



Town of Underhill

Development Review Board

Findings and Decision

COMBINED PRELIMINARY & FINAL SUBDIVISION REVIEW APPLICATION OF KENNETH D. HALL FOR A 2-LOT SUBDIVISION

In re: Kenneth D. Hall
4 Blakey Road (BL004)
Underhill, VT 05489

Docket No. DRB-17-18

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 the applicant, Kenneth D. Hall, regarding a 2-lot subdivision of property he owns located at 4 Blakey Road (BL004) in Underhill, Vermont.

- A. On December 1, 2017, the applicant filed a sketch plan review application for the abovementioned project. A sketch plan review to discuss of the project was held on December 18, 2017 and a letter of acceptance was issued on January 4, 2018. As part of that sketch plan review letter, the applicant agreed to, and the Development Review Board voted to proceed with, separate hearings for both preliminary subdivision review and final subdivision review.
- B. On October 17, 2018, the applicant 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 commence on Sunday, November 18, 2018 at 8:30 AM, while the hearing date was scheduled for 6:35 PM at Underhill Town Hall on Monday, November 19, 2018.
- C. On November 1, 2018, notice regarding 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. Applicant: BL004 – Kenneth D. Hall, 4 Blakey Road, Underhill, VT 05489
 2. BL003 – Page E. Hood & Sean M. Kapusta, 3 Blakey Road, Underhill, VT 05489
 3. BL014 – Kenneth R. Tefft III & Janice Solek- Tefft, 14 Blakey Road, Underhill, VT 05489
 4. BL026 – Kim Spaulding, 26 Blakey Road, Underhill, VT 05489
 5. PH061 – George J. & Catherine A. Gallant, 61 Poker Hill Road, Underhill, VT 05489
 6. PH062 – Peter M. & Valerie S. Duncan, 62 Poker Hill Road, Underhill, VT 05489
 7. PH075 – Matias Miguez, Deborah A. Towne, 75 Poker Hill Road, Underhill, VT 05489
 8. PH079 – Mark & Becky Beaucage, 79 Poker Hill Road, Underhill, VT 05489

- D. During the week of October 28, 2018, notice of the public hearing for the proposed Hall 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 Saturday, November 3, 2018 the notice of public hearing was published in the *Burlington Free Press*.
- F. A site visit at the property located at 4 Blakey Road, Underhill, Vermont, commenced at 8:30 am on Sunday, November 18, 2018.
- G. Present at the site visit were the following members of the Development Review Board:
1. Board Member, Matt Chapek
 2. Board Member, Daniel Lee
 3. Board Member, Penny Miller
 4. Board Member, Stacey Turkos

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

5. Abutting Neighbor, Kim Spaulding
 6. Abutting Neighbor Peter Duncan
 7. Abutting Neighbor, Deborah Towne
 8. Applicant, Kenneth D. Hall
- H. The combined preliminary and final subdivision review hearing began at 6:35 PM on Monday, November 19, 2018 at the Town of Underhill Town Hall, 12 Pleasant Valley Road, Underhill, Vermont.
- I. Prior to the commencing with the combined preliminary subdivision review and the final subdivision review hearing, since the Board and applicant originally agreed to proceed with separate hearings for both subdivision steps, the Board took a straw vote to combine the two hearings. The Board reached a unanimous consensus that the applicant could proceed with the combined hearing.
- J. Present at the combined preliminary and 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, Penny Miller
 6. Board Member, Stacey Turkos

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

Others present at the hearing were:

1. Applicant, Kenneth D. Hall (4 Blakey Hill Road, Underhill, VT 05489)
2. Applicant's Consultant, David Burke (13 Corporate Drive, Essex Junction, VT 05452)
3. Abutting Neighbor, Peter Duncan (62 Poker Hill Road, Underhill, VT 05489)
4. Abutting Neighbor, Valerie Duncan (62 Poker Hill Road, Underhill, VT 05489)
5. Abutting Neighbor, Deborah Towne (75 Poker Hill Road, Underhill, VT 05489)

K. 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, Kenneth D. Hall
2. Applicant's Consultant, David Burke
3. Abutting Neighbor, Deborah Towne

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

1. Exhibit A – BL004 Hall Preliminary & Final Subdivision Review Staff Report
2. Exhibit B – BL004 Hall Preliminary & Final Subdivision Hearing Procedures
3. Exhibit C - Application for Preliminary Subdivision Review
4. Exhibit D - Application for Final Subdivision Review
5. Exhibit E - Preliminary Subdivision Checklist
6. Exhibit F - Final Subdivision Checklist
7. Exhibit G - Preliminary Subdivision Findings Checklist
8. Exhibit H - Project Narrative
9. Exhibit I - Burlington Free Press Notice
10. Exhibit J - Certificate of Service
11. Exhibit K - Correspondence from Kim Spaulding
12. Exhibit L - Preliminary Access Permit # A-18-22
13. Exhibit M - ANR Project Review Sheet
14. Exhibit N - WW Permit # WW-4-5108
15. Exhibit O - Site Plan
16. Exhibit P - Sewage Disposal Plan & Details
17. Exhibit Q - Driveway Profile & Water Supply Details
18. Exhibit R - Survey

No other exhibits were subsequently submitted and distributed prior to the start of the hearing. However, during the hearing, the following exhibits were submitted into the record:

19. Exhibit S - Hall Sketch Plan Review Letter of Acceptance
20. Exhibit T - MMU Ability to Serve Letter
21. Exhibit U - UJFD Ability to Serve Letter
22. Exhibit V - Draft Deeds
23. Exhibit W - Site Plan Illustrating Location of Driveways

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 BL004 Hall Combined Preliminary & Final Subdivision Review file (DRB 17-18) at the Underhill Zoning & Planning office.

II. FACTUAL FINDINGS & CONCLUSIONS

The Minutes of the November 19, 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 2011 *Underhill Unified Land Use and Development Regulations* (ULUDR), as amended March 6, 2018:

PROJECT SYNOPSIS

The applicant, Kenneth D. Hall, record owner of the property located at 4 Blakey Road (BL004) in Underhill, VT, is seeking a subdivision permit to subdivide the abovementioned land into two lots. The existing property is located in the Rural Residential zoning district as defined in Article II, Table 2.4 of the *Underhill Unified Land Use & Development Regulations*.

ARTICLE II – ZONING DISTRICTS

A. ARTICLE II, TABLE 2.4 – RURAL RESIDENTIAL DISTRICT

The Board finds that the proposed subdivision and development will occur in the Rural Residential zoning district. The existing single-family dwelling (Lot 1) and proposed buildings (Lot 2) – a single-family dwelling and detached garage & accessory dwelling – will satisfy the dimensional requirements, as well as satisfy the district’s minimum acreage and frontage requirements, noting that the proposed Lot 1 meets the frontage requirement along both Poker Hill Road and Blakey Road. In addition, the applicant is proposing to contain the building envelope on the proposed Lot 2 to the front area of the lot (near Poker Hill Road), and therefore, any building constructed will not encroach upon Roaring Brook’s setback. For the same reason, no proposed building on Lot 2 will encroach upon the Special Flood Hazard Area.

ARTICLE III – GENERAL REGULATIONS

A. SECTION 3.2 – ACCESS

The Board finds that the applicant obtained a preliminary access permit from the Underhill Selectboard on Tuesday, November 6, 2018 (See Exhibit L – Access Permit #: A-18-22). The Selectboard approved the preliminary access permit with the standard conditions, in addition to incorporating a 15 ft. by 37.5 ft. turnaround on Lot 2 and ensuring that all turning radii satisfy the 35 ft. requirement. This Board supports those findings and advises the applicant that he is required to obtain a final access permit prior to commencing with development on Lot 2.

The Board notes that the proposed Lot 2 will be accessed off of Poker Hill Road, and that driveway satisfies the setback requirements, as well as not impacting steep slopes, primary agricultural soils, surface waters, wetlands and associated buffer areas, and not containing any stream crossings. The Board also notes that a minimum 10 ft. paved apron, not to exceed a 3% slope, be provided at the intersection of the Lot 2 driveway and Poker Hill Road.

B. SECTION 3.7 – LOT, YARD & SETBACK REQUIREMENTS

The Board finds that the proposed Lot 1 will contain the existing single-family dwelling, and that a single-family dwelling with a detached garage & accessory dwelling will be constructed on the proposed Lot 2, thus conforming to the requirement of one principal use/structure per lot. The proposed lots satisfy the dimensional standards of the underlying zoning district – the

Rural Residential District. The Board finds that the applicant has not proposed any waivers related to lot, yard, or setback requirements.

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 per dwelling unit and one space per accessory dwelling unit as required per Table 3.1.

D. SECTION 3.17 – SOURCE PROTECTION AREAS

The Board finds the existing property is not within any source protection areas, and therefore, review under this section is not required.

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 areas of steep slopes and very steep slopes are located on the proposed Lot 2, in the vicinity of Roaring Brook. Since the applicant has identified a building envelope located towards the front of the lot (near Poker Hill Road), development is not expected to impact these sloped areas.

F. SECTION 3.19 – SURFACE WATERS & WETLANDS

The Board finds that Roaring Brook traverses the parent lot – the proposed Lot 2. The applicant has proposed a building envelope that is not in the vicinity of Roaring Brook or its setback. Since a floodplain encompasses Roaring Brook, a setback requirement of 100 ft. from the “top of bank” is required. The applicant has depicted a building envelope that is approximately 340 ft. from Roaring Brook, thus exceeding the 100 ft. setback requirement.

The Board finds that no wetlands are located on the property, as supported by the ANR Atlas Website and the applicant’s site plan submission.

G. SECTION 3.23 – WATER SUPPLY & WASTEWATER SYSTEMS

The Board finds that the applicant has obtained a Wastewater System & Potable Water Supply Permit (Exhibit N – Permit #: WW-4-5108) from the Agency of Natural Resources, Department of Environmental Conservation, on October 4, 2018. The permit allows for a three-bedroom, single family residence on Lot 1; and a proposed three-bedroom, single-family residence and a one-bedroom detached accessory dwelling on Lot 2. Lot 2 has been approved for a drilled or percussion bedrock well, as well as a mound wastewater system.

ARTICLE VI – FLOOD HAZARD AREA REVIEW

The Board finds that there is a Special Flood Hazard Area on the existing lot, and that the proposed building envelope and development will be entirely located on the proposed Lot 2 and out of this area. Since the applicant is proposing a building envelope that will not encroach upon the Special Flood Hazard Area, review under this Article of the regulations is not required at this time.

ARTICLE VII – SUBDIVISION REVIEW

A. SECTION 7.2 – APPLICABILITY

The Board finds that the applicant’s proposed subdivision is subject to the requirements of the *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 January 4, 2018.

B. SECTION 7.3 – SKETCH PLAN REVIEW

The Board finds that the applicant has adequately satisfied the conditions of approval provided in the Sketch Plan Review Letter issued on January 4, 2018.

C. SECTION 7.5 – PRELIMINARY SUBDIVISION REVIEW

While the applicant and the Board agreed to separate the preliminary subdivision review and final subdivision review processes during the sketch plan review meeting on December 18, 2017, the applicant submitted a combined preliminary subdivision and final subdivision review application. At the request of the applicant, the Board unanimously agreed during the hearing on November 19, 2018 to combine the two hearings into one. The Board finds that the applicant submitted a combined application that addressed the application requirements that is typically required as part of a preliminary subdivision review hearing.

D. SECTION 7.6 – FINAL SUBDIVISION REVIEW

As part of the combined preliminary & final subdivision review application, the applicant generally addressed many of the comments and concerns identified in the sketch plan review decision. 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.

ARTICLE VIII – SUBDIVISION STANDARDS

A. SECTION 8.1 – APPLICABILITY

The Board finds that no technical review is needed for this proposed project. The Board also finds that the applicant has not requested any waivers.

B. SECTION 8.2 – GENERAL STANDARDS

SECTION 8.2.A – DEVELOPMENT SUITABILITY

The Board finds that the applicant has performed some clearing of existing vegetation prior to the submission of the sketch plan review application, as noted during the sketch plan review meeting. Otherwise, the Board does not foresee any undue adverse impacts to the public health and safety or the character of the area in which the proposed development is located. The applicant has not expressed any intention of setting aside land as open space that would exclude periodic flooding, poor drainage, very steep slopes (>25%), or other known hazards, or that is otherwise not suitable to support structures or infrastructure.

SECTION 8.2.B – DEVELOPMENT DENSITY

The Board finds that the proposed subdivision meets the density requirements of the Rural Residential zoning district.

SECTION 8.2.C – EXISTING CONDITIONS

The Board finds that the existing lot has areas of prime agricultural soils (see Sketch Plan Exhibit O). The majority of the building envelope avoids these areas of prime agricultural soils; however, there is an area of the building envelope located within an area designated as statewide prime agricultural soils. Therefore, there is a likelihood that construction of a building could occur on these lands. Otherwise, the proposed layout of the subdivision and development will not adversely affect any of the existing site features and/or natural amenities listed under this subsection. Additionally, the layout appears to integrate, and conserve other existing site features and natural amenities listed in this subsection.

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, as the subdivision and development are to be configured in a way that is not unnecessarily detrimental to the rural character and historic working landscape of the rural zoning districts described in Section 8.2.E.2.

SECTION 8.2.F – LOT LAYOUT

The Board finds that the newly created lots conform to the requirements of this subsection. The Board notes however that the proposed Lot 2 is the only lot that could be subsequently subdivided, and due to the configuration of the lot, the location of Roaring Brook, and the location of steep slopes & very steep slopes, accessing the subsequent hypothetical lot would be less feasible from Poker Hill Road, and would likely need to be accessed from Blakey Road. However, the creation of a subsequent lot on the rear portion of Lot 2 would inevitably have associated issues regardless of how a potential further subdivision is configured.

SECTION 8.2.G – BUILDING ENVELOPE

The applicant has illustrated a building envelope on the newly proposed Lot 2 that avoids many of the site's constraints, such as the special flood hazard area, steep slopes, and the setback requirements from Roaring Brook (see Exhibit O). For those reasons, the Board is satisfied with the reduced building envelope, but recommends that it be extended to the setback limits of Roaring Brook. The Board notes that the proposed Lot 1 does not contain a proposed building envelope, and therefore, the implicit building envelope is the least restrictive envelope as determined by the setback requirements at the time of future development.

SECTION 8.2.H – SURVEY MONUMENTS

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

SECTION 8.2.I – LANDSCAPING & SCREENING

The Board finds that the applicant has already cleared some of the area on the proposed Lot 2, as explained during the sketch plan review meeting on December 18, 2017. Currently, the lot contains a tree-line along Poker Hill Road, though not densely vegetated. Nevertheless, this landscaping and screening appears to be consistent with other residential development in the area.

SECTION 8.2.J – ENERGY CONSERVATION

The Board makes no finding regarding this subsection.

C. SECTION 8.3 – NATURAL & CULTURAL RESOURCES

SECTION 8.3.A – RESOURCE IDENTIFICATION & PROTECTION

The Board is unaware of, nor have they or the applicant, identified any cultural or natural resources/features that require protection or preservation.

SECTION 8.3.B – SURFACE WATERS, WETLANDS & FLOODPLAINS

The Board finds that the proposed subdivision/development contains Roaring Brook and a Special Flood Hazard Area (see Exhibit O and Sketch Plan Exhibits L & M). The proposed lot lines and building envelope have been configured to avoid these areas, as explained under Section 3.19 above. Additionally, the Board finds that no wetlands have been identified on either of the proposed lots.

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

The Board finds that the existing lot contains areas of steep slope and very steep slopes (see Exhibit O and Sketch Plan Exhibit K). The proposed lot lines and building envelope have been configured to avoid these areas.

SECTION 8.3.D – NATURAL AREAS & WILDLIFE HABITAT

The Board finds that no wintering deer yards have been identified on the existing lot; however, there is a priority level 6/7 habitat block located on the lot (see Sketch Plan Exhibit N). The 2016 Vermont Agency of Natural Resources BioFinder identifies the following features located towards the rear portion of the proposed Lot 2 and/or encompassing Roaring Brook:

- Riparian Wildlife Connectivity
- Highest Priority Surface Water and Riparian Areas
- Highest Priority Interior Forest Blocks
- Highest Priority Connectivity Blocks
- Physical Landscapes

Though these areas may be located on the proposed Lot 2, based on the configuration of the building envelope, there appears to be a minimal adverse impact on these areas, especially as development is located closer towards Poker Hill Road.

SECTION 8.3.E – HISTORIC & CULTURAL RESOURCES

The Board is unaware of any historic or cultural resources that require preservation, and therefore, makes no finding regarding this Section.

SECTION 8.3.F – FARMLAND

The Board finds that areas of the lot contain statewide prime agricultural soils (see Sketch Plan Exhibit O). See Section 8.2.C above for more information.

SECTION 8.3.G – FORESTLAND

The Board finds, according to aerial photography, that the lot is largely forested. The applicant has communicated that he has already cleared some of this vegetation, which is evidenced in Sketch Plan Exhibit P. If future development were to be placed in the already cleared area, which appears to be the case, there would be negligible impact to the forestland.

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 Board finds that the applicant obtained a preliminary access permit from the Selectboard on Tuesday, November 6, 2018 (Access Permit #: A-18-22) with conditions. The applicant is proposing that Lot 1 continue to utilize the existing driveway off of Blakey Road while the proposed Lot 2 would be serviced by a new driveway accessing Poker Hill Road. Since the new driveway will only be serving one lot, only the standards of Section 3.2 & 8.6.A apply. See Section 3.2 above for more information.

SECTION 8.6.B – DEVELOPMENT ROADS

The Board finds that this subsection does not apply since the new access way will only serve one lot.

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 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 (see Exhibit T).

SECTION 8.7.B – FIRE PROTECTION

The Board finds the proposed subdivision and development will not create an undue burden on the ability of the Underhill-Jericho Fire Department to provide fire protection services (see Exhibit U).

SECTION 8.7.C – WATER SYSTEMS

The Board finds that the applicant has obtained a Wastewater System & Potable Water Supply Permit (Permit #: WW-4-5108) (see Exhibit N) from the Agency of Natural Resources,

Department of Environmental Conservation, on October 4, 2018. The permit allows for a three-bedroom, single-family residence on Lot 1; and a proposed three-bedroom, single-family residence and one-bedroom, accessory dwelling on Lot 2. Lot 2 has been approved for a drilled or percussion bedrock well while Lot 1 will continue to utilize the existing onsite drilled well.

SECTION 8.7.D – WASTEWATER SYSTEMS

The Board finds that the applicant has obtained a Wastewater System & Potable Water Supply Permit (Permit #: WW-4-5108) (see Exhibit N) from the Agency of Natural Resources, Department of Environmental Conservation, on October 4, 2018. The permit allows for a three-bedroom, single-family residence on Lot 1; and a proposed three-bedroom, single-family residence and one-bedroom, accessory dwelling on Lot 2. Lot 2 has been approved for a mound wastewater system while Lot 1 will continue to utilize the existing mound wastewater system.

SECTION 8.7.E – UTILITIES

The Board finds the applicant has not illustrated the location of the electrical, communications, and media utilities since these utilities are placed at the direction of the overseeing entity. Therefore, upon installation, the applicant(s), or future applicant(s), shall submit an updated site plan illustrating the location of those utilities. In addition, those utilities shall be installed underground in accordance with Section 8.7.E.

H. SECTION 8.8 – LEGAL REQUIREMENTS

The Board finds that the applicant has submitted draft deeds satisfying the requirements of this Subsection.

III. WAIVERS, MODIFICATIONS & SUPPLEMENTATIONS

The Board grants the following waivers/modifications:

1. The applicant is not required to come before the Board if they wish to relocate the single-family-dwelling, accessory structure, or driveway within the building envelope. The Board recognizes that these identified locations on the engineering plans submitted are for illustration purposes only and do not reflect the final footprint of these features.

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 abovementioned project. The Board thoroughly reviewed all aspects of the proposal under the evaluation of the *Underhill Land Use & Development Regulations* and concludes that based on the evidence submitted and the above findings, the proposed subdivision and development 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. 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

2. 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.
3. The Board requires the project to be constructed in accordance with the drawing set submitted as part of the review process, and as amended accordingly to address the changes herein and those to be recorded, which are listed as follows:
 - a. Hall 2-Lot Subdivision, Final Plan (Plan Sheet 1 of 3), Prepared by O'Leary-Burke Civil Associates, PLC and signed by David W. Burke and Paul J. O'Leary Jr., as most recently amended.
 - b. Hall 2-Lot Subdivision, Sewage Disposal Plan & Details (Plan Sheet 2 of 3), Prepared O'Leary-Burke Civil Associates, PLC and signed by David W. Burke, as most recently amended.
 - c. Hall 2-Lot Subdivision, Driveway Profile and Water Supply Details (Plan Sheet 3 of 3), Prepared by O'Leary-Burke Civil Associates, PLC and signed by David W. Burke and Paul J. O'Leary Jr., as most recently amended.
 - d. 2 Lot Subdivision Plat for Kenneth Hall (Plan Sheet PL1), Prepared by O'Leary-Burke Civil Associates, PLC and signed by Land Surveyor, Joseph R. Flynn (License #: 714), as most recently amended.
4. The Board requires the applicant to only record the subdivision plat (Letter d. under Condition 3 above) as a Mylar in the Underhill Land Records:
 - a. The Subdivision Plat shall be modified to contain the following features:
 - i. Property lines;
 - ii. Any applicable easements;
 - iii. Existing and proposed monumentation;
 - iv. Parcel Codes
5. The Board finds that the applicant shall update the site plan to conform with this decision, as well as update the plans to show the following:
 - a. Depict the stone wall that was unaccounted for on the submitted plan;
 - b. Depict the 100 ft. setback requirement pertaining to Roaring Brook;
 - c. Depict the flood hazard area;
 - d. Revise the plan to depict a driveway width of 12 ft.
 - e. While the Board is satisfied with the reduced building envelope, if recommends that it be extended to the setback limits of Roaring Brook.
6. The Board requires that 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.
 - a. The applicant(s), or future applicant(s), shall submit an updated site plan illustrating the location of those utilities. In addition, those utilities shall be installed underground in accordance with Section 8.7.E.
7. 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.

8. The final plat shall include parcel codes and shall be submitted for recording within 180 days of the date of this approval (December 20, 2018) in accordance with Section 7.7 of the Underhill Unified Land Use & Development Regulations. One-hundred eighty (180) days from the date of this approval is June 18, 2018.
9. 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.
10. Prior to the issuance of a Certificate of Occupancy, the applicant shall provide a certification letter from a Vermont Licensed Professional Engineer or qualified consultant indicating that all infrastructure improvements identified in the subdivision plans under Condition 3 above, in addition to what is required by this decision, have been constructed according to what was proposed as part of this review.
11. The applicant shall obtain a final access permit from the Selectboard per Section 3.B (iii) of the *Underhill Road Ordinance* prior to the issuance of a building permit. The Zoning Administrator may administratively amend this subdivision approval if necessary to address any modifications made during the access permitting process so long as those changes are consistent with this decision.
 - a. The Board finds that the applicant shall incorporate the conditions of approval from the Selectboard's preliminary access permit, which includes a 15 ft. by 37.5 ft. turnaround on Lot 2 and ensure that all turning radii satisfy the 35 ft. requirement.
 - b. The Board also notes that a minimum 10 ft. paved apron not to exceed a 3% slope be provided at the intersection of the Lot 2 driveway and Poker Hill Road
12. 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.
13. New property boundary monumentation referenced on the survey plat shall be installed accordingly.
14. Notwithstanding the conditions above, prior to being issued a building permit, the applicant shall comply with applicable aspects of the *Underhill Unified Land Use and Development Regulations* in effect at the time of the application

Dated at Underhill, Vermont this 20 day of December, 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 **January 19, 2018**.