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December 7, 2010

Suzanne Kusserow and William Lewis
P.O. Box 125
Underhill Center, VT 05490

Dear Sue and Bill:

At the meeting on December 6, 2010, the Development Review Board (DRB) reviewed your sketch plan application for a 3-lot Planned Residential Development (PRD) at 37 Beartown Rd. in Underhill, VT. Based on the information presented, it appears that you meet the basic requirements for subdivision and the additional requirements for PRD. Please understand that this sketch plan determination is non-binding and in no way implies approval of the subdivision.

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 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. Preliminary engineering plans to include septic locations, building envelopes, and easements. The engineering plans should also include the items listed on page 2 of the enclosed checklist.
3. Plans showing a "conventional" subdivision layout. This will aid the DRB in density determinations.
4. Any additional requirements on page 3 of the enclosed checklist.

For your convenience, I am copying Brad Holden and Justin Willis on this letter. An application and Subdivision Checklist for preliminary hearing will also be included with their letters. 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 in 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 the preliminary hearing, please provide a list of all waivers requested for your proposed PRD.

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 address the Considerations in your preliminary plans. While this is not required at this stage, it is helpful 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, and check for the preliminary hearing fees—I will schedule a preliminary hearing and site visit. Boundary lines, septic locations, proposed building envelopes, and proposed driveway locations 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 DRB, as well as your abutting neighbors and other interested parties, before the final hearing.

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 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," 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: File
Brad Holden (via email)
Justin Willis (via email)
encl: Application for Subdivision: Preliminary (to Brad and Justin via email)
Subdivision Checklist: Preliminary Hearing (to Brad and Justin via email)
Subdivision Evaluation Criteria (to Brad and Justin via email)