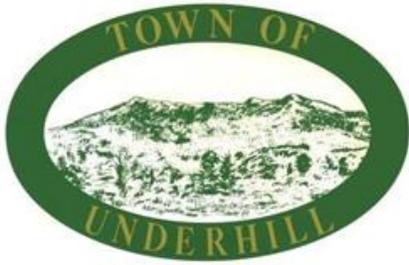


APPLICATION OVERVIEW
SKETCH PLAN REVIEW
ARTICLE 7, SECTION 7.3

DRB DOCKET #:	DRB-20-08
APPLICANT(S):	Philip Jacobs
CONSULTANT(S):	O’Leary & Burke Civil Associates, PLC
PROPERTY ADDRESS (PARCEL ID CODE):	16 Harvest Run (HR016)
ZONING DISTRICT(S):	Underhill Flats Village Center District
INITIAL FILING DATE:	Wednesday, June 17, 2020
APPLICATION COMPLETION DATE:	Wednesday, June 17, 2020
SCHEDULED MEETING DATE:	Monday, August 3, 2020

PROJECT DESCRIPTION:	The Applicant is seeking approval for a 3-Lot subdivision (8-lot re-subdivision) regarding land he owns at 16 Harvest Run (HR016)
MOST RELEVANT ULUDR SECTIONS:	§ 3.2 (Access); § 3.7 (Lot, Yard & Setback Requirements); § 7.2 (Sketch Plan Review).
REASON FOR CONDITIONAL USE REVIEW:	Proposed subdivisions are required to be reviewed by the Development Review Board per Article VII. The Sketch Plan Review Meeting is meant to be an informal process to identify potential issues prior to the Applicant(s) expending a lot of resources on a project. Since the proposed land to be subdivided was involved in a subdivision application in the last five years, the proposal (8-lots total) is considered a re-subdivision, and must be classified as a major subdivision.
APPLICABILITY OF ROAD ORDINANCE:	The 2015 Road Ordinance, as amended thru December 18, 2018 will APPLY .
STATE PERMIT INFORMATION:	<ul style="list-style-type: none"> • The Applicant should inquire as to whether the following the following State Permits are required: <ul style="list-style-type: none"> ○ Stormwater permit; streaming crossing-related permits; Army Corp of Engineers Permit; • A water/wastewater system permit is required.
COMMENTS/NOTABLE ISSUES:	<ul style="list-style-type: none"> • Steep slopes may be impacted. • Information relating to Harvest Run (existing and proposed) and the proposed driveways will be required for the preliminary subdivision review phase of the project.



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
-

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.
-

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

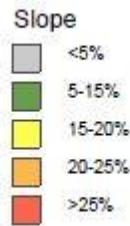
PG. 55

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

SECTION 3.18 – STEEP SLOPES

PG. 56

- 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

PG. 63

- 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.



UNDERHILL DEVELOPMENT REVIEW BOARD

SKETCH PLAN REVIEW
MEETING PROCEDURES
Monday, August 3, 2020

Applicant(s): Philip Jacobs
Docket #: DRB-20-08

1. **State the following (Intro):** "This is a sketch plan review meeting pertaining to the application of Philip Jacobs for a proposed 3-Lot Subdivision (8-Lot Re-Subdivision) of property he owns at 16 Harvest Run (HR016) in Underhill, Vermont.

Since the proposed project involves the subdivision of land that was part of a previous subdivision review application in the last five years, the project is considered a re-subdivision of land in accordance with Article XI and must be classified as a **MAJOR** subdivision in accordance with Section 7.2.E.2.a. The preliminary subdivision review process cannot be waived for those projects involving major subdivisions.

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 Jacobs Sketch Plan Review file (DRB-20-08 / HR016) 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."



TOWN OF UNDERHILL

APPLICATION FOR SUBDIVISION

Sketch Plan Application Materials (Only)	Section B (Engineering Plans Requirements)	Section C (Written Materials)
<p>Applicable:</p> <p><input 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</p> <p><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> <p><input type="checkbox"/> Two Large (to Scale) Copies <input type="checkbox"/> Twelve 11" x 17" Copies <input type="checkbox"/> Prepared by a Professional Engineer <input type="checkbox"/> Date, Including Revision Date(s) <input type="checkbox"/> North Arrow, Scale, Legend <input type="checkbox"/> Proposed New Lot Lines & New Acreages <input type="checkbox"/> Proposed Building Envelopes (including Setbacks) <input type="checkbox"/> Extent of Site Clearing & Disturbance <input type="checkbox"/> Existing/Proposed Open Space <input type="checkbox"/> Existing/Proposed Common Land <input type="checkbox"/> Existing/Proposed Building Footprints <input type="checkbox"/> Zoning District Boundary <input type="checkbox"/> Property Codes of Adjacent Properties <input type="checkbox"/> Record Owners of Adjacent Properties <input type="checkbox"/> Existing/Proposed Easements <input type="checkbox"/> Existing/Proposed Rights-of-Ways <input type="checkbox"/> Existing/Proposed Roads <input type="checkbox"/> Existing/Proposed Utility Corridors <input type="checkbox"/> Locations/Designs of Proposed Water & Wastewater Disposal Systems (including Isolation & Well Shields) <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.) <input type="checkbox"/> Topography Existing Surface Grades /Contours Post-Development Contours/Grades <input type="checkbox"/> Existing Outcrops, Ledges, Visually Prominent Ridgelines and Peaks <input type="checkbox"/> Surface Waters & Associated Buffers <input type="checkbox"/> Wetlands & Associated Buffers <input type="checkbox"/> Vernal Pools & Associated Buffers <input type="checkbox"/> Mapped Floodplains <input type="checkbox"/> Drainage Patterns <input type="checkbox"/> Natural Vegetative Cover</p> <p style="text-align: center;"><i>Where Applicable:</i></p> <p><input type="checkbox"/> Location & Size of Existing Culverts and Drains <input type="checkbox"/> Location & Size of Existing Sewerage Systems & Water Supplies <input type="checkbox"/> Existing/Proposed Pedestrian Walkways <input type="checkbox"/> Designated Source Protection Areas <input type="checkbox"/> Existing or Preserved Forestland <input type="checkbox"/> Preserved Natural, Cultural & Historic Features (e.g. Sites & Structures) <input type="checkbox"/> Other Unique Topographical or Geographical Features <input type="checkbox"/> Areas of Steep or Very Steep Slopes <input type="checkbox"/> Primary Agricultural Soils</p> <p><i>Please Checkoff All Submitted Materials</i></p>	<p>Checklist</p> <p><input type="checkbox"/> Written Disclosure of Intended Use of Land to be Subdivided <input type="checkbox"/> General Plans for Subsequent Development of Land to be Retained by Applicant/Landowner <input type="checkbox"/> Written Requests for Modifications or Waivers (including Justifications) <input type="checkbox"/> Draft Deeds <input type="checkbox"/> Draft Easements <input type="checkbox"/> Draft Homeowners Associations <input type="checkbox"/> Draft Maintenance Agreements <input type="checkbox"/> Snow Removal & Management Plan</p> <p><i>Please Checkoff All Submitted Materials</i></p>
Requirements for All Other Applications		Section D (Non-Town Related Materials)
<p>Checklist</p> <p><input type="checkbox"/> Surveys (see Section A) <input type="checkbox"/> Engineering Plans (see Section B) <input type="checkbox"/> Written Materials (see Section C) <input type="checkbox"/> State of VT Materials (see Section D) <input type="checkbox"/> Application Fee (see Fee Schedule)</p> <p><i>Please Checkoff All Submitted Materials</i></p>		<p>Checklist</p> <p><input type="checkbox"/> Project Review Sheet <input type="checkbox"/> Wastewater System & Potable Water Supply Permit (Permit #: _____) <input type="checkbox"/> Act 250 Permit (Permit #: _____) <input type="checkbox"/> Stormwater/Erosion Permit (Permit #: _____) <input type="checkbox"/> Agency of Natural Resources Wetlands Permit (Permit #: _____) <input type="checkbox"/> Army Corps of Engineers Permit (Permit #: _____)</p> <p><i>Please Checkoff All Submitted Materials</i></p>
Section A (Survey Requirements)		Other Required Plans Where Applicable
<p>Checklist</p> <p><input type="checkbox"/> Two Large (to Scale) Copies <input type="checkbox"/> Twelve 11" x 17" Copies <input type="checkbox"/> Prepared by a Licensed Surveyor <input type="checkbox"/> Date, Including Revision Date(s) <input type="checkbox"/> North Arrow <input type="checkbox"/> Scale <input type="checkbox"/> Legend <input type="checkbox"/> Property Codes of Adjacent Properties <input type="checkbox"/> Record Owners of Adjacent Properties <input type="checkbox"/> Existing/Proposed Easements <input type="checkbox"/> Existing/Proposed Rights-of-Ways <input type="checkbox"/> Existing/Proposed Roads <input type="checkbox"/> Existing/Proposed Utility Corridors Proposed Utility Easements Shall Be Centered On As-Built Utility Lines <input type="checkbox"/> Existing/Proposed Open Space Areas <input type="checkbox"/> Existing/Proposed Lot Lines with Dimensions <input type="checkbox"/> Vicinity Map To Show Area within 2,000 ft. of the Subject Lot Proposed to be Subdivided</p> <p><i>Please Checkoff All Submitted Materials</i></p>		<p>Checklist</p> <p><input type="checkbox"/> Outdoor Lighting Plan <input type="checkbox"/> Landscaping and Screening Plan <input type="checkbox"/> Temporary & Permanent Stormwater Management Plans <input type="checkbox"/> Temporary & Permanent Erosion Control Measures/Plans (including Areas Impacted by Downstream Runoff) <input type="checkbox"/> Significant Wildlife Habitat Areas & Corridors (including Areas Impacted by Downstream Runoff) <input type="checkbox"/> Areas of Rare, Threatened and Endangered Plant and Animal Communities (and Associated Buffers) <input type="checkbox"/> Master Plan (if Applicable-see § 8.1.B.1.a)</p>

APPLICANT SIGNATURE 	DATE 6/17/20
RECEIVED 	DATE 6/17/2008



O'Leary-Burke Civil Associates, PLC

CIVIL ENGINEERING | REGULATORY AND PERMIT PREPARATION | LAND SURVEYING | CONSTRUCTION SERVICES | LAND USE PLANNING

EXHIBIT

D

June 17, 2020

Mr. Andrew Strniste
Planning & Zoning Administrator
Town of Underhill
PO Box 120
Underhill, VT 05489

RE: Lands of Phil Jacobs
3 Lot Subdivision
Jacobs Hill – Lots 13 & 14, Underhill, VT

Dear Andrew:

We are writing on behalf of Phil Jacobs to request scheduling for subdivision amendment sketch plan review by the Development Review Board. The applicant is proposing a 3 Lot subdivision of the existing Lot #6 on Harvest Run. Lot #6 is currently approximately 15.70 acres. Lot #13 will be created by the subdivision, and will be approximately 1.98 acres. Lot #14 will also be created by the subdivision, and will be approximately 1.60 acres. The remaining lands of Lot #6 will be approximately 11.37 acres. The lots will be serviced by the Jericho-Underhill Water District and on-site wastewater systems.

One driveway will be shared by both Lot #13 and Lot #14 for approximately 60 feet. The shared driveway will be at the intersection of Harvest Run and Jacobs Hill Road, gaining access via an existing 36" culvert to cross a small stream. A 60' future right of way is proposed for access to future development.

Please find the following attached information:

1. One (1) 24"x36" plan sheet
2. Subdivision Application
3. Sketch Application Checklist
4. Subdivision Standards Section 8 Narrative
5. \$100 Subdivision Sketch Plan Fee

If you have any questions or need additional information, please do not hesitate to call.

Sincerely,

Ryan C. Morse

Jacobs Phase 4 Subdivision

Section 8.2 General Standards

A. Development Suitability. All land to be subdivided shall be suitable for the intended use and proposed density of development. The subdivision shall not result in undue adverse impacts to public health and safety, the natural environment, neighboring properties and uses, or the character of the area in which it is located. Subdivisions shall set aside as open space and exclude from subsequent development land that is characterized by periodic flooding, poor drainage, very steep slopes (>25%) and other known hazards, or that is otherwise not suitable to support structures or infrastructure.

The proposed residential lots are not characterized by periodic flooding, poor drainage or steep slopes and do not have any known hazards.

B. Development Density. The allowed density of development within a subdivision shall be calculated by dividing the total land area to be subdivided, excluding existing and proposed road rights-of-way, by the minimum lot size and maximum building densities specified for the zoning district(s) in which the subdivision is located (see Tables 2.1 – 2.7), except as modified for planned unit developments under Article IX.

Lot 6 is approximately 15.70 acres. Disregarding the proposed right-of-way, the total land area to be subdivided is 14.95 acres. This lot has sufficient area to allow approximately 14 residential lots including allowances for right-of-ways. Two new lots are proposed.

C. Existing Site Conditions. To the extent physically feasible, subdivision layout and design shall integrate and conserve existing site features and natural amenities, including:

1. **Natural topography (surface contours, grades) and drainage patterns;**

The lots, in general, conform to the existing surface contours.

2. **Naturally occurring surface waters, wetlands and vernal pools;**

The natural intermittent streams are conserved and a 25' stream buffer for development is shown. Use of an existing 36" culvert is used to gain access to Lots 13 & 14.

3. **Mapped flood plains (Special Flood Hazard Areas);**

There are no known mapped floodplains.

4. **Natural vegetative cover (e.g., timber and orchard stands, witness and shade trees, copses, hedgerows, and wetland and riparian buffers);**

There is minimal tree cover in the proposed lots. Some tree cover on the north side of Lot 14 which will be conserved where possible.

5. **Unique topographic or geologic features (e.g., outcrops, ledges, visually prominent ridgelines and peaks);**

There are no unique topographical or geologic features.

6. **Primary agricultural soils, as defined by the U.S. Natural Resource Conservation Service and state;**

Approximately 1/3 of Lot #13 is Munson and Raynham silt loams (MyB) classified as statewide primary agricultural soil.

7. **Historic sites and structures**

There are no known historic sites or structures.

D. Underhill Town Plan & Regulations. Subdivisions shall conform to clearly stated policies and objectives in the Underhill Town Plan as most recently amended, other provisions of these regulations, adopted capital or transportation improvement programs, and other municipal bylaws, ordinances and regulations in effect at the time of application.

The stated 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.

E. District Settlement Patterns. A subdivision shall be designed and configured to reflect the desired settlement pattern for the zoning district(s) in which it is located, as defined Under Article II and the Underhill Town Plan. To this end, the following standards shall apply to subdivisions within respective zoning districts.

Underhill Village Center Districts. Subdivision within the Underhill Flats Village Center District 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 subdivision continues the present development pattern established along Harvest Run and Jacobs Hill roads.

F. Lot Layout. Lots and lot layouts shall be configured to:

1. **Be suitable for their intended use, for subsequent development (building lots) or for resource or open space protection (conserved lots);**

The proposed lots are suitable for building lots.

2. Conform to desired district settlement patterns, as required under Subsection E;

The proposed subdivision continues the present development pattern established along Harvest Run and Jacobs Hill roads.

3. Meet minimum lot size and density requirements under Article II, except as modified for planned residential or planned unit developments under Article IX;

The proposed lots meet the minimum lot size requirement of 1.0 acres.

4. Conform to lot and yard requirements under Section 3.7; and to

The proposed lots conform to the lot and yard requirements in Section 3.7.

5. Avoid irregularly shaped lots (e.g., with curves, jogs, dog-legs, etc.), unless warranted due to topographic or other physical site constraints, or to minimize the fragmentation of natural, scenic or cultural resources under Section 8.3

The proposed lots are generally rectangular in shape. When appropriate, property corners will be established by the use of pre-existing corners of lots #10, #11, and #12.

G. Building Envelopes. The designation of building envelopes to limit the location of structures, parking areas, and associated site improvements to one or more portions of a lot shall be required for all subdivided lots, as shown on the subdivision plat. The location, size and shape of each building envelope shall be established in accordance with these 7 regulations, including zoning district requirements under Article II and Subsection E, and resource protection standards under Section 8.3. The DRB also may require the identification of specific building locations (footprints) if, in its judgment, such information is needed to determine conformance with these regulations.

Building envelopes are shown given the various setbacks and buffers in compliance with the Town of Underhill Regulations. These will be updated as needed during the preliminary review phase.

H. Survey Monuments. The locations of all proposed permanent surveying monuments and corner markers, as required under the Rules of the Board of Land Surveyors, shall be identified on the final subdivision plat. The DRB may also require that the corner points of designated building envelopes be marked on the ground with iron pins and identified on the final subdivision plat.

The locations of survey monuments shall be established during the preliminary phase of review.

I. Landscaping & Screening. Landscaping and screening, using native and salt-tolerant species (see Appendix C and Appendix D), shall be provided as necessary to:

1. Preserve existing trees, tree lines, wooded areas of particular natural or aesthetic value to the site, and significant wildlife habitat areas.

Trees and tree lines to be preserved shall be shown during the preliminary review phase.

2. Provide an undisturbed vegetated buffer between developed and undeveloped portions of the subdivision, as necessary to minimize adverse impacts to surface waters and wetlands (see Section 3.19), or other natural or scenic resources under Section 8.3.

Rear and side property setback as per the Underhill Town Plans and Regulations are met and shown for the lots. A 25' stream buffer is shown at the west side of the lots. Buffers and setback shall be shown during the preliminary review phase.

3. Provide physical separation and visual screening as necessary to provide privacy, reduce noise or glare, or to establish a buffer between potentially incompatible land uses.

The need for visual screening is not anticipated.

4. Establish a tree canopy along roads or pedestrian walkways, particularly where proposed road construction and related site improvements will result in the loss of existing tree cover. For major subdivisions, the DRB may require the submission of a landscaping plan, to be prepared by a certified landscape architect, as required to determine conformance with these regulations.

Street trees are anticipated and will be shown during the preliminary phase of review.

J. Energy Conservation. Subdivision design and layout, to the extent physically feasible, shall incorporate energy efficient design by:

1. Locating and orienting sites (e.g., building lots, envelopes) to maximize southern exposures where available, and solar access for solar energy and heating systems.

The house sites on lots #13 and #14 should have west and southwest exposure.

2. Clustering development (e.g., building lots, envelopes) to minimize road and utility line extensions and to allow for group net-metering.

Net metering is not anticipated.

3. Incorporating existing topography, natural vegetation and landscaping to provide wind breaks, seasonal shade and solar access, and to reduce building heating and cooling needs.

All new house construction will conform to the newly adopted State of Vermont Building Residential Energy standards.

4. Designating lots or areas within major subdivisions that are suitable for net-metered solar collectors, wind turbines, managed wood lots and other renewable energy facilities and resources for the individual or collective use of subdivision residents.

Net metering or wind turbines are not anticipated.



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 20th day of July, 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 3-lot subdivision (8-lot Re-Subdivision) of land located at 16 Harvest Run (HR016), Underhill, Vermont, owned by Philip Jacobs.

Recipients and Corresponding Address:

✓ **16 HARVEST RUN (HR016)**

Philip Jacobs
73 Upper English Settlement Road
Underhill, VT 05489

✓ **4 DEPOT STREET (DP004)**

Marguerite Walsh
4 Depot Street
Underhill, VT 05489

✓ **6 DEPOT STREET (DP006)**

Matthew D. Gombrich
6 Depot Street
Underhill, VT 05489

✓ **2 HARVEST RUN (HR002)**

Alonna E. Bolio Trustee
219 Stone Hill Road
Williston, VT 05495

✓ **4 HARVEST RUN (HR004)**

Steven & Jessica M. Nelson
4 Harvest Run
Underhill, VT 05489

✓ **6 HARVEST RUN (HR006)**

Christine V. Viau
Danielle L. Viau
6 Harvest Run
Underhill, VT 05489

✓ **10 HARVEST RUN (HR010)**

Eugene R. & Teresa R. Bogaczyk
10 Harvest Run
Underhill, VT 05489

✓ **12 HARVEST RUN (HR012)**

David & Dorothy Richiede
P.O. Box 278
Underhill, VT 05489

✓ **14 HARVEST RUN (HR014)**

Robert L. & Kathleen A. Covey Trustees
P.O. Box 5
Underhill, VT 05489

✓ **8 JACOBS HILL (JB008)**

William E. & Christina L. Widlund
8 Jacobs Hill Road
Underhill, VT 05489

✓ **14 JACOBS HILL ROAD (JB014)**

✓ Kimberly A. Lavigne
14 Jacobs Hill Road
Underhill, VT 05489

✓ **16 JACOBS HILL ROAD (JB016)**

✓ Yum Family Trust
Eugene Richard Yum & Allison Purvis Trustees
16 Jacobs Hill Road
Underhill, VT 05489

✓ **18 JACOBS HILL ROAD (JB018)**

✓ Tobin M. & Rebecca B. Clough
P.O. Box 112
Underhill, VT 05489

✓ **22 JACOBS HILL ROAD (JB022)**

✓ Jason R. Ferreira
22 Jacobs Hill Road
Underhill, VT 05489

✓ **24 JACOBS HILL ROAD (JB024)**

✓ John C. & Christina M. Pepi
24 Jacobs Hill Road
Underhill, VT 05489

✓ **18 MEADOW LANE (MD018)**

✓ Alan R. Morse Trustee
18B Meadow Lane
Underhill, VT 05489

✓ **5 MIN'S LANE (MN005)**

✓ Theodore & Elena Alexander
5 Min's Lane
Underhill, VT 05489

✓ **7 MIN'S LANE (MN007)**

✓ Carole Magoffin
7 Min's Lane
Underhill, VT 05489

✓ **8 MIN'S LANE (MN008)**

✓ Todd Rockwood
400 Patchen Road
South Burlington, VT 05403

✓ **9 MIN'S LANE (MN009)**

✓ Matthew & Alicia Martelle
127 Vermont Route 15
Jericho, VT 05465

✓ **7 PARK STREET (PA007X)**

✓ United Church of Underhill
P.O. Box 265
Underhill, VT 05489

✓ **21 PARK STREET (PA021)**

✓ Gertrude Hunt
159 Orr Road
Jericho, VT 05465

✓ **23 PARK STREET (PA023)**

✓ Jamie D. Eisenberg
23 Park Street
Underhill, VT 05489

✓ **24 PARK STREET (PA024-J)**

✓ Telephone Operating Co. of Vermont, LLC
770 Elm
Manchester, NH 03101

✓ **26 PARK STREET (PA026-J)**

✓ Thomas Jr. & Sandra Owen
26 Park Street
Underhill, VT 05489

✓ **2 SUGAR HILL (SU002)**

✓ Joseph C. & Ruth C. Nelson
2 Sugar Hill
Underhill, VT 05489

✓ **4 SUGAR HILL (SU004)**

✓ Robert J. & Louise L. Nichols
4 Sugar Hill
Underhill, VT 05489

✓ **408 VERMONT ROUTE 15 (VT408)**

✓ Brett A. Decker
408 Vermont Route 15
Underhill, VT 05489

✓ **418 VERMONT ROUTE 15 (VT418)**

✓ Underhill Garage, Inc.
P.O. Box 7
Underhill, VT 05489

✓ **420 VERMONT ROUTE 15 (VT420X-P)**

✓ Underhill-Jericho Fire Department
P.O. Box 150
Underhill, VT 05489

✓ **421 VERMONT ROUTE 15 (VT421)**

Robert & Paige Manning
421 Vermont Route 15
Underhill, VT 05489

✓ **424 VERMONT ROUTE 15 (VT424)**

Malachi & Shannon McCaulley
2229 26th Street South
Arlington, VA 22206

✓ **TOWN OF JERICHO**

Town of Jericho
Attn: Jessica Alexander, Town Clerk
P.O. Box 39
Jericho, VT 05465

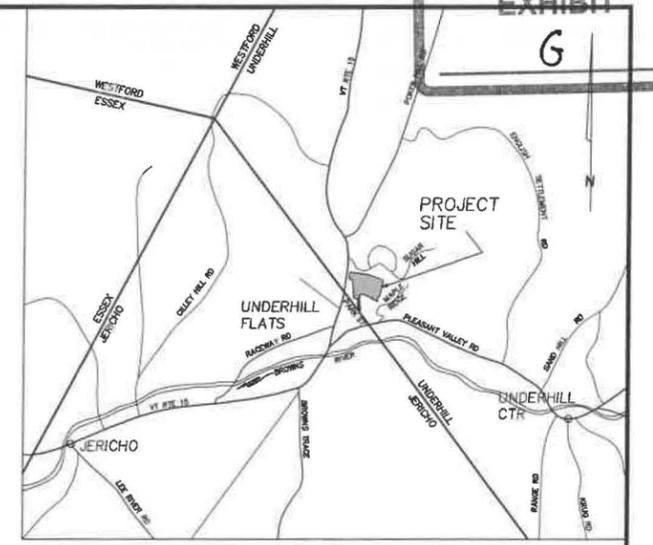
✓ **CONSULTANT**

O'Leary-Burke Civil Associates
13 Corporate Drive
Essex Junction, VT 05452



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

Date: 07/20/2020



LOCATION PLAN
NTS

LEGEND

	PROJECT BOUNDARY
	ABUTTING PROPERTY LINE
	SIDELINE OF EASEMENT
	PROPOSED LOT LINE
	UNDISTURBED BUFFER
	BUILDING ENVELOPE
	STREAM SETBACK
	USGS MAJOR CONTOUR
	USGS MINOR CONTOUR
	STREAM
	EXISTING TREE LINE

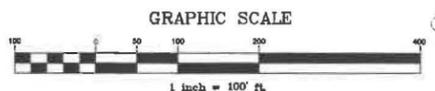
PROJECT STATISTICS

PROJECT AREA	APPROX. 45 ACRES
ZONING DISTRICT	UNDERHILL FLATS VILLAGE CENTER
CONVENTIONAL REQUIREMENTS	
1 ACRE MIN. LOT SIZE (MAX. 2 UNITS / LOT)	
150' LOT FRONTAGE	
BUILDING SETBACKS	
FRONT YARD - NO MINIMUM	
SIDE YARD - 20'	
REAR YARD - 20'	
PROPOSED CONVENTIONAL DEVELOPMENT	
PROPOSED 2 LOT CONVENTIONAL DEVELOPMENT	
2 RESIDENTIAL LOTS AND 1 RETAINED LOT	
BUILDING SETBACKS PROPOSED	
FRONT YARD - AS PER CONVENTIONAL	
SIDE YARD - 20'	
REAR YARD - 20'	
ROADS AND LOTS = 4.34 ACRES	
SEWER TO BE INDIVIDUAL ON-SITE	
STORMWATER TO BE TREATED ON-SITE	
WATER TO BE SUPPLIED VIA JERICHO-UNDERHILL WATER DISTRICT	

THE CONTRACTOR SHALL NOTIFY "DIGSAFE" AT 1-888-DIG-SAFE PRIOR TO ANY EXCAVATION.

Note: THIS SITE PLAN IS NOT TO BE USED FOR PROPERTY CONVEYANCE.

OWNER AND APPLICANT:
JACOBS HILL ASSOCIATION
PHIL JACOBS
78 UPPER ENGLISH SETTLEMENT ROAD
UNDERHILL, VT 05489



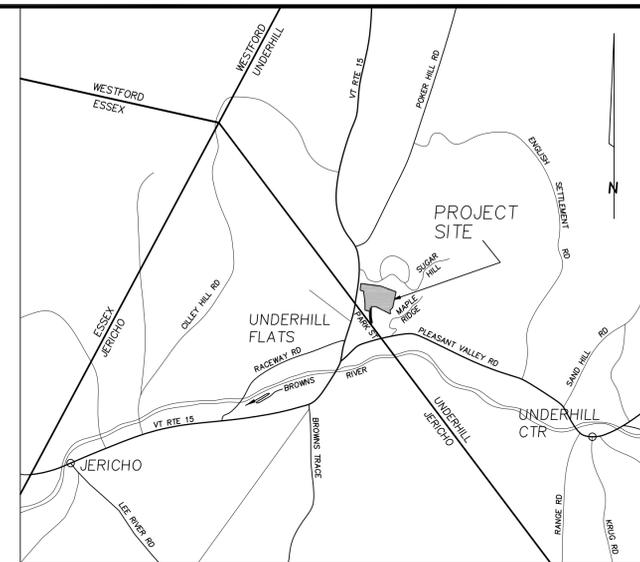
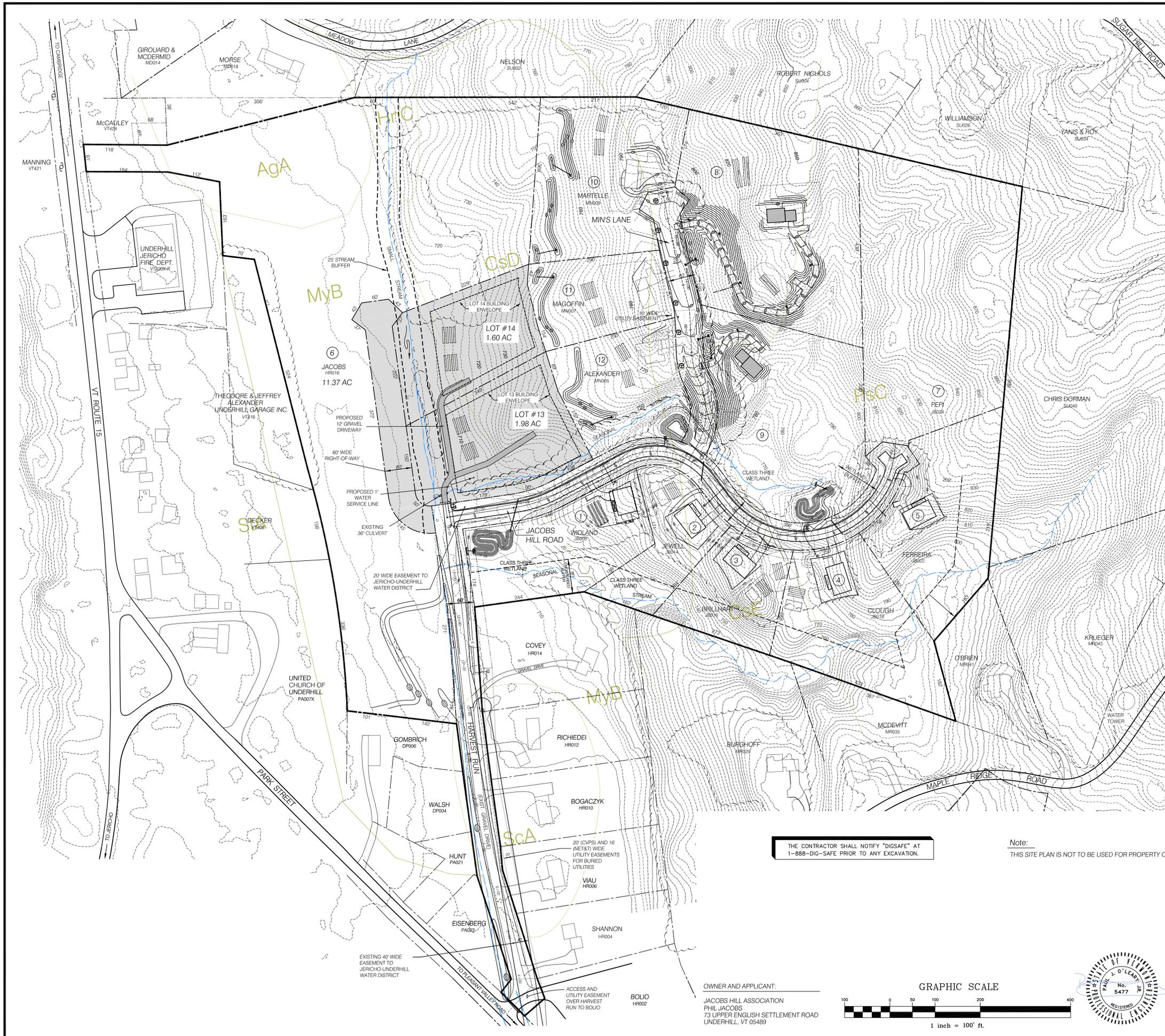
DATE: 6-17-20
BY: SJO
5105
FILE: S105-PHASE4
PLAN SHEET # 1

**O'LEARY-BURKE
CIVIL ASSOCIATES, PLC**

10 CORPORATE DRIVE
ESSEX, VT 05700
PHONE: 878-8000
FAX: 878-8005
EMAIL: ocb@olearyburke.com

LANDS OF PHILIP JACOBS
16 HARVEST RUN - UNDERHILL, VT

PHASE 4 PLAN



LOCATION PLAN

NTS

LEGEND

	PROJECT BOUNDARY
	ABUTTING PROPERTY LINE
	SIDELINE OF EASEMENT
	PROPOSED LOT LINE
	UNDISTURBED BUFFER
	BUILDING ENVELOPE
	STREAM SETBACK
	USGS MAJOR CONTOUR
	USGS MINOR CONTOUR
	STREAM
	EXISTING TREE LINE

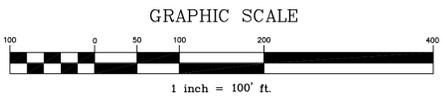
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PROPOSED 2 LOT CONVENTIONAL DEVELOPMENT	
2 RESIDENTIAL LOTS AND 1 RETAINED LOT	
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FRONT YARD - AS PER CONVENTIONAL	
SIDE YARD - 20'	
REAR YARD - 20'	
ROADS AND LOTS = 4.34 ACRES	
SEWER TO BE INDIVIDUAL ON-SITE	
STORMWATER TO BE TREATED ON-SITE	
WATER TO BE SUPPLIED VIA JERICO-UNDERHILL WATER DISTRICT	

THE CONTRACTOR SHALL NOTIFY "DIGSAFE" AT 1-888-DIG-SAFE PRIOR TO ANY EXCAVATION.

Note: THIS SITE PLAN IS NOT TO BE USED FOR PROPERTY CONVEYANCE.

OWNER AND APPLICANT:
 JACOBS HILL ASSOCIATION
 PHIL JACOBS
 73 UPPER ENGLISH SETTLEMENT ROAD
 UNDERHILL, VT 05489



DATE: 6-17-20
 SURVEY: OBCA
 DESIGN: HJS/PJD
 DRAWN: RCM
 CHECKED: PJO
 SCALE: 1"=100'

REVISION:
 RECORD DRAWING
 PRELIMINARY
 FINAL
 SKETCH/CONCEPT

O'LEARY-BURKE CIVIL ASSOCIATES, PLC
 13 CORPORATE DRIVE
 ESSEX, VT 05732
 PHONE: 878-9589
 FAX: 878-9589
 E-MAIL: ocbca@olearyburke.com

LANDS OF PHILIP JACOBS
 16 HARVEST RUN - UNDERHILL, VT

PHASE 4 PLAN

DATE: 6-17-20
 JOB#: 5106
 FILE: 5106-PHASE4
 PLAN SHEET # **1**



Town of Underhill

Development Review Board

Final Findings and Decision

APPLICATION OF PHIL JACOBS FOR A 5-LOT SUBDIVISION

In re: Phil Jacobs
16 Harvest Run (HR016)
Underhill, VT 05489

Docket No. DRB-16-01

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

I. INTRODUCTION AND PROCEDURAL HISTORY

This proceeding concerns a final subdivision application submitted by Phil Jacobs regarding a 5-lot subdivision of property located at 16 Harvest Run in Underhill, Vermont.

- A. On January 5, 2016, Phil Jacobs filed an application for subdivision for the above-mentioned project. A sketch plan review of the project was held on February 1, 2016 and was accepted.
- B. Application for Preliminary Approval was made on May 16, 2016. A hearing was scheduled for 6:35 pm on June 6, 2016. A decision was made to continue the hearing. At that time, a site visit was scheduled and held at the property at 6:35 PM on June 13, 2016 in an effort to become more familiar with the existing drainage patterns on site. No testimony was provided during the site visit. The Board re-convened on June 20, 2016 to resume the preliminary subdivision hearing. A Preliminary Approval decision was issued by the Development Review Board on August 3, 2016.
- C. On September 2, 2016, Phil Jacobs filed an application for final subdivision review for the above-mentioned project with the Underhill Planning & Zoning Department. Planning Director & Zoning Administrator, Andrew Strniste, received the application and determined that it was complete shortly thereafter. A hearing date was schedule for October 3, 2016.
- D. On September 15, 2016, a copy of the notice of the final subdivision review hearing was mailed via Certified Mail to the following property owners adjoining the property subject to the application:

A. Robert & Kathleen Covey, P.O. Box 5, Underhill, VT

- B. David & Dorothy Richiede, P.O. Box 278, Underhill, VT
- C. Matthew & Jaqueline Gombrich, 6 Depot Street, Underhill, VT
- D. Eugene & Teresa Bogaczyk, P.O. Box 416, Underhill, VT
- E. Estate of Ronald Viau, 6 Harvest Run, Underhill, VT
- F. Deborah Shannon, P.O. Box 202, Underhill, VT
- G. Jamie Eisenberg, 23 Park Street, Underhill, VT
- H. Gertrude Hunt, 159 Orr Road, Jericho, VT
- I. Marguerite Walsh, 4 Depot Street, Underhill, VT
- J. Robert & Louise Nichols, 4 Sugar Hill, Underhill, VT
- K. Joseph & Ruth Nelson, 2 Sugar Hill, Underhill, VT
- L. Alan & Bonita Morse, 18B Meadow Lane
- M. Emmet & Paige Manning, 421 Vermont Route 15, Underhill, VT
- N. Malachi & Shannon McCauley, PSC 817 #108, FPO AE 09622-0002
- O. Underhill-Jericho Fire Department, P.O. Box 150, Underhill, VT
- P. Underhill Garage, Inc, P.O. Box 7, Underhill, VT
- Q. Brett Decker, 408 Vermont Route 15, Underhill, VT
- R. United Church of Underhill, P.O. Box 265, Underhill, VT
- S. William & Christina Widlund, 8 Jacobs Hill Road, Underhill, VT
- T. Aaron & Jamie Brillhart, 16 Jacobs Hill, Underhill, VT
- U. Randy & Kelly Jewell, 14 Jacobs Hill, Underhill, VT
- V. Tobin & Rebecca Clough, P.O. Box 112, Underhill, VT
- W. Jason & Jodie Ferreira, P.O. 386, Underhill, VT
- X. John Pepi, 24 Jacobs Hill, Underhill, VT
- Y. Applicant - Phil Jacobs, 73 Upper English Settlement Road, Underhill, VT
- Z. Applicant - O'Leary-Burke Civil Associates, 13 Corporate Drive, Essex Junction, VT

E. During the week of September 11, 2016, notice of the public hearing for the proposed Jacobs subdivision was posted at the following places:

- A. The Underhill Town Clerk's office;
- B. The Underhill Center Post Office; and
- C. The Underhill Flats Post Office.

F. On September 17, 2016, the notice of public hearing was published in the *Burlington Free Press*.

G. The final subdivision review hearing convened at 6:35 pm on October 3, 2016 at the Town of Underhill Town Hall.

H. Present at the subdivision revision hearing were the following members of the Development Review Board:

- A. Board Member, Charles Van Winkle, Chairperson
- B. Board Member, Will Towle
- C. Board Member, Mark Hamelin

- D. Board Member, Shanie Bartlett
- E. Board Member, Karen McKnight
- F. Board Member, Matt Chapek
- G. Staff Member, Andrew Strniste, Planning Director & Zoning Administrator

Others present at the hearing were:

- 1. William Widlund, Abutting Neighbor (8 Jacobs Hill Road)
 - 2. Harland Blodgett, Abutting Neighbor (22 Poker Hill Road)
 - 3. Greg Bogaczyk, Abutting Neighbor (10 Harvest Run)
 - 4. David Richiede, Abutting Neighbor (12 Harvest Run)
 - 5. Aaron Brillhart, Abutting Neighbor (16 Jacobs Hill Road)
 - 6. Bob Covey, Abutting Neighbor (14 Harvest Run)
 - 7. Deb Shannon, Abutting Neighbor (4 Harvest Run)
 - 8. Paul O'Leary, Consultant (13 Corporate Drive, Essex Junction)
 - 9. Phil Jacobs, Applicant (13 Upper English Settlement Road)
- I. At the outset of the hearing, Chair Van Winkle explained the criteria under 24 V.S.A § 4465(b) for being considered an "interested party." Those who spoke at the hearing were:
- 1. Greg Bogaczyk
 - 2. Bob Covey
 - 3. Deb Shannon
 - 4. Aaron Brillhart
- J. In support of the final subdivision application, the following exhibits were submitted to the Development Review Board:
- Exhibit A - Application for Final Subdivision Hearing
 - Exhibit B - Final Subdivision Hearing Checklist
 - Exhibit C - Preliminary Subdivision Findings & Decision
 - Exhibit D - Preliminary Access Permit (05-16-2016)
 - Exhibit E - Burlington Free Press Notice
 - Exhibit F - List of Abutters
 - Exhibit G - Letter to Neighboring Abutters
 - Exhibit H - Correspondence from Neighbor (Covey)
 - Exhibit I - Notice from Jacobs to Neighbors Re Road Maintenance Agreement
 - Exhibit J - Proposed Harvest Run Improvement Options
 - Exhibit K - Project Review Sheet
 - Exhibit L - ANR Stormwater Program Public Notice
 - Exhibit M - Designer's Statement of Compliance (State Stormwater Discharge Permit)
 - Exhibit N - Correspondence Re Stormwater Plan
 - Exhibit O - Correspondence Regarding Authorization to Discharge
 - Exhibit P - DEC Correspondence Re WW-4-4679 (1 of 2)

Exhibit Q - DEC Correspondence Re WW-4-4679 (2 of 2)
Exhibit R - Permit 3-9015 DEC Authorization to Discharge
Exhibit S - WW-4-4679
Exhibit T - Survey (Plan Sheet PL - 09-09-2016)
Exhibit U - Phase 2 Plan (Plan Sheet 1 - 09-09-2016)
Exhibit V - Min's Lane Plan View (Plan Sheet 2 - 09-09-2016)
Exhibit W - Min's Lane Road Profile (Plan Sheet 3 - 05-10-2016)
Exhibit X - Roadway and Erosion Control Details (Plan Sheet 4 - 05-10-2016)
Exhibit Y - Water Details (Plan Sheet 5 - 05-10-2016)
Exhibit Z - Water and Wastewater Plan (Plan Sheet 6 - 09-09-2016)
Exhibit AA - Sewage Disposal and Landscaping Details (Plan Sheet 6 - 05-10-2016)
Exhibit BB - Water, Sewer and Landscaping Details (Plan Sheet 7 - 06-28-2016)
Exhibit CC - Stormwater Plan (Plan Sheet 8 - 09-09-2016)
Exhibit DD - Stormwater Details (Plan Sheet 9 - 06-22-2016)
Exhibit EE- Jacobs Sketch Letter
Exhibit FF - MMU School District Letter
Exhibit GG – Staff Memorandum
Exhibit HH - Response to Harvest Run Maintenance Plan from Neighbors
Exhibit II - Additional Road Maintenance Materials

Exhibits that were submitted during the hearing were as follows:

Exhibit JJ - Email From Richiedei
Exhibit KK - Aaron Brillhart Comments

The Exhibits submitted as part of the preliminary application except as amended above are incorporated with this decision.

All exhibits are available for public review in the HR016 Final Subdivision Review file (DRB 16-01) at the Underhill Zoning & Planning office.

II. FINDINGS

The Minutes of the meetings, 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 Underhill Unified Land Use and Development Regulations (ULUDR):

FACTUAL FINDINGS

The applicant, Phil Jacobs, record owner of the property located at 16 Harvest Run in Underhill, VT, is seeking a subdivision permit to subdivide land. The property is located in the Underhill Flats Village Center District as defined in Article II, Table 2.2 of the 2014 Underhill Unified Land Use & Development Regulations.

ZONING DISTRICTS, ARTICLE II

ARTICLE II, TABLE 2.2 UNDERHILL FLATS VILLAGE CENTER DISTRICT

The Board finds that the newly created lots will meet the requirements of the Underhill Flats Village Center zoning district.

GENERAL REGULATIONS, ARTICLE III

A. ACCESS, SECTION 3.2

The Board finds that that the preliminary access permit (Access Permit #: A-16-03) for the 5-Lot subdivision received from the Selectboard on May 24, 2016 satisfies the requirements of § 3.2.C, noting that the following condition, in addition to any requirements set forth by the Selectboard, is required prior to obtaining final access permit approval: the new access road is to be built to A-76 standards.

B. LOT, YARD & SETBACK REQUIREMENTS, SECTION 3.7

The Board finds that the proposed lots will meet the minimum lot, yard & setback requirements.

C. SOURCE PROTECTION AREAS, SECTION 3.17

The Board finds that the proposed subdivision is not located within a source protection area.

D. STEEP SLOPES, SECTION 3.18

The Board finds that the subdivision contains areas of steep slopes (15-25%) and very steep slopes (>25%); however, the proposed development is generally located on areas of non-steep slopes, and therefore, there will be a *de minimis* impact on the areas of steep slopes.

E. SURFACE WATERS & WETLANDS, SECTION 3.19

The Board finds that the applicant identified the existence of a Class III Wetlands, as well as an unnamed seasonal stream, located within the proposed subdivision. As proposed, all of the proposed structures and other impervious surfaces meet the required setbacks.

F. WATER SUPPLY & WASTEWATER SYSTEMS, SECTION 3.22

The Board finds that the applicant has obtained the requisite water supply and wastewater system permits from the Vermont Department of Environmental Conservation (Exhibit S - WW-4-4679), and therefore, the proposed subdivision has an adequate water supply, and that any proposed wastewater disposal system will not adversely affect the groundwater.

SUBDIVISION REVIEW, ARTICLE VII

A. APPLICABILITY, SECTION 7.2

The Board finds that the applicant's proposed subdivision is subject to the requirements of the 2014 Underhill Unified Land Use & Development Regulations per § 7.2, and has been classified as a "major subdivision" during the Sketch Plan Review

process.

B. SKETCH PLAN REVIEW, SECTION 7.3

The Board finds that the proposed subdivision received approval during the Sketch Plan Review process on February 1, 2016.

C. PRELIMINARY SUBDIVISION REVIEW, SECTION 7.5

The Board finds that the proposed subdivision received approval during the Preliminary Subdivision Review process on August 3, 2016.

SUBDIVISION STANDARDS, ARTICLE VIII

A. APPLICABILITY, SECTION 8.1

The Board finds that the proposed subdivision shall be evaluated under the subdivision standards outlined in the Town of Underhill, Unified Land Use and Development Regulations, as amended March 4, 2014.

B. GENERAL STANDARDS, SECTION 8.2

DEVELOPMENT SUITABILITY, SECTION 8.2.A

The Board finds that the proposed subdivision is suitable and compatible with the surrounding area.

DEVELOPMENT DENSITY, SECTION 8.2.B

The Board finds that the proposed subdivision is consistent with the development density for the zoning district it is located in – the Underhill Flats Village Center District.

EXISTING SITE CONDITIONS, SECTION 8.2.C

The Board finds the proposed subdivision is compatible with the existing site conditions and layout, and that the design integrates into the land, as well as takes advantage of the topography while being respectful of existing site features and natural amenities.

UNDERHILL TOWN PLAN & DEVELOPMENT REGULATIONS, SECTION 8.2.D

The Board finds that the subdivision is in conformance with the Underhill Unified Land Use & Development Regulations, as well as the Town Plan.

DISTRICT SETTLEMENT PATTERNS, SECTION 8.2.E

The Board finds that the subdivision is concentrating density in development patterns consistent with the patterns designated in the Town Plan for the Underhill Flats Village Center District.

LOT LAYOUT, SECTION 8.2.F

The Board finds that the proposed subdivision lots and lot layouts conform to the Regulations, and are compatible with the surrounding area.

BUILDING ENVELOPMENTS, SECTION 8.2.G

The Board finds that the applicant is proposing building envelopes that are more restrictive than allowed by the ULUDR. The Board makes no requirement in this regard, and these restrictions shall not be enforced by the Town.

SURVEY MONUMENTS, SECTION 8.2.H

The Board makes no findings with regard to survey monuments.

LANDSCAPING & SCREENING, SECTION 8.2.I

The Board makes no findings, nor makes any requirements with regard to landscaping and screening.

ENERGY CONSERVATION, SECTION 8.2.J

The Board makes no findings, nor makes any requirements with regard to energy conservation.

C. NATURAL & CULTURAL RESOURCES, SECTION 8.3

RESOURCE IDENTIFICATION AND PROTECTION, SECTION 8.3.A

The Board finds that there are no natural or cultural resources identified, nor protection areas proposed.

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

The Board finds that prior construction activity resulting from the creation of Meadow Lane over 40 years ago, re-directed surface water runoff from draining westward across Route 15 and re-routing it through the parent parcel of the subdivision. The seasonal stream and drainage way has contributed to past drainage issues along Harvest Run. The enlarged contributing drainage area has presented issues for the applicant pertaining to management during the development of Harvest Run and Jacobs Hill Road. The piecemeal approach to development within the parent parcel has created challenges for the applicant to continue to develop, especially when maintenance activities have not been performed on a regular basis. The Board finds that an adequate plan has been established for the management of stormwater runoff.

The Board finds that a Class III wetland, as defined by the VT Agency of Natural Resources, has been identified on the project as part of a prior approval. The Board finds that the proposed activity associated with this development will create no adverse impact to the wetland.

The Board finds that there are no mapped floodplains in the project area.

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

The Board finds there are no rock outcrops, or ridgelines in the project area. The Board finds hillsides are a general feature of the project. There are some steep slopes in the project location; however, development is not proposed within these areas.

NATURAL AREAS & WILDLIFE HABITAT, SECTION 8.3.D

The Board finds that there are no mapped wildlife habitat areas in the project area, and that the project does not cause fragmentation or adverse impacts to natural areas.

HISTORIC & CULTURAL RESOURCES, SECTION 8.3.E

The Board finds that there are no historic or cultural resources within the project.

FARMLAND, SECTION 8.3.F

The Boards finds that there will be no impact on Farmland.

FORESTLAND, SECTION 8.3.G

The Board finds that there will be no impact on Forestland.

D. OPEN SPACE & COMMON LAND, SECTION 8.4

OPEN SPACE, SECTION 8.4.A

The Board makes no findings or requirements with regard to open space.

COMMON LAND, SECTION 8.4.B

The Board makes no findings or requirements with regard to common land.

LEGAL REQUIREMENTS, SECTION 8.4.C

The Board finds that a lack of a Homeowners Association involving the existing residents of Harvest Run can be attributed to inaction on the part of the applicant or his predecessors, and is largely a problem created by the applicant.

The Boards finds that although the previous covenants governing the Jacobs Subdivision did not include the maintenance and repair of Harvest Run roadway, the current amended covenants do create that obligation for Jacobs Hill Road and Min's Lane Subdivision residents. The Board requires the developer and/or his successors to annually offer the residents living on Harvest Run the opportunity to share in the maintenance of the Harvest Run roadway. The Board acknowledges that it cannot require residents of Harvest Run to contractually share in their road maintenance and repair.

The Board finds that no evidence has been submitted regarding the operation and autonomy of the Homeowners Association. The Board finds that the applicant is the sole operator of the Homeowners Association and that it has not become an independent body.

E. STORMWATER MANAGEMENT & EROSION CONTROL, SECTION 8.5

The Board finds an extensive analysis has been conducted that addresses the existing drainage patterns during the 10-year and the 25-year design frequency storm events. The Board finds:

1. Three (3) different methodologies were used to conduct the analysis.

2. The prior development in the vicinity of the project altered the drainage patterns, thereby directing more surface water flow through the project area.
3. Based on the evidence submitted by the applicant, runoff from the 25-year design storm event may accumulate on adjacent properties west of the project location.
4. The Board find that proposed grading improvements, (i.e. the storage area) along the south side of the field is sufficient to manage a 25-year design storm event.

F. TRANSPORTATION FACILITIES, SECTION 8.6

The Board finds that a Preliminary Access Permit has been approved by the Selectboard (Access Permit #: A-16-03, permitted on May 24, 2016). The proposed development road has the capacity to accommodate vehicular traffic to and from the proposed subdivision.

The Board finds:

1. That the additional traffic generated by the proposed development will not exacerbate existing traffic or circulation on both Jacobs Hill Road and Harvest Run.
2. In conducting a review of this application, the Board further finds that the care and maintenance of Jacobs Hill Road and Harvest Run has largely been performed by the applicant and not performed by the road association.
3. *In conducting a review of this application, as well as a site visit, the Board finds the condition of Harvest Run appears to be typical of other gravel roads in Underhill during mid-summer 2016.*
4. *The Board finds that as per the typical gravel private road, Harvest Run has not benefited from periodic rehabilitation with professional equipment. As such, it is only in moderate condition.*
5. Furthermore, the Board is disappointed with the level of care and maintenance of Harvest Run, in particular any evidence that the Homeowners Association is functioning as proposed in the 2008 approval.

DRIVEWAYS, SECTION 8.6.A.9

The Board finds evidence, and is reasonably assured, that the driveways to the new lots can be constructed in conformance with these Regulations. Final driveway locations are under the jurisdiction of the Underhill Road and Trail ordinance, and need not be reviewed by the Development Review Board.

DEVELOPMENT ROADS, SECTION 8.6.B

The Board finds, based on the evidence submitted, that the proposed development road has the capacity to accommodate vehicular traffic generate by the proposed development.

DEVELOPMENT ROADS, SECTION 8.6.B.3

The Board finds, based on the evidence submitted, that the proposed development road meets or exceeds the minimum design requirements with respect to Rights-of-Ways, Grades, Drainage, Travel Lanes, Surfacing, and Dead Ends as Outlined in the ULUDR.

IMPROVEMENTS, SECTION 8.6.B.4

The Board finds that the existing road infrastructure on Harvest Run requires drainage improvements and continued maintenance.

ACCEPTANCE, SECTION 8.6.B.5

The Board finds that the proposed development road will not be accepted for ownership by the Town.

NAMES, SIGNS AND 911 LOCATOR NUMBERS, SECTION 8.6.B.6

The Board finds that names, signs, and 911 locator numbers shall be required as a condition of final approval.

PARKING FACILITIES, SECTION 8.6.C

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

TRANSIT FACILITIES, SECTION 8.6.D

The Board finds that no transit facilities are proposed.

PEDESTRIAN ACCESS, SECTION 8.6.E

- The Board finds no specific separate infrastructure is proposed regarding pedestrian access.
- The Board finds that the nature of development at the project area, as well as the surrounding area, is sufficient for pedestrian access.
- The Board finds that under the current subdivision design, there are additional lots on Min's Lane that could be created from the proposed infrastructure, and is satisfied with pedestrian access along Min's Lane.
- The Board finds the residual parcel identified as lot #6; has the potential to be further developed as a mixed use, or a higher density development area.
 - In the course of further developing this parcel, the applicant would be wise to include a pedestrian circulation plan that is separate from vehicle circulation, which would allow pedestrians to connect to the schools, post office, and other points of interest.

G. PUBLIC FACILITIES & UTILITIES, SECTION 8.7

PUBLIC FACILITIES, SECTION 8.7.A

The Board finds that development of the parcel has the potential to affect the public investment of Park Street and the surface water drainage system that supports it. As presently proposed, the drainage infrastructure is designed to manage its stormwater

within the boundaries of the subdivision without burdening the Town's stormwater infrastructure.

FIRE PROTECTION, SECTION 8.7.B

The Board finds the Underhill Jericho Fire Department has provided an ability to serve letter, and has made no requirement regarding specialized water storage or distribution facilities for fire protection.

WATER SYSTEMS, SECTION 8.7.C

The Board finds that the development plans to supply potable water via drilled wells on each subdivided lot.

WASTEWATER SYSTEMS, SECTION 8.7.D

The Board finds that the proposed lots will be served by private wastewater systems.

UTILITIES, SECTION 8.7.E

The Board finds electrical, communication, and media utilities shall be located below grade.

H. LEGAL REQUIREMENTS, SECTION 8.8

The Board finds that the proposed maintenance agreements include Harvest Run, Jacobs Hill Road, and Min's Lane.

III. CONCLUSION

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 criteria in the ULUDR.

The Board concludes that based on the evidence submitted and the above findings, the proposed subdivision/development generally conforms to the Underhill Unified Land Use & Development Regulations.

IV. DECISIONS AND CONDITIONS OF APPROVAL

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

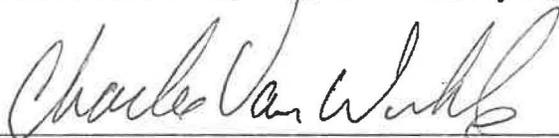
1. The Board requires the project be constructed in accordance with the drawing set submitted as part of the review process, and are listed as follows:
 - a. Survey (Plan Sheet PL - 09-09-2016)
 - b. Phase 2 Plan (Plan Sheet 1 - 09-09-2016)
 - c. Min's Lane Plan View (Plan Sheet 2 - 09-09-2016)
 - d. Min's Lane Road Profile (Plan Sheet 3 - 05-10-2016)

- e. Roadway and Erosion Control Details (Plan Sheet 4 - 05-10-2016)
 - f. Water Details (Plan Sheet 5 - 05-10-2016)
 - g. Water and Wastewater Plan (Plan Sheet 6 - 09-09-2016)
 - h. Sewage Disposal and Landscaping Details (Plan Sheet 6 - 05-10-2016)
 - i. Water, Sewer and Landscaping Details (Plan Sheet 7 - 06-28-2016)
 - j. Stormwater Plan (Plan Sheet 8 - 09-09-2016)
 - k. Stormwater Details (Plan Sheet 9 - 06-22-2016)
2. The Board requires the applicant formalize upon approval the proposed roadway maintenance agreement to include Harvest Run, Jacobs Hill Road and Min's Lane. This document was submitted in the Preliminary Application and is listed as "Exhibit W DRAFT JACOBS HILL ROAD MAINTENANCE AGREEMENT" in the Preliminary Decision.
 3. The Board requires the applicant to clean and stabilize the roadside drainage ditch on the west side of Harvest Run.
 4. The Board requires the permit holder certify annually that the recommended maintenance is being conducted on the stormwater infrastructure, especially maintenance of the ditch on the western side of Harvest Run.
 5. The Board does not require the residents of Harvest Run to participate in the cost of said improvements.
 6. The Board requires the applicant to annually offer the residents living on Harvest Run the opportunity to share in the maintenance of the Harvest Run roadway. The Board does not require any of the residents to join the roadway association.
 7. The Board requires the applicant to obtain a final access permit from the Underhill Board of Selectmen for the construction of Min's Lane.
 - a. Final driveway locations are subject to the authority having jurisdiction over the Underhill Roadway and Trail Ordinance, and do not need to be approved by the Underhill Development Review Board.
 8. No actions required by this Board as a condition of approval shall in any way be construed as restricting any rights available under Vermont statute to either the applicant or the homeowners association.
 9. Any new electric, data and communication utilities shall be underground.
 10. The conditions of the ANR Wastewater System and Potable Water Supply Permit shall be incorporated herein.
 11. The E-911 Codes for the lots shall be posted per the Underhill-Jericho Fire Department specifications prior to the issuance of an occupancy permit.
 12. Per § 7.2(B), no land shall be subdivided until final subdivision approval has been obtained from the Development Review Board, and the approved subdivision plat is recorded in the Underhill Land Records.
 13. No transfer, sale or long-term lease of title to property as defined under 32 VSA § 9601 of any portion of an existing lot; predevelopment site work; or issuance of zoning permits to develop a subdivided lot shall occur until final subdivision has been approved from the Development Review Board, and the final Mylars (the subdivision plat and the engineering drawing) have been recorded in the Underhill Land Records [see § 7.2(C)].
 14. The building envelope as shown on the subdivision plat are in excess of the minimum required by the current Uniform Land Use and Development Regulations.

The applicant is proposing the additional restrictions and as such these additional building setbacks are non-binding nor enforceable by the town.

15. The final plat shall be updated to include parcel codes and shall be submitted for recording within 180 days of the date of this approval in accordance with § 7.7. Please contact the Zoning Administrator for the parcel codes.
16. Conditions of approval from previous decisions, unless specifically amended herein, shall remain in effect. This shall include approvals under DRB Docket 07-06 Phillip Jacobs and DRB Docket 12-10 Jacobs.
17. All subdivision and recording fees must be paid in full prior to recording a subdivision plat in accordance with § 7.7(B)
18. Prior to the issuance of any certificate of occupancy on the new lots created along Mins Lane, the applicant shall provide a Certification letter from a VT Licensed Professional Engineer indicating that all common infrastructure improvements listed in condition #1 have been constructed according to plan.
19. Notwithstanding the conditions above, prior to issuing a building permit, the applicant shall comply with applicable aspects of the Unified Land Use and Development Regulations in effect at the time of the application.

Dated at Underhill, Vermont this 16 day of NOVEMBER, 2016.



Charles Van Winkle, Chair, Development Review Board

NOTICE: This decision may be appealed to the Vermont Environment Court by an interested person who participated in the proceedings before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings. Appeal period ends DECEMBER 16, 2016.



Town of Underhill
Development Review Board
Final Subdivision Findings and Decision

**SUBDIVISION AMENDMENT REVIEW APPLICATION OF PHILIP JACOBS TO AMEND A PREVIOUSLY APPROVED
SUBDIVISION TO CREATE AN ADDITIONAL LOT (SUBDIVIDING A LOT INTO TWO LOTS)**

In re: Philip Jacobs
17 Jacobs Hill Road (JB017), Formerly 16 Harvest Run (HR016)
Underhill, VT 05489

Docket No. DRB-18-11

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

I. INTRODUCTION AND PROCEDURAL HISTORY

This proceeding concerns the subdivision amendment review application submitted by Philip Jacobs pertaining to a subdivision amendment of a previously approved subdivision. The subdivision amendment application is for the creation of an additional lot (subdividing 17 Jacobs Hill Road into two lots). The subject property owned by Mr. Jacobs is located at 17 Jacobs Hill Road (formerly 16 Harvest Run) in Underhill, Vermont.

- A. On January 8, 2018, the applicant, Philip Jacobs, filed a sketch plan review application (DRB-18-03) for a two-lot subdivision of land he owns at 17 Jacobs Hill Road (JB017) in Underhill, Vermont. A sketch plan review meeting to review the application was held on February 26, 2018. At the meeting, the application was dismissed by the Board, and the applicant was informed that the project would be better classified as a subdivision amendment of the previously approved subdivision at 16 Harvest Run (HR016) – heard as DRB Docket #: DRB-16-01. Subsequently, the reclassification of the applicant's project was memorialized in a memorandum by the Planning & Zoning Administrator on March 5, 2018.
- B. On March 29, 2018, the applicant filed a subdivision amendment review application for the abovementioned project. Planning & Zoning Administrator, Andrew Strniste, received the application and determined that it was complete prior to warning the hearing on Wednesday, May 2, 2018 for the Saturday, May 5, 2018 issue of the *Burlington Free Press*. A site visit was scheduled for 6:00 PM on Monday, May 21, 2018 at the project's location, and a hearing date was scheduled for 7:35 PM on Monday, May 21, 2018 at Underhill Town Hall.
- C. On May 2, 2018, notice regarding the subdivision amendment review hearing was mailed via certified mail to the following property owners adjoining the property subject to the application, as well as to those property owners whose property abuts the original parcel of land that was subject to subdivision in the original DRB-16-01 application and those who were interested parties to the original proceeding:

1. Applicant: JB017 (Formerly Part of HR016) – Philip Jacobs, 73 Upper English Settlement Road, Underhill, VT 05489
2. Consultant: O’Leary-Burke Civil Associates, 13 Corporate Drive, Essex Junction, VT 05452
3. DP004 – Marguerite Walsh, 4 Depot Street, Underhill, VT 05489
4. DP006 – Matthew D. Gombrich, 6 Depot Street, Underhill, VT 05489
5. HR002 – Alonna E. Bolio Trustee, 219 Stone Hill Road, Williston, VT 05495
6. HR004 – Deborah Shannon, P.O. Box 202, Underhill, VT 05489
7. HR006 – Danielle & Christine Viau, 6 Harvest Run, Underhill, VT 05489
8. HR010 – Eugene R. & Teresa R. Bogaczyk, 10 Harvest Run, Underhill, VT 05489
9. HR012 – David & Dorothy Richiede, P.O. Box 278, Underhill, VT 05489
10. HR014 – Robert L. & Kathleen A. Covey Trustees, P.O. Box 5, Underhill, VT 05489
11. JB008 – William E. & Christina L. Widlund, 8 Jacobs Hill Road, Underhill, VT 05489
12. JB014 – Randy E. & Kelley Y. Jewell, 14 Jacobs Hill Road, Underhill, VT 05489
13. JB016 – Aaron & Jamie Brillhart, 16 Jacobs Hill Road, Underhill, VT 05489
14. JB018 – Tobin M. & Rebecca B. Clough, P.O. Box 112, Underhill, VT 05489
15. JB022 – Jason R. Ferreira, 22 Jacobs Hill Road, Underhill, VT 05489
16. JB024 – John C. & Christina Pepi, 24 Jacobs Hill Road, Underhill, VT 05489
17. MD018 – Alan R. Morse Trustee, 18B Meadow Lane, Underhill, VT 05489
18. MN005 – Theodore & Elena Alexander, P.O. Box 8, Underhill, VT 05489
19. MN007 – Carole Magoffin, 271 Poker Hill Road, Underhill, VT 05489
20. MN009 – Matthew & Alicia Martelle, 9 Min’s Lane, Underhill, VT 05489
21. PA007X – United Church of Underhill, P.O. Box 265, Underhill, VT 05489
22. PA021 – Gertrube Hunt, 159 Orr Road, Jericho, VT 05465
23. PA023 – Jamie D. Eisenberg, 23 Park Street, Underhill, VT 05489
24. SU002 – Joseph C. & Ruth C. Nelson, 2 Sugar Hill, Underhill, VT 05489
25. SU004 – Robert J. & Louise L. Nichols, 4 Sugar Hill, Underhill, VT 05489
26. VT408 – Vermont Route 15, Brett A. Decker, 408 Vermont Route 15, Underhill, VT 05489
27. VT418 – Underhill Garage, Inc., P.O. Box 7, Underhill, VT 05489
28. VT420X – Underhill-Jericho Fire Department, P.O. Box 150, Underhill, VT 05489
29. VT421 – Robert & Paige Manning, 421 Vermont Route 15, Underhill, VT 05489
30. VT424 – Malachi & Shannon McCaulley, 424 Vermont Route 15, Underhill, VT 05489
31. Town of Jericho – Town of Jericho, Attn: Jessica Alexander, Town Clerk, P.O. Box 39, Jericho, VT 05465

D. During the week of April 29, 2018, notice of the public hearing for the proposed Jacobs subdivision amendment review hearing was posted at the following places:

1. The Underhill Town Clerk’s office;
2. The Underhill Center Post Office; and
3. Jacobs & Son Market.

E. On May 5, 2018 the notice of public hearing was published in the *Burlington Free Press*.

F. A site visit at the property’s location (17 Jacobs Hill Road, Underhill, Vermont, formerly 16 Harvest Run, Underhill, Vermont) commenced at 6:00 PM on Monday, May 21, 2018.

G. Present at the site visit were the following members of the Development Review Board:

1. Board Member, Charles Van Winkle, Chairperson
2. Board Member, Matt Chapek
3. Board Member, Mark Green
4. Board Member, Daniel Lee
5. Board Member, Karen McKnight
6. Board Member, Penny Miller
7. Board Member, Stacey Turkos

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

8. Planning & Zoning Administrator, Andrew Strniste
9. Applicant, Philip Jacobs (73 Lower English Settlement Road, Underhill, VT 05489)
10. Abutting Neighbor, Matthew Martelle (9 Min's Lane, Underhill, VT 05489)
11. Abutting Neighbor, Alicia Martelle (9 Min's Lane, Underhill, VT 05489)
12. Consultant, Paul O'Leary (O'Leary-Burke Civil Associates, 13 Corporate Drive, Essex Junction, VT 05452)
13. Consultant, Shawn Cunningham (O'Leary-Burke Civil Associates, 13 Corporate Drive, Essex Junction, VT 05452)

H. The subdivision amendment review hearing began at 7:32 PM on Monday, May 21, 2018 at the Town of Underhill Town Hall, 12 Pleasant Valley Road, Underhill, Vermont.

I. Present at the subdivision amendment review hearing were the following members of the Development Review Board:

1. Board Member, Charles Van Winkle, Chairperson
2. Board Member, Matt Chapek
3. Board Member, Mark Green
4. Board Member, Daniel Lee
5. Board Member, Karen McKnight
6. Board Member, Penny Miller
7. Board Member, Stacey Turkos

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

Others present at the hearing were:

1. Applicant, Philip Jacobs (73 Lower English Settlement Road, Underhill, VT 05489)
2. Applicant's Consultant, Paul O'Leary (O'Leary-Burke Civil Associates, 13 Corporate Drive, Essex Junction, VT 05452)
3. Abutting Neighbor, Aaron Brillhart (16 Jacobs Hill Road, Underhill, VT 05489)

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

1. Applicant's Consultant, Paul O'Leary
2. Applicant, Philip Jacobs

Also qualifying as an interested party is Dorothy Richiedei, who did not attend the hearing; however, submitted correspondence stating concerns.

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

1. Exhibit A - HR016 Jacobs Staff Report - Subdivision Amendment Review
2. Exhibit B - Jacobs (HR016) Subdivision Amendment Review Hearing Procedures
3. Exhibit C - Application for Subdivision Amendment Review
4. Exhibit D - Correspondence from Consultant
5. Exhibit E - Certificate of Service
6. Exhibit F - Proposed Amendments to Homeowners Association
7. Exhibit G - Wastewater System & Potable Water Supply Permit (WW-4-4679-1)
8. Exhibit H - Preliminary Access Permit (A-18-05)
9. Exhibit I - DRB-07-06 Conditions of Approval
10. Exhibit J - DRB-12-10 Conditions of Approval
11. Exhibit K - DRB -13-02 Conditions of Approval
12. Exhibit L - DRB-16-01 Conditions of Approval
13. Exhibit M - ANR Habitat Blocks Map
14. Exhibit N - ANR Slopes Map
15. Exhibit O - 5106-PHASE 3 3-22-18 Phase 3 Plan (1)
16. Duplicate Exhibit O - Phase 3 Plan
17. Exhibit P - 5106-PHASE 3 3-22-18 Min's Lane Plan View (2)
18. Duplicate Exhibit P - Min's Lane Plan View
19. Exhibit Q - 5106-PHASE 3 3-22-18 Plan & Profile (3)
20. Duplicate Exhibit Q - Driveway Plan & Profile
21. Exhibit R - 5106-PHASE 3 3-22-18 Water and Wastewater (4)
22. Duplicate Exhibit R - Water & Wastewater Plan
23. Exhibit S - 5106-PHASE 3 3-22-18 Water and Wastewater Details (5)
24. Duplicate Exhibit S - Water & Wastewater Details
25. Exhibit T - 5106-PHASE 3 3-22-18 Stormwater and Erosion Control Plan (6)
26. Duplicate Exhibit T - Stormwater & Erosion Control Plan
27. Exhibit U - 5106-PHASE 3 3-22-18 Roadway Landscaping and Erosion Control Details (7)
28. Duplicate Exhibit U - Stormwater & Erosion Control Details

No other exhibits were distributed prior to the start of the hearing. During the hearing, however, the following exhibits were submitted into the record:

29. Exhibit V – Mt. Mansfield Ability to Service Letter
30. Exhibit W – Correspondence from Dori Richiedei

While the minutes of May 21, 2018 state that a third exhibit – the Wastewater System & Potable Water Supply Permit – was submitted into the record, this would be a duplicate entry, and therefore, not considered an additional exhibit.

All exhibits are available for public review in the HR016 (JB017) Jacobs Subdivision Amendment Review file (HR016 (JB017) / DRB-18-11) and the JB017 Jacobs Sketch Plan Review file (JB017 / DRB-18-03) at the Underhill Zoning & Planning office.

II. FACTUAL FINDINGS & CONCLUSIONS

The Minutes of the February 26, 2018 and May 21, 2018 meetings, 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 2018 *Underhill Unified Land Use and Development Regulations* (ULUDR):

PROJECT SYNOPSIS

The applicant, Philip Jacobs, record owner of the property located at 17 Jacobs Hill Road, formerly 16 Harvest Run, in Underhill, VT, is seeking to amend his previously approved subdivision application (reviewed as DRB Docket #: DRB-16-01) to create an additional lot (effectively splitting the land at 17 Jacobs Hill Road into two separate lots). The property is located in the Underhill Flats Village Center zoning district as defined in Article II, Tables 2.2 of the 2018 *Underhill Unified Land Use & Development Regulations*.

ARTICLE II – ZONING DISTRICTS

A. ARTICLE II, TABLE 2.2 – UNDERHILL FLATS VILLAGE CENTER DISTRICT

The Board finds that the proposed subdivision will occur entirely within the Underhill Flats Village Center District. The applicant is proposing to build single-family dwellings on both lots. The proposed project conforms to the district requirements and the purpose of this district, as the layout is consistent with a compact, historic village settlement pattern.

ARTICLE III – GENERAL REGULATIONS

A. SECTION 3.2 – ACCESS

The Board finds that the applicant obtained a preliminary access permit from the Selectboard on April 10, 2018 (Access Permit #: A-18-08). The applicant has depicted a 12 ft. driveway for each lot (Lots 8 & 9) that satisfied the requirements of this subsection.

Under the 2015 Underhill Road Ordinance, the applicant is required to obtain a final access permit for the project. If modifications to the driveways, as presented, are made during the final access permitting process, further review by this Board is not required so long as those modifications are consistent with this decision, as determined by the Zoning Administrator.

B. SECTION 3.7 – LOT, YARD & SETBACK REQUIREMENTS

The Board finds that the proposed lots will each contain one principal use or structure: both lots will contain single-family dwellings for residential purposes. Additionally, each lot will meet the 150-foot frontage requirements for the Underhill Flats Village Center District. All other dimensional requirements are satisfied, noting that the single-family dwellings depicted on the site plan and submitted survey are for illustration purposes only and may be altered during the building permitting process.

C. SECTION 3.13 – PARKING, LOADING & SERVICE AREAS

The Board finds that there is sufficient evidence to believe that the applicants will meet the parking requirement of two spaces as required per Table 3.1.

D. SECTION 3.17 – SOURCE PROTECTION AREAS

The Board finds the existing property is not within any source protection areas, and therefore,

review and analysis under this section is not required.

E. SECTION 3.18 – STEEP SLOPES

The Board finds that the existing lot contains areas of steep slopes (15-25%) and very steep slopes (>25%); however, the applicant is proposing to construct the single-family dwellings outside of these areas.

F. SECTION 3.19 – SURFACE WATERS & WETLANDS

The Board finds that the applicant has identified an unnamed stream that will bisect both Lots 8 & 9 through a ravine – also on both lots. In addition, the applicant has identified a Class III Wetland on Lot 9, which is in the general vicinity of Jacobs Hill Road. Since the stream is unnamed and the wetland is a Class III Wetland, both features contain a 25-foot buffer that shall remain undisturbed. The Board finds that the applicant is not proposing any development within this 25-foot buffer, thus satisfying the requirements of this section.

G. SECTION 3.23 – WATER SUPPLY & WASTEWATER SYSTEMS

The Board finds that the applicant has obtained a Wastewater System & Potable Water Supply Permit from the State of Vermont, Department of Conservation (Permit #: WW-4-4679-1). The permit allows for a four-bedroom, single-family dwelling with a drilled well for each lot. The proposed wastewater system for Lot 8 is to be primarily in-ground on the lot, while the proposed wastewater system for Lot 9 is to be an off-site pressured in-ground disposal system sized at 150% design flow. The proposed wastewater system for Lot 9 will require an easement. All locations are identified on the site plan.

ARTICLE VI – FLOOD HAZARD AREA REVIEW

The Board finds that there are floodplains on the original 16 Harvest Run lot; however, floodplains have not been identified on the 17 Jacobs Hill Road lot (the project location), and therefore, review and analysis under this Article is not required.

ARTICLE VII – SUBDIVISION REVIEW

A. SECTION 7.2 – APPLICABILITY

The Board finds that the applicant's proposed subdivision amendment is subject to the requirements of the 2018 *Underhill Unified Land Use & Development Regulations* per § 7.2, and was classified as a "major subdivision" during the sketch plan review meeting on February 1, 2016. Since the applicant is proposing to amend a previously approved subdivision (DRB Decision #: DRB-16-01, approved on November 16, 2016), sketch plan review and preliminary subdivision review are not required.

The Board notes that 16 Harvest Run has been the subject of previous subdivision approvals (DRB-07-06, DRB-12-10, DRB-13-02 and DRB-16-01), and the conditions of approval from those decisions are to remain in effect unless a condition from this decision conflicts with a previous condition, at which point the particular condition from this decision supersedes.

B. SECTION 7.8 – REVISIONS TO AN APPROVED SUBDIVISION

Modifications or revisions to an already approved subdivision plan require a subdivision amendment by this Board if the proposed amendment is not listed under § 7.8.B, Administrative Amendments. The Board finds that the Zoning Administrator has not been given the authority to issue an administrative amendment for the creation of an additional lot under § 7.8.B, thus requiring approval from this Board.

In addition, the applicant will be expected to record a Mylar that reflects the subdivision of the 17 Jacobs Road lot.

ARTICLE VIII – SUBDIVISION STANDARDS

A. SECTION 8.1 – APPLICABILITY

The Board finds that no technical review was needed for this proposed project, nor were any waivers explicitly or implicitly requested by the applicant.

B. SECTION 8.2 – GENERAL STANDARDS

SECTION 8.2.A – DEVELOPMENT SUITABILITY

The Board finds that the proposed subdivision will not result in undue adverse impacts to the public health and safety, the natural environment, neighboring properties and uses, or the character of the area in which it is located. The Board finds that the applicant is not proposing to set aside any land as open space.

SECTION 8.2.B – DEVELOPMENT DENSITY

The Board finds that the proposed subdivision meets the density requirements per this section.

SECTION 8.2.C – EXISTING CONDITIONS

The Board finds that the proposed subdivision of the 17 Jacobs Hill Road lot and correlating development will not adversely impact the existing site features and natural amenities enumerated in this section. Additionally, the Board finds that the layout appears to conserve the natural topography and drainage patterns.

SECTION 8.2.D – UNDERHILL TOWN PLAN & DEVELOPMENT REGULATIONS

The Board finds that the proposed subdivision of the 17 Jacobs Hill Road lot and correlating development conform to the 2015 *Underhill Town Plan* and the 2018 *Underhill Unified Land Use and Development Regulations*.

SECTION 8.2.E – DISTRICT SETTLEMENT PATTERNS

The Board finds that the proposed subdivision of the 17 Jacobs Hill Road lot & correlating development are consistent with the characteristics of the Underhill Village Center zoning districts as described in Section 8.2.E.1.

SECTION 8.2.F – LOT LAYOUT

The Board finds that the proposed subdivision of the 17 Jacobs Hill Road lot & correlating development are consistent with the lot layout requirements of this section.

SECTION 8.2.G – BUILDING ENVELOPE

The Board finds that the applicant has depicted building envelopes on Lots 8 & 9 that meet the requirements of this subsection; however, are significantly reduced from what is permitted under the 2018 *Underhill Unified Land Use & Development Regulations*. The Board does not observe a policy reason for the more restrictive building envelope, and therefore, permits the Zoning Administrator to modify the building envelope under Section 7.8.1.b, so long as the modification is consistent with this decision and the zoning regulations in effect at the time of the proposal.

SECTION 8.2.H – SURVEY MONUMENTS

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

SECTION 8.2.I – LANDSCAPING & SCREENING

The Board anticipates the proposed development will meet the intention of this subsection.

SECTION 8.2.J – ENERGY CONSERVATION

The Board makes no finding in regards to this subsection.

C. SECTION 8.3 – NATURAL & CULTURAL RESOURCES

SECTION 8.3.A – RESOURCE IDENTIFICATION & PROTECTION

Neither the Board, nor the applicant, is aware of cultural and natural resources/features on the existing lot.

SECTION 8.3.B – SURFACE WATERS, WETLANDS & FLOODPLAINS

The Board finds that the proposed Lot 8 & 9 contain an unnamed stream that bisect the proposed lots through a ravine. In addition, the applicant has identified Class III Wetlands on Lot 9 in close proximity to Jacobs Hill Road. The Board finds that these features and their associated buffers will not be adversely affected by the subdivision of 17 Jacobs Hill Road and the corresponding development. While a floodplain has been identified on 16 Harvest Run, which 17 Jacobs Hill Road was formerly a part of, the floodplain is not located in close proximity to the project location.

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

The Board finds that the subdivision had been configured to minimize impact to the various areas of steep slopes and very steep slopes. The applicant advised during the hearing that he anticipates some ledge being discovered in the house location for Lot 8.

SECTION 8.3.D – NATURAL AREAS & WILDLIFE HABITAT

The Board finds that a priority level 4 habitat block is located on the property and will inevitably be impacted. No wintering deer yard were identified to be located on the subject parcel of land (17 Jacobs Hill Road).

SECTION 8.3.E – HISTORIC & CULTURAL RESOURCES

The Board is unaware of any historic and cultural resources located on the subject lot (17 Jacobs Hill Road), and therefore, makes no finding in regards to this subsection.

SECTION 8.3.F – FARMLAND

The Board finds that there are no prime or state agricultural soils located on the subject lot (17 Jacobs Hill Road).

SECTION 8.3.G – FORESTLAND

The Board finds that the applicant will be disturbing forestland that currently exists on the subject property – 17 Jacobs Hill Road. Specifically, the applicant has advised that about 50% of Lot 8 will be cleared, while 33% of Lot 9 will be cleared. However, the applicant has advised that this is the maximum clearing needed to install the infrastructure and development.

D. SECTION 8.4 – OPEN SPACE & COMMON LAND

SECTION 8.4.A – OPEN SPACE

The Board finds that the applicant has not proposed to designate any land as open space.

SECTION 8.4.B – COMMON LAND

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

SECTION 8.4.C – LEGAL REQUIREMENTS

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

E. SECTION 8.5 – STORMWATER MANAGEMENT & EROSION CONTROL

The Board finds that the applicant has submitted a stormwater management and erosion control plan, and shall conform to the plans that were submitted and reviewed by this Board, as well as conform to the anticipated stormwater permits to be issued by the State of Vermont, Department of Conservation. In addition, the applicant shall also follow the Vermont DEC Low Risk Site Handbook for Erosion Prevention and Sediment Control, published by the Watershed Management Division of the Vermont Department of Environmental Conservation, when performing excavation and site work.

F. SECTION 8.6 – TRANSPORTATION FACILITIES

SECTION 8.6.A – ACCESS & DRIVEWAYS

The Board finds that each lot will be served by its own individual driveway, and therefore, this application is only required to be reviewed under Section 8.6.A. The applicant obtained a preliminary access permit from the Selectboard on April 10, 2018 (Access Permit #: A-18-08) and will be required to obtain final access permits prior to commencing with the project.

SECTION 8.6.B – DEVELOPMENT ROADS

The Board finds that this subsection does not apply since each lot will be accessed by its own driveway from an existing private, development road.

SECTION 8.6.C – PARKING FACILITIES

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

SECTION 8.6.D – TRANSIT FACILITIES

The Board finds that no transit facilities are proposed.

SECTION 8.6.E – PEDESTRIAN ACCESS

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

G. SECTION 8.7 – PUBLIC FACILITIES & UTILITIES

SECTION 8.7.A – PUBLIC FACILITIES

The Board finds the proposed subdivision will not create an undue burden on the existing and/or planned public facilities. The Board finds there will be no adverse impact on the school district.

SECTION 8.7.B – FIRE PROTECTION

The Board finds that the Underhill-Jericho Fire Department did not provide comments during the preliminary access permitting process. The Board directs Staff or encourages the applicant to solicit comments from the Underhill-Jericho Fire Department during the final access permitting process. The Board acknowledges that the Staff has advised the applicant of the Fire Department's typical recommendations and finds that the applicant has generally accommodated those recommendations. The Board anticipates that the Fire Department may have reservations about the driveway serving Lot 8; however, as proposed, it appears to meet the minimum requirements.

SECTION 8.7.C – WATER SYSTEMS

The Board finds that the applicant has already obtained a Wastewater System and Potable Water Supply Permit (Permit #: WW-4-4679-1), and that drilled wells are planned for both lots and have been identified on the site plan.

SECTION 8.7.D – WASTEWATER SYSTEMS

The Board finds that the applicant has already obtained a Wastewater System and Potable Water Supply Permit (Permit #: WW-4-4679-1). The proposed wastewater system for Lot 8 is to be primarily in-ground on the lot, while the proposed wastewater system for Lot 9 is to be an off-site (Lot 8) pressured in-ground disposal system sized at 150% design flow.

SECTION 8.7.E – UTILITIES

The Board finds the applicant shall depict the location of the utilities and submit an updated site plan reflecting those locations.

H. SECTION 8.8 – LEGAL REQUIREMENTS

The Board finds that the applicant has submitted draft documentation illustrating that the new lots will be incorporated into the existing Road Maintenance Agreement and Homeowner's Association for Min's Lane and Jacobs Hill Road. The Board encourages the applicant to reach out to the residents of Harvest Run to join the abovementioned Road Maintenance Agreement and Homeowner's Association.

III. WAIVERS, MODIFICATIONS & SUPPLEMENTATIONS

The Board grants the following waivers/modifications:

1. Per Sections 7.8.B.2 and 10.7.F.5, the Development Review Board may authorize administrative review by the Zoning Administrator to make subsequent changes or amendments to an approved project as outlined in the referenced Section. The Board does not find an overwhelming policy reason for the building envelopes to remain as depicted indefinitely, and therefore, authorizes the Zoning Administrator to amend the Lot 8 & 9 building envelopes so long as it is consistent with this decision and conforms to the regulations in place at the time of the proposed modification.
2. Neither the applicant, nor future landowner, is required to come before the Board if he or she wishes to relocate the driveway or relocate associated parking areas within the building envelope. The Board recognizes that the identified location on the engineering plans submitted as a part of this application is for illustration purposes only.
3. Neither the applicant, nor future landowner, is required to come before the Board if he or she wishes to relocate the single-family dwelling within the building envelope. The Board recognizes that the identified location of this structure on the engineering plans submitted

as a part of this application is for illustration purposes only and does not reflect the final footprint of the single-family dwelling.

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 2018 *Underhill Land Use & Development Regulations* and concludes that based on the evidence submitted and the above findings, the proposed subdivision and development generally conforms to the aforementioned Regulations.

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

1. All conditions of prior approvals issued by the Town of Underhill Development Review Board, unless specifically amended herein, remain in effect.
2. No transfer, sale, or long-term lease, of title to property as defined under 32 V.S.A. § 9601 of any portion of an existing lot, predevelopment site work, or issuance of zoning permits to develop a subdivided lot shall occur until the final subdivision has been approved by this Board, and the final Mylar (the subdivision plat) has been recorded in the Underhill Land Records per Section 7.2.C.
3. Per Section 7.2.B, no land shall be subdivided until final subdivision approval has been obtained from this Board and the approved subdivision plat is recorded in the Town of Underhill Land Records.
4. 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 and which are to be recorded, listed as follows:
 - a. Phase 3 Plan (Prepared by O'Leary-Burke Civil Associates, PLC and Dated March 21, 2018), or subsequent revision to the existing plan required as part of this approval.
 - b. Min's Lane Plan View (Prepared by O'Leary-Burke Civil Associates, PLC and Dated March 21, 2018), or subsequent revisions to the existing plan required as part of this approval.
 - c. Plan & Profile (Prepared by O'Leary-Burke Civil Associates, PLC and Dated March 21, 2018), or subsequent revisions to the existing plan required as part of this approval.
 - d. Water and Wastewater Plan (Prepared by O'Leary-Burke Civil Associates, PLC and Dated March 21, 2018), or subsequent revisions to the existing plan required as part of this approval.
 - e. Water & Wastewater Details (Prepared by O'Leary-Burke Civil Associates, PLC and Dated March 21, 2018), or subsequent revisions to the existing details required as part of this approval.
 - f. Stormwater and Erosion Control Plan (Prepared by O'Leary-Burke Civil Associates, PLC and Dated March 21, 2018), or subsequent revisions to the existing plan required as part of this approval.

as well as conform to the anticipated stormwater permits to be issued by the State of Vermont, Department of Conservation.

15. The applicants shall conform to the Vermont DEC Low Risk Site Handbook for Erosion Prevention and Sediment Control, published by the Watershed Management Division of the Vermont Department of Environmental Conservation when performing excavation and site work.
16. New property boundary monumentation referenced on the survey plat shall be installed as a condition of approval.
17. Notwithstanding the conditions above, prior to issuing a building permit, the applicant shall comply with applicable aspects of the Underhill Land Use and Development Regulations in effect at the time of the application

Dated at Underhill, Vermont this 25th day of June, 2018.

Charles Van Winkle

Charles Van Winkle, Chair, Development Review Board

NOTICE: This decision may be appealed to the Vermont Environment Court by an interested person who participated in the proceedings before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings. Appeal period ends July 25, 2018.