TOWN OF UNDERHILL
APPLICATION OF EDWIN T. MOORE, II AND ELIZABETH W. MOORE, AND
EDWIN T. MOORE, III AND DEBORAH A. MOORE
FOR A 3-LOT PLANNED RESIDENTIAL DEVELOPMENT
PRELIMINARY FINDINGS AND DECISION

In re: Edwin T. Moore, II and Elizabeth W. Moore
118 Stevensville Road / P.O. Box 63
Underhill (Center), VT

Edwin T. Moore, III and Deborah A. Moore
118 Stevensville Road / P.O. Box 131
Underhill (Center), VT

Docket No. DRB-10-02: Moore

## I. INTRODUCTION AND PROCEDURAL HISTORY

This proceeding concerns Edwin T. Moore, II and Elizabeth W. Moore's and Edwin T. Moore, III and Deborah A. Moore's preliminary hearing application for a 3-lot planned residential development of property located at 118 Stevensville Road in Underhill, VT.

1. On February 24, 2010, Brad Holden filed an application for subdivision for the project on behalf of Edwin T. Moore, II and Elizabeth W. Moore and Edwin T. Moore, III and Deborah A. Moore. A copy of the application and supporting materials are available at the Underhill Town Hall. A sketch plan hearing was held on February 1, 2010 and accepted.

2. On February 24, 2010 a copy of the notice of a public site visit and hearing was mailed to the applicants, Edwin T. Moore, II and Elizabeth W. Moore, P.O. Box 63, Underhill Center, VT 05490 and Edwin T. Moore, III and Deborah A. Moore, P.O. Box 131, Underhill Center, VT 05490. A copy of the notice of public site visit and hearing was mailed via first class mail to the following owners of properties adjoining the property subject to the application:

   a. Moore, P.O. Box 24, Underhill Center, VT 05490
   b. Abbott, 119 Stevensville Rd., Underhill, VT 05489
   c. Duffek, Rosen, Wozencraft, TTEEs, 607 Wake Robin Dr., Shelburne, VT 05482
   d. McClellan, 126 Stevensville Rd., Underhill, VT 05489
   e. Kusserow, P.O. Box 125, Underhill Center, VT 05490
   f. Lamphere, 178 Beartown Rd., Underhill, VT 05489
   g. Pedrotty, 177 Beartown Rd., Underhill, VT 05489

   A copy of the notice was also emailed to Justin Willis, Willis Design Associates, Inc. at willisdesignvt@comcast.net and to Brad Holden at bholdenvt@gmail.com.

3. On February 25, 2010, notice of a public site visit and hearing was published in the *Burlington Free Press*.

4. By February 28, 2010, notice of the site visit and the preliminary hearing on the proposed Moore subdivision were posted at the following places:

    a. The property to be developed, ST118;
    b. The Underhill Town Clerk's office;
    c. The Underhill Center Post Office;
    d. The Underhill Flats Post Office;
    e. The Underhill Country Store;
    f. Wells Corner Market;
    g. Jacobs IGA;
    h. The Deborah Rawson Memorial Library;
    i. The Town of Underhill website.

5. A site visit was held at the property on March 13, 2010 at 9:00 AM. Present the site visit were:

    - Will Towle
    - Deb Shannon
    - Stan Hamlet
    - Penny Miller
    - Peter Seybolt
    - Scott Tobin, Chair

    Zoning Administrator Kari Papelbon, Justin Willis and Brad Holden (consultants for the Moores), and Edwin T. Moore, II also attended the site visit.

6. The preliminary hearing was scheduled to begin immediately following the preceding hearing scheduled for 6:30 PM on March 15, 2010.

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

    - Chuck Brooks
    - Peter Seybolt
    - Stan Hamlet
    - Scott Tobin, Chair

    Kari Papelbon, Zoning Administrator, Justin Willis, Brad Holden, Edwin T. Moore, II and Elizabeth W. Moore, and Edwin T. Moore, III (Tom) also attended the meeting.

8. 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:

    - Edwin T. Moore, II and Elizabeth W. Moore, P.O. Box 63, Underhill Center, VT 05490
    - Edwin T. Moore, III, P.O. Box 131, Underhill Center, VT 05490

    Consultants who spoke on behalf of the Applicants were:

    - Justin Willis, Willis Design Associates, Inc., P.O. Box 98, Richmond, VT 05477

- Brad Holden, 60 Covey Rd., Underhill, VT 05489

9. 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, Edwin T. Moore, II and Elizabeth W. Moore, Edwin T. Moore, III and Deborah A. Moore, and Justin Willis of Willis Design Associates, Inc.;
   b. Edwin T. Moore, II & Elizabeth W. Moore and Edwin T. Moore, III & Deborah A. Moore's Application for Subdivision: Preliminary Hearing (dated 2-24-10);
   c. A copy of the completed Subdivision Checklist: Preliminary Hearing;
   d. A copy of the plans prepared by Justin Willis of Willis Design Associates, Inc. for Edwin T. Moore, II & Elizabeth W. Moore and Edwin T. Moore, III & Deborah A. Moore (Sheets S1, D1, and D2 dated 2-25-10);
   e. A copy of the Preliminary Plat prepared by Brad Holden for Edwin T. Moore, II & Elizabeth W. Moore and Edwin T. Moore, III & Deborah A. Moore (dated 2-25-10);
   f. A copy of the letter to Randy Clark, Chief of the UJFD (dated 2-22-10);
   g. A copy of the letter from James Massingham, Co-Superintendent of Chittenden East Supervisory Union #12 (dated 2-26-10);
   h. A copy of the draft Findings of Fact (dated 2-25-10);
   i. A copy of the waiver requests (dated 2-25-10);
   j. A copy of the tax map for ST118;
   k. A copy of the minutes from the 2-1-10 Sketch Plan Meeting;
   l. A copy of the hearing notice published in the Burlington Free Press (dated 2-25-10);
   m. A copy of the revised Sheet S1 (revised 3-10-10);
   n. Draft Warranty Deeds for the proposed lots and boundary line adjustment;
   o. A copy of the Letter from the UJFD (dated 3-11-10).

These exhibits are available in the Moore, ST118, 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 applicants seek a permit to subdivide land. The subject property is a ±16.3-acre parcel located at 118 Stevensville Road in Underhill, VT (ST118).

2. The property is located in the Water Conservation zoning district as defined in §VII 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 Zoning Regulations and Subdivision Regulations:

   - §III(R): Planned Residential Development
   - Preliminary plat submission requirements, pages 7-9, "Preliminary Plat for Subdivisions"
   - Planning Standards, pages 11-12, "Evaluation Considerations"

4. §III(R) of the Underhill Zoning Regulations provides for the following: In accordance with the provisions of 24 VSA, Planned Residential Development may be permitted. The purpose is to enable and encourage flexibility of design and development of land based on the unique characteristics of a particular site. The advantage to the community is that the goal of promoting the most appropriate use of land consistent with the Underhill Town Plan and the Underhill Capital plan can better be met. It will help to preserve and maintain agricultural and forest land, wetlands or scenic views and to facilitate the adequate and the economical provision of roads and utility. Accordingly, the [DRB] may modify the area and dimensional requirements of the applicable zoning regulations simultaneously with the approval of a subdivision plat. Planned Residential Development proposals will be reviewed as subdivisions under the Underhill Subdivision Regulations.

   (1) Application requirements – An application for a planned residential development approval shall include a site plan showing the location, height and spacing of buildings, open spaces and their landscaping, roads, driveways and off-road parking, and all other physical features of the proposed design. In addition, the application shall be accompanied by a statement setting forth the nature of all proposed modifications, changes or supplementation of the area and dimensional requirements of the existing zoning regulations.

   (2) Design standards – All planned residential development proposals shall be evaluated according to the following standards:

   a. The permitted number of dwellings shall in no case exceed the number which would be permitted, in the [DRB]'s judgment, if the land were subdivided into lots in conformance with the zoning regulations applicable to the designated district. One-family, two-family, three-family or four-family construction may be permitted in the area serviced by the Underhill Jericho water district and located in the residential district at the discretion of the [DRB], while one family construction is permitted in the other districts.

   b. The proposed Planned Residential Development must be an effective and unified treatment of the development possibilities on the project site, and the proposed development plan must make appropriate provisions for the preservation of streams and streambanks, steep slopes, wet areas, soils unsuitable for development, forested areas and unique natural and man-made features.

   c. The proposed Planned Residential Development must be consistent with the Town's Comprehensive Plan and all applicable by-laws.

   d. The proposed Planned Residential Development must be consistent with all of the evaluation standards set forth in the Town's Subdivision Regulations.

   e. The proposed Planned Residential Development must provide for the preservation of open space.

f. Open space or common land will be in a location or locations, size and shape approved by the [DRB], and will be protected by appropriate legal devices to insure the continued use of such lands for the purposes of agriculture, forestry, recreation, park or conservation. Such mechanisms may include, but will not be limited to, dedication of restrictive covenants or other appropriate grants or restrictions approved by the [DRB] after consultation with the Town Attorney.

g. All lots created under these rules may not be subdivided further in the future. This restriction will be attached to the deed and filed in the town records.

h. The proposed Residential Development will provide for safe and efficient pedestrian and vehicular circulation, parking and service areas.

i. The proposed Planned Residential Development will safeguard the value and appropriate use of adjacent properties.

j. The proposed Planned Residential Development will include access from existing public highways and will not cause undue congestion or interference with normal traffic flow.

k. The applicant must submit to the legislative body a complete list of all waivers from the Zoning and Subdivision Regulations for review and comment before a final plat approval is granted. Waivers shall include any modifications to the requirements of any by-law, regulation or town policy, excluding modifications made to lot area or dimensional requirements.

5. 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.

6. 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.

## 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.

**§III(R) of the Underhill Zoning Regulations**

(1) The Board finds that the application included a site plan showing the location, height and spacing of buildings, open spaces, driveways, well information, septic system location and design, and waiver requests. The open space extends to the rear property lines of all three lots, includes Clay Brook and 100 feet north of the northerly edge of Clay Brook, and shall not be disturbed. Waiver requests for the frontage and side setback requirement for the driveway on Lot 3, the setbacks for the existing buildings on Lots 1 and 2, and the driveway design have been submitted.

(2)

a. The Board finds that the proposed number of dwellings does not exceed the number which would be permitted if the land were subdivided into conforming lots. A density plan indicating the conformance with the district density requirements was reviewed and discussed at the sketch plan meeting. Two of the proposed lots are currently served by private drilled wells, and the proposed new lot will be served by a private drilled well.

b. The Board finds that the proposed plans show an effective unified treatment of the development possibilities as the plans provide the best available option for creating the most compliant subdivision with the existing conditions. The plans also preserve approximately 5.6 acres of land at the rear of all lots to include the brook, 100 feet northerly of the northern edge of the brook, streambanks, steep slopes, and other natural features on the property.

c. The Board finds that the proposed plans are consistent with the Town's Comprehensive Plan as it calls for preserving open space and natural features. Where the plans do not meet the requirements of the by-laws, waivers have been requested.

d. Please see the Planning Standards, "Evaluation Criteria" – Preliminary Findings section.

e. The Board finds that the proposed plans preserve approximately 5.6 acres (1/3 of the property) for open space.

f. The Board approves the location, size, and shape of the open space as discussed at the preliminary hearing and shown on the plans—100 feet northerly of the northern edge of Clay Brook extending south to the southern boundary lines of all three lots. The open space shall not be developed and this restriction shall appear in the deeds to the lots. The Board finds that this restriction will appear in

the deeds to the lots and the applicants have been made aware of such requirement.

g. The Board finds that the proposed development will create 1 new residential lot for private use. The existing driveway serving Lots 1 and 2 has adequate sight distances and sufficient parking. The proposed driveway for Lot 3 has adequate site distances and parking will be on the lots themselves. One new curb cut onto Stevensville Road for Lot 3 will not hinder the use of Stevensville Road for pedestrians and vehicles.

h. The Board finds that the proposed plan is to divide the existing developed residential lot into 3 residential lots in a residential neighborhood. Surrounding properties are of similar sizes.

i. The Board finds that the proposed curb cut for the driveway to Lot 3 will be on Stevensville Road, an existing Town road. The additional lot is expected to generate traffic that is typical of residential lots in this neighborhood.

j. The Board finds that waivers requests have been submitted for the project. After discussion at the preliminary hearing, the Board finds that a new and complete, revised waiver request shall be required for the final hearing.

k. The Board finds that this restriction will appear in the deeds to the lots and the applicants have been made aware of such requirement.

**Application Submission Requirements, Preliminary Plat for Subdivisions, Underhill Subdivision Regulations**

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, and Clay Brook are shown on the plans.

d. The Board finds that the preliminary application satisfies the requirement as the open space, Clay Brook, and steep slopes 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 survey is missing the zoning district information. This is not a material error that would prevent the Board from granting preliminary approval as the district appears on the engineering plans and the applicants' consultant has stated that the missing information will be on the final survey. The entire property is located in the Water Conservation zoning district.

g. The Board finds that underground utilities do not appear on the plans. This is not a material error that would prevent the Board from granting preliminary

approval. Should underground utilities be proposed, they shall appear on the final plans. The location and size of septic systems, and wells are shown on the plans. No culverts are proposed for the driveway to Lot 3.

h. The Board finds that the preliminary application satisfies the requirement as there are no proposed roads or parks are proposed. The location and width of the proposed easement for the existing access to Lots 1 and 2, and septic system easements are shown on the plans. A boundary line adjustment with property at 126 Stevensville Road and the proposed Lot 3 is also depicted on the plans.

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 is missing the cross-section and driveway details beyond the proposed width and location. These are not material errors that would prevent the Board from granting preliminary approval as the applicants' consultant had previously submitted a waiver request for such. As was stated at the preliminary hearing, those details and/or a reference to the B-71 and Road Policy standard(s) will appear on the final hearing 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. The zoning district information shall appear on the final survey.

m. The Board finds that the preliminary application satisfies the requirement as drilled wells are contained on the plans.

n. The Board finds that the preliminary application satisfies the requirement as septic system locations and details are contained in the plans. The Applicants' consultant has indicated that the system will comply with all State requirements.

o. The Board finds that the preliminary application is missing a reference to erosion control standards; however, the slope of the land is such that erosion controls and drainage requirements are minimal. This is not a material error that would prevent the Board from granting preliminary approval as the applicants' consultant has stated that a reference to the *Low-Risk Site Handbook* will be added to the plans for final hearing.

p. The Board finds that this requirement is not applicable as there are no proposed culverts or bridges.

q. The Board finds that the preliminary application satisfies the requirement as the plans contain proposed lot lines and a building envelope for Lot 3.

r. The Board finds that the site visit conducted March 13, 2010 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 parts of this requirement are not applicable as there are no proposed roads, public parks, or public playgrounds. The application complies with required setbacks to protect the brook, an open space area will remain in place to protect natural features, and the subdivision conforms to the provisions in the Comprehensive Plan by protecting natural features and open space.

u. The Board finds that the preliminary application satisfies the requirement as proposed buildings are single-family homes and residential outbuildings. No proposed or existing buildings are dedicated for public use.

v. The Board finds that the preliminary application is missing proposed underground cable locations. This is not a material error that would prevent the Board from granting preliminary approval. Should underground utilities be proposed, they shall appear on the final plans.

w. The Board finds that waiver requests of the road frontage requirement for Lot 3, setbacks for the existing house on Lot 1, setbacks for the existing house on Lot 2, and the requirement for a driveway design for Lot 3 have been submitted. A complete, revised list of waiver requests shall be submitted with the final plans.

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 properties. No roads are proposed for this subdivision and no further subdivision of the lots shall occur.

**Planning Standards, "Evaluation Criteria" – Preliminary Findings**

a. The area of proposed development is located in a well-drained, flat to moderately sloping area. There are no evident natural features that pose a threat to the safety, health and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas.

b. The overall area affected by new development is limited to approximately ½ acre. Existing natural features include a steep embankment and a large brook. The building envelope is properly isolated from the bank and watercourse.

c. Approximately 5.6 acres of land will be protected as open space, which is sufficient for recreation activities.

d. Lot improvements are proposed on well-drained, flat to moderately sloping land. Although this site would be considered a low-risk site with respect to potential erosion, the prospective owner of the parcel and their contractor will follow basic erosion control measures during construction as outlined in the Vermont Dept. of Environmental Conservation "Low Risk Site Handbook for Erosion Prevention and Sediment Control."

e. The proposed house lot is compatible with intended development in the area. Placement and use are consistent with development patterns in this area. The proposed house site complies with zoning bylaws, and the water supply/wastewater system complies with current town and state regulations.

Where the project does not conform to the Underhill Zoning Regulations, waiver requests have been submitted.

f. No portion of the proposed development lies within a floodplain.

g. The surrounding use in the vicinity is comprised primarily of single-family homes. The proposed construction of a single-family home in this area is compatible with such development.

h. The proposed house is suitable for the proposed density. The proposed home will be approximately 200 feet from the nearest, existing home.

i. The area lacks pedestrian infrastructure such as sidewalks. The road is subject to light vehicular traffic. Such traffic is unlikely to hinder pedestrian use along the roadside.

j. The proximity of the proposed house to the town-maintained road will allow easy access for emergency vehicles. The school district indicates their ability to provide services to students generated by such development. The fire department has provided recommendations and a checklist of items concerning construction and development of the property, and has indicated their ability to provide services to the subdivision.

k. According to the Vermont ANR private well mapping site, the drilled well on John Moore's adjoining lot is 398 feet deep with a yield of 20 gallons per minute (GPM), and the drilled well serving Lot 2 is 252 feet deep with a yield of 12 GPM. Three other wells in the vicinity produce yields ranging from 4 to 8 GPM. This data suggests that the ability to obtain sufficient water from a drilled well in this area is good.

l. Construction of one single family home will not adversely affect existing traffic conditions with respect to the use of Stevensville Roads.

m. The proposed house will be well-screened by existing vegetation. Single-family homes customarily do not generate significant increases in noise or air pollution. Furthermore, the properly designed wastewater system will not contribute to water pollution.

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. A complete, revised waiver request shall be submitted with the final application.

2. Evidence of submission to the State of Vermont Wastewater Management Division for a Wastewater System and Potable Water Supply Permit shall be submitted to the Zoning Administrator prior to scheduling the final hearing.

3. The deeds to the lots shall be revised to include language prohibiting the lots from further subdivision as required by Underhill PRD regulations.

4. The plans and survey shall be revised to show that the proposed driveway to Lot 2 conforms to district setback requirements (20 feet to a side property line).

5. Driveway cross-sections and details and/or a reference to the B-71 and Road Policy standard(s) shall be included in the final hearing plans.

6. The final plans shall reference mandatory compliance with the *Low Risk Site Handbook for Erosion Prevention and Sediment Control.*

7. The plans shall clearly identify the front lot line for Lot 2.

8. 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.

9. The survey shall be revised to include the zoning district information.

10. The plans shall be revised to show the driveway to Lot 3 in compliance with side setback requirements.

11. The final plans shall include locations of proposed utilities.

Dated at Underhill, Vermont this 30th day of March, 2010.

Scott Tobin

Scott Tobin, Chair, Development Review Board