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TOWN OF UNDERHILL, VERMONT

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October 6, 2010

Timothy and Theresa Potvin  
P.O. Box 135  
Underhill Center, VT 05490

Dear Mr. and Mrs. Potvin:

At the meeting on October 4, 2010, the Development Review Board reviewed your sketch plan application for a 6-lot subdivision at 27 Moose Run in Underhill, VT. Your consultant, Larry Young, informed the DRB at the meeting that the preliminary plans would eliminate one of the proposed lots. Based on the information presented, it appears that you meet the basic requirements for subdivision. Please understand that this sketch plan determination is non-binding and in no way implies approval of the subdivision.

Based on the discussion at the meeting, the DRB has some specific concerns for the proposed road:

1. Sight distances at the proposed curb cut.
2. Minimum safe stopping distance vs. running distance on Pleasant Valley Rd.
3. The location of the wetlands in relation to the proposed road.
4. Alternatives to the proposed curb cut on Pleasant Valley Rd.

The DRB strongly encourages you to submit a preliminary road design addressing the above issues at a second sketch plan meeting (no additional fees) prior to scheduling a preliminary hearing. Understand that while you have the option of proceeding to the next hearing phase without a second sketch plan meeting, the road is a major issue that affects the feasibility of the subdivision.

With the above 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 variances 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. Per the Rules of Procedure, the DRB reserves the right to continue or schedule a site visit at such times when no snow is present on the ground.

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 Larry Young 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  
Larry Young, Summit Engineering (via email)  
encl: Application for Subdivision: Preliminary (to Larry via email)  
Subdivision Checklist: Preliminary Hearing (to Larry via email)  
Subdivision Evaluation Criteria (to Larry via email)