Town of Underhill

Development Review Board
Final Findings and Decision

APPLICATION OF PHIL JACOBS FOR A 5-LOT SUBDIVISION

In re: Phil Jacobs
16 Harvest Run (HR016)
Underhill, VT 05489

Docket No. DRB-16-01

Decision: Approved with conditions (see Section IV – Decisions and Conditions of Approval)

I. INTRODUCTION AND PROCEDURAL HISTORY

This proceeding concerns a final subdivision application submitted by Phil Jacobs regarding a 5-lot subdivision of property located at 16 Harvest Run in Underhill, Vermont.

A. On January 5, 2016, Phil Jacobs filed an application for subdivision for the above-mentioned project. A sketch plan review of the project was held on February 1, 2016 and was accepted.

B. Application for Preliminary Approval was made on May 16, 2016. A hearing was scheduled for 6:35 pm on June 6, 2016. A decision was made to continue the hearing. At that time, a site visit was scheduled and held at the property at 6:35 PM on June 13, 2016 in an effort to become more familiar with the existing drainage patterns on site. No testimony was provided during the site visit. The Board re-convened on June 20, 2016 to resume the preliminary subdivision hearing. A Preliminary Approval decision was issued by the Development Review Board on August 3, 2016.

C. On September 2, 2016, Phil Jacobs filed an application for final subdivision review for the above-mentioned project with the Underhill Planning & Zoning Department. Planning Director & Zoning Administrator, Andrew Strniste, received the application and determined that it was complete shortly thereafter. A hearing date was schedule for October 3, 2016.

D. On September 15, 2016, a copy of the notice of the final subdivision review hearing was mailed via Certified Mail to the following property owners adjoining the property subject to the application:

    A. Robert & Kathleen Covey, P.O. Box 5, Underhill, VT

B. David & Dorothy Richiedei, P.O. Box 278, Underhill, VT
C. Matthew & Jaqueline Gombrich, 6 Depot Street, Underhill, VT
D. Eugene & Teresa Bogaczyk, P.O. Box 416, Underhill, VT
E. Estate of Ronald Viau, 6 Harvest Run, Underhill, VT
F. Deborah Shannon, P.O. Box 202, Underhill, VT
G. Jamie Eisenberg, 23 Park Street, Underhill, VT
H. Gertrude Hunt, 159 Orr Road, Jericho, VT
I. Marguerite Walsh, 4 Depot Street, Underhill, VT
J. Robert & Louise Nichols, 4 Sugar Hill, Underhill, VT
K. Joseph & Ruth Nelson, 2 Sugar Hill, Underhill, VT
L. Alan & Bonita Morse, 18B Meadow Lane
M. Emmet & Paige Manning, 421 Vermont Route 15, Underhill, VT
N. Malachi & Shannon McCauley, PSC 817 #108, FPO AE 09622-0002
O. Underhill-Jericho Fire Department, P.O. Box 150, Underhill, VT
P. Underhill Garage, Inc, P.O. Box 7, Underhill, VT
Q. Brett Decker, 408 Vermont Route 15, Underhill, VT
R. United Church of Underhill, P.O. Box 265, Underhill, VT
S. William & Christina Widlund, 8 Jacobs Hill Road, Underhill , VT
T. Aaron & Jamie Brillhart, 16 Jacobs Hill, Underhill, VT
U. Randy & Kelly Jewell, 14 Jacobs Hill, Underhill, VT
V. Tobin & Rebecca Clough, P.O. Box 112, Underhill, VT
W. Jason & Jodie Ferreira, P.O. 386, Underhill, VT
X. John Pepi, 24 Jacobs Hill, Underhill, VT
Y. Applicant – Phil Jacobs, 73 Upper English Settlement Road, Underhill, VT
Z. Applicant – O'Leary-Burke Civil Associates, 13 Corporate Drive, Essex Junction, VT

E. During the week of September 11, 2016, notice of the public hearing for the proposed Jacobs subdivision was posted at the following places:

A. The Underhill Town Clerk's office;
B. The Underhill Center Post Office; and
C. The Underhill Flats Post Office.

F. On September 17, 2016, the notice of public hearing was published in the *Burlington Free Press.*

G. The final subdivision review hearing convened at 6:35 pm on October 3, 2016 at the Town of Underhill Town Hall.

H. Present at the subdivision revision hearing were the following members of the Development Review Board:

A. Board Member, Charles Van Winkle, Chairperson
B. Board Member, Will Towle
C. Board Member, Mark Hamelin

D. Board Member, Shanie Bartlett
E. Board Member, Karen McKnight
F. Board Member, Matt Chapek
G. Staff Member, Andrew Strniste, Planning Director & Zoning Administrator

Others present at the hearing were:

1. William Widlund, Abutting Neighbor (8 Jacobs Hill Road)
2. Harland Blodgett, Abutting Neighbor (22 Poker Hill Road)
3. Greg Bogaczyk, Abutting Neighbor (10 Harvest Run)
4. David Richiedei, Abutting Neighbor (12 Harvest Run)
5. Aaron Brillhart, Abutting Neighbor (16 Jacobs Hill Road)
6. Bob Covey, Abutting Neighbor (14 Harvest Run)
7. Deb Shannon, Abutting Neighbor (4 Harvest Run)
8. Paul O'Leary, Consultant (13 Corporate Drive, Essex Junction)
9. Phil Jacobs, Applicant (13 Upper English Settlement Road)

I. At the outset of the hearing, Chair Van Winkle explained the criteria under 24 V.S.A § 4465(b) for being considered an "interested party." Those who spoke at the hearing were:

1. Greg Bogaczyk
2. Bob Covey
3. Deb Shannon
4. Aaron Brillhart

J. In support of the final subdivision application, the following exhibits were submitted to the Development Review Board:

Exhibit A - Application for Final Subdivision Hearing
Exhibit B - Final Subdivision Hearing Checklist
Exhibit C - Preliminary Subdivision Findings & Decision
Exhibit D - Preliminary Access Permit (05-16-2016)
Exhibit E - Burlington Free Press Notice
Exhibit F - List of Abutters
Exhibit G - Letter to Neighboring Abutters
Exhibit H - Correspondence from Neighbor (Covey)
Exhibit I - Notice from Jacobs to Neighbors Re Road Maintenance Agreement
Exhibit J – Proposed Harvest Run Improvement Options
Exhibit K - Project Review Sheet
Exhibit L - ANR Stormwater Program Public Notice
Exhibit M - Designer's Statement of Compliance (State Stormwater Discharge Permit)
Exhibit N - Correspondence Re Stormwater Plan
Exhibit O - Correspondence Regarding Authorization to Discharge
Exhibit P - DEC Correspondence Re WW-4-4679 (1 of 2)

Exhibit Q - DEC Correspondence Re WW-4-4679 (2 of 2)
Exhibit R - Permit 3-9015 DEC Authorization to Discharge
Exhibit S - WW-4-4679
Exhibit T - Survey (Plan Sheet PL - 09-09-2016)
Exhibit U - Phase 2 Plan (Plan Sheet 1 - 09-09-2016)
Exhibit V - Min's Lane Plan View (Plan Sheet 2 - 09-09-2016)
Exhibit W - Min's Lane Road Profile (Plan Sheet 3 - 05-10-2016)
Exhibit X - Roadway and Erosion Control Details (Plan Sheet 4 - 05-10-2016)
Exhibit Y - Water Details (Plan Sheet 5 - 05-10-2016)
Exhibit Z - Water and Wastewater Plan (Plan Sheet 6 - 09-09-2016)
Exhibit AA - Sewage Disposal and Landscaping Details (Plan Sheet 6 - 05-10-2016)
Exhibit BB - Water, Sewer and Landscaping Details (Plan Sheet 7 - 06-28-2016)
Exhibit CC - Stormwater Plan (Plan Sheet 8 - 09-09-2016)
Exhibit DD - Stormwater Details (Plan Sheet 9 - 06-22-2016)
Exhibit EE- Jacobs Sketch Letter
Exhibit FF - MMU School District Letter
Exhibit GG – Staff Memorandum
Exhibit HH - Response to Harvest Run Maintenance Plan from Neighbors
Exhibit II - Additional Road Maintenance Materials

Exhibits that were submitted during the hearing were as follows:

Exhibit JJ - Email From Richiedei
Exhibit KK - Aaron Brillhart Comments

The Exhibits submitted as part of the preliminary application except as amended above are incorporated with this decision.

All exhibits are available for public review in the HR016 Final Subdivision Review file (DRB 16-01) at the Underhill Zoning & Planning office.

II. FINDINGS

The Minutes of the meetings, written by Andrew Strniste, are incorporated by reference into this decision. Please refer to the Minutes for a summary of the testimony.

Based on the submitted application, testimony, exhibits, and evidence, the Development Review Board makes the following findings under the requirements of the Underhill Unified Land Use and Development Regulations (ULUDR):

FACTUAL FINDINGS

The applicant, Phil Jacobs, record owner of the property located at 16 Harvest Run in Underhill, VT, is seeking a subdivision permit to subdivide land. The property is located in the Underhill Flats Village Center District as defined in Article II, Table 2.2 of the 2014 Underhill Unified Land Use & Development Regulations.

ZONING DISTRICTS, ARTICLE II

ARTICLE II, TABLE 2.2 UNDERHILL FLATS VILLAGE CENTER DISTRICT

The Board finds that the newly created lots will meet the requirements of the Underhill Flats Village Center zoning district.

GENERAL REGULATIONS, ARTICLE III

A. **ACCESS, SECTION 3.2**

The Board finds that that the preliminary access permit (Access Permit #: A-16-03) for the 5-Lot subdivision received from the Selectboard on May 24, 2016 satisfies the requirements of § 3.2.C, noting that the following condition, in addition to any requirements set forth by the Selectboard, is required prior to obtaining final access permit approval: the new access road is to be built to A-76 standards.

B. **LOT, YARD & SETBACK REQUIREMENTS, SECTION 3.7**

The Board finds that the proposed lots will meet the minimum lot, yard & setback requirements.

C. **SOURCE PROTECTION AREAS, SECTION 3.17**

The Board finds that the proposed subdivision is not located within a source protection area.

D. **STEEP SLOPES, SECTION 3.18**

The Board finds that the subdivision contains areas of steep slopes (15-25%) and very steep slopes (>25%); however, the proposed development is generally located on areas of non-steep slopes, and therefore, there will be a *de minimis* impact on the areas of steep slopes.

E. **SURFACE WATERS & WETLANDS, SECTION 3.19**

The Board finds that the applicant identified the existence of a Class III Wetlands, as well as an unnamed seasonal stream, located within the proposed subdivision. As proposed, all of the proposed structures and other impervious surfaces meet the required setbacks.

F. **WATER SUPPLY & WASTEWATER SYSTEMS, SECTION 3.22**

The Board finds that the applicant has obtained the requisite water supply and wastewater system permits from the Vermont Department of Environmental Conservation (Exhibit S - WW-4-4679), and therefore, the proposed subdivision has an adequate water supply, and that any proposed wastewater disposal system will not adversely affect the groundwater.

SUBDIVISION REVIEW, ARTICLE VII

A. **APPLICABILITY, SECTION 7.2**

The Board finds that the applicant's proposed subdivision is subject to the requirements of the 2014 Underhill Unified Land Use & Development Regulations per § 7.2, and has been classified as a "major subdivision" during the Sketch Plan Review

process.

B. **SKETCH PLAN REVIEW, SECTION 7.3**
The Board finds that the proposed subdivision received approval during the Sketch Plan Review process on February 1, 2016.

C. **PRELIMINARY SUBDIVISION REVIEW, SECTION 7.5**
The Board finds that the proposed subdivision received approval during the Preliminary Subdivision Review process on August 3, 2016.

SUBDIVISION STANDARDS, ARTICLE VIII

A. **APPLICABILITY, SECTION 8.1**
The Board finds that the proposed subdivision shall be evaluated under the subdivision standards outlined in the Town of Underhill, Unified Land Use and Development Regulations, as amended March 4, 2014.

B. GENERAL STANDARDS, SECTION 8.2

DEVELOPMENT SUITABILITY, SECTION 8.2.A
The Board finds that the proposed subdivision is suitable and compatible with the surrounding area.

DEVELOPMENT DENSITY, SECTION 8.2.B
The Board finds that the proposed subdivision is consistent with the development density for the zoning district it is located in – the Underhill Flats Village Center District.

EXISTING SITE CONDITIONS, SECTION 8.2.C
The Board finds the proposed subdivision is compatible with the existing site conditions and layout, and that the design integrates into the land, as well as takes advantage of the topography while being respectful of existing site features and natural amenities.

UNDERHILL TOWN PLAN & DEVELOPMENT REGULATIONS, SECTION 8.2.D
The Board finds that the subdivision is in conformance with the Underhill Unified Land Use & Development Regulations, as well as the Town Plan.

DISTRICT SETTLEMENT PATTERNS, SECTION 8.2.E
The Board finds that the subdivision is concentrating density in development patterns consistent with the patterns designated in the Town Plan for the Underhill Flats Village Center District.

LOT LAYOUT, SECTION 8.2.F
The Board finds that the proposed subdivision lots and lot layouts conform to the Regulations, and are compatible with the surrounding area.

BUILDING ENVELOPMENTS, SECTION 8.2.G
The Board finds that the applicant is proposing building envelopes that are more restrictive than allowed by the ULUDR. The Board makes no requirement in this regard, and these restrictions shall not be enforced by the Town.

SURVEY MONUMENTS, SECTION 8.2.H
The Board makes no findings with regard to survey monuments.

LANDSCAPING & SCREENING, SECTION 8.2.I
The Board makes no findings, nor makes any requirements with regard to landscaping and screening.

ENERGY CONSERVATION, SECTION 8.2.J
The Board makes no findings, nor makes any requirements with regard to energy conservation.

C. NATURAL & CULTURAL RESOURCES, SECTION 8.3

RESOURCE IDENTIFICATION AND PROTECTION, SECTION 8.3.A
The Board finds that there are no natural or cultural resources identified, nor protection areas proposed.

SURFACE, WATERS, WETLANDS & FLOODPLAINS, SECTION 8.3.B
The Board finds that prior construction activity resulting from the creation of Meadow Lane over 40 years ago, re-directed surface water runoff from draining westward across Route 15 and re-routing it through the parent parcel of the subdivision. The seasonal stream and drainage way has contributed to past drainage issues along Harvest Run. The enlarged contributing drainage area has presented issues for the applicant pertaining to management during the development of Harvest Run and Jacobs Hill Road. The piecemeal approach to development within the parent parcel has created challenges for the applicant to continue to develop, especially when maintenance activities have not been performed on a regular basis. The Board finds that an adequate plan has been established for the management of stormwater runoff.

The Board finds that a Class III wetland, as defined by the VT Agency of Natural Resources, has been identified on the project as part of a prior approval. The Board finds that the proposed activity associated with this development will create no adverse impact to the wetland.

The Board finds that there are no mapped floodplains in the project area.

ROCK OUTCROPS, STEEP SLOPES, HILLSIDES & RIDGELINES, SECTION 8.3.C
The Board finds there are no rock outcrops, or ridgelines in the project area. The Board finds hillsides are a general feature of the project. There are some steep slopes in the project location; however, development is not proposed within these areas.

NATURAL AREAS & WILDLIFE HABITAT, SECTION 8.3.D
The Board finds that there are no mapped wildlife habitat areas in the project area, and that the project does not cause fragmentation or adverse impacts to natural areas.

HISTORIC & CULTURAL RESOURCES, SECTION 8.3.E
The Board finds that there are no historic or cultural resources within the project.

FARMLAND, SECTION 8.3.F
The Boards finds that there will be no impact on Farmland.

FORESTLAND, SECTION 8.3.G
The Board finds that there will be no impact on Forestland.

D. OPEN SPACE & COMMON LAND, SECTION 8.4

OPEN SPACE, SECTION 8.4.A
The Board makes no findings or requirements with regard to open space.

COMMON LAND, SECTION 8.4.B
The Board makes no findings or requirements with regard to common land.

LEGAL REQUIREMENTS, SECTION 8.4.C
The Board finds that a lack of a Homeowners Association involving the existing residents of Harvest Run can be attributed to inaction on the part of the applicant or his predecessors, and is largely a problem created by the applicant.

The Boards finds that although the previous covenants governing the Jacobs Subdivision did not include the maintenance and repair of Harvest Run roadway, the current amended covenants do create that obligation for Jacobs Hill Road and Min's Lane Subdivision residents. The Board requires the developer and/or his successors to annually offer the residents living on Harvest Run the opportunity to share in the maintenance of the Harvest Run roadway. The Board acknowledges that it cannot require residents of Harvest Run to contractually share in their road maintenance and repair.

The Board finds that no evidence has been submitted regarding the operation and autonomy of the Homeowners Association. The Board finds that the applicant is the sole operator of the Homeowners Association and that it has not become an independent body.

E. STORMWATER MANAGEMENT & EROSION CONTROL, SECTION 8.5

The Board finds an extensive analysis has been conducted that addresses the existing drainage patterns during the 10-year and the 25-year design frequency storm events. The Board finds:

1. Three (3) different methodologies were used to conduct the analysis.

2. The prior development in the vicinity of the project altered the drainage patterns, thereby directing more surface water flow through the project area.
3. Based on the evidence submitted by the applicant, runoff from the 25-year design storm event may accumulate on adjacent properties west of the project location.
4. The Board find that proposed grading improvements, (i.e. the storage area) along the south side of the field is sufficient to manage a 25-year design storm event.

F. **TRANSPORTATION FACILITIES, SECTION 8.6**

The Board finds that a Preliminary Access Permit has been approved by the Selectboard (Access Permit #: A-16-03, permitted on May 24, 2016). The proposed development road has the capacity to accommodate vehicular traffic to and from the proposed subdivision.

The Board finds:

1. That the additional traffic generated by the proposed development will not exacerbate existing traffic or circulation on both Jacobs Hill Road and Harvest Run.
2. In conducting a review of this application, the Board further finds that the care and maintenance of Jacobs Hill Road and Harvest Run has largely been performed by the applicant and not performed by the road association.
3. *In conducting a review of this application, as well as a site visit, the Board finds the condition of Harvest Run appears to be typical of other gravel roads in Underhill during mid-summer 2016.*
4. *The Board finds that as per the typical gravel private road, Harvest Run has not benefited from periodic rehabilitation with professional equipment. As such, it is only in moderate condition.*
5. Furthermore, the Board is disappointed with the level of care and maintenance of Harvest Run, in particular any evidence that the Homeowners Association is functioning as proposed in the 2008 approval.

DRIVEWAYS, SECTION 8.6.A.9

The Board finds evidence, and is reasonably assured, that the driveways to the new lots can be constructed in conformance with these Regulations. Final driveway locations are under the jurisdiction of the Underhill Road and Trail ordinance, and need not be reviewed by the Development Review Board.

DEVELOPMENT ROADS, SECTION 8.6.B

The Board finds, based on the evidence submitted, that the proposed development road has the capacity to accommodate vehicular traffic generate by the proposed development.

DEVELOPMENT ROADS, SECTION 8.6.B.3

The Board finds, based on the evidence submitted, that the proposed development road meets or exceeds the minimum design requirements with respect to Rights-of-Ways, Grades, Drainage, Travel Lanes, Surfacing, and Dead Ends as Outlined in the ULUDR.

IMPROVEMENTS, SECTION 8.6.B.4
The Board finds that the existing road infrastructure on Harvest Run requires drainage improvements and continued maintenance.

ACCEPTANCE, SECTION 8.6.B.5
The Board finds that the proposed development road will not be accepted for ownership by the Town.

NAMES, SIGNS AND 911 LOCATOR NUMBERS, SECTION 8.6.B.6
The Board finds that names, signs, and 911 locator numbers shall be required as a condition of final approval.

PARKING FACILITIES, SECTION 8.6.C
The Board finds that no parking facilities, other than those to be expected with single-family residences, are proposed.

TRANSIT FACILITIES, SECTION 8.6.D
The Board finds that no transit facilities are proposed.

PEDESTRIAN ACCESS, SECTION 8.6.E

- The Board finds no specific separate infrastructure is proposed regarding pedestrian access.
- The Board finds that the nature of development at the project area, as well as the surrounding area, is sufficient for pedestrian access.
- The Board finds that under the current subdivision design, there are additional lots on Min's Lane that could be created from the proposed infrastructure, and is satisfied with pedestrian access along Min's Lane.
- The Board finds the residual parcel identified as lot #6; has the potential to be further developed as a mixed use, or a higher density development area.
    - In the course of further developing this parcel, the applicant would be wise to include a pedestrian circulation plan that is separate from vehicle circulation, which would allow pedestrians to connect to the schools, post office, and other points of interest.

G. PUBLIC FACILITIES & UTILITIES, SECTION 8.7

PUBLIC FACILITIES, SECTION 8.7.A
The Board finds that development of the parcel has the potential to affect the public investment of Park Street and the surface water drainage system that supports it. As presently proposed, the drainage infrastructure is designed to manage its stormwater

within the boundaries of the subdivision without burdening the Town's stormwater infrastructure.

FIRE PROTECTION, SECTION 8.7.B
The Board finds the Underhill Jericho Fire Department has provided an ability to serve letter, and has made no requirement regarding specialized water storage or distribution facilities for fire protection.

WATER SYSTEMS, SECTION 8.7.C
The Board finds that the development plans to supply potable water via drilled wells on each subdivided lot.

WASTEWATER SYSTEMS, SECTION 8.7.D
The Board finds that the proposed lots will be served by private wastewater systems.

UTILITIES, SECTION 8.7.E
The Board finds electrical, communication, and media utilities shall be located below grade.

H. **LEGAL REQUIREMENTS, SECTION 8.8**
The Board finds that the proposed maintenance agreements include Harvest Run, Jacobs Hill Road, and Min's Lane.

III. CONCLUSION

The Board is satisfied with the level of investigation, engineering and evaluation conducted in the application submittal and review process concerning the above-mentioned project. The Board thoroughly reviewed all aspects of the proposal under the evaluation criteria in the ULUDR.

The Board concludes that based on the evidence submitted and the above findings, the proposed subdivision/development generally conforms to the Underhill Unified Land Use & Development Regulations.

IV. DECISIONS AND CONDITIONS OF APPROVAL

Based upon the findings above, and subject to the conditions below, the Development Review Board grants approval for the subdivision revision as presented at the hearing with the following conditions:

1. The Board requires the project be constructed in accordance with the drawing set submitted as part of the review process, and are listed as follows:
   a. Survey (Plan Sheet PL - 09-09-2016)
   b. Phase 2 Plan (Plan Sheet 1 - 09-09-2016)
   c. Min's Lane Plan View (Plan Sheet 2 - 09-09-2016)
   d. Min's Lane Road Profile (Plan Sheet 3 - 05-10-2016)

e. Roadway and Erosion Control Details (Plan Sheet 4 - 05-10-2016)
f. Water Details (Plan Sheet 5 - 05-10-2016)
g. Water and Wastewater Plan (Plan Sheet 6 - 09-09-2016)
h. Sewage Disposal and Landscaping Details (Plan Sheet 6 - 05-10-2016)
i. Water, Sewer and Landscaping Details (Plan Sheet 7 - 06-28-2016)
j. Stormwater Plan (Plan Sheet 8 - 09-09-2016)
k. Stormwater Details (Plan Sheet 9 - 06-22-2016)

2. The Board requires the applicant formalize upon approval the proposed roadway maintenance agreement to include Harvest Run, Jacobs Hill Road and Min's Lane This document was submitted in the Preliminary Application and is listed as "Exhibit W DRAFT JACOBS HILL ROAD MAINTENANCE AGREEMENT" in the Preliminary Decision.
3. The Board requires the applicant to clean and stabilize the roadside drainage ditch on the west side of Harvest Run.
4. The Board requires the permit holder certify annually that the recommended maintenance is being conducted on the stormwater infrastructure, especially maintenance of the ditch on the western side of Harvest Run.
5. The Board does not require the residents of Harvest Run to participate in the cost of said improvements.
6. The Board requires the applicant to annually offer the residents living on Harvest Run the opportunity to share in the maintenance of the Harvest Run roadway. The Board does not require any of the residents to join the roadway association.
7. The Board requires the applicant to obtain a final access permit from the Underhill Board of Selectmen for the construction of Min's Lane.
    a. Final driveway locations are subject to the authority having jurisdiction over the Underhill Roadway and Trail Ordinance, and do not need to be approved by the Underhill Development Review Board.
8. No actions required by this Board as a condition of approval shall in any way be construed as restricting any rights available under Vermont statute to either the applicant or the homeowners association.
9. Any new electric, data and communication utilities shall be underground.
10. The conditions of the ANR Wastewater System and Potable Water Supply Permit shall be incorporated herein.
11. The E-911 Codes for the lots shall be posted per the Underhill-Jericho Fire Department specifications prior to the issuance of an occupancy permit.
12. Per § 7.2(B), no land shall be subdivided until final subdivision approval has been obtained from the Development Review Board, and the approved subdivision plat is recorded in the Underhill Land Records.
13. No transfer, sale or long-term lease of title to property as defined under 32 VSA § 9601 of any portion of an existing lot; predevelopment site work; or issuance of zoning permits to develop a subdivided lot shall occur until final subdivision has been approved from the Development Review Board, and the final Mylars (the subdivision plat and the engineering drawing) have been recorded in the Underhill Land Records [see § 7.2(C)].
14. The building envelope as shown on the subdivision plat are in excess of the minimum required by the current Uniform Land Use and Development Regulations.

The applicant is proposing the additional restrictions and as such these additional building setbacks are non-binding nor enforceable by the town.

15. The final plat shall be updated to include parcel codes and shall be submitted for recording within 180 days of the date of this approval in accordance with § 7.7. Please contact the Zoning Administrator for the parcel codes.
16. Conditions of approval from previous decisions, unless specifically amended herein, shall remain in effect. This shall include approvals under DRB Docket 07-06 Phillip Jacobs and DRB Docket 12-10 Jacobs.
17. All subdivision and recording fees must be paid in full prior to recording a subdivision plat in accordance with § 7.7(B)
18. Prior to the issuance of any certificate of occupancy on the new lots created along Mins Lane, the applicant shall provide a Certification letter from a VT Licensed Professional Engineer indicating that all common infrastructure improvements listed in condition #1 have been constructed according to plan.
19. Notwithstanding the conditions above, prior to issuing a building permit, the applicant shall comply with applicable aspects of the Unified Land Use and Development Regulations in effect at the time of the application.

Dated at Underhill, Vermont this 16 day of NOVEMBER, 2016.

Charles Van Winkle

Charles Van Winkle, Chair, Development Review Board

NOTICE: This decision may be appealed to the Vermont Environment Court by an interested person who participated in the proceedings before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings. Appeal period ends DECEMBER 16, 2016.