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TOWN OF UNDERHILL VERMONT

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April 1, 2007

Phil Jacobs
73 Upper English Settlement Road
Underhill, VT 05489

Dear Phil:

On March 19, 2007, the Underhill Development Review Board met with you and approved your sketch plan application for the 7-Lot subdivision of your land located at 16 Harvest Run.

The next stage in the subdivision process is called "preliminary plat application." This is a hearing that is warned by first class mail to all your abutting property owners. This is something that I do and the cost of which is borne by the Town. Before I can warn that hearing, however, I must have a copy of your subdivision plans. What is required is the following:

1. A survey that shows the current property boundaries and the proposed new lot lines and acreages, making sure that you convey at least 3.0 acres in each lot. The survey should include:
   - Name and address of record owner and designer of preliminary plat. Survey must be done by a licensed registered surveyor;
   - The names of all subdivisions immediately adjacent to, and the property codes for, and names of owners of record of adjacent acreage, including those directly across any road adjoining proposed subdivision;
   - Existing and proposed easements;
   - Date, true north point, scale and legend;
   - Proposed lot lines with dimensions and suggested locations of buildings;
   - The provisions of the zoning regulations applicable to the area to be subdivided (in this instance, the Rural-Residential zoning district);
   - The preliminary plat shall be accompanied by a vicinity map drawn to show the relation of the proposed subdivision to the adjacent properties and to the general surrounding area. The vicinity map shall show all the area within two thousand feet of any property line of the proposed subdivision.

2. An engineering drawing that includes the following:

- Name and address of record owner and designer of preliminary engineering plan.
- Date, true north point, scale and legend;
- Proposed new lot lines and acreages;
- Abutting neighbors identified by name and property code;
- Existing and proposed easements;
- Existing buildings, watercourses, and other essential existing physical features, natural features, and resources;
- Proposed site dimensions and locations of buildings reflected as building envelopes;
- The provisions of the zoning regulations applicable to the area to be subdivided (in this instance, the Rural-Residential zoning district);
- The proposed set-backs for any proposed building or sewage disposal system from property lines and streambanks;
- The location and size of any existing sewerage systems and water supplies, culverts and drains or underground cables on the property to be subdivided;
- Contour lines at intervals of 10 feet of existing grade and of proposed finished grades where change of existing ground elevation will be five feet or more;
- Typical cross section of proposed grading and driveways. All traveled ways in the subdivision must comply with the Underhill Road Policy (enclosed);
- Means of providing water to the proposed subdivision;
- Means of on-site disposal of septic wastes including location and results of tests to ascertain subsurface soil, rock, and ground water conditions, depth to ground water unless pits are dry at depth of seven feet, and location and results of preliminary percolation tests; and
- A drainage plan for collection and discharge of stormwater and an erosion control plan.

In addition to these two plans, you must also submit to me a list of any waivers from the requirements of the subdivision regulations.

The engineering plans that are submitted must be tied to the survey, meaning that the engineering drawing must be based on the survey points. Please be sure to give your engineer/site designer a copy of the survey, or have him working closely with your surveyor so that both drawings line up.

I am enclosing a copy of the town subdivision regs. the wastewater ordinance, and the road policy so that you have them for reference. The town Road Policy prohibits the creation of a driveway with an excess of 10% grade unless a waiver from the Selectboard is granted. Also, you must ascertain if a state wastewater permit is required before you commence to do any test pits for the lots. I must be present to witness the test pits, unless a state representative is there, in which case my attendance is optional. Have your engineer/designer determine if a state permit is required, and if not, he must present

evidence to me as to why a permit is not required. The Wastewater Ordinance requires you to give me 48 hours notice before test pits can be scheduled.

The Development Review Board bases its subdivision approval on the 13 "Evaluation Considerations" outlined on pages 11-12 of the Subdivision Regulations. You will be asked to submit proposed findings of fact on each of these criteria at the final hearing, but in order to make your final hearing as pro forma as possible, you and your consultants should be aware of the criteria and if feasible, to address the Considerations in your preliminary plans.

While this is not required at this stage, I think it is wise to address possible objections under the criteria head-on at the preliminary stage, rather than get hung up at the final hearing. Of particular interest is criterion #2 and the protection of natural features on the land, a concern that was raised by neighbors at the sketch plan hearing.

Other final hearing requirements include:

1. Letters from the UJFD and the Chittenden East School District Superintendent addressing the proposed impact of the subdivision on the their ability to provide services;
2. A copy of the state wastewater permit for this subdivision;
3. Approval of your driveway design by the Selectboard (I will ask the Selectboard to attend the DRB meeting to approve the driveway design); and
4. A copy of your "Proposed Findings" that outlines how your subdivision proposal meets the 13 "Evaluation Criteria" as discussed above.

As you can see, the bulk of the work is done at the preliminary hearing stage. This allows for plenty of review of your proposed plan by the Development Review Board and your abutting neighbors and other interested parties before the final hearing. In my mind, the final hearing should be fairly pro forma, having ironed out most of the problems before we get to that stage.

Before we have the preliminary hearing but after I have received your plans, I will schedule a site visit by the Development Review Board to view the site. At this visit, boundary lines must delineated by flags, as well as septic locations, proposed building envelopes, and proposed driveway locations, using different colored flags if possible. I would urge you to have an engineer/designer present to answer any questions that may arise. This site visit must be noticed to the abutting property owners by first class mail, which again is something that I will take care of when I notice the preliminary plat meeting to them.

Finally, please submit 2 large (18" x 24" or 24" x 36") copies of the preliminary survey and engineering drawing and 11 copies of each drawing at 11"x 17" for the Board to have for review prior to the hearing and site visit.

Once the preliminary plans have been approved, the last step is to have a final hearing. This is a warned by certified mail notice to the abutting neighbors, by posting at the post

office and Town Hall, by posting a sign in front of your property, and by publication in the Mountain Gazette. The cost of the certified mailings and the published warning are borne by you. Any amendments to your plans that were identified at the preliminary hearing must be made and final amended plans submitted before the hearing is scheduled. You will also be asked to submit proposed "Findings of Fact", and letters from the UJFD and the Chittenden East School District addressing the impact of the proposed subdivision on their respective organizations. After your preliminary plat application is approved, I will provide you with more detailed information about your final hearing requirements; this is just to give you a broad overview of the process.

While this process may appear cumbersome, I find that if the plans are timely submitted before each meeting and all the required elements have been met, the hearings can run quite smoothly. If you have any questions about any of this, please do not hesitate to give me a call.

Sincerely,

Christine Murphy

cc: Paul O'Leary (by e-mail)
Development Review Board
File

w/enc: Subdivision Regs.
Wastewater Ordinance
Road Policy