

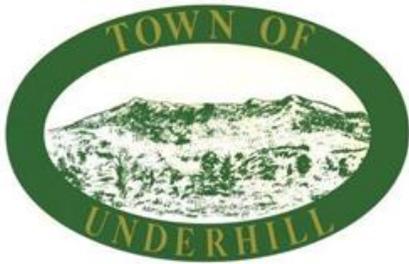
APPLICATION OVERVIEW

***REVISIONS TO AN APPROVED
SUBDIVISION (§ 7.8)***

DRB DOCKET #:	DRB-20-05
APPLICANT(S):	Tijan 2019 Family Trust
CONSULTANT(S):	N/A
PROPERTY ADDRESS (PARCEL ID CODE):	26 Westman Road (WS026)
ZONING DISTRICT(S):	Mt. Mansfield Scenic Preservation
INITIAL FILING DATE:	May 28, 2020
APPLICATION COMPLETION DATE:	May 28, 2020
SCHEDULED HEARING DATE:	July 6, 2020

PROJECT DESCRIPTION:	The Applicants are seeking to amend their previously approved subdivision (see 2005 Planning Commission Decision and DRB-16-02) – a Planned Residential Development, and are specifically seeking to revise the existing building envelope.
MOST RELEVANT ULUDR SECTIONS:	§ 7.8 (Revisions to An Approved Subdivision); § 8.2.G (Building Envelopes)
REASON FOR SUBDIVISION AMENDMENT:	The Board’s previous decision is silent as to whether the Zoning Administrator has the authority to administratively amend the building envelope. Since no delegation of authority provision was incorporated into the decision, and since the Board specifically reviewed the building envelope in 2016, Staff referred the application to the Board.
APPLICABILITY OF ROAD ORDINANCE:	The 2015 Road Ordinance, as amended December 18, 2018 does not APPLY .
STATE PERMIT INFORMATION:	N/A

COMMENTS/NOTABLE ISSUES:	<ul style="list-style-type: none"> • Should the Board determine that the building envelope should avoid areas of steep slope (should they exist as observed during the site visit), the Board could request the Applicant to modify the proposed envelope to exclude those areas. • The subdivision at issue is a Planned Residential Development, which allows for the relaxation of Town standards and regulation.
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TOWN OF UNDERHILL

Development Review Board

TIJAN 2019 FAMILY TRUST
Subdivision Amendment Review
Docket #: DRB-20-05

Subdivision Amendment Application of Tijan 2019 Family Trust Pertaining to a Building Envelope Amendment

Applicant(s):	Tijan 2019 Family Trust
Consultant:	N/A
Property Location:	26 Westman Road (WS026)
Acreage:	± 10.4 Acres
Zoning District(s):	Mt. Mansfield Scenic Preservation District

Project Information: The Applicants are requesting to amend a previously approved building envelope (see Exhibit M) relating to land they own at 26 Westman Road (WS026). The property was previously approved as a Planned Residential Development by the Planning Commission in 2005. In 2016, the Development Review Board heard a subdivision amendment relating to the lot in regards to the building envelope (DRB-16-02). The Board approved the proposed building envelope amendment; however, did not provide any language as to whether the Zoning Administrator had the authority to further amend the building envelope. Since the previous decision (see Exhibit J) is silent on this issue, Staff referred the application to the Board.

To note, the Applicant is seeking to construct a small accessory structure outside of the building envelope. Due to the size of the structure, normally, it would be exempt under Section 10.2.A.7 of the *Underhill Unified Land Use & Development Regulations*, as each lot is afforded one accessory structure that is less 200 sq. ft., less than 10 ft. in height, and meets the setback requirements for the underlying zoning district. Staff inquired with the Town's attorneys as to whether this exemption also applies to building envelopes approved by the Development Review Board (and previously the Planning Commission). The Town's attorney advised that approved building envelopes by the Board are distinguishable from setbacks standards, and therefore, all structures are required to be within building envelopes. Should an applicant wish to construct a structure outside of the building envelope, even if the structure normally qualifies for the exemption under Section 10.2.A.7, the Board would need to approve a modification to the existing building envelope. The attorneys opinion has been provided in email form (see Exhibit L).

2018 UNDERHILL UNIFIED LAND USE & DEVELOPMENT REGULATIONS RELEVANT REGULATIONS:

- Article II, Table 2.5 – Mt. Mansfield Scenic Preservation District (pg. 21)
- Article III, Section 3.2 – Access (pg. 30)
- Article III, Section 3.7 – Lot, Yard & Setback Requirements (pg. 38)
- 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 VI – Flood Hazard Area Review (pg. 127)
- Article VII, Section 7.8 – Revisions to an Approved Subdivision (pg. 146)
- Article VIII, Section 8.1 – Applicability (pg. 150)
- Article VIII, Section 8.2.G – Building Envelopes (pg. 151)
- Article IX – Planned Unit Development (pg. 172)
- Appendix A – Road & Driveway Standards

CONTENTS:

- a. Exhibit A - Tijan Subdivision Amendment Staff Report
- b. Exhibit B - WS026 Subdivision Amendment Review Hearing Procedures
- c. Exhibit C - Application for Subdivision Amendment
- d. Exhibit D - Project Narrative
- e. Exhibit E - BFP Notice
- f. Exhibit F - WS026 Certificate of Service
- g. Exhibit G - Selectboard Minutes Re Access (06.06.2005)
- h. Exhibit H - Selectboard Affirmation of Curb Cut (08.02.2015)
- i. Exhibit I - Planning Commission Subdivision Approval (06.28.2005)
- j. Exhibit J - DRB Decision DRB-16-02 Re Building Envelope
- k. Exhibit K - Wastewater System Certification Letter
- l. Exhibit L - Town Attorney Opinion Re Building Envelope
- m. Exhibit M - Proposed Building Envelope
- n. Exhibit N - Survey Plat Depicting Current Building Envelope
- o. Exhibit O - Water-Wastewater System Site Plan
- p. Exhibit P - Driveway Plan

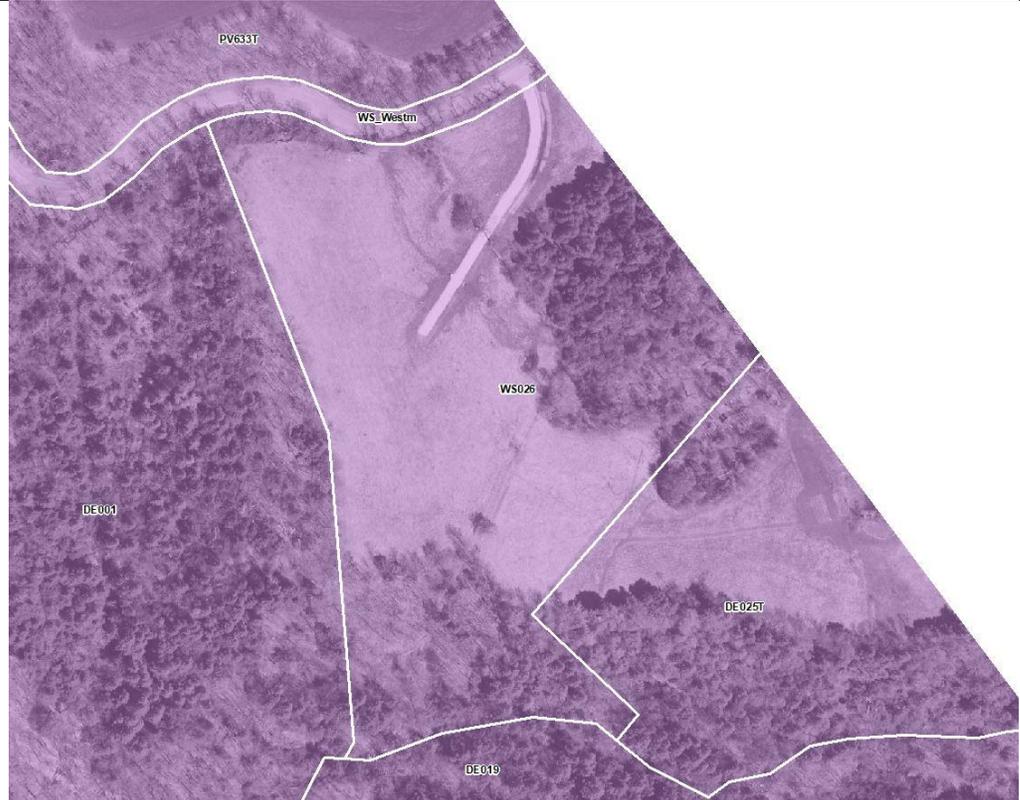
COMMENTS/QUESTIONS

1. **SEE BACKGROUND INFORMATION ABOVE**
2. **SECTION 7.8 – REVISIONS TO AN APPROVED SUBDIVISION:** While Section 7.8.B.1.b provides the Zoning Administrator the authority to expand building envelopes; however, since the Board specifically reviewed the building envelope associated with lot, Staff referred the application to the Board (also noting that there is no delegation clause).
3. **SECTION 8.2.G – BUILDING ENVELOPES:** Should the Board determine that the building envelope should avoid areas of steep slope (should they exist as observed during the site visit), the Board could request the Applicant to modify the proposed envelope to exclude those areas.

STAFF FINDINGS OF RELEVANT SECTIONS

ARTICLE II – ZONING DISTRICTS

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



Mt. Mansfield Scenic Preservation	
Lot Size:	10.0 Acres
Frontage:	400 ft.
Setbacks:	
• Front North	30 ft.
• Side 1 West	75 ft.
• Side 2 East	75 ft.
• Rear South	75 ft.
Max. Building Coverage:	10%
Max. Lot Coverage:	15%
Driveway Setback:	12 ft.
	N/A

TABLE 2.5 – MT. MANSFIELD SCENIC PRESERVATION DISTRICT

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

- The proposed building envelope appears to be consistent with the Scenic Preservation purpose statement, as the amendment is to allow for accessory structures, which are permitted uses within the district.

ARTICLE III – GENERAL REGULATIONS

SECTION 3.2 – ACCESS

PG. 30

- The subject property accesses Westman Road, a Class III Town Highway.
- The subject property contains a driveway that received access approval from the Selectboard during their June 6, 2005 meeting (see Exhibit G). The Selectboard reconfirmed their access approval on August 2, 2015 (see Exhibit H).
 - The constructed driveway bisects a Class II wetlands, which received an individual Wetland Permit (#2014-217) from the Vermont Department of Environmental Conservation, as well as a wetlands permits from the US Army Corps of Engineers (#NAE-2016-0130).
 - As part of the Board’s decision in 2016 (see Page 4, Exhibit J), they found that the driveway was consistent with all local regulations.
- No review has been provided under Appendix A – *Underhill Road, Driveway & Trail Ordinance*.

SECTION 3.7 – LOT, YARD & SETBACK REQUIREMENTS

PG. 38

- The single-family dwelling, the principal use and structure of the lot, satisfies the setback requirements for the Mt. Mansfield Scenic Preservation zoning district.
- The building envelope depicted will satisfy the setback requirements for ancillary structures/out-buildings.
- The Applicant is not requesting any waivers.
- The subject lot appears to conform with the other regulations of this section.

SECTION 3.17 – SOURCE PROTECTION AREAS

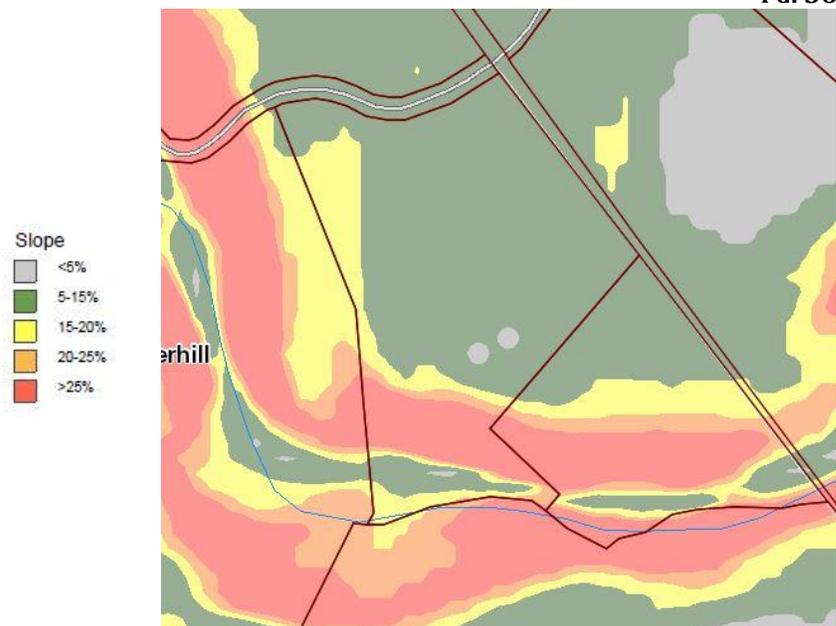
PG. 55

- The subject property is not located in any known source protection area (as identified by the ANR Atlas), nor appears to be in the vicinity of public water sources.

SECTION 3.18 – STEEP SLOPES

PG. 56

- According to the ANR Atlas website, Areas of steep slope (15%-25%) are located towards the western portion of the property, which will be in the proposed building envelope.
 - The Board should take note if Steep Slopes will be within the proposed envelope, as the ANR Atlas is a planning tool and not necessarily 100% accurate.
- Areas of steep slopes (15-25%) or very steep slopes (>25%) are located in the southern portion of the



property, outside of the proposed building envelope.

SECTION 3.19 – SURFACE WATERS & WETLANDS

- An unnamed stream is located adjacent to the rear property line of the subject lot (south).
 - All development shall be 25 ft. from unnamed streams (as measured horizontally from the top of the bank or channel centerline where no bank is discernable).
 - The Applicant is proposing the building envelope to follow the existing tree line. The southern tree line is ±261 ft. from the unnamed stream as measured on the ANR Atlas website.
- The lot contains two identified areas of Class II Wetlands, which were identified as part of a previous application with the Board (DRB-16-02). A site plan from that application, which depicts those wetlands have been provided as Exhibits N, O & P.
 - The Applicants have proposed a building envelope that does not contain any of the previously depicted wetland areas.
 - *NOTE:* Staff's understanding is that wetland delineations are only valid for a set period.



ARTICLE VI – FLOOD HAZARD AREA REVIEW

- No floodplains are located on the subject lot – 26 Westman Road.

ARTICLE VII – SUBDIVISION REVIEW

SECTION 7.8 – REVISIONS TO AN APPROVED SUBDIVISION

- While Section 7.8.B.1.b provides the Zoning Administrator the authority to expand building envelopes; however, since the Board specifically reviewed the building envelope associated with lot, Staff referred the application to the Board (also noting that there is no delegation clause).

ARTICLE VIII – SUBDIVISION STANDARDS

SECTION 8.1 – APPLICABILITY

SECTION 8.1.B – REQUEST FOR MORE INFORMATION

- Technical review does not appear to be necessary, though can be required.

SECTION 8.1.C – FINDINGS OF FACT

- A project narrative has been submitted for review (see Exhibit D).

SECTION 8.1.D – MODIFICATIONS & WAIVERS

PG. 150

- The Applicant is not seeking any modifications of, or waivers from, the zoning regulations.

SECTION 8.2 – GENERAL STANDARDS

SECTION 8.2.G – BUILDING ENVELOPES

PG. 151

- The proposed building envelope appears to conform to the Town’s zoning regulations, as appears to avoid constraints such as wetlands and associated buffers, surface waters and associated buffers, etc.
 - Should the Board determine that the building envelope should avoid areas of steep slope (should they exist as observed during the site visit), the Board could request the Applicant to modify the proposed envelope to exclude those areas.

ARTICLE IX – PLANNED UNIT DEVELOPMENT

SECTION 9.1 – PURPOSE

PG. 172

- The subject lot was approved as a Planned Residential Development by the Planning Commission on June 28, 2005 (Map Slide #222B) (see Exhibit I).
- The proposed building envelope amendment appears to conform with the policies enumerated under Section 9.1.A, as the modification would apply to accessory structures.
- The Board may modify density and dimensional requirements of the applicable zoning provisions under the *Unified Land Use & Development Regulations*, concurrently with the approval of subdivision review – this section does not appear to apply at this time.

SECTION 9.2 - APPLICABILITY

PG. 172

- The subject lot is part of a Planned Residential Development approved by the Planning Commission on June 28, 2005 (see Exhibit I).

SECTION 9.3 – APPLICATION REQUIREMENTS

PG. 173

- The Applicants have submitted a site plan depicting the desired building envelope (see Exhibit M) a written statement outlining their request (see Exhibit D).

SECTION 9.4 – REVIEW PROCESS

PG. 174

- The proposed waiver request does not appear to substantially alter any of the findings made under this section or in the Board’s previous decisions: DRB-16-02 or the Planning Commission’s previous decision made on June 22, 2005.

SECTION 9.5 – GENERAL STANDARDS

PG. 175

- The proposed waiver request appears to be consistent with the goals and policies of the *Underhill Town Plan* currently in effect, as well as the purpose statement of the Mt. Mansfield Scenic Preservation zoning district.
 - The proposed building envelope modification would be expanded to areas that would not result in the impact of site constraints or the clearing of forested areas.
- The Planned Residential Development is an allowed use under this Section, and the subject lot is only being used for residential purposes.
- The Applicants proposed amendment does not affect the current density of the property or surrounding area.

APPENDIX A – ROAD & DRIVEWAY STANDARDS

- The Applicants are not proposing to make any modifications to the existing curb cut or existing driveway, and therefore, at the recommendation of Staff, the Applicants did not submit an access permit, thus not requiring review under the Town's road & driveway standards at this time.
 - Should the Board determine that review under this Appendix is required, additional information will be solicited and a more thorough review will be performed.



UNDERHILL DEVELOPMENT REVIEW BOARD

SUBDIVISION AMENDMENT REVIEW
HEARING PROCEDURES
Monday, July 6, 2020

Applicant(s): Tijan 2019 Family Trust
Docket #: DRB-20-05

1. **State the following (Intro):** "This is a subdivision amendment review hearing on the application of the Tijan 2019 Family Trust pertaining to proposed revisions to the property's building regarding land it owns at 26 Westman Road in Underhill, Vermont.

This application is subject to review under the 2011 *Unified Land Use & Development Regulations*, as amended thru March 3, 2020 and the 2015 *Road, Driveway and Trail Ordinance*, as amended December 18, 2018, and was classified as a minor subdivision during the sketch plan review meeting on Monday, January 20, 2020.

The purpose of a subdivision amendment review is to determine if the proposed changes conform with the municipal plan, the Regulations, and other municipal ordinances in effect at the time of application. Should additional information be required, the Board reserves the option to continue the hearing to a time and date certain in order for that information to be submitted and reviewed by this Board."

2. **Identify those DRB Members who are present on the Go-To-Meeting hearing.**
3. **Ask the following (Public in Attendance):** "Are there any members of the public in attendance to comment about the application, and if so, can you please identify yourself and state your address for the record? If your mailing address differs from your physical address and wish to receive a copy of the decision, please provide that address as well."
4. **Ask the following (Officials in Attendance):** "Are there any state or municipal representatives present, other than the Planning & Zoning Administrator, and acting in their representative capacities."
5. **State the following (Rules of Procedure & Interested Parties Info Sheet):** "Copies of the Rules of Procedure that the Board follows, as well as an Interested Parties Info Sheet are available to all attendees for review on the Town's website, and can also be obtained from the Planning & Zoning Administrator."
6. **State the following (Interested Parties/Oath):** "Only these interested persons who have participated, either orally or through written statements in a DRB proceeding may appeal a decision rendered in that proceeding to the Environmental Division of Superior Court.

If you are an applicant, representative of the applicant(s), or an interested party who wants to participate in the hearing, we ask that you clearly state your name prior to speaking.

We will now swear in all those present who wish to speak tonight regarding the application. All individuals who plan to test must take the following oath by responding 'I do' at the end of

the following statement: "Do you hereby swear that the evidence you give in the cause under consideration shall be the whole truth and nothing but the truth under the pains and penalties of perjury?"

7. **Ask the following (Ex Parte Communications and Conflicts of Interest):** "Are there any conflicts of interest, or have there been any ex parte communications on part of any of the Board Members?"
8. **State the following (Process):** "In regards to tonight's hearing process, to help alleviate interruptions and allow for an efficient meeting over the remote teleconferencing platform, the Board will hearing from the following parties in the following order:
 - a. The applicant(s) and his or her/their representative(s);
 - b. The Planning & Zoning Administrator, Andrew Strniste;
 - c. Members of the Board in the following order:
 - (1) Shanie Bartlett (if in attendance)
 - (2) Matt Chapek
 - (3) Mark Green
 - (4) Mark Hamelin (if in Attendance)
 - (5) Daniel Lee
 - (6) Karen McKnight
 - (7) Penny Miller
 - (8) Will Towle (if in Attendance)
 - (9) Stacey Turkos
 - (10) Chares Van Winkle
 - d. Members of the public;
 - e. The applicant(s) and his or her/their representative(s) will then have an opportunity to response;
 - f. Final comments will be solicited from the Planning & Zoning Administrator, members of the public and the applicant(s) and his or her/their representative(s);
 - g. Members of the Board will then have an opportunity to ask final questions or make any final comments."
9. **State the following (Comment & Question Procedures):** "All speakers should address their comments to the Board, and not to other parties present at the hearing. Members of the public are afforded five minute unless by request the a majority of the Board consents to extending the time. The Board may ask questions to anyone in attendance to discuss the application."
10. **State the following (the Record):** "At this point, the information package (the staff report with associated exhibits) that was distributed by the Planning & Zoning Administrator prior to tonight's hearing will be entered into the record. The materials included in this package relevant to this hearing contain:

Exhibit A – Tijan Subdivision Amendment Staff Report

Exhibit B – WS026 Subdivision Amendment Review Hearing Procedures

Exhibit C - Application for Subdivision Amendment

Exhibit D - Project Narrative
Exhibit E - BFP Notice
Exhibit F - WS026 Certificate of Service
Exhibit G - Selectboard Minutes Re Access (06.06.2005)
Exhibit H - Selectboard Affirmation of Curb Cut (08.02.2015)
Exhibit I - Planning Commission Subdivision Approval (06.28.2005)
Exhibit J - DRB Decision DRB-16-02 Re Building Envelope
Exhibit K - Wastewater System Certification Letter
Exhibit L - Town Attorney Opinion Re Building Envelope
Exhibit M - Proposed Building Envelope
Exhibit N - Survey Plat Depicting Current Building Envelope
Exhibit O - Water-Wastewater System Site Plan
Exhibit P - Driveway Plan

These exhibits are available in the Tijan 2019 Family Trust subdivision amendment review file DRB-20-05 / WS026 at the Underhill Planning & Zoning Office by request, and are also available on the Town's website."

11. **State the following (Applicants'/Representatives' Turn):** "We'll begin testimony by first hearing from applicant(s) and/or his or her/their representative(s)."
12. **State the following (PZA's Turn):** "Next, we will hear from the Planning & Zoning Administrator."
13. **State the following (Boards' Turn):** "Next, we will hear from Board Members:
 - a. Shanie Bartlett (if in attendance)
 - b. Matt Chapek
 - c. Mark Green
 - d. Mark Hamelin (if in Attendance)
 - e. Daniel Lee
 - f. Karen McKnight
 - g. Penny Miller
 - h. Will Towle (if in Attendance)
 - i. Stacey Turkos
 - j. Chares Van Winkle"
14. **Ask the following (Publics' Turn):** "We will now take comments from the public who wish speak about the application. Is there anyone who wishes to speak?"
15. **State the following (Applicants'/Representatives' Turn):** "The applicants and/or their representatives are now afforded the opportunity to respond to anything they heard in tonight's hearing."
16. **Ask the following (Last Call from Comments/Questions):** "Are there any final comments or questions from the applicants and/or their representatives, members of the public, the Planning & Zoning Administrator, or any other attendees?"

17. **Ask the following (Final Comments from the Board):** “Are there any final comments or questions from the Board?”
18. **Ask the following (Final Comments from the Board):** “Does the Board feel that they have enough information at this time to make a decision on the application?”
 - a. *[If more information is needed to make a decision on the application, continue the hearing to a date and time certain, and outline for the Applicant(s) what is required at that continued hearing; or*
 - b. *If, by consensus, enough information has been presented to make a decision on the application, ask for a motion to close the evidentiary portion of the hearing.]*
19. **If the Board has enough information, ask the following (Motions):**
 - a. *Ask for a motion to close the evidentiary portion of the hearing.*
 - b. *Inquire if the Board wishes to vote to approve or deny the application in open session, and if so, ask for a motion to approve the application.*
 - c. *Inquired if the Board wishes to deliberation in open or closed deliberation. Once chosen, ask for a motion to enter into [insert “open” or “closed” here] deliberation.*
20. **State the following (Boards’ Turn):** “Within 45 days from this hearing, the Planning & Zoning Administrator, on behalf of the Board, will send a copy of the decision to the Applicant(s), their representative(s), and those who have participated in tonight’s hearing. A 30-day appeal period will begin on the date the decision is signed. The letter will outline the next steps in the process. If there are no other comments or questions we will close this portion of the meeting.”



TOWN OF UNDERHILL

APPLICATION FOR SUBDIVISION

<p>OFFICE USE ONLY</p> <p>PROPERTY CODE: <u>WSD26</u></p> <p>DRB DOCKET #: <u>DRB-20185</u></p> <p>MEETING DATE: <u>July 6, 2018</u></p>	<p>ZONING DISTRICT(S):</p> <p><input type="checkbox"/> Underhill Flats Village Center</p> <p><input type="checkbox"/> Underhill Center Village</p> <p><input type="checkbox"/> Rural Residential</p> <p><input type="checkbox"/> Water Conservation</p> <p><input checked="" type="checkbox"/> Mt. Mansfield Scenic Preservation</p> <p><input type="checkbox"/> Soil & Water Conservation</p>	<p>APPLICATION TYPE:</p> <p><input 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 & Final Subdivision Review</p> <p><input checked="" type="checkbox"/> Subdivision Amendment</p>
PROPERTY OWNER INFORMATION:		Project Information
<p>RECORD OWNER OF PROPERTY: Tijan 2019 Family Trust - Brian Tijan, as Trustee</p>		<p>Property Location: <u>26 Westman</u> <u>Underhill, VT 05489</u></p>
<p>MAILING ADDRESS: 26 Westman Road, Underhill, VT 05489</p>		<p>Acreege in Original Parcel: <u>10.4</u> acres</p>
<p>EMAIL ADDRESS: btijan@gmail.com</p>		<p>Proposed Number of Lots: <u>1</u> Lots</p>
<p>PHONE NUMBER: 312-560-27612</p>		
DESIGNER/ENGINEER INFORMATION:		
<p>DESIGNER/ENGINEER: None</p>		<p>Is this a Planned Residential Development? <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>MAILING ADDRESS:</p>		<p>Is this a Planned Unit Development? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>EMAIL ADDRESS:</p>		<p>Is the parent lot part of a previously approved subdivision? <input checked="" type="checkbox"/> Yes <u>June 2005</u> <input type="checkbox"/> No</p>
<p>PHONE NUMBER:</p>		<p>If so, when was the previous subdivision approved? Year: <u>2005</u></p>
SURVEYOR INFORMATION:		
<p>SURVEYOR: None</p>		<p>If known, what was the application number: Application Number: <u>N/A</u></p>
<p>MAILING ADDRESS:</p>		<p>If the proposed project is to amend a subdivision, what is the proposed amendment? I want to expand my building envelope to build a shed.</p>
<p>EMAIL ADDRESS:</p>		
<p>PHONE NUMBER:</p>		
DEVELOPER INFORMATION (IF KNOWN):		
<p>SURVEYOR: None</p>		
<p>MAILING ADDRESS:</p>		
<p>EMAIL ADDRESS:</p>		
<p>PHONE NUMBER:</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 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 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 & New Acreages <input checked="" type="checkbox"/> Proposed Building Envelopes (including Setbacks) <input type="checkbox"/> Extent of Site Clearing & Disturbance <input type="checkbox"/> Existing/Proposed Open Space <input type="checkbox"/> Existing/Proposed Common Land <input type="checkbox"/> Existing/Proposed Building Footprints <input type="checkbox"/> Zoning District Boundary <input type="checkbox"/> Property Codes of Adjacent Properties <input type="checkbox"/> Record Owners of Adjacent Properties <input type="checkbox"/> Existing/Proposed Easements <input type="checkbox"/> Existing/Proposed Rights-of-Ways <input type="checkbox"/> Existing/Proposed Roads <input type="checkbox"/> Existing/Proposed Utility Corridors <input type="checkbox"/> Locations/Designs of Proposed Water & Wastewater Disposal Systems (including Isolation & Well Shields) <input type="checkbox"/> Existing/Proposed Curb Cut, Driveways, Roads and/or Parking Areas (includes: cuts, fills, grades, drainage, culverts, travel lane widths, shoulder widths, surfacing etc.) <input type="checkbox"/> Topography Existing Surface Grades /Contours Post-Development Contours/Grades <input type="checkbox"/> Existing Outcrops, Ledges, Visually Prominent Ridgelines and Peaks <input type="checkbox"/> Surface Waters & Associated Buffers <input type="checkbox"/> Wetlands & Associated Buffers <input type="checkbox"/> Vernal Pools & Associated Buffers <input type="checkbox"/> Mapped Floodplains <input type="checkbox"/> Drainage Patterns <input type="checkbox"/> Natural Vegetative Cover</p> <p><i>Where Applicable:</i></p> <p><input type="checkbox"/> Location & Size of Existing Culverts and Drains <input type="checkbox"/> Location & Size of Existing Sewerage Systems & Water Supplies <input type="checkbox"/> Existing/Proposed Pedestrian Walkways <input type="checkbox"/> Designated Source Protection Areas <input type="checkbox"/> Existing or Preserved Forestland <input type="checkbox"/> Preserved Natural, Cultural & Historic Features (e.g. Sites & Structures) <input type="checkbox"/> Other Unique Topographical or Geographical Features <input type="checkbox"/> Areas of Steep or Very Steep Slopes <input type="checkbox"/> Primary Agricultural Soils</p> <p><i>Please Checkoff All Submitted Materials</i></p>	<p>Checklist</p> <p><input type="checkbox"/> Written Disclosure of Intended Use of Land to be Subdivided <input type="checkbox"/> General Plans for Subsequent Development of Land to be Retained by Applicant/Landowner <input type="checkbox"/> Written Requests for Modifications or Waivers (including Justifications) <input type="checkbox"/> Draft Deeds <input type="checkbox"/> Draft Easements <input type="checkbox"/> Draft Homeowners Associations <input type="checkbox"/> Draft Maintenance Agreements <input type="checkbox"/> Snow Removal & Management Plan</p> <p><i>Please Checkoff All Submitted Materials</i></p>
<p>Requirements for All Other Applications</p> <p>Checklist</p> <p><input type="checkbox"/> Surveys (see Section A) <input type="checkbox"/> Engineering Plans (see Section B) <input type="checkbox"/> Written Materials (see Section C) <input type="checkbox"/> State of VT Materials (see Section D) <input type="checkbox"/> Application Fee (see Fee Schedule)</p> <p><i>Please Checkoff All Submitted Materials</i></p>		<p>Section D (Non-Town Related Materials)</p> <p>Checklist</p> <p><input type="checkbox"/> Project Review Sheet <input type="checkbox"/> Wastewater System & Potable Water Supply Permit (Permit #: _____) <input type="checkbox"/> Act 250 Permit (Permit #: _____) <input type="checkbox"/> Stormwater/Erosion Permit (Permit #: _____) <input type="checkbox"/> Agency of Natural Resources Wetlands Permit (Permit #: _____) <input type="checkbox"/> Army Corps of Engineers Permit (Permit #: _____)</p> <p><i>Please Checkoff All Submitted Materials</i></p>
<p>Section A (Survey Requirements)</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 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>Other Required Plans Where Applicable</p> <p>Checklist</p> <p><input type="checkbox"/> Outdoor Lighting Plan <input type="checkbox"/> Landscaping and Screening Plan <input type="checkbox"/> Temporary & Permanent Stormwater Management Plans <input type="checkbox"/> Temporary & Permanent Erosion Control Measures/Plans (including Areas Impacted by Downstream Runoff) <input type="checkbox"/> Significant Wildlife Habitat Areas & Corridors (including Areas Impacted by Downstream Runoff) <input type="checkbox"/> Areas of Rare, Threatened and Endangered Plant and Animal Communities (and Associated Buffers) <input type="checkbox"/> Master Plan (if Applicable-see § 8.1.B.1.a)</p>

APPLICANT SIGNATURE

DATE 5/28/20

RECEIVED

DATE 5/28/2020

Town of Underhill
Development Review Board
c/o Andrew Strniste

Via Electronic Delivery

May 28, 2020

Dear Board Members:

Please find attached our application to expand our building envelope for 26 Westman Road.

We are requesting the expansion to allow for a goat/poultry shed that we had planned to erect early this summer prior to learning of the restrictions that necessitated this process. Our goal is still to complete it this summer.

This structure is intended to house several Arapawa goats (a threatened species of goat with a very interesting history - <https://www.arapawagoatsusa.org/> to learn more) and a few interesting heritage breed geese and a turkey.

I asked my architect to expand the building envelope to a larger size than needed for the actual shed as I would prefer to avoid incurring the significant expense of having to come back to the Development Review Board again if we elect to add another building for sheep, etc at some point in the future.

I intend for the design of this shed to match our home – white painted natural wood siding with a black standing seam metal roof.

Please feel free to reach out with any questions.

Sincerely,



Brian Tijan



To: Burlington Free Press
Classifieds/Legals
legals@bfp.burlingtonfreepress.com
860-5329

From: Town of Underhill
Zoning & Planning
P.O. Box 120
Underhill, VT 05489

LEGAL AD

Please e-mail to confirm receipt of this ad.



Release Date: NO LATER THAN 06/13/2020



NOTICE OF PUBLIC MEETING

Town of Underhill Development Review Board (DRB)
Monday, July 6, 2020
To Be Held Remotely Via Go-To-Meeting

The DRB will hold a hearing on the Subdivision Amendment Review Application by the Tijan 2019 Family Trust pertaining to proposed revisions to the building envelope relating to land the Trust owns at 26 Westman Road (WS026). The subject property is located in the Scenic Preservation zoning district. A site visit will be held at the property's location on Saturday, June 27, 2020 at 9:00 AM. The hearing will be held remotely via Go-To-Meeting and will commence at 6:35 PM on Monday, July 6, 2020.

The DRB will hold a hearing on the combined Preliminary & Final Subdivision Review application by Theresa & Timothy Potvin pertaining to a proposed two (2) lot subdivision of land they own at 145 Moose Run (MO145). The subject property is located in the Scenic Preservation and Soil & Water Conservation zoning districts. A site visit will be held at the property's location on Saturday, June 27, 2020 at 9:30 AM. The hearing will be held remotely via Go-To-Meeting and will commence at 7:00 PM on Monday, July 6, 2020.

Additional information, including information to access the public meeting on the Go-To-Meeting platform, may be obtained on the Town's website (underhillvt.gov). The hearing(s) are open to the public. Pursuant to 24 VSA §§4464(a)(1)(C) and 4471(a), participation in this local proceeding is a prerequisite to the right to take any subsequent appeal. If you cannot attend the hearing(s), comments may be made in writing prior to the meeting and mailed to: Andrew Strniste, Planning Director & Zoning Administrator, P.O. Box 120 Underhill, VT 05489 or to astrniste@underhillvt.gov.



Please call Andrew Strniste at the Planning & Zoning Administrator's office at 899-4434 x106 with any questions concerning this ad and to confirm receipt. Please remit

***bill to: Town of Underhill, RE: 07-06-20 DRB Hearing, P.O. Box 120, Underhill, VT
05489. Thank you.***



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 10th day of June, 2020, a copy of the following documents were delivered to the below recipients and corresponding addresses by United States certified mail, return receipt requested.

Documents:

Notice to abutting neighbors regarding a Subdivision Amendment Review hearing pertaining to proposed revisions to the building envelope relating to land at 26 Westman Road (WS026) in Underhill, Vermont. The subject property is owned by the Tijan 2019 Family Trust.

Recipients and Corresponding Address:

✓ **26 WESTMAN ROAD (WS026)**
Tijan 2019 Family Living Trust
Brian J. & Tina M. Tijan Trustees
26 Westman Road
Underhill, VT 05489

✓ **1 DEANE ROAD (DE001)**
Suzanne Stewart & Ellen K. Pritting
1 Deane Road
Underhill, VT 05489

✓ **19 DEANE ROAD (DE019)**
John C. & Margaret B. Ferguson
19 Deane Road
Underhill, VT 05489

✓ **25 DEANE ROAD (DE025T)**
Christian Hunt & Samantha Bissonette
1301 Westman Road
Cambridge, VT 05444

✓ **633 PLEASANT VALLEY ROAD (PV633T)**
Joseph M. & Anne Maire Tisbert
5901 Pleasant Valley Road
Cambridge, VT 05444

✓ **TOWN OF CAMBRIDGE**
Town of Cambridge
Attn: Mark Schilling
P.O. Box 127
Jeffersonville, VT 05464

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

Date: 06/10/2020

List of Abutters

26 WESTMAN ROAD (WS026)

Tijan 2019 Family Living Trust
Brian J. & Tina M. Tijan Trustees
26 Westman Road
Underhill, VT 05489

1 DEANE ROAD (DE001)

Suzanne Stewart & Ellen K. Pritting
1 Deane Road
Underhill, VT 05489

19 DEANE ROAD (DE019)

John C. & Margaret B. Ferguson
19 Deane Road
Underhill, VT 05489

25 DEANE ROAD (DE025T)

Christian Hunt & Samantha Bissonette
1301 Westman Road
Cambridge, VT 05444

633 PLEASANT VALLEY ROAD (PV633T)

Joseph M. & Anne Maire Tisbert
5901 Pleasant Valley Road
Cambridge, VT 05444

TOWN OF CAMBRIDGE

Town of Cambridge
Attn: Mark Schilling
P.O. Box 127
Jeffersonville, VT 05464

UNDERHILL SELECTBOARD MINUTES
Thursday, June 6, 2005
6:00 PM

Present: Stan Hamlet, Chair; Marc Maheux; Steve Walkerman; Chris Murphy, Town Administrator.

6:00 PM: The meeting is called to order.

- **Minutes:** Minutes are read and approved as presented.
- **Vermont Coalition of Municipalities Resolution:** Chris presents a Resolution received from the Vermont Coalition of Municipalities to prevent use of the State Education Fund outside of the original intent to “make payments to school districts and supervisory unions for the support of education.” The Board agrees with the concept, and directs Chris to draft a Resolution for the Town to be considered at the next meeting.
- **Adelphia:** Chris reads a letter from Adelphia requesting information about the community’s needs, and asks the Board for their input. The Board asks that Adelphia be contacted and reminded that they need a utility permit to dig for underground cable and to request an upgraded map. *Marc: my notes are spotty here—was the map to show where Adelphia is currently providing service and their projection of future service delivery?*
- **Tom Morse letter:** A letter from Tom Morse is distributed to the Board regarding development in the Flats and property rights.
- **Chittenden County Metropolitan Planning Organization (CCMPO):** The Board reappoints, by consensus, Stan Hamlet as representative and Marc Maheux as alternate representative. The terms shall run from July 1, 2005 through June 30, 2007.
- **Pam Shover, Lister; Joan Lehouiller, Treasurer; Sherri Morin, Town Clerk; Ernie Saunders NEMRC:** Pam informs the Board that the reappraisal will be late. This will cause the tax bills to be issued one month late, on August 15, 2005 instead of July 15, 2005.

There is a discussion about the effect this will have on the schools and the Town cash flow. Joan Lehouiller states that the Town Charter allows the Selectboard to set the tax installment due date, and that state law requires that twenty days, (20) after the installment date the Town must pay the schools what it owes them. The Board requests that Joan talk to the school to see how late payment will effect them, and will seek a legal opinion on whether they can pay the school a month late if the Selectboard sets the first installment date at August 15.

The Board discusses alternatives such as two tax bills, but the consensus at the end is that the Town will have the tax bills issue one month late and to borrow

money in the short term to cover expenses until the taxes are collected. The Board asks Joan to consult with the Town Highway Department and come up with a budget number by next week that will reflect the amount of borrowing that will be required. As it stands now, tax payments may be due on September 15 2005, November 15 2005, February 15, 2005, and May 15, 2005.

- **Ernie Saunders, NEMRC Installation Update:** Ernie discusses with the Board the results so far of using the NEMRC system, including new payroll information displays, payroll direct deposits, and the new look of Orders.
- **Town Clerk Fees, Collection with the NEMRC system:** The Board has received the requested recommendation of Jean Girard of RF Lavigne, Public Accountants, regarding the collection of Clerk's fees. Since the Town Clerk will be paid both wages and fees, she recommends that the fees be collected as part of the Town's normal cash receipts process. The fees would be segregated on the Town balance sheet as "Due to the Town Clerk" with the obligation zeroed out at the end of each pay period when payroll is paid. A copy of the cash receipts ledger would be printed and given to the Town Clerk at the end of each payroll period to document fees paid.

Ernie Saunders details for the Board the software and Hardware that would be required to implement this proposition. This would require a new computer at the counter that would have a cash receipts program installed on it. Other hardware requirements include a flat screen LCD monitor for the Town Clerk's desk. The Board discusses costs of these improvements. Ernie presents estimated costs of: \$857.00 for a new computer; \$415.00 for a receipt printer; \$319.00 for a flat screen; \$120.00 for a modem; and the cash receipts program at \$1,795.00. Marc has some relatively new equipment that he may be willing to sell to the Town, he will determine if his equipment is compatible, and present a proposed sale price to the Board next week .

- **Delinquent Taxes:** Joan reports that currently there is currently \$39,000 in past due taxes owed to the Town this fiscal year.
- **Mountain Gazette Advertisement:** Chris relays to the Board the Gazette's request for advertising to support the MMU graduation issue. Since the Town is running at a deficit this year, the Board opts not to incur this additional expense.
- **Perline Curb Cut:** The Board discusses the second curb cut off of 75 Irish Settlement Road onto Kevin and Kelley's property. The original building permit issued to Pat Lamphere in 1988 shows only one curb cut to the house. Chris had spoken to Kevin, and he explained that he was not aware that he needed a curb cut permit for the second driveway, as it was existing when he purchased the house. The previous owner had used it to deliver wood onto the property. The Perlines are building a large garage/barn off the second drive and have cleared trees to open up the driveway and prepare the site for building. The Selectboard only issues two curb cuts to a property when there are extenuating circumstances, such as safety concerns. The Board is concerned about the sight line at the second curb cut. The Board decides on a site visit and to talk to the Perlines about this as soon as possible. Chris will call Kevin to set this up.

- **7:25 – 7:40 PM: Executive Session:** The Board goes in to executive session at the request of Town Clerk, Sherrie Morin to discuss employment issues.
- **Meeting Schedule:** The Board sets a meeting schedule for the next two weeks. Next week, the Board will meet on Thursday, June 16 at 8:00 AM. The following week the Board will meet on Thursday, June 23 at 9:00, and meet with the District Director of the State Agency of Transportation for a road tour.
- **Irish Settlement Road Speed Signs:** Chris reviews with the Board the statutory requirements regarding how many speed signs are required to make the speed limits enforceable. Signs are required at the intersection of through roads. On Irish Settlement Road, this would mean at the beginning and end, and at the intersections of Sand Hill and Fuller Road. The Board will review this with Dick Hosking of AOT at the June 23 Selectboard meeting. Officer John Plaster of the Vt. State Police came in and requested that the required signs be posted in order to make the 35 MPH speed limit enforceable. There is also a brief discussion of the excessive signage on Pleasant Valley Road. This too will be reviewed.
- **Vaughn Curb Cut, Site Visit:** The Board conducts a site visit of the proposed curb cut onto the Vaughn property off of Westman Road. After review, the Board approves the curb cut on a motion.

8:30: The Board Adjourns

Respectfully Submitted,
Chris Murphy
Town Administrator

Read and Approved as presented/as amended

Stan Hamlet, Chairman

Date

**TOWN OF UNDERHILL
P.O. BOX 120
UNDERHILL VERMONT 05489**

August 2, 2015

Danielle Owczarski, District Wetland Ecologist
Vermont Dept. of Environmental Conservation
111 West Street
Essex Junction, Vermont 05452

Re: 26 Westman Road Access

In June of 2005 the Underhill Selectboard met on site to review the access permit application for the property that is now known as 26 Westman Road in the Town of Underhill. The proposed access was unanimously approved by the Selectboard and subsequently the property owner installed the curb cut access in the position that was approved.

The public's safety takes precedence when ruling on property access from a town highway. Many factors were taken into account; site distance, storm water runoff, as well as the extreme grade changes that exist along this particular section of road.

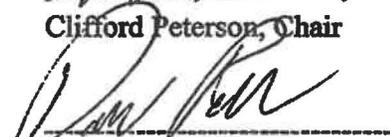
In conclusion the current Selectboard stands behind their predecessor's decision and finds that the access is positioned in the most suitable location.

Respectfully,

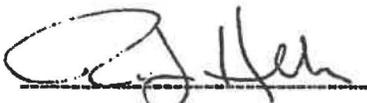
The Underhill Selectboard



Clifford Peterson, Chair



David Rogers



Richard Heh

EXHIBIT
7/12/05

MINUTES
UNDERHILL PLANNING COMMISSION
JUNE 28, 2005

Present: Ch. Pro Tem Dick Albertini, David Edson, Jan DeVries, Charlie VanWinkle, Pat Lamphere, Gerry Adams, Irene Linde, Z/P Admin. Chris Murphy, Selectboard members Stan Hamlet, Marc Maheux, Land Surveyor Brad Holden. Absent: T.Bergersen. D.Wheatley

1. Minutes of June 7 and 21 read and approved on a motion of J.deVries, second by C.VanWinkle and so voted.
2. Discussion on the Action Plan was deferred in favor of pressing issue of Ch.117 revisions
3. Revisions:
 - a. Required Frontage – to read: “Total length of the lot boundary measured along abutting roads. A permanent easement or recorded right-of-way may only count as frontage upon approval of the Planning Commission or the Zoning Board of Adjustment as appropriate under this by-law. (See also Driveway and Private Road)”
 - b. Road – Any public *or private* right-of-way serving three (3) lots, which is designed and intended for use by motor vehicles. The word “road” shall mean the entire right-of-way.
 - c. Driveway -- A private traveled way, easement or right-of-way serving up to two (2) parcels, which provides vehicular access to a parking area(s) associated with the principal structure or use.

4. The Planning Commission broke here for the Terence Vaughan final subdivision (DE025T) hearing.

The 5.5 acre non-conforming parcel is not to be developed. This parcel (in Underhill) will go with the house lot (Lot 1) on the Cambridge side of the town boundary. Lot 2 (10.4 A.in Underhill) may not be further developed. The driveway appears to go through the Class 3 wetlands as designated by K.O'Brien Wetland Consulting.

The Subdivision was approved as a PRD with conditions:

- a. lots 1 and 2 may not be further developed (to be included in the recorded deed)
- b. the State Wastewater Disposal Permit must be received.
- c. Motion by Jan deVries, second by Charlie VanWinkle, and so voted.

3(CONT.) Revisions Brad Holden recommends we clarify our definition of wetlands (See Wetlands as defined by statute as most recently amended. Gerry does not want to regulate Class 3s. Consensus of Board agrees 4-3. David moves we use Bolton's wetlands definition, second by Jan.

5. Regs to go with Wetlands: If 50 feet buffer for septic systems, why not for everything? Include "no land development or disturbance is allowed within the buffer zone unless applicant first appends an application for such .
6. Definition of watercourse. (See State Statute) Add.....
7. Return to Roads:
 - a. Driveways: See Bolton, p. 120
 - b. Roads: See Bolton, p, 130

Meeting adjourned at 8:30 p.m. on a motion by Pat Lamphere, second by Gerry Adams, So voted. NEXT MEETING: JULY 5, 2005 AT 6:30 P.M.

• *****

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JULY 5, 2005, WORK SESSION CANCELLED

TOWN CLERK'S OFFICE
Received May 26, 2016 11:45A
Recorded in VDL: 219 PG: 241- 245
Of Underhill Land Records
ATTEST: Sherri Morin, Town Clerk

TOWN OF UNDERHILL
APPLICATION OF THE LINDA G. RONDEAU FAMILY TRUST
FOR A REVISION TO AN APPROVED SUBDIVISION
FINAL FINDINGS AND DECISION

In re: Linda G. Rondeau Family Trust
26 Westman Road (WS026)
Underhill, VT 05489

Docket No. DRB-16-02, Rondeau

I. INTRODUCTION AND PROCEDURAL HISTORY

This proceeding concerns a Final Subdivision amendment hearing on the application of the Linda G. Rondeau Family Trust to revise the building envelope previously approved for Lot 2 of the 2005 3-Lot Vaughan Subdivision on property they own at 26 Westman Road (WS026) in Underhill, VT. No other changes to the previous subdivision approval were sought.

- A. On March 14, 2016, David Boyden filed an application on behalf of the Linda G. Rondeau Family Trust for an amendment to an approved subdivision. A copy of the application and additional information are available at the Underhill Town Hall.
- B. On March 21, 2016, a copy of the notice of the final hearing was mailed via Certified Mail to the following owners of properties adjoining the property subject to the application:
1. Suzanne Stewart and Ellen Pritting, 1 Deane Road, Underhill VT 05489
 2. Joseph and Anne Marie Tisbert, 5901 Pleasant Valley Road, Cambridge VT 05464
 3. John and Margaret Ferguson, 19 Deane Road, Underhill VT 05489
 4. Joseph and Elizabeth Harrington, 186 Vaughan's Trace, Cambridge VT 05464

A copy of the notice was also mailed to the applicant, David Boyden, at 64 VT Route 104, Cambridge VT 05444. The time, date and location of the hearing were communicated verbally to the consultant, Brad Holden, by Brian Bigelow, Town Administrator and Acting Planning and Zoning Administrator.

- C. On March 19, 2016, notice of the final hearing on the proposed Rondeau subdivision amendment was posted at the following places:
1. The Underhill Town Clerk's office;
 2. The Underhill Center Post Office;
 3. The Underhill Flats Post Office;
- D. On March 19, 2016, notice of the final hearing was published in *The Burlington Free Press*.

Rondeau Subdivision Amendment (Vaughan Subdivision) Final Decision
April 19, 2016

- E. The final hearing, which combined sketch review and final review, began at 6:30 PM on April 4, 2016. This application was the first on the agenda. A site visit was held prior to the hearing at 6:00 PM.
- F. Present at the final hearing were the following members of the Development Review Board:
- Penny Miller
 - Karen McKnight
 - Mark Hamlin
 - Mark Green
 - Charles Van Winkle, Chairperson
- Town Administrator and Acting Planning and Zoning Administrator Brian Bigelow, Applicant David Boyden and the Applicant's consultant Brad Holden also testified at 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." No members of the public spoke at the hearing.
- H. During the course of the hearing the following exhibits were submitted to the Development Review Board:
- a) Linda G. Rondeau Family Trust Application for Subdivision: Final (dated 3/16/2016);
 - b) A copy of the Site Plan: entitled Revised Building Envelope—Lot 2, Planning Residential Development, prepared by Consultant Bradford L. Holden, Land Surveyor;
 - c) A copy of the plans for the proposed driveway, including a driveway grading plan indicating wetland impacts, construction details and erosion control details and specifications, prepared by Civil Engineering Associates;
 - d) A copy of a July 14, 2005 fax sent from then Town Administrator/PZA Christine Murphy to Consultant Brad Holden L.S. Fax includes copy of Planning Commission minutes of June 28, 2005. Staff has been unable to find a Final Notice of Decision;
 - e) A copy of the Planning Commission minutes from the 4/12/05 and 6/28/2005 meetings at which the original subdivision received Sketch Plan and Final Subdivision approval;
 - f) A copy of input received from the Chittenden East Supervisory Union dated 5/31/2005;
 - g) A copy of input received from the Underhill Jericho Fire Department dated 6/10/2005;
 - h) An Individual Wetland Permit issued by the Vermont Department of Environmental Conservation for the property (2014-217) on 1/8/2016;
 - i) A copy of the Wastewater System and Potable Water Supply Permit from the Vermont Department of Environmental Conservation, dated 7/8/2005;
 - j) The minutes from the 6/6/2005 Selectboard meeting at which the curb cut for this lot was approved;
 - k) A map showing steep slopes from the ANR Natural Resources Atlas;
 - l) A map showing primary agricultural soils from the ANR Natural Resources Atlas;
 - m) A letter from the Underhill Selectboard to the Vermont Department of Environmental Conservation confirming the approval of the curb cut, dated August 2, 2015;
 - n) A copy of the procedure checklist for this meeting;

Rondeau Subdivision Amendment (Vaughan Subdivision) Final Decision
April 19, 2016

- o) A copy of a wetlands permit from the US Army Corps of Engineers (#NAE-2016-0130), dated March 9, 2016; and
- p) A memorandum from Underhill Planning and Zoning, "Agenda and Information for 4/4/16 Hearing," dated 4/4/2016.

These exhibits are available in the Rondeau WS026 subdivision file (DRB-16-02) at the Underhill Zoning Office.

II. FINDINGS

Factual Findings

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

- A. The applicants seek a permit to amend the size of the building envelope as approved on Lot 2 in the Vaughan Subdivision. The subject property is a ±10.4-acre parcel located at 26 Westman Road in Underhill, VT (WS026).
- B. The property is located in the Mount Mansfield Scenic Preservation district as defined in Article II, Table 2.5 of the 2014 Unified Land Use and Development Regulations.
- C. Subdivision approval is requested for the project pursuant to review under the following sections of the 2014 Unified Land Use and Development Regulations:
 - Article II, Table 2.5 – Mt. Mansfield Scenic Preservation District (pg. 18)
 - Section 3.2 – Access (pg. 27)
 - Section 3.7 – Lot, Yard & Setback Requirements (pg. 35)
 - Section 3.18 – Steep Slopes (pg. 53)
 - Section 3.19 – Surface Waters & Wetlands (pg. 60)
 - Section 3.22 – Water Supply & Wastewater Systems (pg. 65)
 - Article VII – Subdivision Review (pg. 132)
 - Article 7.8 – Revisions to an Approved Subdivision (pg. 141)
 - Section 7.6 – Final Subdivision Review (pg. 139)
 - Article VIII – All (pg. 143)
 - Article IX – Planned Unit Development (pg. 165)
- D. No amendment to the driveway access is proposed. A driveway plan was included in the application.

III. CONCLUSIONS

Applicable Regulation Standards

Article II, Table 2.5—Mt. Mansfield Scenic Preservation District (pg. 18)

The purpose of this district is to protect the scenic vistas along Pleasant Valley Road.

The board finds that the existing lot meets all dimensional requirements. The building envelope as proposed meets the front setback requirements of 30 feet and side and rear setback requirements of 75 feet from the lot lines.

Section 3.2—Access (pg. 27)

An access permit for the lot was granted by the Underhill Selectboard at their meeting on 6/6/2005. The board finds that the driveway plans submitted with the application meet all requirements of Section 3.2, as well as the standards of the Town Road Policy.

Section 3.7—Lot, Yard & Setback Requirements (pg. 35)

The board finds that the proposed development meets all lot, yard and setback requirements.

Section 3.18—Steep Slopes (pg. 53)

The board finds that no development is proposed in areas of steep slopes.

Section 3.19—Surface Waters & Wetlands (pg. 60)

Class II wetlands are present on much of the property. The applicant has received an Individual Wetland Permit (#2014-217) from the Vermont Department of Environmental Conservation, as well as a wetlands permit from the US Army Corps of Engineers (#NAE-2016-0130), authorizing construction of the driveway in the wetlands. (The Army Corps permit was submitted at the beginning of this hearing, and therefore is not discussed in the staff report.) The Board finds that the driveway design is consistent with all local regulations.

Section 3.22—Water Supply & Wastewater Systems (pg. 65)

The Board finds that the water supply and wastewater systems have been approved by the Vermont Department of Environmental Conservation, which issued a Wastewater System and Potable Water Supply Permit (WW-2-2420) on July 8, 2005. The permit is for a four bedroom single family residence.

Section 7.2—Applicability (pg. 132) & Section 7.8—Revisions to an Approved Subdivision (pg. 141)

The Board makes the following findings:

- A. This proposal is a revision to an approved subdivision in accordance with Section 7.8. Section 7.8(C) states that the amendment shall be classified by the Zoning Administrator in accordance with Section 7.2. The Acting Administrative Officer has found this to be a major subdivision in accordance with Section 7.2(E)(b).
- B. This decision is written in fulfillment of Section 7.6(D).

Article VI—Flood Hazard Area Review (pg. 120)

The board finds that no development is located within the Flood Hazard Area.

Rondeau Subdivision Amendment (Vaughan Subdivision) Final Decision
April 19, 2016

Article VIII—Subdivision Standards (pg. 143)

At their meeting on 6/22/2005, the Underhill Planning Commission approved the Vaughan 2-lot subdivision. The board finds that all subdivision standards continue to be met.

Article IX—Planned Unit Development (pg. 165)

At their meeting on 6/22/2005, the Underhill Planning Commission approved the Vaughan 2-lot subdivision as a Planned Residential Development, as recorded in hanging file #222B in the Underhill Town Offices. The Planning Commission decision stipulated that the lot could not be subdivided further. This condition continues to apply.

IV. DECISION AND CONDITIONS

Based upon the findings above, and subject to the conditions below, the Development Review Board grants the subdivision amendment as presented at the final hearing (Board Members Van Winkle, Miller, McKnight, Hamelin and Green voted in favor).

- A. Building envelopes and wetland setbacks shall be in accordance with the applicable zoning dimensional setback requirements stipulated in the Underhill Unified Land Use and Development Regulations and the VT Agency of Natural Resource wetland buffer zone in effect at the time of the application for building permit.
- B. The final plat shall be submitted in accordance with Section 7.7.
- C. All subdivision and recording fees must be paid in full prior to recording a subdivision plat in accordance with Section 7.7(B).
- D. All conditions of the previous Vaughan Subdivision approval shall remain in effect unless specifically amended through this application.
- E. A Zoning Permit shall be retained prior to construction in accordance with Section 10.3 of the Unified Land Use & Development Regulations.
- F. Nothing in this decision shall be deemed to alter any existing deed restrictions or covenants applicable to the subject property.

Dated at Underhill, Vermont this 19th day of APRIL, 2016.

Charles Van Winkle

Digitally signed by Charles Van Winkle
DN: cn=Charles Van Winkle, o=Northern Reliability,
Inc, ou=Chief Operations Officer,
email=charlievanwinkle@outlook.com, c=US
Date: 2016.04.19 09:49:04 -04'00'

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 5/20/2016.

WILLIS DESIGN ASSOCIATES, INC.

P.O. Box 1001 (802) 858-9228
Jericho, Vermont 05465 willisdesignvt@gmail.com

February 14, 2019

Dolores Eckert, Asst. Regional Engineer
Vermont Dept. of Environmental Conservation
Drinking Water & Groundwater Protection Division
111 West Street
Essex Junction, Vermont 05452

Re: Lot 2
Permit #WW-4-2420

Dear Dolores:

I inspected the installation of the wastewater system and water supply that serve the above referenced property. The extent of the inspection was limited to work that could be visually verified during each visit.

The well was constructed approximately 75 feet north of the approved location. This location continues to comply with the Water Supply Rules. No adjoining landowner is affected by the revised well separation zone and corresponding overshadowing. An as-built plan (record drawing) depicting the preceding change is attached as required.

With respect to Condition #1.5 of the permit: "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 permit conditions; or record drawings and such record drawings are in compliance with the applicable rules, were filed with the Secretary, and are in accordance with all other permit conditions; were inspected; were properly tested; and have successfully met those performance tests."

The pump station was placed with its outlet elevation higher than the manifold in the distribution network. Consequently, a vacuum break was installed in lieu of a weep hole. Although insulation was provided to inhibit frost action, the landowner is advised to avoid pedestrian or vehicle traffic over the force main piping route during winter months. Snow should also be allowed to accumulate over the mound and piping route.

Settled or eroded areas that occur over time may require repair. Additional topsoiling, seeding and mulching may also be necessary to establish a proper vegetative cover.

Feel free to call if you have any questions regarding this matter.

Sincerely,



Justin Willis
Licensed Designer

c Brian Tijan & Tina Norris
Hadley Construction, LLC
Town of Underhill

Andrew Strniste

From: Joseph McLean <jmclean@firmspf.com>
Sent: Thursday, May 28, 2020 10:04 AM
To: Andrew Strniste
Subject: RE: Building Envelope Materials

Andrew: Based on the information that you have provided, it is our opinion that the approved (and unappealed) building envelope for 26 Westman Road is binding and that the property owner cannot place an accessory structure, including a shed, outside the building envelope without first obtaining the approval of the DRB, either in the form of a permit amendment (as was done in 2016) or a variance. In other words, while § 10.2.A.7 exempts certain accessory structures from the zoning regulations, including the requirement to obtain a permit, the unappealed Planning Commission PRD/subdivision approval and plan establishing the building envelope are valid and enforceable.

By contrast, without more, § 10.2.A.7 does exempt accessory structures from meeting wetland buffer requirements established under the zoning regulations. While development in a Class I or II wetland or wetland buffer may be an issue for the State, structures meeting the requirements of § 10.2.A.7 are not subject to the requirements/limitations of § 3.19 or any other provision of the regulations.

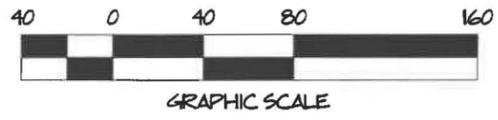
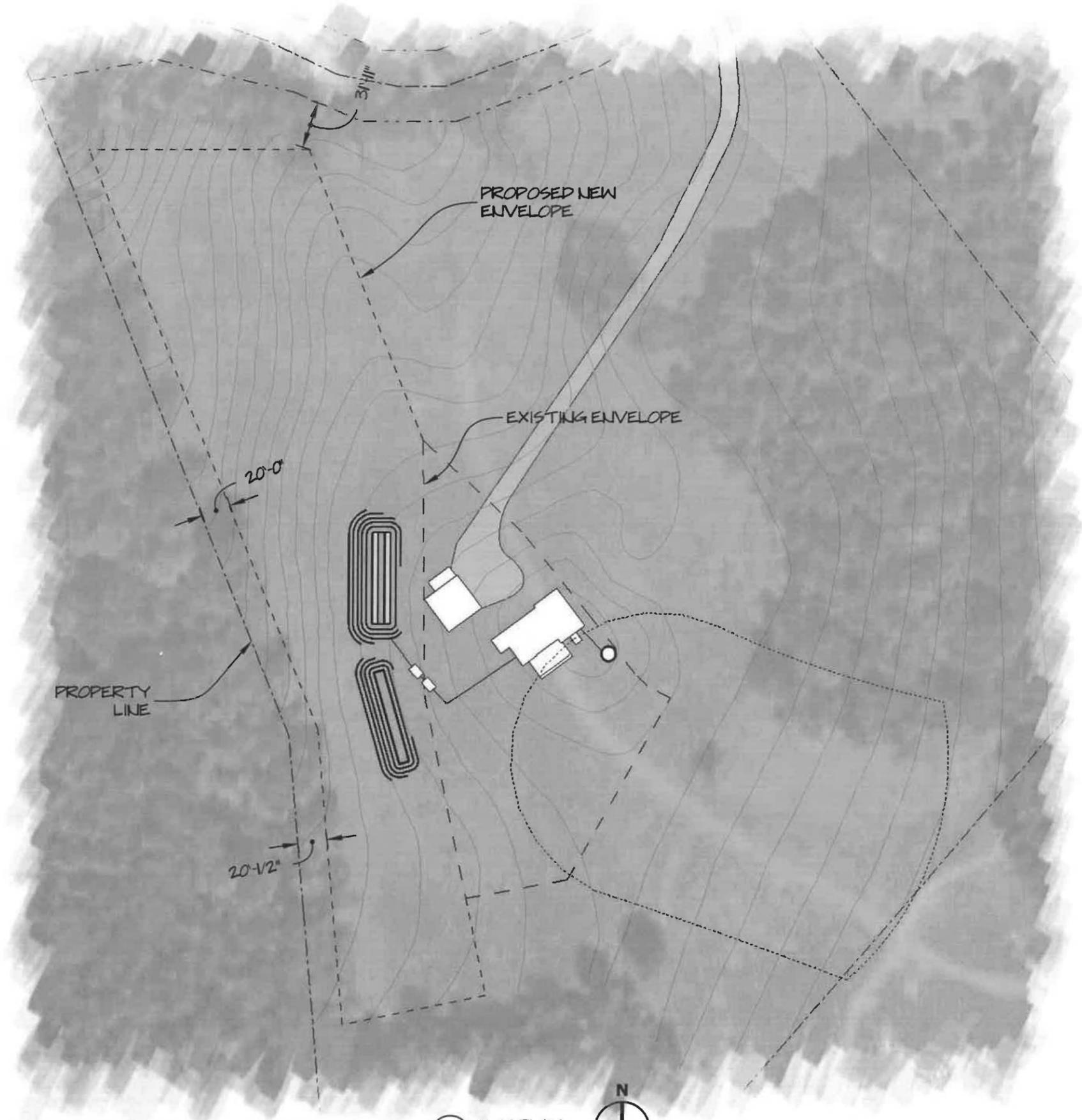
Please let me know if you have any questions.

Thank you,

Joseph S. McLean, Esq.
Stitzel, Page & Fletcher, P.C.
PO Box 1507
171 Battery Street
Burlington, VT 05401-1507
Phone 802-660-2555
Fax 802-660-9119
www.firmspf.com

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1 SITE PLAN
SCALE 1"=80'



LEGEND

- IRON PIPE FOUND ○
- 3/4" IRON REBAR SET L.S. 701 ●
- CALCULATED POINT △
- UTILITY POLE ⊕
- STONE WALL [---]
- BARBED WIRE FENCE [x---x]

NOTES

1. THE PURPOSE OF THIS REVISED PLAT IS TO DEPICT A REVISED BUILDING ENVELOPE FOR THE PREVIOUSLY APPROVED LOT 2.
2. LOT 2 DEED REFERENCE: DAVID BOYDEN & LINDA RONDEAU TO THE LINDA G. RONDEAU FAMILY TRUST. W.D. VOLUME 188 PAGE 109-110
3. THIS PLAN WILL SUPERSEDE THE PREVIOUSLY APPROVED PLAT ENTITLED PLANNED RESIDENTIAL DEVELOPMENT FOR TERENCE G. VAUGHAN DATED MAY 2005 REVISED JULY 12, 2005 AND RECORDED IN SLIDE 222B.
4. SUBJECT PROPERTY IS LOCATED IN THE MT. MANSFIELD SCENIC PRESERVATION DISTRICT, 10 ACRE MINIMUM LOT SIZE.
5. FOR DETAILS REGARDING TOPOGRAPHY, WATER AND WASTEWATER REFER TO PLANS PREPARED BY WILLIS DESIGN ASSOCIATES, INC.

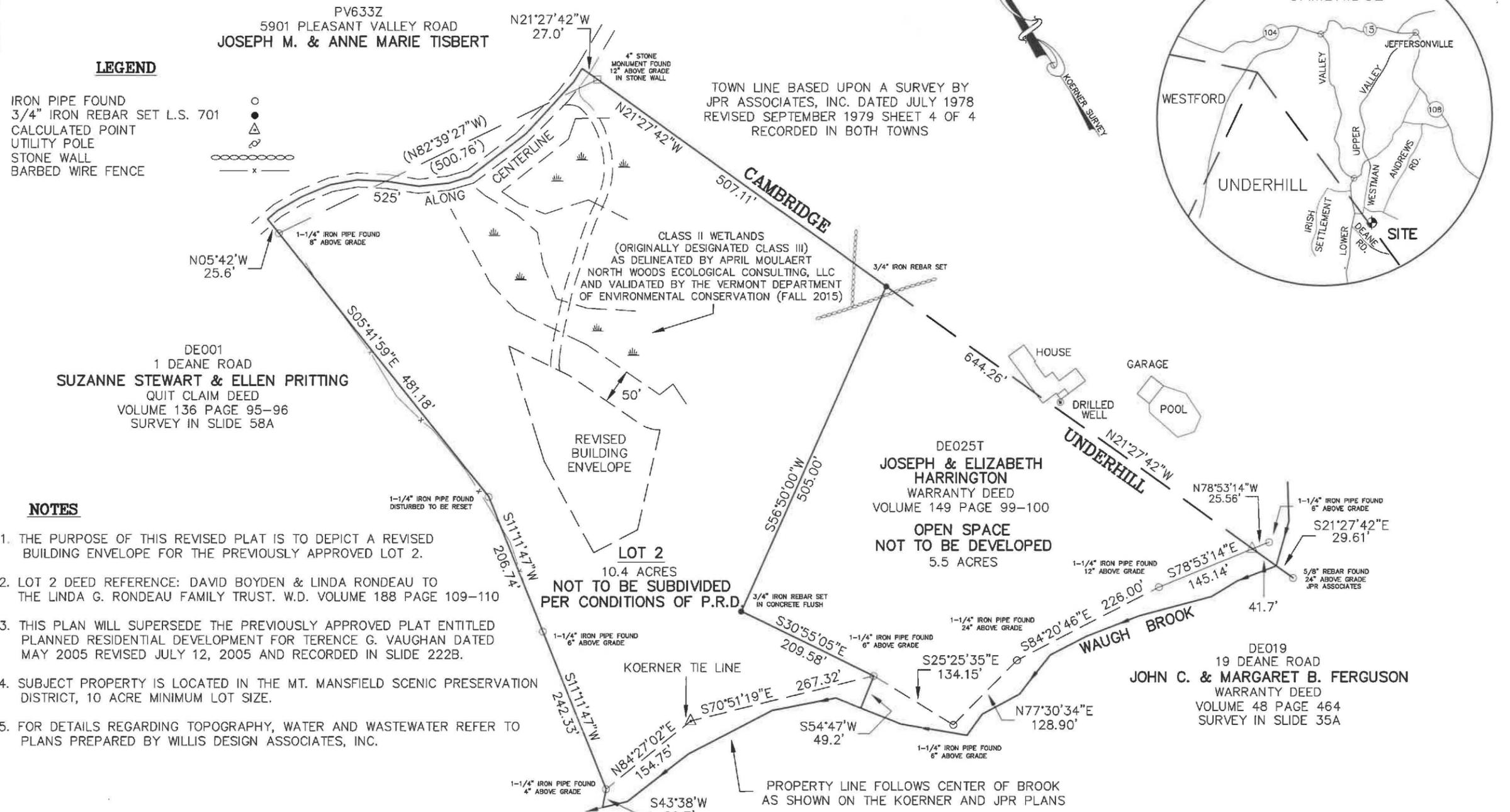
APPROVED BY THE RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF UNDERHILL, VERMONT ON THE ____ DAY OF _____, 2016, SUBJECT TO THE REQUIREMENTS AND CONDITIONS OF SAID RESOLUTION. SIGNED THIS ____ DAY OF _____, 2016, BY _____ CHAIRMAN.

RECEIVED FOR RECORD _____, 2016
 AT _____ O'CLOCK AM/PM AND RECORDED IN
 HANGING FILE _____ OF THE UNDERHILL LAND
 RECORDS ATTEST: _____
 TOWN CLERK

SCALE : 1 INCH = 100 FEET



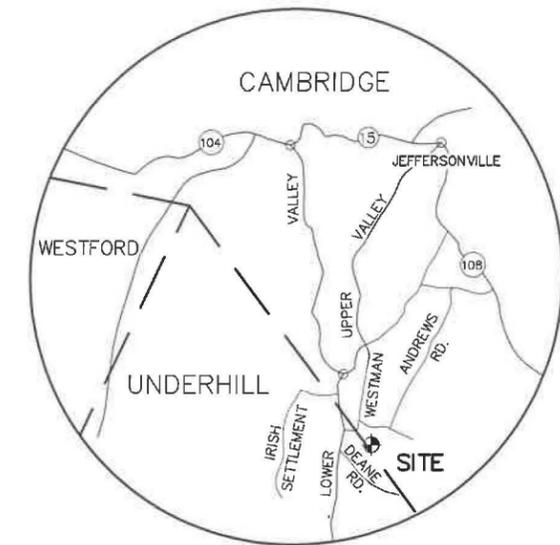
I CERTIFY THIS PLAT IS BASED UPON THE PREVIOUSLY PLAT RECORDED IN SLIDE 222B OF THE UNDERHILL LAND RECORDS, REVISIONS TO THE WETLAND LOCATION AND BUILDING ENVELOPE AND INFORMATION PROVIDED BY THE WETLAND CONSULTANT AND THE VERMONT DEPARTMENT OF ENVIRONMENTAL CONSERVATION.



REVISED BUILDING ENVELOPE - LOT 2
 PLANNED RESIDENTIAL DEVELOPMENT
 FOR
THE LINDA G. RONDEAU FAMILY TRUST

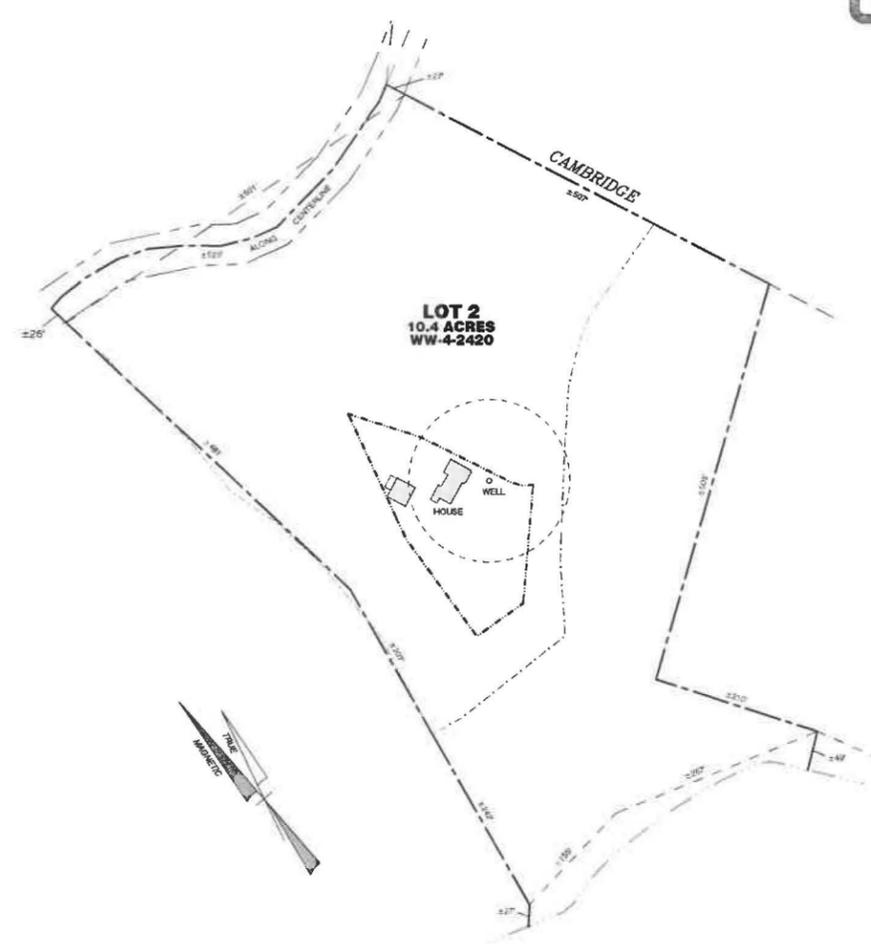
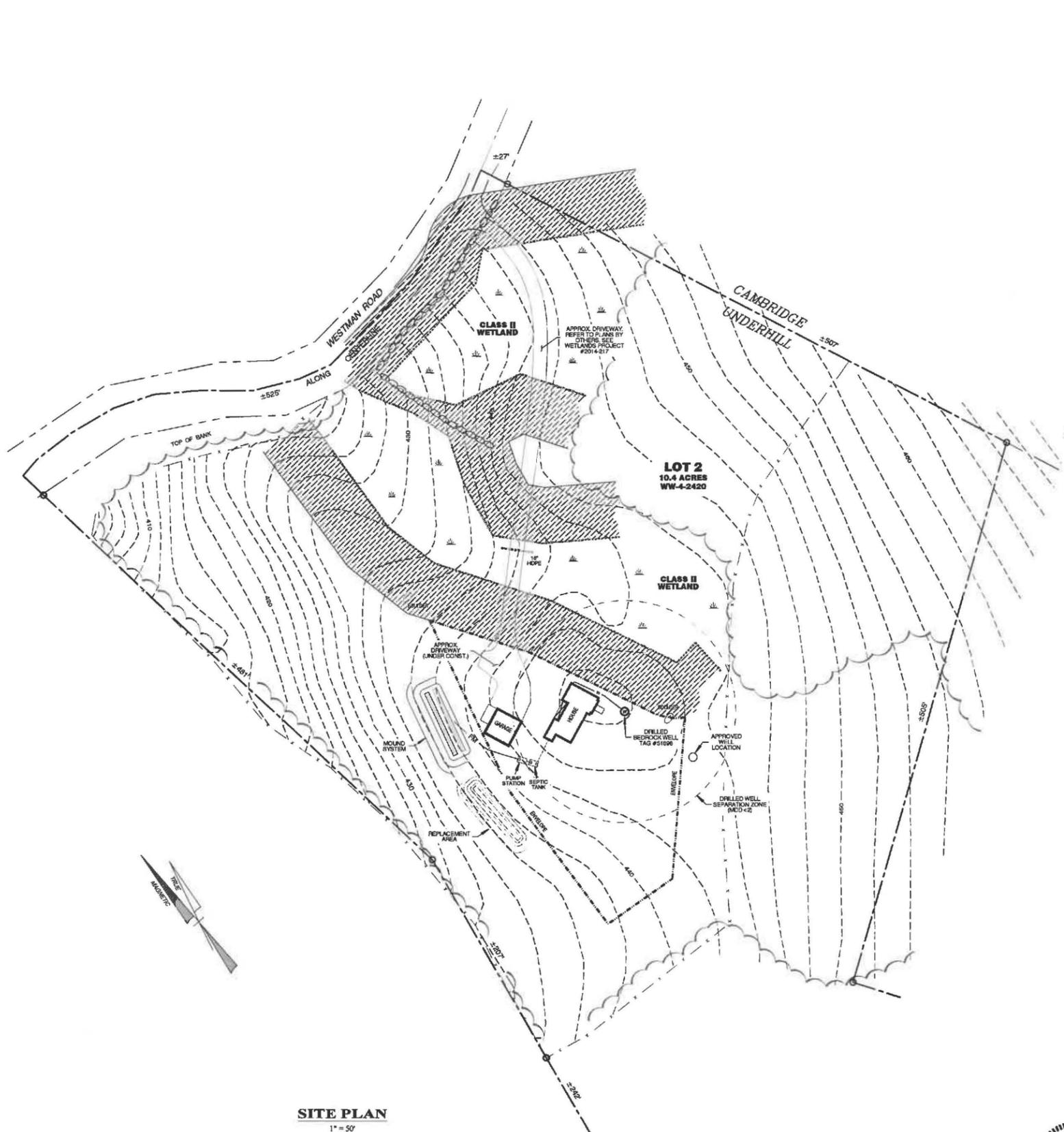
WESTMAN ROAD
 UNDERHILL, VERMONT
 MARCH 15, 2016

PREPARED BY
BRADFORD L. HOLDEN
 LAND SURVEYOR
 60 COVEY ROAD
 UNDERHILL, VERMONT

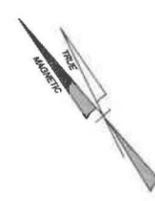


TOWN LINE BASED UPON A SURVEY BY
 JPR ASSOCIATES, INC. DATED JULY 1978
 REVISED SEPTEMBER 1979 SHEET 4 OF 4
 RECORDED IN BOTH TOWNS





PLOT PLAN
1" = 100'



LEGEND

	DRILLED WELL
	EXISTING CONTOURS
	APPROX. BOUNDARY
	RIGHT OF WAY
	50' BUFFER ZONE
	EDGE OF WETLAND
	WETLAND
	TREE LINE
	WIRE FENCE
	STREAM
	FORCE MAIN
	WATER LINE



SITE PLAN
1" = 50'



NO.	DATE	REVISION	BY

WILLIS DESIGN ASSOC., INC.
P.O. BOX 1001, JERICHO, VERMONT 05465 (802) 858-9228

RECORD DRAWING		SCALE:
WASTEWATER SYSTEM & WATER SUPPLY		NOTED
BRIAN TIJAN		DRAWN: JTW
TINA NORRIS		DESIGN: JTW
26 WESTMAN ROAD		DATE: 2/13/19
UNDERHILL - VERMONT		PROJECT: 05-025
DRAWING: 05054-LAB		SHEET: 1

SITE ENGINEER:
 P
 CIVIL ENGINEERING ASSOCIATES, INC.
 10 MANSFIELD VIEW LANE, SOUTH BURLINGTON, VT 05403
 802-864-2323 FAX: 802-864-2271 web: www.cae-vt.com

COPYRIGHT © 2015 - ALL RIGHTS RESERVED
 DRAWN: MAB/PJM
 CHECKED: BCE
 APPROVED: BCE

OWNER:
DAVID BOYDEN
 CAMBRIDGE VERMONT

PROJECT:
PROPOSED DRIVEWAY
 26 WESTMAN ROAD UNDERHILL, VT

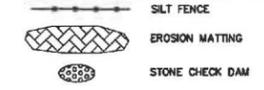
DATE	CHECKED	REVISION

DATE	CHECKED	REVISION

DRIVEWAY GRADING PLAN

DATE: 9/17/2015
 SCALE: 1" = 40'
 PROJ. NO.: 15217
 DRAWING NUMBER: **C1.0**

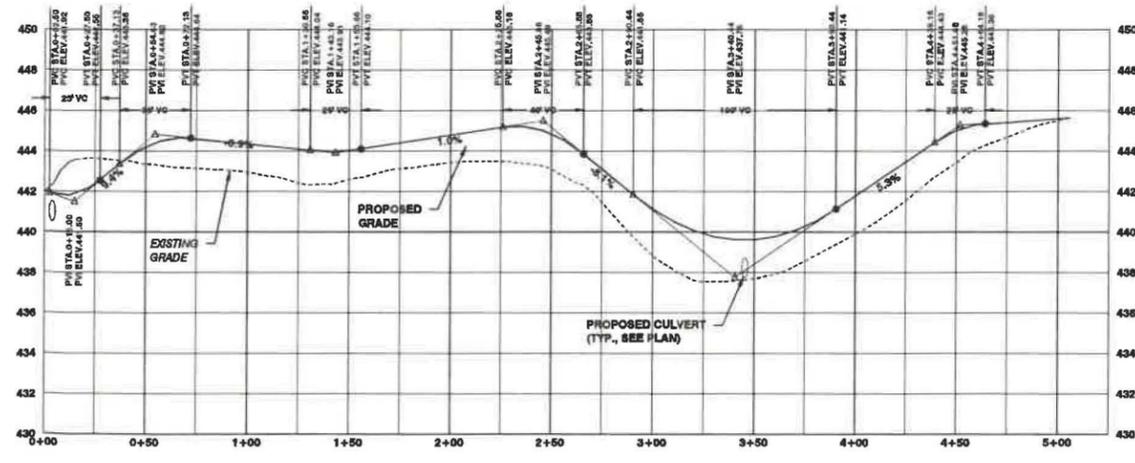
EROSION CONTROL LEGEND



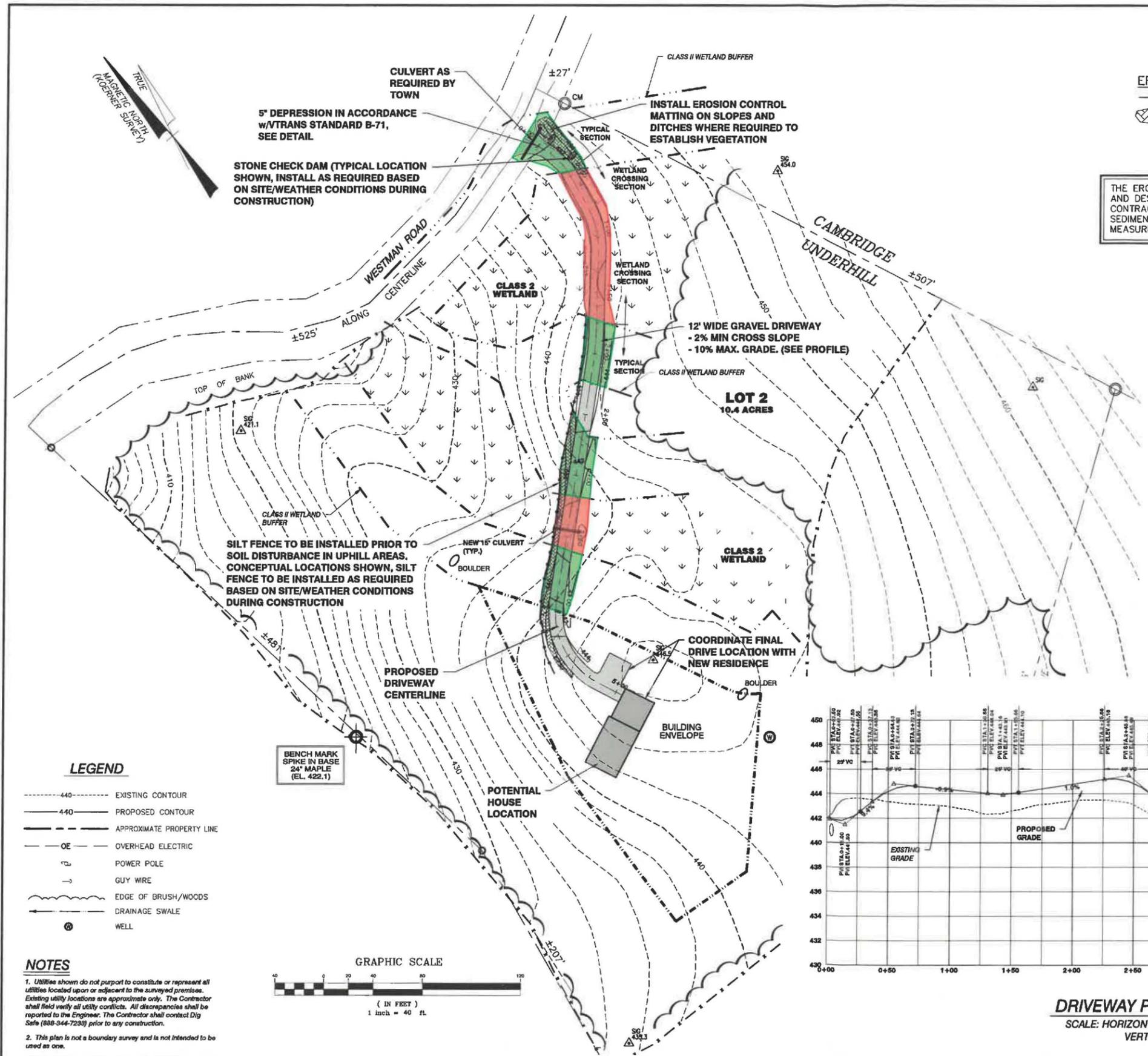
NOTES:
 1. SILT FENCE TO BE INSTALLED WHERE SHOWN PRIOR TO SOIL DISTURBANCE IN UPHILL AREAS.

THE EROSION CONTROL PLANS AND REQUIREMENTS ARE INTENDED TO SHOW AND DESCRIBE MINIMUM MEASURES NECESSARY DURING CONSTRUCTION. THE CONTRACTOR IS RESPONSIBLE FOR PREVENTING DISCHARGE OF SEDIMENT OR SEDIMENT-LADEN WATER FROM THE SITE, AND SHALL INSTALL ADDITIONAL MEASURES AS NECESSARY TO PREVENT SUCH DISCHARGE.

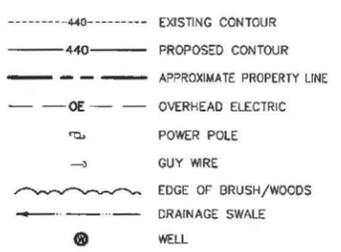
CLASS II WETLAND/BUFFER IMPACTS



DRIVEWAY PROFILE
 SCALE: HORIZONTAL 1" = 40'
 VERTICAL 1" = 4'

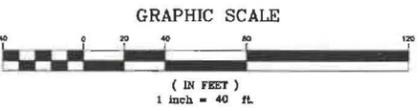


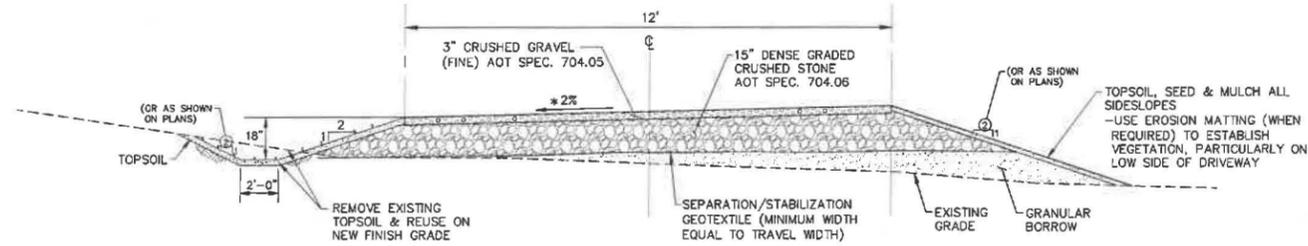
LEGEND



NOTES

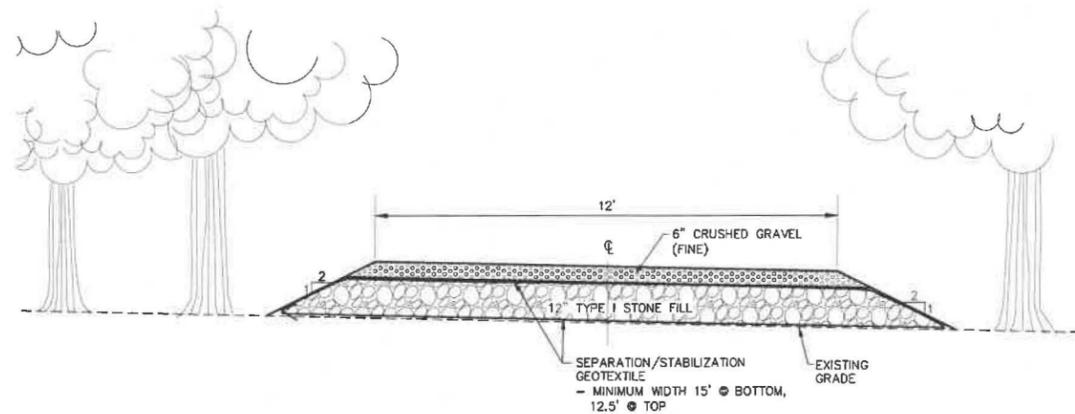
1. Utilities shown do not purport to constitute or represent all utilities located upon or adjacent to the surveyed premises. Existing utility locations are approximate only. The Contractor shall field verify all utility conflicts. All discrepancies shall be reported to the Engineer. The Contractor shall contact Dig Safe (888-344-7233) prior to any construction.
2. This plan is not a boundary survey and is not intended to be used as one.
3. The sole purpose of these plans are to depict the proposed design for the drive. Site topography, property lines, and additional site information was supplied to Civil Engineering Associates, Inc. for design of the drive. No site work was performed to verify this information.



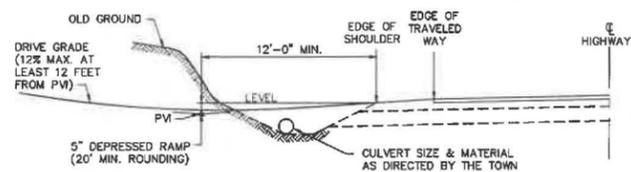


TYPICAL DRIVE SECTION
 N.T.S.

*SUPERELEVATE AS SHOWN ON PLAN

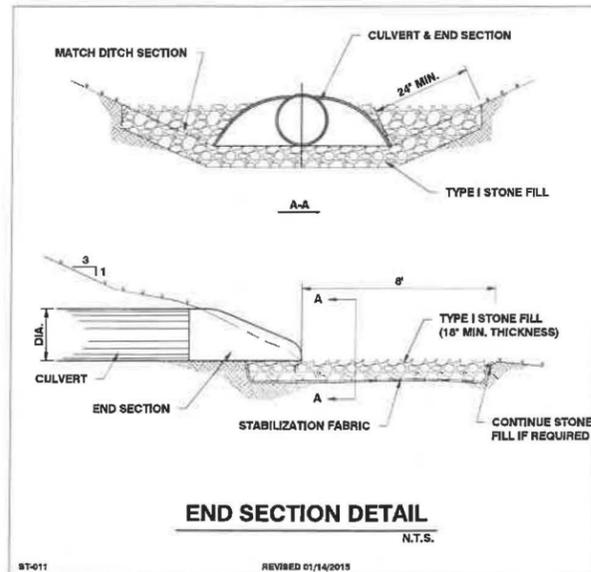


TYPICAL SECTION - WETLAND CROSSING
 SCALE: 1/2" = 1'



PROFILE OF DRIVE INTERSECTION (CUT SECTION)
 N.T.S.

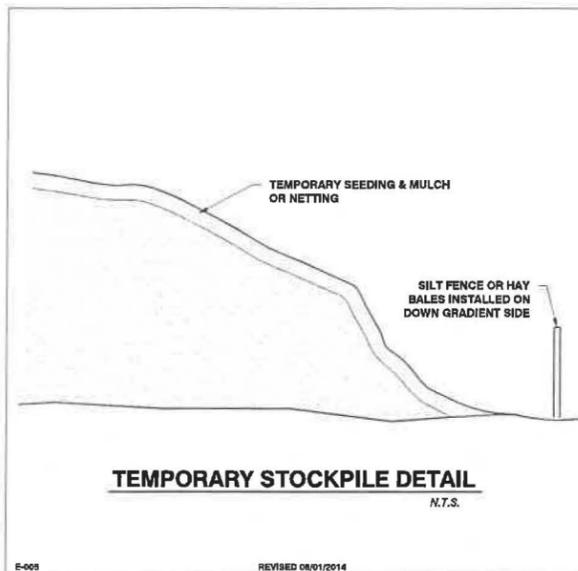
BASED UPON VTRANS STANDARD DRAWING B-71



END SECTION DETAIL
 N.T.S.

B1-011

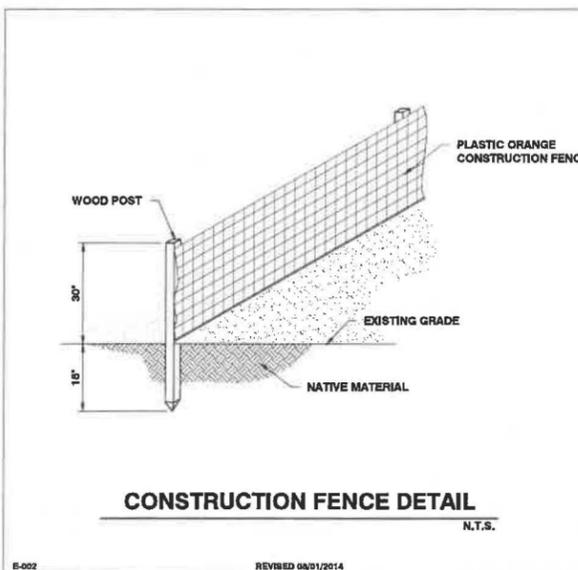
REVISED 01/14/2015



TEMPORARY STOCKPILE DETAIL
 N.T.S.

E-005

REVISED 08/01/2014



CONSTRUCTION FENCE DETAIL
 N.T.S.

B-002

REVISED 08/01/2014

SITE ENGINEER:



CIVIL ENGINEERING ASSOCIATES, INC.
 10 MAHSFIELD VIEW LANE, SOUTH BURLINGTON, VT 05408
 802-884-2323 FAX: 802-604-2271 web: www.ces-vt.com

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DRAWN

MAB

CHECKED

BCE

APPROVED

BCE

OWNER:

DAVID BOYDEN

CAMBRIDGE VERMONT

PROJECT:

PROPOSED DRIVEWAY

26 WESTMAN ROAD UNDERHILL, VT

DATE	CHECKED	REVISION

DETAILS

DATE

9/17/2015

SCALE

AS SHOWN

PROJ. NO.

15217

DRAWING NUMBER

C2.0

Introduction

This project is subject to the terms and conditions of the authorization from the State of Vermont to discharge construction related storm water runoff.

Coverages under the State Construction General Permit 3-9020 is required for any construction activity that disturbs 1 or more acres of land, or is part of a larger development plan that will disturb 1 or more acres.

This project has been deemed to qualify as a Low Risk Site which is subject to the erosion prevention and sediment control (EPSC) standards set for in the State of Vermont. Low Risk Site Handbook for Erosion Prevention and Sediment Control

The following narrative and implementation requirements represent the minimum standard for which this site is required to be maintained as regulated by the State of Vermont.

Any best management practices (BMPs) depicted on the project's EPSC Site plan which go beyond the Handbook requirements are considered to be integral to the management of the site and represent components of the municipal EPSC approval for the project which shall be implemented.

The EPSC plan depicts one snap shot in time of the site. All construction areas are fluid in their day to day exposures and risks as it relates to minimizing sediment loss from the site. It is the responsibility of the Contractor to implement the necessary BMPs to comply with the Low Risk Handbook standards outlined on this sheet based on the interim site disturbance conditions which may or may not be shown on the EPSC Site Plan.

Specific BMPs which are critical to allowing the project to be considered a Low risk site include the items checked below:

- Limit the amount of disturbed earth to two acres or less at any one time.
- There shall be a maximum of 7 consecutive days of disturbed earth exposure in any location before temporary or final stabilization is implemented.

1. Mark Site Boundaries

Purpose: Mark the site boundaries to identify the limits of construction. Delineating your site will help to limit the area of disturbance, preserve existing vegetation and limit erosion potential on the site.

How to comply: Before beginning construction, walk the site boundaries and flag trees, post signs, or install orange safety fence. Fence is required on any boundary within 50 feet of a stream, lake, pond or wetland, unless the area is already developed (existing roads, buildings, etc.)

2. Limit Disturbance Area

Purpose: Limit the amount of soil exposed at one time to reduce the potential erosion on site.

Requirements: The permitted disturbance area is specified on the site's written authorization to discharge. Only the acreage listed on the authorization form may be exposed at any given time.

How to comply: Plan ahead and phase the construction activities to ensure that no more than the permitted acreage is disturbed at one time. Be sure to properly stabilize exposed soil with seed and mulch or erosion control matting before beginning work in a new section of the site.

3. Stabilize Construction Entrance

Purpose: A stabilized construction entrance helps remove mud from vehicle wheels to prevent tracking onto streets.

Requirements: If there will be any vehicle traffic off of the construction site, you must install a stabilized construction entrance before construction begins.

How to Install: Rock Size: Use a mix of 1 to 4 inch stone

Depth: 8 inches minimum
Width: 12 feet minimum
Length: 40 feet minimum (or length of driveway, if shorter)
Geotextile: Place filter cloth under entire gravel bed

Maintenance: Redress with clean stone as required to keep sediment from tracking onto the street.

4. Install Silt Fence

Purpose: Silt fences intercept runoff and allow suspended sediment to settle out.

Requirements: Silt fence must be installed:
• on the downhill side of the construction activities
• between any ditch, swale, storm sewer inlet, or waters of the State and the disturbed soil
* Hay bales must not be used as sediment barriers due to their tendency to degrade and fall apart.

Where to place:

- Place silt fence on the downhill edge of bare soil. At the bottom of slopes, place fence 10 feet downhill from the end of the slope (if space is available).
- Ensure the silt fence catches all runoff from bare soil.
- Maximum drainage area is 1/4 acre for 100 feet of silt fence.
- Install silt fence across the slope (not up and down hills)
- Install multiple rows of silt fence on long hills to break up flow.
- Do not install silt fence across ditches, channels, or streams or in stream buffers.

How to install silt fence:

- Dig a trench 6 inches deep across the slope
- Unroll silt fence along the trench
- Ensure stakes are on the downhill side of the fence
- Join fencing by rolling the end stakes together
- Drive stakes in against downhill side of trench
- Drive stakes until 16 inches of fabric is in trench
- Push fabric into trench, spread along bottom
- Fill trench with soil and pack down

Maintenance:

- Remove accumulated sediment before it is halfway up the fence.
- Ensure that silt fence is trenched in ground and there are no gaps.

5. Divert Upland Runoff

Purpose: Diversion berms intercept runoff from above the construction site and direct it around the disturbed area. This prevents clean water from becoming muddied with soil from the construction site.

Requirements:

If storm water runs onto your site from upslope areas and your site meets the following two conditions, you must install a diversion berm before disturbing any soil.
1. You plan to have one or more acres of soil exposed at any one time (excluding roads).
2. Average slope of the disturbed area is 20% or steeper.

How to install:

- Compact the berm with a shovel or earth-moving equipment.
- Seed and mulch berm or cover with erosion control matting immediately after installation.
- Stabilize the flow channel with seed and straw mulch or erosion control matting. Line the channel with 4 inch stone if the channel slope is greater than 20%.
- Ensure the berm drains to an outlet stabilized with riprap. Ensure that there is no erosion at the outlet.
- The diversion berm shall remain in place until the disturbed areas are completely stabilized.

6. Slow Down Channelized Runoff

Purpose: Stone check dams reduce erosion in drainage channels by slowing down the storm water flow.

Requirements:

If there is a concentrated flow (e.g. in a ditch or channel) of storm water on your site, then you must install stone check dams. Hay bales must not be used as check dams.

How to install:

Height: No greater than 2 feet. Center of dam should be 9 inches lower than the side elevation
Side slopes: 2:1 or flatter
Stone size: Use a mixture of 2 to 9 inch stone
Width: Dams should span the width of the channel and extend up the sides of the banks
Spacing: Space the dams so that the bottom (toe) of the upstream dam is at the elevation of the top (crest) of the downstream dam. This spacing is equal to the height of the check dam divided by the channel slope.
Spacing (in feet) = Height of check dam (in feet) / Slope in channel (W/H)

Maintenance:

Remove sediment accumulated behind the dam as needed to allow channel to drain through the stone check dam and prevent large flows from carrying sediment over the dam. If significant erosion occurs between check dams, a liner of stone should be installed.

7. Construct Permanent Controls

Purpose: Permanent storm water treatment practices are constructed to maintain water quality, ensure groundwater flows, and prevent downstream flooding. Practices include detention ponds and wetlands, infiltration basins, and storm water filters.

Requirements:

If the total impervious* area on your site, or within the common plan of development, will be 1 or more acres, you must apply for a State Storm Water Discharge Permit and construct permanent storm water treatment practices on your site. These practices must be installed before the construction of any impervious surfaces.

How to comply:

Contact the Vermont Storm Water Program and follow the requirements in the Vermont Storm Water Management Manual. The Storm Water Management Manual is available at: www.vtwaterquality.org/stormwater.htm
*An impervious surface is a manmade surface, including, but not limited to, paved and unpaved roads, parking areas, roofs, driveways, and walkways, from which precipitation runs off rather than infiltrates.

8. Stabilize Exposed Soil

Purpose: Seeding and mulching, applying erosion control matting, and hydroseeding are all methods to stabilize exposed soil. Mulch and matting protect the soil surface while grass is establishing.

Requirements:

All areas of disturbance must have temporary or permanent stabilization within 7, 14, or 21 days of initial disturbance, as stated in the project authorization. After this time, any disturbance in the area must be stabilized at the end of each work day.

The following exceptions apply:

- Stabilization is not required if earthwork is to continue in the area within the next 24 hours and there is no precipitation forecast for the next 24 hours.
- Stabilization is not required if the work is occurring in a self-contained excavation (i.e., no outlet) with a depth of 2 feet or greater (e.g. house foundation excavation, utility trenches).

All areas of disturbance must have permanent stabilization within 48 hours of reaching final grade.

How to comply:

Prepare bare soil for seeding by grading the top 3 to 6 inches of soil and removing any large rocks or debris.

Seeding Rates for Temporary Stabilization

Seeding Rates for Final Stabilization:	Species	lbs/acre	lbs/1000 sq.ft.
Timothy	Timothy	51	0.11
Orchard grass	Orchard grass	51	0.11
Common white clover	Common	11	0.2
Red clover	Red	11	0.2
Orchard grass (perennial)	Orchard	51	0.11

1-Mix 2.5 each of Timothy and Perch OR 2.5 lbs. of Orchard and 2.5 lbs. white clover per acre

Mulching Rates

April 15 - Sept. 15 - Hay or Straw: 1 inch deep (1-2 bales/1000 sq.ft.)
Sept. 15 - April 15 - Hay or Straw: 2 in. deep (2-4 bales/1000 sq.ft.)

Erosion Control Matting

As per manufacturer's instructions

Hydroseed

As per manufacturer's instructions

9. Winter Stabilization

Purpose:

Managing construction sites to minimize erosion and prevent sediment loading of waters is a year-round challenge. In Vermont, this challenge becomes even greater during the late fall, winter, and early spring months. 'Winter construction' as discussed here, describes the period between October 15 and April 15, when erosion prevention and sediment control is significantly more difficult. Rains in late fall, thaw throughout the winter, and spring melt and rains can produce significant flows over frozen and saturated ground, greatly increasing the potential for erosion.

Requirements for Winter Shutdown:

For those projects that will complete earth disturbance activities prior to the winter period (October 15), the following requirements must be adhered to:

- For areas to be stabilized by vegetation, seeding shall be completed no later than September 15 to ensure adequate growth and cover.
- If seeding is not completed by September 15, additional non-vegetative protection must be used to stabilize the site for the winter period. This includes use of Erosion Control Matting or netting of a heavy mulch layer. Seeding with winter rye is recommended to allow for early germination during wet spring conditions.
- Where mulch is specified, apply roughly 2 inches with an 80-90% cover. Mulch should be tracked in or stabilized with netting in open areas vulnerable to wind.

Requirements for Winter Construction

If construction activities involving earth disturbance continue past October 15 or begin before April 15, the following requirements must be adhered to:

- Enlarged access points, stabilized to provide for snow stockpiling.
- Limits of disturbance moved or replaced to reflect boundary of winter work.
- A snow management plan prepared with adequate storage and control of meltwater, requiring cleared snow to be stored down slope of all areas of disturbance and out of storm water treatment structures.
- A minimum 25 foot buffer shall be maintained from perimeter controls such as silt fence.
- In areas of disturbance that drain to a water body within 100 feet, two rows of silt fence must be installed along the contour.
- Drainage structures must be kept open and free of snow and ice.
- Silt fence and other practices requiring earth disturbance must be installed ahead of frozen ground.
- Mulch used for temporary stabilization must be applied at double the standard rate, or a minimum of 3 inches with an 80-90% cover.
- To ensure cover of disturbed soil in advance of a melt event, areas of disturbed soil must be stabilized at the end of each work day, with the following exceptions:
• If no precipitation within 24 hours is forecast and work will resume in the same disturbed area within 24 hours, daily stabilization is not necessary.
• Disturbed areas that collect and retain runoff, such as house foundations or open utility trenches.
- Prior to stabilization, snow or ice must be removed to less than 1 inch thickness.
- Use stone to stabilize areas such as the perimeter of buildings under construction or where construction vehicle traffic is anticipated. Stone paths should be 10 to 20 feet wide to accommodate vehicular traffic.
- Stabilize Soil at Final Grade

Purpose:

Stabilizing the site with seed and mulch or erosion control matting when it reaches final grade is the best way to prevent erosion while construction continues.

Requirements:

Within 48 hours of final grading, the exposed soil must be seeded and mulched or covered with erosion control matting.

How to comply:

Bring the site or sections of the site to final grade as soon as possible after construction is completed. This will reduce the need for additional sediment and erosion control measures and will reduce the total disturbed area. For seeding and mulching rates, follow the specifications under Rule 6, Stabilizing Exposed Soil.

11. Dewatering Activities

Purpose: Treat water pumped from dewatering activities so that it is clear when leaving the construction site.

Requirements: Water from dewatering activities that flows off of the construction site must be clear. Water must not be pumped into storm sewers, lakes, or wetlands unless the water is clear.

How to comply:

Using sock filters or sediment filter bags on dewatering discharge hoses or pipes, discharge water into silt fence enclosures installed in vegetated areas away from waterways. Remove accumulated sediment after the water has dispersed and stabilizes the area with seed and mulch.

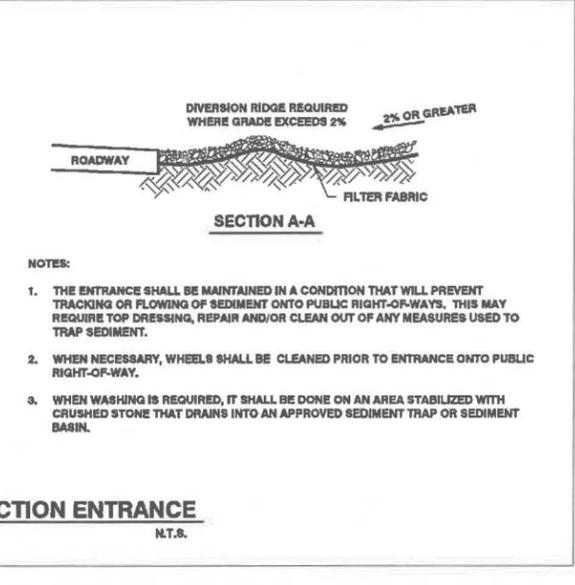
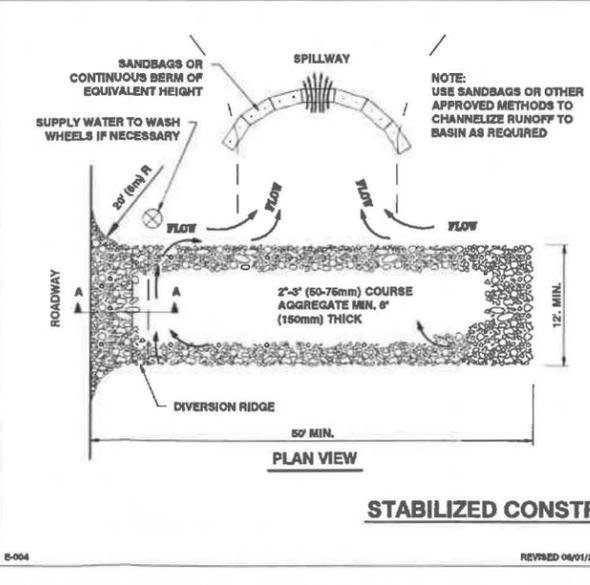
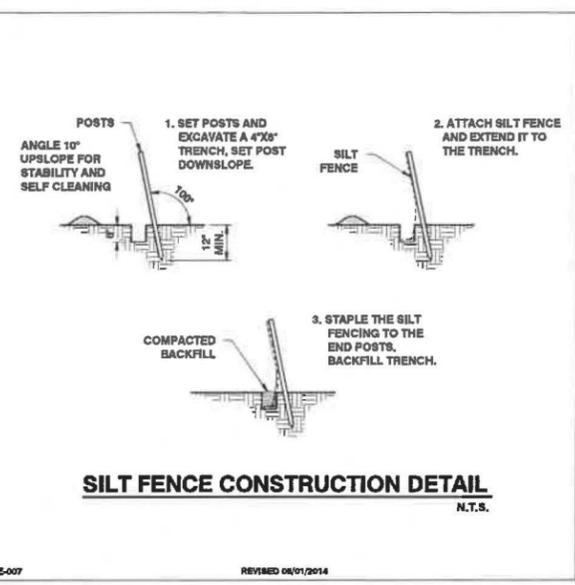
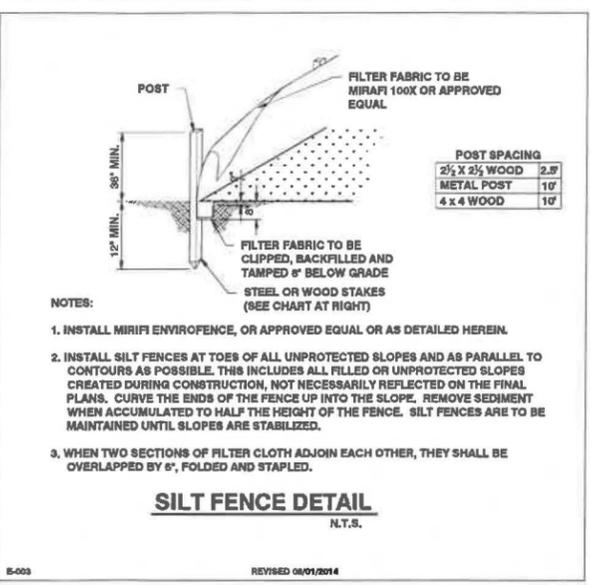
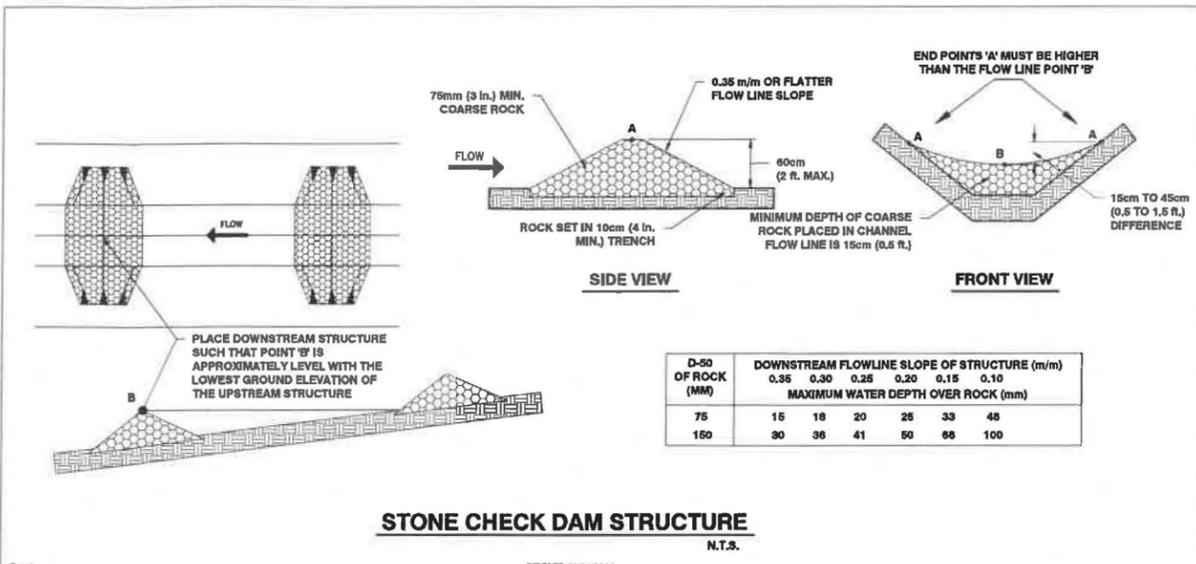
12. Inspect Your Site

Purpose: Perform site inspections to ensure that all sediment and erosion control practices are functioning properly. Regular inspections and maintenance of practices will help to reduce costs and protect water quality.

Requirements:

Inspect the site at least once every 7 days and after every rainfall or snow melt that results in a discharge from the site. Perform maintenance to ensure that practices are functioning according to the specifications outlined in this handbook.

In the event of a noticeable sediment discharge from the construction site, you must take immediate action to inspect and maintain existing erosion prevention and sediment control practices. Any visibly discolored storm water runoff to waters of the State must be reported. Forms for reporting discharges are available at: www.vtwaterquality.org/stormwater.htm



SITE ENGINEER:



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DRAWN: MAB
CHECKED: BCE
APPROVED: BCE

OWNER:

DAVID BOYDEN

CAMBRIDGE VERMONT

PROJECT:

PROPOSED DRIVEWAY

26 WESTMAN ROAD UNDERHILL, VT

DATE	CHECKED	REVISION

EROSION CONTROL DETAILS & SPECIFICATION

DATE: 9/17/2015
SCALE: AS SHOWN
PROJ. NO.: 15217
DRAWING NUMBER: C3.0