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September 3, 2010

Brent Goplen
20 Lower English Settlement Rd.
Underhill, VT 05489

Dear Brent:

At the continued meeting on August 30, 2010, the Development Review Board reviewed your sketch plan application for a 5-lot Planned Residential Development (PRD) at 20 Lower English Settlement Rd. in Underhill, VT. Based on the information presented, it appears that you meet the basic requirements for subdivision and for a PRD. Please understand that this sketch plan determination is non-binding and in no way implies approval of the subdivision.

Based on the two sketch plan meetings, the DRB has some specific concerns for the project that you should address in your preliminary application. These areas are critical for determining the feasibility of a 5-lot PRD on your land:

1. **Advantage.** A statement outlining the significant advantages for the Town if approval for a Planned Residential Development was granted.
2. **Drainage.** The DRB heard several comments from neighbors regarding the current drainage issues on the land and surrounding properties. A well-designed drainage plan is required to address these concerns. The board would find it very beneficial in your preliminary submittal to prepare an assessment of the existing storm-water runoff conditions, their adequacy, and recommended improvements, affecting the residents of Romar Drive and lower English Settlement road.
3. **Road.** Concerns were also raised regarding the proposed location and grade of the road, and the DRB questions whether the amount of land disturbance could be minimized. Please address this in your preliminary road design.
4. **Aesthetics.** While the DRB recognizes the right of and desire for lot owners to create views on their property, the amount of tree clearing remains a concern. Part of the PRD requirements is for the preservation of protected and undeveloped land, and a limitation on the areas for cutting should be presented in the preliminary plans.
5. **Suitability for Development.** Finally, the PRD regulations include a requirement for the development to 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.” Your preliminary application and plans must show how the proposed development meets this criterion.

With the above requirements in mind, the next step in the subdivision process is to hold a preliminary hearing. This is a hearing that I will publish in the newspaper and warn by first-class mail to all abutting property owners at least 15 days prior to the scheduled hearing date.

A site visit will be scheduled either immediately before your hearing, if possible, or on a Saturday morning. This site visit also must be warned at least 15 days in advance, but I will take care of the newspaper warning and first class mail notice to your abutting neighbors. I will also ask you to post another red “P” sign at the end of your driveway notifying neighbors of a site visit and hearing.

Before the preliminary hearing and site visit, however, I must have a copy of your preliminary hearing application materials, including the required items mentioned above and on the enclosed checklist. The 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 9 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. Additionally, the Town Zoning Regulations prohibit construction of a dwelling within 100 feet of a watercourse, including wetlands. For preliminary hearing, please provide a list of all waivers requested for your proposed development.

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 consultant should be aware of the criteria and address the Considerations in your preliminary plans. While this is not required at this stage, I think it is wise in this case 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 preliminary hearing and site visit. Boundary lines, septic locations, proposed building envelopes, proposed road and driveway locations, and wetland areas must be delineated by flags, using different colors if possible, at the site visit.

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, by publication in a newspaper of record (the *Mountain Gazette*, *Seven Days*, or the *Burlington Free Press*), 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,” letters from the UJFD and the Chittenden East School District addressing the impact of the proposed PRD on their respective organizations, and evidence that applications for all required State and/or Federal permits/approvals have submitted. 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.

For your convenience, I am copying Gunner McCain on this letter. An application and Subdivision Checklist for preliminary hearing will also be included with his letter.

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

Sincerely,

Kari Papelbon

cc: File
Gunner McCain, McCain Consulting, Inc. (via email)
encl: Application for Subdivision: Preliminary (to Gunner via email)
Subdivision Checklist: Preliminary Hearing (to Gunner via email)
Subdivision Evaluation Criteria (to Gunner via email)