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August 1, 2011

James and Jennifer Bedell  
35 Tupper Rd.  
Underhill, VT 05489

Dear Jim and Jennifer:

At the meeting on July 18, 2011, the Development Review Board reviewed your sketch plan application for a 2-lot subdivision of your property at 35 Tupper 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 that current proposal as submitted includes the creation of a lot that will not conform to the minimum lot size (15 acres) after subdivision [see Sections 2.2, 8.2 (F)]. However, the Board considered a request for a waiver and reviewed the criteria under Section 3.7(E)(3). Based on the proposal to create a conforming lot entirely within the Rural Residential zoning district, which will be served by a shared driveway, the Board feels that the waiver is applicable.

**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. As a waiver is requested for the minimum lot size requirement, include with your preliminary hearing application package responses that address [from Section 8.1(D)]:
  - Why the standard is not requisite in the interest of the public health, safety and general welfare, or the standard is inappropriate because of the inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision;
  - Why the modification or waiver will not nullify the intent and purpose of the regulations, the Underhill Town Plan, or other municipal bylaws and ordinances in effect at the time of application;
  - The Conditional Use Review Standards in the enclosed checklist;
  - The Site Plan Review Standards in the enclosed checklist.
  
2. At the sketch plan meeting the DRB heard neighbor comments regarding the existing traffic conditions resulting from the use of the existing shared driveway. Address how the creation of an additional lot will affect existing conditions.

#### **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 draft plat and engineering drawings, a check for the base hearing fees (\$142.95), a copy of the State project review sheet, and copies of draft legal documents (e.g., shared driveway maintenance agreement).

Once I receive a completed application package, I will schedule and warn the site visit and preliminary hearing. You will be asked to post another red "P" sign on the lot no later than 15 days prior to the scheduled meeting date. I will take care of the remaining notice requirements, including Certified Mail notice to your neighbors and publication in a newspaper.

For your convenience, I am copying Larry Young 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 Certified Mail. Any interested parties who participated in the hearing will also receive a copy of the decision via first-class mail. 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.

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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 Standards Findings Checklist (to Larry via email)  
Conditional Use Review Standards Findings Checklist (to Larry via email)  
Site Plan Review Standards Findings Checklist (to Larry via email)

