Kari Papelbon
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March 31, 2009

Brian and Janice Christie
50 Mullen Road
Underhill, VT 05489

Dear Mr. and Mrs. Christie:

At the meeting on March 23, 2009, the Development Review Board reviewed your sketch plan application for a 3-lot subdivision at 38 Mullen Road in Underhill, VT. I am enclosing a draft copy of the minutes from that meeting for your review. Based on the information presented, it appears that you meet the basic requirements for subdivision as voted by the Board. Please understand that this sketch plan determination is non-binding and in no way implies approval of the subdivision.

Some items were missing from the sketch plan application that the Board recommends you include in subsequent submissions. Such items include the "limited cut zone" along the shared boundary with the Weber parcel (MU048), both zoning districts (Rural Residential and Soil & Water Conservation), and the location(s) of existing utilities. The Board also recommends that you demonstrate conformance with setback requirements, proper frontage for both lots, and show all rights-of-way on the plans for the preliminary hearing, which is the next step in the subdivision process. This is a hearing that is warned by first-class mail to all abutting property owners, 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 hearing application materials, including the following:

1. A survey that shows the current property boundaries and the proposed new lot lines and acreages. The survey should include the items listed on the enclosed checklist.

2. Engineering plans by a registered engineer or site technician. The engineering plans should include the items listed on page 2 of the enclosed checklist.

3. Any additional requirements on page 3 of the enclosed checklist.

I am enclosing an application and Subdivision Checklist for preliminary hearing. This checklist will aid in preparing your hearing submissions and will also aid the Board in

reviewing the required documents. The left-hand column indicates items that are required for preliminary hearing. Check the box under “Submitted” for each required item and return a copy of the checklist with your hearing requirements.

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 submit 2 large (18” x 24” or 24” x 36”) copies of the preliminary survey and engineering drawing and 10 copies of each drawing at 11”x 17” for the Board to have for review prior to the hearing and site visit.

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 and/or variances required by your proposed subdivision.

The Development Review Board bases its final subdivision approval on the 13 "Evaluation Considerations" outlined on pages 11-12 of the Subdivision Regulations (enclosed). 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, I think it is wise to address possible objections under the criteria at the preliminary stage, rather than at the final hearing.

Once I receive a complete application with all of the required submissions for preliminary hearing—application form, completed checklist, engineering plans, preliminary survey—I will schedule a site visit and preliminary hearing. The Development Review Board will conduct a site visit of your property immediately preceding your scheduled preliminary hearing, if possible. Otherwise, a site visit may be scheduled for a Saturday morning.

At the site visit boundary lines, septic locations, proposed building envelopes, and proposed driveway locations must be delineated by flags using different colors if possible. This site visit will be noticed to the abutting property owners by first class mail, along with notice of the preliminary hearing.

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 as well as your abutting neighbors and other interested parties before the final hearing. As such, the final hearing should be fairly pro forma, having solved most of the problems before we get to that stage.

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, and by publication in the Mountain Gazette and on the Town website. 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 finalized "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.

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

Sincerely,

Kari Papelbon

cc: Gunner McCain, McCain Consulting
File

encl: Draft DRB Minutes 3-23-09
Application for Subdivision: Preliminary
Subdivision Checklist: Preliminary Hearing
Subdivision Evaluation Criteria