

TOWN OF UNDERHILL
APPLICATION OF PETER GEISE FOR SUBDIVISION
FINDINGS AND DECISION

In re: Peter Geise
431 VT Rte. 15 and 1 Brook Bend
Underhill, VT 05489

UNDERHILL TOWN CLERK'S OFFICE
Received For Record 10/30 A.D., 20 07
At 12 O'clock — minutes P M. & Recorded
In Book 103 Page 87-102 of Underhill Records
Attest Julie Atton
Town Clerk

Docket No. DRB-07-05: Peter Geise

I. INTRODUCTION AND PROCEDURAL HISTORY

This proceeding concerns Peter Geise's application for a 5-Lot subdivision permit for property located at 431 VT Rte. 15 and 1 Brook Bend in Underhill, VT.

1. On February 22, 2007, Peter Geise filed an application for subdivision for the project. A site plan and aerial view of the site plan were also sent to Zoning Administrator Chris Murphy.
2. On February 22, 2007, a copy of the notice of a public hearing was mailed to the applicant, Peter Geise, 10 Krug Road, Underhill, VT, 05489. A copy of the notice of public hearing was mailed to the following owners of properties adjoining the property subject to the application:
 - a. Peterson, 429 VT Route 15, Underhill, VT 05489
 - b. Seymour, 435 VT Route 15, Underhill, VT 05489
 - c. Morse, 439 VT Route 15, Underhill, VT 05489
 - d. Newman, 441 VT Route 15, Underhill, VT 05489
 - e. Langlois, P.O. Box 13, Underhill, VT 05489
 - f. Koniuto, 446 VT Route 15, Underhill, VT 05489
 - g. Cardinal, 447 VT Route 15, Underhill, VT 05489
 - h. Miller, 449 VT Route 15, Underhill, VT 05489
 - i. Hill, P.O. Box 65, Underhill, VT 05489
 - j. Lavanway, 75 Palmer Lane, Jericho, VT 05465
 - k. Allaire, 11 Brook Bend, Underhill, VT 05489
 - l. Brooks, 12 Brook Bend, Underhill, VT 05489
 - m. Haley, 6 Meadow Lane, Underhill, VT 05489
 - n. Benson, 10 Meadow Lane, Underhill, VT 05489
 - o. Jericho-Underhill Water District, c/o Peter Mitchell, P.O. Box 174, Underhill, VT 05489
3. A properly noticed public sketch plan meeting was held on March 19, 2007. The initial sketch plan was rejected on the plans submitted. For details, please see the Geise subdivision zoning file VT431.

4. A properly noticed, public revised sketch plan meeting was held on May 7, 2007 and passed.
5. A site visit was conducted prior to the properly warned, preliminary public hearing on June 4, 2007. The Selectboard, Steve Walkerman, Dan Steinbauer, and Steve Owen, was also in attendance to determine accurate setbacks from the town right-of-way for VT Route 15, Vermont Farmhouse Road, and Brook Bend. The hearing was continued to June 18, 2007.
6. A continued preliminary site plan was reviewed under the Town of Underhill Zoning Bylaw by the Development Review Board at a public hearing on June 18, 2007, and accepted with the requirement that an engineer provide certification that a stormwater permit is not required for the project.
7. On September 6, 2007, notice of a public final hearing on the proposed Geise subdivision was published in the Mountain Gazette.
8. By September 12, 2007, notice of a public final hearing on the proposed Geise subdivision was posted at the following places:
 - a. The Underhill Town Clerk's office;
 - b. The Underhill Center Post Office;
 - c. The Underhill Flats Post Office;
 - d. The Underhill/Jericho Deborah Rawson Memorial Library;
 - e. The Geise property at 431 VT Rte. 15 and 1 Brook Bend.
9. On August 28, 2007 a copy of the notice of a public hearing was mailed to the applicant, Peter Geise, 10 Krug Road, Underhill, VT, 05489. A copy of the notice of public hearing was mailed to adjoining property owners subject to the application. See (2) for list.
10. A final site plan was reviewed under the Town of Underhill Zoning Bylaw by the Development Review Board at a public hearing on September 17, 2007.
11. Present at the hearing were the following members of the Development Review Board:
 - Scott Tobin, Chair
 - Stan Hamlet
 - Peter Seybolt
 - Charlie Van Winkle
 - Deb Shannon
 - Penny Miller

Board Member Chuck Brooks recused himself as he is an adjoining neighbor and interested party. Board Member Matt Chapek also recused himself. Zoning Assistant Kari Papelbon also attended the meeting.

12. At the outset of the hearing, Scott Tobin (Chair) explained the criteria under 24 V.S.A. § 4465 (b) for being considered an “interested party.” Interested parties who spoke at the hearing were:
 - Peter Geise, 10 Krug Road, Underhill, VT 05489
 - Gunner McCain, McCain Consulting, 93 South Main Street, Waterbury, VT 05676
 - Joe Allaire, 11 Brook Bend, Underhill, VT 05489
 - Chuck Brooks, 12 Brook Bend, Underhill, VT 05489
 - Tom Nugent, 73 Stevensville Road, Underhill, VT 05489
 - Roger Miller, 449 VT Route 15, Underhill, VT 05489

13. During the course of the hearing the following exhibits were submitted to the Development Review Board:
 1. A staff report sent by Zoning Assistant Papelbon to the Development Review Board;
 2. Plans prepared by Nick Nowlan (edited by Peter Lazorchak) of McCain Consulting for Peter Geise, Sheets S-1 through S-7;
 3. Copy of the Letter of Intent from VTrans dated 6-18-07 referencing the Geise permit application to widen access off of VT Rte. 15
 4. Copy of the letter from Nick Nowlan dated 7-25-07 regarding impervious surface
 5. Copy of the State Wastewater Permit WW-4-0322-2 dated 8-7-07
 6. Copy of the letter from the Underhill-Jericho Fire Department
 7. Copy of the letter from Chittenden East School District
 8. Copy of the letter dated 8-6-07 from Brooks and Allaire objecting to the subdivision
 9. Copy of a draft Shared Road Maintenance Agreement and Covenants for Brook Bend and one for Vermont Farmhouse Road
 10. Copy of the proposed Warranty Deed
 11. Copy of the proposed Easement Deed
 12. Copy of the Agency of Natural Resources Notice of Conditional Use Determination 2007-372 dated 8-29-07
 13. Copy of the Department of Environmental Conservation Wetlands Fact Sheet 14
 14. Copy of the revised plans Sheets S-1 through S-3
 15. Copy of the letter from Peter Lazorchak dated 9-13-07
 16. Copy of the List of Requested Variances and Analyses
 17. Copy of the Proposed Findings of Fact
 18. Copy of the Email from Julie Foley regarding the Conditional Use Permit Application

These exhibits are available in the Peter Geise VT431 and BB001 Subdivision files at the Underhill Zoning Office.

II. FINDINGS

A. Background

The Minutes of the meetings written by Matt Chapek, Charlie Van Winkle, and Kari Papelbon are incorporated by reference into this decision. Please refer to these Minutes for a summary of the testimony.

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

1. The subject properties, 431 VT Route 15 and 1 Brook Bend, lie in the Residential and Rural Residential Districts.
2. A hearing for the proposed subdivision is required under §4463 (a) and §4464 (a) (1) of the Vermont Municipal and Regional Planning and Development Act.
3. The original sketch plan reviewed on March 19, 2007 was for a 4-lot subdivision of property.
4. After a wetlands delineation was completed, the configuration of the lots changed. This change is reflected in the most recent plans dated September 6, 2007.
5. The Applicant, Peter Geise, is applying for a 5-lot subdivision of property at 431 VT Route 15 and 1 Brook Bend. Lot 1 is proposed at ± 1.04 acres, and is located off of Vermont Farmhouse Road and VT Route 15 in the Residential zoning district; Lot 2 is proposed at ± 3.02 acres, and is located west of Lot 1 off of Vermont Farmhouse Road in the Rural Residential zoning district; Lot 3 is proposed at ± 3.03 acres located north of Lot 2, and includes the existing barn and house in the Rural Residential zoning district; Lot 4 is proposed at ± 3.46 acres, and is located north of Lot 3 with access off of Brook Bend Road in the Rural Residential District ; Lot 5 is proposed at ± 1.02 acres, and includes the existing house with 2 apartment units and the barn with 2 apartment units off of Brook Bend Road and VT Route 15 in the Residential zoning district.
6. Access
 - a. The existing 20-foot right-of-way to VT 425 on Vermont Farmhouse Road is proposed to be widened to a 30-foot right-of-way to grant access to Lots 2 and 3.
 - b. The existing right-of-way on Brook Bend Road is proposed to be widened to 30 feet along Lot 5, widen to 60 feet past the parking

- area of Lot 5 and Lot 6, and remain 14 feet past the parking area of Lot 4.
- c. Vermont Farmhouse Road will be paved.
 - d. Brook Bend Road will be paved.
 - e. There is a proposed flare-out onto VT Route 15 from Brook Bend Road that will be paved.
 - f. Hedges will be trimmed to allow for maximum visibility.
 - g. On September 20, 2007, the Selectboard approved the access designs on Vermont Farmhouse Road and Brook Bend Road in accordance with the Development Review Board recommendation.
7. Class II wetland areas may be cut only upon approval by the State wetlands office and notice of that approval must be sent to the Town. Wetland areas inside granted buffer zones shall be shown on the plat with the following statement: "Wetland area cutting allowed only with State approval and notice to the Town."
 8. This project requires a Conditional Use Permit for the 50-foot State wetland setback.
 9. A wastewater permit, WW-4-0322-2, has been obtained. Lots 4 and 5 will share a wastewater system located on Lot 5. The replacement wastewater system for Lot 3 is on Lot 1.
 10. The UJFD requested a new fire hydrant to be installed for the subdivision. A letter from the Water District stating that they will provide a hookup for the new hydrant will be required.
 11. The applicant's Conditional Use Determination application referenced the Department of Environmental Conservation Water Quality Division "Wetland Fact Sheet 14," which states that construction through wetlands should be restricted "to the drier portion of the year, preferably between July 1 and September 30." The Board will require that any construction or improvements that occur outside of those dates listed above must meet the requirements of the Vermont Department of Environmental Conservation Water Quality Division – Stormwater Section's publication, *The Low Risk Site Handbook for Erosion Prevention and Sediment Control*.
 12. The applicant, Peter Geise, is applying for several variances for the project. They are as follows:
 - a. Lot 1 barn setback to rear lot line – 18 feet
 - b. Lot 2 building envelope setback to wetland – 30 feet
 - c. Lot 2 building envelope setback to front lot line – 25 feet
 - d. Lots 2 & 3 water & sewer line setback to wetland – 100 feet
 - e. Lot 3 driveway right-of-way setback to Lot 1 lot line – 20 feet
 - f. Lot 3 barn setback to front lot line – 31 feet

- g. Lot 3 driveway setback to wetland – 56 feet
- h. Lot 4 building envelope setback to wetland – 30 feet

The criteria for variance approval as stated in § 4469 (a) of the Vermont Municipal and Regional Planning and Development Act are:

- 1. There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to these conditions, and not the circumstances or conditions generally created by the provisions of the bylaw in the neighborhood or district in which the property is located.
- 2. Because of these physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the bylaw, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- 3. Unnecessary hardship has not been created by the appellant.
- 4. The variance will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare.
- 5. The variance will represent the minimum variance that will afford relief and will represent the least deviation possible from the bylaw and from the plan.

A. Variance Request: Lot 1 barn setback to rear lot line – 18 feet

- 1. Currently, the barn is 2 feet from the proposed lot line.
- 2. The required setback as stated in § IV (E) of the Underhill Zoning Regulations is 20 feet.
- 3. The location that the applicant has proposed requires a variance.
- 4. The presence of wetlands on the property requires all of the development to occur in the easterly portion of the property. This forces the Lot 1/Lot 2 boundary to be less than the required setback.
- 5. The project cannot be developed without the granting of the requested variance due to the presence and location of wetlands.

6. The wetlands are a natural site feature which was not created by the applicant.
7. The character of the area is residential, with a mixture of homes and businesses. There are single-family and multi-family residences immediately surrounding the proposed subdivision. This new proposal will not alter the character of the area.
8. The requested variance represents the minimum that will afford relief and the least deviation from the Town regulations as is possible.
9. The barn does not adversely affect any other Town by-laws.
10. The Board has determined that this variance request meets the variance criteria.

B. Variance Request: Lot 2 building envelope setback to wetland – 30 feet

1. The proposed building envelope will be 70 feet from the wetland.
2. The required setback as stated in § IV (E) of the Underhill Zoning Regulations is 100 feet.
3. § III (V) (1) states that “no structure for human habitation...will be permitted within 100 feet of the streambank or any watercourse.”
4. The location that the applicant has proposed requires a variance.
5. The State setback to the wetlands is 50 feet.
6. The variance request was amended at the final hearing to 50 feet.
7. The Board finds that moving the building envelope to the 50-foot buffer is an acceptable revision to the plans as it will afford the future lot owner additional room for a lawn before they meet the 50-foot State wetland setback, which is a no-cut zone.
8. The presence of wetlands on the property requires all of the development to occur in the easterly portion of the property. The requested variance is due to the presence of these Class II wetlands and is necessary to allow for the reasonable development of the property.
9. The project cannot be developed without the granting of the requested variance.
10. The hardship (the wetland) has not been created by the appellant.

11. The area in which the subdivision is proposed, Underhill Flats, has been identified in the Town Plan and the Zoning Regulations as an area of high-density growth. The proposed subdivision will have 2 new lots for residences, which is in keeping with the surrounding residential character of the area and with the Town Plan.
12. The requested variance represents the minimum that will afford relief and the least deviation from the Town's regulations as is possible.
13. The Board has determined that this variance request meets the variance criteria.

C. Variance Request: Lot 2 building envelope setback to front lot line – 25 feet

1. The proposed building envelope will be 50 feet from the front lot line.
2. The required setback as stated in § IV (E) of the Underhill Zoning Regulations is 75 feet.
3. The location that the applicant has proposed requires a variance.
4. The presence of wetlands on the property requires all of the development to occur in the easterly portion of the property. This forces the Lot 2 building envelope to have less than the required setback.
5. The project cannot be developed without the granting of the requested variance. The variance is required to allow the reasonable use of the property.
6. The wetlands are a natural site feature which was not created by the applicant.
7. The Town Plan and Zoning Regulations support this area of Underhill Flats having denser development. This subdivision of property will create two new residential lots in an already residential area.
8. The requested variance represents the minimum that will afford relief and the least deviation from the Town regulations as is possible.
9. The Board has determined that this variance request meets the variance criteria.

D. Variance Request: Lots 2 & 3 water & sewer line setback to wetland – 100 feet

1. The water and sewer lines will be buried, however the location of the lines running between Lots 2 and 4 will be through the Class II wetland.
2. The Town of Underhill Zoning Regulations § III (V) states “Dumping, filling, excavation or grading of land within 100 feet of any streambank or any watercourse shall be permitted only if doing so does not affect the water table or natural water flow patterns, cause erosion due to removal of vegetation cover, or increase the possibility of flooding.” The applicant has applied for a Conditional Use Determination from the State, and the State has indicated probable approval. The Board will consider the criteria for this variance met if the State issues a positive CUD allowing for the proposed use.
3. This request will be granted based on the State’s Conditional Use Determination.

E. Variance Request: Lot 3 driveway right-of-way setback to Lot 1 lot line – 20 feet

1. The current access for Lot 3 is an extended driveway off of Vermont Farmhouse Road.
2. This driveway passes through the proposed Lot 2 close to where the recently demolished barn was located.
3. The proposed driveway would border the proposed Lot 1 lot line.
4. The required setback as stated in § IV (E) of the Underhill Zoning Regulations is 20 feet.
5. The location that the applicant has proposed requires a variance.
6. The presence of wetlands on the property requires all of the development to occur in the easterly portion of the property. This forces the eastern edge of the Lot 3 driveway right-of-way to be along the Lot 1 property line. The actual driveway (gravel surface) will be set back from the Lot 1 property line as the right-of-way is 30 feet wide and the driveway width will be approximately 12 feet, and that the driveway is being relocated from its current position, a portion of which is in the wetland buffer.
7. The reasonable use of the property, as presented in this proposal, cannot be obtained without the granting of the requested variance.
8. The wetlands are a natural site feature which was not created by the applicant.

9. The requested variance will not alter the character of the area nor cause detriment to the public welfare because the area is a residential area whose growth and dense development is supported by the Town Plan and Zoning Regulations. Driveways are a common feature in this residential area of Underhill Flats.
10. The requested variance represents the minimum that will afford relief and the least deviation from the Town's regulations as is possible.
11. The Board has determined that this variance request meets the variance criteria.

F. Variance Request: Lot 3 barn setback to front lot line – 31 feet

1. The barn is currently located on the western side of VT 433a in the center of the property.
2. The proposed location for Lot 3 will reconfigure the lot lines so that the barn will be 44 feet from the new lot line.
3. The required setback as stated in § IV (E) of the Underhill Zoning Regulations is 75 feet.
4. The location that the applicant has proposed requires a variance.
5. The presence of wetlands on the property requires all of the development to occur in the easterly portion of the property. This requires all development to be done in a smaller area than would normally be available, which requires that the barn on Lot 3 be closer to its front lot line.
6. The project cannot be developed without the granting of the requested variance.
7. The hardship (the wetland) has not been created by the appellant.
8. The barn is an existing structure and as such will not change the character of the area, which is residential. Other lots in the area also have barns.
9. The requested variance represents the minimum that will afford relief and the least deviation possible.
10. The Board has determined that this variance request meets the variance criteria.

G. Variance Request: Lot 3 driveway setback to wetland – 56 feet

1. The driveway currently passes through the wetland buffer.
2. The proposed new driveway will be constructed within 44 feet of the wetland.
3. The required setback as stated in § IV (E) of the Underhill Zoning Regulations is 100 feet.
4. The location that the applicant has proposed requires a variance.
5. The Town of Underhill Zoning Regulations § III (V) states “Dumping, filling, excavation or grading of land within 100 feet of any streambank or any watercourse shall be permitted only if doing so does not affect the water table or natural water flow patterns, cause erosion due to removal of vegetation cover, or increase the possibility of flooding.” The applicant has applied for a Conditional Use Determination from the State, and the State has indicated probable approval. The Board will consider the criteria for this variance met if the State issues a positive CUD allowing for the proposed use.

H. Variance Request: Lot 4 building envelope setback to wetland – 30 feet

1. A portion of the wetland buffer is contained within the current configuration of the Roskam Lot on the western and northwestern sides.
2. The proposed Lot 4 will contain portions of the buffer and the wetland.
3. The proposed building envelope will be within 70 feet of the wetland.
4. The required setback as stated in § IV (E) of the Underhill Zoning Regulations is 100 feet.
5. § III (V) (1) states that “no structure for human habitation...will be permitted within 100 feet of the streambank or any watercourse.”
6. The Board finds that moving the building envelope closer to Brook Bend Road and away from the wetland buffer is an acceptable revision to the plans. This would require a variance of 15 feet from the front lot line on Brook Bend Road for the northwest corner of the building envelope, a 12-foot variance from the front lot line for the northeast corner, and a 10-foot variance from the 100-foot wetland setback.
7. The requested variance is due to the presence of the Class II wetland and is necessary to allow for the reasonable development of the property.
8. The project cannot be developed without the granting of the requested variance.

9. The hardship (the wetland) has not been created by the appellant.
10. Residential homes currently surround this proposed subdivision and the area of Underhill Flats in which it is located is a supported area of increased growth and dense development per the Town Plan and Zoning Regulations. This area is currently served by the Underhill Jericho Water District. The house on this proposed site will also be served by the Water District.
11. The requested variance represents the minimum that will afford relief and the least deviation from the Town's regulations as is possible.

III. DECISION AND CONDITIONS

Based upon the findings above, and subject to any of the conditions set forth below, the Development Review Board approves the subdivision and the following variances:

Variances

1. An 18-foot variance from the 20-foot setback requirement to the rear lot line is granted for the barn on Lot 1. The barn will be 2 feet from the rear lot line on the west.
2. A 50-foot variance is granted from the 100-foot setback requirement from the wetland for the Lot 2 building envelope. The building envelope shall be moved west to the 50-foot State wetland buffer as discussed at the hearing on 9-17-07.
3. A 25-foot variance from the 75-foot setback requirement from the front lot line is granted for the Lot 2 building envelope. The proposed envelope will be 50 feet from the front lot line on the east.
4. A 100-foot variance from the 100-foot water and sewer line setback to the wetland requirement will be approved for Lots 2 and 3 upon receipt of a positive Conditional Use Determination from the State of Vermont. The lines will be buried.
5. A 20-foot variance from the 20-foot right-of-way setback to the Lot 1 lot line requirement is granted for the driveway on Lot 3.
6. A 31-foot variance from the 75-foot setback to front lot line requirement is granted for the barn on Lot 3. The barn is located north of the front lot line.

7. A 56-foot variance from the 100-foot setback to wetland requirement for the driveway on Lot 3 will be approved upon receipt of a positive Conditional Use Determination from the State of Vermont. The wetland is located west of the driveway.
8. The building envelope on Lot 4 shall be moved north, closer to Brook Bend Road and away from the wetland. A 15-foot variance is granted from the 75-foot setback requirement from the front lot line on Brook Bend Road for the northwest corner of the building envelope. A 12-foot variance is granted from the 75-foot setback requirement from the edge of the front lot line on Brook Bend Road for the northeast corner of the building envelope. Finally, a 10-foot variance is granted for the southern portion of the building envelope from the 100-foot wetland buffer setback requirement.

Standard Conditions for Subdivision

1. Per the Underhill Subdivision Regulations, final approval of the subdivision is granted upon filing of the final subdivision survey in the Underhill Land Records.
2. The road improvements and any driveway to a lot developed in the subdivision must be constructed per the approved site plan. The designer/engineer must perform an inspection during and upon completion of construction of these improvements to make sure that all the design elements, including but not limited to the drainage plan, have been constructed as designed. Before a building permit will issue to any lot, the designer/engineer must certify by letter to the Zoning Administrator that the road improvements and driveway to the lot have been constructed as designed, with the letter filed in the zoning records of the Town of Underhill.
3. A right-of-way agreement for maintenance of any shared traveled portion of a proposed road in the subdivision must include a provision that it runs with the land and this agreement must be included in any deeds to lots in the subdivision.
4. The paved area on Vermont Farmhouse Road shall begin at the intersection of Vermont Farmhouse Road and VT Route 15 and continue for at least 50 feet from the edge of the VT Route 15 right-of-way.
5. The paved area on Brook Bend Road shall begin at the intersection of Brook Bend Road and VT Route 15 and continue for at least 370 feet from the edge of the VT Route 15 right-of-way.

6. The Board recommends that the Selectboard grant approval for the proposed accesses off of Vermont Farmhouse Road and Brook Bend Road per the details of conditions 4 and 5 above.
7. All building envelopes, septic areas, and driveways must be staked out by an engineer, surveyor, and/or licensed designer prior to any construction, and off-set stakes must be held in place until completion of construction and inspection by the Administrator or her agent for conformance with the approved plans.
8. The Requirements for Winter Construction as laid out in *The Low Risk Site Handbook for Erosion Prevention and Sediment Control* must be followed for construction outside of the "Wetlands Fact Sheet 14" preferred July 1 through September 30 timeframe. The requirements for construction activities involving earth disturbance beyond October 15 or that begin prior to April 15 are as follows:
 - a. Enlarged access points, stabilized to provide for snow stockpiling.
 - b. Limits of disturbance moved or replaced to reflect boundary of winter work.
 - c. 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 stormwater treatment structures.
 - d. A minimum 25 foot buffer shall be maintained from perimeter controls such as silt fence.
 - e. In areas of disturbance that drain to a water body within 100 feet, two rows of silt fence must be installed along the contour.
 - f. Drainage structures must be kept open and free of snow and ice dams.
 - g. Silt fence and other practices requiring earth disturbance must be installed ahead of frozen ground.
 - h. Mulch used for temporary stabilization must be applied at double the standard rate, or a minimum of 3 inches with an 80-90% cover.
 - i. 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:
 - i. 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.
 - ii. Disturbed areas that collect and retain runoff, such as house foundations or open utility trenches.
 - j. Prior to stabilization, snow or ice must be removed to less than 1 inch thickness.
 - k. Use stone to stabilize areas such as the perimeter of buildings under construction or where construction vehicle traffic is

anticipated. Stone paths should be 10-20 feet wide to accommodate vehicular traffic.

9. "No-cut zones" must be added to the final plat prior to recording. Wetland areas inside the granted buffer zones shall be shown on the plat with the following statement: "Wetland area cutting allowed only with State approval and notice to the Town."
10. The "no-cut zones" depicted on the plan shall be flagged off prior to any construction, and the flags must remaining place until construction is complete.
11. A draft of a Shared Wastewater System Maintenance Agreement must be submitted to the Zoning Administrator before recording of the final plat. The Wastewater Agreement must include a provision that it runs with the land and the Agreement must be included in any deeds to the lots in the subdivision.
12. A letter from the Jericho-Underhill Water District regarding the project and requirements for hookups to the municipal water supply, fire hydrant specification, and other required infrastructure must be submitted to the Administrator prior to issuance of any building permit.
13. The Conditional Use Determination for the wetland setback from the State must be issued and a copy submitted to the Zoning Administrator prior to recording of the final plat.
14. The Mylar shall include the new property codes for the subdivided lots.
15. A lot created by the subdivision shall post its 911 code before issuance of any building permit.
16. Prior to recording the final plat, the applicant shall submit a copy of the survey plat and site plan in digital format. The format of the digital information shall require approval of the Administrator.
17. All final plans must be stamped by a certified engineer prior to submission to the Administrator.

The subdivision as depicted on the final plans with the above stated conditions is approved.

Requests for variances are approved with the above stated conditions.

Dated at Underhill, Vermont this 1st day of October, 2007.



Charles Van Winkle, Vice 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.