

Kari Papelbon  
ZONING ASSISTANT  
TOWN OF UNDERHILL, VERMONT

PO Box 32, Underhill Center, VT 05490  
E-mail: [underhillzoning@comcast.net](mailto:underhillzoning@comcast.net)

Phone: (802) 899-4434  
Fax: (802) 899-2137

October 22, 2007

Sheldon Barker, Trustee  
Martha Montgomery Trust  
P.O. Box 655  
Albion, CA 95410

Dear Ms. Barker:

This letter is to provide you the Development Review Board's decision regarding the sketch plan discussed at the continued meeting held on October 15, 2007 for the Martha Montgomery Trust proposed Planned Residential Development (PRD) located at 60 Maple Leaf Road in Underhill, VT. The Board approved the sketch plan with the following requests for information to be submitted with your preliminary plat application materials:

1. That well-driller's yields be provided for the surrounding area. This is to provide evidence to the Board regarding the potential for wells in abutting neighbors' properties to be affected by new wells in the proposed PRD.
2. Please provide a draft Common Land Management plan which addresses such aspects as maintenance responsibilities, access, allowed activities on the land, etc.
3. Please provide a draft of the road maintenance agreement.
4. Please have a Class II and Class III wetlands delineation conducted. Also, please provide a copy of a wildlife impact assessment conducted by a certified wildlife biologist. This will provide the Board the necessary information as it relates to the 13 "Evaluation Considerations" outlined on pages 11-12 of the Subdivision Regulations, particularly criterion #2:

Whether the proposal includes due regard for the preservation and protection of the existing features, trees, scenic points, brooks, streams, wetlands, rock outcroppings, water bodies, deer yards and other wildlife habitat, and other natural and historical resources.

Also related to criterion #2 is the neighbors' concerns raised during the sketch plan meetings regarding consistent water supply from the bedrock aquifer in the area. An interested party raised an additional concern of potential pollution to the aquifer, which is considered in criterion #13: "Whether the proposed development will cause a significant increase in visual, air, noise or water pollution."

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 that hearing, however, I must have a copy of your preliminary plat application materials. What is required is the following:

1. A survey that shows the current property boundaries and the proposed new lot lines and acreages. 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 Water Conservation and Soil & Water Conservation zoning districts);
  - 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 Water Conservation and Soil & Water Conservation zoning districts);
  - 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;
- 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.

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.

The Development Review Board bases its final subdivision approval on the 13 "Evaluation Considerations" outlined on pages 11-12 of the Subdivision Regulations and included with this letter as an attachment. 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. In addition, you must meet the Planned Residential Development Standards in the Zoning Regulations (see attachment).

The Town Road Policy prohibits the creation of a driveway with an excess of 10% grade unless a waiver from the Selectboard is granted. For preliminary hearing, please provide a list of all waivers or variances required by your proposal.

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.

Due to the decreasing amount of daylight, a site visit by the Development Review Board to view the site has been scheduled for Saturday, October 27, 2007. 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. This site visit has been noticed to the abutting property owners by first class mail, along with notice of the preliminary plat meeting.

Finally, please submit 2 large (18" x 24" or 24" x 36") copies of the preliminary survey and engineering drawing and 15 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 PRD 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.

If you have any questions or need some help with the required submissions, please call me at the number listed above.

Sincerely,



Kari Papelbon

cc: Gunner McCain  
Development Review Board  
File

encl: Planned Residential Development Standards  
Final Hearing Requirements