BUILDING ENVELOPES**

**PG. 151**

- The Applicant has not identified a proposed building envelope, and the Board should consider if they wish to require one prior to the submission of the plans for the preliminary subdivision review hearing.

**SECTION 8.2.H – SURVEY MONUMENTS**

**PG. 151**

- No findings.

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

**PG. 151**

- Due to the construction of the driveway (which is to serve the proposed Lot 1), the vegetation surrounding the driveway area has been clear-cut, thereby eliminating the naturally occurring landscape and screening techniques that previously existed.
  - The Board should consider if any landscaping and screening techniques should be implemented as a part of the subdivision application.

**SECTION 8.2.J – ENERGY CONSERVATION**

**PG. 152**

- No findings.

**SECTION 8.3 – NATURAL CULTURAL RESOURCES**

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

**PG. 152**

- 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. 153**

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

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

**PG. 153**

- See Section 3.18 above for more information.

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

**PG. 154**

- A priority level 7 habitat block is located on the existing lot (see directly to the right).
  - Due to the construction of the driveway, the habitat block has been further impacted and does not accurately reflect what is likely the current habitat block.
- The ANR Biofinder has also identified the following priority characteristics:
  - Terrestrial Wildlife Road Crossing (at the intersection of Grant’s Landing and Downes Road)
  - Highest Priority Interior Forest Block (in a similar area as the habitat block identified to the right)



- Highest Priority Connectivity Block (in a similar area as the habitat block identified to the right)
- Representative Physical Landscape Diversity (in a similar area as the habitat block identified to the right)

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

**PG. 155**

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

**SECTION 8.3.F – FARMLAND**

**PG. 155**

- A small area of prime agricultural soils near Grant’s Landing (see directly to the right) exists on the lot, but does not appear as though it will be impacted.



**SECTION 8.3.G - FORESTLAND**

**PG. 156**

- The proposed Lot 2 will be located in an area that was largely cleared in order to construct the driveway approved by the Selectboard (Access Permit #: A-18-20; Exhibit F); and indirectly approved by this Board for the impact to steep slopes (DRB-18-14, Exhibit G).
- Staff is unaware if the proposed development will result in additional forest clearing.

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

**SECTION 8.4.A – OPEN SPACE**

**PG. 157**

- The Applicant is not proposing to designate any land as open space.

**SECTION 8.4.B – COMMON LAND**

**PG. 158**

- The Applicant is not proposing to designate any land as common land.

**SECTION 8.4.C – LEGAL REQUIREMENTS**

**PG. 158**

- No findings.

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

**PG. 158**

- The Board should consider requiring additional information relating to the stormwater and erosion impact from the construction of a second dwelling unit, another proposed driveway, and widening of the driveway and grant’s landing.

**SECTION 8.6 – TRANSPORTATION FACILITIES**

**SECTION 8.6.A – ACCESS & DRIVEWAY**

**PG. 160**

- The proposed Lot 2 will be accessed from the currently existing driveway that serves the proposed Lot 1.
  - The already existing driveway currently connects with Grant’s Landing, which is still considered a driveway since it only serves one completed residence and one residence under construction.
    - Upon the proposal of a fourth residence, Grant’s Landing will formally become a development road.
  - The Board should consider if the pre-existing lot not currently containing a residence requires the proposed project to be reviewed under the development road standards and associated frontage requirements.
- Sections 3.2 and 8.6.A seemingly apply, though Section 8.6.B may apply depending on the Board’s interpretation (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. 161**

- This subsection may not apply; however, if the Board finds that it does, further analysis can be provided during the next phase of the application process.

**SECTION 8.6.C – PARKING FACILITIES** **PG. 162**

- This subsection does not apply.

**SECTION 8.6.D – TRANSIT FACILITIES** **PG. 162**

- This subsection does not apply.

**SECTION 8.6.E – PEDESTRIAN ACCESS** **PG. 162**

- This subsection does not apply.

**SECTION 8.7 – PUBLIC FACILITIES & UTILITIES**

**SECTION 8.7.A – PUBLIC FACILITIES** **PG. 162**

- An undue burden on existing and/or planned public facilities is not anticipated.
- Comments from the Mt. Mansfield Union School District and Road Foreman will be solicited during the Preliminary/Final Subdivision Review process.

**SECTION 8.7.B – FIRE PROTECTION** **PG. 163**

- An undue burden on the Underhill-Jericho Fire Department is not anticipated.
- Comments from the Underhill-Jericho Fire Department will be solicited during the Preliminary/Final Subdivision Review process.
  - The Applicant shall consider how emergency services will be provided for the proposed Lot 2, as there may be difficulty relating to the configuration of the turnaround area.

**SECTION 8.7.C – WATER SYSTEMS** **PG. 163**

- See Section 3.23 Above.

**SECTION 8.7.D – WASTEWATER SYSTEMS** **PG. 163**

- See Section 3.23 Above.

**SECTION 8.7.D – UTILITIES** **PG. 164**

- No findings.

## SECTION 8.8 – LEGAL REQUIREMENTS

PG. 165

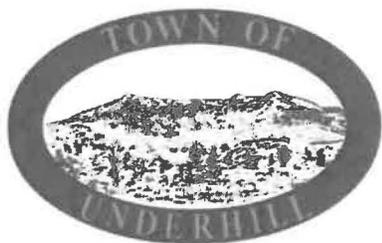
- The Board should solicit information relating to any Road Maintenance Agreement in place (if one exists), and should one exist, encourage the Applicant to amend it to include the new lot.
  - If a Road Maintenance Agreement does not exist, the Board should consider as a conditional of approval the creation of one.
- Easements will be required regarding the shared driveway for both proposed lots.
- An easement relating to the wastewater system may be required for both proposed lots.
- Easements relating to stormwater could potentially be required for both proposed lots.
- The Applicant should submit draft deeds containing any associated easements prior to the Preliminary/Final Subdivision Review hearing.

---

## APPENDIX A – ROAD & DRIVEWAY STANDARDS

---

- The Applicant should provide information relating to the access way for Grant's Landing and the proposed driveway serving Lot 2 at the time of the preliminary subdivision review hearing, at which time Staff will provide a more detailed assessment.
  - Profiles of Grant's Landing and the driveway serving the proposed Lot 2 should be submitted.
- An access permit application shall be submitted at the time of the final subdivision review hearing.



## UNDERHILL DEVELOPMENT REVIEW BOARD

SKETCH PLAN REVIEW  
MEETING PROCEDURES  
Monday, September 21, 2020

---

**Applicant(s):** VRV Living Trust  
**Docket #:** DRB-20-10

---

1. **State the following (Intro):** "This is a sketch plan review meeting pertaining to the application of VRV Living Trust for a proposed 2-lot subdivision of property it owns at 32 Downes Road (DW032) in Underhill, Vermont.

This application is subject to review under the 2011 *Unified Land Use & Development Regulations*, as amended thru March 3, 2020 and the 2015 *Road, Driveway and Trail Ordinance*, as amended December 18, 2018.

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

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

2. **Identify those DRB Members who are present on the Go-To-Meeting hearing.**
3. **Ask the following (Public in Attendance):** "Are there any members of the public in attendance to comment about the application, and if so, can you please identify yourself and state your address for the record? If your mailing address differs from your physical address and wish to receive a copy of the decision, please provide that address as well."
4. **Ask the following (Officials in Attendance):** "Are there any state or municipal representatives present, other than the Planning & Zoning Administrator, and acting in their representative capacities."
5. **State the following (Rules of Procedure & Interested Parties Info Sheet):** "Copies of the Rules of Procedure that the Board follows, as well as an Interested Parties Info Sheet are available to all attendees for review on the Town's website, and can also be obtained from the Planning & Zoning Administrator."
6. **Ask the following (Ex Parte Communications and Conflicts of Interest):** "Are there any conflicts of interest, or have there been any ex parte communications on part of any of the

Board Members?"

7. **State the following (Process):** "In regards to tonight's meeting process, to help alleviate interruptions and allow for an efficient meeting over the remote teleconferencing platform, the Board will hearing from the following parties in the following order:
  - a. The applicant(s) and his or her/their representative(s);
  - b. The Planning & Zoning Administrator, Andrew Strniste;
  - c. Members of the Board in the following order:
    - (1) Shanie Bartlett (if in attendance)
    - (2) Matt Chapek
    - (3) Mark Green
    - (4) Mark Hamelin (if in Attendance)
    - (5) Daniel Lee
    - (6) Karen McKnight
    - (7) Penny Miller
    - (8) Will Towle (if in Attendance)
    - (9) Stacey Turkos
    - (10) Chares Van Winkle
  - d. Members of the public;
  - e. The applicant(s) and his or her/their representative(s) will then have an opportunity to respond;
  - f. Final comments will be solicited from the Planning & Zoning Administrator, members of the public and the applicant(s) and his or her/their representative(s);
  - g. Members of the Board will then have an opportunity to ask final questions or make any final comments."
8. **State the following (Comment & Question Procedures):** "All speakers should address their comments to the Board, and not to other parties present at the meeting. Members of the public are afforded five minute unless by request the a majority of the Board consents to extending the time. The Board may ask questions to anyone in attendance to discuss the application."
9. **State the following (the Record):** "The exhibits submitted as part of this application are available in the VRV Living Trust Sketch Plan Review file (DRB-20-10 / DW032) at the Underhill Planning & Zoning Office by request, and are also available on the Town's website."
10. **State the following (Applicants'/Representatives' Turn):** "At this point we will hear from the applicant(s) and/or his or her/their representative(s)."
11. **State the following (PZA's Turn):** "Next, we will hear from the Planning & Zoning Administrator."
12. **State the following (Boards' Turn):** "Next, we will hear from Board Members:
  - a. Shanie Bartlett (if in attendance)
  - b. Matt Chapek

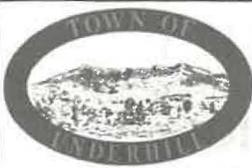
- c. Mark Green
- d. Mark Hamelin (if in Attendance)
- e. Daniel Lee
- f. Karen McKnight
- g. Penny Miller
- h. Will Towle (if in Attendance)
- i. Stacey Turkos
- j. Chares Van Winkle

13. **Ask the following (Publics' Turn):** "We will now take comments from the public who wish speak about the application. Is there anyone who wishes to speak?"
14. **State the following (Applicants'/Representatives' Turn):** "The applicant(s) and/or their representative(s) are now afforded the opportunity to respond to anything they heard in tonight's hearing."
15. **Ask the following (Last Call from Comments/Questions):** "Are there any final comments or questions from the applicant(s) and/or their representative(s), members of the public, the Planning & Zoning Administrator, or any other attendees?"
16. **Ask the following (Final Comments from the Board):** "Are there any final comments or questions from the Board?"
17. **Ask the following (Enough Information):** "Does the Board feel that they have enough information to decide whether the proposed sketch plan has fulfilled the application requirements?"
- 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.]*
18. **Ask the following (Subdivision Classification):** "Does the Board wish to classify the proposed subdivision as Major or Minor? (If the subdivision is classified as minor, the applicant(s) may request a waiver of the Preliminary Hearing requirement. If such is requested, the Board should rule on the waiver request in open session)"
19. **If the Board has enough information, ask the following (Motions):**
- a. *Inquire if the Board wishes to vote to accept or deny the sketch plan review application in open session, and if so, ask for a motion to accept the application.*
  - b. *Inquired if the Board wishes to deliberation in open or closed deliberation. Once chosen, ask for a motion to enter into [insert "open" or "closed" here] deliberation.*
20. **State the following (Boards' Turn):** "Within 15 days from this meeting, the Planning & Zoning Administrator, on behalf of the Development Review Board, will send a letter to the applicant(s) that:

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

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

C



# TOWN OF UNDERHILL

## APPLICATION FOR SUBDIVISION

<p><b>OFFICE USE ONLY</b></p> <p>PROPERTY CODE: <u>DW032</u></p> <p>DRB DOCKET #: <u>DRB-20-01</u></p> <p>MEETING DATE: <u>9/21/2008</u></p>	<p><b>ZONING DISTRICT(S):</b></p> <p><input type="checkbox"/> Underhill Flats Village Center</p> <p><input type="checkbox"/> Underhill Center Village</p> <p><input checked="" type="checkbox"/> Rural Residential</p> <p><input type="checkbox"/> Water Conservation</p> <p><input type="checkbox"/> Mt. Mansfield Scenic Preservation</p> <p><input checked="" type="checkbox"/> Soil &amp; Water Conservation</p>	<p><b>APPLICATION TYPE:</b></p> <p><input checked="" type="checkbox"/> Sketch Plan Review</p> <p><input type="checkbox"/> Preliminary Subdivision Review</p> <p><input type="checkbox"/> Final Subdivision Review</p> <p><input type="checkbox"/> Preliminary &amp; Final Subdivision Review</p> <p><input type="checkbox"/> Subdivision Amendment</p>
--	--	--

<b>PROPERTY OWNER INFORMATION:</b>	<b>Project Information</b>
------------------------------------	----------------------------

**RECORD OWNER OF PROPERTY:**  
VRV Living Trust

**MAILING ADDRESS:**  
Po Box 1088 Jericho VT 05465

**EMAIL ADDRESS:**  
will@vwdev.com

**PHONE NUMBER:**  
802-497-4922

Property Location: 32 Downes Rd  
Underhill, VT 05489

Acreeage in Original Parcel: 19.1 +/- acres

Proposed Number of Lots: 2 Lots

**DESIGNER/ENGINEER INFORMATION:**

**DESIGNER/ENGINEER:**  
Barnard & Gervais LLC

**MAILING ADDRESS:**  
PO Box 820, Enosburg Falls, VT 05450

**EMAIL ADDRESS:**

**PHONE NUMBER:**  
802-933-5168

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

**SURVEYOR INFORMATION:**

**SURVEYOR:**  
tbd

**MAILING ADDRESS:**

**EMAIL ADDRESS:**

**PHONE NUMBER:**

If so, when was the previous subdivision approved?  
Year: \_\_\_\_\_

If known, what was the application number:  
Application Number: \_\_\_\_\_

**DEVELOPER INFORMATION (IF KNOWN):**

**SURVEYOR:**  
VRV Living Trust

**MAILING ADDRESS:**  
see above

**EMAIL ADDRESS:**

**PHONE NUMBER:**

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



# TOWN OF UNDERHILL

## APPLICATION FOR SUBDIVISION

Sketch Plan Application Materials (Only)	Section B (Engineering Plans Requirements)	Section C (Written Materials)
<p>Applicable:  <input checked="" type="checkbox"/> Yes  <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  <input checked="" type="checkbox"/> Sketch of Proposed Subdivision  <input checked="" type="checkbox"/> Project Description  <input type="checkbox"/> Description of Proposed Modifications or Waivers  <input checked="" type="checkbox"/> Application Fee (\$100.00)</p> <p><i>Please Checkoff All Submitted Materials</i></p>	<p>Checklist</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Two Large (to Scale) Copies</li> <li><input type="checkbox"/> Twelve 11" x 17" Copies</li> <li><input type="checkbox"/> Prepared by a Professional Engineer</li> <li><input type="checkbox"/> Date, Including Revision Date(s)</li> <li><input type="checkbox"/> North Arrow, Scale, Legend</li> <li><input type="checkbox"/> Proposed New Lot Lines &amp; New Acreages</li> <li><input type="checkbox"/> Proposed Building Envelopes (including Setbacks)</li> <li><input type="checkbox"/> Extent of Site Clearing &amp; Disturbance</li> <li><input type="checkbox"/> Existing/Proposed Open Space</li> <li><input type="checkbox"/> Existing/Proposed Common Land</li> <li><input type="checkbox"/> Existing/Proposed Building Footprints</li> <li><input type="checkbox"/> Zoning District Boundary</li> <li><input type="checkbox"/> Property Codes of Adjacent Properties</li> <li><input type="checkbox"/> Record Owners of Adjacent Properties</li> <li><input type="checkbox"/> Existing/Proposed Easements</li> <li><input type="checkbox"/> Existing/Proposed Rights-of-Ways</li> <li><input type="checkbox"/> Existing/Proposed Roads</li> <li><input type="checkbox"/> Existing/Proposed Utility Corridors</li> <li><input type="checkbox"/> Locations/Designs of Proposed Water &amp; Wastewater Disposal Systems (including Isolation &amp; Well Shields)</li> <li><input 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.)</li> <li><input type="checkbox"/> Topography Existing Surface Grades /Contours Post-Development Contours/Grades</li> <li><input type="checkbox"/> Existing Outcrops, Ledges, Visually Prominent Ridgelines and Peaks</li> <li><input type="checkbox"/> Surface Waters &amp; Associated Buffers</li> <li><input type="checkbox"/> Wetlands &amp; Associated Buffers</li> <li><input type="checkbox"/> Vernal Pools &amp; Associated Buffers</li> <li><input type="checkbox"/> Mapped Floodplains</li> <li><input type="checkbox"/> Drainage Patterns</li> <li><input type="checkbox"/> Natural Vegetative Cover</li> </ul> <p style="text-align: center;"><u>Where Applicable:</u></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Location &amp; Size of Existing Culverts and Drains</li> <li><input type="checkbox"/> Location &amp; Size of Existing Sewerage Systems &amp; Water Supplies</li> <li><input type="checkbox"/> Existing/Proposed Pedestrian Walkways</li> <li><input type="checkbox"/> Designated Source Protection Areas</li> <li><input type="checkbox"/> Existing or Preserved Forestland</li> <li><input type="checkbox"/> Preserved Natural, Cultural &amp; Historic Features (e.g. Sites &amp; Structures)</li> <li><input type="checkbox"/> Other Unique Topographical or Geographical Features</li> <li><input type="checkbox"/> Areas of Steep or Very Steep Slopes</li> <li><input type="checkbox"/> Primary Agricultural Soils</li> </ul> <p><i>Please Checkoff All Submitted Materials</i></p>	<p>Checklist</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Written Disclosure of Intended Use of Land to be Subdivided</li> <li><input type="checkbox"/> General Plans for Subsequent Development of Land to be Retained by Applicant/Landowner</li> <li><input type="checkbox"/> Written Requests for Modifications or Waivers (including Justifications)</li> <li><input type="checkbox"/> Draft Deeds</li> <li><input type="checkbox"/> Draft Easements</li> <li><input type="checkbox"/> Draft Homeowners Associations</li> <li><input type="checkbox"/> Draft Maintenance Agreements</li> <li><input type="checkbox"/> Snow Removal &amp; Management Plan</li> </ul> <p><i>Please Checkoff All Submitted Materials</i></p>
<b>Requirements for All Other Applications</b>		<b>Section D (Non-Town Related Materials)</b>
<p>Checklist</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Surveys (see Section A)</li> <li><input type="checkbox"/> Engineering Plans (see Section B)</li> <li><input type="checkbox"/> Written Materials (see Section C)</li> <li><input type="checkbox"/> State of VT Materials (see Section D)</li> <li><input type="checkbox"/> Application Fee (see Fee Schedule)</li> </ul> <p><i>Please Checkoff All Submitted Materials</i></p>		<p>Checklist</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Project Review Sheet</li> <li><input type="checkbox"/> Wastewater System &amp; Potable Water Supply Permit (Permit #: _____)</li> <li><input type="checkbox"/> Act 250 Permit (Permit #: _____)</li> <li><input type="checkbox"/> Stormwater/Erosion Permit (Permit #: _____)</li> <li><input type="checkbox"/> Agency of Natural Resources Wetlands Permit (Permit #: _____)</li> <li><input type="checkbox"/> Army Corps of Engineers Permit (Permit #: _____)</li> </ul> <p><i>Please Checkoff All Submitted Materials</i></p>
<b>Section A (Survey Requirements)</b>		<b>Other Required Plans Where Applicable</b>
<p>Checklist</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Two Large (to Scale) Copies</li> <li><input type="checkbox"/> Twelve 11" x 17" Copies</li> <li><input type="checkbox"/> Prepared by a Licensed Surveyor</li> <li><input type="checkbox"/> Date, Including Revision Date(s)</li> <li><input type="checkbox"/> North Arrow</li> <li><input type="checkbox"/> Scale</li> <li><input type="checkbox"/> Legend</li> <li><input type="checkbox"/> Property Codes of Adjacent Properties</li> <li><input type="checkbox"/> Record Owners of Adjacent Properties</li> <li><input type="checkbox"/> Existing/Proposed Easements</li> <li><input type="checkbox"/> Existing/Proposed Rights-of-Ways</li> <li><input type="checkbox"/> Existing/Proposed Roads</li> <li><input type="checkbox"/> Existing/Proposed Utility Corridors Proposed Utility Easements Shall Be Centered On As-Built Utility Lines</li> <li><input type="checkbox"/> Existing/Proposed Open Space Areas</li> <li><input type="checkbox"/> Existing/Proposed Lot Lines with Dimensions</li> <li><input type="checkbox"/> Vicinity Map To Show Area within 2,000 ft. of the Subject Lot Proposed to be Subdivided</li> </ul> <p><i>Please Checkoff All Submitted Materials</i></p>		<p>Checklist</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Outdoor Lighting Plan</li> <li><input type="checkbox"/> Landscaping and Screening Plan</li> <li><input type="checkbox"/> Temporary &amp; Permanent Stormwater Management Plans</li> <li><input type="checkbox"/> Temporary &amp; Permanent Erosion Control Measures/Plans (including Areas Impacted by Downstream Runoff)</li> <li><input type="checkbox"/> Significant Wildlife Habitat Areas &amp; Corridors (including Areas Impacted by Downstream Runoff)</li> <li><input type="checkbox"/> Areas of Rare, Threatened and Endangered Plant and Animal Communities (and Associated Buffers)</li> <li><input type="checkbox"/> Master Plan (if Applicable-see § 8.1.B.1.a)</li> </ul>

APPLICANT SIGNATURE

DATE

8/24/20

RECEIVED

DATE

8/25/2020

VRV Living Trust  
2 Lot Subdivision

Town of Underhill  
Planning & Zoning  
PO Box 120 Underhill VT 05489

Hand Delivered and Emailed

8/24/20

Mr. Andrew Strniste,

This letter will serve as our written disclosure of the intended use of the land to be subdivided and the general plans for the subsequent development of the land to be retained.

The intended use of the land to be subdivided is for the placement of a single family home and the available permitted appurtenances on approximately 3 +/- acres of land to be accessed from the current driveway completed from Grants Landing.

The general plan for the retained lands will continue as the permitted uses through Driveway permit Z-18-02 issued 11/9/18 with driveway completed and the subsequent Building Permit B-19-39 issued on October 3, 2019 with construction underway.

Attached is our sketch plan for the subdivision. We are currently working on the overall septic design and locking in the overall survey so as to meet all the needed requirements of the Town and State.

We will have everything completed for the September 21<sup>st</sup> board meeting and ask that we be added to the agenda.

We respectfully request that the board allow for Sketch Plan and Final Review to take place in one meeting should we meet all of the needed requirements with our final plan.

Sincerely,



Victor Veve  
Trustee  
VRV Living Trust



## 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 2<sup>nd</sup> day of September, 2020 a copy of the following documents were delivered to the below recipients and corresponding addresses by United States first class mail.

Documents:

Notice to abutting neighbors regarding a Sketch Plan Review meeting for a proposed 2-lot subdivision of land located at 32 Downes Road (DW032), Underhill, Vermont, owned by VRV Living Trust.

Recipients and Corresponding Address: \$0.50

✓ **32 Downes Road (DW032)**

VRV Living Trust  
P.O. Box 47  
Cambridge, VT 05444

✓ **20 Downes Road (DW020)**

Robert & Kitty L. Reed  
20 Downes Road  
Underhill, VT 05489

✓ **29 Downes Road (DW029)**

James J. & Shiela J. Corbett  
29 Downes Road  
Underhill, VT 05489

✓ **34 Downes Road (DW034)**

Gordon W. & Renee Grant  
34 Downes Road  
Underhill, VT 05489

✓ **36 Downes Road (DW036)**

Christopher & Megan Martin  
36 Downes Road  
Underhill, VT 05489

✓ **41 Downes Road (DW041)**

Harman & Rhonda Dinwiddie  
41 Downes Road  
Underhill, VT 05489

✓ **80 Downes Road (DW080)**

Robert Jr. & Matthew E. Holstein  
940 Overlook Drive  
Deland, FL 32724

  
\_\_\_\_\_  
Andrew Strijste  
Planning Director & Zoning Administrator  
12 Pleasant Valley Road  
Underhill, VT 05489

Date: 9/02/2020

**EXHIBIT**  
F

<b>TOWN OF UNDERHILL</b>		A18-20
P.O. Box 120 Underhill, VT 05489		
Phone: (802) 899-4434	Fax: (802) 899-2137	

**ACCESS PERMIT APPLICATION**

All access permit applications require review by the Selectboard and Road Foreman.

*80'*  
CHK # 002266 303

ZONING DISTRICT(S): \_\_\_\_\_ PROPERTY CODE: BW 032

FEES: \$50+ recording fees

UFVC   
  Rural Residential   
  Water Conservation   
  Scenic Preservation   
  Soil & Water Conservation

NAME: <u>Victor Vede Ricall II</u>	PROPERTY LOCATION: <u>32 Downes Rd.</u>
MAILING ADDRESS: <u>P.O. Box 47 Cambridge</u>	ACREAGE: <u>19</u>
PHONE: <u>802-373-3977</u>	E-MAIL: <u>VQVwDev.com</u>
CONSULTANT(S): <u>O'Leary Bunke</u>	CONSULTANT CONTACT INFORMATION:

**PLAN REQUIREMENTS (Attach plan to application)**  
 All driveways and private roads must conform to the standards in the Underhill Road Policy. Waiver requests must be submitted at time of application. The plan must include accurate measurements of the following requirements:

- Proposed access on 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

TOWN CLERK'S OFFICE  
 Received AUG 22, 2018 11:45 AM  
 Recorded in VOL: 239 PG: 167 - 169  
 Of Underhill Land Records  
 ATTEST: Sherri Morin, Town Clerk

APPLICANT SIGNATURE 	DATE <u>7/26/18</u>
-------------------------	------------------------

FOR OFFICE USE ONLY

Received by: [Signature] Date: 7/26/18

Road Foreman Inspection

Site Visit Date: 7/30/18 Road Classification (if applicable): Shared Drive

Speed Limit/Average Running Speed (if applicable): \_\_\_\_\_

Sight Distances: Left 292 Right 207

Culvert Required?  No  Yes Size 18" x 30"

Comments, Restrictions, Conditions:

To be Reviewed by the Selectboard (Date) 8/14/17

ACCESS PERMIT #A18 - 20 CONDITIONS

In regard to the Access Permit application of: Victor Veve Ricall LLC for the property at: 32 Downes Road, Underhill, VT, submitted: July 26, 2018.

Current plans (All from July 2018) do not include Stormwater Management considerations or erosion prevention and sediment control planning making a determination on potential drainage impacts to neighboring properties and public infrastructure impossible at this time. In addition input not yet received from Underhill Jericho Fire Department.

The permit is granted subject to the following conditions:

1. The driveway shall be built as shown on drawing(s) entitled 32 Downes Road, Plan Sheet #1 (dated 7/20/18) and Plan Sheet #2 (7/17/18) prepared by O'Leary-Burke Civil Associates, PLC and attached to this permit or by later revised drawings reviewed and approved by the Underhill Development Review Board (DRB).
2. Prior to construction Applicant shall receive approval from the DRB under the Underhill Unified Land Use and Development Regulations, Section 3.18 Steep Slopes. Application requirements under Section 3.18.C, include but are not limited to, a grading plan, a stormwater management plan, erosion prevention and sediment control plan
3. The DRB is acknowledged by the Selectboard as having more experience reviewing environmental considerations associated with construction on steep slopes.
4. After DRB approval, changes in alignment, grade, drainage, use or other features will require either administrative amendment or application to the Selectboard pursuant to the Underhill Road, Driveway and Trail Ordinance adopted February 3, 2015 (the "Road Ordinance").
5. Driveway shall be built according to State Agency of Transportation standard B-71 and all other applicable requirements of the Road Ordinance.
6. Applicant's waiver request (from Road Ordinance, Section 6.4.A.1) to maintain the shared portion of Grant's Landing at a width of 12 feet rather than 14 feet was considered under Road Ordinance Section 5.19.A and approved.
7. At a minimum one 18" x 30' culvert is required in the established ditch line at the new driveway's proposed access on Grant's Landing.
8. Other conditions as identified at Selectboard meeting (if any):

- \_\_\_\_\_
- \_\_\_\_\_

For the Underhill Selectboard:



Date:

8-14-18





1170

N/F  
LANDS OF  
GARY +  
HEIDI  
BRUENING

NEW 12' W

APPROXIMATE BUILDING  
ENVELOPE

JO  
CH  
PEI  
19

WIDEN EXISTING DRIVEWAY AS REQUIRED

APPROVED SEPTIC SYSTEM

EMERGENCY VEHICLE  
TURN AROUND

DRILLED WELL

20x12.83

265'

45' X 12' PULL OFF

45' X 12' PULL OFF

11000

11400

12000

11600

13000

14000

15000

11700

11800

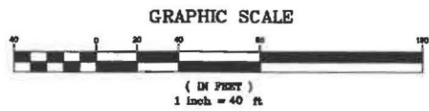
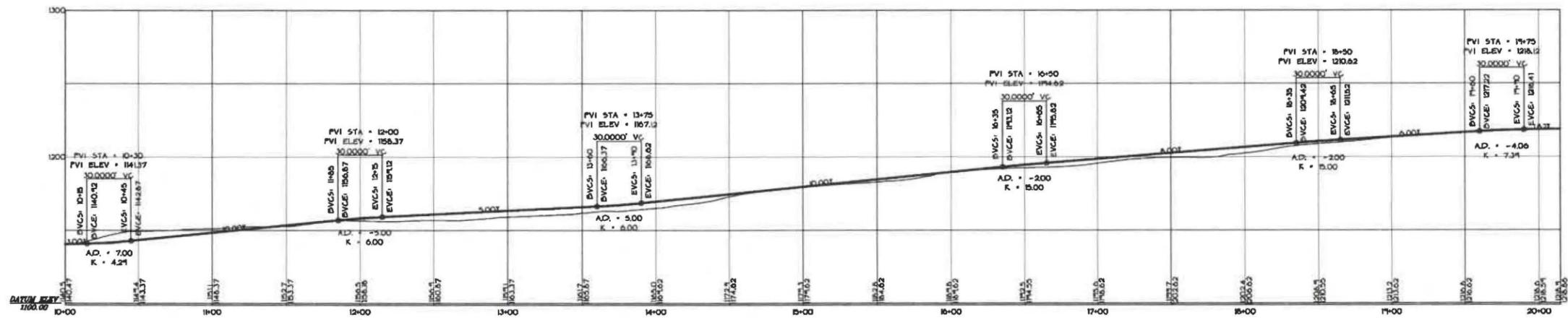
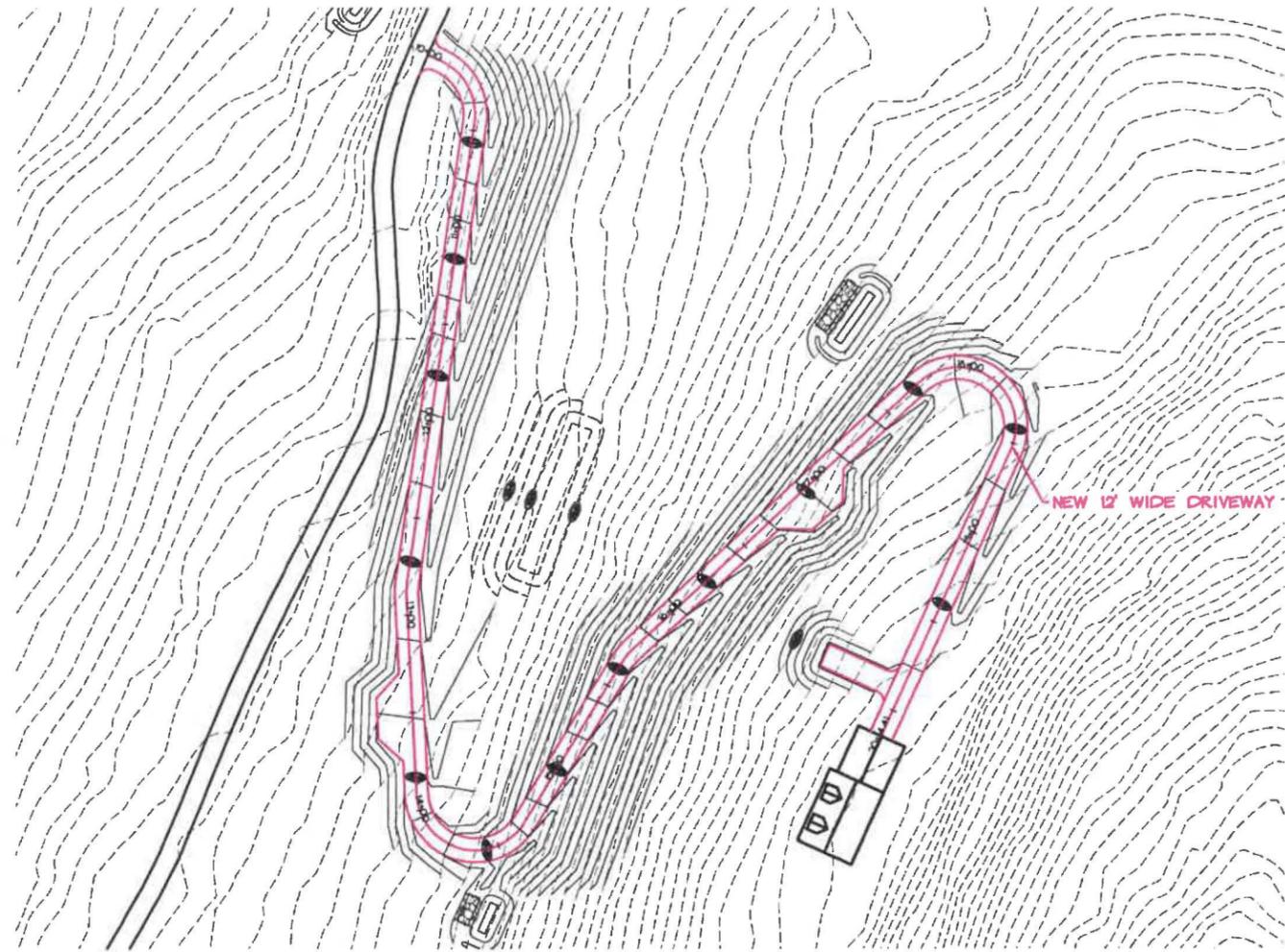
11900

12000

12400

18000

20000



DATE	REVISION	BY
08/23/18	DESIGN	SB
09/18/18	FINAL	SB

<input type="checkbox"/> RECORD DRAWING <input type="checkbox"/> FINAL <input type="checkbox"/> ENGINEER/ARCHITECT <input type="checkbox"/> SURVEY/CONCRETE	<b>O'LEARY-BURKE</b> CIVIL ASSOCIATES, PLC <small>10 CORPORATE DRIVE          FERRIS, VT 05748          PHONE: 802-888-5477          FAX: 802-888-5478          EMAIL: info@olearyburke.com</small>	<b>32 Downes Road</b> Driveway Plan & Profile 2
--	---	---



# Town of Underhill

## Development Review Board

### Conditional Use Review Findings & Decision

---

#### CONDITIONAL USE REVIEW APPLICATION OF VICTOR VEVE TO CONSTRUCT A DRIVEWAY AND IMPACT STEEP SLOPES AND VERY STEEP SLOPES

In re: Victor Veve, d/b/a Rical, LLC  
32 Downs Road (DW032)  
Underhill, VT 05489

Docket No. DRB-18-14

**Decision:** Approved with Conditions (see Section IV for More Details)

#### **I. INTRODUCTION AND PROCEDURAL HISTORY**

This proceeding concerns the conditional use review application of Victor Veve d/b/a Rical, LLC pertaining to the proposed construction of a driveway, which will impact steep slopes and very steep slopes pursuant to the *Underhill Unified Land Use and Development Regulations* (ULUDR) Sections 3.18.B.2, 3.18.D and 3.18.E. The subject property is currently owned by John A. & Cheryl B. Perreault and is located at 32 Downs Road (DW032) in Underhill, Vermont.

- A. On August 20, 2018, the applicant, Victor Veve d/b/a Rical LLC, submitted a conditional use review application for the abovementioned project. The application was accepted and determined to be complete shortly thereafter. A site visit was scheduled for Monday, September 17, 2018 at 5:45 PM, and the hearing was scheduled for Monday, September 17, 2018 at 6:35 PM.
- B. On August 30, 2018, notice of the conditional use review hearing was mailed via Certified Mail to the following property owners adjoining the property subject to the application:
1. DW020 – Robert & Kitty L. Reed, 20 Downs Road, Underhill, VT 05489
  2. DW029 – James J. & Sheila J. Corbett, 29 Downs Road, Underhill, VT 05489
  3. DW034 – Gordon W. & Renee Grant, 34 Downs Road, Underhill, VT 05489
  4. DW036 – Christopher & Megan Martin, 36 Downs Road, Underhill, VT 05489
  5. DW041 – Harman & Rhonda Dinwiddie, 41 Downs Road, Underhill, VT 05489
  6. DW080 – Robert Jr. & Matthew E. Holstein, P.O. Box 284, Jericho, VT 05465
  7. Landowner: DW032 – John A. & Cheryl B. Perrault, 219 Ash Street, Hopkinton, MA 01748
  8. Applicant: Victor Veve, P.O. Box 47, Cambridge, VT 05444
- C. During the week of August 26, 2018, notice of the public hearing for the proposed conditional use review application was posted at the following locations:
1. The Underhill Town Clerk's office;
  2. The Underhill Center Post Office; and
  3. Jacobs & Son Market.

- D. On September 1, 2018, notice of public hearing was published in the *Burlington Free Press*.
- E. The scheduled site visit at the property's location (32 Downs Road, Underhill, Vermont) commenced at 5:45 PM on Monday, September 17, 2018.
- F. Present at the site visit were the following members of the Development Review Board:
  - 1. Board Member, Charles Van Winkle, Chair
  - 2. Board Member, Mark Green
  - 3. Board Member, Penny Miller
  - 4. Board Member Stacey Turkos
  - 5. Board Member, Shanie Bartlett, Alternate
  - 6. Board Member, Mark Hamelin, Alternate

Municipal representatives and members of the public present during the site visit were:

- 7. Planning & Zoning Administrator, Andrew Strniste
  - 8. Applicant: Victor Veve (In re: 32 Downs Road, Underhill, VT)
  - 9. Applicant's Engineer: Paul O'Leary (In re: 32 Downs Road, Underhill, VT)
  - 10. Abutting Neighbor: Robert Reed (20 Downs Road, Underhill, VT)
  - 11. Abutting Neighbor: Kitty L. Reed (20 Downs Road, Underhill, VT)
  - 12. Abutting Neighbor: Sheila J. Corbett (29 Downs Road, Underhill, VT)
  - 13. Abutting Neighbor: James J. Corbett (29 Downs Road, Underhill, VT)
  - 14. Abutting Neighbor: Gordon W. Grant (34 Downs Road, Underhill, VT)
  - 15. Abutting Neighbor: Renee Grant (34 Downs Road, Underhill, VT)
- G. The conditional use review hearing commenced at 6:54 PM on Monday, September 17, 2018 at the Town of Underhill Town Hall, 12 Pleasant Valley Road, Underhill, VT.
  - H. Present at the conditional use review hearing were the following members of the Development Review Board:
    - 1. Board Member, Charles Van Winkle, Chair
    - 2. Board Member, Mark Green
    - 3. Board Member, Penny Miller
    - 4. Board Member, Stacey Turkos
    - 5. Board Member, Shanie Bartlett, Alternate
    - 6. Board Member, Mark Hamelin, Alternate

Also, in attendance was Staff Member Andrew Strniste, Planning Director & Zoning Administrator.

Others present at the hearing were:

- 1. Applicant, Victor Veve (In re: 32 Downs Road, Underhill, VT; Mailing Address: P.O. Box 47, Cambridge, VT)
- 2. Applicant's Engineer, Paul O'Leary (In re: 32 Downs Road, Underhill, VT; Address: 13 Corporate Drive, Essex Junction, VT 05452)
- 3. Abutting Neighbor, Robert Reed (20 Downs Road, Underhill, VT)
- 4. Abutting Neighbor, Kitty Reed (20 Downs Road, Underhill, VT)

5. Abutting Neighbor, Sheila Corbett (29 Downs Road, Underhill, VT)
  6. Abutting Neighbor, James Corbett (29 Downs Road, Underhill, VT)
  7. Abutting Neighbor, Megan Martin (36 Downs Road, Underhill, VT)
  8. Attending Member of the Public: Michael Skinner (Four Seasons Sotheby's International Realty, 550 Hinesburg Road, South Burlington, VT 05403)
- I. At the outset of the hearing, Chairperson Charles Van Winkle explained the criteria under 24 V.S.A § 4465(b) for being considered an "interested party." Those who spoke at the hearing were:
1. Applicant, Victor Veve
  2. Applicant's Engineer, Paul O'Leary
  3. Abutting Neighbor, Robert Reed
  4. Abutting Neighbor, Sheila Corbett
  5. Abutting Neighbor, James Corbett
  6. Abutting Neighbor, Megan Martin
- J. In support of the conditional use review application, the following exhibits were submitted to the Development Review Board:
1. Exhibit A - DW032 - Veve Conditional Use Staff Report
  2. Exhibit B - DW032 Veve Conditional Use Review Hearing Procedures
  3. Exhibit C - Conditional Use & Site Plan Review Hearing Request Application
  4. Exhibit D - Site Plan Review Standards Findings Checklist
  5. Exhibit E - Conditional Use Review Standards Findings Checklist
  6. Exhibit F - BFP Notice of Public Meeting
  7. Exhibit G - Certificate of Service
  8. Exhibit H - Correspondence Regarding Existing Driveway
  9. Exhibit I - Access Permit (A-18-20)
  10. Exhibit J - Site Plan
  11. Exhibit K - Driveway Profile
  12. Exhibit L - Erosion Control Plan
  13. Exhibit M - Details Sheet
  14. Exhibit N - Existing Slopes
  15. Exhibit O - ANR Slopes Map
  16. Exhibit P - Zoning Map
  17. Exhibit Q - Section 3.18 Steep Slopes & Very Steep Slopes

No additional exhibits were distributed to the Development Review Board (hereafter referred to as "Board") prior to the Monday, September 17, 2018 hearing; however, the following exhibits were submitted into the record during the hearing:

18. Exhibit R - Comments from Underhill-Jericho Fire Department
19. Exhibit S - Correspondence from Fitzgerald Environmental Associates, LLC Regarding Wetlands
20. Exhibit T - Map of Wetland Assessment Wetland by Fitzgerald Environmental Associates, LLC

All exhibits are available for public review in the Veve Conditional Use Review file (DW032/DRB 18-14) at the Underhill Zoning & Planning office.

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

The Minutes of the Monday, September 17, 2018 meeting, written by Andrew Strniste, are incorporated by reference into this decision. Please refer to the Minutes for a summary of the testimony.

Based on the submitted application, testimony, exhibits, and evidence, the Development Review Board makes the following findings under the requirements of the 2011 *Underhill Unified Land Use and Development Regulations* (ULUDR) as amended through March 6, 2018:

### ***PROJECT SYNOPSIS***

The applicant, Victor Veve, is seeking conditional use approval to construct a driveway on steep slopes and very steep slopes on property located at 32 Downs Road in Underhill, VT, which is owned by John A. & Cheryl B. Perreault. Since the applicant is proposing to construct a driveway that impacts steep slopes and very steep slopes, conditional use approval under Sections 3.18.B.2, 3.18.D and 3.18.E is required. The property is located within the Rural Residential and Soil & Water Conservation zoning districts as defined under Article II, Tables 2.5 and 2.7 of the ULUDR.

### ***ARTICLE II, ZONING DISTRICTS***

#### **A. ARTICLE II, TABLE 2.5 –RURAL RESIDENTIAL DISTRICT**

The Board finds the proposed project is to construct a driveway that will impact steep slopes and very steep slopes to access a single-family dwelling. Upon completion, the proposed project and single-family dwelling will be consistent with the purpose statement of the Rural Residential District, as the completed residence will access Grant's Landing, which subsequently accesses Downs Road – an existing public road.

The Board also finds that the lot is nonconforming, as the lot fails to meet the frontage requirement of the Rural Residential District of 250 feet (noting that the district that the single-family dwelling is located in establishes the requirements that apply per Section 2.2.E.2) – the lot has approximately 190 feet of frontage.

#### **B. ARTICLE II, TABLE 2.7 – SOIL & WATER CONSERVATION DISTRICT**

The Board finds the subject lot contains an area in the Soil & Water Conservation District, as depicted on the best interpretation of the official zoning map. The Board notes that the applicant is not proposing to impact this area of the property, and therefore, review of the project as it relates to this table is not required. Lastly, the area identified as Soil & Water Conservation could potentially be inaccurately delineated on the unofficial zoning map, and therefore, the Board recommends that the applicant verify the zoning districts as they relate to the subject property for future projects.

### ***ARTICLE III, GENERAL REGULATIONS***

#### **A. SECTION 3.2 – ACCESS**

The Board finds that the applicant obtained an access permit from the Selectboard on Tuesday, August 14, 2018 (Access Permit #: A-18-20) (see Exhibit I). The Selectboard's review was narrowed to the driveway's layout in anticipation of this Board reviewing sediment, erosion and stormwater control measures since the driveway impacts steep slopes and very steep slopes. The Board finds that approval of this application shall not infringe upon any of the conditions enumerated in that access permit. In addition, the Board incorporates by reference the Selectboard's condition of providing a culvert at the intersection of the proposed driveway and

Grant's Landing, as well as expanding the width of the shared portion of the driveway from 12 feet to 14 feet.

The Board finds that the proposed driveway layout will conform with Section 3.2.B, and presumes that the existing shared driveway is built in conformance with the previous subdivision approval. Additionally, the proposed driveway will be located approximately 18 ft. from the north, side property line, which indicates the driveway's closest point to either the side or rear property line. As evidenced in Exhibit K (the driveway profile), the proposed driveway will not exceed a slope of 10% and has depicted multiple 12 ft. by 45 ft. pull-off areas.

**B. SECTION 3.7 – LOT, YARD & SETBACK REQUIREMENTS**

The Board finds that this application pertains to the impact that the proposed driveway will have on steep slopes and very steep slopes. Therefore, assessment of the anticipated single-family dwelling as it relates to yard and setback requirements is not the focus of review. However, as presented, the applicant is proposing to locate a single-family dwelling that will seemingly meet these requirements; in addition, this information will be verified administratively during the building permit review process. As stated under Section 3.2 above, the proposed driveway will satisfy the setback requirements.

However note, the existing lot is considered pre-existing nonconforming, as the lot fails to satisfy the 250 ft. frontage requirement of the Rural Residential District. While the lot fails to meet this dimensional requirement, the applicant can proceed with the proposed project for the reasons explained under Section 3.8, directly below.

**C. SECTION 3.8 – NONCONFORMING LOTS**

The Board finds that the lot being reviewed as part of this application was legally in existence on the effective date of the *Underhill Unified Land Use & Development Regulations* (adopted on March 1, 2011 and amended through March 6, 2018). Therefore, the lot may be developed per Section 3.8.A for the purposes allowed in the district in which the lot is located even though it does not conform to the minimum lot size requirements.

**D. SECTION 3.11 – OUTDOOR LIGHTING**

The Board finds that this application pertains to the impact that the proposed driveway will have on steep slopes and very steep slopes, and as a result, review of the outdoor lighting is not a focus of review. The Board anticipates that the applicant will adhere to the standards provided under this Section, and delegates the authority to determine conformance of the proposed project (and subsequent projects) as it relates to this Section to the Zoning Administrator.

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

The Board finds that this application pertains to the impact that the proposed driveway will have on steep slopes and very steep slopes, and as a result, review of the parking areas is not a focus of review. The Board anticipates that the applicant will adhere to the standards provided under this Section, and delegates the authority to determine conformance of the proposed project (and subsequent projects) as it relates to this Section to the Zoning Administrator.

**F. SECTION 3.14 – PERFORMANCE STANDARDS**

The Board finds that the applicant did not submit the requisite information to satisfy the requirements of Section 3.14; however, the Board finds that the applicant is proposing a use (a single-family dwelling) that is consistent with other uses in the area, and does not anticipate that the applicant's project will cause, create, or result in any of the situations identified in this Section.

**G. SECTION 3.17 – SOURCE PROTECTION AREAS**

The Board finds that the subject lot is not located within a source protection area, and therefore, review and analysis under this Section is not required.

**H. SECTION 3.18 – STEEP SLOPES**

The Board finds that there are areas of steep slopes (15-25%) and very steep slopes (>25%) on the lot. Since the applicant is proposing a driveway that will traverse these slopes (as depicted in Exhibit N), conditional use review is required per Sections 3.18.B.2, 3.18.D and 3.18.E.

Section 3.18.A – Purpose: The Board finds that the applicant has submitted materials illustrating that the proposed project will be consistent with the various purpose statements enumerated in this Subsection.

Section 3.18.B – Applicability: Since the applicant proposes the construction of a driveway that will impact steep slopes and very steep slopes, under Section 3.18.B.2, the Board finds that applicant must adhere to the standards of Section 3.18 since none of the exemptions under Section 3.18.B.1 apply.

Section 3.18.C – Application Requirements: The Board finds that the applicant has submitted the necessary materials as it pertains to the driveway layout, road profile, erosion control measures, and topography to assess the impact on the existing steep slopes and very steep slopes.

Section 3.18.D – Steep Slopes (15% to 25%): The Board finds that the proposed project shall conform to the subsections enumerated within this section:

Section 3.18.D.1 (Untitled): Given the proposed single-family dwelling location, the Board finds that the applicant is proposing a driveway layout on steep slopes and very steep slopes that maintains the existing vegetation and drainage patterns to the maximum extent physically feasible. Through previously created engineered check dams and level spreaders, the applicant proposes to retain the existing drainage patterns and avoid creating new drainage ways or placing additional burden on the existing drainage ways. The Board notes the applicant has conceded that some increase in stormwater volume will likely occur; however, as testified to by the applicant's engineer, the rate of runoff (velocity) will remain the same, which would be more impactful since the rate of runoff relates to the rate of erosion.

Section 3.18.D.2 (Untitled): The applicant has informed the Board that he plans to minimize site disturbance, which the Board finds is reflected in the submitted plans. While the driveway layout includes two switchbacks, the Board finds these switchbacks are necessary in order to access the plateau on which the applicant plans to construct the single-family dwelling. The applicant has submitted the necessary materials demonstrating that the site will be stabilized and re-vegetated at the completion of construction. During construction, the applicant is responsible for conducting an inspection after rain events that are greater than or equal to 0.2 inches. The applicant is also responsible for immediately notifying the Zoning Administrator if any unplanned impacts have occurred relative to the driveway construction or stormwater collection. The applicant shall also update the plans in accordance to the information presented at the hearing – Level Spreader #2 located west of Grant's Landing (the shared driveway) is to be relocated east of Grant's Landing onto the subject property.

Additionally, the Board finds that the applicant has satisfied the requirements enumerated in

this subsection:

- a. The areas of site disturbance are anticipated to exclude ridgelines;
- b. The large majority of site disturbance will be located outside of required setback areas. The Board waives the site disturbance setback requirement along the north, side property line where the proposed driveway accesses Grant's Landing (the shared driveway), as well as the switchback nearest the north, side property line, per Section 3.18.B.2;
- c. The Board finds that all areas of site disturbance and construction shall be clearly marked on the ground during all phases of construction;
- d. If feasible, the Board finds that site disturbance and construction shall be phased so that only those areas under active construction are exposed;
- e. The applicant shall stockpile and stabilize (not to exceed slopes greater than 10%) topsoil removed from disturbed areas for replacement on the site following final construction and grading;
- f. The Board finds that measures will be taken to stabilize slopes and soils until final grades are established;
- g. Site stabilization measures shall be installed prior to October 15. No site disturbance or construction shall occur between October 15 and April 15 since no specific measures for winter construction were submitted for review by this Board;
- h. The Board finds that the finished grades shall not exceed 3:1; and
- i. The Board finds that permanent vegetation will be re-established and maintained following final construction and grading in accordance with this subsection.

Section 3.18.D.3 (Untitled): The Board finds that the proposed driveway will follow the natural elevation contours; avoid known outcrops and ledges larger than 200 square feet in area; not cross any streams or buffer areas; avoids the channeling and directing of stormwater runoff onto adjoining properties, public rights-of-way, and surface waters and wetlands; and will not exceed an average finished grade over 10%.

Section 3.18.D.4 (Untitled): Since the applicant is not proposing to build the single-family dwelling on a steep slope, review under this Subsection is not required.

Section 3.18.D.5 (Untitled): The Board finds that the stormwater and erosion measures presented during the hearing satisfactory.

Section 3.18.E – Very Steep Slopes (>25%): While site disturbance and development, including the installation of driveways, on very steep slopes are normally prohibited, the Board finds that the applicant has submit the plans illustrating that the applicant satisfies the exemption under Section 3.18.E.d, which permits the construction of a driveway to serve a proposed development that extends no more than 100 feet into an area of very steep slope. The Board finds that the proposed layout presents the most manageable and least offensive approach to access the proposed location of the single-family dwelling.

Section 3.18.F – Considerations: The Board has included any preferred considerations enumerated under this subsection of the *Underhill Unified Land Use & Development Regulations* under Section IV of this decision.

**I. SECTION 3.19 – SURFACE WATERS & WETLANDS**

The Board finds that the Agency of Natural Resources has not, nor has the applicant, identified any surface waters on the lot. Additionally, the applicant has submitted documentation illustrating that there are no known wetlands in the project location (see Exhibit T). Therefore, review under this Section is not required.

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

The Board finds that this application pertains to the impact that the proposed driveway will have on steep slopes and very steep slopes, and as a result, review of the water supply and wastewater systems is not a focus of review. Nevertheless, the Board finds that the landowners have obtained a wastewater permit from the State of Vermont, Department of Environmental Conservation approving a mound system and drilled well (see WW Permit #: WW-4-4978) allowing a four-bedroom, single-family dwelling.

**ARTICLE V, DEVELOPMENT REVIEW**

**A. SECTION 5.1 – APPLICABILITY**

The Board finds that conditional use review is required per Section 3.18.B.2 and is to be reviewed in relation to Sections 3.18D and 3.18.E. As part of Section 5.4.C of the *Unified Land Use & Development Regulations*, when considering conditional use review applications, the Board shall apply all of the site plan review standards under Section 5.3.

**B. SECTION 5.3 – SITE PLAN REVIEW**

Section 5.3.A – Purpose: The Board finds that site plan review is required as part of conditional use review per Section 5.4.C.

Section 5.3.B – Standards: The Board has considered this section’s standards and issues the following comments and/or imposes the following safeguards, modifications, and conditions:

Section 5.3.B.1 – Existing Site Features:

The Board finds that the proposed driveway will traverse an area of steep slopes (15%-25%) and very steep slopes (>25%). The Board finds that the proposed driveway incorporates and avoids undue adverse impacts to known significant natural, historic and scenic resources identified in the Underhill Town Plan, maps and related inventories, in addition to other enumerated items listed under Subsection a. The Board finds that none of the mitigation techniques identified in Subsection b are required.

Section 5.3.B.2 – Site Layout & Design: The Board finds that the proposed driveway and intended single-family dwelling satisfy, and are not contrary to, the purpose and stated goals under Subsection b, Rural Residential and Water Conservation District. As stated above, the proposed project minimizes to the extent physically feasible, encroachments on open fields and prominent ridgelines or hilltops, and is oriented and designed in a manner that is compatible with the residential character and scale of adjoining development within the Downs Road area.

Section 5.3.B.3 – Vehicle Access: The Board finds that the applicant is proposing to access Grant’s Landing (the driveway currently serving 34 Downs Road), which bisects the subject property – 32 Downs Road. Staff finds that the proposed project is consistent with the requirements of this subsection.

Section 5.3.B.4 – Parking, Loading & Service Areas: See Section 3.13 above.

Section 5.3.B.5 – Site Circulation: The Board finds that this application pertains to the impact that the proposed driveway will have on steep slopes and very steep slopes, and as a result, review of the site circulation is not a focus of review. Therefore, the Board makes no finding regarding this subsection.

Section 5.3.B.6 – Landscaping and Screening: The Board finds that this application pertains to the impact that the proposed driveway will have on steep slopes and very steep slopes, and as a result, review of the landscaping and screening is not a focus of review. Nevertheless, the Board finds that landscaping and screening techniques to be implemented will be consistent with those of a single-family dwelling.

Section 5.3.B.7 – Outdoor Lighting: See Section 3.11 above for more information.

Section 5.3.B.8 – Stormwater Management and Erosion Control: The Board finds that the applicant has submitted several site plans pertaining to stormwater management, erosion control and sediment control measures that either satisfies or exceeds the requirements of this Subsection (see Exhibits J-N).

**C. SECTION 5.4 – CONDITIONAL USE REVIEW**

Section 5.4.A – Purpose: The Board finds that conditional use review is required per Section 3.18.B.2, which requires conditional use approval for construction that impacts steep slopes (15% to 25%) and very steep slopes (>25%). The Board finds that the conditions imposed herein address the identified potential impacts, as well as help reduce, avoid, or mitigate those impacts.

Section 5.4.B – General Standards: The Board finds that the conditions imposed herein will likely mitigate any potential undue adverse effects.

Section 5.4.B.1 – The Capacity of Existing or Planned Community Services or Facilities: The Board finds that the construction of the driveway, thus allowing access to an intended single-family dwelling on the pre-existing lot, is not expected to change or increase the anticipated demand of community services and facilities, as the lot has already been approved as part of a previous subdivision application.

Section 5.4.B.2 – The Character of the Area Affected: The Board finds that the proposed construction of the driveway will not affect the character of the area, as the proposed driveway will serve a single-family dwelling in an area that is largely, if not all, single-family dwellings.

Section 5.4.B.3 – Traffic on Roads and Highways in the Vicinity: The Board finds that the proposed construction of the driveway, thus allowing access to an intended single-family dwelling on the pre-existing lot, is not expected to significantly change or increase the anticipated traffic on roads and highways in the vicinity, as the lot has already been approved as part of a previous subdivision application.

Section 5.4.B.4 – Bylaws in Effect: The Board finds that, by approving this application, the proposed project and associate lot is in conformance with the regulations in effect at the time of this approval.

Section 5.4.B.5 – The Utilization of Renewable Energy Resources: The Board finds that the proposed dwelling will not interfere with any sustainable use of renewable energy resources.

Section 5.4.C – Site Plan Review Standards: The Board finds that site plan review is required as a part of conditional use review. Analysis can be found under Section 5.3 above.

Section 5.4.D – Specific Standards: The Board finds that it may consider the Subsections 5.4.D.1 through 5.4.D.4 and impose conditions as necessary to reduce or mitigate any identified adverse impacts of a proposed development.

Section 5.4.D.1 – Conformance with the Town Plan: The Board finds that the proposed driveway to serve the intended single-family dwelling is consistent with the Town Plan.

Section 5.4.D.2 – Zoning District & Use Standards: The Board finds that the proposed driveway to serve the intended single-family dwelling conforms with the zoning districts and use standards as outlined above upon approval by this Board.

Section 5.4.D.3 – Performance Standards: See Section 3.14 above.

Section 5.4.D.4 – Legal Documentation: The Board finds that this Section does not apply.

**D. SECTION 5.5 – WAIVERS & VARIANCES**

The Board finds that the applicant has not asked for any waivers. In addition, any waivers granted by this Board are enumerated in this decision herein and outlined below under Section III of this decision. The Board finds that Section 5.5.B, in regards to dimensional waivers, and Section 5.5.C, in regard to variances, does not apply.

***ARTICLE VI, FLOOD HAZARD AREA REVIEW***

The Board finds that there are no Special Flood Hazard Areas, as illustrated on the requisite Flood Insurance Rate Maps, present on the lot, and therefore, review under Article VI is not required.

***ARTICLE X, SPECIFIC USE STANDARDS***

**A. SECTION 10.3 – ZONING PERMITS**

Section 10.3.D – Effective Dates and Permit Renewals: The Board finds that the applicant shall complete the driveway within one year of this approval in accordance with Subsections 10.3.D.1 & 10.3.D.2 below.

SECTION 10.3.D.1 – ZONING PERMITS: The Board finds that the permit issued as part of this decision will remain in effect for one year from the date of issuance. The applicant must substantially commence the permit within one year or the permit will become null and void. “Substantially commence” entails “initial site preparation; the installation of an access; and the installation of a foundation, water and/or wastewater system on-site.” (See Article XI for definition of “Substantially Commenced”)

*Note:* under Section 3.1.C, should the owner of a structure that is substantially incomplete at the time the zoning permit expires, the owner of that structure shall either: 1) apply for a zoning permit – in this case submit a new conditional use review application (see directly below) – or apply for a permit extension under Section 10.3; or 2) remove all materials from

the site, restore the site to surface grade, and establish ground cover sufficient to prevent soil erosion.

**SECTION 10.3.D.2 – DRB APPROVALS:** The Board finds that conditional use approvals expire with the expiration of the zoning permit, and may only be extended as provided under Section 10.3.D.1 (not explicitly provided above). Once the approved uses or structures are established, the conditional use approval will remain in effect and run with the land. The Board finds that the applicant shall establish the uses within 12 months (1 year or 9 October, 2019) of the approval date of this decision (9 October, 2018).

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

The Board grants the following waivers/modifications:

- The Board waives the site disturbance setback requirement along the north, side property line where the proposed driveway accesses Grant's Landing (the shared driveway), as well as the switchback nearest the north, side property line, per Section 3.18.B.2. The applicant may only encroach upon the setback to the limits as portrayed on the submitted site plans (see Exhibits J - N) and presented during the hearing. Any deviation from the project presented as part of this application may require additional review by this Board (see delegation clause below - § IV.14).
- The applicant, or subsequent landowner(s), are/is not required to come before the Board for the construction of any buildings, out buildings, ancillary buildings, or accessory buildings, which would typically be required for any projects obtaining site plan review approval; instead the application for a building permit for those abovementioned buildings can be administratively reviewed and approved. However, those structures must conform to the Regulations in effect at the time of the proposed projects.

### **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 *Underhill Land Use & Development Regulations* and concludes that based on the evidence submitted and the above findings, the proposed driveway will generally conform to the aforementioned Regulations.

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

1. The Board requires the project to be constructed in accordance with the drawing set submitted as part of the review process and as amended accordingly to address the requirements herein, listed as follows:
  - a. 40-Scale Driveway Plan (Prepared by O'Leary-Burke Civil Associates, PLC and Dated August 27, 2018), to be subsequently amended as required as part of this approval;
  - b. Driveway Plan & Profile (Prepared by O'Leary-Burke Civil Associates, PLC and Dated August 27, 2018), to be subsequently amended as required as part of this approval;
  - c. Erosion Control Plan (Prepared by O'Leary-Burke Civil Associates, PLC and Dated August 27, 2018), to be subsequently amended as required as part of this approval;

- d. Detail Sheet (Prepared by O'Leary-Burke Civil Associates, PLC and Dated August 27, 2018), to be subsequently amended as required as part of this approval; and
  - e. 40-Scale Existing Slopes (Prepared by O'Leary-Burke Civil Associates, PLC and Dated August 27, 2018), to be subsequently amended as required as part of this approval.
2. The Board requires the applicant to submit two full scale, and two 11 inch by 17 inch copies, as well as digital copies, of the plans listed under Condition 1 above to the Zoning Administrator upon updating, prior to submitting a building permit application, to be filed in the zoning file accordingly.
  3. The Board finds that that the applicant shall update the plans in accordance to the information presented at the hearing – that level spreader #2 located west of Grant's Landing (the shared driveway) be relocated to the east of Grant's Landing onto the subject property. The Board further requires the applicant provide stormwater calculations using the existing culvert crossing Grants Landing as a study point and verify the following:
    - a. Establish a baseline "pre development" stormwater rate of runoff calculation at the study point.
    - b. Verify the culvert crossing Grants Landing at the study point is of adequate size and hydraulic gradient to accommodate the pre development runoff calculated as part of section 3.a above. If not specify correct size.
    - c. Ensure via level spreader or other stormwater attenuation device that post development rates of stormwater runoff do not exceed the pre development rates.
  4. Verify 3 a, b & c above by submitting calculations documenting said conclusions. The Board finds that the applicant shall update the plans to depict the culvert at the intersection of the proposed driveway and Grant's Landing (the shared driveway), which will run parallel to Grant's Landing.
  5. Applicant shall be held responsible to ensure Downs Road can accommodate the additional volume of water expected by the development. Applicant shall be responsible for any required ditching along the south side of Downs road from Grants Landing to the Reed property access at 20 Downs Road.
  6. The Board incorporates by reference the Selectboard's condition of providing a culvert at the intersection of the proposed driveway and Grant's Landing, as well as expanding the width of the shared portion of the driveway from 12 feet to 14 feet.
  7. During construction, the applicant is responsible for conducting an inspection after rain events that are greater than or equal to 0.2 inches.
  8. In accordance with Section 3.18.D.2.c, the Board finds that all areas of site disturbance and construction shall be clearly marked on the ground during all phases of construction;
  9. In accordance with Section 3.18.D.2.d, if feasible, the Board finds that site disturbance and construction shall be phased so that only those areas under active construction are exposed;
  10. In accordance with Section 3.18.D.2.e, the applicant shall stockpile and stabilized (not to exceed slopes greater than 10%) topsoil removed from disturbed areas for replacement on the site following final construction and grading;
  11. In accordance with Section 3.18.D.2.g, Site stabilization measures shall be installed prior to October 15. No site disturbance or construction shall occur between October 15 and April 15 since no specific measures for winter construction were submitted for review by this Board;
  12. The Board finds that any outdoor lighting that is added as part of this proposed project shall be

downward facing and shielded.

13. Prior to the issuance of a Certificate of Occupancy, the applicant shall provide a certification letter from a Vermont Licensed Professional Engineer or qualified consultant indicating that the driveway and stormwater management infrastructure have been constructed according to what was proposed as part of this review.
14. Delegation of authority. The Board hereby delegates authority to the Zoning Administrator regarding the fulfillment of the proposed project. The Board empowers the Zoning Administrator to act on behalf of the Board regarding any proposed changes in the approval or proposed design. These changes are not limited in scope, but are left to the discretion of the Zoning Administrator on when to defer changes or modifications to the Board.
15. The Board also hereby delegates authority to the Zoning Administrator to renew the approval should the project not begin substantial construction within the initial permit year.

Dated at Underhill, Vermont this 9<sup>th</sup> day of October, 2018.

*Charles Van Winkle*

---

Development Review Board Member, Charles Van Winkle, Chair

NOTICE: This decision may be appealed to the Vermont Environment Court by an interested person who participated in the proceedings before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings. Appeal period ends 9 November, 2018.

**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

**Landowners: John A. & Cheryl B. Perreault**  
**219 Ash Street**  
**Hopkington MA 01748**

**Permit Number: WW-4-4978**

This permit affects the following properties in the Town of Underhill, Vermont:

<i><b>Lot</b></i>	<i><b>Parcel</b></i>	<i><b>SPAN</b></i>	<i><b>Acres</b></i>	<i><b>Book/Page#'s</b></i>
<b>1</b>	<i>DW032</i>	<i>660-209-10174</i>	<i>19.00</i>	<i>Book:61 Page:407</i>

This project, consisting of a four bedroom, single family residence on an existing, 19.00 acre parcel utilizing an individual, on-site drilled well water supply and individual, on-site wastewater disposal system, located off Downes Road in the Town of 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 Barnard & Gervais, LLC (Jason S. Barnard), with the stamped plans listed as follows:

<i><b>Title</b></i>	<i><b>Sheet Number</b></i>	<i><b>Plan Date</b></i>
<i><b>Site Plan</b></i>	<i>S-1</i>	<i>12-15-2017</i>
<i><b>Wastewater Details and Notes</b></i>	<i>D-1</i>	<i>12-15-2017</i>

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 Town of 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 Town of 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 The lot is approved for the construction of one, four bedroom single family residence. No alterations to the existing building other than those indicated in this permit that would change or affect the water supply or wastewater system shall be allowed without prior approval by the Drinking Water and Groundwater Protection Division. Construction of additional nonexempt buildings including commercial and residential buildings is not allowed without prior permitting by the Drinking Water and Groundwater Protection Division and such permit may 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 plan(s), if applicable, 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 lot is approved for a potable water supply using a drilled or percussion bedrock well for **490 gallons** of water per day provided the supply is located as shown on the stamped plan(s) 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".
- 2.2 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.
- 2.3 The potable water source location as shown on the stamped plan(s) 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 lot is approved for the disposal of wastewater in accordance with the design depicted on the stamped plan(s) for **490 gallons** of wastewater per day. The system(s) 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.
- 3.2 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.
- 3.3 The corners of the proposed primary wastewater area(s) shall be accurately staked out and flagged prior to construction with the flagging/staking being maintained until construction is complete.
- 3.4 The lot is approved for a mound wastewater system provided the mound is constructed in strict accordance with the following conditions:
  - a. The mound system is to be located and constructed as depicted on the plans that have been stamped by the Drinking Water and Groundwater Protection Division.
  - b. A qualified Vermont Licensed Designer shall inspect the mound system during critical stages of construction. This shall include the staking of the location of the mound, ensuring the site has been properly plowed prior to placement of the appropriate sand fill, the installation and testing of the distribution piping, final grading of the mound including side slopes, and pump station installation.

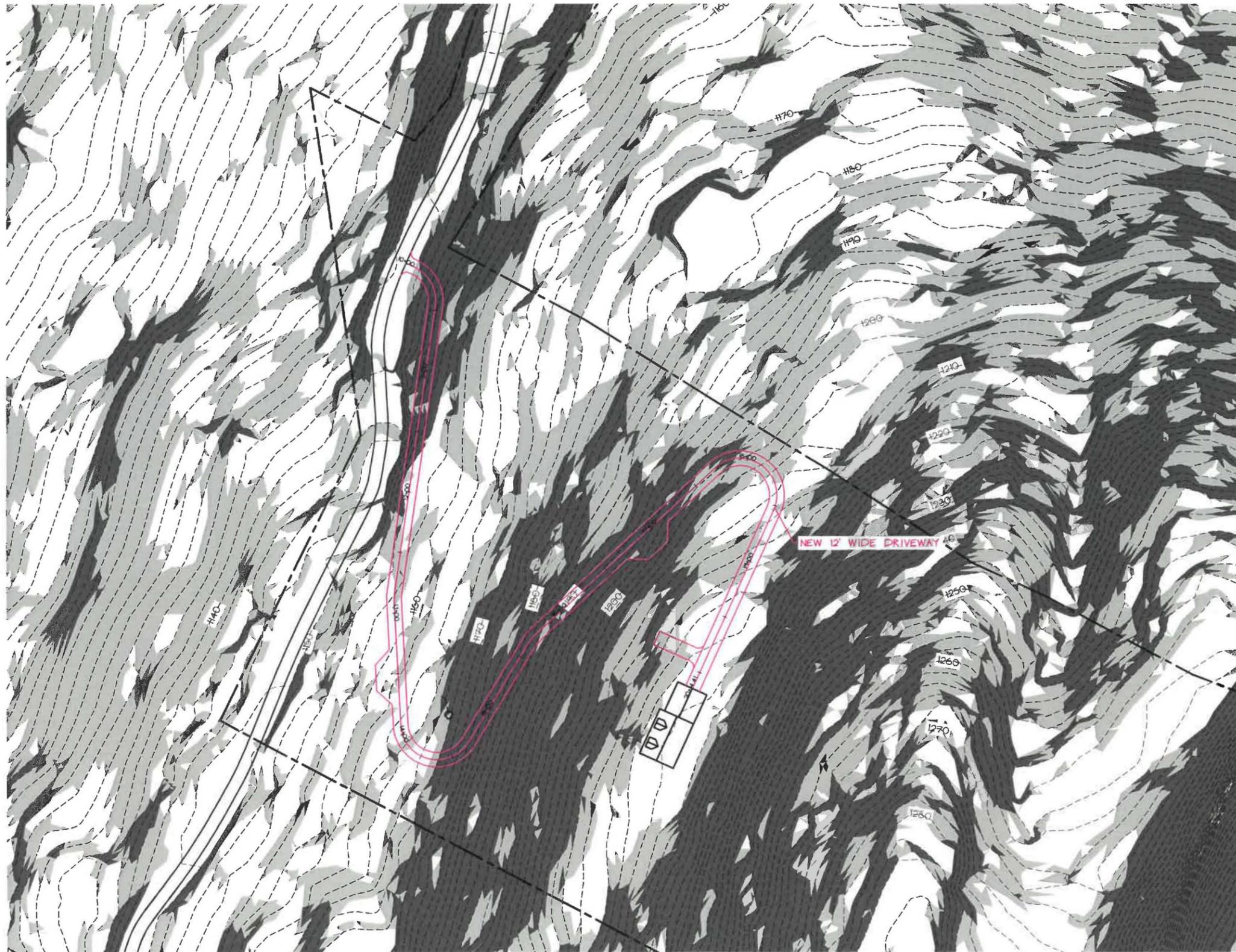
- c. The construction of the mound shall adhere to the guidelines set forth in Section 1-913(f) of the above referenced rules.
  - d. Upon completion of construction, and prior to occupancy of any structure being served by the mound system, the inspecting consultant shall submit to the Drinking Water and Groundwater Protection Division a written certification stating the construction has been completed in accordance with the stamped plans and the permit.
- 3.5 A qualified Vermont Licensed Designer shall inspect the installation of the curtain drain during critical stages of construction and shall submit a written certification stating the construction has been completed in accordance with the stamped plans and the permit.
- 3.6 The wastewater system for this project is 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.
- 3.7 No buildings, roads, water lines, earthwork, re-grading, excavation or other construction that might interfere with the installation or operation of the wastewater systems are allowed on or near the site-specific wastewater system or replacement area 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 system.

Emily Boedecker, Commissioner  
Department of Environmental Conservation

Dated January 22, 2018

By   
William Zabiloski  
Assistant Regional Engineer  
Essex Junction Regional Office  
Drinking Water and Groundwater Protection Division

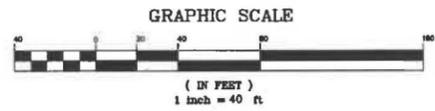
cc: Barnard & Gervais, LLC  
Town of Underhill Planning Commission



### Legend

- PROJECT BOUNDARY
- PROPOSED PROPERTY LINE
- OTHER PROPERTY LINE
- SETBACK
- SIDELINE OF EASEMENT
- CONTOUR LINE ( U.S.S. DATUM )
- PROPOSED FINISH GRADE CONTOUR
- EDGE OF WOODED AREA
- EXISTING SEWERLINE
- EXISTING WATERLINE
- EXISTING NATURAL GASLINE
- EXISTING/PROPOSED HYDRANT
- SOIL TYPE + BOUNDARY
- PROPOSED LIGHTS
- 15-25% SLOPE
- >25% SLOPE

[ NOTE - PROPOSED UTILITIES ARE SHOWN AS A SOLID LINE ]

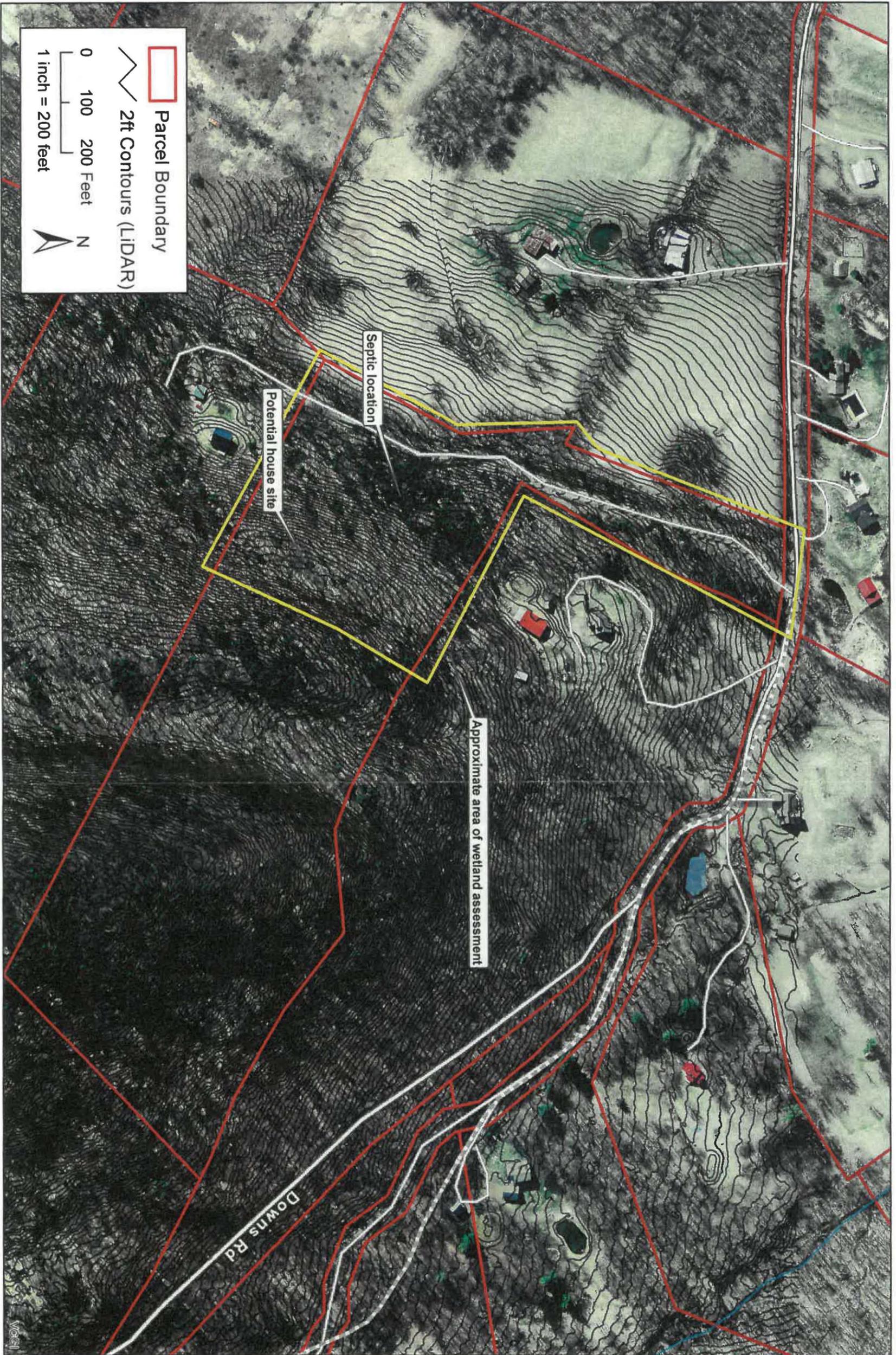


DATE	REVISION	BY
08/18/20	DESIGN	239
08/18/20	DRAWN	239
08/18/20	CHECKED	239
08/18/20	SCALE	1"=40'

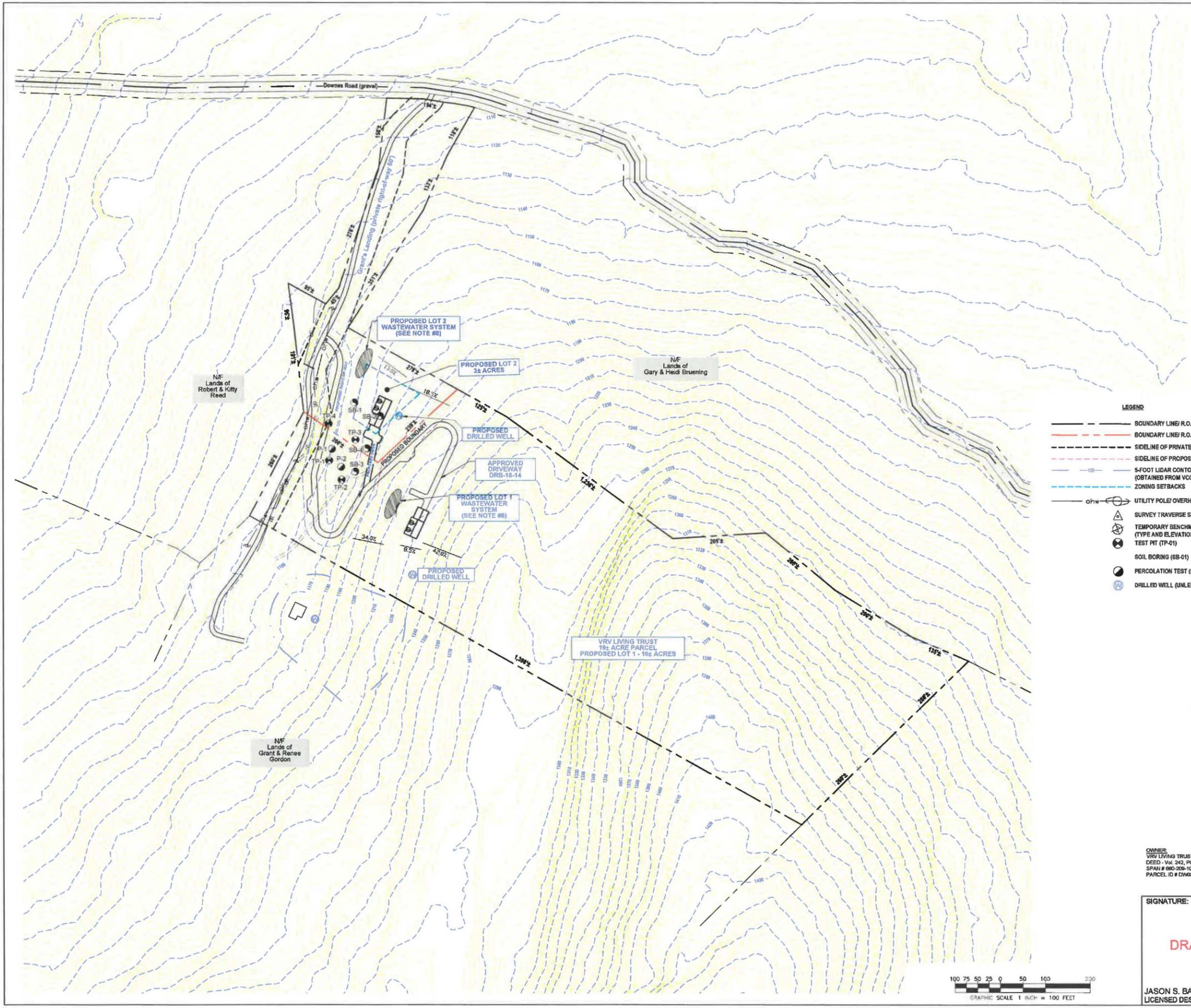
<input type="checkbox"/> RECORD DRAWING <input type="checkbox"/> FINAL <input type="checkbox"/> DISCRETIONARY <input type="checkbox"/> SKETCH/CONCEPT	<b>32 Downes Road</b> Underhill Vermont	DATE: 8-27-2018 TITLE: 40-Scale Existing Slopes PLAN SHEET # 5
--	--	--

**O'LEARY-BURKE**  
 CIVIL ASSOCIATES, PLC  
 19 CORPORATE DRIVE  
 BRISTOL, VT 05602  
 PHONE: 802-453-8888  
 FAX: 802-453-8889  
 EMAIL: info@olearyburke.com



**Wetland Review**  
**32 Downes Road**  
**Underhill, VT**

**Notes:**  
Site visit completed by  
Joe Bartlett on 7/13/2018  
**Map By:** JHB  
**Date:** 7/18/2018



Project Location Map  
Not to Scale



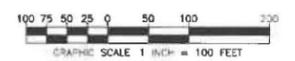
ZONING INFORMATION	
<b>ZONING DISTRICTS</b>	
RURAL RESIDENTIAL DISTRICT (RR)	
VILLAGE DISTRICT (VL)	
<b>DIMENSIONAL REQUIREMENTS</b>	
RURAL RESIDENTIAL DISTRICT:	
LOT AREA:	3 ACRES MIN.
ROAD FRONTAGE:	250 FT. MIN.
SETBACK - FRONT YARD:	30 FT. MIN.
SETBACK - SIDE YARD:	50 FT. MIN.
SETBACK - REAR YARD:	50 FT. MIN.
LOT COVERAGE - BUILDINGS:	25% MAX.
LOT COVERAGE - ALL IMPERVIOUS:	50% MAX.

- LEGEND**
- BOUNDARY LINE/ R.O.W. (EXISTING)
  - - - BOUNDARY LINE/ R.O.W. (PROPOSED)
  - - - SIDELINE OF PRIVATE RIGHT OF WAY
  - - - SIDELINE OF PROPOSED RIGHT OF WAY
  - 5-FOOT LIDAR CONTOUR (OBTAINED FROM VCGI DATABASE)
  - - - ZONING SETBACKS
  - ohw ○ UTILITY POLE/ OVERHEAD WIRES
  - ▲ SURVEY TRAVERSE STATION
  - △ TEMPORARY BENCHMARK (TYPE AND ELEVATION NOTED)
  - ⊗ TEST PIT (TP-01)
  - ⊙ SOIL BORING (SB-01)
  - ⊙ PERCOLATION TEST (PT-01)
  - ⊙ DRILLED WELL (UNLESS OTHERWISE NOTED)

- PROJECT NOTES:**
1. THIS IS NOT A BOUNDARY SURVEY AND DOES NOT MEET THE LEGAL REQUIREMENTS OF A BOUNDARY SURVEY AS DESCRIBED IN 27 V.S.A. § 1403.
  2. THIS IS A SKETCH PLAN ONLY AND IS SUBJECT TO CHANGE UPON COMPLETION OF A BOUNDARY SURVEY.
  3. THIS SKETCH PLAN IS BASED ON AVAILABLE ORTHOPHOTOS, TAX MAP BOUNDARIES, GROUND SURFACE CONTOURS, AND OTHER INFORMATION PROVIDED BY THE STATE OF VERMONT VCGI OPEN DATA PORTAL DATABASE.
  4. THIS DRAWING IS FOR PLANNING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONSTRUCTION AND/OR PERMITTING.
  5. THE PROPOSED DRILLED WELL SITES SHOWN ARE BASED ON THE REQUIRED ISOLATION DISTANCES TO THE PROPOSED WASTEWATER DISPOSAL SYSTEMS AND THE ASSOCIATED SYSTEM COMPONENTS. BARNARD & GERVAIS, LLC MAKES NO WARRANTY REGARDING THE WELL YIELD OR WATER QUALITY RELATIVE TO THE DRILLED WELL LOCATIONS SHOWN HEREON.
  6. NO ATTEMPT HAS BEEN MADE TO LOCATE ANY UNDERGROUND UTILITIES BY BARNARD AND GERVAIS, LLC. THE CONTRACTOR WILL BE RESPONSIBLE FOR CONTACTING DIG SAFE TO HAVE ANY UNDERGROUND UTILITIES MARKED PRIOR TO ANY EXCAVATION OR SITE WORK.
  7. FOR CLARITY, TEXT IDENTIFYING EXISTING ITEMS IS LOWER CASE; TEXT IDENTIFYING PROPOSED ITEMS IS UPPER CASE.
  8. PROPOSED WASTEWATER DISPOSAL AREAS HAVE NOT YET BEEN EVALUATED AND THEREFORE ARE SUBJECT TO SOIL TESTING AND OBTAINING A STATE OF VERMONT WASTEWATER SYSTEM AND POTABLE WATER SUPPLY PERMIT FOR THE WASTEWATER OPTION.

OWNER:  
VRV LIVING TRUST  
DEED - Vol. 242, PG. 58-80  
SPAN # 860-258-10174  
PARCEL ID # D1W032

SIGNATURE:  
  
**DRAFT**  
  
JASON S. BARNARD  
LICENSED DESIGNER #126179



DATE	DESCRIPTION	BY
REVISIONS		
<b>BARNARD &amp; GERVAIS, LLC</b> Land Surveying Water & Wastewater Environmental Consulting 157 Main Street, P.O. Box 820 Errol, VT 05450 Telephone: (802) 933-5168		10523 VT Route 116, P.O. Box 133 Newbury, VT 05461 Telephone: (802) 482-2587
TWO LOT SUBDIVISION <b>VRV LIVING TRUST</b> 32 DOWNES ROAD, UNDERHILL, VERMONT		PROJECT NO. 19244  DATE: 01-28-2020  SCALE: 1" = 100'  SURVEY: —  DRAWN: RG  CHECKED: JB  DRAWING NO. SK-1
THESE PLANS WITH LATEST REVISIONS SHOULD ONLY BE USED FOR THE PURPOSE SHOWN BELOW.		
<input checked="" type="checkbox"/> PRELIMINARY DRAFT		<input type="checkbox"/> FINAL STATE REVIEW
SHEET 1 OF 1		

