



Town of Underhill

Development Review Board

Findings and Decision

FINAL SUBDIVISION APPLICATION OF TOMASI LIVING TRUST C/O MARTHA TOMASI LANE FOR A 2-LOT SUBDIVISION

In re: Tomasi Living Trust c/o Martha Tomasi Lane
79 Pleasant Valley Road (PV079)
Underhill, VT 05489

Docket No. DRB-17-02

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

I. INTRODUCTION AND PROCEDURAL HISTORY

This proceeding concerns the final subdivision application submitted by Tomasi Living Trust c/o Martha Tomasi Lane regarding a 2-lot subdivision of property they own located at 79 Pleasant Valley Road in Underhill, Vermont.

- A. On February 6, 2017, Martha Tomasi Lane on behalf of the Tomasi Living Trust filed a sketch plan review application for the abovementioned project. A sketch plan review meeting of the project was held on February 20, 2017 and a letter of acceptance was issued on March 3, 2017.
- B. On May 7, 2017, Martha Tomasi Lane on behalf of the Tomasi Living Trust filed an application for preliminary approval for the abovementioned project. Planning Director & Zoning Administrator, Andrew Strniste, received the application and determined that it was complete shortly thereafter. A site visit was scheduled to commence on Thursday, June 1, 2017 at 6:00 PM, while the hearing date was scheduled for 7:45 PM at Underhill Town Hall on June 5, 2017.
- C. On June 29, 2017, the Underhill Development Review Board issued its Findings & Decision, which granted preliminary subdivision approval.
- D. On July 18, 2017, Martha Tomasi Lane on behalf of the Tomasi Living Trust filed an application for final subdivision approval for the abovementioned project. Planning Director & Zoning Administrator, Andrew Strniste, received the application and determined that it was complete shortly thereafter. A site visit was scheduled to commence on Monday, August 21, 2017 at 6:00 PM, while the hearing date was scheduled for 7:05 PM and at Underhill Town Hall on Monday, August 21, 2017.
- E. On August 1, 2017, 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:

1. PV068 – Irene Linde Life Estate, Robert & Philip Linde Remaindermen, P.O. Box 64, Underhill Center, VT 05490
2. PV070 – Ann W. Linde & Nathan Goldman, 70 Pleasant Valley Road, Underhill, VT 05489
3. PV095 – Peter J. & Cynthia T. Seybolt Trustees, P.O. Box 199, Underhill Center, VT 05490
4. PV099 – Carolyn S. Gregson, P.O. Box 36, Underhill Center, VT 05490
5. SY007, Formerly PV109 – Richard J. & Barbara A. Albertini, John J. & Christine M. Albertini Trustees, P.O. Box 168, Underhill Center, VT 05490
6. SY011, Formerly PV109 – Richard J. & Barbara A. Albertini, John J. & Christine M. Albertini Trustees, P.O. Box 168, Underhill Center, VT 05490
7. PV139 – Richard J. & Barbara A. Albertini, P.O. Box 168, Underhill Center, VT 05490
8. MT002X [*Hand Delivered*] – Town of Underhill, P.O. Box 120, Underhill, VT 05489
9. IS050 – Timothy S. & Jane M. Reny, P.O. Box 106, Underhill Center, VT 05490
10. IS076 – Johannes & Susan Jobst, 76 Irish Settlement Road, Underhill, VT 05489
11. IS084 – Frank & Michelle T. Jackson, P.O. Box 75, Underhill Center, VT 05490
12. IS094 – Sandra Murphy, 94 Irish Settlement Road, Underhill, VT 05489
13. NR003 – John & Denise Angelino, 3 New Road, Underhill, VT 05489
14. Applicant: PV079 – Tomasi Living Trust c/o Martha Tomasi Lane, 286 Ponus Ridge, New Canaan, CT 06840
15. Consultant: Grover Engineering, P.C., 2044 Main Road, Huntington, VT 05462

F. During the week of July 30, 2017, notice of the public hearing for the proposed Tomasi Final Subdivision hearing was posted at the following places:

1. The Underhill Town Clerk's office;
2. The Underhill Center Post Office; and
3. The Underhill Flats Post Office.

G. On Saturday, August 5, 2017, the notice of public hearing was published in the *Burlington Free Press*.

H. A site visit at the property located at 79 Pleasant Valley Road, Underhill, Vermont, commenced at 6:00 pm on Monday, August 21, 2017.

I. Present at the site visit were the following members of the Development Review Board:

1. Board Member, Charles Van Winkle, Chairperson
2. Board Member, Matt Chapek
3. Board Member, Mark Green
4. Board Member, Karen McKnight
5. Board Member, Penny Miller

Municipal representatives and members of the public present during the site visit were:

6. Planning & Zoning Administrator, Andrew Strniste
7. Amy Golodetz
8. Dan Steinbauer
9. Applicant's Engineer, Dean Grover from Grover Engineering
10. Abutting Neighbor, Ann W. Linde

J. The final subdivision review hearing began at 7:05 PM on August 21, 2017 at the Town of Underhill Town Hall, 12 Pleasant Valley Road, Underhill, Vermont.

K. Present at the final subdivision hearing were the following members of the Development Review Board:

1. Board Member, Charles Van Winkle, Chairperson
2. Board Member, Matt Chapek
3. Board Member, Mark Green
4. Board Member, Karen McKnight
5. Board Member, Penny Miller

Also in attendance was Staff Member, Andrew Strniste, Planning Director & Zoning Administrator.

Others present at the hearing were:

1. Dean Grover, Grover Engineering, Applicant's Engineer and Representative (2044 Main Road, Huntington, VT 05462)
2. Dan Steinbauer, 52 Range Road, Underhill, VT 05489

L. 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. Dean Grover, Grover Engineering, Applicant's Engineer and Representative
2. Dan Steinbauer

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

- Exhibit A - PV079 Tomasi Staff Report - Final Subdivision Review
- Exhibit B - PV079 Hearing Procedure - Final Subdivision Review
- Exhibit C - Application for Final Subdivision Review
- Exhibit D - Correspondence from Applicant
- Exhibit E - Burlington Free Press Public Notice
- Exhibit F - Certificate of Service
- Exhibit G - Subdivision Plat
- Exhibit H - Tomasi Site Plan Final Vicinity Plan
- Exhibit I - Site Plan
- Exhibit J - Driveway Details
- Exhibit K - UJFD Preliminary Ability to Serve Comments
- Attachment 1 - Albertini Trail Easement

The following exhibits were subsequently submitted and distributed prior to the start of the hearing:

- Exhibit L - UJFD Ability to Serve Memorandum

The exhibits submitted as part of the sketch plan application and as part of the preliminary subdivision application, except as amended above, are also incorporated into this decision.

All exhibits are available for public review in the PV079 Final Subdivision Review file (DRB 17-02) at the Underhill Zoning & Planning office.

II. FINDINGS

The Minutes of the August 21, 2017 meeting, 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, the Tomasi Living Trust, c/o Martha Tomasi Lane, record owner of the property located at 79 Pleasant Valley Road in Underhill, VT, is seeking a subdivision permit to subdivide the abovementioned land. The property is located in the Rural Residential and Water Conservation zoning districts as defined in Article II, Tables 2.3 & 2.4 of the 2014 Underhill Unified Land Use & Development Regulations.

ARTICLE II – ZONING DISTRICTS

A. ARTICLE II, TABLE 2.3 – RURAL RESIDENTIAL DISTRICT

The Board finds that the focus of the proposed subdivision and proposed development are not located in the Rural Residential District.

B. ARTICLE II, TABLE 2.4 – WATER CONSERVATION DISTRICT

The Board finds that the newly created lot will meet the zoning requirements of the Water Conservation District.

ARTICLE III – GENERAL REGULATIONS

A. SECTION 3.2 – ACCESS

The Board finds that a preliminary access permit (Access Permit #: A-17-04) for Lot 2 was received from the Selectboard on January 31, 2017, which was approved with conditions. The Board notes that the Lot 2 landowner shall obtain a final access permit prior to obtaining a building permit; however, recommends that the applicant obtain the final access permit at her earliest convenience.

B. SECTION 3.7 – LOT, YARD & SETBACK REQUIREMENTS

The Board finds that the proposed lot and proposed development will meet the requirements of the Water Conservation zoning district. One principal use is proposed for each lot, both single-family dwellings, which are permitted per Table 2.4.B.5. Both lots meet the minimum frontage requirement of 300 feet, the minimum acreage requirement of 5.0 acres, as well as satisfying all of the identified setbacks.

The Board notes that the applicant has depicted a building envelope that is smaller than permitted, thus satisfying the requirements of the zoning districts. The Board further notes that the remnants the old barn structure on Lot 1 closest to the Lot 1 & 2 lot line will not satisfy the minimum setback requirements, and therefore, if a subsequent applicant wishes to utilize the foundation, a setback waiver by this Board is required.

In addition, the Board finds that the proposed driveway location is for illustration purposes only, and potentially subject to change upon the applicant's submission of the final access permit application.

C. SECTION 3.13 – PARKING, LOADING & SERVICE AREAS

The Board finds that there is sufficient evidence to believe that the applicant will meet the parking requirement of two spaces as required per table 3.1.

D. SECTION 3.17 – SOURCE PROTECTION AREAS

The Board finds that the subdivision/development is located within a Groundwater Source Protection Area. The applicant is currently in the process of obtaining a Wastewater System & Potable Water Supply permit from the Agency of Natural Resources, Department of Conservation, and once obtained, shall be submitted to the Town for recordation. Submission of this permit to the Town will satisfy the presumption that this source protection area will not be adversely impacted.

E. SECTION 3.18 – STEEP SLOPES

The Board finds that the existing lot contains areas of steep slopes (15-25%) and very steep slopes (>25%); however, the applicant has identified a building envelope that allows development to be constructed outside of these areas, and therefore, there will be a *de minimis* impact on the areas of steep slopes.

F. SECTION 3.19 – SURFACE WATERS & WETLANDS

The Board finds that no wetlands were identified on either lot. While an unnamed stream is located on the northern part of the lot, the proposed development is to occur over 1,200 feet from the stream. Therefore, the newly proposed lot, and any associated development as represented by the applicant will not be located in the vicinity of these features, and therefore, will cause little to no impact.

G. SECTION 3.22 – WATER SUPPLY & WASTEWATER SYSTEMS

The Board finds that the applicant has submitted a Wastewater System and Potable Water Supply Permit to the Agency of Natural Resources. The Board finds that the applicant shall submit a copy of the approved permit to the Town upon issuance. The issuance of this permit satisfies the presumption that the project has adequate water and wastewater disposal capabilities, and will not pollute or contaminate nearby soils, groundwater and surface waters.

ARTICLE VI – FLOOD HAZARD AREA REVIEW

The Board finds that a 100-year Flood Hazard Area is located on the existing lot; however, the proposed development on the lot is not located in the immediate vicinity, and therefore, no review under this article is required.

ARTICLE VII – SUBDIVISION REVIEW, ARTICLE VII

A. SECTION 7.2 – APPLICABILITY

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 was classified as a "minor subdivision" during the sketch plan review meeting and in the decision letter issued on March 3, 2017.

B. SECTION 7.3 – SKETCH PLAN REVIEW

The Board finds that the applicant adequately satisfied the conditions of approval provided in

the Sketch Plan Review Letter issued on March 3, 2017, as explained directly below.

C. SECTION 7.5 – PRELIMINARY SUBDIVISION REVIEW

As part of the preliminary subdivision application, the applicant addressed the concerns identified as part of the sketch plan approval letter. Specifically, the applicant provided an easement for the trail near the unnamed stream, as well as provided a pedestrian easement along Pleasant Valley Road (on the south side of the road). The Town of Underhill gratefully acknowledges the Tomasi family for both easements. Furthermore, the applicant carefully reviewed and situated the water/wastewater system in a way that causes the least amount of future development disturbance.

As a result, the Board finds that the applicant satisfied the intent of this section and provided the necessary materials to make a determination on the preliminary subdivision application.

D. SECTION 7.6 – FINAL SUBDIVISION REVIEW

As part of the final subdivision application, the applicant addressed the conditions identified as part of the preliminary findings & decision. Specifically, the applicant updated the building envelope and made the corresponding changes to the subdivision plans. Therefore, the Board finds that the applicant satisfied the intent of this section and provided the necessary materials to make a determination on the final subdivision review application.

SUBDIVISION STANDARDS, ARTICLE VIII

A. SECTION 8.1 – APPLICABILITY

The Board finds that no technical review was needed for this proposed project. The Board also finds that the applicant did not request any waivers.

B. GENERAL STANDARDS, SECTION 8.2

SECTION 8.2.A – DEVELOPMENT SUITABILITY

The Board finds that there are no foreseen undue adverse impacts to the public health and safety, the natural environment, neighboring properties and uses, or the character of the area in which the proposed development is located.

SECTION 8.2.B – DEVELOPMENT DENSITY

The Board finds that the proposed subdivision meets the density requirements per this section and the Water Conservation zoning district.

SECTION 8.2.C – EXISTING CONDITIONS

The Board finds that the proposed layout of the development will minimize the impact to the natural environment, and that there will be minimal impact to the existing site features and natural amenities. While the Board finds that there are prime agriculture soils present on the proposed Lot 2, the proposed development will be located toward the boundary of this designation, thus not causing any fragmentation.

SECTION 8.2.D – UNDERHILL TOWN PLAN & DEVELOPMENT REGULATIONS

The Board finds that the proposed subdivision & development conform to the Underhill Town Plan & the Underhill Unified Land Use and Development Regulations.

SECTION 8.2.E – DISTRICT SETTLEMENT PATTERNS

The Board finds that the proposed subdivision & development are consistent with the characteristics of the rural zoning districts as described in Section 8.2.E.2.

SECTION 8.2.F – LOT LAYOUT

The Board finds that the proposed subdivision meets the requirements of this subsection.

SECTION 8.2.G – BUILDING ENVELOPE

The Board finds that the proposed building envelope on Lot 2 meets the requirements of this section, and that it is more restrictive than what is permitted by the ULUDR. The Board does not find an overwhelming policy reason for the building envelope to remain as depicted indefinitely, and therefore, authorizes the Zoning Administrator under Section 10.7.F.5 of the ULUDR to amend the Lot 2 building envelope so long as it is consistent with this decision and conforms to the regulations in place at the time of the proposed modification.

SECTION 8.2.H – SURVEY MONUMENTS

The Board finds that proposed property monumentation shall be installed as defined in the recordable mylar.

SECTION 8.2.I – LANDSCAPING & SCREENING

The Board finds that the applicant is proposing development that will preserve the existing trees, tree lines, and wooded areas located on the Lot 2, as well as proposing a building envelope that does not extend into the forested areas, thus satisfying the requirements of this Section.

SECTION 8.2.J – ENERGY CONSERVATION

The Board makes no findings, nor makes any requirements with regard to energy conservation.

C. SECTION 8.3 – NATURAL & CULTURAL RESOURCES

SECTION 8.3.A – RESOURCE IDENTIFICATION & PROTECTION

The Board finds that the applicant has ascertained the approximate location of a trail easement for the benefit of Underhill residents that runs parallel to the unnamed stream located on the northern portion of Lot 2. The Board expresses its appreciativeness of the applicant's generosity in providing the easement for the benefit of the Underhill community.

SECTION 8.3.B – SURFACE, WATERS, WETLANDS & FLOODPLAINS

The Board finds that there will be no adverse impacts on the existing floodplains and surface waters that exist on the northern portion of Lot 2.

SECTION 8.3.C – ROCK OUTCROPS, STEEP SLOPES, HILLSIDES & RIDGELINES

The Board finds that the existing lot contains areas of steep slopes and very steep slopes; however, the applicant has identified a building envelope that allows development to be constructed outside of these areas, and therefore, there will be a *de minimis* impact on the areas.

SECTION 8.3.D – NATURAL AREAS & WILDLIFE HABITAT

The Board finds that a wintering deer yard is located on the northern portion of the existing lot, and that the existing trail bisects the edge of this area. The proposed development on Lot 2 will be located over 1,000 feet to the south of this wintering deer yard. Furthermore, the Board finds that a priority level 6/7 habitat block is located on the existing lot; however, development

is not expected to occur in this area. Therefore, there are no significant adverse impacts on natural areas & wildlife habitat.

SECTION 8.3.E – HISTORIC & CULTURAL RESOURCES

The Board finds that there are remnants of an old barn/silo foundation. The applicant has not requested a waiver for subsequent redevelopment of these foundations, and therefore, if the current, or a subsequent, landowner wishes to utilize these foundations as part of a development project, review by this Board is required unless the proposed project meets the requirements of the development Regulations in effect at the time of the proposal.

SECTION 8.3.F – FARMLAND

The Board finds that the applicant has chosen a building envelope location on a smaller portion of prime agricultural soils field to the north of Pleasant Valley Road, rather than encumber the large acreage of prime agricultural soils on the portion of Lot 2 south of Pleasant Valley Road. The driveway is proposed to follow the edge of the meadow along the side of an existing tree and fence line, thus minimizing the fragmentation of open agricultural land and associated visual impacts.

SECTION 8.3.G – FORESTLAND

The Board finds that the applicant is not proposing to disturb any of the forestland that exists on the existing lot at this time; and therefore, the impact on forestland will be minimal.

D. SECTION 8.4 – OPEN SPACE & COMMON LAND

SECTION 8.4.A – OPEN SPACE

The Board finds that the applicant has not proposed to designate any land as open space.

SECTION 8.4.B – COMMON LAND

The Board finds that the applicant has not proposed to designate any land as common land.

SECTION 8.4.C – LEGAL REQUIREMENTS

The Board finds that this subsection does not apply since the applicant has not designated any land as open space or common land as part of the proposed project.

E. SECTION 8.5 – STORMWATER MANAGEMENT & EROSION CONTROL

The Board finds that the applicant shall conform to the Vermont DEC Low Risk Site Handbook for Erosion Prevention and Sediment Control, published by the Watershed Management Division of the Vermont Department of Environmental Conservation when performing excavation and site work. The Board also finds that the proposed development shall have a minimal impact on stormwater runoff and does not require an additional treatment plan.

F. SECTION 8.6 – TRANSPORTATION FACILITIES

SECTION 8.6.A – ACCESS & DRIVEWAYS

The applicant obtained a preliminary access permit from the Selectboard on January 31, 2017 (Access Permit #: A-17-04), with conditions. With the potential of the applicant subdividing in the future, the applicant has proposed a driveway curb cut that could align with a future curb cut across Pleasant Valley Road, thus satisfying the requirements of access and driveways under the ULUDR. The applicant has acknowledged that if future development/subdivision were to occur additional review would be required.

In addition, the Board finds that the applicant has addressed the conditions and recommendations provided by the Selectboard and the Underhill-Jericho Fire Department.

SECTION 8.6.B – DEVELOPMENT ROADS

The Board finds that this subsection does not apply since the access way will only serve one lot as part of this application.

SECTION 8.6.C – PARKING FACILITIES

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

SECTION 8.6.D – TRANSIT FACILITIES

The Board finds that no transit facilities are proposed.

SECTION 8.6.E – PEDESTRIAN ACCESS

The Board is satisfied with, and approves of, the proposed 10-foot-wide pedestrian easement that the applicant has generously provided along the south side of Pleasant Valley Road to accommodate pedestrian traffic, mainly from Underhill Central School to Casey's Hill, but also from Underhill Center. The easement, as depicted on the subdivisions plans, starts across from Lot 1 and is approximately adjacent to the curvature of road travelling north along Pleasant Valley Road.

G. SECTION 8.7 – PUBLIC FACILITIES & UTILITIES

SECTION 8.7.A – PUBLIC FACILITIES

The Board finds the proposed subdivision and development will not create an undue burden on the existing and/or planned public facilities. The Board finds there will be no adverse impact on the school district.

SECTION 8.7.B – FIRE PROTECTION

The Board finds there will be no undue burden on the ability of the UJFD to provide fire protection services. The Underhill Jericho Fire Department has provided an ability to serve letter recommending that the proposed driveway include a turnaround, typically meeting the following specifications: a 15 feet by 37.5 feet turnaround with a 35 feet radius. The applicant has satisfied these recommendations

SECTION 8.7.C – WATER SYSTEMS

The Board finds that the applicant is in the process of obtaining a Wastewater System & Potable Water Supply Permit. The approved permits will confirm the presumption that the soils, water, and groundwater will not be contaminated. Water will be supplied via a private drilled well, and is indicated on the submitted site plan. The permit shall be submitted to the Town for recordation upon issuance from the Agency of Natural Resources, Department of Environmental Conservation.

SECTION 8.7.D – WASTEWATER SYSTEMS

The Board finds that the applicant is in the process of obtaining a Wastewater System & Potable Water Supply Permit. The approved permits will confirm the presumption that the soils, water, and groundwater will not be contaminated. The applicant has identified the locations of the wastewater systems on the submitted site plan. The permit shall be submitted to the Town for

recordation upon issuance from the Agency of Natural Resources, Department of Environmental Conservation.

SECTION 8.7.E – UTILITIES

The Board finds the applicant has represented and illustrated that all electrical, communications, and media utilities will be installed underground in accordance with § 8.7.E.

H. SECTION 8.8 – LEGAL REQUIREMENTS

The Board finds that the applicant shall incorporate, or incorporate by reference, all proposed easements into the deeds. The Town notes that the following easements have been identified as part of this review: the trail easement parallel to the unnamed stream, the pedestrian easement along Pleasant Valley Road, the wastewater system serving Lot 1, and utility easements.

The Town encourages the applicant to use the Albertini Trail Easement, which has been provided prior to the Final Subdivision Review Hearing (see Final Subdivision Review Attachment 1) as the model for the proposed trail easement in order to retain consistency along the trail.

III. CONCLUSION

The Board is satisfied with the level of investigation, engineering and evaluation conducted in the application submittal and review process concerning the abovementioned 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. WAIVERS, MODIFICATIONS & SUPPLEMENTATIONS

The Board grants the following waivers/modifications:

1. Per Section 10.7.F.5, the Development Review Board may authorize administrative review by the Zoning Administrator to make subsequent changes or amendments to an approved project as outlined in the referenced Section. The Board does not find an overwhelming policy reason for the building envelope to remain as depicted indefinitely, and therefore, authorizes the Zoning Administrator to amend the Lot 2 building envelope so long as it is consistent with this decision and conforms to the regulations in place at the time of the proposed modification. The Board notes that the building envelope shall not be modified to be located on the south side of Pleasant Valley Road without further review by this Board.
2. The applicants are not required to come before the Board if they wish to relocate the driveway, or relocated associated parking areas within the building envelope. The Board recognizes that the identified location on the engineering plans submitted as a part of this application is for illustration purposes only.

V. DECISIONS AND CONDITIONS OF APPROVAL

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

1. The Board requires the project to be constructed in accordance with the drawing set submitted as part of the final subdivision review process, and as amended accordingly to address the requisite changes herein and those to be recorded, which are listed as follows:
 - a. Plat of 2-Lot Subdivision Showing Lands of the Tomasi Living Trust (Plan Sheet 1, Dated 05/10/2017)
2. Only the Subdivision Plat (identified as a. directly above) is required to be recorded in the Underhill Land Records.
3. The Wastewater System & Potable Water Supply permit shall be submitted to the Town for recordation upon issuance from the Agency of Natural Resources, Department of Environmental Conservation. If the permit is not recorded prior to filing the Mylar, the permit shall be submitted and recorded prior to obtaining any subsequent zoning permit as described under Section 10.1.A.1.
4. The landowners of Lot 2 shall obtain final access approval from the Selectboard prior to obtaining a building permit, although approval is not required prior to transferring land. However, the Board recommends that the applicants obtain final access approval at their earliest convenience.
5. The applicant shall incorporate, or incorporate by reference, all easements into the final deeds.
6. Prior to the issuance of a Certificate of Occupancy, the applicants shall provide a certification letter from a Vermont Licensed Professional Engineer or Licensed designer per Section 10.4.A.2.b that the wastewater system and water supply have been constructed according to the approved ANR permits.
7. Prior to the issuance of a Certificate of Occupancy, the applicants shall provide a certificate letter from a qualified consultant acceptable to the Underhill Zoning Administrator indicating that all infrastructure submitted in support of permit applications, have been constructed accordingly.
8. The E-911 Codes for the lots shall be posted per the Underhill-Jericho Fire Department specifications prior to the issuance of a Certificate of Occupancy permit.
9. Under Section 7.2.B, no land shall be subdivided until final subdivision approval has been obtained from this Board, and the approved subdivision plat is recorded in the Town of Underhill Land Records.
10. Under Section 7.2.C, no transfer, sale or long-term lease, of title to property as defined under 32 V.S.A § 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 this Board, and the final Mylar (the subdivision plat) has been recorded in the Underhill Land Records.
11. The final plat shall include parcel codes, and shall be submitted for recording within 180 days of the date of this approval (February 21, 2018) in accordance with Section 7.7 of the Underhill Unified Land Use & Development Regulations.
12. All subdivision and recording fees must be paid in full prior to recording a subdivision plat in accordance with Section 7.7.B of the Underhill Unified Land Use and Development Regulations.
13. New property boundary monumentation referenced on the survey plat shall be installed accordingly.

14. Notwithstanding the conditions above, prior to issuing a building permit, the applicants shall comply with applicable aspects of the Underhill Land Use and Development Regulations in effect at the time of the application.

Dated at Underhill, Vermont this 25th day of August, 2017.

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 **September 24, 2017**.