

TOWN OF UNDERHILL

Development Review Board

TIMOTHY & THERESA POTVIN
SKETCH PLAN REVIEW
Docket #: DRB-20-01

Applicant(s):	Timothy & Theresa Potvin
Consultant(s):	Unknown
Property Location:	145 Moose Run (MO145) (Formerly 27 Moose Run)
Acreage:	±105.6 Acres
Zoning District(s):	Mt. Mansfield Scenic Preservation and Soil & Water Conservation

Project Proposal: Sketch Plan Review of Timothy & Theresa Potvin for a proposed 2-Lot Subdivision of property located at the aforementioned address.

2018 UNDERHILL UNIFIED LAND USE & DEVELOPMENT REGULATIONS RELEVANT REGULATIONS:

- Article II, Table 2.4 – Rural Residential (pg. 15)
 - Article II, Table 2.7 – Soil & Water Conservation District (pexhig. 24)
 - 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 - Potvin Sketch Plan Review Staff Report
 - b. Exhibit B - Potvin (MO145) Sketch Plan Review Meeting Procedures
 - c. Exhibit C - Subdivision Review Application
 - d. Exhibit D – *[Reserved]*
 - e. Exhibit E - Certificate of Service
 - f. Exhibit F - Access Permit No A-18-12
 - g. Exhibit G - WW Permit No WW-4-3810-1
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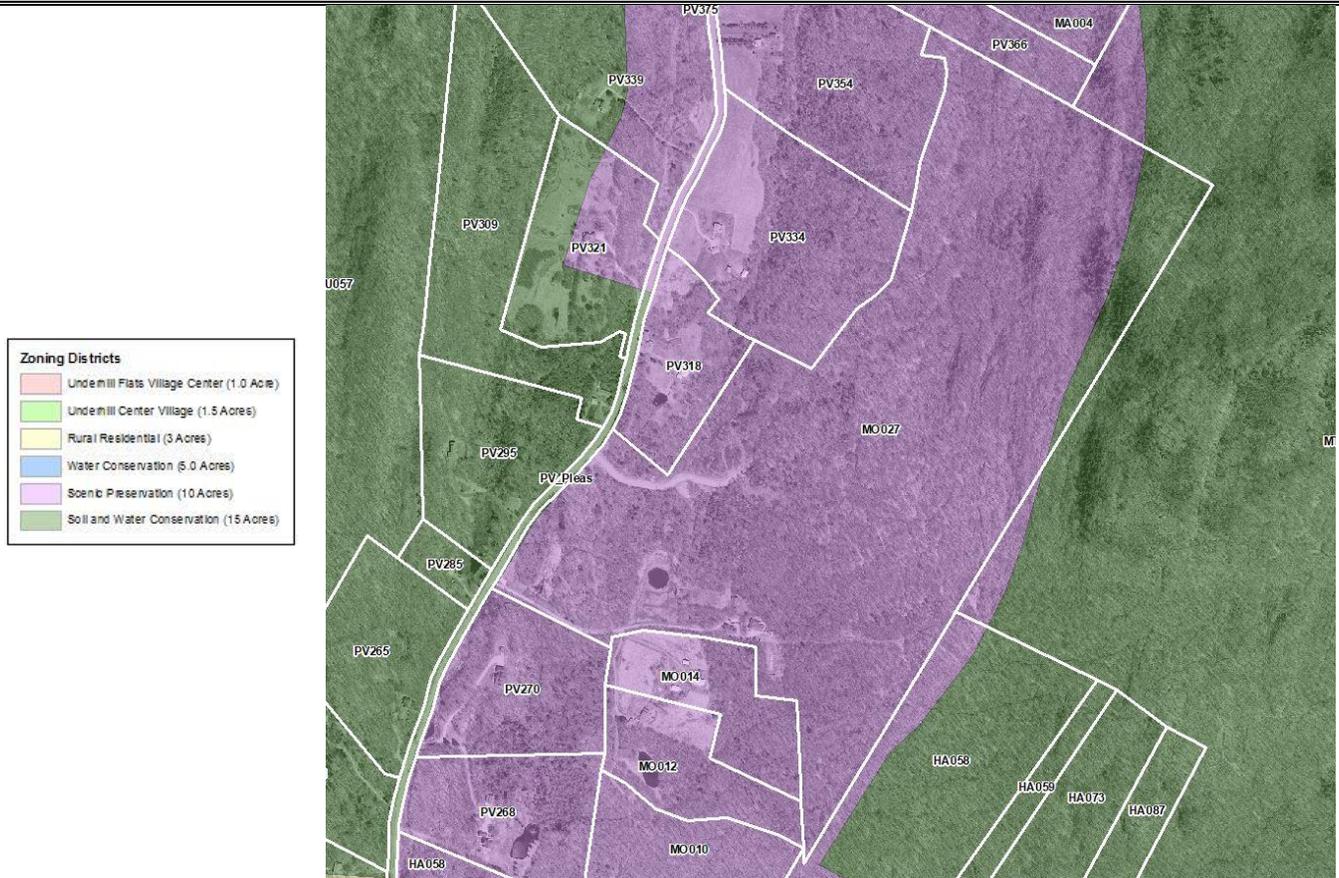
- h. Exhibit H - Proposed Subdivision
- i. Exhibit I - Steams Waterbodies & Wetlands
- j. Exhibit J - Originally Submitted Proposed Subdivision

COMMENTS/QUESTIONS

1. **SECTION 3.2 – ACCESS:** The frontage for the proposed lots will need to be verified upon the submission of engineered plans during the preliminary subdivision review process
 2. **SECTION 3.7 – LOT, YARD & SETBACK REQUIREMENTS:** The accessory dwelling, which currently exists on the proposed Lot 1 will be revert to the primary use upon subdividing, and therefore, will become a single-family dwelling.
 3. **SECTION 3.19 – SURFACE WATERS & WETLANDS:**
 - a. An unnamed stream will exist on the proposed Lot 1, and should be identified on the engineer plans that will be submitted as part of the preliminary subdivision review application.
 - b. Since wetland delineations are only valid for three to five years, the Applicants should confirm if these Wetlands still exist or if any new wetlands have emerged since the previous subdivision.
 4. **SECTION 8.8 – LEGAL REQUIREMENTS:** The Board should determine if the Applicants require a draft Road Maintenance Agreement prior to the Preliminary/Final Subdivision Review hearing.
 5. **APPENDIX A – ROAD & DRIVEWAY STANDARDS:** The Applicants 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



	Mt. Mansfield Scenic Preservation	Soil & Water Conservation	Proposed Lot 1 (Accessory Dwelling) ~10.0 Acres	Proposed Lot 2 (Single-Family Dwelling) ~95.6 Acres
Lot Size:	10.0 Acres	15.0 Acres	TBD	TBD
Frontage:	400 ft.	400 ft.	TBD	TBD
Setbacks:				
• Front West	30 ft.	30 ft.	TBD	TBD
• Side 1 North	75 ft.	75 ft.	TBD	TBD
• Side 2 South	75 ft.	75 ft.	TBD	TBD
• Rear West	75 ft.	75 ft.	TBD	TBD
Max. Building Coverage:	10%	7%	TBD	TBD
Max. Lot Coverage:	15%	10%	TBD	TBD
Maximum Height:	35 ft.	35 ft.	TBD	TBD

* Exhibit H illustrates Lot 1 (Orange) and Lot 2 (Yellow) more clearly. The colors and numbering were assigned by Staff to better convey the information within this report.

TABLE 2.6 – MT. MANSFIELD SCENIC PRESERVATION DISTRICT

Purpose Statement: To protect the scenic vistas along Pleasant Valley Road. This district includes upland areas with access and/or development constraints, and valley areas with access onto Pleasant Valley Road. The goal of this is achieved by allowing compatible lower densities of development or clustered development that maintains Underhill’s rural character while protecting the views along Pleasant Valley Road.

- The proposed subdivision involves the division of an ~105 Acre lot into two lots: a ten (10) acre lot and an ~95 acre lot.
 - Both lots will contain dwellings (the accessory dwelling on the proposed Lot 1, which will become a primary dwelling; and the single-family dwelling on the proposed Lot 2).
- Both lots already contain dwelling units, and therefore, at this time, no new development is proposed.
- Both lots will access Moose Run, a private road that connects to Pleasant Valley Road, a Class II Town Highway.

TABLE 2.7 – SOIL & WATER CONSERVATION

PG. 24

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

- The proposed subdivision will subdivide an ~105 Acre lot into two lots.
- The Applicants are not proposing any new development, and therefore, the area designated as the Soil & Water Conservation District would therefore not be impacted at this time.

ARTICLE III – GENERAL REGULATIONS

SECTION 3.2 – ACCESS

PG. 30

- The driveway serving 145 Moose Run (formerly 27 Moose Run; proposed Lot 2 and contains the single-family dwelling) already exists and was assumedly is permitted during the creation of the Moose Run Subdivision.
- The driveway serving 137 Moose Run (the accessory dwelling; proposed Lot 1) also already exists and was permitted under Access Permit #: A-18-12 (see Exhibit F).
- Since no additional dwellings/residences are being added as part of this subdivision, no modifications to Moose Run are required.
- The frontage for the proposed lots will need to be verified upon the submission of engineered plans during the preliminary subdivision review process.
 - Since the driveways are not shared, the frontage waiver under Section 8.6.A is not applicable.

SECTION 3.7 – LOT, YARD & SETBACK REQUIREMENTS

PG. 38

- Both lots will contain one principal use/structure:
 - Proposed Lot 1 (MO135): a single-family dwelling;
 - *NOTE:* the accessory dwelling, which currently exists on the proposed Lot 1 will be revert to the primary use upon subdividing, and therefore, will become a single-family dwelling; and
 - Proposed Lot 2 (MO145): a single-family dwelling.
- Since the driveways are not shared, the frontage waiver under Section 8.6.A is not applicable.

SECTION 3.13 – PARKING, LOADING & SERVICE AREAS

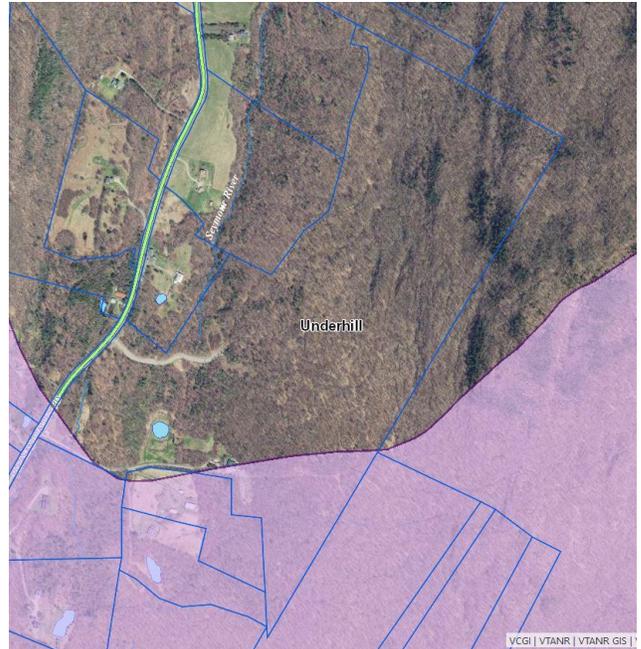
PG. 44

- Both lots, which will retaining a primary dwelling, assumedly satisfies the parking requirement for a single-family dwelling – 2 parking spaces per dwelling.

SECTION 3.17 – SOURCE PROTECTION AREAS

PG. 55

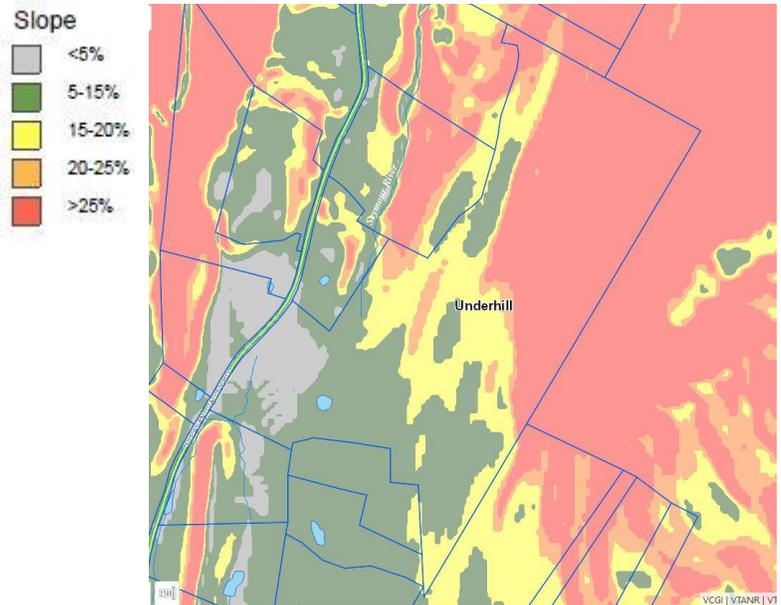
- Both proposed lots will contains areas designated as a Groundwater Source Protection Area; however, since the development already exists, and no new development is being proposed as a direct result of this subdivision application, review under this section is not required.



SECTION 3.18 – STEEP SLOPES

PG. 56

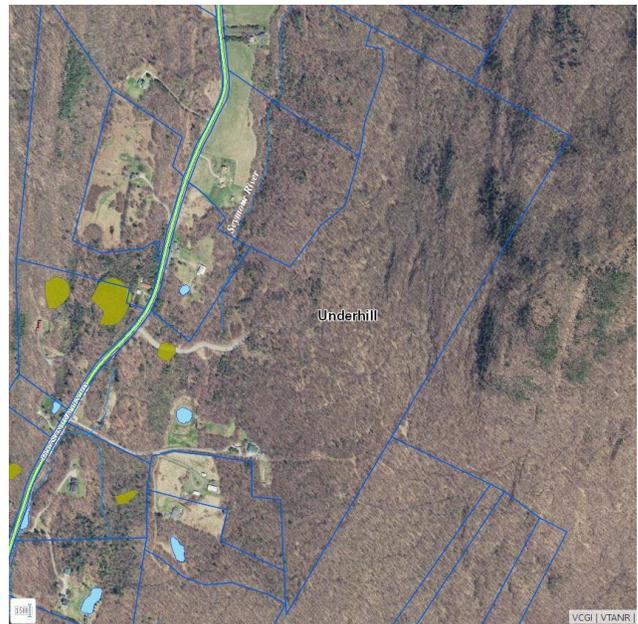
- Areas of steep slopes (15-25%) are present on the existing lot – 145 Moose Run (see directly to the right).
 - The existing development (the single-family dwelling that will remain on Lot 2 and the accessory dwelling that will remain on Lot 1) appear to be located in areas that do not contain areas of Steep Slopes (15-25%) or very steep slopes.
- Since the development already exists, and no new development is being proposed as a direct result of this subdivision application, review under this section is not required.



SECTION 3.19 – SURFACE WATERS & WETLANDS

PG. 63

- An unnamed stream will exist on the proposed Lot 1, and should be identified on the engineer plans that will be submitted as part of the preliminary subdivision review application.
- Class II and Class III Wetlands were identified on the engineers plans from when the Applicants previously subdivided land from the subject lot (see Exhibit I) (DRB Docket #: DRB-10-11 – the Lap Run Subdivision).
 - Since wetland delineations are only valid for three to five years, the Applicants should confirm if these Wetlands still exist or if any new wetlands have emerged since the previous subdivision.
- Since the development already exists, and no new development is being proposed as a direct result of this subdivision, additional review is not anticipated under this section.



SECTION 3.23 – WATER SUPPLY & WASTEWATER SYSTEMS

PG. 68

- Upon subdividing, each proposed lot will contain a single-family dwelling with approved wastewater and potable water supply systems (see Exhibit G).
 - The accessory dwelling (Lot 1 – M0137), which will revert to a single-family dwelling, is approved for two-bedrooms and is also approved for a drilled well and a mound system.
 - The single-family dwelling (Lot 2 – M0145) is approved for four bedrooms, a drilled well and on-site wastewater system.
- No new development is being proposed as a direct result of this subdivision.
- Since no new development is being proposed as a direct result of this subdivision, additional permitting from the State regarding the water supplies and wastewater systems is not anticipated.

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 Applicants are proposing a 2-Lot subdivision that meets the requirements of Section 7.2.E.1.a.
- Staff recommends that the project be classified as a minor subdivision.

SECTION 7.3 – SKETCH PLAN REVIEW

PG. 141

- See Exhibit D pertaining to the purpose statement for Sketch Plan Review.
- The Applicants have 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 Applicants have not requested any modifications or waivers.

SECTION 8.2 – GENERAL STANDARDS

SECTION 8.2.A – DEVELOPMENT SUITABILITY

PG. 151

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

SECTION 8.2.B – DEVELOPMENT DENSITY

PG. 151

- Upon subdividing, the existing development/subdivision will meet the density requirements of this Section.

SECTION 8.2.C – EXISTING SITE CONDITIONS

PG. 151

- Since the development already exists, and no new development is being proposed as a direct result of this subdivision application, none of the existing site features or natural resources listed in this subsection are expected to be adversely affect.

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).

Soil & Water Conservation District.

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

- The proposed lot that will contain a small area of the Soil & Water Conservation District, and will remain vacant, and therefore, no adverse impact to land in this district is expected as a direct result from this subdivision review application- at least at this point in time.
 - Additionally, the area of land contained in the Soil & Water Conservation District is largely comprised of steep slopes (15%-25%) & very steep slopes (>25%).

SECTION 8.2.F - LAYOUT

PG. 153

- The proposed subdivision conforms with the requirements of this section.
- The proposed layout of the subdivision is configured in a way that would allow for the subsequent subdivision of 145 Moose Run (Lot 2) should the landowners, or their successors, choose to subdivide.

SECTION 8.2.G – BUILDING ENVELOPES

PG. 153

- No findings.

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

- A priority level 10 habitat block is located on the existing lot (see directly to the right on the next page), and has already been impacted with the construction of the dwellings.
- Since the development already exists, and no new development is being proposed as a direct result of this subdivision application, additional impact to the habitat block is not expected to happen at this time.
- No deer wintering yards have been identified on the lot.
- The ANR Biofinder has also identified the following priority characteristics:
 - Highest Priority Community & Species (located along Pleasant Valley Road)
 - Highest Priority Landscape (located in a similar area as the identified habitat block)
 - Wetlands (see Exhibit I)
 - Highest Priority Wildlife Crossing (along Pleasant Valley Road)
 - Riparian Wildlife Connectivity (along the unnamed stream and identified pond)
 - Highest Priority Surface Water and Riparian Areas (along the unnamed stream and identified pond)



- Highest Priority Interior Forest Blocks (located in a similar area as the identified habitat block)
- Highest Priority Connectivity Blocks (located in a similar area as the identified habitat block)
- Representative and Responsibility Physical Landscapes (located in a similar area as the identified habitat block)

SECTION 8.3.E – HISTORIC & CULTURAL RESOURCES

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

SECTION 8.3.F – FARMLAND

- Statewide Agricultural Soils were identified to be located on the existing property (see directly to the right).
- Since the development already exists, and no new development is being proposed as a direct result of this subdivision application, additional impact to prime agricultural soils is not expected to happen.

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



SECTION 8.3.G - FORESTLAND **PG. 158**

- Since the development already exists, and no new development is being proposed as a direct result of this subdivision application, additional impact to forestland is not expected to happen at this time.

SECTION 8.4 – OPEN SPACE & COMMON LAND

SECTION 8.4.A – OPEN SPACE **PG. 159**

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

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

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

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

- No findings.

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

- No findings at this time.

SECTION 8.6 – TRANSPORTATION FACILITIES

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

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

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

- This subsection does not apply.

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

- This subsection does not apply.

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

- This subsection does not apply.

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

- This subsection does not apply.

SECTION 8.7 – PUBLIC FACILITIES & UTILITIES

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

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

APPENDIX A – ROAD & DRIVEWAY STANDARDS

- The Applicants 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.
- If required by the Board, an access permit application shall be submitted at the time of the final subdivision review hearing.