

TOWN OF UNDERHILL
APPLICATION OF ROBERT AND PATTI DANIS
FOR A 4-LOT SUBDIVISION
PRELIMINARY FINDINGS AND DECISION

In re: Robert and Patti Danis
898 VT Rte. 15
Underhill, VT 05489

Docket No. DRB-09-10: Danis

I. INTRODUCTION AND PROCEDURAL HISTORY

This proceeding concerns Robert and Patti Danis' preliminary hearing application for a 4-lot subdivision of property located at 898 VT Rte. 15 in Underhill, VT.

1. On November 23, 2009, Gunner McCain of McCain Consulting filed an application for subdivision on behalf of Robert and Patti Danis for the project. A copy of the application and additional information are available at the Underhill Town Hall. A sketch plan hearing was held on September 21, 2009 and accepted.
2. On October 9, 2009, a copy of the notice of a public site visit was mailed to the applicants, Robert and Patti Danis, 898 VT Rte. 15, Underhill, VT 05489 and to the following owners of properties adjoining the property subject to the application:
 - a. Doner, 535 Cooper Hill Road, Hyde Park, VT 05665
 - b. McNeill, 70 Cloverdale Road, Underhill, VT 05489
 - c. Horvath, 74 Cloverdale Road, Underhill, VT 05489
 - d. Dumas, P.O. Box 101, Underhill, VT 05489
 - e. Colby, 2 Roy Drive, Underhill, VT 05489
 - f. Dolan/Burt, 6 Roy Drive, Underhill, VT 05489
 - g. Greene/Verge, P.O. Box 204, Underhill, VT 05489
 - h. Williams, 12 Roy Drive, Underhill, VT 05489
 - i. Simays, 881 VT Rte. 15, Underhill, VT 05489
 - j. Audette, 890 VT Rte. 15, Underhill, VT 05489
 - k. Chicoine, 896 VT Rte. 15, Underhill, VT 05489
 - l. Roy, 910 VT Rte. 15, Underhill, VT 05489

A copy of the notice was also emailed to Gunner McCain, McCain Consulting at gmccain@mccainconsulting.com.

3. On October 9, 2009, notice of a public site visit was published in the *Burlington Free Press*.
4. By October 9, 2009, notice of the site visit on the proposed Danis subdivision was posted at the following places:
 - a. The property to be developed, VT898;

- b. The Underhill Town Clerk's office;
 - c. The Underhill Center Post Office;
 - d. The Underhill Flats Post Office;
 - e. The Deborah Rawson Memorial Library;
 - f. The Town of Underhill website.
5. A site visit was held at the property on October 24, 2009 at 9:00 AM. Present the site visit were:
- Will Towle
 - Stan Hamlet
 - Penny Miller
 - Matt Chapek
 - Scott Tobin, Chair
- Zoning Administrator Kari Papelbon, Gunner McCain (consultant for Robert and Patti Danis), and Robert Danis also attended the site visit.
6. On December 3, 2009, a copy of the notice of a public hearing was mailed to the applicants, Robert and Patti Danis, 898 VT Rte. 15, Underhill, VT 05489, and to the abutters listed in (2) above. A copy of the notice was also emailed to Gunner McCain, McCain Consulting at gmccain@mccainconsulting.com.
7. On December 17, 2009, notice of a public hearing on the proposed Danis subdivision was published in the *Mountain Gazette*.
8. By December 18, notice of the public hearing on the proposed Danis subdivision was posted at the following places:
- g. The property to be developed, VT898;
 - h. The Underhill Town Clerk's office;
 - i. The Underhill Center Post Office;
 - j. The Underhill Flats Post Office;
 - k. The Deborah Rawson Memorial Library;
 - l. The Town of Underhill website.
9. The preliminary hearing was scheduled to begin immediately following the preceding hearing scheduled for 6:30 PM on January 4, 2010.
10. Present at the preliminary hearing were the following members of the Development Review Board:
- Chuck Brooks
 - Matt Chapek
 - Penny Miller
 - Peter Seybolt
 - Will Towle
 - Stan Hamlet
 - Scott Tobin, Chair

Kari Papelbon, Zoning Administrator, Gunner McCain, and Robert Danis also attended the hearing.

11. At the outset of the hearing, Chairperson Scott Tobin explained the criteria under 24 V.S.A. § 4465 (b) for being considered an “interested party.” Interested parties who spoke at the hearing were:
 - Gunner McCain, McCain Consulting, 93 South Main Street, Ste. 1, Waterbury, VT 05676
 - Robert Danis, 898 VT Rte. 15, Underhill, VT 05489

12. During the course of the hearing the following exhibits were submitted to the Development Review Board:
 - a. A staff report sent by Zoning Administrator Kari Papelbon to the Development Review Board, Robert and Patti Danis, and Gunner McCain of McCain Consulting;
 - b. Robert Danis’ Application for Subdivision: Preliminary (dated 11-8-09);
 - c. A copy of the completed Subdivision Checklist: Preliminary Hearing;
 - d. A copy of the plans prepared by Gunner McCain of McCain Consulting for Robert and Patti Danis (Sheets S-1 and C-1 revised 11-17-09, Sheets S-2 through S-4 and EC-1 dated 10-13-09);
 - e. A copy of the Survey prepared by Keith Van Iderstine of McCain Consulting for Robert and Patti Danis (dated 10-7-09);
 - f. A copy of the letter to Bill Zabiloski, Agency of Natural Resources regarding a State permit (dated 11-20-09);
 - g. A copy of the email from Rob Evans, State Floodplain Manager, to Gunner McCain regarding the requirements for development in Zone A of a FEMA mapped floodplain (dated 9-28-09);
 - h. A copy of the letter to Rob Evans, State Floodplain Manager, regarding the floodplain on the property (dated 11-20-09);
 - i. A copy of the email from Rob Evans to ZA Kari Papelbon regarding the submitted Base Flood Elevation calculations submitted by McCain Consulting (dated 12-3-09);
 - j. A copy of the HEC-RAS and HY-8 Culvert Analysis Reports;
 - k. A copy of the Flood Insurance Rate Map firmette for the property;
 - l. A copy of the letter to Mike Adams, U.S. Army Corps of Engineers, regarding the proposed stream crossing and wetlands impacts (dated 11-20-09);
 - m. A copy of the letter to Kevin Burke, Environmental Analyst at the State Stormwater Section, regarding a Construction General Permit (dated 11-20-09);
 - n. A copy of the letter to Randy Clark, Chief of the UJFD (dated 11-20-09);
 - o. A copy of the hearing notice published in the Burlington Free Press (dated 10-29-09);
 - p. A copy of the letter to James Massingham, Superintendent for Chittenden East (dated 11-20-09);
 - q. A copy of the School Impact Questionnaire (dated 11-23-09);
 - r. A copy of the Notice of Intent for Low Risk Sites;
 - s. A copy of the Proposed Findings of Fact;
 - t. A copy of the letter from Joseph Colby to ZA Papelbon regarding the proposed subdivision (dated 10-21-09);

- u. A copy of the tax map for VT898;
- v. A copy of the minutes from the September 21, 2009 Sketch Plan meeting;
- w. A copy of the hearing notice published in the Mountain Gazette (dated 12-17-09);
- x. Black Dog Lane Road Maintenance Agreement;
- y. Sheet S-1 revised 12-29-09.

These exhibits are available in the Danis, VT898, subdivision file at the Underhill Zoning Office.

II. FINDINGS

Background

The Minutes of the meetings 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 applicant seeks a permit to subdivide land. The subject property is a 20.2-acre parcel located at 898 VT Rte. 15 in Underhill, VT (VT898).
2. The property is located in the Rural Residential zoning district as defined in §VI of the Underhill Zoning Regulations.
3. Subdivision approval is requested for the project pursuant to review under the following sections of the Town of Underhill Subdivision Regulations:
 - Preliminary Plat Submission Requirements, pages 7-9, "Preliminary Plat for Subdivisions"
 - Planning Standards, pages 11-12, "Evaluation Considerations"
4. Preliminary Application Submission Requirements, "Preliminary Plat for Subdivisions" – The preliminary plat shall be drawn to a scale of not more than two hundred (200) feet to the inch, and shall show or be accompanied by the following information:
 - a. Proposed subdivision name or identifying title and the name of the town.
 - b. Name and address of record owner, sub divider and designer of Preliminary Plat.
 - c. Number of acres within the proposed subdivision, location of property lines, existing easements, buildings, water-courses and other essential existing physical features, natural features and resources.
 - d. The location of natural features or site elements to be preserved.
 - e. The names of all subdivisions immediately adjacent and the names of owners of record of adjacent acreage, including those directly across any road adjoining proposed subdivision.

- f. The provisions of the zoning Regulations applicable to the area to be subdivided and any zoning district boundaries affecting the tract.
- g. The location and size of any existing sewerage systems and water supplies, culverts and drains or underground cables on the property to be subdivided.
- h. Location, names and present widths of existing and proposed roads, easements, building lines, parks, and other public open spaces as well as similar facts affecting adjacent property.
- i. Contour lines at intervals of ten (10) feet of existing grades and of proposed finished grades where change of existing ground elevation will be five (5) feet or more.
- j. Typical cross sections of the proposed grading and roadways.
- k. Date, true north point, scale, and legend.
- l. Complete survey of subdivision tract by a licensed registered engineer or surveyor.
- m. Means of providing water supply to the proposed subdivision.
- n. 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 (7) feet; location and results of preliminary percolation tests for plat.
- o. Provisions for collecting and discharging storm drainage, in the form of drainage plan.
- p. Preliminary designs of any bridges or culverts which may be required.
- q. The proposed lot lines with approximate dimensions and suggested locations of buildings.
- r. The location of temporary markers adequate to enable the Commission to locate readily and appraise the basic layout in the field. Unless an existing road intersection is shown, the distance along a road from one corner of the property to the nearest existing road intersection shall be shown.
- s. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
- t. The sub divider shall coincidentally with submitting the preliminary layout, also furnish a statement signed by him or her to the Commission reciting:
 - i. The nature and extent of the proposed road or roads. These must meet Town highway specifications as established by the Selectmen;
 - ii. The nature and extent of any recreational features, parks, or playgrounds to be provided, if any, and whether or not and under what conditions they are to be dedicated to the Town;

- iii. The way in which the proposed development relates to the Comprehensive Plan for the Town of Underhill.
 - u. The sub divider shall indicate if any of the proposed units are to be considered as public buildings.
 - v. The sub divider shall indicate the location of proposed underground cables.
 - w. List of waivers, if any, the sub divider desires from the requirements of these regulations, and justification therefore.
 - x. 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 (2,000) feet of any property line of the proposed subdivision. Such vicinity map will be shown on a U.S.G.S. map at a scale of approximately one (1) inch to 24,000.
 - y. If the preliminary Plat submitted covers only part of the sub divider's entire holding, then the applicant shall submit an outline of the platted area, together with its road system and an indication of the future probable road system of the remaining portion of the tract.
5. Planning Standards, "Evaluation Considerations"
- a. Whether land is unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas.
 - b. Whether the proposal includes due regard for the preservation and protection of existing features, trees, scenic points, brooks, streams, wetlands, rock outcroppings, water bodies, deer yards and other wildlife habitat, and other natural and historical resources.
 - c. Whether the proposal includes sufficient open space for active and passive recreation.
 - d. Whether the proposal includes adequate provision for the control of runoff and erosion during and after construction.
 - e. Whether the proposed development is in compliance with the Comprehensive Plan, Zoning Ordinance and any other By-Laws then in effect.
 - f. Whether any portion of the proposed development is located in a flood plain.
 - g. Whether the proposed development is compatible with surrounding properties.
 - h. Whether the site is suitable for the proposed density.

- i. Whether the proposal contains adequate provision for pedestrian traffic in terms of safety, convenience, access to points of destination and attractiveness.
 - j. Whether the proposed development when viewed in the context of other developments in the town, will place an unreasonable burden on the ability of local governmental units to provide municipal or governmental services and facilities.
 - k. Whether there is sufficient water available for the reasonably foreseeable needs of the proposed development.
 - l. Whether the proposed development will cause unreasonable highway congestion or unsafe conditions with respect to the use of roads and highways in the Town.
 - m. Whether the proposed development will cause a significant increase in visual, air, noise or water pollution.
6. The applicants have requested the following variances:
- a. Lot 3 – 85’ variance building envelope setback to the wetland (the building envelope is proposed to be 15’ from the wetland on the western side)
 - b. Lot 4 – 90’ variance for the building envelope setback to the wetland (the building envelope is proposed to be 10’ from the wetland on the northwestern side)
7. The variance requests are submitted for §III(V) of the Underhill Zoning Regulations: “No structure for human habitation...will be permitted within 100 feet of the streambank or any watercourse.”
8. The variance requests require review under 24 V.S.A. §4469:
- a. 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.
 - b. 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.
 - c. Unnecessary hardship has not been created by the appellant.
 - d. The variance, if authorized, 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.
 - e. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the bylaw and from the plan.

III. DECISION AND ADDITIONAL FINAL HEARING REQUIREMENTS

Based upon the findings above, and subject to any of the additional final hearing requirements and conditions set forth below, the Development Review Board grants provisional preliminary approval for the subdivision as presented at the preliminary hearing.

Application Submission Requirements, "Preliminary Plat for Subdivisions"

- a. The Board finds that the preliminary application satisfies the requirement as the proposed subdivision and Town are identified on the plans.
- b. The Board finds that the preliminary application satisfies the requirement as the record owner's and designer's information is contained on the plans.
- c. The Board finds that the preliminary application satisfies the requirement as the acreage, property lines, proposed easements, existing buildings, wetlands, floodplain, and stream are shown on the plans.
- d. The Board finds that the preliminary application satisfies the requirement as the stream and wetlands are depicted on the plans.
- e. The Board finds that the preliminary application satisfies the requirement as the names of adjacent landowners are shown on the plans.
- f. The Board finds that the preliminary application satisfies the requirement as the zoning regulation information is contained in the plans.
- g. The Board finds that the preliminary application satisfies the requirement as the location and size of septic systems, well, and culvert details are shown on the plans. Proposed utility locations shall appear on the final plans.
- h. The Board finds that the preliminary application satisfies the requirement as the location and widths of the proposed road, shared driveway, and private driveways are shown on the plans. No public parks or public open spaces are proposed. The driveway to Lot 2 shall be a 12-foot wide traveled way per the Road Policy.
- i. The Board finds that the preliminary application satisfies the requirement as the contours are depicted on the plans.
- j. The Board finds that the preliminary application satisfies the requirement as the cross-section and driveway details are contained in the plans. Curve radii shall appear on the final plans.
- k. The Board finds that the preliminary application satisfies the requirement as the date, north point and orientation, scale, and legend are contained on the plans.
- l. The Board finds that the preliminary application meets the requirement as a survey by a licensed surveyor has been submitted.

- m. The Board finds that the preliminary application satisfies the requirement as drilled wells are contained on the plans. An application for a State Wastewater System and Potable Water Supply Permit has been submitted.
- n. The Board finds that the preliminary application satisfies the requirement as septic system locations and details are contained in the plans. An application for a State Wastewater System and Potable Water Supply Permit has been submitted.
- o. The Board finds that the preliminary application satisfies the requirement as the erosion control and drainage details are included in the plans. An application for a State Construction General Permit has been submitted.
- p. The Board finds that the preliminary application satisfies the requirement as the proposed culverts and details are contained in the plans.
- q. The Board finds that the preliminary application satisfies the requirement as the plans contain proposed lot lines and suggested locations of buildings. To clarify the front lot line for Lot 3, the plans shall contain a revised lot line or a change in the location where the driveway enters the lot.
- r. The Board finds that the site visit conducted October 24, 2009 satisfied the requirement.
- s. The Board finds that this requirement is not applicable as no land is to be dedicated to public use.
- t. The Board finds that the width of the proposed driveway to Lot 2 is insufficient per the Road Policy. The traveled way of the driveway shall be 12 feet wide on the final plans. There are no proposed public parks or recreation areas, nor are there any areas to be dedicated to the Town, as part of the project.
- u. The Board finds that the preliminary application satisfies the requirement as proposed buildings are single-family homes and residential outbuildings. No proposed buildings are dedicated for public use.
- v. The Board finds that the proposed utility locations are missing. These shall be contained on the final plans.
- w. The Board finds that a no waiver requests have been received, but recognizes that two variance requests have been submitted.
- x. The Board finds that the preliminary application satisfies the requirement as the plans contain a vicinity map.
- y. The Board finds that the preliminary application satisfies the requirement as the plans show the entire parcel and adjoining property.

Planning Standards, "Evaluation Criteria" – Preliminary Findings

- a. A portion of the property is in Zone A on the effective FEMA Flood Insurance Rate Map. As part of the requirements under the National Flood Insurance Program

Regulations, Base Flood Elevations (BFEs) were determined at the site using HEC RAS (an HY-8 Culvert Analysis Report was also provided). All development will be above the calculated BFE, as verified by Vermont Floodplain Manager Rob Evans. The land is suitable for development as evidenced by the submitted plans prepared by McCain Consulting, Inc. The areas to be developed do not contain steep slopes, rock formations, adverse earth formations, or other features that will impair the health, safety, and general welfare of present or future inhabitants of the subdivision or its surrounding areas.

- b. Buffers are shown along the stream and wetlands on the site. Variances are being requested for the development proposed within the buffers. There are no mapped deer wintering areas or other critical wildlife habitats in the vicinity of the proposed development.
- c. The undeveloped portions of the lots will provide sufficient open space for recreational use by the lot owners.
- d. The total new disturbed area for the project will be approximately 1.8 acres. Coverage under the Construction General Permit is required and has been applied for.
- e. Where the project does not conform to the Underhill Zoning Regulations, variance requests have been submitted.
- f. A portion of the property is in Zone A on the effective FEMA Flood Insurance Rate Map. As part of the requirements under the National Flood Insurance Program Regulations, Base Flood Elevations (BFEs) were determined at the site using HEC RAS (an HY-8 Culvert Analysis Report was also provided). All development will be above the calculated BFE (716.72'), as verified by Vermont Floodplain Manager Rob Evans.
- g. The neighboring properties along VT Route 15 contain existing residences. The proposed subdivision is in keeping with the pattern of development that has taken place in this area.
- h. The plans which have been submitted with the subdivision application demonstrate that the site is suitable for the proposed density.
- i. VT Route 15 is sufficiently wide enough to accommodate vehicular traffic, and the proposed private drives will be wide enough for pedestrian traffic. No sidewalks exist along VT Route 15, and the proposed private road will not connect to other town roads.
- j. Since the proposed development is within an existing developed portion of the town, governmental services including fire protection, police services, and school bus service do not have to be extended to serve the project. Chittenden East Supervisory Union #12 has indicated that it can accommodate the additional capacity from the proposed subdivision. A letter to the Underhill-Jericho Fire Department requesting their confirmation of ability to serve the proposed development has been submitted.

- k. The lots will be served by individual, on-site drilled wells. Drilled wells in the area have proven sufficient to serve single-family homes as evidenced by a survey of drilled well yields.
- l. Each new residence is expected to generate 10 vehicle trip ends per day. Site distances at the existing driveway intersection with VT Route 15 are sufficient in both directions. VT Route 15 is a major State highway.
- m. The proposed residences will be substantially screened from travelers on VT Route 15. Air pollution, including dust from drives and exhaust from heating sources, will not exceed levels generated by typical single-family residences. Similarly, the noise generated by the proposed development will not exceed noise levels generated by single-family residences. Water pollution concerns are addressed by erosion control and wastewater disposal plans.

Variance Requests – Preliminary Findings

Lot 3 – 85’ variance (15’ to the wetland) for the proposed building envelope

- a. The Board finds that there are unique physical circumstances or conditions, including the presence of wetland areas, ledge outcroppings, and a steep bank at the rear of the proposed lot, which are 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.
- b. 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.
- c. Unnecessary hardship has not been created by the appellant as the wetlands, ledge, and steep bank are existing natural features.
- d. The variance will not alter the essential character of the neighborhood or district in which the property is located because the proposed variance request is for a residential building envelope in a residential area, the proposed building envelope is sufficiently removed from adjoining properties, the reduction in the setback to the wetland will not impair any lot’s ability to obtain renewable energy sources, nor will the variance be detrimental to the public welfare as it affects a private residential lot.
- e. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the bylaw and from the plan.

Lot 4 – 90’ variance (10’ to the wetland) for the proposed building envelope

- a. The Board finds that there are unique physical circumstances or conditions, including the presence of wetland areas, ledge outcroppings, and a steep bank at the rear of the proposed lot, which are 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.

- b. 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.
- c. Unnecessary hardship has not been created by the appellant as the wetlands, ledge, and steep bank are existing natural features.
- d. The variance will not alter the essential character of the neighborhood or district in which the property is located because the proposed variance request is for a residential building envelope in a residential area, the proposed building envelope is sufficiently removed from adjoining properties, the reduction in the setback to the wetland will not impair any lot's ability to obtain renewable energy sources, nor will the variance be detrimental to the public welfare as it affects a private residential lot.
- e. The Board recognizes that a variance of this size is atypical in the Town, and that the shared lot line with Lot 3 or the building envelope could be altered to reduce the variance required. A variance of 50 feet, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the bylaw and from the plan.

The Development Review Board approves the preliminary application and plat subject to the following conditions (in addition to the subdivision requirements for final hearing on Pages 9-11 of the Underhill Subdivision Regulations):

1. An 85-foot variance of the wetland setback to the western portion of the building envelope (near flag A4 on the plans) is approved for Lot 3.
2. A 50-foot variance of the wetland setback to the northwestern portion of the building envelope (near flag A12 on the plans) is approved for Lot 4. The Board recommends modifying the shared lot line with Lot 3 or modification of the Lot 4 building envelope to achieve this setback.
3. The driveway to Lot 2 shall be depicted on the plans as a 12-foot-wide traveled way.
4. To clarify the front lot line for Lot 3, the plans shall contain a revised lot line or a change in the location where the driveway enters the lot.
5. Proposed utility locations and curve radii shall be included on the final plans.
6. A copy of the State Wastewater System and Potable Water Supply Permit and all outstanding letters from local, State, and Federal agencies shall be submitted to the Zoning Administrator prior to scheduling the final hearing.
7. New parcel codes will be provided by the Zoning Administrator prior to scheduling the final hearing. The new parcel codes for the lots shall appear on the final plans and survey.

Danis Preliminary Decision
12 January 2010

8. All draft easement deeds and deed language referencing the Road Maintenance Agreement shall be submitted to the Zoning Administrator prior to scheduling the final hearing.

Dated at Underhill, Vermont this 27th day of January, 2010.

Scott Tobin
Scott Tobin, Chair, Development Review Board