



Town of Underhill

Development Review Board

Final Subdivision Findings and Decision

COMBINED PRELIMINARY & FINAL SUBDIVISION REVIEW APPLICATION OF DENNIS PATRICK & MARJORY ANN CURRAN FOR A 2-LOT SUBDIVISION

In re: Dennis Patrick & Marjory Ann Curran
81 Maple Leaf Road (ML081)
Underhill, VT 05489

Docket No. DRB-18-09

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

I. INTRODUCTION AND PROCEDURAL HISTORY

This proceeding concerns the combined preliminary & final subdivision review application submitted by Dennis Patrick & Marjory Ann Curran (the applicants) regarding a 2-lot subdivision of property they own located at 81 Maple Leaf Road (ML081) in Underhill, Vermont.

- A. On April 2, 2018, the applicants filed a sketch plan review application for the abovementioned project. A sketch plan review meeting for the project was held on May 21, 2018 and a letter of acceptance was issued on June 5, 2018. As part of that sketch plan review letter, the Development Review Board waived preliminary subdivision review.
- B. On June 26, 2018, the applicants filed a combined preliminary and final subdivision review application 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 begin at 6:00 PM on July 16, 2018 at the property's location, 81 Maple Leaf Road (ML081), and the hearing was scheduled for 7:10 PM at Underhill Town Hall on July 16, 2018.
- C. On June 29, 2018, notice pertaining to the combined preliminary & final subdivision review hearing was mailed via certified mail to the following property owners adjoining the property subject to the application:
 1. MG003 – Thomas R. Montgomery, 3 Montgomery Road, Underhill, VT 05489
 2. ML031 – Stephen M. & Tamara V. Pitmon, 31 Maple Leaf Road, Underhill, VT 05489
 3. ML055 – Frank Tyler Whitcomb, 55 Maple Leaf Road, Underhill, VT 05489
 4. ML070 – James J. Fredericks Trustee & Joann M. Hanowski Trustee, P.O. Box 186, Underhill Center, VT 05490
 5. ML104 – Ron A. & Linda D. Turner, 104 Maple Leaf Road, Underhill, VT 05489
 6. MT087 – William G. & Roxanne Wolcott, 87 Mountain Road, Underhill, VT 05489
 7. MT104 – Nicholas V. Krywka, 104 Mountain Road, Underhill, VT 05489
 8. MT122 – Nathan E.O. Parry & Zoe L. Fowler, 122 Mountain Road, Underhill, VT 05489

9. ST065 – Underhill Farm, LLC, P.O. Box 2, Underhill Center, VT 05490
10. Applicant: ML081 – Dennis Patrick & Marjory Ann Curran, 81 Maple Leaf Road, Underhill, VT 05489

D. During the week of June 24, 2018, notice of the public hearing for the proposed Curran combined preliminary & final subdivision review hearing was posted at the following places:

1. The Underhill Town Clerk's office;
2. The Underhill Center Post Office; and
3. Jacobs & Son Market.

E. On June 30, 2018 the notice of public hearing was published in the *Burlington Free Press*.

F. The scheduled site visit commenced at the property location, 81 Maple Leaf Road (ML081) at 6:00 PM on July 16, 2018.

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

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

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

Others present at the site visit were:

1. Abutting Neighbor, Susan Abair
2. Applicant, Marjory Curran (81 Maple Leaf Road, Underhill, VT 05489)

H. The combined preliminary & final subdivision review hearing began at 7:11 PM on July 19, 2018 at the Town of Underhill Town Hall, 12 Pleasant Valley Road, Underhill, Vermont.

I. Present at the combined preliminary & 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, Daniel Lee
5. Board Member, Karen McKnight
6. Board Member, Penny Miller
7. Board Member, Stacey Turkos

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

Others present at the hearing were:

3. Applicant, Marjory Curran (81 Maple Leaf Road, Underhill, VT 05489)

J. 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. Applicant, Marjory Curran

K. In support of the combined preliminary & final subdivision application, the following exhibits were submitted to the Development Review Board:

1. Exhibit A – Curran Preliminary & Final Subdivision Review Staff Report
2. Exhibit B – ML081 Curran Preliminary & Final Subdivision Hearing Procedures
3. Exhibit C - Application for Final Subdivision
4. Exhibit D - Preliminary & Final Subdivision Checklist
5. Exhibit E - Burlington Free Press Notice
6. Exhibit F - Certificate of Service
7. Exhibit G – Survey

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

8. Exhibit H – SH.1 - FINAL PLAN
9. Exhibit I – SH.2 - LOT 2 SEWAGE DISPOSAL DETAILS
10. Exhibit J – SH.3 - WATER AND EROSION DETAILS

No exhibits were submitted into the record during the hearing.

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

All exhibits are available for public review in the ML081 Curran Combined Preliminary & Final Subdivision Review file (ML081 / DRB 18-09) at the Underhill Zoning & Planning office.

II. FACTUAL FINDINGS & CONCLUSIONS

The Minutes of the July 16, 2018 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 2018 *Underhill Unified Land Use and Development Regulations* (ULUDR):

PROJECT SYNOPSIS

The applicants, Dennis Patrick and Marjory Ann Curran, record owners of the property located at 81 Maple Leaf Road in Underhill, VT, are seeking a two-lot subdivision. The property is located in the Water Conservation and Soil & Water Conservation districts as defined in Article II, Tables 2.5 & 2.7 of the 2018 *Underhill Unified Land Use & Development Regulations*. Upon approval of the applicants’ subdivision application, the applicants understand that Lot 2 will remain a “wood lot,” and therefore, to develop the lot (construction of any dwelling or use permitted in the district) will

require additional review by this Board to determine further compliance with the development and subdivision regulations in effect at the time of application.

ARTICLE II – ZONING DISTRICTS

A. ARTICLE II, TABLE 2.5 – WATER CONSERVATION DISTRICT

The Board finds that the proposed Lot 1, which contains the existing single-family dwelling is entirely within the Water Conservation District. Lot 2 will remain a “wood lot,” and development on that lot will require additional review by this Board to determine compliance with the subdivision regulations in effect at the time of application. The applicants have advised that they envision a single-family dwelling on Lot 2 south of Maple Leaf Road, which would be located entirely within the Water Conservation District. The Board notes that the applicants are in the process of obtaining Wastewater Supply Permit and Potable Water Supply Permit from the Vermont Department of Environmental Conservation and have depicted for illustration purposes a single-family dwelling on Lot 2 south of Maple Leaf Road on those site plans. Both lots conform to the district requirements and the purpose statement of the Water Conservation District.

B. ARTICLE II, TABLE 2.7 – SOIL & WATER CONSERVATION DISTRICT

The Board finds that the proposed Lot 2 has a small portion of land within the Soil & Water Conservation District, as depicted on the Town’s best interpretation of the 1985 Underhill Zoning Map. As illustrated on that zoning map, the Soil & Water Conservation District is on the portion of the proposed Lot 2 located north of Maple Leaf Road. The applicants have advised, which is supported by their Wastewater System & Potable Water Supply Permit application, that development will occur south of Maple Leaf Road. Nevertheless, since the applicants are proposing a “wood lot,” review and analysis under this Section is not required at this time.

ARTICLE III – GENERAL REGULATIONS

A. SECTION 3.2 – ACCESS

The Board finds that the applicants obtained an access permit from the Selectboard for the curb cut only on June 19, 2018 (Access Permit #: A-18-15). Since the applicants were only proposing Lot 2 to be a “wood lot,” the applicants only sought approval for the curb cut (rather than approval for the entire driveway layout) since any driveway layout being proposed for the access permit would be for conceptual purposes and likely to change at the time the applicants or their successors develop Lot 2.

B. SECTION 3.7 – LOT, YARD & SETBACK REQUIREMENTS

The Board finds that Lot 1 will contain one principal use or structure: the existing single-family dwelling for residential purposes. Lot 2 will remain a “wood lot” until the applicants or subsequent landowner(s) amend the subdivision to allow for land development.

As proposed, Lot 1 & 2 meet the frontage requirements, as Lot 1 will contain approximately 673.8 feet of frontage while the proposed Lot 2 will have approximately 372.25 feet of frontage on the south side of Maple Leaf Road meeting the 300-foot requirement of the Water Conservation District.

All other dimensional requirements have been satisfied at this time or are considered grandfathered, legally nonconforming structures (in reference to the existing single-family dwelling on Lot 1). The applicants have not requested any lot, yard, or setback waivers at this time

C. SECTION 3.13 – PARKING, LOADING & SERVICE AREAS

Since the applicants are only proposing a “wood lot,” the Board finds that review under this section is not required at this time and reserves the right to make findings under this section when a future application is submitted for development (e.g. the construction of a single-family dwelling, etc.). The Board does not guarantee that the applicants, or their successors, will satisfy the requirements of this section. The Board notes that the applicants have been advised accordingly and have acknowledged that is their understanding. Should the 2018 *Underhill Unified Land Use & Development Regulations* be amended, thereby impacting this section, the zoning regulations in effect at the time of application shall apply.

D. SECTION 3.17 – SOURCE PROTECTION AREAS

Since the applicants are only proposing a “wood lot,” the Board finds that review under this section is not required at this time and reserves the right to make findings under this section when a future application is submitted for development (e.g. the construction of a single-family dwelling, etc.). The Board does not guarantee that the applicants, or their successors, will satisfy the requirements of this section. The Board notes that the applicants have been advised accordingly and have acknowledged that is their understanding. Should the 2018 *Underhill Unified Land Use & Development Regulations* be amended, thereby impacting this section, the zoning regulations in effect at the time of application shall apply.

E. SECTION 3.18 – STEEP SLOPES

Since the applicants are only proposing a “wood lot,” the Board finds that review under this section is not required at this time and reserves the right to make findings under this section when a future application is submitted for development (e.g. the construction of a single-family dwelling, etc.). The Board does not guarantee that the applicants, or their successors, will satisfy the requirements of this section. The Board notes that the applicants have been advised accordingly and have acknowledged that is their understanding. Should the 2018 *Underhill Unified Land Use & Development Regulations* be amended, thereby impacting this section, the zoning regulations in effect at the time of application shall apply.

F. SECTION 3.19 – SURFACE WATERS & WETLANDS

Since the applicants are only proposing a “wood lot,” the Board finds that review under this section is not required at this time and reserves the right to make findings under this section when a future application is submitted for development (e.g. the construction of a single-family dwelling, etc.). The Board does not guarantee that the applicants, or their successors, will satisfy the requirements of this section. The Board notes that the applicants have been advised accordingly and have acknowledged that is their understanding. Should the 2018 *Underhill Unified Land Use & Development Regulations* be amended, thereby impacting this section, the zoning regulations in effect at the time of application shall apply.

G. SECTION 3.23 – WATER SUPPLY & WASTEWATER SYSTEMS

The Board finds that the applicants have submitted a Wastewater System & Potable Water Supply Permit application to the State of Vermont, Department of Environmental Conservation. The Board notes that the obtainment of this permit will help the applicants illustrate that there is a suitable area on Lot 2 for development, thus supporting approval of a subsequent Development Review Board application to permit development on Lot 2.

ARTICLE VI – FLOOD HAZARD AREA REVIEW

Since the applicants are only proposing a “wood lot,” the Board finds that review under this section is not required at this time and reserves the right to make findings under this section when a future

application is submitted for development (e.g. the construction of a single-family dwelling, etc.). The Board does not guarantee that the applicants, or their successors, will satisfy the requirements of this section. The Board notes that the applicants have been advised accordingly and have acknowledged that is their understanding. Should the 2018 *Underhill Unified Land Use & Development Regulations* be amended, thereby impacting this section, the zoning regulations in effect at the time of application shall apply.

ARTICLE VII – SUBDIVISION REVIEW

A. SECTION 7.2 – APPLICABILITY

The Board finds that the applicants' proposed subdivision is subject to the requirements of the 2018 *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 June 5, 2018.

B. SECTION 7.3 – SKETCH PLAN REVIEW

The Board finds that the applicants adequately satisfied the conditions of approval provided in the Sketch Plan Review Letter issued on June 5, 2018.

C. SECTION 7.5 – PRELIMINARY SUBDIVISION REVIEW

The Board finds that it waived preliminary subdivision review upon request during the May 21, 2018 sketch plan review meeting. The applicants submitted a combined preliminary & final subdivision review application on June 26, 2018. This combined application addressed the requirements of preliminary subdivision review.

D. SECTION 7.6 – FINAL SUBDIVISION REVIEW

As part of the combined preliminary & final subdivision review application, the applicants addressed the comments and concerns identified in the sketch plan review letter. Therefore, the Board finds that the applicants satisfied the intent of this section and provided the necessary materials to make a determination on the final subdivision review application. The Board notes the approval of the applicants' subdivision review application is to create a "wood lot" only (Lot 2 being the "wood lot"). In other words, the Board is only permitting the subdivision of land. This subdivision approval does not permit subsequent development on Lot, which is typically associated with familiar subdivision review applications.

ARTICLE VIII – SUBDIVISION STANDARDS

A. SECTION 8.1 – APPLICABILITY

The Board finds that no technical review was needed for this proposed project. The Board notes that they reserve the right to perform a technical review during the subsequent application process to permit development on Lot 2 should any concerns emerge during their review.

B. SECTION 8.2 – GENERAL STANDARDS

SECTION 8.2.A – DEVELOPMENT SUITABILITY

Since the applicants are only proposing a "wood lot," the Board finds that review under this section is not required at this time and reserves the right to make findings under this section when a future application is submitted for development (e.g. the construction of a single-family dwelling, etc.). The Board does not guarantee that the applicants, or their successors, will satisfy the requirements of this section. The Board notes that the applicants have been advised accordingly and have acknowledged that is their understanding. Should the 2018 *Underhill*

Unified Land Use & Development Regulations be amended, thereby impacting this section, the zoning regulations in effect at the time of application shall apply.

SECTION 8.2.B – DEVELOPMENT DENSITY

The Board finds that the proposed subdivision meets the density requirements per this section.

SECTION 8.2.C – EXISTING CONDITIONS

The Board finds that the existing lot contains areas of prime agricultural soils and areas of steep slope; however, development can be situated in areas that will not directly impact these areas.

Nevertheless, since the applicants are only proposing a “wood lot,” the Board finds that further review under this section is not required at this time and reserves the right to make additional findings under this section when a future application is submitted for development (e.g. the construction of a single-family dwelling, etc.). The Board does not guarantee that the applicants, or their successors, will satisfy the requirements of this section. The Board notes that the applicants have been advised accordingly and have acknowledged that is their understanding. Should the 2018 *Underhill Unified Land Use & Development Regulations* be amended, thereby impacting this section, the zoning regulations in effect at the time of application shall apply.

SECTION 8.2.D – UNDERHILL TOWN PLAN & DEVELOPMENT REGULATIONS

The Board finds that the proposed subdivision conforms to the *Underhill Town Plan* and the *Underhill Unified Land Use and Development Regulations*. Since the applicants are only proposing a “wood lot,” the Board finds that their review under this section as it pertains to proposed development is not required at this time and reserves the right to make findings under this section when a future application is submitted for development (e.g. the construction of a single-family dwelling, etc.). The Board does not guarantee that the applicants, or their successors, will satisfy the requirements of this section. The Board notes that the applicants have been advised accordingly and have acknowledged that is their understanding. Should the 2018 *Underhill Unified Land Use & Development Regulations* be amended, thereby impacting this section, the zoning regulations in effect at the time of application shall apply.

SECTION 8.2.E – DISTRICT SETTLEMENT PATTERNS

The Board finds that the proposed subdivision is consistent with the characteristics of the rural zoning districts as described in Section 8.2.E.2. Since the applicants are only proposing a “wood lot,” the Board finds that their review under this section as it pertains to proposed development is not required at this time and reserves the right to make findings under this section when a future application is submitted for development (e.g. the construction of a single-family dwelling, etc.). The Board does not guarantee that the applicants, or their successors, will satisfy the requirements of this section. The Board notes that the applicants have been advised accordingly and have acknowledged that is their understanding. Should the 2018 *Underhill Unified Land Use & Development Regulations* be amended, thereby impacting this section, the zoning regulations in effect at the time of application shall apply.

SECTION 8.2.F – LOT LAYOUT

The Board finds that the proposed subdivision meets the requirements of this subsection. Furthermore, the proposed configuration of Lot 2 does not inhibit future subdividing or development elsewhere on Lot 1, noting that the existing lot contains areas of steep slopes and topography issues.

SECTION 8.2.G – BUILDING ENVELOPE

Since the applicants are only proposing a “wood lot,” the Board finds that review under this section is not required at this time and reserves the right to make findings under this section when a future application is submitted for development (e.g. the construction of a single-family dwelling, etc.). The Board does not guarantee that the applicants, or their successors, will satisfy the requirements of this section. The Board notes that the applicants have been advised accordingly and have acknowledged that is their understanding. Should the 2018 *Underhill Unified Land Use & Development Regulations* be amended, thereby impacting this section, the zoning regulations in effect at the time of application shall apply.

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

Since the applicants are only proposing a “wood lot,” the Board finds that review under this section is not required at this time and reserves the right to make findings under this section when a future application is submitted for development (e.g. the construction of a single-family dwelling, etc.). The Board does not guarantee that the applicants, or their successors, will satisfy the requirements of this section. The Board notes that the applicants have been advised accordingly and have acknowledged that is their understanding. Should the 2018 *Underhill Unified Land Use & Development Regulations* be amended, thereby impacting this section, the zoning regulations in effect at the time of application shall apply.

SECTION 8.2.J – ENERGY CONSERVATION

Since the applicants are only proposing a “wood lot,” the Board finds that review under this section is not required at this time and reserves the right to make findings under this section when a future application is submitted for development (e.g. the construction of a single-family dwelling, etc.). The Board does not guarantee that the applicants, or their successors, will satisfy the requirements of this section. The Board notes that the applicants have been advised accordingly and have acknowledged that is their understanding. Should the 2018 *Underhill Unified Land Use & Development Regulations* be amended, thereby impacting this section, the zoning regulations in effect at the time of application shall apply.

C. SECTION 8.3 – NATURAL & CULTURAL RESOURCES

Since the applicants are only proposing a “wood lot,” the Board finds that review under this section is not required at this time and reserves the right to make findings under this section when a future application is submitted for development (e.g. the construction of a single-family dwelling, etc.). The Board does not guarantee that the applicants, or their successors, will satisfy the requirements of this section. The Board notes that the applicants have been advised accordingly and have acknowledged that is their understanding. Should the 2018 *Underhill Unified Land Use & Development Regulations* be amended, thereby impacting this section, the zoning regulations in effect at the time of application shall apply.

D. SECTION 8.4 – OPEN SPACE & COMMON LAND

SECTION 8.4.A – OPEN SPACE

The Board finds that the applicants have not proposed to designate any land as open space.

SECTION 8.4.B – COMMON LAND

The Board finds that the applicants have 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 applicants have not designated any land as open space or common land as part of the proposed project.

E. SECTION 8.5 – STORMWATER MANAGEMENT & EROSION CONTROL

Since the applicants are only proposing a “wood lot,” the Board finds that review under this section is not required at this time and reserves the right to make findings under this section when a future application is submitted for development (e.g. the construction of a single-family dwelling, etc.). The Board does not guarantee that the applicants, or their successors, will satisfy the requirements of this section. The Board notes that the applicants have been advised accordingly and have acknowledged that is their understanding. Should the 2018 *Underhill Unified Land Use & Development Regulations* be amended, thereby impacting this section, the zoning regulations in effect at the time of application shall apply.

F. SECTION 8.6 – TRANSPORTATION FACILITIES

SECTION 8.6.A – ACCESS & DRIVEWAYS

See Section 3.2 above pertaining to access.

SECTION 8.6.B – DEVELOPMENT ROADS

The Board finds that this subsection does not apply at this time, as the applicants have only obtained approval from the Selectboard for a curb cut to access Lot 2, south of Maple Leaf Road.

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 finds that this section does not apply, and therefore, review under this Section is not required.

G. SECTION 8.7 – PUBLIC FACILITIES & UTILITIES

SECTION 8.7.A – PUBLIC FACILITIES

The Board finds the proposed subdivision will not create an undue burden on the existing and/or planned public facilities. The Board reserves the right to make additional findings under this section when a future application is submitted for development (e.g. the construction of a single-family dwelling, etc.). The Board does not guarantee that the applicants, or their successors, will satisfy the requirements of this section. The Board notes that the applicants have been advised accordingly and have acknowledged that is their understanding. Should the 2018 *Underhill Unified Land Use & Development Regulations* be amended, thereby impacting this section, the zoning regulations in effect at the time of application shall apply.

SECTION 8.7.B – FIRE PROTECTION

Since the applicants are only proposing a “wood lot,” the Board finds that review under this section is not required at this time and reserves the right to make findings under this section when a future application is submitted for development (e.g. the construction of a single-family dwelling, etc.). The Board does not guarantee that the applicants, or their successors, will satisfy the requirements of this section. The Board notes that the applicants have been advised accordingly and have acknowledged that is their understanding. Should the 2018 *Underhill Unified Land Use & Development Regulations* be amended, thereby impacting this section, the zoning regulations in effect at the time of application shall apply.

SECTION 8.7.C – WATER SYSTEMS

The Board finds that the applicants have submitted a Wastewater System & Potable Water Supply Permit application to the State of Vermont, Department of Environmental Conservation. The Board notes that the obtainment of this permit will help the applicants illustrate that there is a suitable area on Lot 2 for development, thus supporting approval of a subsequent Development Review Board application to permit development on Lot 2.

SECTION 8.7.D – WASTEWATER SYSTEMS

The Board finds that the applicants have submitted a Wastewater System & Potable Water Supply Permit application to the State of Vermont, Department of Environmental Conservation. The Board notes that the obtainment of this permit will help the applicants illustrate that there is a suitable area on Lot 2 for development, thus supporting approval of a subsequent Development Review Board application to permit development on Lot 2.

SECTION 8.7.E – UTILITIES

Since the applicants are only proposing a “wood lot,” the Board finds that review under this section is not required at this time and reserves the right to make findings under this section when a future application is submitted for development (e.g. the construction of a single-family dwelling, etc.). The Board does not guarantee that the applicants, or their successors, will satisfy the requirements of this section. The Board notes that the applicants have been advised accordingly and have acknowledged that is their understanding. Should the 2018 *Underhill Unified Land Use & Development Regulations* be amended, thereby impacting this section, the zoning regulations in effect at the time of application shall apply.

H. SECTION 8.8 – LEGAL REQUIREMENTS

The Board finds that the applicant shall incorporate, or incorporate by reference, all proposed easements into the deeds.

III. WAIVERS, MODIFICATIONS & SUPPLEMENTATIONS

The Board does not grant any waivers, modifications, nor makes any supplementations.

IV. DECISIONS AND CONDITIONS OF APPROVAL

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 of the 2018 *Underhill Land Use & Development Regulations* as it pertains to the subdivision of land only and concludes that based on the evidence submitted and the above findings, the proposed subdivision generally conforms to the aforementioned Regulations.

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

1. This approval is for a 2-Lot subdivision of land where the proposed Lot 1 will retain the existing single-family dwelling and the proposed Lot 2 will be considered a “wood lot.” In other words, the Board is only permitting the subdivision of land, and therefore, this subdivision approval does not permit the subsequent development on Lot 2 typically associated with familiar subdivision review applications.
2. Upon the applicants’, or subsequent landowner(s)’, desires to propose development, they shall submit a subdivision amendment application for the Board to review the proposed development as it relates to the zoning regulations in effect at the time of application to ensure conformance. The Board does not guarantee that the applicants, or their successors, will satisfy the requirements of the applicable regulations. The Board notes that the applicants have been advised accordingly and have acknowledged that is their understanding. Should the 2018 *Underhill Unified Land Use & Development Regulations* be subsequently amended, the zoning regulations in effect at the time of application shall apply.
3. 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 per Section 7.2.C
4. Per 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.
5. The Board requires the project to be subdivided in accordance with the drawing set submitted as part of the review process and as amended accordingly to address the changes herein and which are to be recorded, listed as follows:
 - a. Subdivision Survey Plat, Dennis & Marjory Curran (Prepared by Summit Engineering and Dated June 15, 2018), or subsequent revision to the extent required as part of this approval.
6. The Board requires the applicants to record the abovementioned plans (Under Condition 3) as Mylars in the Underhill Land Records:
 - a. The Survey Plat shall contain the following features:
 - i. Property lines;
 - ii. Any applicable easements;
 - iii. Existing and proposed monumentation;
 - iv. Parcel Codes
7. The Board requires that the abovementioned plans be updated in conformance with this decision, and that to-scale hard copies, in addition to digital copies, be submitted to the Zoning Administrator to be filed in the corresponding zoning files.
8. The E-911 Codes for the lots shall be posted per the Underhill-Jericho Fire Department specifications.
9. The final plat shall include parcel codes and shall be submitted for recording within 180 days of the date of this approval (15 August 2018) in accordance with Section 7.7 of the

2018 Underhill Unified Land Use & Development Regulations. Note, one-hundred eighty days (180) from the date of this decision is February 11, 2019.

10. 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 *2018 Underhill Unified Land Use & Development Regulations*.
11. New property boundary monumentation referenced on the survey plat shall be installed as a condition of approval.
12. The Board delegates authority to the Zoning Administrator to make decisions based on any ongoing jurisdiction issues and said decisions can be appealed by the aggrieved to the Development Review Board (DRB).
13. Notwithstanding the conditions above, prior to issuing a building permit, the applicant shall comply with applicable aspects of the Underhill Land Use and Development Regulations in effect at the time of the application. The Zoning Administrator is not empowered to waive all deferred review criteria (Section VIII, Subdivision Standards) listed above.

Dated at Underhill, Vermont this 15 day of August, 2018.

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 September 14, 2018.