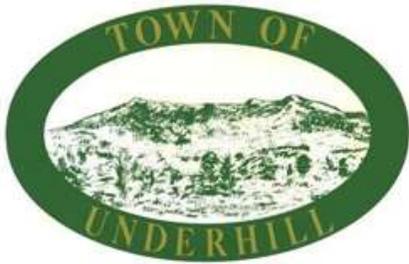


**APPLICATION OVERVIEW**  
**SKETCH PLAN REVIEW**  
**ARTICLE 7, SECTION 7.3**

<b>DRB DOCKET #:</b>	DRB-19-08
<b>APPLICANT(S):</b>	Jason & Karen Guymon Antoine & Pamela Catudal
<b>CONSULTANT(S):</b>	Rob Goodwin (Surveyor) Michael Garvis (Engineer)
<b>PROPERTY ADDRESS (PARCEL ID CODE):</b>	73 North Underhill Station Road (NU073)
<b>ZONING DISTRICT(S):</b>	Rural Residential
<b>INITIAL FILING DATE:</b>	Monday, July 15, 2019
<b>APPLICATION COMPLETION DATE:</b>	Tuesday, July 16, 2019
<b>SCHEDULED HEARING DATE:</b>	Monday, August 5, 2019
<b>PROJECT DESCRIPTION:</b>	The Applicants are seeking to subdivide their lot at 73 North Underhill Station Road into two separate lots.
<b>MOST RELEVANT ULUDR SECTIONS:</b>	§ 3.18 (Steep Slopes); § 3.19 (Surface Waters & Wetlands); § 7.2 (Sketch Plan Review); and Appendix A ( <i>Underhill Road, Driveway &amp; Trail Ordinance</i> ).
<b>REASON FOR CONDITIONAL USE REVIEW:</b>	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.
<b>APPLICABILITY OF ROAD ORDINANCE:</b>	The 2015 Road Ordinance, as amended thru December 18, 2018 <b>APPLIES</b> .
<b>STATE PERMIT INFORMATION:</b>	<ul style="list-style-type: none"> <li>• A wastewater permit has been obtained (WW-4-4186).</li> </ul>
<b>COMMENTS/NOTABLE ISSUES:</b>	<ul style="list-style-type: none"> <li>• The Applicants shall ensure that the garage/barn on the proposed Lot 2 satisfies the setback requirements as the primary structure.</li> <li>• The Board should determine if further access review is required.</li> <li>• A proposed subdivision plan has been submitted that depicts a restrictive building envelope.</li> </ul>



# TOWN OF UNDERHILL

## Development Review Board

JASON A. & KAREN M. GUYMON AND  
ANTOINE M. & PAMELA J. CATUDAL  
SKETCH PLAN REVIEW  
Docket #: DRB-19-08

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**Applicant(s):** Jason A. & Karen M. Guymon and Antoine M. & Pamela J. Catudal  
**Consultant(s):** Rob Goodwin (Surveyor) & Michael Gervis (Engineer)  
**Property Location:** 73 North Underhill Station Road (NU073)  
**Acreage:** ±29.9 Acres  
**Zoning District(s):** Rural Residential

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**Project Proposal:** Sketch Plan Review of Jason A. & Karen M. Guymon and Antoine M. & Pamela J. Catudal for a proposed 2-Lot Subdivision of property located at the aforementioned address.

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### Relevant Background Info:

- September 19, 2014: The Board approved the Applicants', Jason & Karen Guymon, Conditional Use Review application (DRB-14-11) to construct a bridge and portions of a residential driveway within a riparian buffer (see Exhibit F), with conditions.
- September 30, 2014: The Applicants subsequently obtained an Access Permit (A-14-03) for the construction of the driveway; however, the Selectboard only permitted the driveway serving the principal residence and not the second driveway (see Exhibit G).
- April 1, 2015: The Building Permit (B-15-01) for a principal residence (a single-family dwelling) and an attached garage was approved.
- August 13, 2017: Since the Applicants did not build the attached garage at the time, they applied for another Building Permit (B-17-27) to build the attached garage, as well as to build deck. The permit became effective on the aforementioned date.
- August 22, 2018: The Applicants submitted a building permit (B-18-31) to construct a barn/garage in the area labeled "proposed accessory dwelling" on the access permit (see Exhibit G). The building permit explicitly stated that the building was not approved for dwelling purposes, which is in conformance with the Board's 2014 decision (DRB-14-11). This building permit became effective on September 7, 2018.

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## 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

### **CONTENTS:**

- a. Exhibit A - Guymon/Catudal Sketch Plan Review Staff Report
- b. Exhibit B - Guymon/Catudal (NU073) Sketch Plan Review Meeting Procedures
- c. Exhibit C - Application for Subdivision
- d. Exhibit D - Project Information
- e. Exhibit E - Certificate of Service
- f. Exhibit F - DRB Decision #: DRB-14-11
- g. Exhibit G - Access Permit #: A-14-03
- h. Exhibit H - Subdivision Plan
- i. Exhibit I - Wastewater Permit # WW-4-4186

### **COMMENTS/QUESTIONS**

1. **SECTION 3.2 – ACCESS:** The Board should determine if they want to reserved judgment to require the Applicants to bring the driveways into conformance should they not already be in conformance.
2. **SECTION 3.2 – ACCESS:** The Applicants shall submit an Access Permit for the construction of the driveway to serve Lot 2 prior to the Preliminary or Final Subdivision Review Hearing.
3. **SECTION 8.2.C – EXISTING SITE CONDITIONS:** A small area of prime agricultural soils will likely be bisected by the proposed property line
4. **SECTION 8.2.G – BUILDING ENVELOPES:** The Applicants have not identified a proposed building envelope; therefore, the least restrictive building envelope is presumed.
5. **SECTION 8.8 – LEGAL REQUIREMENTS:** The Applicants should submit a draft Road Maintenance Agreement prior to the Preliminary/Final Subdivision Review hearing.
6. **SECTION 8.8 – LEGAL REQUIREMENTS:** The Applicants should submit a draft septic easement for the benefit of Lot 2 prior to the Preliminary/Final Subdivision Review hearing.
7. **APPENDIX A – ROAD & DRIVEWAYS STANDARDS, SECTION 4.C.12:** The Board should evaluate where they wish to see turnaround areas at the end of each driveway, and if so, an amended Access Permit, or new Access Permit, shall be submitted prior to the Preliminary/Final Subdivision Review.
8. **APPENDIX A – ROAD & DRIVEWAYS STANDARDS, SECTION 4.C.12:** The Board should evaluate if they wish a 10 ft. apron should be installed at the intersection of the shared driveway and North Underhill Station Road.

9. **CONDITION D IN DRB DECISION: DRB-14-11:** The Board should address the condition requiring Board approval prior to filing for a building permit application for the construction of a detached accessory dwelling by either superseding the condition or require conditional use review to be held in conjunction with final subdivision review.
-

# STAFF FINDINGS OF RELEVANT SECTIONS

## ARTICLE II – ZONING DISTRICTS

	Rural Residential	Proposed Lot Lot 1 (SFD)	Proposed Lot 2
<b>Lot Size:</b>	3.0 Acres	±9.74	5.3 Acres
<b>Frontage:</b>	250 ft.	0 ft.	±290
<b>Setbacks:</b>			
• 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
<b>Max. Building Coverage:</b>	25%	TBD	TBD
<b>Max. Lot Coverage:</b>	50%	TBD	TBD
<b>Maximum Height:</b>	35 ft.	TBD	TBD

TABLE 2.4 – RURAL RESIDENTIAL

PG. 15

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

- The proposed subdivision will subdivide a ~30 Acre lot into two lots, which better conforms with medium density development.
- Both lots will utilize a shared driveway via a right-of-way that connects with North Underhill Station Road, a Class III Town Highway, that connects Route 15 with Poker Hill Road.
- Single-family dwellings are proposed for both lots furthering the residential aspect of the purpose statement.

## ARTICLE III – GENERAL REGULATIONS

### SECTION 3.2 – ACCESS

PG. 30

- Lot 1 fails to satisfy the frontage require; however, the frontage requirement can be waived in accordance with §§ 3.7.E.1 & 8.6.A.2 since the lot will be accessed by a shared driveway.
- Both lots will have access via North Underhill Station Road, a Class III Highway.
- An access permit application for the proposed Lot 1 has been approved (see Exhibit G); however, both driveways have already been constructed.
  - The Board should determine if they want to reserved judgment to require the Applicants to bring the driveways into conformance should they not already be in conformance.
  - The Applicants shall submit an Access Permit for the construction of the driveway to serve Lot 2 prior to the Preliminary or Final Subdivision Review Hearing.

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

PG. 38

- One principal use/structure is anticipated for each lot – single-family dwellings.

- Lot 2 has a frontage of ±290 ft., which satisfies the frontage requirement of 250 ft.
- A frontage waiver is required for Lot 1, which is allowed in accordance with §§ 3.7.E.1 & 8.6.A.2 since Lot 1 will be accessed via a Shared Driveway.

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

**PG. 44**

- Both lots will contain single-family dwellings, and are likely to satisfy the parking requirement – 2 parking spaces per dwelling.

**SECTION 3.17 – SOURCE PROTECTION AREAS**

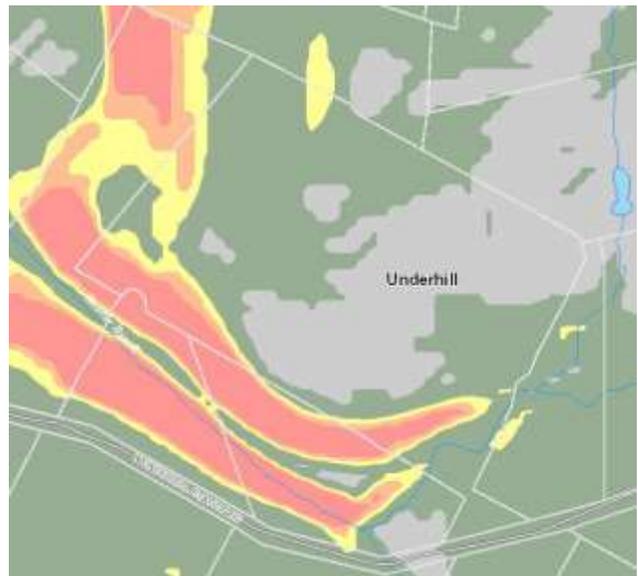
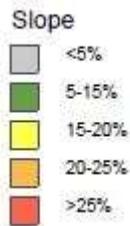
**PG. 55**

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

**SECTION 3.18 – STEEP SLOPES**

**PG. 56**

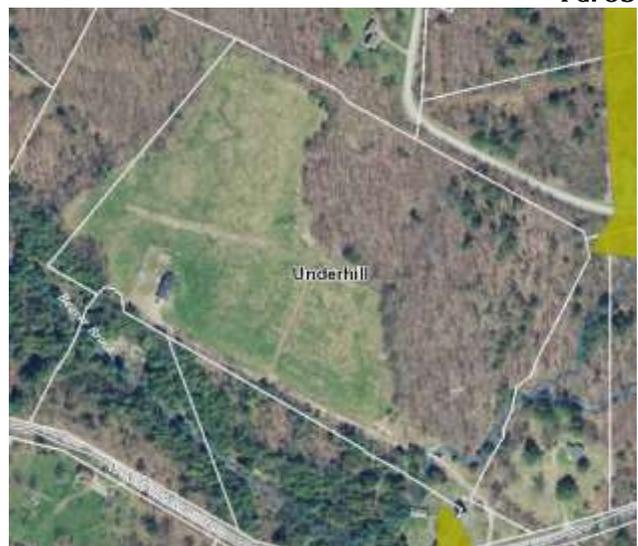
- Areas of steep slopes (15-25%) are present on the existing lot (see directly to the right).
  - Steep Slopes (15-25%) and Very Steep Slopes (>25%) appear to affect both lots; however, the proposed/existing developments (single-family dwellings) appear to be outside of these areas.
- Since both driveways are already constructed, no additional impact to these areas is anticipated.
  - If the Board requires modifications to the existing driveways, then the Board should take slopes into consideration at that time.



**SECTION 3.19 – SURFACE WATERS & WETLANDS**

**PG. 63**

- An unnamed stream bisects the southern portion of the lot in an east to west direction (see directly to the right) – 25 ft. Setback Requirement.
- Beaver Brook is located to the south of the property; A 50 ft. Setback from the “top of slope” is required since no floodplains are associated with the Brook in this location.
- A Class II Wetland has been identified to the northeast of the property, as well in the south portion of the property – 50 ft. Setback Requirement.
- All anticipated new development is expected to satisfied the aforementioned setback requirements.



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

**PG. 68**

- The Applicants have obtained a Wastewater System & Potable Water Supply Permit (WW-4-4186, see Exhibit I), which should be submitted prior to Preliminary/Final Subdivision review.
- The WW Permit allows for two, 4-bedroom, single-family residences on the existing lot.
- Each single-family dwelling is approved for a drilled well, to be located on each lot.
- A septic system has been approved for each single-family dwelling, noting that the proposed Lot 2 septic system will be located on Lot 1.

**ARTICLE IV – SPECIFIC USE STANDARDS**

**SECTION 4.15 – MULTI-DWELLING STRUCTURES (ACCESSORY DWELLINGS, TWO-FAMILY DWELLINGS AND MULTI-FAMILY DWELLINGS)**

**PG. 92**

- In accordance with Section 4.15.D.3:  
 “A detached accessory dwelling may be subdivided and or converted for conveyance or use as principal dwellings only if they are found to meet all current municipal regulations for two single family dwellings in the district where it is located. All municipal permits and approvals shall be obtained prior to conversion to or conveyance as a principal Dwelling.”
- While the barn/garage is not permitted as an accessory dwelling, the potential for that structure to become an accessory dwelling exists, and therefore, the Board should consider the abovementioned provision of the *Unified Land Use & Development Regulations*.

**ARTICLE VI – FLOOD HAZARD AREA REVIEW**

- No Special Flood Hazard Areas were depicted on the existing lot according to the ANR Website; therefore, review of 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 B 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 additional modifications or waivers other than the frontage requirement waiver for Lot 1 (in accordance with §§ 3.7.E.1 & 8.6.A.2).

**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 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**

- The proposed subdivision meets the density requirements of this Section.

SECTION 8.2.C – EXISTING SITE CONDITIONS

**PG. 151**

- A small area of prime agricultural soils will likely be bisected by the proposed property line (see directly right in comparison to Exhibit H); anticipated development could potentially impact this area.
- Areas of steep slopes (15%-25%) and very steep slopes (>25%) exist on both lots (see § 3.18 above).
- An unnamed stream bisects the southern portion of the lot, while Beaver Brook traverses the area to the south of the lot (see § 3.19 above)
- Class II Wetlands exist to the northeast of the property, as well as on the southern area of the property (see § 3.19 above).
- Given the proposed location of the single-family dwelling on Lot 2, as well as the completed single-family dwelling on Lot 1, and the completed driveways, the prime agricultural soils seem to be the only resource being impacting:
  - The Board may explore if there are any options for minimizing impact to the prime agricultural soils.
- The proposed layout of the subdivision and development does not appear to adversely affect any of the other existing site features and/or natural amenities listed in this subsection.



<span style="color: red;">■</span>	Local
<span style="color: blue;">■</span>	Local (b)
<span style="color: cyan;">■</span>	Not rated
<span style="color: green;">■</span>	Prime
<span style="color: olive;">■</span>	Prime (b)
<span style="color: lightgreen;">■</span>	Prime (f)
<span style="color: brown;">■</span>	Statewide
<span style="color: teal;">■</span>	Statewide (a)
<span style="color: purple;">■</span>	Statewide (b)
<span style="color: magenta;">■</span>	Statewide (c)

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 conforms with the requirements of this section.
- The proposed layout of the subdivision is configured in a way that would allow subsequent subdivisions should the landowners, or their successors, choose to subdivide.

**SECTION 8.2.G – BUILDING ENVELOPES**

**PG. 153**

- The Applicants have not identified a proposed building envelope; therefore, the least restrictive building envelope is presumed, which shall take into consideration site limitations such as setbacks from surface waters, wetlands and steep slopes.
- The Board should explore whether building envelopes should be illustrated on the subdivision plans.

**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 4 habitat block is located on the existing lot (see directly to the right on

the next page).

- Proposed development on the proposed Lot 2 will not likely impact the identified habitat block.
- No Deer Wintering Yards have been identified on the lot.
- The ANR Biofinder has also identified the following priority characteristics:
  - Class II Wetlands
  - Highest Priority Wildlife Crossing (overlying the same area as the Class II Wetland on the southern portion of the Lot);
  - Riparian Wildlife Connectivity (encompassing Beaver Brook and the unnamed stream);
  - Highest Priority Surface Water and Riparian Areas (encompassing Beaver Brook and the unnamed stream);
  - Priority Interior Forest Blocks (same area as the identified Forest Blocks to the right);
  - Highest Priority Connectivity Blocks (same area as the identified Forest Blocks to the right); and
  - Representative Physical Landscapes; (mostly the same area as the identified Forest Blocks to the right.



**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**

- A small area of prime agricultural soils exists in an area where the proposed property line is anticipated.
- See 8.2.C above for more information.

**SECTION 8.3.G - FORESTLAND**

**PG. 158**

- The proposed property line appears to consider the forested land located towards the northeast portion of the property.
- Anticipated development is expected to occur outside of this forested area.

**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 will be served by their own driveways, which will access a shared driveway with access to North Underhill Station Road, 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**

- The Applicants have obtained a Wastewater System & Potable Water Supply Permit (WW-4-4186, see Exhibit I).
- The WW Permit allows for two, 4-bedroom, single-family residences on the existing lot.
- Each single-family dwelling is approved for a drilled well, to be located on each lot.

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

- The Applicants have obtained a Wastewater System & Potable Water Supply Permit (WW-4-4186, see Exhibit I).
- The WW Permit allows for two, 4-bedroom, single-family residences on the existing lot.
- A septic system has been approved for each single-family dwelling, noting that the proposed Lot 2 septic system will be located on Lot 1.

SECTION 8.7.D – UTILITIES

PG. 169

- No findings.

**SECTION 8.8 – LEGAL REQUIREMENTS**

PG. 170

- The Applicants should submit a draft Road Maintenance Agreement prior to the Preliminary/Final Subdivision Review hearing.
- The Applicants should submit a draft septic easement for the benefit of Lot 2 prior to the Preliminary/Final Subdivision Review hearing.

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**APPENDIX A – ROAD & DRIVEWAY STANDARDS**

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**SECTION 4 – GENERAL PROVISIONS RELATING TO ACCESSWAYS**

SECTION 4.B – REASONABLE ACCESS

PG. 8

- Both lots will have access to North Underhill Station Road via a shared driveway.

SECTION 4.C – DEVELOPMENT ROAD & DRIVEWAY STANDARDS

PG. 8

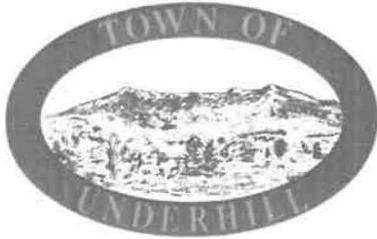
1. *GRADES*
  - Both driveways, including the shared portion, currently exist and presumably satisfy the 10% slope requirement.
2. *TOPOGRAPHY*
  - Both driveways, including the shared portion, currently exist and presumably satisfy the topography requirements.
3. *RADII*
  - The Applicants shall ensure that all turning radii are satisfactory to the Underhill-Jericho Fire Department.
  - The Board should determine how to measure the 35 ft. radius.
4. *CURBS*
  - Does not apply.
5. *GEOTEXTILES*
  - Does not apply.
6. *DRAINAGE*
  - The Applicants shall ensure that no drainage will occur in the Town's right-of-way, nor will drainage impact North Underhill Station Road (which includes sedimentation, erosion or impounding of water).
7. *SLOPES, BANKS & DITCHES*
  - The Applicants shall ensure that ditches will be provided where necessary to prevent infiltration of water into the gravel subbase, and to conduct storm drainage to waterways and absorption areas.
8. *WET AREAS*
  - This section does not apply.
9. *CULVERS*
  - Comments from the Road Foreman will be solicited during the Preliminary & Final Subdivision Review Process.
10. *STREAM CROSSINGS*
  - The Applicants already obtained approval to construct a bridge over the unnamed stream (see DRB-14-11, Exhibit F).
11. *BRIDGES*
  - The Applicants already obtained approval to construct a bridge over the unnamed stream (see DRB-14-11, Exhibit F).
12. *DESIGN*
  - The Board should evaluate where they wish to see turnaround areas at the end of each driveway, and if so, an amended Access Permit, or new Access Permit, shall be submitted prior to the Preliminary/Final Subdivision Review.
  - The Board should evaluate if they wish a 10 ft. apron should be installed at the intersection of the shared driveway and North Underhill Station Road.

**SECTION 5 – SPECIFIC PROVISIONS: DRIVEWAYS & DEVELOPMENT ROADS**

SECTION 5.A - DRIVEWAYS

**PG. 11**

1. *CONSTRUCTION & DESIGN REQUIREMENTS*
  - The Board should evaluate the existing driveways, and shared driveway, and determine if they need to be brought up to the AOT B-71 Standards.
2. *LOCATION*
  - One existing access point onto North Underhill Station Road is currently being utilized.
3. *WIDTHS*
  - The existing access way, shared driveway and driveway presumably already satisfy the width requirements.
4. *NONCONFORMING LOTS*
  - Does not apply.



## **UNDERHILL DEVELOPMENT REVIEW BOARD**

**SKETCH PLAN REVIEW  
MEETING PROCEDURES**  
6:35 PM, Monday, August 5, 2019

**Applicant(s):** Jason & Karen Guymon and Antoine & Pamela Catudal  
**Docket #:** DRB-19-08

State the following:

1. This is a sketch plan review meeting on the application of Jason & Karen Guymon and Antoine & Pamela Catudal for a proposed 2-lot subdivision on the land they own at 73 North Underhill Station Road (NU073) in Underhill, Vermont.

This application is subject to review under the 2011 *Unified Land Use & Development Regulations*, as amended March 6, 2018 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.

The exhibits submitted as part of this application are available in the Guymon/Catudal sketch plan review file (Docket #: DRB-19-08) at the Underhill Zoning & Planning Office and on the Town's website.

2. Copies of the Rules of Procedure that the Board follows are available for review at the front counter, and can be obtained from the Planning & Zoning Administrator.
3. At this point we'll begin review and hear from the applicant(s) and/or their representative(s).
4. Next we will hear from the Planning & Zoning Administrator.
5. Are there members of the public who would like to speak?
6. Any final comments from the Board, the Planning & Zoning Administrator, applicant(s) and/or their representative(s)?

7. Does the Board feel that they have enough information to decide whether the proposed sketch plan has fulfilled the application requirements?
8. Does the Board 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).
9. Ask for a motion to accept or deny the application, as well as asking the Board if they wish to discuss the application in open deliberative or closed deliberative session? (After the ruling, continue with the info below.)

“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 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

<p><b>OFFICE USE ONLY</b></p> <p>PROPERTY CODE: <u>NU073</u></p> <p>DRB DOCKET #: <u>DRB-19-08</u></p> <p>MEETING DATE: <u>8/5/2019</u></p>	<p><b>ZONING DISTRICT(S):</b></p> <p><input type="checkbox"/> Underhill Flats Village Center</p> <p><input type="checkbox"/> Underhill Center Village</p> <p><input checked="" type="checkbox"/> Rural Residential</p> <p><input type="checkbox"/> Water Conservation</p> <p><input type="checkbox"/> Mt. Mansfield Scenic Preservation</p> <p><input type="checkbox"/> Soil &amp; Water Conservation</p>	<p><b>APPLICATION TYPE:</b></p> <p><input checked="" type="checkbox"/> Sketch Plan Review</p> <p><input type="checkbox"/> Preliminary Subdivision Review</p> <p><input type="checkbox"/> Final Subdivision Review</p> <p><input type="checkbox"/> Preliminary &amp; Final Subdivision Review</p> <p><input type="checkbox"/> Subdivision Amendment</p>
<b>PROPERTY OWNER INFORMATION:</b>	<b>Project Information</b>	
<p><b>RECORD OWNER OF PROPERTY:</b>  <u>Antoine+Pamela Catudal Jason+Karen Guyman</u></p> <p><b>MAILING ADDRESS:</b>  <u>73 North Underhill Station Rd Underhill VT 05489</u></p> <p><b>EMAIL ADDRESS:</b> <u>Pcatudal@yahoo.com</u>  <u>Jason Guyman 72@gmail.com</u></p> <p><b>PHONE NUMBER:</b> <u>802-881-4475</u>  <u>Jason: 802-238-4861</u></p>	<p>Property Location: <u>73 N. Underhill Station Rd</u>                  Underhill, VT 05489</p> <p>Acreege in Original Parcel: <u>20.9</u> acres</p> <p>Proposed Number of Lots: <u>1</u> Lots</p>	
<b>DESIGNER/ENGINEER INFORMATION:</b>		
<p><b>DESIGNER/ENGINEER:</b>  <u>Rob Goodwin / Michael Garvis</u></p> <p><b>MAILING ADDRESS:</b>  <u>Rob@bernardandgarvais.com</u></p> <p><b>EMAIL ADDRESS:</b></p> <p><b>PHONE NUMBER:</b>  <u>802-557-7276</u></p>	<p>Is this a Planned Residential Development?  <input type="checkbox"/> Yes  <input type="checkbox"/> No</p> <p>Is this a Planned Unit Development?  <input type="checkbox"/> Yes  <input checked="" type="checkbox"/> No</p> <p>Is the parent lot part of a previously approved subdivision?  <input type="checkbox"/> Yes  <input checked="" type="checkbox"/> No</p> <p>If so, when was the previous subdivision approved?                  Year: _____</p> <p>If known, what was the application number:                  Application Number: _____</p> <p>If the proposed project is to amend a subdivision, what is the proposed amendment?                  _____                  _____                  _____</p>	
<b>SURVEYOR INFORMATION:</b>		
<p><b>SURVEYOR:</b>  <u>Rob Goodwin</u></p> <p><b>MAILING ADDRESS:</b></p> <p><b>EMAIL ADDRESS:</b>  <u>Rob@bernardandgarvais.com</u></p> <p><b>PHONE NUMBER:</b>  <u>802-557-7276</u></p>		
<b>DEVELOPER INFORMATION (IF KNOWN):</b>		
<p><b>SURVEYOR:</b></p> <p><b>MAILING ADDRESS:</b></p> <p><b>EMAIL ADDRESS:</b></p> <p><b>PHONE NUMBER:</b></p>		



# 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 type="checkbox"/> Project Description <input type="checkbox"/> Description of Proposed Modifications or Waivers <input 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 &amp; New Acreages <input type="checkbox"/> Proposed Building Envelopes (including Setbacks) <input type="checkbox"/> Extent of Site Clearing &amp; 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 &amp; Wastewater Disposal Systems (including Isolation &amp; 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 &amp; Associated Buffers <input type="checkbox"/> Wetlands &amp; Associated Buffers <input type="checkbox"/> Vernal Pools &amp; 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 &amp; Size of Existing Culverts and Drains <input type="checkbox"/> Location &amp; Size of Existing Sewerage Systems &amp; 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 &amp; Historic Features (e.g. Sites &amp; 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 &amp; Management Plan</p> <p><i>Please Checkoff All Submitted Materials</i></p>
<b>Requirements for All Other Applications</b>		<b>Section D (Non-Town Related Materials)</b>
<p>Checklist</p> <p><input checked="" type="checkbox"/> Surveys (see Section A) <input checked="" 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 &amp; 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>
<b>Section A (Survey Requirements)</b>		<b>Other Required Plans Where Applicable</b>
<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 &amp; Permanent Stormwater Management Plans <input type="checkbox"/> Temporary &amp; Permanent Erosion Control Measures/Plans (including Areas Impacted by Downstream Runoff) <input type="checkbox"/> Significant Wildlife Habitat Areas &amp; 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
RECEIVED	DATE

Project Description 73 N. Underhill Station Rd

Building garage - Permit submitted and approved

2018-2019 26x30

Single family dwelling will eventually be submitted to the town.

Asking for a frontage waiver for the proposed Lot #1

Asking for Preliminary Subdivision Review to be waived also



## 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 18 day of July, 2019, a copy of the following documents were delivered to the below recipients and corresponding addresses by United States first class mail.

Documents:

Notice to abutting neighbors regarding a Sketch Plan Review meeting for a proposed 2-lot subdivision of land located at 73 North Underhill Station Road (NU073), Underhill, Vermont, owned by Antoine M. & Pamela J. Catudal and Jason A. & Karen M. Guymon.

Recipients and Corresponding Address: \$0.50

✓ **73 NORTH UNDERHILL STATION ROAD (NU073)**

Antoine M. & Pamela J. Catudal  
Jason A. & Karen M. Guymon  
73 North Underhill Station Road  
Underhill, VT 05489

✓ **35 HIGHLAND ROAD (HL035)**

Ellen Goodman Trustee  
35 Highland Road  
Underhill, VT 05489

✓ **41 NORTH UNDERHILL STATION ROAD (NU041)**

Sharon A. Davis  
41 North Underhill Station Road  
Underhill, VT 05489

✓ **50 NORTH UNDERHILL STATION ROAD (NU050)**

Craig & Morgan Luce  
50 North Underhill Station Road  
Underhill, VT 05489

✓ **60 NORTH UNDERHILL STATION ROAD (NU060)**

Drew S. Vandeth & Kristen Juel  
60 North Underhill Station Road  
Underhill, VT 05489

✓ **71 NORTH UNDERHILL STATION ROAD (NU071)**

Cathy S. Bassler  
71 North Underhill Station Road  
Underhill, VT 05489

✓ **74 NORTH UNDERHILL STATION ROAD (NU074)**

Dennis Warren  
74 North Underhill Station Road  
Underhill, VT 05489

✓ **77 NORTH UNDERHILL STATION ROAD (NU077)**

Gerard Deforge  
77 North Underhill Station Road  
Underhill, VT 05489

✓ **425 POKER HILL ROAD (PH425)**

Michael S. & Kathleen A. Simanskas  
425 Poker Hill Road  
Underhill, VT 05489



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

Date: 7/18/2019

**TOWN OF UNDERHILL  
APPLICATION OF JASON & KAREN GUYMON  
FOR CONDITIONAL USE REVIEW  
FINAL FINDINGS AND DECISION**

In re: Jason & Karen Guymon  
496 Birchwood Drive  
Hinesburg, VT 05461

Docket No. DRB 14-11: Guymon

**I. INTRODUCTION AND PROCEDURAL HISTORY:**

This proceeding concerns Jason & Karen Guymon's conditional use review hearing to construct a bridge and portions of a residential driveway within the riparian buffer on the property located at 73 North Underhill Station Road in Underhill, VT.

- A. On August 19, 2014, Jason & Karen Guymon filed an application for conditional use review. A copy of the application and additional information are available at the Underhill Town Hall.
- B. On August 25, 2014, a copy of the notice of a public hearing was mailed via Certified Mail to the Applicants, Jason and Karen Guymon, 496 Birchwood Drive, and to the following owners of properties adjoining the property subject to the application:
1. Goodman, 35 Highland Road, Underhill, VT 05489
  2. Bassler, 71 N. Underhill Station Road, Underhill, VT 05489
  3. Warren, 74 N. Underhill Station Road, Underhill, VT 05489
  4. Davis, 41 N. Underhill Station Road, Underhill, VT 05489
  5. Luce, 50 N. Underhill Station Road, Underhill, VT 05489
  6. Vandeth/Juel, 60 N. Underhill Station Road, Underhill, VT 05489
  7. Deforge, 77 N. Underhill Station Road, Underhill, VT 05489
  8. Simanskas, 425 Poker Hill Road, Underhill, VT 05489
  9. Catudal, 272 Pumpkin Harbor Road, Cambridge, VT 05444
- C. Notice of the public hearing was posted at the following places:
1. The property to be developed NU073;
  2. The Underhill Town Hall;
  3. The Underhill Center Post Office;
  4. The Underhill Flats Post Office
- D. On August 27, 2014, notice of public hearing was published in Seven Days Newspaper.
- E. The Conditional Use Review Hearing began at 7:30 PM on September 15, 2014.
- F. Present at the hearing were the following members of the Development Review Board:

- Charles Van Winkle, Chairperson
- Will Towle
- Penny Miller
- Jim Gilmartin
- Matt Chapek
- Mark Hamelin
- Karen McKnight

Planning and Zoning Administrator, Sarah McShane; Applicants Jason & Karen Guymon; Tony Catudal (272 Pumpkin Harbor Rd. Cambridge, VT), Merianne O’Brady (61 Highland Rd., Underhill, VT); Ellen Goodman (35 Highland Rd., Underhill, VT), and Cathy Bassler (71 N.Underhill Station Rd., Underhill, VT) also attended the hearing.

G. At the outset of the hearing Chairperson Charles Van Winkle explained the criteria under 24 V.S.A. §4465 (b) for being considered an “interested party.” Those who spoke at the hearing were:

- Jason Guymon (Applicant/Property owner- NU073)
- Tony Catudal (Co-property owner- NU073)
- Ellen Goodman (35 Highland Rd, Underhill, VT)
- Merianne O’Brady (61 Highland Road, Underhill, VT)
- Cathy Bassler (71 North Underhill Station Rd., Underhill, VT)

H. During the course of the hearing the following exhibits were submitted to the Development Review Board:

- a) Conditional Use Review Hearing Request (dated 8-20-2014);
- b) Buffer/Encroachment Permit Application (dated 8-18-2014);
- c) Conditional Use Review Standards Findings Checklist;
- d) Copy of site plan with aerial image indicating location of proposed improvements;
- e) Copy of bridge design drawing by T.R. Fellows Engineering (dated 7-22-14);
- f) Copy of Appendix B: Category 1 Self Verification Form U.S. Army Corps of Engineers (no date);
- g) Copy of letter to Antoine Catudal and Jason Guymon from T.R. Fellows Engineering (dated 7-22-2014);
- h) Copy of VT DEC Authorization to Conduct Stream Alteration Activities from Chris Bruenelle (dated 6-25-2014);
- i) Copy of CA-1 Catudal-Beaver Brook Crossing Watershed CB 1P, Catudal Proposed Bridge Report;
- j) Copy of Shared Drive Sketch Plan as prepared by Northern Land Surveying, LLC. Project No. 13079 (date 8-20-2014);
- k) A copy of email correspondence from Danielle Owczarski (District Wetlands Ecologist) to Karen Guymon dated 7-11-2013;
- l) A copy of the letter mailed to abutters (dated 8-22-2014)
- m) A copy of the public hearing notice posted in Seven Days on 8-27-2014;
- n) A copy of the letter sent to the Stream Alteration Engineer and Army Corps of Engineers (dated 8-22-2014);
- o) A copy of the tax map for NU073;
- p) A copy of ANR map indicating the location of wetlands;
- q) Field visit photos from 9-8-2014;

- r) VT Dept. of Fish & Wildlife Guidelines for the Design of Stream/Road Crossings for Passage of Aquatic Organisms in Vermont (March 2009) (electronic copy);
- s) A copy of the procedure checklist for this meeting; and
- t) Procedural Memo.

The following Exhibits were submitted during the hearing:

- Exhibit Q- Recommendations from Harry Schoppmann III, Captain, Underhill Jericho Fire Department, (Email dated 9/15/2014 4:11 PM);
- Exhibit R- Letter from Kristin F. McCusker P.E., T.R. Fellows Engineering (dated September 13, 2014);
- Exhibit S- Additional bridge design drawing (Drawn by Tony Catudal, Reviewed by T.R. Fellows Engineering 9/13/14).

These exhibits are available in the Guymon, NU073, Conditional Use file at the Underhill Town Hall.

## **II. FINDINGS:**

### **Factual Findings**

The minutes of the meeting written by Sarah McShane are incorporated by reference into this decision. Please refer to these minutes for a summary of the testimony.

Based on the application, testimony, exhibits, and other evidence, the Development Review Board makes the following findings:

- A. The Applicants seek a conditional use review approval to construct a bridge and portions of a residential driveway within the riparian buffer on property located at 73 North Underhill Station Rd. (NU073) in Underhill, VT.
- B. The property is located within the Rural Residential zoning district as defined in Article II, Table 2.3 of the 2012 Unified Land Use and Development Regulations.
- C. Conditional Use Review approval is requested for the project pursuant to review under the 2012 Unified Land Use and Development Regulations.
- D. Access approval is requested pursuant to review under the 2002 Underhill Road Policy and the 2012 Unified Land Use and Development Regulations. Final review and approval of the access will be made by the Selectboard.
- E. The Board finds that there is no physically feasible alternative for providing safe access. Article III, §3.19 (E)(2)(d)

### III. CONCLUSIONS:

The Board finds the application is in conformance with the following sections of the Unified Land Use and Development Regulations:

- Article II, Table 2.3- Rural Residential District
- Section 3.2 - Access
- Section 3.19 – Surface Waters & Wetlands
- Section 4.2 – Accessory Dwelling
- Section 5.4 – Conditional Use Review

### IV. DECISION AND CONDITIONS:

Based upon the findings above, and subject to the conditions below, the Development Review Board grants final approval for the Conditional Use Review application as described at the hearing and in the submitted application documents with the following conditions:

- A. Approval is granted to construct a 30' x 14' bridge and portions of a residential driveway both as depicted in the application, within the Beaver Brook riparian buffer on the property located at 73 North Underhill Station Road in Underhill, VT.
- B. The applicant shall conform to the VT DEC Authorization to Conduct Stream Alteration Activities from Chris Bruenelle (dated 6-25-2014) or any subsequent revisions.
- C. A building permit is required for the construction of the principal dwelling. A zoning permit shall be retained prior to construction in accordance with Section 10.3 of the Unified Land Use and Development Regulations.
- D. Applicant will be required to obtain Board approval prior to filing for a building permit application for the construction of a detached accessory dwelling.
- E. An Access Permit shall be obtained by the Selectboard.
- F. The E-911 code shall be posted per Underhill Jericho Fire Department specifications prior to the issuance of any building permit.

Dated at Underhill, Vermont this 19th day of September 2014.

*Charles Van Winkle*

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Charles Van Winkle, Chair, Development Review Board

NOTICE: This decision may be appealed to the Vermont Environmental 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 10/19/14.

paid \$60 on 8/20/2014

DOC: 00010791 VOL:

211 PG 25  
EXHIBIT  
G

# TOWN OF UNDERHILL

P.O. Box 32  
Underhill Center, VT 05490

Phone: (802) 899-4434

Fax: (802) 899-2137

## ACCESS PERMIT APPLICATION

A-1403

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

ZONING DISTRICT(S):

PROPERTY CODE: NU073

FEES: \$50+ recording fees

- Residential
- Rural Residential
- Water Conservation
- Scenic Preservation
- Soil & Water Conservation

NAME: <u>Tason + Karen Guyman</u>	PROPERTY LOCATION: <u>73 N. Underhill Station Rd</u>
MAILING ADDRESS: <u>496 Birchwood Dr. Hinesburg VT 05461</u>	ACREAGE: <u>29.9</u>
PHONE: <u>802-343-2332</u>	E-MAIL: <u>guymonkey@comcast.net</u>
CONSULTANT(S): <u>NA</u>	CONSULTANT CONTACT INFORMATION: <u>NA</u>

### PLAN REQUIREMENTS (Attach plan to application)

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

- Proposed access on public or private road
- Property boundaries with measurements to proposed curb cut
- Landmarks sufficient to determine access point and path of traveled way
- Distance from all waterways
- All easements, covenants, and abutting property owners

TOWN CLERK'S OFFICE  
 Received Oct 13, 2014 03:30P  
 Recorded in VOL: 211 PG: 25- 25  
 Of Underhill Land Records  
 ATTEST: Sherri Morin, Town Clerk

APPLICANT SIGNATURE

DATE

9.30.14

### FOR OFFICE USE ONLY

Received by

Sarah McShane, PLA

Date:

8-19-2014

Road Foreman Inspection

Site Visit Date: 9/16/2014 Road Classification (if applicable): III

Speed Limit/Average Running Speed (if applicable): 40 MPH

Sight Distances:

Left 429'

Right 319'

Culvert Required?

No

Yes

Size 18" x 30"

Comments, Restrictions, Conditions: Limited Road Frontage

"w/ conditions read into the record" w/ ATTACHED DRAWING

To be Reviewed by the Selectboard (Date)

9/16/2014

Northern Land Surveying  
 Antoine & Pamela Catudal  
 END OF DOCUMENT  
 dated 8/20/14  
 sheet # DR-1

**TOWN OF UNDERHILL  
SELECTBOARD MEETING MINUTES  
6:00 p.m., Tuesday, September 30, 2014**

**Selectboard:** Seth Friedman, David Rogers and Cliff Peterson

**Town Staff:** Nate Sullivan, Brian Bigelow, Listers Pam Shover, Melissa Lawson and Jay Lederman,

**Public:** Ruth Miller (MMCTV), Ellen Goodman, Jason Guymon, Karen Guymon, Ron Seymour, Leila Bandar, Christine Toulis, Dick Wilcox, Beth Demas, Rolfe Eastman

**6:00 p.m.** Meeting called to order. Cliff Peterson proposed adding an Executive Session to the agenda after the Truck purchase agenda items. David Rogers seconded and the motion passed 3-0.

**6:02 p.m. Public Comment –**

No member of the public in attendance to speak to non-agenda items.

**6:03 p.m. Town Truck Loan Documents –**

Loan documents from Merchants Bank for the amount of \$160,000 at 2.5% were reviewed and signed by the Board. In the event that the final purchase price is less than \$160,000 the remainder will be used to pay down the principal.

**6:10 p.m. Executive Session –**

Cliff Peterson moved that the Selectboard enter into executive session to discuss, on a specific finding that premature public knowledge would put the Selectboard or a person at a substantial disadvantage, confidential attorney-client communications made for the purpose of providing professional legal services to the Selectboard. David Rogers seconded and the motion passed 3-0.

At 6:19 p.m. on a motion by David Rogers, seconded by Cliff Peterson and a 3-0 the Selectboard exited Executive Session. Executive Session summarized as resulting in no action being taken or decisions made.

**6:20 p.m. Russell Clark, 2015 Truck Purchase –**

Russell Clark was not in attendance for the 6:20 agenda item. Consensus of the Board was to proceed with the next item on the agenda.

**6:21 p.m. Listers Pam Shover, Jay Lederman and Melissa Lawson**

The Underhill Town Listers request the Selectboard authorize funding for appeals of recent decisions of the Board of Civil Authority. From the slate of BCA decisions, Cliff Peterson advised he would recuse himself from any discussion regarding the Brillhart appeal. Discussion ensued about the need for Executive Session and the consensus of

the Board was that it is not appropriate. Listers advised the Board that there were two decisions of the BCA that they disagreed with, specifically the appeals of Wilcox and Brillhart, and recommend the Selectboard appeal the two decisions to the Director of Property Valuation and Review for a decision by the State Appraiser.

David Rogers moved to appeal the Wilcox and Brillhart decisions and to fund the appeals with \$140 from the Selectboard Contingency line item. Seth Friedman seconded and the motion passed 2-0-1, Cliff Peterson abstaining.

**6:32 p.m. Adjustments to agenda.**

With the agenda ahead of schedule the consensus of the Selectboard was to address Warrants, Minutes, Correspondence and Old Business at this time and break as interested parties arrived for their scheduled times.

Current warrants were reviewed by the Board after making notice of the \$8.33 overage of the Grover Engineering's 'not to exceed' amount of \$700.00. Consensus of the Board was to authorize the additional funds and the warrants were signed.

David Rogers moved to approve the minutes of September 16. Cliff Peterson seconded with an addition for the purpose of clarification on page 2 that the phrase "and that the new sidewalk follow the alignment of the existing sidewalk in that area" be inserted after "... *the area of 1 Park Street*". David Rogers accepted the amendment as friendly and the motion passed 3-0.

Draft letter prepared by Cliff Peterson to the Development Review Board was discussed. Draft letter to Road Foreman Nate Sullivan was read. Both letters are to be signed by Chair for distribution.

Discussion about the New York Life proposal was held. Selectboard expressed a concern that approval not appear as an endorsement. Cliff Peterson had reviewed VLCT website and offered to call and see if there were options available to member towns. Consensus of Board is to have item continued to October 14 meeting.

Town Administrator reviewed the following Old Business items:

- Town Hall Exterior Renovations: on schedule and on budget.
- Town Garage Ventilation Improvement Project, 4 contractors participated in walk through. Bids are to be opened on October 8.
- Landfill Recertification: Application Submitted.
- VT539 HMGP: Awaiting Subgrant Agreement.
- CUSI: Forecasting ~20% increases for FY 16 (~\$7,400) and FY17 (~\$8,900). Consensus of Board was to not sign the Letter of Agreement at this time and to invite attendance at an October meeting of the Selectboard.

**7:08 p.m. English Settlement Road Signage.**

Discussion about the 'Road Closed' signs at either end of the Class IV portion. Road is steep, narrow and not maintained in the winter. The sign does serve to prevent truck traffic which would find the portion impassable. However, it may deter members of the traveling public who could utilize the road but instead follow the clear message of the signs. Consensus of the Board is to have the Road Foreman and Town Administrator propose and erect more accurate signage

#### **7:16 Jason and Karen Guymon, Access Permit Application at NU073.**

The Guymons discussed the application with the Selectboard.

Discussion about the existing driveways at 71, 74 and 77 North Underhill Station Road and the substandard sight distance combined with the limited frontage of NU073.

Cliff Peterson moved to grant a waiver from the B-71 sight distance requirement under the Design section of the Underhill Road Policy due to the unique circumstances of the particular property, and not intended to be a precedent for other applications. Waiver requires maintaining the existing sight distance of 336 feet to the West as measured 15 feet in from the edge of the right-of-way at a height of 3½ feet. David Rogers seconded and the motion passed 3-0.

The consensus of the Selectboard is that at an appropriate point approaching Poker Hill Road; a cautionary, "blind driveway" sign be erected by the Town of Underhill to the benefit of area properties.

Applicants submitted additional information in the form of a letter from their surveyor Michael Gervais/Northern Land Surveying addressing the slope of the driveway (9% maximum grade). Note received from Chris Brunelle that the size of the bridge on his permit is intended as a minimum and larger could be proposed. Use of the property at this time proposed only as a single family residence. Additional review would be required for accessory dwelling.

Cliff Peterson moved to approve the access permit application of Jason & Karen Guymon in accordance with Northern Land Surveying LLC's Sheet Number DR-1 entitled 'Lands of Antoine & Pamela Catudal', dated August 20, 2014. The alignment is to follow that drawing to the proposed principal residence shown. **The second driveway shown on the drawing is not permitted.** David Rogers seconded and the motion passed 3-0. Chair signed the application with conditions as read into the record.

#### **7:38 p.m. Wilcox Utility Access Permit Application (PH270)**

Owners seek to excavate Poker Hill Road to provide underground power to their property. Consensus of Selectboard is that boring would be required rather than open excavation. Applicant to return with a modified proposal.

David Rogers moved Item to be carried over to the October 14, 2014 Selectboard meeting. Cliff Peterson seconded and the motion passed 3-0.

**7:47 p.m. Eastman Property**

Eastman Property (Town of Westford) Access. The Eastman property is at the end of the 238' portion of Repa Road designated as a Trail. Attorney Beth Demas and property owner Rolfe Eastman spoke with the Board and reviewed the status and history of the property, Repa Road in Underhill, Goodrich Road in Westford and abutting property owners' rights to use the trail for silvacultural purposes.

The Eastmans are not looking for any work to be performed on the trail but for a determination that use of the trail as a driveway would be allowed for any potential purchaser. Cliff Peterson will contact Town Attorney.

**8:10 p.m. Roaring Brook**

Laila Bandar, Ron Seymour and Christine Toulis met with the Selectboard. Notice has been received from Chris Brunelle that the Grover design would be eligible for a Stream Alteration Permit. The level of Town involvement going forward was discussed along with liability issues to include the implications of work on private property, assessment of this and other areas regarding potential flooding events, the new normal of storm events in frequency and severity, estimated construction cost of \$17,000, potential grants, implications of Act 16 regarding regional and local flood resiliency, repetitive emergency costs and option for including as a ballot item on Town Meeting Day. Consensus of the Board is if the process were to proceed with municipal funding it should have ballot approval.

**9:15 p.m. Culvert Installation Reimbursement Policy**

Policy of culvert installations performed by Town Road Crew reviewed. Residents who are purchasing culverts from the Town do need to pay the Vermont Sales Tax. Future initial installations will be performed by the Town and include billing for time and materials at the FEMA reimbursement rate. This will ensure proper installation.

**9:20 p.m. Property Tax Resolution**

A proposal to call for the Legislature to enact a two year cap on educational funding was considered by the Board. Proposal has been endorsed by five municipalities. The consensus of the Board is to not endorse the resolution.

**9:26 p.m. Member Items, Correspondence, Announcements, Schedule.**

Board reviewed the following correspondence:

- Submittals from the Town Finance Officer to include: FY 15 Year To Date Surplus(Deficit), Budget Status Report General, Budget Status Report Highway, Exterior Town Hall Costs and VLCT PACIF Renewal Application.

By consensus the board affirms their intent to renewal with VLCT PACIF.

- Abutter notification of 2 Lot Subdivision on BE108.
- MMCTV request for support for MMCTV's acquisition for equipment required to perform live broadcasts. Consensus of Board is to support their efforts.

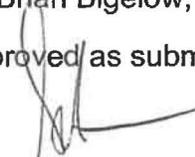
The next regularly scheduled meeting is October 14, 2014 at 6:00 p.m. A Special Meeting has been scheduled for October 8 at 8:00 a.m.

**9:30 p.m. Adjournment.**

David Rogers moved to adjourn. Cliff Peterson seconded and the motion passed 3-0.

Submitted by Brian Bigelow, Town Administrator

Read and Approved as submitted/amended.

  
\_\_\_\_\_  
Seth Friedman, Chair

\_\_\_\_\_  
Date

10-14-14





**WASTEWATER SYSTEM AND POTABLE WATER SUPPLY PERMIT****LAWS/REGULATIONS INVOLVED**

10 V.S.A. Chapter 64, Potable Water Supply and Wastewater System Permit  
Wastewater System and Potable Water Supply Rules, Effective September 29, 2007  
Chapter 21, Water Supply Rules, Effective December 1, 2010

**Landowner(s): Antoine & Pamela Catudal**  
**272 Pumpkin Harbor Road**  
**Cambridge VT 05444**

**Permit Number: WW-4-4186**  
**PIN:**

This permit affects property identified as Town Tax Parcel ID # Underhill: NU073 referenced in a deed recorded in Book 204 Page 085 of the Land Records in Underhill, Vermont.

This project, to construct two – four bedroom single family residences on a 30 +/- acres lot, located on N. Underhill Station Road in Underhill, Vermont, is hereby approved under the requirements of the regulations named above subject to the following conditions.

**1. GENERAL**

- 1.1 The project shall be completed as shown on the plans and/or documents prepared by Michael Gervais from Northern Land Surveying, LLC, with the stamped plans listed as follows:

Sheet Number	Title	Plan Date	Plan Revision Date
SP-1	Wastewater & Potable Water Supply Site Plan	1/20/2013	
D1	Both Houses Wastewater System and Potable Water Supply Details & Notes	1/20/2014	

- 1.2 This permit does not relieve the landowner from obtaining all other approvals and permits **PRIOR** to construction including, but not limited to, those that may be required from the Act 250 Environmental Commission; the Drinking Water and Groundwater Protection Division; the Watershed Management Division; the Division of Fire Safety; the Vermont Department of Health; the Family Services Division; or other State departments and local officials.
- 1.3 The conditions of this permit shall run with the land and will be binding upon and enforceable against the landowner and all assigns and successors in interest. The landowner shall record and index this permit in the Underhill Land Records within thirty, (30) days of issuance of this permit and prior to the conveyance of any lot subject to the jurisdiction of this permit.
- 1.4 The landowner shall record and index all required installation certifications and other documents that are required to be filed under these Rules or under a specific permit condition in the Underhill Land Records and ensure that copies of all certifications are sent to the Secretary.
- 1.5 No permit issued by the Secretary shall be valid for a substantially completed potable water supply and wastewater system until the Secretary receives a signed and dated certification from a qualified Vermont Licensed Designer (or where allowed, the installer) that states:

*"I hereby certify that, in the exercise of my reasonable professional judgment, the installation-related information submitted is true and correct and the potable water supply and wastewater system were installed in accordance with the permitted design and all the permit conditions, were inspected, were properly tested, and have successfully met those performance tests",*

or which otherwise satisfies the requirements of §1-308 and §1-911 of the referenced rules.



- 1.6 This project is approved for the construction of two – four bedroom single family residences on the lot. Construction of additional nonexempt buildings, including commercial and residential buildings, is not allowed without prior review and approval by the Drinking Water and Groundwater Protection Division and such approval will not be granted unless the proposal conforms to the applicable laws and regulations. No construction is allowed that will cause non-compliance with an existing permit.
- 1.7 Each purchaser of any portion of the project shall be shown a copy of the Wastewater System and Potable Water Supply Permit and the stamped plans prior to conveyance of any portion of the project to that purchaser.
- 1.8 By acceptance of this permit, the landowner agrees to allow representatives of the State of Vermont access to the property covered by the permit, at reasonable times, for the purpose of ascertaining compliance with the Vermont environmental and health statutes and regulations, and permit conditions.
- 1.9 Any person aggrieved by this permit may appeal to the Environmental Court within 30 days of the date of issuance of this permit in accordance with 10 V.S.A. Chapter 220 and the Vermont Rules of Environmental Court Proceedings.

## **2. WATER SUPPLY**

- 2.1 The components of the potable water supply herein approved shall be routinely and reliably inspected during construction by a qualified Vermont Licensed Designer (or where allowed, the installer) who shall, upon completion and prior to occupancy of the associated building, report in writing to the Drinking Water and Groundwater Protection Division that the installation was accomplished in accordance with the referenced plans and permit conditions, as specifically directed in Condition #1.5 herein.
- 2.2 Each single family residence is approved for a potable water supply using a drilled or percussion bedrock well for a maximum of 490 gallons of water per day provided the supply is located as shown on the stamped plans and meets or exceeds the isolation distances, construction standards, and water quality standards required in the Water Supply Rule. The landowner shall operate the potable water supply in a manner that keeps the supply free from contamination. The landowner shall immediately notify the Division if the water supply system fails to function properly and becomes a “failed supply”.
- 2.3 The water source locations as shown on the stamped plans shall be staked out and flagged by a qualified Vermont Licensed Designer prior to any construction on this project with the flagging being maintained until construction is complete.

## **3. WASTEWATER DISPOSAL**

- 3.1 The components of the sanitary wastewater system herein approved shall be routinely and reliably inspected during construction by a Vermont Licensed Designer (or where allowed, the installer) who shall, upon completion and prior to occupancy of the associated building, report in writing to the Drinking Water and Groundwater Protection Division that the installation was accomplished in accordance with the referenced plans and permit conditions, as specifically directed in Condition #1.5 herein.
- 3.2 Each single family residence is approved for the disposal of wastewater in accordance with the design depicted on the stamped plans for a maximum of 490 gallons of wastewater per day and sized for 150 percent of the design flow. Each system shall be operated at all times in a manner that will not permit the discharge of effluent onto the surface of the ground or into the waters of the State. Should the system fail and not qualify for the minor repair or replacement exemption, the current landowner shall engage a qualified Vermont Licensed Designer to evaluate the cause of the failure and to submit an application to this office and receive written approval prior to correcting the failure.
- 3.3 The corners of the proposed primary wastewater disposal areas shall be accurately staked out and flagged prior to construction with the flagging/staking being maintained until construction is complete.
- 3.4 The wastewater systems for this project are approved for domestic type wastewater only except as allowed for water treatment discharges. No discharge of other type process wastewater is permitted unless prior written approval is obtained from the Drinking Water and Groundwater Protection Division.
- 3.5 No buildings, roads, water lines, earthwork, re-grading, excavation or other construction that might interfere with the installation or operation of the wastewater disposal systems are allowed on or near the site-specific wastewater disposal systems depicted on the stamped plans. All isolation distances that are set forth in the Wastewater System and Potable Water Supply Rules shall be adhered to and will be incorporated into the construction and installation of the wastewater disposal fields.

David K. Mears, Commissioner  
Department of Environmental Conservation

By *Dolores M Eckert*  
Dolores M. Eckert, Assistant Regional Engineer  
Essex Regional Office  
Drinking Water and Groundwater Protection Division

Dated February 28, 2014

cc Underhill Planning Commission  
Michael Gervais