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April 14, 2011

Elena Shapiro
647 Poker Hill Rd.
Underhill, VT 05489

Dear Elena:

At the meeting on April 4, 2011, the Development Review Board reviewed your sketch plan application for a 2-lot subdivision of your property at 647 Poker Hill Rd. in Underhill, VT. This letter is provided per Section 7.3 (D) of the Unified Land Use and Development Regulations.

SUBDIVISION CLASSIFICATION

As you are aware, this application is being reviewed under the Unified Land Use and Development Regulations effective March 2, 2011. The process has been modified to distinguish between major and minor classifications. Due to the nature of your proposal, the DRB has classified this as a **minor subdivision**. [Section 7.2 (E)(1)]

REGULATION CONFORMANCE

Based upon the information submitted at the sketch plan meeting, it appears that the proposed subdivision will require modifications to conform to the regulations. Specifically, the Board feels the current proposal as submitted does not conform to the "Development Suitability" standard [see Section 8.2 (A)] as it unduly burdens the existing lot.

REVIEW CRITERIA & ISSUES TO BE ADDRESSED

This sketch plan letter outlines "specific areas of concern to be addressed" per Section 7.3 (D)(3), regarding potential impacts to adjoining property owners, and per Section 8.2, General Standards for subdivision review.

1. The DRB continues to have many of the same concerns mentioned in the final decision for the previously reviewed subdivision, dated January 17, 2011. Specifically, under the *Planning Standards, "Evaluation Considerations" – Final Findings* section,

"The land is not suitable for development because of the topography. It is too close to the wetlands and does not contain enough usable space for basic utilities and septic. The Board finds that the extensive easements proposed would impair the general welfare of present and future inhabitants of the

subdivision by unduly burdening the existing home, which is likely to affect both the value and utility of the existing home and the proposed lot.”

2. Per Section 8.1 (B)(2), the DRB requires the following additional information:
 - a. A thorough statement that specifically explains why the land is suitable for the proposed development and use.
 - By specific example, please indicate why the proposed lot is "suitable to support structures or infrastructure." [Section 8.2)(A)]
 - Please address specifically "poor drainage." [Section 8.2(A)]
 - Please note that several Board Members consider that the current proposal, which relies heavily on placing the infrastructure for the proposed new Lot 2 on the existing Lot 1, indicates that the land on Lot 2 "is otherwise not suitable to support structures or infrastructure" per the “Development Suitability” criteria of Section 8.2 (A).
 - b. A thorough statement that specifically explains why the land to be subdivided will not result in "undue adverse impacts" on public health and safety, the "neighboring properties" (including proposed Lot 1) and uses, and the character of the area. [Section 8.2(A)]
 - By specific reference, please address how the proposal will incorporate methods to minimize or eliminate the need for easements and infrastructure impacts (some ideas included altering the proposed lot line between Lots 1 and 2, moving the proposed force main line onto Lot 2, etc.).
 - c. A thorough statement that addresses how the lot layout is "suitable for the intended use." [Section 8.2 (F)(1)]
 - Several board members indicated at the sketch plan meeting that you may wish to consider an irregular shaped lot under Section 8.2 (F)(5) to best site the infrastructure of Lot 2 within the boundaries of Lot 2.
 - d. Proposed easement language to ensure adequate maintenance and, if necessary, restoration of any construction/maintenance easements. [Section 8.8 (B)]

The Board expects that all of the above will be resolved and included in an application for the preliminary hearing stage.

PRELIMINARY SUBDIVISION HEARING – PROCESS

The application requirements for the preliminary hearing have changed somewhat from the 2002 Subdivision Regulations. You will be required to submit one large and twelve 11” x 17” copies of the plat and engineering drawings, a check for the base hearing fees (please also include the remaining fees from sketch plan), a copy of the State wastewater permit, copies of other State and Federal permits or approvals, and copies of draft deeds.

Once I receive a completed application package, I will schedule and warn the preliminary hearing. You will be asked to post another red "P" sign on the lot no later than 15 days prior to the scheduled hearing. I will take care of the remaining notice requirements, including first-class mail to your neighbors and publication in a newspaper (the cost is borne by you and will be included in the final invoice). Due to scheduling conflicts, the next possible hearing date is May 16, 2011. I will need a complete application package on or before Monday, April 25 by noon in order to meet the deadline for the May 16 slot.

I understood that you may be seeking permits or additional information in this matter. If this schedule does not suit you, please let me know.

For your convenience, I am copying Peter Lazorchak on this letter. An application for the Preliminary Subdivision Hearing and associated checklist(s) will also be included with the letter. The checklists will aid in preparing your hearing submissions and will also aid the Board in reviewing the required documents.

After the Preliminary Subdivision Hearing, the Board will have 45 days to issue a signed, written decision. You will receive a copy of the signed decision via first-class mail. Any interested parties who participated in the hearing will also receive a copy of the decision. A 30-day appeal period will begin from the date of the signed decision, and must expire prior to scheduling a hearing for final subdivision. Preliminary approval is valid for one year from the date of issuance.

FINAL HEARING

Following the preliminary hearing, but not before the 30-day appeal period has expired, you may submit a complete application for a final hearing. I will include the requirements and procedure for that step in the letter accompanying your preliminary decision.

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
Peter Lazorchak, McCain Consulting (via email)
encl: Application for Subdivision: Preliminary (to Peter via email)
Subdivision Checklist: Preliminary Hearing (to Peter via email)
Subdivision Standards Findings Checklist (to Peter via email)