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January 22, 2013

Michael & Darah Moore  
1681 Thunderbird Dr.  
S. Lake Tahoe, CA 96150

Dear Michael and Darah:

At the meeting on January 21, 2013, the Development Review Board reviewed your sketch plan application for a 2-lot subdivision of your property at 74 Cloverdale Rd. in Underhill, VT. This letter is provided per Section 7.3 (D) of the Unified Land Use and Development Regulations, and is valid for one year.

#### **SUBDIVISION CLASSIFICATION**

As you are aware, this application is being reviewed under the Unified Land Use and Development Regulations effective March 2012. The subdivision process must 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)].

#### **REGULATION CONFORMANCE**

Based upon the information submitted at the sketch plan meeting, it appears that the proposed subdivision has the potential to conform to the regulations. However, the Board did raise some concerns during the meeting that should be addressed in your subsequent plans.

#### **REVIEW CRITERIA & ISSUES TO BE ADDRESSED**

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

1. As discussed during the meeting, the DRB has concerns regarding the access for this subdivision proposal. Specifically, the concern is for the origination of the private road in the neighboring town of Westford, and the issues with the current culvert as mentioned by a neighbor. While I will ask Westford to provide their comments on the proposal, I recommend that you contact the Cloverdale Road Association (c/o Laura

DiPietro) prior to submitting your preliminary application. I will also request an evaluation for emergency access purposes from the Underhill-Jericho Fire Department.

2. The DRB asked questions about the existing and replacement areas for the septic system serving the existing dwelling. There are no septic plans on file for the existing system. All new and replacement water supply and wastewater systems are permitted by the State of Vermont Wastewater Management Division. Your engineer should be able to walk you through that permit process.
3. Determine the requirements from the State Wetlands office for the proposal, including temporary plans for the existing house. A Wetlands Permit will likely be needed, which is also a requirement under Section 3.19(D)(6). This may require a complete wetland delineation by a professional consultant. If a Wetlands Permit is not approved, all development will be required to be located no less than 50 feet from the boundary of the wetland on your property. If a Wetlands Permit is determined to be unnecessary, a written determination to that effect from the State of Vermont District Wetlands Ecologist will be required.
4. The property, save for a small area, has been identified by the State as being located within a habitat block. A written assessment from the Underhill Conservation Commission will be solicited due to this identification; however, it may be necessary for the Chair of the Commission to contact you and/or your consultants for more information prior to providing their assessment. I will provide your contact information to Chair Trevor Squirrell.
5. The existing house and nearby structures are located within Zone A of the Special Flood Hazard Area (aka, floodplain). It is highly recommended, though not necessarily required, that all existing structures be relocated out of the floodplain. Per Section 6.6(A), “[n]o new development shall be allowed within a Special Flood Hazard Area if it can be located outside of this area on the parcel to be developed...” The plans should include all proposed building envelopes and show the extent of the Special Flood Hazard Area on the property.

The current understanding is that improvements will be made to the existing dwelling until a new dwelling on the proposed new lot has been constructed. You may continue to use the existing dwelling and make repairs and improvements up to 49% of the market value of the dwelling. Once the improvements meet or exceed 50% of the market value (FEMA definition of “substantial improvement”), you will need to either remove the dwelling from the Special Flood Hazard Area or elevate it above the Base Flood Elevation (which will have to be determined by an engineer or surveyor). The above thresholds also exist for accessory structures, but have slightly different options for compliance with the National Flood Insurance Program.

Section 6.6(E)(3) requires Conditional Use review and approval from the DRB for “[r]elocation, elevation, substantial improvement or replacement of existing structures.” Therefore, you should solidify your plans for the existing house and include that as part of your preliminary subdivision application. The Conditional Use review can be combined with the final subdivision review per Section 5.1(B). Please contact me for further details in meeting these requirements.

The above should be included in an application for the preliminary hearing stage in addition to the information required on the enclosed checklists.

### **PRELIMINARY SUBDIVISION HEARING – PROCESS**

As you are aware, the Board voted to require a preliminary hearing due to the outstanding questions raised during the sketch plan review meeting. Therefore, the next step in the subdivision process is to hold a hearing for the purposes of conducting preliminary subdivision review. The application requirements for this step are detailed in Section 7.5 and Article VIII of the Unified Land Use and Development Regulations. The following is provided as a general overview of the process.

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 (\$166.75), a copy of the State Project Review Sheet, and copies of draft legal documents. Also include information addressing items 1-5 above and the requirements on the enclosed checklists.

Once I receive a completed application package, I will schedule and warn a site visit and the preliminary hearing. You will be asked to post another red “Z” sign on the lot no later than 15 days prior to the scheduled hearing. I will take care of the notice requirements, including Certified Mail to your neighbors and publication in a newspaper. The cost for notice is borne by you and the newspaper fee will be included in the final invoice.

An application for the Preliminary Subdivision Hearing and associated checklist(s) are also included with this 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 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 (and Conditional Use review as necessary). 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,

A handwritten signature in black ink that reads "Kari Papelbon" with a long horizontal flourish extending to the right.

Kari Papelbon

cc: File  
encl: Application for Subdivision: Preliminary  
Subdivision Checklist: Preliminary Hearing  
Subdivision Standards Findings Checklist