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TOWN OF UNDERHILL, VERMONT

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April 4, 2011

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

Dear Mr. and Mrs. Potvin:

Apologies for the delay in mailing this letter. At the meeting on March 21, 2011, the Development Review Board reviewed your sketch plan application for a 5-lot subdivision at 27 Moose Run in Underhill, VT. 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. Due to the date the application was filed, this subdivision will continue to be reviewed under the 2003 Underhill Zoning Regulations and the 2002 Underhill Subdivision Regulations.

The next step in the subdivision process is to hold a preliminary hearing. The preliminary hearing requires notice to be published in the newspaper and mailed to all abutting property owners at least 15 days prior to the scheduled hearing date, both of which I will coordinate for you. 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 in the same manner as the hearing. 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.

Prior to scheduling the preliminary hearing and site visit, however, I must have a copy of your preliminary hearing application materials, including the required items 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. A complete application must be received by my office within 6 months of the date of the sketch plan meeting.

The 2002 Underhill Road Policy provides specifications for the design and construction of roads and driveways in town. All proposed accesses must conform to this policy.

Additionally, the 2003 Underhill Zoning Regulations prohibit construction of a dwelling within 100 feet of a watercourse, including wetlands. As mentioned during the sketch plan meeting, a State Wetlands Permit will be required as part of local subdivision

approval. For preliminary hearing, please provide a list of all variances or 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 better facilitate the subdivision process, you and your consultant should be aware of the criteria and address the Considerations in your preliminary plans. Although not required at this stage, I think it is wise 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, fees—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,

A handwritten signature in black ink that reads "Kari Papelbon". The signature is written in a cursive style with a large, sweeping initial "K".

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)