TOWN OF UNDERHILL
APPLICATION OF RON AND SUSAN RACINE
FOR A BOUNDARY LINE ADJUSTMENT
FINDINGS AND DECISION

In re: Ron and Susan Racine
32 Krug Road
Underhill, VT 05489

Docket No. DRB-08-01: Ron and Susan Racine

I. INTRODUCTION AND PROCEDURAL HISTORY

This proceeding concerns Ron and Susan Racine's application for a boundary line adjustment for property they own located at 32 Krug Road in Underhill, Vermont and property owned by Barney and Irene Kelley located at 18 Krug Road in Underhill, Vermont.

1. On February 11, 2008 Ron and Susan Racine filed an application for a boundary line adjustment. A copy of the application and site plan are available at the Underhill Town Hall.

2. On March 1, 2008 a copy of the notice of a hearing on the boundary line adjustment application was mailed to the applicants, Ron and Susan Racine, 32 Krug Road, Underhill, Vermont, 05489 and to following owners of properties adjoining the property subject to the application:

    a. Connell, P.O. Box 148, Underhill Center, VT 05490
    b. Kennedy, P.O. Box 1, Underhill Center, VT 05490
    c. Greenberg, P.O. Box 164, Underhill Center, VT 05490
    d. Rabideau, 4 Spruce Lane, Underhill, VT 05489
    e. Carey, P.O. Box 163, Underhill Center, VT 05490
    f. Duffy, P.O. Box 19, Underhill Center, VT 05490
    g. Alexander, 22 Krug Rd., Underhill, VT 05489
    h. Sheridan, P.O. Box 109, Underhill Center, VT 05490
    i. Burke, 33 Range Road, Underhill, VT 05489
    j. Gildemeister, 29 Range Road, Underhill, VT 05489
    k. Hunt, P.O. Box 167, Underhill Center, VT 05490
    l. Goss, 15 Range Road, Underhill, VT 05489

3. By February 25, 2008, notice of the hearing on the proposed Racine boundary line adjustment 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 Town of Underhill website.

4. The hearing was scheduled for 6:15 PM on March 17, 2008.

5. Present at the preliminary hearing were the following members of the Development Review Board:

   - Chuck Brooks
   - Stan Hamlet
   - Penny Miller
   - Matt Chapek
   - Charlie Van Winkle
   - Scott Tobin, Chair

   Kari Papelbon, Zoning Administrator, also attended the meeting.

6. At the outset of the hearing, Chairperson Scott Tobin swore in all interested parties. Interested parties who spoke at the hearing were:

   - Ron and Susan Racine, 32 Krug Road, Underhill, VT 05489

10. During the course of the hearing the following exhibits were submitted to the Development Review Board:

    1. A staff report sent by Zoning Administrator Kari Papelbon to the Development Review Board, Ron and Susan Racine, and Barney and Irene Kelley;
    2. A copy of Ron and Susan Racine's application;
    3. A copy of the survey detailing the boundary line adjustment prepared by Albert W. Harris for Ron and Susan Racine and Barney and Irene Kelley and Ellen Billado dated 2-3-08;
    4. A copy of the e-mail from Justin Willis dated 2-11-08 regarding the State wastewater permit amendment;
    5. A copy of the State Subdivision permit, #EC-4-1951, for the relocation of the water supply and construction of a replacement mound wastewater disposal system dated 1-9-96;
    6. A copy of the current state Wastewater System and Potable Water Supply Rules pertaining to boundary line adjustments;
    7. A copy of the Boundary Line Adjustment checklist.

    These exhibits are available in the Ron and Susan Racine, KR032 boundary line adjustment file at the Underhill Zoning Office.

II. FINDINGS

Background

The Minutes of the meeting written by 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, 32 Krug Road and 18 Krug Road, lie in the Rural Residential and Water Conservation zoning districts.

2. The Applicants, Ron and Susan Racine, are applying for a boundary line adjustment between property at 32 Krug Road (KR032) and 18 Krug Road (KR018). Approximately 0.69 acres will be transferred to KR018 from KR032, bringing the total acreage for each parcel to 6.06 acres and 5.06 acres respectively.

3. Each lot will exceed minimum lot size for the Rural Residential and Water Conservation zoning districts after the boundary line adjustment.

4. The applicants currently have a State Subdivision permit, #EC-4-1951, for the relocation of the water supply and construction of a replacement mound wastewater disposal system.

5. Although boundary line adjustments may be exempt from State wastewater/potable water supply permitting and identifying a replacement septic area is not required, the applicants have decided to amend permit #EC-4-1951 to reflect the change in lot size and configuration.

6. The acreage to be conveyed could not be developed for human habitation.

III. DECISION

Based upon the findings above, the Development Review Board grants approval for the boundary line adjustment of 0.69 acres as presented at the hearing.

The following documents are required to be submitted and recorded in the Town of Underhill Land Records:

1. A Mylar of the survey conveying 0.69 acres from 32 Krug Road to 18 Krug Road as presented at the hearing.

2. The deed reflecting the 0.69 acre conveyance from Ron and Susan Racine to Barney and Irene Kelley.

Dated at Underhill, Vermont this 28th day of March, 2008.

Scott Tobin

Scott Tobin, Chair, Development Review Board

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding 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. No documents shall be recorded until April 27, 2008, when the 30-day appeal period has expired.