

TOWN OF UNDERHILL

Development Review Board

PHIL JACOBS
SKETCH PLAN REVIEW
Docket #: DRB-20-08

Applicant(s): Phil Jacobs
Consultant(s): O'Leary & Burke Civil Associates, PLC
Property Location: 16 Harvest Rn (HR016)
Acreage: ±14.95 Acres
Zoning District(s): Underhill Flats Village Center

Project Proposal: Sketch Plan Review of Phil Jacobs for a proposed 3-Lot Subdivision of property located at the aforementioned address (see Exhibit D). Since the entirety of the Min's Lane Subdivision was created within the last five years, the proposed project presented in this application is considered a re-subdivision of the initial application.

***Re-subdivision** – A change to a previously approved and recorded subdivision plat within five years of the proposed subdivision. Changes include, but are not limited to, changes that affect any lot lines, street or road layouts, areas reserved for public use, or any map or plan that has been legally recorded.*

Previous DRB applications relating to the re-subdivision:

- DRB Docket #: DRB-16-01 (Exhibit H)
- DRB Docket #: DRB-18-11 (Exhibit I)

2020 UNDERHILL UNIFIED LAND USE & DEVELOPMENT REGULATIONS RELEVANT REGULATIONS:

- Article II, Table 2.2 – Underhill Flats Village Center District (pg. 9)
- Article III, Section 3.2 – Access (pg. 30)
- Article III, Section 3.7 – Lot, Yard & Setback Requirements (pg. 36)
- 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. 139)
- Article VIII – Subdivision Standards (pg. 148)
- Appendix A – Underhill Road, Driveway & Trail Ordinance

CONTENTS:

- a. Exhibit A - Jacobs Sketch Plan Review Staff Report
 - b. Exhibit B - HR016 Sketch Plan Review Meeting Procedures
 - c. Exhibit C - Application for Subdivision
 - d. Exhibit D - Correspondence from Consultant
 - e. Exhibit E - Project Narrative
 - f. Exhibit F - Certificate of Service (HR016)
 - g. Exhibit G - Site Plan
 - h. Exhibit H - DRB Decision DRB-16-01
 - i. Exhibit I - DRB Decision DRB-18-11
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COMMENTS/QUESTIONS

GENERAL COMMENTS

1. **SECTION 7.2 – APPLICABILITY:** Section 7.5.E.3 relating to Preliminary Subdivision Review allows the Board to require a master plan; the Board should consider requiring a master plan for the remaining project given the piecemeal nature of 16 Harvest Run over the years.
2. **SECTION 3.18 – STEEP SLOPES**
 - a. The submitted site plan (see Exhibit G in relation to the Steep Slope section of this staff report) depicts the driveways terminating in areas of steep slope, thereby implying that development will occur on steep slopes.
 - b. The Applicant should confirm if the areas depicted as steep slope are actually steep slopes.
3. **SECTION 3.19 – SURFACE WATERS & WETLANDS:** The project may require additional review due to the stream crossing (§ 3.19.C).
4. **SECTION 3.23 – WATER SUPPLY & WASTEWATER SYSTEMS:** The Applicant should submit either a Wastewater System & Potable Water Supply Permit, or submit a Wastewater System design, during the preliminary subdivision application phase of the project.
5. **SECTION 8.5 – STORMWATER MANAGEMENT EROSION CONTROL:** The Board should inquire about potential stormwater permitting.

ACCESS RELATED COMMENTS

6. **SECTION 3.2 – ACCESS**
 - a. An access permit will be required, and shall be submitted with the final subdivision review application.
 - b. A shared maintenance agreement relating to the shared driveway shall be submitted as part of the preliminary subdivision review application.
 - c. The Board should inquire how the Applicant intends to layout Harvest Run going forward.
7. **SECTION 8.6.A – ACCESS & DRIVEWAY:** More information relating to the driveways should be provided when submitting an application for Preliminary Subdivision Review.
8. **SECTION 8.6.B – DEVELOPMENT ROADS**

- a. More information relating the development road should be provided when submitting an application for Preliminary Subdivision Review.
- b. Harvest Run may need to be upgraded in order to conform with the requirements of this Section and the Road Ordinance

9. APPENDIX A – ROAD & DRIVEWAY STANDARDS

- a. The bridge requirements within the Road Ordinance may apply.
 - b. *(DUPLICATE COMMENT)* The Applicant should provide information relating to the development road and proposed driveways at the time of the preliminary subdivision review hearing, at which time Staff will provide a more detailed assessment.
 - c. *(DUPLICATE COMMENT)* An access permit application shall be submitted at the time of the final subdivision review hearing.
 - d. *(DUPLICATE COMMENT)* The Board should confirm if a State permit is required since the shared driveway will be crossing a stream.
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STAFF FINDINGS OF RELEVANT SECTIONS

ARTICLE II – ZONING DISTRICTS



	Underhill Flats Village Center	Proposed (Lot 13)	Proposed (Lot 14)
Lot Size:	1.0 Acres	1.98 Acres	1.60 Acres
Frontage:	150 ft.	±150 ft.	±222 ft.
Setbacks:			
• Front West	0 ft.	TBD	TBD
• Side 1 North	20 ft.	TBD	TBD
• Side 2 South	20 ft.	TBD	TBD
• Rear West	20 ft.	TBD	TBD
Max. Building Coverage:	50%	TBD	TBD
Max. Lot Coverage:	75%	TBD	TBD
Maximum Height:	35 ft.	TBD	TBD

TABLE 2.2 – UNDERHILL FLATS VILLAGE CENTER DISTRICT

PG. 9

Purpose Statement: The purpose of the Underhill Flats Village Center District (formerly known as the Residential District) is to allow for the continuation of existing small scale commercial, residential and public uses, and to encourage development that is compatible with and promotes a compact, historic village settlement pattern. This may include higher densities of development as supported by existing and planned infrastructure.

- The proposed project involves the subdivision of a 14.95-Acre Lot into three lots.
 - All three proposed lots appear to conform with the requirements of this District.
- Lots 13 and 14 are to be accessed by a shared driving commencing from the existing terminus of Harvest Run (see Exhibit G), a private road.
- Lots 13 and 14 conform with the purpose statement of the Underhill Flats Village Center District, as the project allows for the continuation of residential uses in a compact historic village settlement patter.
- Lots 13 and 14 are assumedly intended for a single-family dwelling.

ARTICLE III – GENERAL REGULATIONS

SECTION 3.2 – ACCESS

PG. 30

- The parent lot accesses to Harvest Run, a private road, that accesses Park Street, a Class II Town Highway.
- Lots 13 and 14 will access Harvest Run at its terminus via a Shared Driveway.
- The proposed shared driveway conforms with the 25 ft. setback requirement from an unnamed stream (in accordance with Section 3.19 below), and also satisfies the 12 ft. setback requirement from the lot’s property line.
- An access permit will be required, and shall be submitted with the final subdivision review application.
 - *NOTE:* A shared maintenance agreement relating to the shared driveway shall be submitted as part of the preliminary subdivision review application.
- The Board should inquire how the Applicant intends to layout Harvest Run going forward.

SECTION 3.7 – LOT, YARD & SETBACK REQUIREMENTS

PG. 38

- One principal use/structure is assumed for both Lots 13 & 14, assumedly a single-family dwelling.
- The remaining lands (Lot 6) is assumedly going to remain vacant for the time being.
- The proposed lot will need to satisfy the frontage requirement of the Underhill Flats Village Center District – 150 ft., as the lots will have frontage allow a defined right-of-way where Harvest Run is presumably going to be extended.
 - Lot 13 → 150 ft. (Lot 13 also satisfies the Frontage Requirement along Jacobs Hill)
 - Lot 14 → 222 ft.
- The proposed plan depicts a building envelope that conforms with the dimensional setback requirements of the underling zoning district – Underhill Flats Village center, as well as the setback requirement for unnamed streams.
- The Applicant is not requesting any waivers.

SECTION 3.13 – PARKING, LOADING & SERVICE AREAS

PG. 44

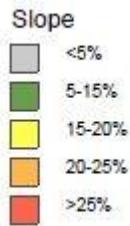
- Lots 13 & 14 will assumedly satisfy the parking requirement for a single-family dwelling – 2 parking spaces per dwelling.
 - Parking requirements for single-family dwellings are typically verified at the building permit phase of development.

SECTION 3.17 – SOURCE PROTECTION AREAS

- The subject lot is not located within a Groundwater Source Protection Area, nor any other known Source Protection Areas..

SECTION 3.18 – STEEP SLOPES

- Areas of steep slopes (15-25%) are present on the existing lot (see directly to the right).
- Lots 13 and 14 will contain areas of steep slopes.
- The submitted site plan (see Exhibit G) depicts the driveways terminating in areas of steep slope, thereby implying that development will occur on steep slopes (compared with map directly to the right).
 - The Applicant should confirm if the areas depicted as steep slope are actually steep slopes.



SECTION 3.19 – SURFACE WATERS & WETLANDS

- An unnamed stream bisects the existing property in a north to south direction, as well as traverses Lot 13 from an east to west direction.
 - Unnamed Streams have a setback requirement of 25 ft., which the proposed shared driveway and driveway serving Lot 13 appear to conform to.
- The project may require additional review due to the stream crossing (§ 3.19.C).
- Neither the ANR Atlas, nor the Applicant identified wetland areas.



SECTION 3.23 – WATER SUPPLY & WASTEWATER SYSTEMS

PG. 68

- The Applicant should submit either a Wastewater System & Potable Water Supply Permit, or submit a Wastewater System design, during the preliminary subdivision application phase of the project.

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. 139

- The Applicant is proposing a 3-Lot subdivision (8-Lot Re-Subdivision) that meets the requirements of Section 7.2.E.1.a.
- Since the subdivision involves the re-subdivision of a previously subdivided lot that results in a total of four or more lots, including previously subdivided lots, Staff recommends that the project be classified as a **MAJOR** subdivision.
- Section 7.5.E.3 relating to Preliminary Subdivision Review allows the Board to require a master plan; the Board should consider requiring a master plan for the remaining project given the piecemeal nature of 16 Harvest Run over the years.

SECTION 7.3 – SKETCH PLAN REVIEW

PG. 141

- See Exhibit B 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. 150

- Technical review is not required at this time.

SECTION 8.1.C – FINDINGS OF FACT

PG. 150

- Findings of fact are not required at this stage of the subdivision review process; however, the Applicant has submitted a narrative relating to Article VIII (see Exhibit E).

SECTION 8.1.D – MODIFICATIONS & WAIVERS

PG. 150

- The Applicant has not requested any additional modifications or waivers at this time.

SECTION 8.2 – GENERAL STANDARDS

SECTION 8.2.A – DEVELOPMENT SUITABILITY

PG. 151

- No unforeseen undue adverse impacts to the public health, safety or the character of the area in which the proposed development is located are anticipated.
- The 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. 151

- The proposed subdivision appears to meet the density requirements of this Section.

SECTION 8.2.C – EXISTING SITE CONDITIONS PG. 151

- The proposed subdivision has the propensity to effect the following noted site features and natural amenities:
 - Natural topography (surface contours, grades) and drainage patterns;
 - Natural occurring surface waters; and
 - Prime agricultural soils (see § 8.3.F below).
- The proposed project does not appear to, or have the propensity to, adversely affect the other site features and natural amenities listed in this section.

SECTION 8.2.D – UNDERHILL TOWN PLAN & REGULATIONS PG. 152

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

SECTION 8.2.E – DISTRICT SETTLEMENT PATTERNS PG. 152

Underhill Village Center Districts.
 Subdivisions within the Underhill Flats Village Center and Underhill Center Village Districts shall be designed and configured to reinforce a compact, pedestrian scale and pattern of development. Lots and building envelopes shall be sized and located to maintain a consistent building line and streetscape along roads. Subdivisions in this district also shall be designed to incorporate, extend, or connect to existing roads, pedestrian paths and utility corridors. Sidewalks and other pedestrian facilities shall be provided where physically feasible; new roads in these districts shall be designed to maximize pedestrian safety and circulation.

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

SECTION 8.2.F – LAYOUT PG. 153

- The proposed subdivision appears to conform with the requirements of this section.

SECTION 8.2.G – BUILDING ENVELOPES PG. 153

- The Applicant has identified proposed building envelopes (see Exhibit G) that conform with the district’s dimensional standards.

SECTION 8.2.H – SURVEY MONUMENTS PG. 153

- No findings.

SECTION 8.2.I – LANDSCAPING & SCREENING PG. 153

- No findings.

SECTION 8.2.J – ENERGY CONSERVATION PG. 154

- No findings.

SECTION 8.3 – NATURAL CULTURAL RESOURCES

SECTION 8.3.A – RESOURCE IDENTIFICATION & PROTECTION PG. 154

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

SECTION 8.3.B – SURFACE WATERS, WETLANDS & FLOODPLAINS PG. 155

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

SECTION 8.3.C – ROCK OUTCROPS, STEEP SLOPES, HILLSIDES & RIDGELINES PG. 155

- See Section 3.18 above for more information.

SECTION 8.3.D – NATURAL AREAS & WILDLIFE HABITAT PG. 156

- The ANR Atlas has NOT identified any habitat blocks in the area being subdivided.
- The ANR Atlas has NOT identified a deer wintering area on the subject property.
- The ANR Biofinder has identified the following priority characteristics:
 - Highest Priority Surface Water and Riparian Area (along Lot 6’s unnamed stream’s corridor)
 - Riparian Wildlife Connectivity (along the boundary of 16 Harvest Run and 2 Sugar Hill)
 - Representative Physical Landscape Diversity (along Lot 6’s unnamed stream’s corridor)

SECTION 8.3.E – HISTORIC & CULTURAL RESOURCES PG. 157

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

SECTION 8.3.F – FARMLAND PG. 157

- An area of statewide agricultural soils is located on the lot (see directly above) and is already located in an area that has been impacted by previous development.
- The shared driveway serving Lots 13 and 14 will impact the edge of these identified soils.

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



SECTION 8.3.G - FORESTLAND PG. 158

- The existing property subject to this application does not appear to contain any forestland.

SECTION 8.4 – OPEN SPACE & COMMON LAND

SECTION 8.4.A – OPEN SPACE PG. 159

- The Applicant has not proposed to designate any land as open space.

SECTION 8.4.B – COMMON LAND **PG. 160**

- The Applicant has not proposed to designate any land as common land.

SECTION 8.4.C – LEGAL REQUIREMENTS **PG. 160**

- No findings.

SECTION 8.5 – STORMWATER MANAGEMENT EROSION CONTROL **PG. 160**

- The Board should inquire about potential stormwater permitting.

SECTION 8.6 – TRANSPORTATION FACILITIES

SECTION 8.6.A – ACCESS & DRIVEWAY **PG. 162**

- More information relating to the driveways should be provided when submitting an application for Preliminary Subdivision Review.

SECTION 8.6.B – DEVELOPMENT ROADS **PG. 164**

- More information relating the development road should be provided when submitting an application for Preliminary Subdivision Review.
 - Harvest Run may need to be upgraded in order to conform with the requirements of this Section and the Road Ordinance (which includes by reference the AOT A-76 Standards).

SECTION 8.6.C – PARKING FACILITIES **PG. 167**

- This subsection does not apply.

SECTION 8.6.D – TRANSIT FACILITIES **PG. 167**

- This subsection does not apply.

SECTION 8.6.E – PEDESTRIAN ACCESS **PG. 167**

- This subsection does not apply.

SECTION 8.7 – PUBLIC FACILITIES & UTILITIES

SECTION 8.7.A – PUBLIC FACILITIES **PG. 168**

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

SECTION 8.7.B – FIRE PROTECTION **PG. 168**

- An undue burden on the Underhill-Jericho Fire Department is not anticipated.
- Comments from the Underhill-Jericho Fire Department will be solicited during the Preliminary/Final Subdivision Review process.

SECTION 8.7.C – WATER SYSTEMS **PG. 168**

- See Section 3.23 Above.

SECTION 8.7.D – WASTEWATER SYSTEMS **PG. 169**

- See Section 3.23 Above.

SECTION 8.7.D – UTILITIES **PG. 169**

- No findings.

SECTION 8.8 – LEGAL REQUIREMENTS

PG. 170

- The Applicant should submit draft deeds, including any associated easements, prior to the Preliminary/Final Subdivision Review hearing.

APPENDIX A – ROAD & DRIVEWAY STANDARDS

- (DUPLICATE COMMENT) The Applicant should provide information relating to the development road and proposed driveways at the time of the preliminary subdivision review hearing, at which time Staff will provide a more detailed assessment.
- (DUPLICATE COMMENT) An access permit application shall be submitted at the time of the final subdivision review hearing.
- The Board should confirm if a State permit is required since the shared driveway will be crossing a stream.
- The bridge requirements within the Road Ordinance may apply.