

TOWN OF UNDERHILL

Development Review Board

JASON MARIAS
SKETCH PLAN REVIEW
Docket #: DRB-20-02

Applicant(s): Jason Marias
Consultant(s): Horizons Engineering
Property Location: 318 Irish Settlement Road (IS318)
Acreage: ±7.55 Acres
Zoning District(s): Rural Residential

Project Proposal: Sketch Plan Review of Jason Marias for a proposed re-subdivision of a previously approved 3-Lot Subdivision of property located at the aforementioned address. The Applicant is proposing to add an additional lot, subdividing the previous lot identified as Lot 1 in Exhibit G into two lots.

2018 UNDERHILL UNIFIED LAND USE & DEVELOPMENT REGULATIONS RELEVANT REGULATIONS:

- Article II, Table 2.4 – Rural Residential (pg. 15)
 - Article III, Section 3.2 – Access (pg. 30)
 - Article III, Section 3.7 – Lot, Yard & Setback Requirements (pg. 38)
 - Article III, Section 3.9 – Nonconforming Structures (pg. 40)
 - Article III, Section 3.13 – Parking, Loading & Service Areas (pg. 44)
 - Article III, Section 3.17 – Source Protection Areas (pg. 55)
 - Article III, Section 3.18 – Steep Slopes (pg. 56)
 - Article III, Section 3.19 – Surface Waters & Wetlands (pg. 63)
 - Article III, Section 3.23 – Water Supply & Wastewater Systems (pg. 68)
 - Article VI – Flood Hazard Area Review (pg. 127)
 - Article VII, Section 7.2 – Applicability (pg. 139)
 - Article VII, Section 7.3 – Sketch Plan Review (pg. 141)
 - Article VIII – Subdivision Standards (pg. 150)
 - Appendix A – Underhill Road, Driveway & Trail Ordinance
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CONTENTS:

- a. Exhibit A - Marias Sketch Plan Review Staff Report
- b. Exhibit B - Marias (IS318) Sketch Plan Review Meeting Procedures
- c. Exhibit C - Subdivision Review Application
- d. Exhibit D - Project Proposal
- e. Exhibit E - Certificate of Service
- f. Exhibit F - Correspondence from VT Fish & Wildlife Department
- g. Exhibit G - Proposed Subdivision

- h. Exhibit H - Steams & Waterbodies
- i. Exhibit I - Originally Submitted Proposed Subdivision

COMMENTS/QUESTIONS

1. **SECTION 3.2 – ACCESS:**
 - a. The Applicant shall depict a driveway for Lot 1A that satisfies the 12 ft. setback requirement under § 3.2.D.9.
 - b. While § 3.2.D.7 requires through lots to be accessed from the road less travel, the Applicant is proposing to utilize an existing curb cut along Irish Settlement, the road more travel, which contributes to a more efficient site circulation pattern and less impact on the environment, as well as conforms to the policy of encouraging shared accessway points/driveways.
 - c. The 250 ft. frontage requirement will need to be verified upon submission of engineered plans during the preliminary subdivision review hearing.
 - d. A shared maintenance agreement shall be submitted as part of the preliminary subdivision review application.
 2. **SECTION 3.19 – SURFACE WATERS & WETLANDS:**
 - a. The engineering plans for preliminary subdivision review should be updated to better depict the location of the unnamed stream and Settlement Brook.
 - b. The engineering plans for preliminary subdivision review should be updated to clarify what class of wetlands are on the lot, as well as depict the associated wetlands buffer.
 3. **SECTION 3.23 – WATER SUPPLY & WASTEWATER SYSTEM:** The Applicant will need to submit an updated Wastewater System & Potable Water Supply Permit, or submit a Wastewater System design, during the preliminary subdivision application phase of the project.
 4. **SECTION 8.1.D – MODIFICATIONS & WAIVERS:** Should a frontage waiver be required for any of the two lots (in accordance with §§ 3.7.E.1 & 8.6.A.2), a request should be made as part of the preliminary subdivision review hearing.
 5. **SECTION 8.2.G – BUILDING ENVELOPES:** The Applicant has not identified a proposed building envelope, and should do so prior to submitting plans for the preliminary subdivision review hearing.
 6. **SECTION 8.6 – TRANSPORTATION FACILITIES:** The Board should determine if the proposed access plan for the two lots conforms to the idea of a “shared driveway” since the two driveways converge at the curb cut to Irish Settlement Road.
 7. **SECTION 8.8 – LEGAL REQUIREMENTS:** The Board should determine if the Applicant requires a draft Road Maintenance Agreement prior to the Preliminary/Final Subdivision Review hearing.
 8. **APPENDIX A – ROAD & DRIVEWAY STANDARDS:** The Applicant should provide information relating to the access way at the time of the preliminary subdivision review hearing, at which time Staff will provide a more detailed assessment.
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STAFF FINDINGS OF RELEVANT SECTIONS

ARTICLE II – ZONING DISTRICTS

Zoning Districts	
	Underhill Flats Village Center (1.0 Acre)
	Underhill Center Village (1.5 Acres)
	Rural Residential (3 Acres)
	Water Conservation (5.0 Acres)
	Soenic Preservation (10 Acres)
	Soil and Water Conservation (15 Acres)

*Note: the map on the right does not show the previously approved subdivided lots (Lots 2 and 3), now addressed as 330 Irish Settlement (IS330) and 334 Irish Settlement Road (IS334).



	Rural Residential	Proposed Lot 1B (SFD)	Proposed Lot 1A
Lot Size:	3.0 Acres	~3.55 Acres	~4.0 Acres
Frontage:	250 ft.	TBD	TBD
Setbacks:			
• Front West	30 ft.	TBD	TBD
• Side 1 North	50 ft.	TBD	TBD
• Side 2 South	50 ft.	TBD	TBD
• Rear West	50 ft.	TBD	TBD
Max. Building Coverage:	25%	TBD	TBD
Max. Lot Coverage:	50%	TBD	TBD
Maximum Height:	35 ft.	TBD	TBD

* Exhibit G illustrates Lot 1A (Orange) and Lot 1B (Yellow) more clearly. The colors and numbering were assigned by Staff to better convey the information within this report.

TABLE 2.4 – RURAL RESIDENTIAL

PG. 15

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

- The proposed subdivision will subdivide a ±7.55 Acre lot into two lots, which conforms with obtaining medium density development in this district.
- Both lots will be accessed from a shared curb cut on Irish Settlement Road, a Class III Road (see Exhibit G).
- An existing single-family dwelling currently exists on the proposed Lot 1B.
- The intent for Lot 1A is presumably for the development of a single-family dwelling.

ARTICLE III – GENERAL REGULATIONS

SECTION 3.2 – ACCESS

PG. 30

- The driveway that is to serve Lot 1A is anticipated to access the existing driveway currently serving the single-family dwelling at 318 Irish Settlement Road (IS318).
- The shared driveway appears to be minimal, as the Applicant is depicting the driveway that will serve Lot 1A intersecting with the existing driveway (that would serve Lot 1B) at, or almost at, the intersection with Irish Settlement Road.
- An access permit will be required, and shall be submitted with the final subdivision review application.
 - A shared maintenance agreement shall be submitted as part of the preliminary subdivision review application.
- The 250 ft. frontage requirement will need to be verified upon submission of engineered plans during the preliminary subdivision review hearing.
 - Frontage may be waived in accordance with §§ 3.7.E.1 & 8.6.A.2 so long as there is a shared driveway.
- Section 3.2.D.7 requires through lots to be accessed from the road less travel.
 - The Applicant is proposing to utilize an existing curb cut, which contributes to a more efficient site circulation pattern and less impact on the environment.
 - Requiring the Applicant to access the new lot (Lot 1A) from Fuller Road would be counterproductive to the policies identified directly above, as well as to the frontage waiver policies.
- The Applicant shall depict a driveway for Lot 1A that satisfies the 12 ft. setback requirement under § 3.2.D.9.

SECTION 3.7 – LOT, YARD & SETBACK REQUIREMENTS

PG. 38

- One principal use/structure is expected for Lot 1B, which will retain the existing house – a single-family dwelling.
- One principal use/structure is assumed expected for Lot 1A – a single-family dwelling.
- The proposed subdivision could potentially fail to satisfy the frontage requirements of the Rural Residential District.
 - If the proposed lots fail to meet the frontage requirements, a frontage waiver for both lots may be required, which is allowed in accordance with §§ 3.7.E.1 & 8.6.A.2 since the lots will be accessed via a Shared Driveway serving 2 lots.

SECTION 3.13 – PARKING, LOADING & SERVICE AREAS

PG. 44

- The lot retaining the house presumably satisfies the parking requirement for a single-family dwelling – 2 parking spaces per dwelling, and an accessory dwelling – 1 parking space per dwelling.
- The proposed parking area for Lot 1A shall be designed for two parking spaces for assumedly a single-family dwelling.
 - Parking requirements for single-family dwellings and accessory dwellings have been typically verified at the building permit phase of development.

SECTION 3.17 – SOURCE PROTECTION AREAS

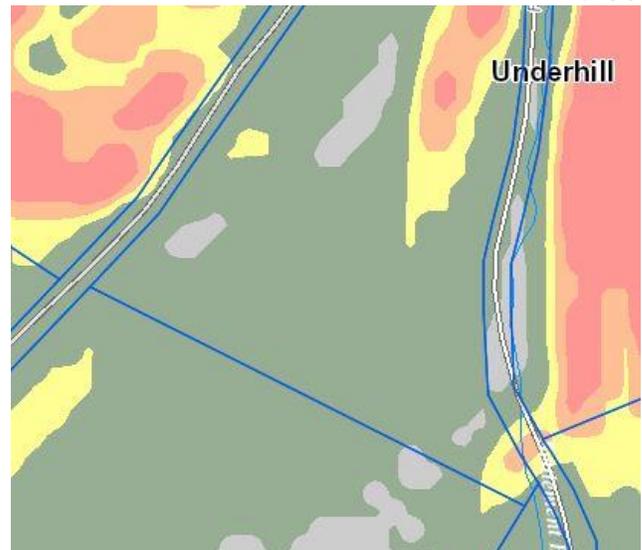
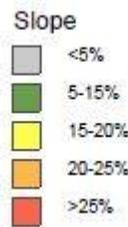
PG. 55

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

SECTION 3.18 – STEEP SLOPES

PG. 56

- Areas of steep slopes (15-25%) are present on the existing lot (see directly to the right).
- While some areas of steep slopes will be present on the proposed Lot 1A, development is not anticipated in those areas, and therefore, additional review under this section will not be required so long as the Applicant does not submit future plans impacting those areas.



SECTION 3.19 – SURFACE WATERS & WETLANDS

PG. 63

- Settlement Brook (as depicted on the right) and an unnamed stream (see Exhibit H) are located on the subject lot and appear to bisect the southeast portion of the lot.
 - Since no floodplains are associated with Settlement Brook, all development shall be located 50 ft. from the top of bank, while also all development shall be located 25 ft. from the unnamed stream.
 - The engineering plans for preliminary subdivision review should be updated to better depict the location of the unnamed stream and Settlement Brook.
- Wetlands were identified during the previous Subdivision Review Application (DRB-17-04) (see Exhibit H).



- The engineering plans for preliminary subdivision review should be updated to clarify what class of wetlands are on the lot, as well as depict the associated wetlands buffer.

SECTION 3.23 – WATER SUPPLY & WASTEWATER SYSTEMS

PG. 68

- The Applicant will need to submit an updated 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 re-subdivision of a previously approved 3-Lot subdivision that meets the requirements of Section 7.2.E.2.a.
- Since the proposal involves the creation of a new lot, increasing the total number of lots from 3 to 4, Staff recommends the project be classified as a major subdivision (see directly below for rationale).

Section 7.2.E.2.a, pertaining to major subdivisions, states:

Major subdivision include: (a) the subdivision of land or *re-subdivision of a previously subdivided lot which results in a total of four* or more lots including previously subdivided lots, or requires the installation or extension of a road right-of-way or municipalities. *[Emphasis Added]*

The definition of Re-Subdivision is:

Resubdivision: *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. *[Emphasis Added]*

SECTION 7.3 – SKETCH PLAN REVIEW

PG. 141

- See Exhibit D pertaining to the purpose statement for Sketch Plan Review.
- The Applicant has submitted the necessary materials for the Board to make a decision about the application.

ARTICLE VIII – SUBDIVISION STANDARDS

SECTION 8.1 – APPLICABILITY

SECTION 8.1.B – REQUEST FOR MORE INFORMATION

PG. 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.

SECTION 8.1.D – MODIFICATIONS & WAIVERS

PG. 150

- The Applicant has not requested any additional modifications or waivers at this time.
- Should a frontage waiver be required for any of the two lots (in accordance with §§ 3.7.E.1 & 8.6.A.2), a request should be made as part of the preliminary subdivision review hearing.

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 meets the density requirements of this Section.

SECTION 8.2.C – EXISTING SITE CONDITIONS

PG. 151

- The proposed subdivision does not appear to be adverse to any of the existing site features or natural resources listed in this subsection, other than prime agricultural soils (see § 8.3.F below).

SECTION 8.2.D – UNDERHILL TOWN PLAN & REGULATIONS

PG. 152

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

SECTION 8.2.E – DISTRICT SETTLEMENT PATTERNS

PG. 152

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

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

SECTION 8.2.F – LAYOUT

PG. 153

- The proposed subdivision appears to conform with the requirements of this section.
 - *NOTE:* a frontage waiver may be required as discussed above.
- Upon subdividing, no more lots can be created (at least under the current iteration of the zoning regulations) from the previously existing lot prior to the original subdivision under DRB Docket #: DRB-17-04.

SECTION 8.2.G – BUILDING ENVELOPES

PG. 153

- The Applicant has not identified a proposed building envelope, and should do so prior to submitting plans for the preliminary subdivision review hearing.

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

- A priority level 6 habitat block is located on the existing lot (see directly to the right on the next page).
- While the ANR Atlas identified a deer wintering area on the subject property, the Applicant submitted correspondence during the previous subdivision review process from the Vermont Fish & Wild Life Department that did not observe any significant use of the parcel as a deer wintering area (see Exhibit F).
- The ANR Biofinder has also identified the following priority characteristics:
 - Highest Priority Community & Species (towards the western part of the property and along Irish Settlement Road)
 - Highest Priority Landscape (in a similar area as the habitat block identified on the right)
 - Class II Wetlands (see Exhibit H)
 - Highest Priority Wildlife Crossing (along Irish Settlement Road)
 - Riparian Wildlife Connectivity (along Settlement Brook)



- Priority Interior Forest Blocks (in a similar area as the habitat block identified on the right)
- Highest Priority Connectivity Blocks (in a similar area as the habitat block identified on the right)

- Highest Priority Surface Water and Riparian Areas (along Settlement Brook)
- Representative and Responsibility Physical Landscape

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 prime agricultural soil is located on the lot (see directly above) and will be impacted with the construction of the driveway serving the proposed Lot 1A.
- Avoiding this area is only possible by accessing the lot from Fuller Road, which creates its own environmental challenges (see § 3.2 above).

	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 proposed property line will bisect an area of forest, which comprises the majority of the subject property (IS318 – 318 Irish Settlement Road).
- Proposed development will inevitably result in the clearing of forest.

SECTION 8.4 – OPEN SPACE & COMMON LAND

SECTION 8.4.A – OPEN SPACE

PG. 159

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

SECTION 8.4.B – COMMON LAND

PG. 160

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

SECTION 8.4.C – LEGAL REQUIREMENTS

PG. 160

- No findings.

SECTION 8.5 – STORMWATER MANAGEMENT EROSION CONTROL

PG. 160

- No findings at this time.

SECTION 8.6 – TRANSPORTATION FACILITIES

SECTION 8.6.A – ACCESS & DRIVEWAY

PG. 162

- The two lots are proposed to be accessed by their own driveways, which appear to share a curb cut to Irish Settlement Road.
 - The Board should determine if the proposed access plan for the two lots conforms to the idea of a “shared driveway” since the two driveways converge at the curb cut to Irish Settlement Road.

- Only the requirements from Sections 3.2 & 8.6.A apply (see above for more information as it relates to the *Underhill Unified Land Use & Development Regulations*). See Appendix A below for more information as it relates to the *Underhill Road, Driveway & Trail Ordinance*.

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

- This subsection does not apply.

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

- This subsection does not apply.

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

- This subsection does not apply.

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

- This subsection does not apply.

SECTION 8.7 – PUBLIC FACILITIES & UTILITIES

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

- An undue burden on existing and/or planned public facilities is not anticipated.
- 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 Board should determine if the Applicant requires a draft Road Maintenance Agreement prior to the Preliminary/Final Subdivision Review hearing.
- The Applicant should submit draft deeds prior to the Preliminary/Final Subdivision Review hearing.

APPENDIX A – ROAD & DRIVEWAY STANDARDS

- The Applicant should provide information relating to the access way at the time of the preliminary subdivision review hearing, at which time Staff will provide a more detailed assessment.
- An access permit application shall be submitted at the time of the final subdivision review hearing.