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April 11, 2008

Timothy Mulvihill
318 Irish Settlement Road
Underhill, VT 05489

Dear Tim:

On April 7, 2008, the Underhill Development Review Board met with you and approved your sketch plan application for the 3-Lot subdivision of your land located at 318 Irish Settlement Road. As discussed at the meeting, the Board was very concerned about the presence of a mapped deer yard on your property. Before proceeding with engineering work, the Board recommended that you contact the Vermont Fish and Wildlife Department to set up a site visit and provide their analysis of the deer yard on your property. Additionally, they recommended contacting the State Wetlands Ecologist to perform a cursory wetlands delineation at your property. These recommendations, as well as Board inquiries regarding water availability and septic capacity, are included in the enclosed draft minutes.

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 we 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, including access points;
- 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.

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.

In addition to these two plans, you must also submit to us a list of any waivers from the requirements of the subdivision regulations or any variances from the Underhill zoning regulations.

I am enclosing a copy of the Town subdivision regulations, 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. The Selectboard, in conjunction with the Development Review Board, will review the curb cut and grant access to your proposed lot. Should the Selectboard be unavailable for your preliminary and/or final hearing(s), I will present your plans to them for curb cut and driveway approval. No additional hearing will be required.

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; however, 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, it is wise to address possible objections under the criteria at the preliminary to avoid getting hung up at the final hearing. Of particular interest is #2 in reference to the wetlands and mapped deer yard on your property, and #11 in reference to the availability of water.

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 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).
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. 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 we have received your plans, a site visit by the Development Review Board will be scheduled. At this visit, boundary lines must delineated by flags, as well as septic locations, proposed building envelopes, proposed driveway locations, and any development restrictions (e.g. wetlands, deer yard boundaries, etc.) using different colored flags if possible. We 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 we will take care of when hearing notices of the preliminary plat hearing are mailed.

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 warned by certified mail notice to the abutting neighbors, by posting at the post offices and Town Hall, by posting a sign in front of your property, posting on the website, 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. If your preliminary hearing application is approved, we will provide you with more detailed information about your final hearing requirements; this is just to give you a broad overview of the process.

I am also enclosing a Subdivision Checklist for preliminary hearing. This checklist will aid in preparing your final hearing submissions and will also aid the Board in reviewing the required documents. The left-hand column indicates items that are required for final hearing. Check the

box under "Submitted" for each required item and return a copy of the completed checklist with your preliminary hearing requirements.

When the above requirements have been submitted I will schedule a preliminary hearing, at which point I will also send notice of the hearing to your abutting neighbors. AI will also ask you to come to the Town Hall to pick up a new "P" permit sign to be posted at the end of your driveway for the hearing.

While this process may appear cumbersome, 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 us a call.

Sincerely,

A handwritten signature in black ink that reads "Kari Papelbon". The signature is written in a cursive, flowing style with a large loop at the end of the last name.

Kari Papelbon

cc: Development Review Board
File

w/enc: Sketch Plan Meeting Minutes, 4-7-08
Subdivision Regulations
Wastewater Ordinance
Road Policy
Application for Subdivision: Preliminary
Subdivision Checklist: Preliminary