

TOWN OF UNDERHILL

Development Review Board

MARTY BASLOW
SKETCH PLAN REVIEW
Docket #: DRB-19-10

Applicant(s):	Marty Baslow
Consultant(s):	Donald L. Hamlin Consulting Engineers, Inc.
Property Location:	37 Warner Creek, Underhill, VT 05489
Acreage:	±30.61 Acres
Zoning District(s):	Rural Residential and Soil & Water Conservation

Project Proposal: Sketch Plan Review of Marty Baslow 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 (pg. 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 Lots (pg. 39)
 - 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 - Baslow Sketch Plan Review Staff Report
 - b. Exhibit B - Baslow (WC037) 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 - Subdivision Plan
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COMMENTS/QUESTIONS

1. **TABLE 2.7 – SOIL & WATER CONSERVATION:** Parcel A could potentially contain an area of the Soil & Water Conservation zoning district, and if so, the ±11.76 acre lot will be nonconforming, as the required acreage is 15.0 Acres.
 2. **SECTION 3.18 – STEEP SLOPES:** Based on the subdivision's configuration, Parcel A seemingly has no area where development is feasible due to steep and very steep slopes.
 3. **SECTION 3.19 – SURFACE WATERS & WETLANDS:** A delineation of the wetlands prior to developing the lot will be helpful to Staff to ensure that development is not impacting the wetland.
 4. **SECTION 3.23 – WATER SUPPLY & WASTEWATER SYSTEMS:** Should the Applicant propose any development on either lot at this time, Staff recommends that the Applicant obtain a Wastewater System & Potable Water Supply Permit.
 5. **SECTION 8.2.F – LAYOUT:**
 - a. The proposed Parcel A could potentially be prohibitive regarding subsequent development due to the steep topography (§ 8.2.F.1).
 - b. The proposed Parcel A could potentially be undersized should the lot contain an area of the Soil & Water Conservation District (§ 8.2.F.3 & §8.2.F.4).
 6. **SECTION 8.2.G – BUILDING ENVELOPES:** The Applicant has not identified a building envelope.
 7. **SECTION 8.8 – LEGAL REQUIREMENTS:** The Board should determine what draft legal documents they would like to see during the preliminary & final subdivision review hearings; most likely information relating to a draft Road Maintenance Agreement.
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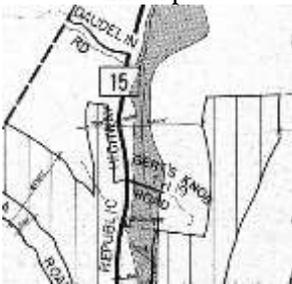
STAFF FINDINGS OF RELEVANT SECTIONS

ARTICLE II – ZONING DISTRICTS

Legend

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

Official Zoning Map Excerpt



	Rural Residential	Soil & Water Conservation	Proposed Parcel A	Proposed Parcel B
Lot Size:	3.0 Acres	15.0 Acres	±11.76 Acres	±18.85 Acres
Frontage:	250 ft.	400 ft.	47 ft. (via Baslow Lane)	465 ft. (via Warner Creek)
Setbacks:				
• Front West	30 ft.	30 ft.	TBD	TBD
• Side 1 North	50 ft.	75 ft.	TBD	TBD
• Side 2 South	50 ft.	75 ft.	TBD	TBD
• Rear West	50 ft.	75 ft.	TBD	TBD
Max. Building Coverage:	25%	7%	TBD	TBD
Max. Lot Coverage:	50%	10%	TBD	TBD
Maximum Height:	35 ft.	35 ft.	TBD	TBD

TABLE 2.4 – RURAL RESIDENTIAL

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 is of a ±30.61 acre lot (excluding the acreage on the west side of Vermont Route 15) into two lots, which will better conform with medium density development.
- Parcel A will likely access Baslow Lane, a Private Road, which connects to Gert’s Knob, a Class III Town Highway, that connects to Vermont Route 15.
- Parcel B will access Warner Creek Extension, a Private Road connecting to Vermont Route 15.
- Staff is uncertain of what the anticipated development for the two lots is.

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.

- Parcel A could potentially contain an area of the Soil & Water Conservation zoning district.
 - If so, the ±11.76 acre lot will be nonconforming, as the required acreage is 15.0 Acres.
 - The official zoning map illustrates the Rural Residential District extending from the centerline of Vermont Route 15 two-thousand (2000) feet east.
 - The Applicant should depict the zoning district boundary on the subdivision plans for the Preliminary Subdivision Review Hearing to determine if Parcel A requires additional acreage to meet the minimum lot size of 15.0 Acres.

ARTICLE III – GENERAL REGULATIONS

SECTION 3.2 – ACCESS

PG. 30

- Parcel A will access Baslow Lane, a Private Road that connects to Gert’s Knob, a Class III Town Highway, which connects to Vermont Route 15.
 - Parcel A likely fails to satisfy the frontage requirement, as the measurement is ±47 ft.
 - Frontage may be waived in accordance with §§ 3.7.E.1 & 8.6.A.2 if the lot is being served by a shared driveway.
 - Applying the frontage requirement to Parcel A is difficult without knowing where the lot will be served from, as a shared driveway can only serve 3 Lots.
 - Coordination with the E911 Coordinator (Brad Holden) is required to determine how Parcel A will be numbered and to determine what the impact to Baslow Lane and Gert’s Knob will be due to the creation of the new lot.
 - Access-related improvements, such as widening or upgrading to AOT A-76 Standards, are likely.
- Parcel B will access Warner Creek Extension, a Private Road that connects to Vermont Route 15.
- An access permit should be submitted at the time of Final Subdivision Review.

SECTION 3.7 – LOT, YARD & SETBACK REQUIREMENTS

PG. 38

- Staff is unaware of what the intended uses of the properties will be.
- Parcel A could potentially have a minimum acreage requirement issue (see Table 2.7 above).
- Parcel B could potentially have a frontage requirement issue (see Section 3.2 above).

SECTION 3.8 – NONCONFORMING LOTS

PG. 39

- The Board shall **NOT** grant approval of a nonconforming lot unless the lot is part a of Planned Residential Development (Article IX).

SECTION 3.13 – PARKING, LOADING & SERVICE AREAS

PG. 44

- Staff is unaware of what the intended uses of the properties will be, and therefore, unable to provide minimum parking requirements.

SECTION 3.17 – SOURCE PROTECTION AREAS

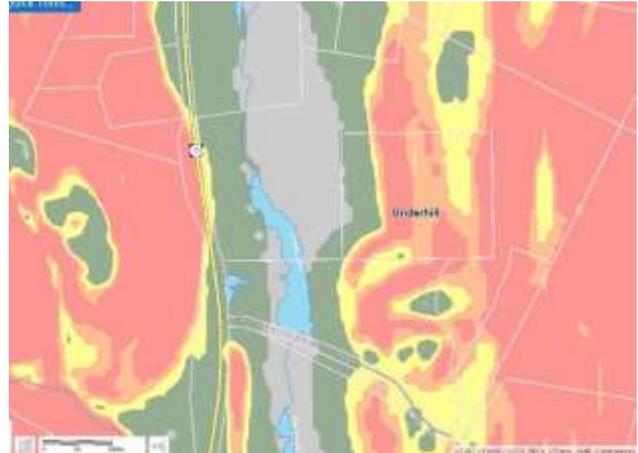
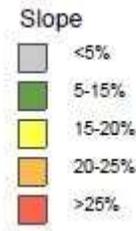
PG. 55

- 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).
 - Based on the subdivision’s configuration, Parcel A seemingly has no area where development is feasible due to steep and very steep slopes.
 - The one area that is under 15% slope is close to the property’s boundary and would likely require a dimensional waiver or variance.



SECTION 3.19 – SURFACE WATERS & WETLANDS

PG. 63

- The Creek will bisect Parcel B.
 - Since the Creek contains a floodplain (see Article VI below), all development shall be located 100 ft. from the “top of bank.”
 - See definition of “Stream Bank” in Article XI for more information about “top of bank” v “top of slope.”
- Proposed Parcel A does not appear to contain any surface waters.
- Parcel A contains Class II Wetlands.
 - Development is required to be at least 50 ft. from Class II Wetlands unless permitted by the State of Vermont, Department of Environmental Conservation.
- A delineation of the wetlands prior to developing the lot will be helpful to Staff to ensure that development is not impacting the wetland.



SECTION 3.23 – WATER SUPPLY & WASTEWATER SYSTEMS

PG. 68

- Staff is unaware of potential Water/Wastewater permitting.

- Should the Applicant propose any development on either lot at this time, Staff recommends that the Applicant obtain a Wastewater System & Potable Water Supply Permit.

ARTICLE VI – FLOOD HAZARD AREA REVIEW

- A Special Flood Hazard Areas (Zone A) is located on the proposed Parcel B.
 - Due to other site constraints (i.e. wetlands and surface waters), development in the flood hazard area is extremely unlikely.



ARTICLE VII – SUBDIVISION REVIEW

SECTION 7.2 – APPLICABILITY

PG. 139

- The Applicant is 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 a statement regarding the Sketch Plan Review application.
- The Applicant appears to 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 Applicant has not requested any additional modifications or waivers at this time.

SECTION 8.2 – GENERAL STANDARDS

SECTION 8.2.A – DEVELOPMENT SUITABILITY

PG. 151

- The proposed Parcel A is arguably not suitable for subsequent development due to the overwhelming amount of steep and very steep slopes contained on the lot.
 - The Board will need to determine if subsequent development on the proposed Parcel A is feasible.

- No unforeseen undue adverse impacts to the public health, safety or the character of the area in which the proposed development is located are anticipated.
- The Applicant has not expressed any intention of setting aside land as open space that would be excluded from subsequent development lands that periodically flood, have poor drainage, contain very steep slopes (>25%), or have other known hazards, or that is otherwise not suitable to support structures or infrastructure.

SECTION 8.2.B – DEVELOPMENT DENSITY

PG. 151

- Staff is unable to verify the density requirement at this time since the intended uses have not been stated; however, the proposed subdivision will likely satisfy the density requirements of this Section.

SECTION 8.2.C – EXISTING SITE CONDITIONS

PG. 151

- While the proposed subdivision appears to integrate and conserve existing site features and natural amenities, Staff is concerned that the natural topography will inhibit development on the proposed Parcel A.
- The proposed subdivision does not appear to be adverse to any of the other existing site features or natural resources listed in this subsection.

SECTION 8.2.D – UNDERHILL TOWN PLAN & REGULATIONS

PG. 152

- The proposed subdivision 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.

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

- The proposed project appears to conform with the Rural Districts settlement patterns outlined in Section 8.2.E.1 (see directly to the left).
- The proposed Parcel A that will contain the area of the Soil & Water Conservation District (west of Vermont Route 15) is not intended to be developed at this point time.
- The Applicant should verify if the Soil & Water Conservation District will exist on the proposed Parcel A.
 - Should the Soil & Water Conservation District exist on the proposed Parcel A, the likelihood that that portion of the lot will be impacted is almost zero.

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.

SECTION 8.2.F - LAYOUT

PG. 153

- The proposed Parcel A could potentially be prohibitive regarding subsequent development due to the steep topography (§ 8.2.F.1).
- The proposed Parcel A could potentially be undersized should the lot contain an area of the Soil & Water Conservation District (§ 8.2.F.3 & §8.2.F.4).
- The proposed subdivision appears to conform to the desired district settlement patterns (§ 8.2.F.2) and avoids the creation of additional irregularly shaped lots (§ 8.2.F.5)

SECTION 8.2.G – BUILDING ENVELOPES

PG. 153

- The Applicant has not identified a building envelope.

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 5 habitat block is located on the existing lot to be impacted (see directly to the right on the next page).
 - Note: A priority level 9 habitat block is located on the existing part of the lot on the west side of Vermont Route 15.
- The priority level 5 habitat block will inevitably be impacted when development is proposed & construction on Parcels A & B.

- No Deer Wintering Yards have been identified on the lot.
- The ANR Biofinder has also identified the following priority characteristics:
 - Highest Priority Community & Species (along the Creek; in a similar area as the identified Class II Wetlands);
 - Highest Priority Landscape Scale (in a similar area as the priority 5 habitat block);
 - Class II Wetlands (see § 3.19 above);
 - Highest Priority Wildlife Crossing (along Vermont Route 15);
 - Riparian Wildlife Connectivity (in a similar area as the identified Class II Wetlands);
 - Highest Priority Surface Water and Riparian Areas (in a similar area as the identified Class II Wetlands);
 - Priority Surface Waters & Riparian Areas (along Vermont Route 15);



- Highest Priority Interior Forest Block (on the portion of the lot west of Vermont Route 15);
- Priority Interior Forest Block (in a similar area as the identified priority level 5 habitat block);
- Highest priority connectivity block (in a similar areas as the identified habitat blocks);
- Representative and Responsibility Physical Landscapes (in a similar areas as the identified habitat blocks).

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

- Development is unlikely to occur in the areas of Statewide Agricultural Soils that have been identified along Vermont Route 15.



SECTION 8.3.G - FORESTLAND

PG. 158

- The proposed property line will bisect an area of forest, which comprises a large portion of the property.
- Future development on either lot will likely result in the inevitable clearing of the forest.

SECTION 8.4 – OPEN SPACE & COMMON LAND

SECTION 8.4.A – OPEN SPACE

PG. 159

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

SECTION 8.4.B – COMMON LAND

PG. 160

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

SECTION 8.4.C – LEGAL REQUIREMENTS

PG. 160

- No findings.

SECTION 8.5 – STORMWATER MANAGEMENT EROSION CONTROL

PG. 160

- No findings.

SECTION 8.6 – TRANSPORTATION FACILITIES

SECTION 8.6.A – ACCESS & DRIVEWAY

PG. 162

- Both lots will be served by their own driveways:
 - Parcel A will be accessed via Baslow Lane, a private drive via Gert’s Knob, which connects to Vermont Route 15; and
 - Parcel B will be access via Warner Creek Extension, a private via Warner Creek, which connects to Vermont Route 15.
- 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 could potentially occur if any of the driveways are built on steep slopes and very steep slopes.
- 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 what draft legal documents they would like to see during the preliminary & final subdivision review hearings; most likely information relating to a draft Road Maintenance Agreement.
- The Applicant should submit draft deeds prior to the Preliminary/Final Subdivision Review hearing.

APPENDIX A – ROAD & DRIVEWAY STANDARDS

- The Applicant should provide information relating to the access ways for both lots at the time of the preliminary subdivision review hearing.
- An access permit application shall be submitted at the time of the final subdivision review hearing.