

TOWN OF UNDERHILL, VT
Planning & Zoning Administrator

P.O. Box 32, Underhill Center, VT 05490

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Phone: (802) 899-4434, x106

Fax: (802) 899-2137

MEMORANDUM

To: DRB, SB, UJFD, UCC
From: Sarah McShane, PZA
Date: October 16, 2014
Re: Agenda and Information for 10/20/2014 Meeting

Development Review Board
NOTICE OF PUBLIC MEETING

AGENDA

Monday, October 20, 2014

Public Hearing at 6:30 PM

Underhill Town Hall, 12 Pleasant Valley Rd. Underhill, VT

6:30 pm: Public Comment

6:35 pm: Final Subdivision Review
Docket # DRB 14-01
Applicant: Moore & Zurit
Location: 74 Cloverdale Road, Underhill, VT

7:00 pm: Sketch Plan Review
Docket # DRB 14-12
Applicant: Richard Villeneuve Trust/ Wilcox & Bouchard
Location: 270 Poker Hill Road, Underhill, VT

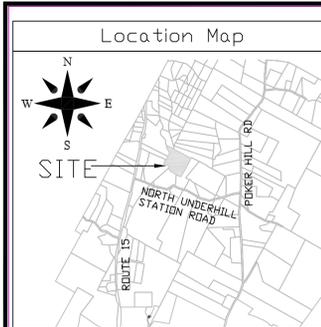
7:30 pm: Old Business
Review 9/15/2014 and 10/6/14 Minutes

7:45 pm: Adjourn

Additional submissions for Moore & Zurit- Continued Final Subdivision Review (74 Cloverdale Road):

- a) Plat of 2-lot Subdivision by Button Professional Land Surveyors, Job # UNDH0019, Plan Sheet 1 of 1, last revised 10/15/14;

- b) Subdivision Plan by Button Professional Land Surveyors, Job # UNDH0019, Plan Sheet 1 of 2, last revised 10/15/2014;
- c) Driveway/Road Design by Trafton Engineering Associates, LLC, Sheet 1 of 2 (date 10/13/14) and Sheet 2 of 2 (date 10/16/14); (2 sheets)
- d) Minutes from 8/18/2014



TEST PIT LOGS
 Performed by Ben Gordesky, Earthbound Services, LLC. Also present: Dolores Eckert, VT ANR. November 28, 2012

- TP-1
 0 - 12" Dark brown loamy fine sand, very friable. Weak sub-angular blocky structure.
 12" - 18" Red brown, medium sand and gravel, loose. Granular structure.
 18" - 38" Light brown, medium sand and gravel, loose. Granular structure.
 38" - 84" Grey fine sand, loose to slightly friable. Granular structure.
 No nodules to depth. No water to depth. No bedrock to depth.
- TP-2
 0 - 12" Dark brown fine sandy loam, friable. Moderate sub-angular blocky structure.
 12" - 18" Red brown, fine sandy loam, friable. Moderate sub-angular blocky structure.
 18" - 30" Light brown, fine sandy loam, friable. Moderate sub-angular blocky structure.
 30" - 90" Grey brown fine to medium sand, loose. Granular structure.
 No nodules to depth. No water to depth. No bedrock to depth.
- TP-3
 0 - 12" Dark brown loamy fine sand, very friable. Weak sub-angular blocky structure.
 12" - 18" Red brown, medium sand and gravel, loose. Granular structure.
 18" - 36" Light brown, medium sand and gravel, loose. Granular structure.
 36" - 86" Grey fine sand, loose to slightly friable. Granular structure.
 No nodules to depth. No water to depth. No bedrock to depth.
- TP-4
 0 - 12" Dark brown loamy fine sand, very friable. Weak sub-angular blocky structure.
 12" - 18" Red brown, medium sand and gravel, loose. Granular structure.
 18" - 38" Light brown, medium sand and gravel, loose. Granular structure.
 38" - 84" Grey fine sand, loose to slightly friable. Granular structure.
 No nodules to depth. No water to depth. No bedrock to depth.
- TP-5
 0 - 12" Dark brown loamy very fine sand, very friable. Weak sub-angular blocky structure.
 12" - 30" Red brown, loamy very fine sand.
 30" - 48" Light brown, medium sand and gravel, loose. Granular structure.
 48" - 84" Grey fine sand, loose to slightly friable. Granular structure.
 No nodules to depth. No water to depth. No bedrock to depth.
- TP-6
 0 - 12" Dark brown loamy fine sand, very friable. Weak sub-angular blocky structure.
 12" - 18" Red brown, medium sand and gravel, loose. Granular structure.
 18" - 40" Light brown, medium sand and gravel, loose. Granular structure.
 40" - 84" Grey fine sand, loose to slightly friable. Granular structure.
 No nodules to depth. No water to depth. No bedrock to depth.

Percolation Test Results
 P-1 14 min/inch at 42"
 P-2 16 min/inch at 42"

Town of Underhill, VT
 Received for Record _____ A.D. _____
 at _____ o'clock _____ minutes _____ M
 and recorded in _____
 attest: _____
 Town Clerk

MINIMUM REQUIRED SEPARATION DISTANCES AS PER VT ANR WASTEWATER AND POTABLE WATER SUPPLY RULES, DATED SEPTEMBER 29, 2007

FROM WASTEWATER DISPOSAL FIELD TO	FROM WASTEWATER TANKS TO
LAKES, RIVERS, PONDS OR STREAMS 50'	ROADWAYS, DRIVEWAYS 5'
SWALES, DRAINAGE DITCHES 25'	PROPERTY LINES 10'
WATER MAINS 50'	SUBSTANTIAL TREES 10'
WATER SERVICE LINES 25'	BUILDING FOUNDATION, CURTAIN DRAIN 10'
ROADWAYS, DRIVEWAYS 10'	
PROPERTY LINES 25', DR AS	FROM WASTEWATER PIPES TO
INDICATED	LAKES OR PONDS 25'
SUBSTANTIAL TREES 10'	RIVERS OR STREAMS 10'
OTHER DISPOSAL FIELDS 10', DR AS	WATER MAINS 10'
INDICATED	WATER SERVICE LINES 10'
DR REPLACEMENT AREAS 25'	PROPERTY LINES 10'
BUILDING FOUNDATION, CURTAIN DRAIN 20' IF UPSLOPE 35' IF CROSS	SUBSTANTIAL TREES 10'
SLOPE 75' IF DOWNSLOPE	
TOP OF BANK FOR SLOPES >30%	FROM DRILLED WELL TO
*Consult Designer for isolation distances relating to mound systems	BUILDINGS 10'
	EDGE OF DRIVEWAY (<3 RESIDENCES) 15'
	ROADWAY OR PARKING LOT 25'
	SURFACE WATER BODIES 25'
	PROPERTY LINES 10'
	WASTEWATER PIPING AND TANKS 50'
FROM WASTEWATER TANKS TO	
LAKES, RIVERS OR STREAMS 25'	
WATER MAINS 50'	
WATER SERVICE LINES 25'	

LEGEND

- Existing Property Line
- Existing Easement or R.O.W.
- Existing 2' Contour
- Existing 5' or 10' Contour
- Proposed Contour
- Proposed Water Service
- Proposed Sewer Line
- Proposed Force Main
- Proposed Underground Power
- Proposed Swale
- Existing Swale or Stream
- Approx. Wetland Boundary
- Existing Overhead Electric/Telephone
- Well Shield or Disposal Field Isolation Zone
- Town of Underhill Zoning Boundaries
- Building Envelope
- Silt Fence
- Limits of Construction
- Edge of Woods
- Stone Wall
- Soil Test Pit
- Percolation Test
- Utility Pole
- Proposed Drilled Well
- Existing Shallow Well
- Existing Iron Pipe
- Spike in Ground as Benchmark
- Class II Wetland
- Class II Wetland Buffer

- WASTEWATER AND WATER SUPPLY NOTES:
- ALL PROPOSED GRAVITY SEWERS TO BE 4" SDR 35 PVC OR EQUAL. MIN. SLOPE OF 1/8" INCH PER FOOT.
 - EXISTING GROUND ELEVATIONS TO BE VERIFIED IN THE FIELD BY THE CONTRACTOR BEFORE CONSTRUCTION. IF ELEVATIONS VARY SUBSTANTIALLY FROM THOSE INDICATED ON THE PLAN, CONSULT DESIGNER FOR POSSIBLE SYSTEM REDESIGN.
 - FORCE MAIN PIPES TO BE SDR 26 PVC OR EQUAL, SIZED AS INDICATED IN BASIS OF DESIGN. IF HIGH POINTS IN PIPELINE ARE REQUIRED, CONSULT DESIGNER FOR DESIGN OF AIR RELIEF VALVES. IF LOW POINTS ARE REQUIRED, CONSULT DESIGNER FOR REDESIGN OF PIPELINE.
 - AIR RELIEF VALVES, IF REQUIRED, TO BE VAL-MATIC SERIES NO. 48A OR EQUAL TO FIT SIZE OF PIPELINE.
 - WATER SUPPLY PIPE TO BE 3/4" TYPE 'K' COPPER OR EQUAL. CONSULT DETAIL ON SHEET 2 OF 2 FOR BURIAL DEPTHS AND BEDDING REQUIREMENTS FOR PIPELINES.
 - RECENTLY DRILLED WELL ON LOT 2 SERVING SEPARATE LOT ACROSS CLOVERDALE ROAD TO REMAIN IN SERVICE. DETERMINATION WAS MADE BY VT ANR WETLANDS ECOLOGIST THAT THE WELL WAS INSTALLED IN THE DRIVEWAY STONE SUBBASE AND IS THEREFORE AN ALLOWED USE. DOCUMENTATION IS ATTACHED TO THIS PLAN.
 - SHALLOW WELLS ON LOT A TO BE ABANDONED AS PER MOST RECENT VT ANR WATER SUPPLY RULES.

- EROSION CONTROL NOTES
- CONSTRUCTION LIKELY TO BE PHASED. DEVELOPMENT OF LOT 1 TO BEGIN PROMPTLY AFTER PERMITTED. DEVELOPMENT OF LOT 2 LIKELY TO BEGIN AFTER CONSTRUCTION ON LOT 1 IS COMPLETED.
 - AS THE TOTAL AREA OF DISTURBANCE FOR THE SUBDIVISION EXCEEDS ONE ACRE, PRIOR TO COMMENCEMENT OF CONSTRUCTION AT EACH HOUSE LOT, A NOTICE OF INTENT AND APPENDIX A FOR APPLICATION UNDER STORMWATER CONSTRUCTION GENERAL PERMIT #3-9020 SHALL BE SUBMITTED.
 - SILT FENCE TO BE INSTALLED AT LOCATIONS SHOWN ON PLAN AND UPHILL FROM ANY SENSITIVE AREAS. CONTRACTOR MAY REVISE DISTANCE BETWEEN SILT FENCE AND CONSTRUCTION SITE TO FACILITATE CONSTRUCTION WORK.
 - ALL CONSTRUCTION SHALL BE PERFORMED AS PER THE VT ANR EROSION CONTROL HANDBOOK FOR EROSION PREVENTION AND SEDIMENT CONTROL AND AS INDICATED ON THIS PLAN AND ON SHEET 2 OF 2.
 - ALL CONSTRUCTION IN A CLASS II WETLAND OR BUFFER ZONE SHALL FOLLOW THE REQUIREMENTS OF NOTE 4 ABOVE, AS WELL AS THE CONDITIONS OF THE VERMONT GENERAL WETLAND PERMIT #3-9025.
 - LIMITS OF CONSTRUCTION INDICATED ON PLAN BY SILT FENCE LOCATION (CIRCLES) AND LIMITS OF CONSTRUCTION WITHOUT SILT FENCE (SQUARES).
 - IF LOTS ARE DEVELOPED ONE AT A TIME WITH NO OVERLAP IN CONSTRUCTION, CONSULT DESIGNER FOR ADVICE ON INSTALLING SILT FENCE FOR PARTIAL BUILD OUT.

UNDERHILL ZONING REGULATIONS
 RURAL RESIDENTIAL DISTRICT
 MIN. LOT SIZE = 3 ACRES
 MIN. FRONTAGE = 250 FT
 FRONT YARD SETBACK = 30 FT MIN.
 SIDE YARD SETBACK = 50 FT MIN.
 REAR YARD SETBACK = 50 FT MIN.
 ACCESSORY FRONT YARD SETBACK = 30 FT MIN.
 ACCESSORY SIDE YARD SETBACK = 20 FT MIN.
 ACCESSORY REAR YARD SETBACK = 20 FT MIN.
 DRIVEWAY SIDE AND REAR YARD SETBACK = 12 FT MIN.
 MAX. BUILDING COVERAGE = 25%, PROPOSED =
 MAX. LOT COVERAGE = 50%, PROPOSED =
 MAX. HEIGHT = 35 FT
 PUB. FRD ALLOWED

Design Qualification

This design is intended for the Vermont ANR permitting process only for subdivision of the existing lot into two lots. Lot 1 to be permitted construction of one three bedroom house and related wastewater disposal and water supply and Lot 2 to be developed for construction of one four bedroom house and related wastewater disposal and water supply. This plan is intended to be permit amendment to W-4-4161 which permitted the development of the subject property for one 3BR house without subdividing the property.

The design for the wastewater disposal system and water supply does appear to meet the VT ANR Wastewater and Potable Water Supply Rules, September 29, 2007 without exception. The design is intended for a maximum occupancy of 6 people for Lot 1 and a maximum occupancy of 7 people for Lot 2.

The contractor shall inform the Designer 48 hours in advance before beginning construction of the wastewater disposal fields, so that the locations of the wastewater disposal fields, pre-treatment units, sewer pipelines and other appurtenances can be staked out in the field, as deemed necessary by the Designer. This design is based on available field information; there is no guarantee that the wastewater systems can be built as described on the plans. If site limiting factors make the design plan not feasible, the Designer shall be contacted for redesign of the system.

This plan is not a certification that the wastewater systems will be constructed according to the plan. The Designer and the Manufacturer's Representative(s) for any innovative/alternative technologies used should be contacted with 48 hours notice for construction observations at key points during construction and before key appurtenances are backfilled. If in doubt, consult Designer for when construction observations are required.

This plan is not a certification that the wastewater disposal systems will function properly, even if constructed according to the design presented in this plan and related attachments. Although every effort is made to design systems that will function properly for many years, the proper functioning of wastewater disposal systems is greatly affected by many factors out of the control of the Designer.

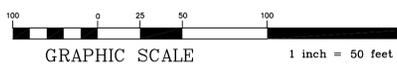
The locations of property lines and easements located on the subject property are considered approximate and were taken from the reference plans and the locations of key topographic information in the field. This plan should not be construed as a boundary survey which must be prepared by a licensed land surveyor. The width and location of the R.O.W. for Cloverdale Road was based on information provided on the reference plans.

The location and topographic information contained on this plan were determined from total station survey performed by others, from other on site measurements and from information provided by the Vermont Center for Geographic Information.

The approximate location of wetlands depicted on the plan are as described by VT ANR Wetlands Ecologist, Alan Quackenbush during his site visit on May 7, 2013 and as described by Daniel Dyczarski, Vermont Wetlands Ecologist, during his site visit on May 6, 2013. No field notes or photographs were taken on site. No field notes or photographs were taken on site. No field notes or photographs were taken on site. No field notes or photographs were taken on site.

MAINTENANCE NOTES:

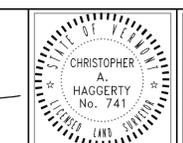
- IT IS HIGHLY RECOMMENDED THAT THE STEP TANK AND SEPTIC TANK BE EMPTIED AT LEAST ONCE EVERY TWO TO THREE YEARS, DEPENDING ON USE. WHEN THE TANK IS EMPTIED, IT SHOULD BE CHECKED FOR LEAKS.
- THE EFFLUENT FILTER SHOULD BE REMOVED AND RINSED THOROUGHLY AT LEAST ONCE PER YEAR. IT SHOULD BE REPLACED AFTER RINSING.



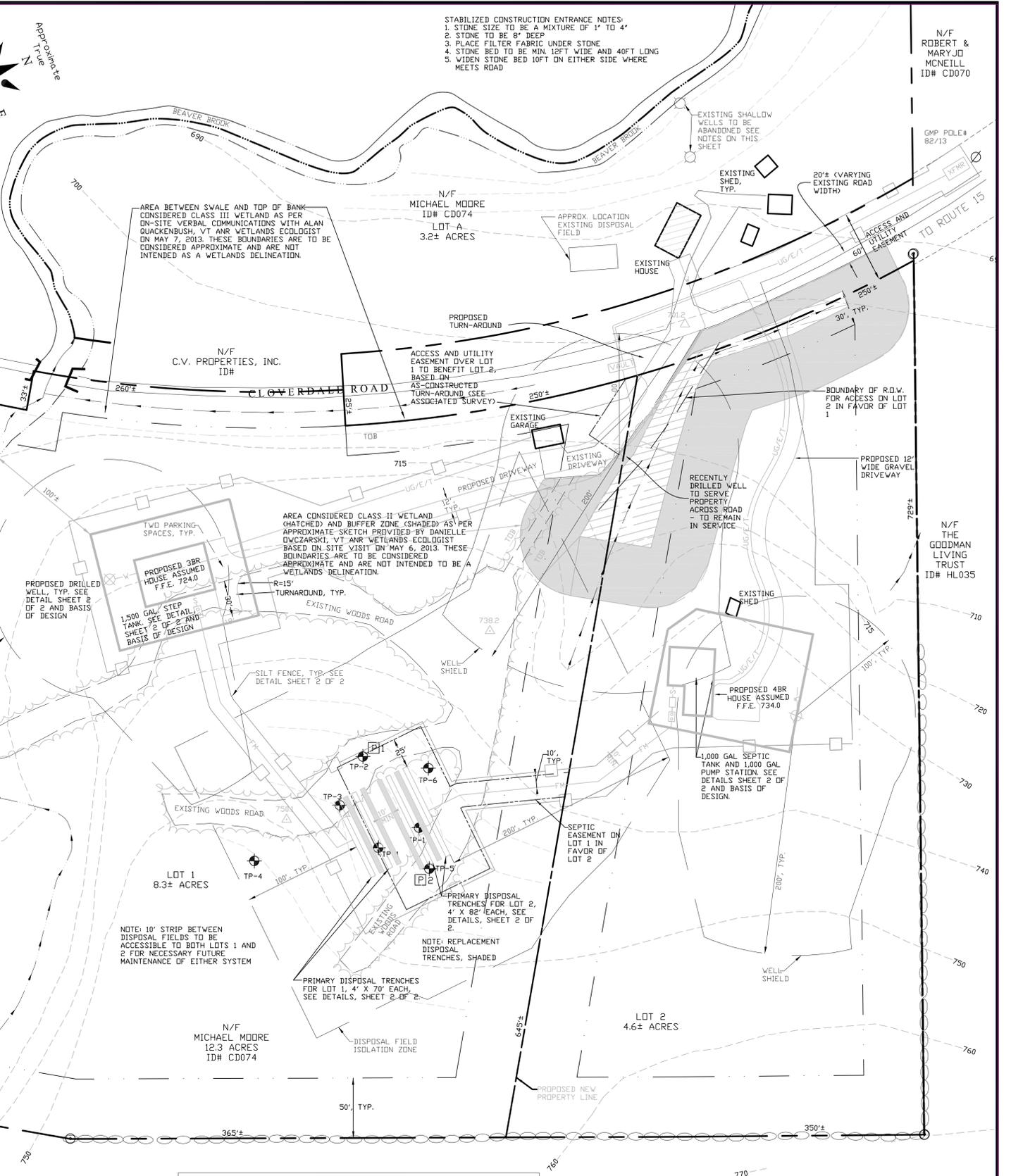
N/F DAVID & SHERRIE ADAMS ID# NU013

N/F CURT COTANCH & CHERYL MORSE ID# NU027

N/F SHARON DAVIS ID# NU041



Chris Haggerty
 10/15/14



N/F MICHAEL MOORE ID# CD074

N/F MICHAEL MOORE ID# CD074

N/F MICHAEL MOORE ID# CD074

IMPORTANT NOTES
 The purpose of this plan is to address conditions and comments made by the Town of Underhill. This plan is based on a plan entitled "Subdivision Plan" prepared by Earthbound Services, LLC dated 4/9/14, last revised 7/1/14. The aforementioned plan, last revised 5/2/14, has been approved by the State of Vermont Agency of Natural Resources, permit #W-4-4161-1. This plan is subject to the conditions of said permit. The modifications made to this plan by this firm were minor drafting edits and no substantial changes have been made to any proposed water or wastewater systems. An approved, full-time Professional Land Surveyor, PC, accepts no liability, assumed or implied, as to the accuracy or completeness of the information contained in these previously approved plans.

Reference is made to a plan entitled "Driveway / Road Design" prepared by Trifon Engineering Associates LLC, dated 10/15/14. This plan should be consulted for the Lot 2 driveway design and the proposed turn-around.

No.	Revision	Date
1	Add new turn-around and easement	10/15/14
2	Add new turn-around and easement	8/14/14

Button Professional Land Surveyors, PC
 20 Kimball Ave. Suite 203N South Burlington VT 05403
 1-800-979-0666 www.bpsps.com

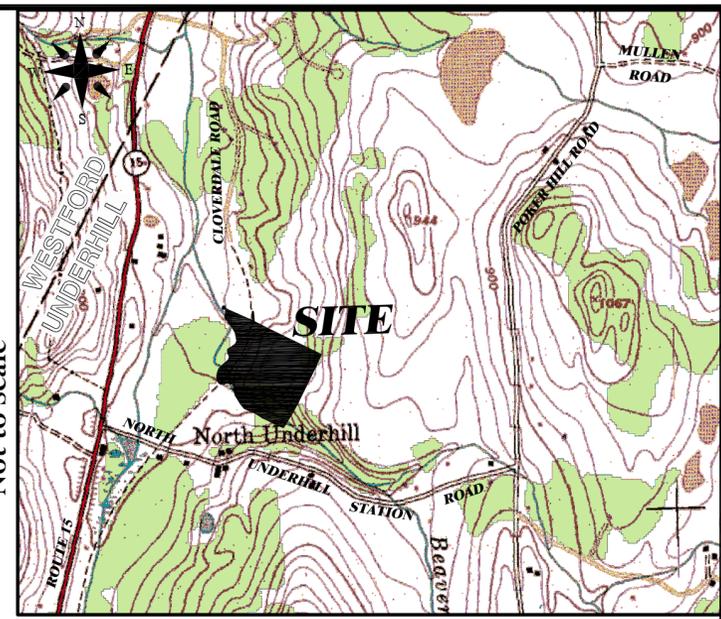
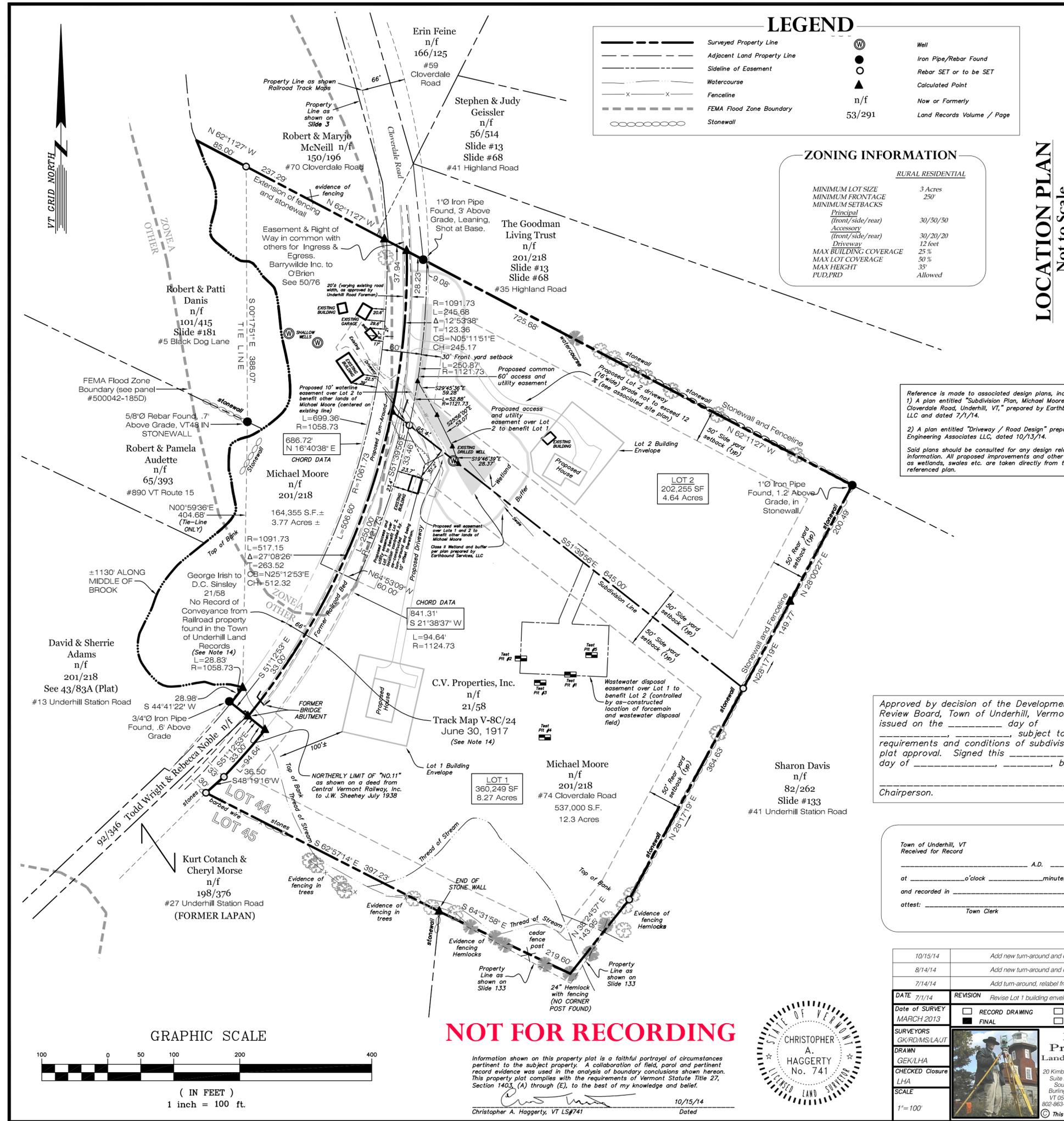
MICHAEL MOORE
 74 CLOVERDALE ROAD UNDERHILL, VERMONT

SUBDIVISION PLAN

1 of 2

N/F ROBERT & MARY JO MCNEILL ID# CD070

N/F THE GOODMAN LIVING TRUST ID# HL035



- ### SURVEY NOTES
- This Survey Plat has been compiled from field surveys and record evidence including the following plans:
 - "Survey of Road for Barrywide, INC., in the Towns of Westford & Underhill, VT.", prepared by John Marsh, dated April, 1973, and recorded on Slide 3 in the Land Records of the Town of Underhill.
 - "Portion of Property, Isabelle French to Robert and Helen Siemer", prepared by Harris Abbot, dated November 19, 1971, and recorded in Volume 43, Page 83A in the Land Records of the Town of Underhill.
 - "Property of Paker Hill Farm, Chittenden County, Underhill, VT.", prepared by Ron LaRose, dated September 1976, and recorded on Slide 133 in the Land Records of the Town of Underhill.
 - "Plot of Survey, Rex Gatex, Town of Underhill", Prepared by John Marsh, dated September 22, 1978, and recorded on Slide 133 in the Land Records of the Town of Underhill.
 - "Plot of Survey, Kurt & Gina VanHook Property, 19.9 Acres", prepared by Warren Robenstien, dated April 1998, and recorded on Slide 191 in the Land Records of the Town of Underhill.
 - "Right-of-Way and Track Map, Central Vermont Ry. Co. operated by the Central Vermont Ry. Co., Station 1210+40 to Station 1263+20", prepared by Office of Valuation Engineer, St. Albans, Vermont, dated June 30, 1917, provided by Lamoureux and Dickinson.
 - North orientation is based on survey grade static GPS observations made on March 13, 2013 utilizing a Trimble R8 receiver. The resultant horizontal datum is NAD 83(2011) epoch 2010.0. The vertical datum is based on NAVD 88 using the geoid model, Geoid12A.
 - The improvements shown hereon were located by a survey on the ground completed in March 13-20, 2013.
 - Survey methods employed and the resulting error of closure/precision ratio, meet or exceed minimum precision requirements for suburban surveys as outlined in "Standards for the Practice of Land Surveying" adopted by the Vermont Board of Land Surveyors effective 10/11/99. A random traverse control loop was established using a Trimble S6 Robotic Total Station in unison with a Trimble Controller.
 - The measurements and information produced by this survey and shown hereon may contrast from recorded survey information due to differences in orientation, declination or methods of measurement.
 - The premises shown and described hereon may be subject to existing buried utilities, easements, rights-of-way, restrictions, covenants, permits, regulations, and/or setback lines which may not be recorded in the public records. Clear evidence of an easement or restriction of record or evidence of easements and structures which are readily apparent from a casual above-ground view, are delineated hereon. No liability is assumed by the undersigned for any loss associated with the existence of any undiscovered easements or restrictions on the use of the property which are not shown of record or are not readily apparent. Only those deeds, plats and plans, of public record, which are properly indexed in the Town of Underhill Land Records have been reviewed, examined and utilized for the purpose of this survey.
 - This survey revealed boundary inconsistencies between recorded and physical boundary evidence pertinent to this property. These inconsistencies are shown hereon.
 - The diameters of existing monumentation shown on this plan reflect outside diameter dimensions.
 - Iron pin boundary markers shown hereon as "SET" or "to be SET" are 5/8" diameter reinforcing steel, 40-inch long, crowned with an aluminum cap stamped VT 741.
 - The descriptions of these lands and the physical evidence located and existing on the ground were compared and analyzed to conclude a final boundary opinion most indicative of the original intent of the conveyances and in harmony with existing physical boundary evidence. Where conflicts between physical boundary evidence and written record evidence are substantial, deeds and/or documents should be executed to eliminate any conflict of title or conflict. No bounds shown hereon are determined via the legal theory of Adverse Possession. This is a determination to be made by a court entrusted with authority to do so. Evidence, which could be determined to be potential adverse possession and/or indicate a prescriptive right, if reasonably apparent, is shown hereon. To that extent, these plats of surveys may be subject to any unidentified claims or rights. Assumptions for correctness and accuracy are indicated on this plat of survey.
 - Acceptance of this survey plat or use of the corner monuments found or set during the performance of the field survey hereby limit the undersigned liability related to professional negligent acts, errors, omissions or breach of contract to an amount not to exceed the fee charged.
 - This survey is certified to Michael Moore for the singular purpose of surveying the lands described in Volume 201, Page 218 of the Underhill Land Records. No liability is assumed by the undersigned for any loss that may be associated with the use of this survey other than the purpose stated above.
 - This survey depicts the limits of the former railroad, along with supporting notations showing no record conveyance from Central Vermont Railway to any predecessors in title. Correspondence with Canadian National (apparent entity that may have received title, if any, in this area) indicates they are not aware of any such ownership, nor are they interested. Attorneys representing Michael Moore consider the "strip" formerly owned by the railroad to have reverted to adjacent lands, and this plat reflects this opinion, though it should not be construed as agreement/disagreement or endorsement. BPLS neither assumes nor implies any liability associated with this opinion.

Reference is made to associated design plans, including:
 1) A plan entitled "Subdivision Plan, Michael Moore, 74 Cloverdale Road, Underhill, VT," prepared by Earthbound Services, LLC and dated 7/1/14.
 2) A plan entitled "Driveway / Road Design" prepared by Trifton Engineering Associates LLC, dated 10/13/14.
 Said plans should be consulted for any design related information. All proposed improvements and other features such as wetlands, swales etc. are taken directly from the first above referenced plan.

Approved by decision of the Development Review Board, Town of Underhill, Vermont issued on the _____ day of _____, subject to all requirements and conditions of subdivision and plat approval. Signed this _____ day of _____, by _____, Chairperson.

Town of Underhill, VT
 Received for Record _____ A.D.
 at _____ o'clock _____ minutes _____ M
 and recorded in _____
 attest: _____ Town Clerk

10/15/14	Add new turn-around and easement	CAH
8/14/14	Add new turn-around and easement	CAH
7/14/14	Add turn-around, relabel frontages, dimension existing road width, label Lot 2 grade	CAH

DATE 7/1/14 REVISION Revise Lot 1 building envelope; widen ROW to 60'

DATE OF SURVEY MARCH 2013

SURVEYORS GK/RD/MS/LAJT

DRAWN GEK/LHA

CHECKED Closure LHA

SCALE 1"=100'

Button Professional Land Surveyors, PC
 20 Kimball Ave. Suite 203N South Burlington VT 05403
 1-800-570-0655 802-863-1812 www.bapis.com

1 Lake Street St. Albans, VT 05478
 524-8556
 1-800-570-0655 www.bapis.com

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PLAT OF TWO-LOT SUBDIVISION SHOWING LANDS OF

MICHAEL MOORE

74 CLOVERDALE ROAD UNDERHILL, VERMONT

Date of Plat 3/27/2013

JOB# LINDH0019

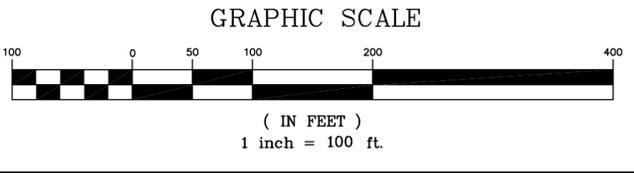
FILE LINDH0019

PLAN SHEET # 1 of 1

NOT FOR RECORDING

Information shown on this property plat is a faithful portrayal of circumstances pertinent to the subject property. A collaboration of field, parcel and pertinent record evidence was used in the analysis of boundary conclusions shown hereon. This property plat complies with the requirements of Vermont Statute Title 27, Section 1403, (A) through (E), to the best of my knowledge and belief.

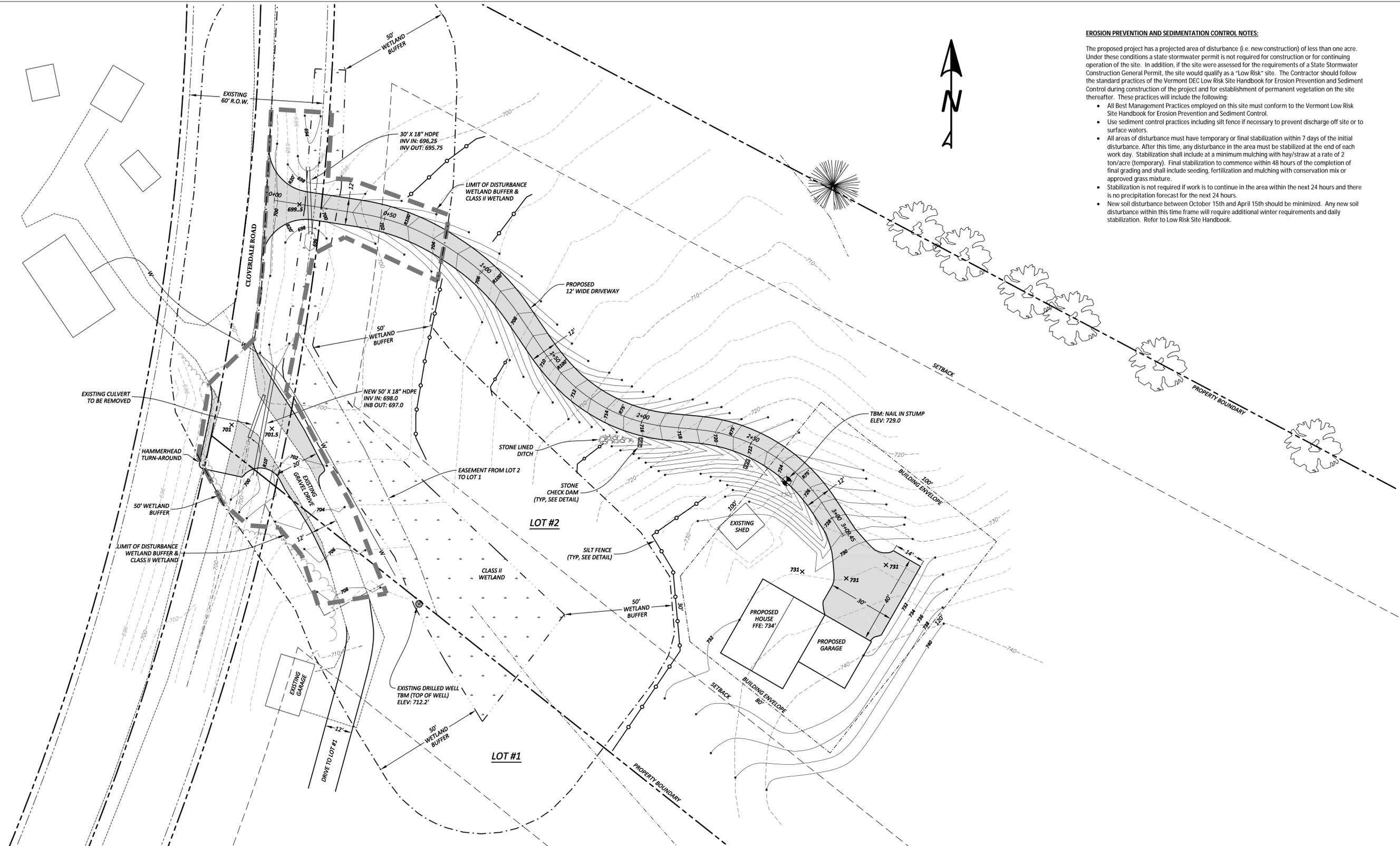
Christopher A. Haggerty, VT LS#741 Dated 10/15/14



EROSION PREVENTION AND SEDIMENTATION CONTROL NOTES:

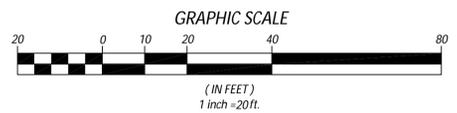
The proposed project has a projected area of disturbance (i.e. new construction) of less than one acre. Under these conditions a state stormwater permit is not required for construction or for continuing operation of the site. In addition, if the site were assessed for the requirements of a State Stormwater Construction General Permit, the site would qualify as a "Low Risk" site. The Contractor should follow the standard practices of the Vermont DEC Low Risk Site Handbook for Erosion Prevention and Sediment Control during construction of the project and for establishment of permanent vegetation on the site thereafter. These practices will include the following:

- All Best Management Practices employed on this site must conform to the Vermont Low Risk Site Handbook for Erosion Prevention and Sediment Control.
- Use sediment control practices including silt fence if necessary to prevent discharge off site or to surface waters.
- All areas of disturbance must have temporary or final stabilization within 7 days of the initial disturbance. After this time, any disturbance in the area must be stabilized at the end of each work day. Stabilization shall include at a minimum mulching with hay/straw at a rate of 2 ton/acre (temporary). Final stabilization to commence within 48 hours of the completion of final grading and shall include seeding, fertilization and mulching with conservation mix or approved grass mixture.
- Stabilization is not required if work is to continue in the area within the next 24 hours and there is no precipitation forecast for the next 24 hours.
- New soil disturbance between October 15th and April 15th should be minimized. Any new soil disturbance within this time frame will require additional winter requirements and daily stabilization. Refer to Low Risk Site Handbook.



LEGEND

- EXISTING PROPERTY BOUNDARY
- - - EASEMENT
- - - ZONING SETBACK
- EXISTING GROUND CONTOUR
- EXISTING GRAVEL ROAD/DRIVEWAY
- PROPOSED FINISH GRADE CONTOUR
- DRAINAGE COURSE
- WETLAND EDGE
- WETLAND BUFFER
- SILT FENCE
- TEMPORARY STONE CHECK DAM



DRAFT



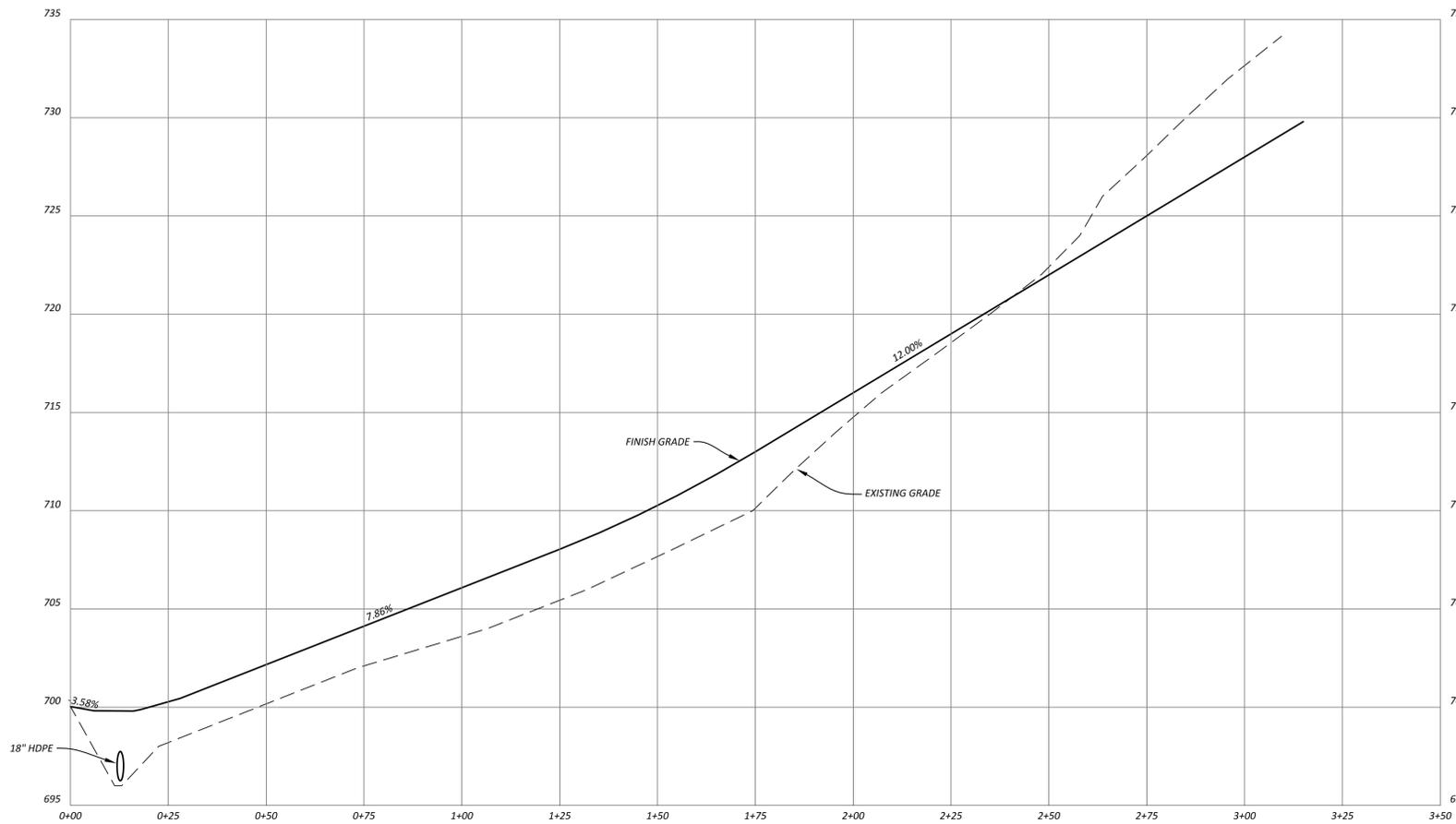
343 Orchard Road
Charlotte, VT 05445
P: (802) 425 - 7761
F: (802) 425 - 7760

Web Site: traftonengineering.com
E-mail: traftonmc@gmavt.net

Driveway/Road Design

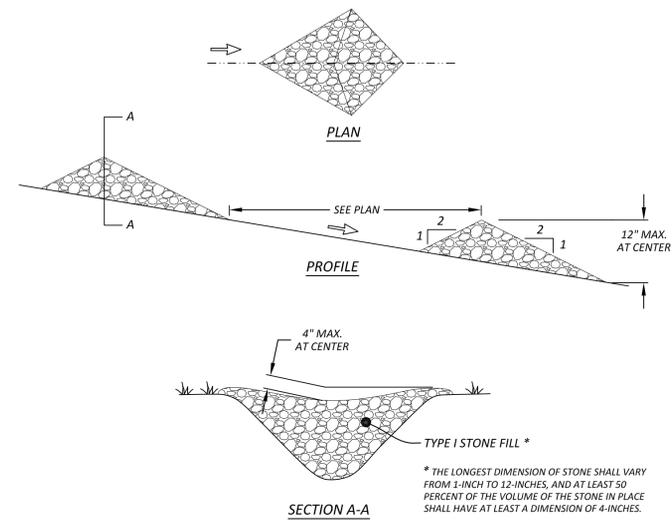
Moore Subdivision
74 Cloverdale Road, Underhill, VT

SIZE	DWG Date:	DWG NO.	REV
D	10/13/14		00
SCALE	NOTED	Drawn by: SMS	Checked by: TMC
			SHEET 1 of 2



DRIVEWAY PROFILE

SCALE:
 1" = 20' (H)
 1" = 4' (V)

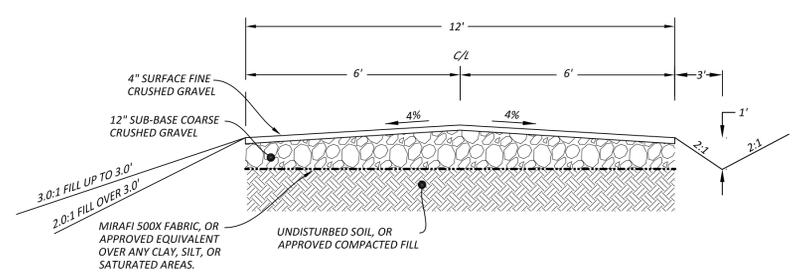


CONSTRUCTION REQUIREMENTS

1. PLACE STONE TO THE LINES, GRADES AND LOCATIONS AS SHOWN ON THE PLAN OR AS DIRECTED.
2. EXTEND THE STONE TO A POINT BEYOND THE DITCH BANKS TO PREVENT CUTTING AROUND THE DAM.
3. PROTECT THE CHANNEL DOWNSTREAM OF THE LOWEST CHECK DAM FROM SCOUR AND EROSION WITH STONE OR LINER AS NEEDED OR DIRECTED.
4. REMOVE STONE, AS DIRECTED, WHEN NO LONGER NEEDED. AFTER BARRIER IS REMOVED, STABILIZE WITH VEGETATION ANY SEDIMENT WHICH IS PERMITTED TO REMAIN IN PLACE.

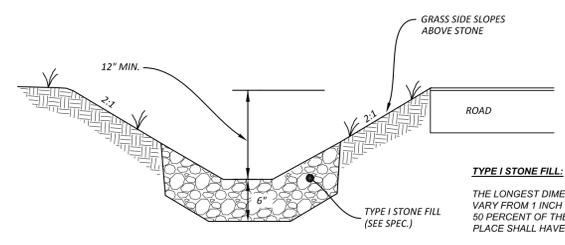
TEMPORARY STONE CHECK DAM DETAIL

NTS



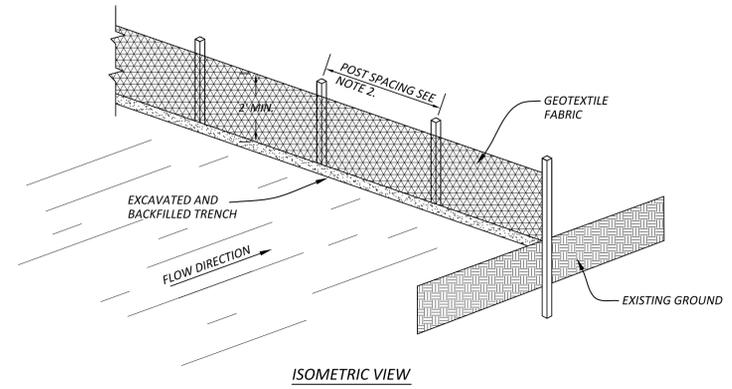
DRIVEWAY SECTION DETAIL

NTS

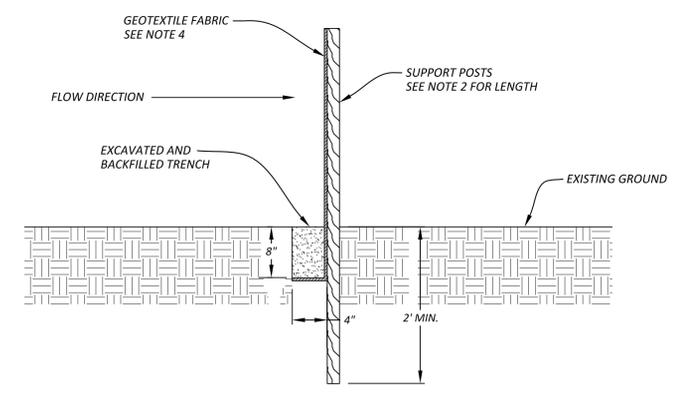


STONE LINED ROADSIDE SWALE DETAIL

NTS



ISOMETRIC VIEW



SECTION

SILT FENCE DETAIL

NTS

SILT FENCE NOTES

1. SILT FENCE WILL BE USED IN AREAS TO PREVENT SEDIMENT TRANSPORT FROM UPSLOPE AREAS AWAITING STABILIZATION. IT SHALL ALSO BE USED AS PART OF THE TEMPORARY EROSION CONTROL MEASURES AROUND MATERIAL STOCKPILES AND DOWN SLOPE OR EQUIPMENT STAGING AREAS.
2. THE GEOTEXTILE FABRIC SHALL BE PLACED IN THE EXCAVATED TRENCH, BACKFILLED AND COMPACTED TO THE EXISTING GROUND SURFACE.
3. WOODED SUPPORT POSTS SHALL BE A MINIMUM DIMENSION OF 1-1/8" X 1-1/8" AND 4 FEET LONG. STEEL POSTS SHALL BE STUDDED "TEE" OR "U" TYPE AND 5 FEET LONG. POST SPACING SHALL BE A MAXIMUM OF 8 FEET FOR WOVEN FABRIC AND 3 FEET FOR NON-WOVEN FABRIC.
4. THE GEOTEXTILE FABRIC SHALL BE ATTACHED DIRECTLY TO THE UPSLOPE SIDE OF WOODEN POSTS WITH 0.5 INCH STAPLES IN AT LEAST 3 PLACES, OR WITH WOODEN LATH AND NAILS. ATTACHMENT TO STEEL POSTS WILL BE BY WIRE FASTENERS OR 50 POUND PLASTIC TIE STRAPS ON THE UPSLOPE SIDE.
5. THE GEOTEXTILE FABRIC SHALL CONSIST OF EITHER WOVEN OR NON-WOVEN POLYESTER, POLYPROPYLENE, STABILIZED NYLON, POLYETHYLENE, OR POLYVINYLIDENE CHLORIDE. NON-WOVEN FABRIC MAY BE NEEDLE PUNCHED, HEAT BONDED, RESIN BONDED, OR COMBINATIONS THEREOF.
6. SILT FENCE SHALL BE INSTALLED AS SHOWN ON PLAN.
7. SILT FENCES BARRIERS SHALL BE INSPECTED FOR ANY TEARS OR BREAKS. ANY REQUIRED REPAIRS SHALL BE MADE IMMEDIATELY.
8. SEDIMENT SHOULD BE REMOVED WHEN IT REACHES 1/3 HEIGHT OF THE FENCE. THE REMOVED SEDIMENT MAY BE USED AS FILL ELSEWHERE ON SITE AND SHALL BE VEGETATED OR OTHERWISE STABILIZED.
9. REMOVE SILT FENCE, AS DIRECTED, WHEN NO LONGER NEEDED. BEFORE THE SILT FENCE IS REMOVED, STABILIZE WITH VEGETATION ANY SEDIMENT WHICH IS PERMITTED TO REMAIN IN PLACE.



		Driveway/Road Design Profile & Details			
		Moore Subdivision 74 Cloverdale Road, Underhill, VT			
343 Orchard Road Charlotte, VT 05445 P: (802) 425 - 7761 F: (802) 425 - 7760		SIZE D	DWG Date: 10/16/14	DWG NO.	REV 00
Web Site: traftonengineering.com E-mail: traftonmc@gmavt.net		SCALE NOTED	Drawn by: SMS	Checked by: TIMC	SHEET 2 of 2

Town of Underhill
Development Review Board Minutes
August 18, 2014

Board Members Present:

Charles Van Winkle, Chairperson
Will Towle
Penny Miller
Shanie Bartlett
Matt Chapek
Karen McKnight

Others Present:

Michael Moore (Applicant- 1st hearing)
Darah Zurit (Applicant- 1st hearing)
Roy Dunphey (Consultant- 2nd hearing)
Phil Jacobs (resident)

Staff/ Municipal Representatives Present:

Sarah McShane, PZA

6:30 PM- Public Hearings

- Chairperson Van Winkle called the meeting to order at 6:30 PM. No public comments were provided.
- Board members reviewed the meeting minutes from 7-21-2014 and 8-4-2014.
- Board member Will Towle suggested including both the name and address of those who provide public testimony.
- Board member Karen McKnight made a motion, seconded by Shanie Bartlett, to accept the minutes of the 7-21-2014 DRB meeting. The motion passed by all members present.
- Board member Will Towle made a motion, seconded by Penny Miller, to accept the minutes of the 8-4-2014 DRB meeting. The motion passed by all members present.

6:47 PM- 74 Cloverdale Road- Continued Final Review for a 2 Lot subdivision

- Chairperson Van Winkle began the meeting by reviewing the history of the application and the additional information that was provided by the Applicant.
- Board member Will Towle recused himself from the hearing.
- The Applicant provided an updated letter requesting waivers (dated 8/13/14); copy of the revised subdivision plat from Button Professional Land Surveyors, Job # UNDH0019 Plan Sheet 1 of 1 (last revision date 8/14/14); copy of the revised subdivision plan (Michael Moore, 74 Cloverdale Rd) from Button Professional Land Surveyors, Job # UNDH0019, Plan Sheet 1 of 2 (last revision date 8/14/14); and a copy of the email from Harry Schoppmann- Underhill Jericho Fire Department (dated 8-15-2014). PZA also provided draft minutes from 7/21/14 DRB Meeting and minutes from the 7/22/2014 Selectboard meeting.
- Chairperson Van Winkle reviewed the list of waivers.
- Board member Karen McKnight pointed out that the reference to Lot 1 in the third paragraph of the waiver letter should be changed to Lot A.
- Chairperson Van Winkle stated that since the 60' ROW is part of the subdivision plan that the waivers for Lot A are applicable.

- Applicant Darah Zurit explained the construction notes and stated the interior triangular portion of the Y turn-around will be filled.
- Board members discussed the above ground electrical vault indicated near the Y turn-around.
- Chairperson Van Winkle stated that drainage is an important issue and that all property owners will be responsible for the maintenance. The Applicant will be responsible for implementing all of the items drawn on the subdivision plan.
- Discussion ensued regarding the Y turn-around. Board members felt that the Y turn-around was not drawn correctly over Cloverdale Road.
- Chairperson Van Winkle suggested for the Board to take a brief recess in order to hear the next scheduled hearing.

7:18 PM- 419 Irish Settlement Road- Revisions to a previously approved subdivision

- Chairperson Van Winkle began the hearing by explaining the procedure for subdivision review which comes under the 2012 Unified Land Use and Development Regulations.
- Board member Will Towle recused himself from the hearing.
- Chairperson Van Winkle swore in all speakers and provided an overview of the process and definition of interested party.
- Chairperson Van Winkle entered exhibits A-Q into the record. PZA added a copy of the letter from the Underhill Jericho Fire Department that was submitted last year.
- Roy Dunphey, Consultant, began by providing an overview of the proposal. He stated that the Applicant is requesting re-approval of revisions to the building envelope and driveway. He also stated that the Mylar that was submitted did not meet the conditions of approval since it was not stamped by a licensed surveyor. He stated that he is working with the Selectboard to review revisions to the driveway.
- Members discussed access issues and the need for better communication with the Selectboard.
- Roy Dunphey requested that the DRB not condition the approval Mylar not to be stamped by a licensed surveyor.
- PZA Sarah McShane stated that there are wetlands indicated on the site plan and she was unsure what the appropriate buffer should be and that the proposed driveway is within 12 ft of the property boundary.
- Consultant Roy Dunphey requested that the DRB re-approve the old plan and for him to work with the Selectboard to review amendments to the driveway.
- Karen McKnight made a motion, seconded by Matt Chapek to extend the deadline to file the Mylar to October 31, 2014. The motion passed by all members present. (Will Towle recused himself from the hearing.)
- The Board will provide the Applicant a letter extending the approval and deadline.
- The hearing concluded at 7:40 PM.

7:40 PM- 74 Cloverdale Road- Continued final review for a 2 Lot subdivision

- Board members continued review of the subdivision application for 74 Cloverdale Road.
- Board member Penny Miller requested that the PZA provide a marked-up version of the subdivision plan indicating the location of driveways, roads, ROW, buffer areas, etc. for future hearings.
- Applicant Darah Zurit asked if there were any other items holding up the application.

DRB Meeting Minutes
August 18, 2014

- Chairperson Van Winkle stated that the Board does not appear to have an objection with a 2-lot subdivision at the end of the road; however the Board needs to see a plan that is more detailed and clear. He suggested providing a more detailed plan for review.
- Board member Penny Miller asked if the Board should be concerned with the possibility of the Selectboard withholding an Access Permit.
- Darah Zurit expressed concern over the miscommunication between the Selectboard and the DRB.
- Chairperson Van Winkle asked Board members how they should advise the Applicant moving forward.
- Board members agreed that the subdivision plan needs to clearly show the improvements in relation to Cloverdale Road, perhaps at a more detailed scale. Board members also agreed that the Applicant should provide detailed engineered drawings with descriptions and locations of the improvements.
- Board member Penny Miller stated that the Board often communicates directly with the Engineer. It is more challenging for the Applicants who decide to represent themselves. She suggested for the Applicants to view recently approved plans to get an idea of the detail needed.
- Chairperson Van Winkle stated that the only leverage the Board has to make sure the improvements have been completed is withholding a building permit.
- Majority of the concerns are with civil engineering issues. Board members suggested for the Applicant to provide the detail sheets.
- Discussion continued regarding access permitting process and potential concerns.
- The hearing concluded at approximately 8:30 PM. Board members agreed to continue the hearing to September 15th at 7:00 PM.

8:30 PM Old Business

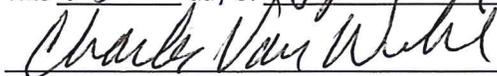
- The resident scheduled for a pre-application meeting left prior to meeting with Board members.
- Board members discussed the outstanding Butler application for a Home Industry on Irish Settlement Road and scheduling future applicants.
- The meeting adjourned at 9:00 PM.
- The next DRB meeting will be Monday September 15th.

Submitted by:

Sarah McShane, PZA

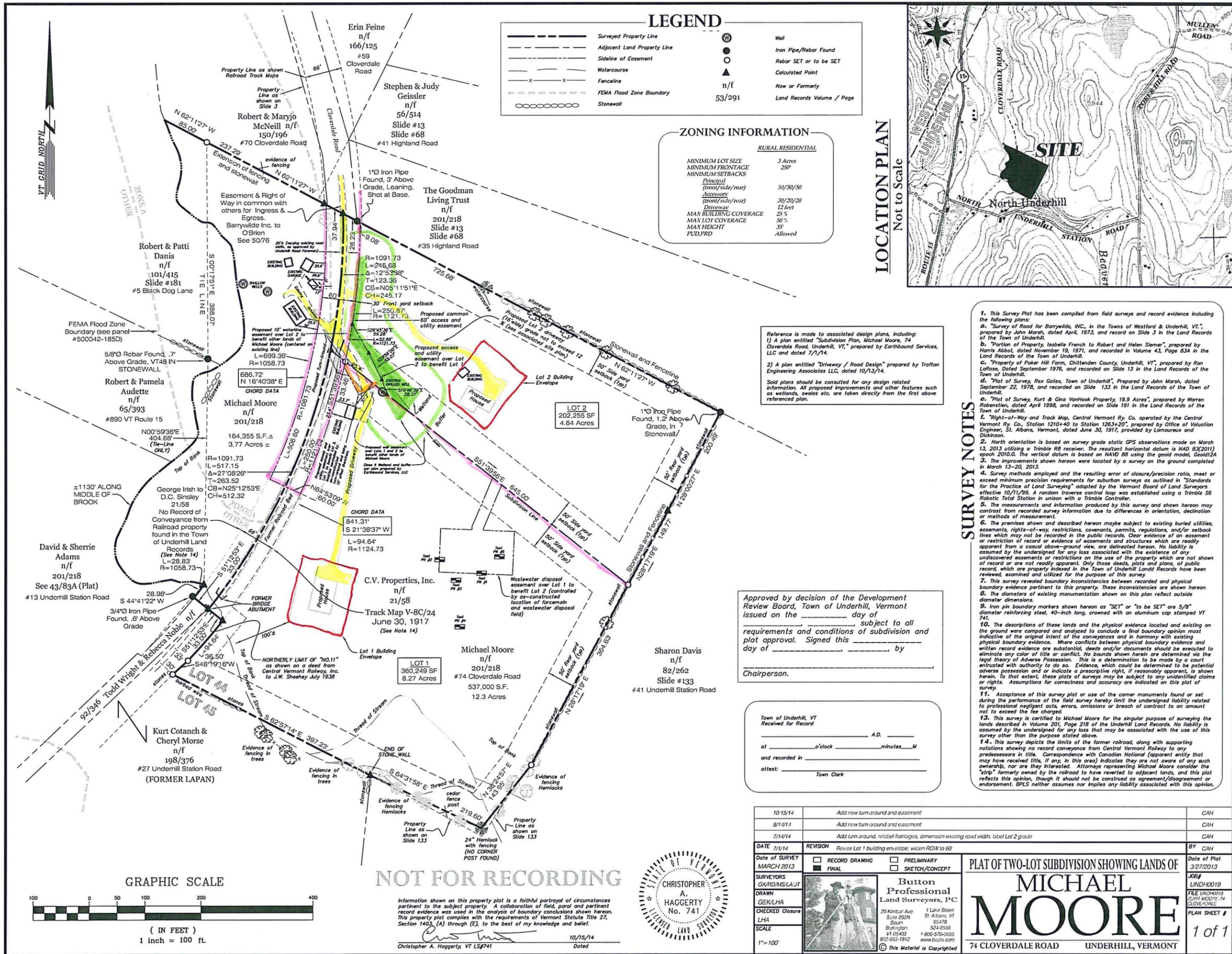
These minutes of the 8-18-2014 meeting of the DRB were accepted

This 15 day of September, 2014.



Charles Van Winkle, Chairperson

These minutes are subject to correction by the Underhill Development Review Board. Changes, if any, will be recorded in the minutes of the meeting of the DRB.



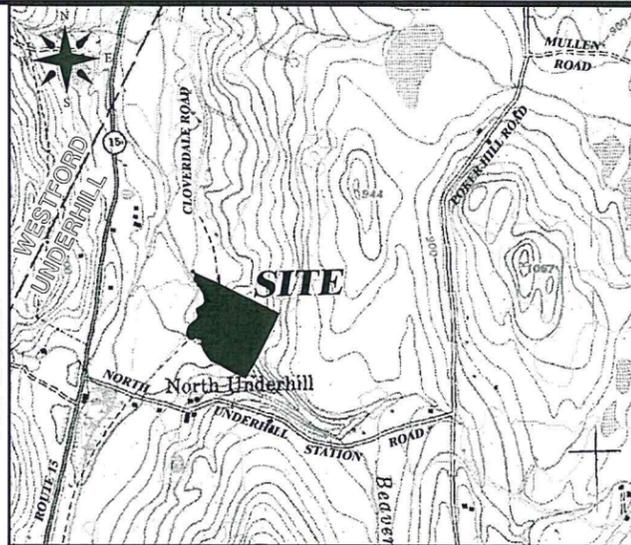
LEGEND

	Surveyed Property Line		Well
	Adjacent Land Property Line		Iron Pipe/Rebar Found
	Sideline of Easement		Rebar SET or to be SET
	Watercourse		Calculated Point
	Fence/line		Now or Formerly
	FEMA Flood Zone Boundary		Land Records Volume / Page
	Stonewall		

ZONING INFORMATION

RURAL RESIDENTIAL	
MINIMUM LOT SIZE	3 Acres
MINIMUM FRONTAGE	250'
MINIMUM SETBACKS	
Principal (front/side/rear)	30/50/50
Accessory (front/side/rear)	30/20/20
Driveway	12 feet
MAX BUILDING COVERAGE	25 %
MAX LOT COVERAGE	50 %
MAX HEIGHT	35'
FUD/FRD	Allowed

LOCATION PLAN
Not to Scale



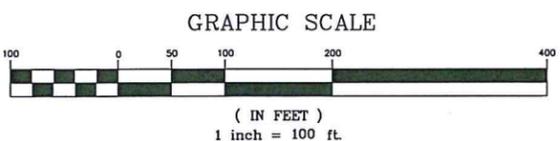
Reference is made to associated design plans, including:
 1) A plan entitled "Subdivision Plan, Michael Moore, 74 Cloverdale Road, Underhill, VT," prepared by Earthbound Services, LLC and dated 7/1/14.
 2) A plan entitled "Driveway / Road Design" prepared by Traflet Engineering Associates LLC, dated 10/13/14.
 Said plans should be consulted for any design related information. All proposed improvements and other features such as wellheads, swales etc. are taken directly from the first above referenced plan.

SURVEY NOTES

- This Survey Plot has been compiled from field surveys and record evidence including the following plans:
 a. "Survey of Road for Barryville, Inc. in the Towns of Westford & Underhill, VT.," prepared by John Marsh, dated April, 1973, and recorded on Slide 3 in the Land Records of the Town of Underhill.
 b. "Portion of Property, Isabelle French to Robert and Helen Siemer," prepared by Harris Abbot, dated November 19, 1971, and recorded in Volume 43, Page 83A in the Land Records of the Town of Underhill.
 c. "Property of Paker Hill Farm, Chittenden County, Underhill, VT," prepared by Ron LaFosse, Dated September 1976, and recorded on Slide 13 in the Land Records of the Town of Underhill.
 d. "Plot of Survey, Rex Gates, Town of Underhill," prepared by John Marsh, dated September 22, 1978, and recorded on Slide 133 in the Land Records of the Town of Underhill.
 e. "Plot of Survey, Kurt & Gina VanHook Property, 19.9 Acres," prepared by Warren Robenstein, dated April 1998, and recorded on Slide 191 in the Land Records of the Town of Underhill.
- "Right-of-Way and Track Map, Central Vermont Ry. Co. operated by the Central Vermont Ry. Co., Station 1210+40 to Station 1263+20", prepared by Office of Valuation Engineer, St. Albans, Vermont, dated June 30, 1917, provided by Lamoureux and Dickinson.
- North orientation is based on survey grade static GPS observations made on March 13, 2013 utilizing a Trimble R8 receiver. The resultant horizontal datum is NAD 83(2011) epoch 2010.0. The vertical datum is based on NAVD 88 using the geoid model, Geoid12A in March 13-20, 2013.
- Survey methods employed and the resulting error of closure/precision ratio, meet or exceed minimum precision requirements for suburban surveys as outlined in "Standards for the Practice of Land Surveying" adopted by the Vermont Board of Land Surveyors effective 10/11/99. A random traverse control loop was established using a Trimble 55 Robotic Total Station in unison with a Trimble Controller.
- The measurements and information produced by this survey and shown hereon may contrast from recorded survey information due to differences in orientation, declination or methods of measurement.
- The premises shown and described hereon maybe subject to existing buried utilities, easements, rights-of-way, restrictions, covenants, permits, regulations, and/or setback lines which may not be recorded in the public records. Clear evidence of an easement or restriction of record or evidence of easements and structures which are readily apparent from a casual above-ground view, are delineated hereon. No liability is assumed by the undersigned for any loss associated with the existence of any undiscovered easements or restrictions on the use of the property which are not shown of record or are not readily apparent. Only those deeds, plats and plans, of public record, which are properly indexed in the Town of Underhill Land Records have been reviewed, examined and utilized for the purpose of this survey.
- This survey revealed boundary inconsistencies between recorded and physical boundary evidence pertinent to this property. These inconsistencies are shown hereon.
- The diameters of existing monumentation shown on this plan reflect outside diameter dimensions.
- Iron pin boundary markers shown hereon as "SET" or "to be SET" are 5/8" diameter reinforcing steel, 40-inch long, crowned with an aluminum cap stamped VT 741.
- The descriptions of these lands and the physical evidence located and existing on the ground were compared and analyzed to conclude a final boundary opinion most indicative of the original intent of the conveyances and in harmony with existing physical boundary evidence. Where conflicts between physical boundary evidence and written record evidence are substantial, deeds and/or documents shall be executed to eliminate any color of title or conflict. No bounds shown herein are determined via the legal theory of Adverse Possession. This is a determination to be made by a court entrusted with authority to do so.
- Where a conflict exists between physical boundary evidence and written record evidence, which could be determined to be potential adverse possession and/or indicate a prescriptive right, if reasonably apparent, is shown hereon. To that extent, these plats of surveys may be subject to any unidentified claims or rights. Assumptions for correctness and accuracy are indicated on this plat of survey.
- Acceptance of this survey plot or use of the corner monuments found or set during the performance of the field survey hereby limit the undersigned liability related to professional negligent acts, errors, omissions or breach of contract to an amount not to exceed the fee charged.
- This survey is certified to Michael Moore for the singular purpose of surveying the lands described in Volume 201, Page 218 of the Underhill Land Records. No liability is assumed by the undersigned for any loss that may be associated with the use of this survey other than the purpose stated above.
- This survey depicts the limits of the former railroad, along with supporting notations showing no record conveyance from Central Vermont Railway to any predecessors in title. Correspondence with Canadian National (apparent entity that may have received title, if any, in this area) indicates they are not aware of any such ownership, nor are they interested. Attorneys representing Michael Moore consider the "strip" formerly owned by the railroad to have reverted to adjacent lands, and this plat reflects this opinion, though it should not be construed as agreement/disagreement or endorsement. BPLS neither assumes nor implies any liability associated with this opinion.

Approved by decision of the Development Review Board, Town of Underhill, Vermont issued on the _____ day of _____, 2014, subject to all requirements and conditions of subdivision and plat approval. Signed this _____ day of _____, by _____, Chairperson.

Town of Underhill, VT
 Received for Record _____ A.D. _____
 at _____ o'clock _____ minutes _____ M
 and recorded in _____
 attest: _____ Town Clerk



NOT FOR RECORDING

Information shown on this property plot is a faithful portrayal of circumstances pertinent to the subject property. A collaboration of field, parol and pertinent record evidence was used in the analysis of boundary conclusions shown hereon. This property plot complies with the requirements of Vermont Statute Title 27, Section 1403 (A) through (E), to the best of my knowledge and belief.



Christopher A. Haggerty, VT LS#741
 10/15/14
 Dated

10/15/14	Add new turn-around and easement	CAH
8/1/11	Add new turn-around and easement	CAH
7/1/14	Add turn-around, relabel frontages, dimension existing road width, label Lot 2 grade	CAH
DATE 7/1/14	REVISION	BY CAH
	Revise Lot 1 building envelope, widen ROW to 60'	

Date of SURVEY: MARCH 2013
 SURVEYORS: GAGLIARDI/LAUIT
 DRAWN: GEK/LHA
 CHECKED: Closure LHA
 SCALE: 1"=100'

RECORD DRAWING
 FINAL

PRELIMINARY
 SKETCH/CONCEPT

Button Professional Land Surveyors, PC
 20 Kimball Ave. Suite 203N South Barre, VT 05403
 802-852-1912 www.button.com

1 Lake Street St Albans, VT 05478
 824-8558 1-800-570-0255 www.bpls.com

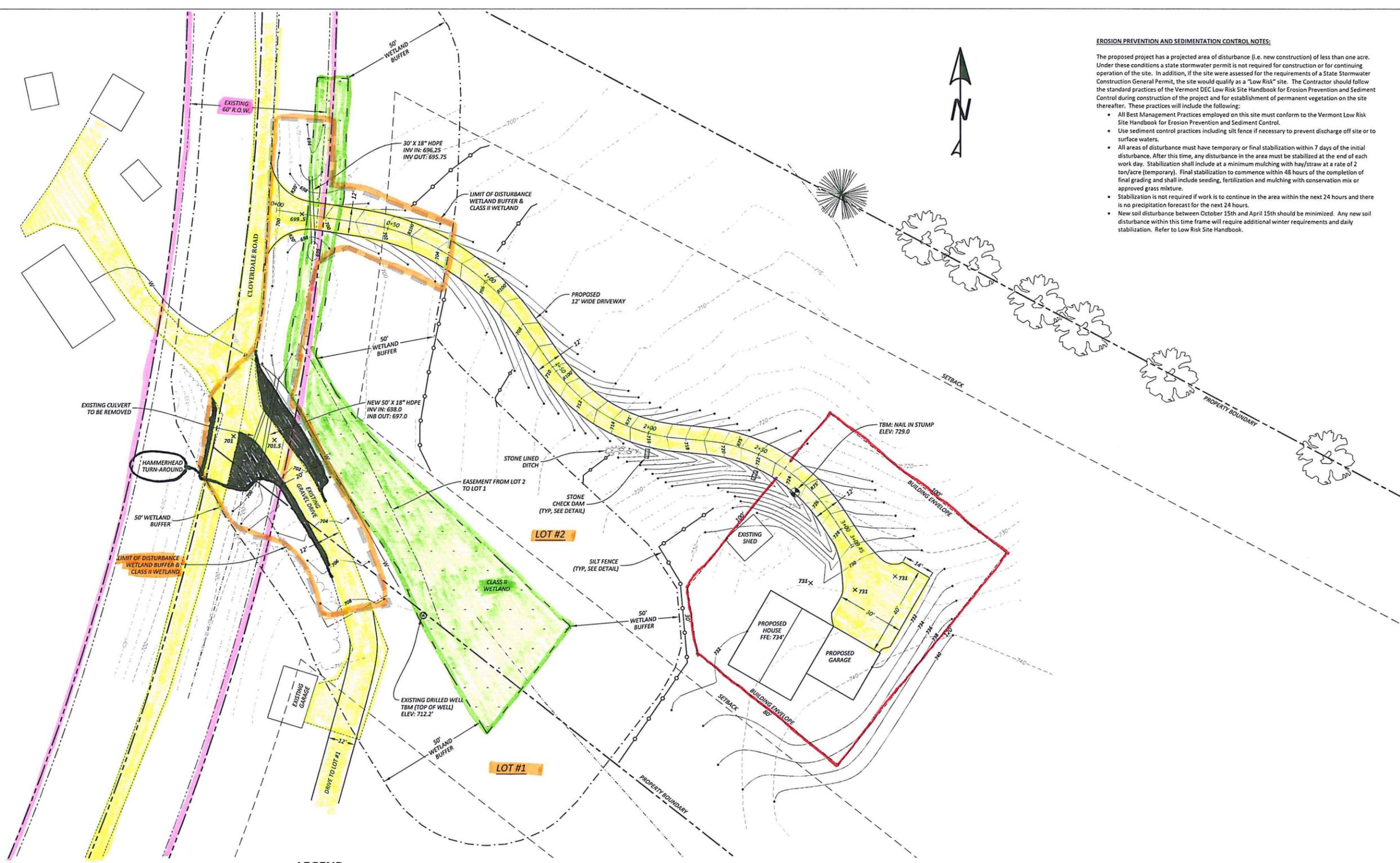
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PLAT OF TWO-LOT SUBDIVISION SHOWING LANDS OF

MICHAEL MOORE

74 CLOVERDALE ROAD UNDERHILL, VERMONT

Date of Plat: 3/27/2013
 JOB#: UNDH0019
 FILE: UNDH0019
 PLOT: UNDH0019
 PLAN SHEET # 1 of 1



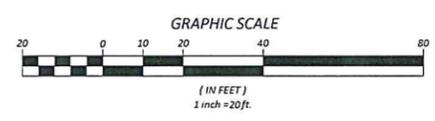
EROSION PREVENTION AND SEDIMENTATION CONTROL NOTES:

The proposed project has a projected area of disturbance (i.e. new construction) of less than one acre. Under these conditions a state stormwater permit is not required for construction or for continuing operation of the site. In addition, if the site were assessed for the requirements of a State Stormwater Construction General Permit, the site would qualify as a "Low Risk" site. The Contractor should follow the standard practices of the Vermont DEC Low Risk Site Handbook for Erosion Prevention and Sediment Control during construction of the project and for establishment of permanent vegetation on the site thereafter. These practices will include the following:

- All Best Management Practices employed on this site must conform to the Vermont Low Risk Site Handbook for Erosion Prevention and Sediment Control.
- Use sediment control practices including silt fence if necessary to prevent discharge off site or to surface waters.
- All areas of disturbance must have temporary or final stabilization within 7 days of the initial disturbance. After this time, any disturbance in the area must be stabilized at the end of each work day. Stabilization shall include at a minimum mulching with hay/straw at a rate of 2 ton/acre (temporary). Final stabilization to commence within 48 hours of the completion of final grading and shall include seeding, fertilization and mulching with conservation mix or approved grass mixture.
- Stabilization is not required if work is to continue in the area within the next 24 hours and there is no precipitation forecast for the next 24 hours.
- New soil disturbance between October 15th and April 15th should be minimized. Any new soil disturbance within this time frame will require additional winter requirements and daily stabilization. Refer to Low Risk Site Handbook.

LEGEND

- EXISTING PROPERTY BOUNDARY
- - - EASEMENT
- - - ZONING SETBACK
- - - EXISTING GROUND CONTOUR
- - - EXISTING GRAVEL ROAD/DRIVEWAY
- - - PROPOSED FINISH GRADE CONTOUR
- - - DRAINAGE COURSE
- - - WETLAND EDGE
- - - WETLAND BUFFER
- ○ SILT FENCE
- □ TEMPORARY STONE CHECK DAM



DRAFT

<p>TRAFTON ENGINEERING ASSOCIATES, LLC</p> <p>343 Orchard Road Charlotte, VT 05445 P: (802) 425 - 7761 F: (802) 425 - 7760</p> <p>Web Site: traftonengineering.com E-mail: traftonmc@gmatv.net</p>	<p>Driveway/Road Design</p>		<p>Moore Subdivision</p> <p>74 Cloverdale Road, Underhill, VT</p>
	<p>SIZE: D</p> <p>DATE: 10/13/14</p> <p>SCALE: NOTED</p>	<p>DWG NO.</p> <p>Drawn by: SMS</p>	

TOWN OF UNDERHILL, VT
Planning & Zoning Administrator

P.O. Box 32, Underhill Center, VT 05490
E-mail: smcshane@underhillvt.gov

Phone: (802) 899-4434, x106
Fax: (802) 899-2137

MEMORANDUM

To: DRB, SB, UJFD, UCC
From: Sarah McShane, PZA
Date: October 15, 2014
Re: Agenda and Information for 10/20/2014 Meeting

Development Review Board
NOTICE OF PUBLIC MEETING

AGENDA

Monday, October 20, 2014
Public Hearing at 6:30 PM
Underhill Town Hall, 12 Pleasant Valley Rd. Underhill, VT

6:30 pm: Public Comment

6:35 pm: Final Subdivision Review
Docket # DRB 14-01
Applicant: Moore & Zurit
Location: 74 Cloverdale Road, Underhill, VT

7:00 pm: Sketch Plan Review
Docket # DRB 14-12
Applicant: Richard Villeneuve Trust/ Wilcox & Bouchard
Location: 270 Poker Hill Road, Underhill, VT

7:30 pm: Old Business
Review 9/15/2014 and 10/6/14 Minutes

7:45 pm: Adjourn

Contents:

- a) Application for Subdivision: Sketch Plan (dated 9-23-2014/received 10-3-2014);
- b) Overview letter from David W. Burke, O'Leary-Burke Civil Associates (dated 10-2-2014)
- c) A list of Abutters to PH270;

10/20/14 DRB Meeting
Richard Villeneuve Trust Sketch Plan

- d) Email correspondence from Danielle Owczarski to David Burke (multiple dates);
- e) A copy of the subdivision sketch plan prepared by O’Leary-Burke Civil Associates, Job # 2013-31, Plan Sheet #1, (dated 9/23/2014);
- f) A copy of Post-Closing Agreement (dated 6/13/2013);
- g) A copy of the letter mailed to abutters (dated 10-7-14);
- h) A copy of the tax map indicating zoning district and wetlands for PH270;
- i) A copy of the procedure checklist for this meeting; and
- j) This Memo.

**Sketch Plan Meeting on the Application of
Richard Villeneuve Trust (c/o Thomas Tiller, Jr.) for a 2-Lot Subdivision**

Applicant(s): Richard Villeneuve Trust (c/o Thomas Tiller, Jr.)
Property Owners: Wilcox & Bouffard
Consultant(s): O’Leary Burke Civil Associates, PLC
Property Location: 270 Poker Hill Road (PH270)
Acreage: ± 138 Acres
Zoning District(s):

RURAL RESIDENTIAL: 3 acres
 250 ft road frontage
 Setbacks:
Principal
 Front – 30 ft
 Side & Rear – 50 ft
Accessory Structures
 Front – 30 ft
 Side & Rear - 20 ft
 Max. Bldg. Coverage: 25%
 Max. Lot Coverage: 50%
 Max. Building Height: 35 ft

Relevant Regulations: 2012 Underhill Unified Land Use & Development Regulations, 2002 Underhill Road Policy

- Article II, Table 2.3 - Rural Residential Zoning District
- Section 3.2 – Access
- Section 3.7 – Lot, Yard & Setback Requirements
- Section 3.19 – Surface Waters and Wetlands
- Section 3.22 – Water Supply & Wastewater Systems
- Article VII – Section 7.2, Section 7.3
- Article VIII – All

Comments/Questions

- Recommended classification – Minor Subdivision.
 - An Access Permit from the Selectboard will be required prior to submitting a final subdivision application (Section 3.2.C.3).
 - The driveway appears to be setback exactly 12ft from side property line. This is the minimum requirement.
 - Per Section 3.7, the proposal appears to meet minimum lot size, frontage and setback requirements for the zoning district.
 - Section 3.19.D.2 requires that all structures and impervious structures be set back at least 50 ft from Class 2 wetlands. Section 3.19 should be reviewed with applicant.
 - Section 3.19(3) (pg 64) states that the creation of new lawn areas within buffer areas is not permitted.
 - Section 8.2(G) requires the designation of building envelope(s). Future applications should indicate building envelope(s).
-

Underhill DRB Rules of Procedure
Sketch Plan Meeting Checklist
Subdivision Request of
Richard Villeneuve Trust (c/o Thomas Tiller, Jr.)
10-20-14

State the following:

“This is a sketch plan review of the application of Richard Villeneuve Trust (c/o Thomas Tiller, Jr.) for a 2-lot subdivision of land owned by Benjamin Wilcox & Marie-Michelle Bouchard and Richard & Laurie Wilcox at 270 Poker Hill Road in Underhill, VT. Sketch plan review is an informal, pre-application review process intended to acquaint the DRB with a proposed subdivision during the conceptual stage of the design process, before the applicant incurs significant expense in preparing a formal application. This informal review and discussion at a regular meeting of the DRB helps identify the type of subdivision and subdivision layout that will best meet the needs of the subdivider and the requirements of these regulations.

The sketch plan review is not a hearing, and the requirements for interested party status do not apply. This means that we do not swear speakers in, but we will ask that you identify yourself and your give address to the Board before you comment so that we can keep an accurate record of this meeting in the Minutes.

1) The order of speakers tonight will be:

10/20/14 DRB Meeting
Richard Villeneuve Trust Sketch Plan

- a) We will hear from and ask questions of the Applicant(s) and/or their consultant(s);
 - b) Then we will hear and ask questions of the Zoning & Planning Administrator, Sarah McShane;
 - c) Then we will give other persons in the room a chance to speak. Under our Rules of Procedure, each speaker is limited to five minutes; however that time can be increased upon request to the Board and majority consent of the Board; then
 - d) The Applicant(s) and/or their consultant(s) will have an opportunity to respond; then
 - e) Final comments will be solicited from all parties.
 - f) All speakers should address their comments to the Board, not to other parties present at the hearing.
 - g) Board members may feel free to ask questions of any speaker.
- 2) At this point we'll begin review and hear from the Applicant(s) and/or their consultant.
 - 3) Next we will hear from the Zoning & Planning Administrator.
 - 4) Are there members of the public who would like to speak?
 - 5) Any final comments from anyone?
 - 6) Does the Board feel that they have enough information to decide whether the proposed sketch plan has fulfilled the application requirements?
 - 7) Does the Board classify the proposed subdivision as Major or Minor? (If the subdivision is classified as Minor, the Applicant(s) may request a waiver of the Preliminary Hearing requirement. If such is requested, the Board should rule on the waiver request in open session).
 - 8) Does the Board wish to discuss the application in open or closed session? (After the ruling, continue with the info below.)

"Within 15 days from this meeting, the Zoning & Planning Administrator, on behalf of the DRB, will send a letter to the Applicant(s) that:

1. Indicates whether the subdivision as proposed would be reviewed as a minor or major subdivision, or planned unit development, and outlines the associated review process.
2. Indicates whether the proposed subdivision generally conforms to these regulations, or will require modifications to conform to the regulations.
3. Identifies specific areas of concern to be addressed in subdivision application, including potential impacts to adjoining property owners,

significant natural or scenic resources, municipal roads and infrastructure, and community facilities and services.

4. Recommends additional information, studies or supporting documentation to be submitted with the application for subdivision review.

All abutting neighbors will receive notice of the next public meeting via Certified Mail. If there are no other comments or questions we will close [this portion of] the meeting.”

DRB 14-12
Hearing 10-20-2014

TOWN OF UNDERHILL	
P.O. Box 32 Underhill Center, VT 05490	
Phone: (802) 899-4434 x106	Fax: (802) 899-2137
Email: underhillzoning@comcast.net	

APPLICATION FOR SUBDIVISION: SKETCH PLAN

ZONING DISTRICT(S):

PROPERTY CODE: PH270

FEES: \$100 hearing fee + costs

Residential Rural Residential Water Conservation Scenic Preservation Soil & Water Conservation

RECORD OWNER OF PROPERTY: See Attached	MAILING ADDRESS: See Attached
PHONE: See Attached	E-MAIL: N/A
ACREAGE IN ORIGINAL PARCEL: +/- 138 acres	PROPOSED NUMBER OF LOTS: 2
DESCRIPTION OF PROJECT: The proposal is to subdivide an +/- 138 acre tract of land into a 3.17 acre parcel that will be residential use. The remainder of the parcel will retain its current silviculture and maple sugaring use. A single family home and a 12' wide driveway are proposed on the 3.17 acre parcel. The proposed single family home will be served by an on-site drilled well and an on-site mound sewage disposal system.	
DEVELOPER: Richard Villeneuve Trust (c/o Thomas Tiller, Jr., Trustee)	CONTACT INFORMATION: (970) 481-6676
DESIGNER / ENGINEER: O'Leary-Burke Civil Associates, PLC	ADDRESS: 1 Corporate Drive, Suite #1, Essex Jct. VT 05452
PHONE: 878-9990	E-MAIL: dwburke@olearyburke.com
SURVEYOR: O'Leary-Burke Civil Associates, PLC	ADDRESS: 1 Corporate Drive, Suite #1, Essex Jct. VT 05452
PHONE: 878-9990	EMAIL: dwburke@olearyburke.com
APPLICANT SIGNATURE <i>Thomas C. Tiller Jr., Trustee</i>	DATE 9-23-14
RECEIVED <i>Janah McPherson</i>	DATE 10-3-2014

Please submit a complete application with the attached checklist and sketch plan to the Zoning Administrator. A Sketch Plan meeting before the Development Review Board will be scheduled upon receipt of a complete application. For questions, please contact the Zoning Administrator at 899-4434, x106 or underhillzoning@comcast.net.

Paid \$100.00
hearing fee on
10-3-2014.
Check # 8349

P.O. Box 32
Underhill Center, VT 05490

Phone: (802) 899-1434 x106

Fax: (802) 899-2137

Email: underhillzoning@comcast.net

APPLICATION FOR SUBDIVISION: SKETCH PLAN

ZONING DISTRICT(S):

PROPERTY CODE: PH270

FEES: \$100 hearing fee + costs

Residential Rural Residential Water Conservation Scenic Preservation Soil & Water Conservation

RECORD OWNER OF PROPERTY: See Attached	MAILING ADDRESS: See Attached
PHONE: See Attached	E-MAIL: N/A
ACREAGE IN ORIGINAL PARCEL: +/- 138 acres	PROPOSED NUMBER OF LOTS: 2
DESCRIPTION OF PROJECT: The proposal is to subdivide an +/- 138 acre tract of land into a 3.17 acre parcel that will be residential use. The remainder of the parcel will retain its current silviculture and maple sugaring use. A single family home and a 12' wide driveway are proposed on the 3.17 acre parcel. The proposed single family home will be served by an on-site drilled well and an on-site mound sewage disposal system.	
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SURVEYOR: O'Leary-Burke Civil Associates, PLC	ADDRESS: 1 Corporate Drive, Suite #1, Essex Jct. VT 05452
PHONE: 878-9990	EMAIL: dwburke@olearyburke.com
APPLICANT SIGNATURE 	DATE 9-29-14
RECEIVED 	DATE 10-3-2014

Please submit a complete application with the attached checklist and sketch plan to the Zoning Administrator. A Sketch Plan meeting before the Development Review Board will be scheduled upon receipt of a complete application. For questions, please contact the Zoning Administrator at 899-4434, x106 or underhillzoning@comcast.net.

Record Owner of Property:

Landowner #1

Name: Benjamin Wilcox & Marie-Michelle Bouchard

Mailing Address: 540 Stonefence Road

Richmond, VT 05477

Phone: (802) 318-0091

Landowner #2

Name: Richard & Laurie Wilcox

Mailing Address: 152 Weed Road

Essex Jct., VT 05452

Phone: (802) 899-2393



O'Leary-Burke Civil Associates, PLC

CIVIL ENGINEERING | REGULATORY AND PERMIT PREPARATION | LAND SURVEYING | CONSTRUCTION SERVICES | LAND USE PLANNING

October 2, 2014

Ms. Sarah McShane
Planning Administrator
Town of Underhill
12 Pleasant Valley Road
Underhill, VT 05489

RE: Request for Sketch Plan Hearing, Parcel ID # PH270
Poker Hill Road

Dear Sarah:

We are writing on behalf of Richard Villeneuve Trust (c/o Thomas Tiller, Jr.) to request Sketch Plan review to subdivide an existing 138± acre tract of land into two (2) parcels, one (1) - 3.17 acre parcel that will be residential use and one (1) - 135± acre parcel that will retain its current silviculture and maple sugaring uses. As the subdivision of land will not result in the creation of more than three lots we understand the proposal will be processed as a Minor Subdivision.

The site is currently zoned Rural Residential. A 3-bedroom, single family home, and a 12' wide driveway are proposed on the 3.17 acre parcel. The proposed single family home will be served by an on-site drilled well and an on-site mound sewage disposal system. An existing Water Supply and Wastewater Permit (EC-4-1394) was issued on 8/30/1989 and remains valid. The state permit will be amended to eliminate one of the two mound areas.

A Class II wetland has been identified on-site by the Vermont Department of Environmental Conservation. A copy of the email correspondents with Danielle Owczarski, with the Watershed Management Division, has been included with this submittal. To minimize disturbance to the on-site wetlands the proposed single family dwelling has been located in the southeastern portion of the parcel and the 12' wide driveway is located at the minimum 12' from the southerly property line. The proposed driveway improvements will impact approximately 0.195 AC of the Class 2 Buffer and approximately 0.017 acres of the Class 2 Wetlands. A Vermont Wetland Permit will be required for the proposed wetland and buffer impacts.

Sarah McShane
October 2, 2014
Page 2

Please find the following attached information:

1. Application for Subdivision: Sketch Plan;
2. Sketch Plan Checklist
3. One (1) full size copy of the Sketch Plan;
4. Ten (10) 11"x17" copies of the Sketch Plan;
5. \$100 Application Fee;
6. Abutters List;
7. Email correspondence from Danielle Owczarski with the Vermont Department of Environmental Conservation.

If you have any questions or need additional information, please do not hesitate to call.

Sincerely,

A handwritten signature in blue ink, appearing to read "David W. Burke". The signature is fluid and cursive, with the first name "David" being the most prominent.

David W. Burke

Enc.
cc: Thomas Tiller, Jr.

Abutters to PH270 (Poker Hill Road)

TU065

Jonathan and Kristine Thomas
65 Tupper Rd.
Underhill, VT 05489

PH258

Timothy and Joanne Murad
243 Poker Hill Rd.
Underhill, VT 05489

PH253

Dawn Dee Hall
Charlotte Anne Reed
253 Poker Hill Rd.
Underhill, VT 05489

PH261

Tyler and Karolyn Jeppesen
261 Poker Hill Rd.
Underhill, VT 05489

PH271

Ross and Patricia Brewer
271 Poker Hill Rd.
Underhill, VT 05489

PH277

Mark Hinton
277 Poker Hill Rd.
Underhill, VT 05489

PH283

Theodore and Diane Alexander
PO Box 3
Underhill, VT 05489

PH291

Donald and Theresa Gingras
291 Poker Hill Rd.
Underhill, VT 05489

PH284

James and Lisa Cummings
284 Poker Hill Rd.
Underhill, VT 05489

PH294

Nathan Power
294 Poker Hill Rd.
Underhill, VT 05489

PH 298

298 Poker Hill Rd.
Underhill, VT 05489

PH320

James Wolvington
Barbara Crook
116 Deforest Rd.
Burlington, VT 05401

ME007

Donald and Deanna Tall
7 Metcalf View
Underhill, VT 05489

ME014

John and Shaine Anderson
PO Box 1255
Burlington, VT 05402

ME017

Shane and Charlotte Brodie
17 Metcalf View
Underhill, VT 05489

ME030

Greg Bergeron
30 Metcalf View
Underhill, VT 05489

ME029

Margaret Lambert
29 Metcalf View
Underhill, VT 05489

ME035
Tyler Barlow
Martine Butler
35 Metcalf View
Underhill, VT 05489

Dan Heil

To: David Burke
Subject: RE: 2013-31: Poker Hill Road, Underhill, VT

From: David Burke
Sent: Thursday, July 10, 2014 2:42 PM
To: 'Owczarski, Danielle'
Cc: tomtiller1@gmail.com; jeff.severson@burlingtontelecom.net
Subject: RE: 2013-31: Poker Hill Road, Underhill, VT

Danielle: Thank You; we'll have Jeff get it on is "To Do" list and will need to perform some additional topo and driveway design for the same.

David

From: Owczarski, Danielle [<mailto:Danielle.Owczarski@state.vt.us>]
Sent: Thursday, July 10, 2014 2:06 PM
To: David Burke
Subject: RE: 2013-31: Poker Hill Road, Underhill, VT

Dear David Burke,

Please be advised that a Class II wetland exists on the property located at 285 Poker Hill Rd in Underhill. This determination is based on a site visit conducted on 7/1/2014, made by Danielle Owczarski accompanied by David Burke.

PRESUMPTION OF SIGNIFICANCE:

The subject wetland #2014-128-01 is identified as a palustrine wetland on the Vermont Significant Wetlands Inventory maps and is therefore designated as a Class II wetland in the Vermont Wetland Rules.

The Secretary has determined based on an evaluation of the functions and values of the subject wetland that it is a significant wetland and is therefore designated as a Class II wetland. At minimum, the subject wetland provides the following functions: water storage for flood water and storm runoff (VWR § 5.1), surface and groundwater protection (VWR § 5.2), fish habitat (VWR § 5.3), and wildlife and migratory bird habitat (VWR § 5.4).

Class II wetlands are protected under the Vermont Wetland Rules (VWR). Any activity that is not an allowed use designated in Section 6 of the VWR will require a State Wetland Permit. In addition, the U.S. Army Corps of Engineers (Corps) regulates discharge of dredge and fill material and mechanized land clearing in wetlands. For detailed information on Corps permits and regulations call (802)872-2893. In addition, your town may have local regulations regarding wetland protection.

DELINEATION:

We have reviewed the delineation for wetland #2014-128-01, which has been accepted based on a field review. This delineation has been accepted on 7/1/2014. Please note that due to the dynamic nature of wetlands, delineations are valid for five years. After five years the delineation will need to be reviewed and updated.

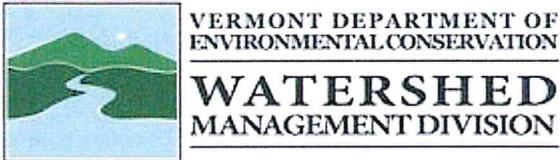
PROJECT:

The following project is proposed: the construction of a single-family home with driveway and utilities. A Vermont Wetland Permit will be required for the proposed wetland and buffer impacts to Wetland #2014-128-01. For tracking purposes, your project has been assigned to wetland project number 2014-128. Please reference this number when you submit your application.

You will need to apply for an Individual Wetland Permit. Please complete all applicable sections of the Vermont Wetland Permit application form and follow the instructions provided in this link: http://www.vtwaterquality.org/wetlands/docs/wl_vwip_instruct.pdf. The proposal submitted below and in plan 2013-31-S2 meets the criteria for an acceptable project. An application checklist is provided to help ensure the application is complete upon submittal: http://www.watershedmanagement.vt.gov/wetlands/docs/2014_Permit_App_Checklist.pdf. Individual Wetland Permits typically take approximately 3-4 months from submittal to issuance. An accurate and complete application is more likely to be approved during this timeframe.

Sincerely,

Danielle Owczarski



Danielle Owczarski, District Wetlands Ecologist

Vermont Department of Environmental Conservation

111 West St

Essex Junction, Vermont 05452

802-490-6176 / Danielle.Owczarski@state.vt.us

www.watershedmanagement.vt.gov

Check out our new and improved webpage! <http://www.vtwaterquality.org/wetlands.htm>

In addition we will be moving to a new format to more efficiently process wetland inquiries. In the meantime, please use our web-based inquiry webpage to contact us at http://www.watershedmanagement.vt.gov/wetlands/htm/wl_districts.htm.

From: David Burke [<mailto:dwburke@olearyburke.com>]

Sent: Tuesday, July 08, 2014 3:31 PM

To: Owczarski, Danielle

Cc: tomtiller1@gmail.com; jeff.severson@burlingtontelecom.net

Subject: FW: 2013-31: Poker Hill Road, Underhill, VT

Danielle: Thank you for meeting with me on July 1, 2014 at the Poker Hill parcel in Underhill to review the Class 2 wetland boundaries and the potential for permitting.

Based on our visit, I understand you concur with the wetlands delineation as performed by Jeff Severson (Oakledge Environmental), concur that a home at the northwest corner would pose more impact than the proposed home at the southeast portion of the parcel.

As discussed, I reviewed the Town Access requirements and provide the following:

1. The south edge of the driveway is shown at the minimum required 12' from the southerly property line.;
2. The driveway is shown at the 12' minimum required width;
3. The house and mound area can't be reversed as there is only 31' from the southwest corner of the mound (labeled as Primary) and the southerly property line and a min of 34' is required (12' min. to prop. Line + 12' min. drive width + 10' min. to mound).

The attached Working Plan removes the option of a house at the northwest corner, updates (approx.) impacts, both minimal direct impact and buffer impact and call for silt fence prior to construction and replacement with Split rail fencing following restoration.

Please review the above and attached and provide your concurrence or comments / questions and we will move forward accordingly. With concurrence our next step will either be pursuing the first step of a two step Town process and/or further survey for a driveway profile and potential slight changes to the proposed impacts and provision of the same to Jeff Severson for Wetlands Permitting. Thank you in advance for your reply.

David W. Burke

From: David Burke
Sent: Wednesday, June 18, 2014 5:04 PM
To: 'Owczarski, Danielle'
Subject: RE: 2013-31: Poker Hill Road, Underhill, VT

That sounds great!

From: Owczarski, Danielle [<mailto:Danielle.Owczarski@state.vt.us>]
Sent: Wednesday, June 18, 2014 4:42 PM
To: David Burke
Subject: RE: 2013-31: Poker Hill Road, Underhill, VT

Lets do McCrae following that visit if that works for you.

Sent from my smart phone. Please excuse the brevity.

Danielle Owczarski
District Wetlands Ecologist
1 National Life Drive, Main 2
Montpelier, VT 05620-3522
802-490-6176 / Danielle.Owczarski@state.vt.us
www.watershedmanagement.vt.gov

----- Original message -----

From: David Burke
Date: 06/18/2014 1:35 PM (GMT-05:00)
To: "Owczarski, Danielle"
Cc: tomtiller1@gmail.com
Subject: RE: 2013-31: Poker Hill Road, Underhill, VT

Danielle: Tuesday, July 1st at 9 AM it is then. See you there!

David

P.S. – Need to schedule MaCrae Road Colchester still.

From: Owczarski, Danielle [<mailto:Danielle.Owczarski@state.vt.us>]
Sent: Wednesday, June 18, 2014 12:13 PM
To: David Burke
Subject: RE: 2013-31: Poker Hill Road, Underhill, VT

Hi David,

The soonest date I have is July 1st or 2nd at 9:00AM.

Danielle



Danielle Owczarski, *District Wetlands Ecologist*
Vermont Department of Environmental Conservation
111 West St
Essex Junction, Vermont 05452

802-490-6176 / Danielle.Owczarski@state.vt.us
www.watershedmanagement.vt.gov

Check out our new and improved webpage! <http://www.vtwaterquality.org/wetlands.htm>

In addition we will be moving to a new format to more efficiently process wetland inquiries. In the meantime, please use our web-based inquiry webpage to contact us at http://www.watershedmanagement.vt.gov/wetlands/html/wl_districts.htm.

From: David Burke [<mailto:dwburke@olearyburke.com>]
Sent: Friday, June 13, 2014 8:45 AM
To: Owczarski, Danielle
Cc: jeff.severson@burlingtontelecom.net; tomtiller1@gmail.com
Subject: 2013-31: Poker Hill Road, Underhill, VT

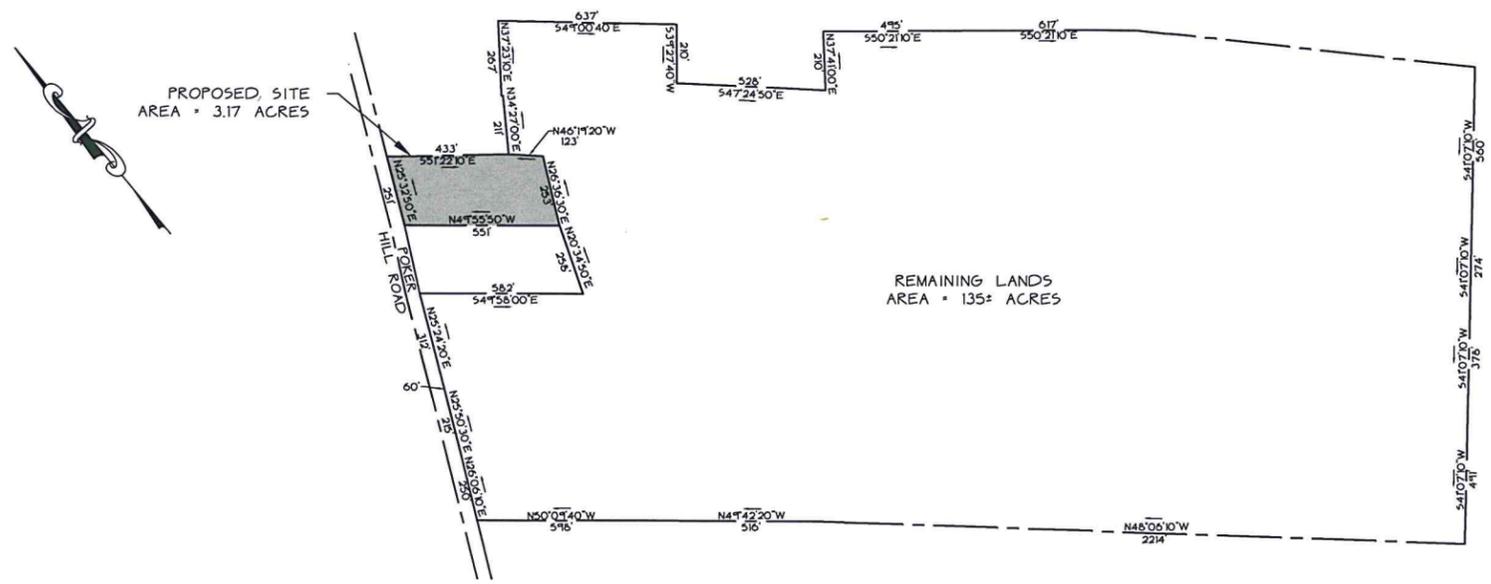
Danielle: We are writing regarding a 3.7 acre vacant lot on the easterly side of Poker Hill Road in Underhill. Upon being contacted regarding this lot last Summer, we investigated the former permitting, including a valid State Subdivision Permit for a drilled well and primary & replacement mound areas. The parcel is to the southwest of an open water Wetland (See attachment #1) and based on a Site Visit, we contacted Jeff Severson, who performed a delineation of the Class 2 wetland limits nearest Poker Hill Road in the fall of 2013.

Based on attachment #2 and Town setbacks, the parcel was left with a small area at its northwest corner for a small house outside of the wetland, but entirely within the buffer. IN addition, the proximity to the wetland could pose incremental impacts.

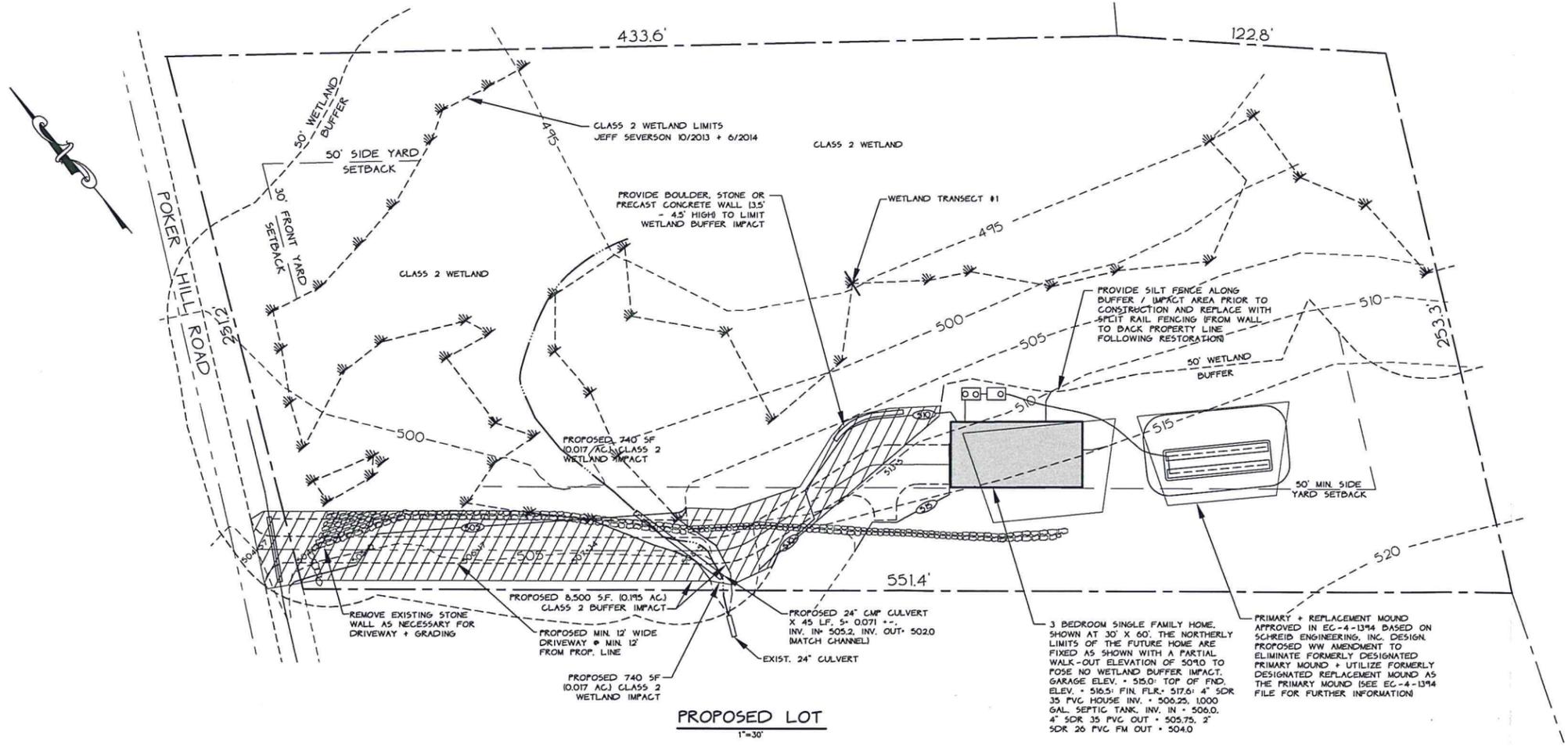
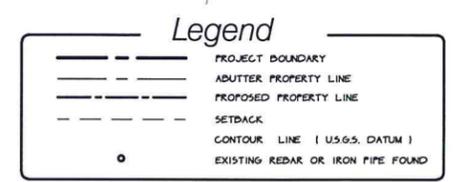
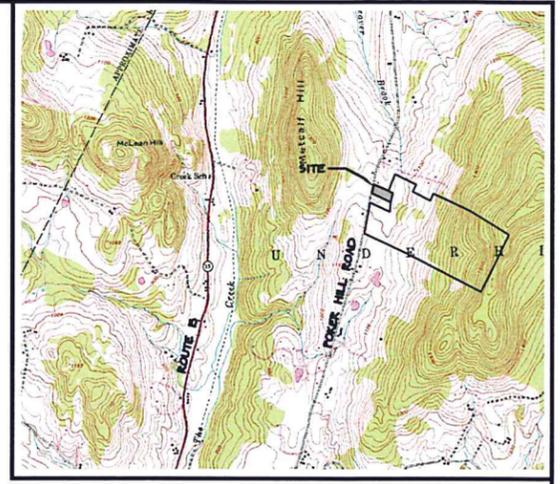
Upon another Site Visit to view the approved / valid mound system areas at the southeast portion of the parcel, the area appeared to be far better suited for a home than a home at the northwest corner of the parcel. Since the mound system approvals, the State EPR rules changed negating the need for a mound replacement area, realizing that a failed system could be re-constructed. With that in mind, we would like to amend the State Permit to re-designate the approved replacement mound to be the primary mound, eliminate the primary mound and utilize said area for a single family home.

A wetland impact of 8,450 s.f. (0.194 Acres) will occur for the access drive / force main and the northwest corner of the home. Please note, temporary impact would occur for a haul road and sewer force main to the previously approved mound areas, without the attached house and yard area.

Attachment #2 shows both of the above scenarios. We'd like to schedule a Site Visit with you for your concurrence with Jeff's wetland delineation, to discuss the proposal on-site and to gain your initial input regarding Wetland permitting for the proposed buffer impact. Please e-mail or call (878-9990) to schedule an appointment. It will likely be just me, as Jeff is out on Vacation from the 20th to the end of the month.



Notes:
 1. PLANS NOT TO BE USED FOR PROPERTY CONVEYANCE. BOUNDARY INFORMATION TAKEN FROM SUBDIVISION PLAT ENTITLED "POKER HILL ESTATE RICHARD VILLENEUVE + ARDELLE VILLENEUVE", DATED 01/04/1989 AND PREPARED BY JOHN A. MARSH, L.S.



Owners
 BENJAMIN WILCOX + MARIE-MICHELLE BOUCHARD
 540 STONEFENCE ROAD
 RICHMOND, VT 05477

RICHARD + LAURIE WILCOX
 152 WEED ROAD
 ESSEX JCT., VT 05452

Applicant
 RICHARD VILLENEUVE TRUST
 (C/O THOMAS TILLER, JR., TRUSTEE)
 27663 N 103RD PLACE
 SCOTTSDALE, AZ 85262

PARCEL DATA:
 PARCEL SIZE: = 138 ACRES
 TAX CARD PARCEL: RA06BT

Zoning Information

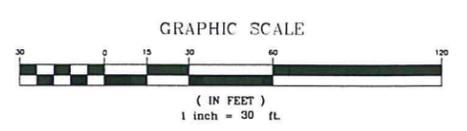
PARCEL ID#: PH270
 AREA: 138 ACRES TOTAL (13.17 ACRES PROJECT AREA)

ZONED: RURAL RESIDENTIAL

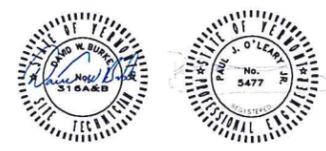
DIMENSIONAL REQUIREMENTS:
 ROAD FRONTAGE: 250 FT
 MINIMUM LOT AREA: 3 ACRES

SETBACKS:
 FRONT: 30 FT
 SIDE: 50 FT
 REAR: 50 FT

COVERAGE:
 MAXIMUM LOT COVERAGE: 50%
 MAXIMUM BUILDING COVERAGE: 25%

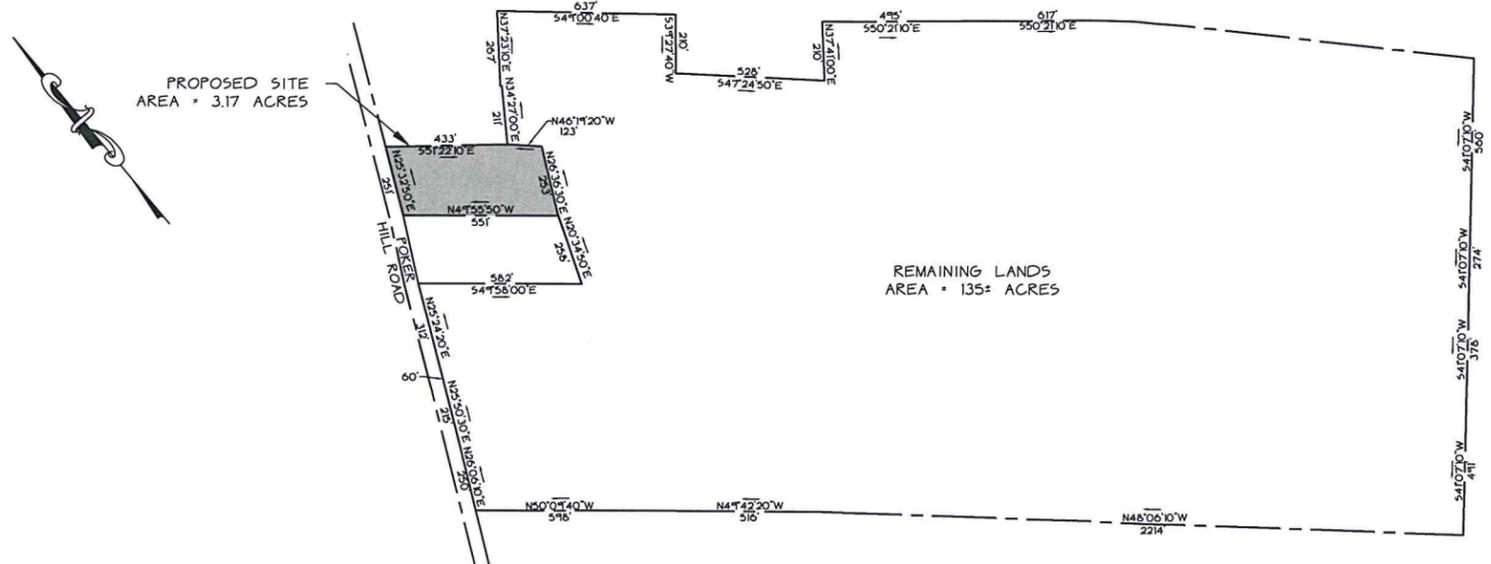


THE CONTRACTOR SHALL NOTIFY "DIGSAFE" AT 1-888-DIG-SAFE PRIOR TO ANY EXCAVATION.

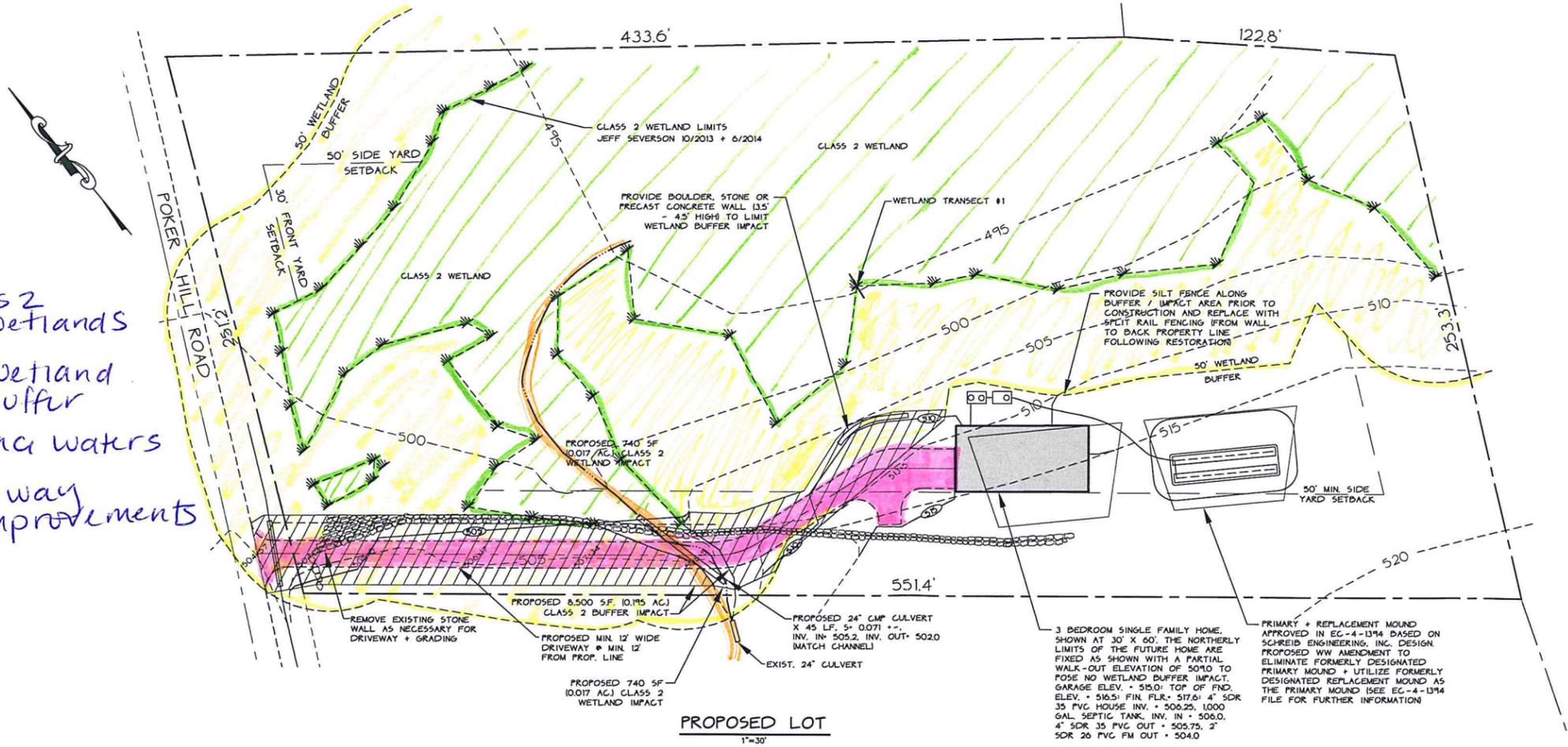
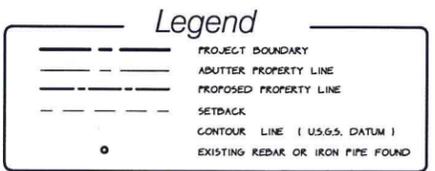
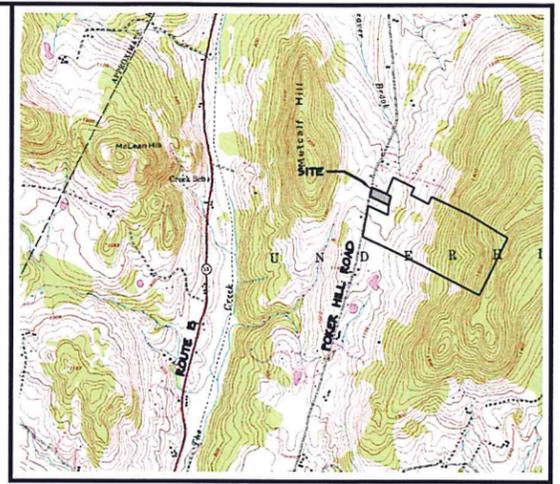


DATE	BY	DATE
SURVEY	OC/CA	9/23/14
DESIGN	OC/CA	10/13/14
DRAWN	DWH/DJH	10/13/14
CHECKED	DWB	10/13/14
SCALE	AS SHOWN	
<input type="checkbox"/> RECORD DRAWING <input type="checkbox"/> FINAL <input type="checkbox"/> PRELIMINARY <input checked="" type="checkbox"/> SKETCH/CONCEPT		3 ACRE LOT POKER HILL ROAD UNDERHILL, VT SKETCH PLAN 1

O'LEARY-BURKE CIVIL ASSOCIATES, PLC
 1 CORPORATE DRIVE, SUITE 1
 ESSEX JCT., VT
 PHONE: 878-6888
 FAX: 878-6888
 E-MAIL: ocbca@olearyburke.com



Notes:
 1. PLANS NOT TO BE USED FOR PROPERTY CONVEYANCE. BOUNDARY INFORMATION TAKEN FROM SUBDIVISION PLAT ENTITLED "POKER HILL ESTATE RICHARD VILLENEUVE + ARDELLE VILLENEUVE", DATED 01/04/1989 AND PREPARED BY JOHN A. MARSH, L.S.



Owners
 BENJAMIN WILCOX + MARIE-MICHELLE BOUCHARD
 540 STONEFENCE ROAD
 RICHMOND, VT 05477

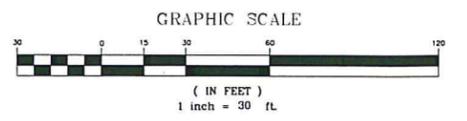
RICHARD + LAURIE WILCOX
 152 WEED ROAD
 ESSEX JCT., VT 05452

Applicant
 RICHARD VILLENEUVE TRUST
 (C/O THOMAS TILLER, JR., TRUSTEE)
 27663 N 103RD PLACE
 SCOTTSDALE, AZ 85262

PARCEL DATA:
 PARCEL SIZE: ± 138 ACRES
 TAX CARD PARCEL: RA068T

Zoning Information

PARCEL ID#: PH270
 AREA: 138± ACRES TOTAL (3.17 ACRES PROJECT AREA)
 ZONED: RURAL RESIDENTIAL
 DIMENSIONAL REQUIREMENTS:
 ROAD FRONTAGE: 250 FT
 MINIMUM LOT AREA: 3 ACRES
 SETBACKS:
 FRONT: 30 FT
 SIDE: 50 FT
 REAR: 50 FT
 COVERAGE:
 MAXIMUM LOT COVERAGE: 50%
 MAXIMUM BUILDING COVERAGE: 25%



THE CONTRACTOR SHALL NOTIFY "DIGSAFE" AT 1-888-DIG-SAFE PRIOR TO ANY EXCAVATION.



DATE	BY	DATE	BY
SURVEY		12/14	
DESIGN		2013-31	
DRAWN		2013-31-53	
CHECKED			
SCALE			
AS SHOWN			

<input type="checkbox"/> RECORD DRAWING <input type="checkbox"/> FINAL <input type="checkbox"/> PRELIMINARY <input checked="" type="checkbox"/> SKETCH/CONCEPT	3 ACRE LOT POKER HILL ROAD UNDERHILL, VT SKETCH PLAN
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O'LEARY-BURKE CIVIL ASSOCIATES, PLLC 1 CORPORATE DRIVE, SUITE 1 ESSEX, VT 05730 PHONE: 878-9880 FAX: 878-9880 E-MAIL: ocbca@olearyburke.com	1
---	----------

POST-CLOSING AGREEMENT

This Post-Closing Agreement (the "Agreement") is by and between **THOMAS TILLER, JR., Trustee of the Richard Villeneuve Trust** u/t/a dated December 9, 1999, as amended, said Trust having a situs in Essex, Vermont (the "Seller") and **RICHARD WILCOX** and **LAURIE WILCOX**, of Essex, Vermont and **BENJAMIN WILCOX** and **MARIE-MICHELE BOUCHARD**, of Richmond, Vermont (collectively, the "Buyers"). This Agreement shall be effective and binding upon the parties on the date of the last of the parties to execute this Agreement.

Background

1. Seller and Buyers entered into a Purchase and Sale Contract dated February 25, 2013 (the "Contract") for the sale of a parcel of land known as 270 Poker Hill Road in Underhill, Vermont (the "Property"). The Property is depicted as the land area highlighted in yellow on the unrecorded survey plan entitled: "Poker Hill Estate, Richard Villeneuve & Ardelle Villeneuve, Town of Underhill, VT.," prepared by John A. Marsh dated January 4, 1989, a copy of which is attached hereto as Exhibit "A" (the "Survey").

2. The Property being sold under the Contract does not include the 3.17 acre parcel of land depicted as Lot 3 and highlighted in green on the Survey ("Lot 3"). However, Seller has not obtained municipal or state permits which are required to legally subdivide Lot 3 from the remaining portions of the Property.

3. Seller and Buyers have agreed to proceed with the Closing as contemplated by the Contract and due to the lack of subdivision permits for Lot 3, Lot 3 will initially be included in the Warranty Deed for the Property that will be delivered by Seller to Buyers at the Closing for no additional consideration. However, in the event that Seller is able to subsequently obtain the necessary permits to subdivide Lot 3 from the Property after the Closing, Buyers will reconvey Lot 3 to Sellers for no consideration.

4. Seller and Buyers enter into this Agreement to further describe the terms and conditions for Seller to include Lot 3 in the initial conveyance of the Property and for Buyers to reconvey Lot 3 to Seller after Seller obtains the required subdivision permits for Lot 3.

N O W , T H E R E F O R E ,

In consideration of the promises and the mutual covenants and agreements herein set forth, and in reliance on the representations and warranties contained herein, the parties hereby agree as follows:

Section 1. **Seller's Initial Conveyance of Lot 3.** The Warranty Deed to be delivered by Seller to Buyers at the Closing will include Lot 3 as shown on the Survey. No consideration or purchase price shall be paid by Buyers to Seller to include Lot 3 in the Warranty Deed for the Property.

Section 2. **Seller's Obligation to Obtain Subdivision Permits for Lot 3.** Promptly following the Closing, Seller shall, at Seller's sole cost and expense, prepare and file all necessary subdivision permits that are required to separate Lot 3 from the remaining portions of the Property. Buyers agree to reasonably cooperate with Seller's permitting efforts, at no expense to Buyers, including execution of permit applications and providing access to Lot 3 for Seller's consultants to prepare an updated survey of Lot 3, wetland delineation and such additional inspections, tests and/or studies as may be required for the preparation of Seller's permit applications.

Seller agrees to restore any damage to Lot 3 resulting from the conduct of any such inspections, tests, and/or studies and shall indemnify and hold Buyers harmless from any and all liability arising from its entry or the entry of Seller's agents upon the Property for the purposes of conducting such inspections, tests, and/or studies.

During the term of this Agreement, Buyers shall not physically use Lot 3 for maple sugaring or timber harvesting and shall leave Lot 3 in its current condition.

Section 3. **Reconveyance of Lot 3.** In the event that Seller obtains all necessary subdivision permits required to separate Lot 3 from the remaining portions of the Property before the Permit Deadline (as defined below), Buyers shall reconvey Lot 3 to Seller for no consideration or purchase price. Seller shall be responsible for preparing, at Seller's cost and expense, all of the transfer documents required for Buyers to reconvey Lot 3 to Seller, including preparation of a Warranty Deed, Vermont Property Transfer Tax Return and Land Gains Tax Return. Buyers shall also deliver at the closing a partial discharge of any mortgage encumbering Lot 3, provided that the appraisal for the Property at the time of the partial release is equal to or greater than the appraisal issued at the time of the original Closing. In addition, Seller shall be responsible for the cost of removing Lot 3 from the Current Use Value Appraisal Program and for the cost of Buyers' attorney to review the proposed transfer documents, not to exceed two (2) hours of time.

Buyers acknowledge that the Property is currently enrolled in the Current Use Value Appraisal Program and, following the Closing, Buyers agree to continue the enrollment of the Property (including Lot 3) by filing a transfer application.

Seller shall obtain the necessary subdivision permits for Lot 3 as soon as possible, but in no event later than twelve (12) months after the date of this Agreement (the "**Permit Deadline**"); provided, however, that in the event that Seller is diligently pursuing its permit applications and the necessary permits have not been issued within said twelve (12) month period, Seller shall have the right to extend the Permit Deadline for an additional period of six (6) months by providing written notice to Buyers. In the event that Seller is unable to obtain the necessary subdivision permits for Lot 3 before the Permit Deadline, as the same may be extended, Buyers shall have no further obligation to reconvey Lot 3 to Seller or otherwise pay any consideration to Seller for Lot 3 and, thereafter, Lot 3 shall remain a portion of Buyers' Property.

Section 4. **Default.** In the event that a legal action is instituted arising out of a breach of this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees and costs, together with all available legal and equitable remedies, including specific performance.

Section 5. **Binding Effect.** The terms and conditions of this Agreement shall be binding upon and shall inure to the benefit of the successors and assigns of each of the parties hereto.

Section 6. **Counterparts.** This Agreement may be executed in two or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

Section 7. **Captions; Headings.** The captions and section numbers appearing in this Agreement are inserted only as a matter of convenience. They do not define, limit, construe or describe the scope or intent of such sections, nor in any way affect this Agreement or have any substantive effect.

Section 8. **Severability.** If any term, covenant or condition of this Agreement or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Agreement, or the application of such term, covenant or condition to persons or circumstances other

than those as to which it is held invalid or unenforceable, shall not be affected thereby and each term, covenant or condition of this Agreement shall be valid and be enforced to the fullest extent permitted by law.

Section 9. **Merger.** The obligations, covenants, representations, warranties, and remedies set forth in this Agreement shall not merge with transfer of title, but shall survive the Closing and remain in effect during the period of ownership of the Property by Buyers.

Section 10. **Further Assurances.** The parties agree to execute, acknowledge, if necessary, and deliver such documents, certificates or other instruments and take such other actions as may be reasonably required from time to time to carry out the intents and purposes of this Agreement.

Section 11. **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Vermont, without giving effect to such jurisdiction's principles of conflict of laws.

Section 12. **Entire Agreement.** This Agreement embodies the entire agreement and understanding between the parties relating to the subject matter hereof and there are no covenants, promises, agreements, conditions or understandings, oral or written, except as herein set forth. This Agreement may not be amended, waived or discharged except by an instrument in writing executed by the party against whom such amendment waiver or discharge is to be enforced.

IN WITNESS WHEREOF, the parties have executed or caused this Agreement to be executed as of the 13 day of June, 2013.

Thomas C. Tiller Jr.

Thomas Tiller, Jr., Trustee of the
Richard Villeneuve Trust

Richard Wilcox

Richard Wilcox

Laurie Wilcox

Laurie Wilcox

Benjamin Wilcox

Benjamin Wilcox

Marie-Michele Bouchard

Marie-Michele Bouchard

Exhibit "A"

Survey

[To be Attached]

TOWN OF UNDERHILL, VT

Planning & Zoning Administrator

P.O. Box 32, Underhill Center, VT 05490
E-mail: smcshane@underhillvt.gov

Phone: (802) 899-4434, x106
Fax: (802) 899-2137

October 7, 2014

Richard Villeneuve Trust
c/o Thomas Tiller, Jr., Trustee
27663 N 103rd Place
Scottsdale, AZ 85262

Dear Applicant:

This letter is to notify you of a Sketch Plan Review meeting with the Underhill Development Review Board on Monday, October 20, 2014 for a proposed 2-lot subdivision of property located at 270 Poker Hill Road (PH270), owned by Benjamin Wilcox & Marie-Michelle Bouchard and Richard & Laurie Wilcox. This property is located in the Rural Residential zoning district. The sketch plan meeting is open to the public, and will be held at the Underhill Town Hall, 12 Pleasant Valley Rd. should you wish to attend. The public hearing will begin at 7:00 PM.

Additional information is available for review at the Town Hall Planning & Zoning Administrator's Office. While the sketch plan meeting is not a hearing and the requirements for interested party status do not apply, public comments will be reflected in the meeting minutes. Should you wish to provide comments in writing, you may submit them to me prior to the meeting.

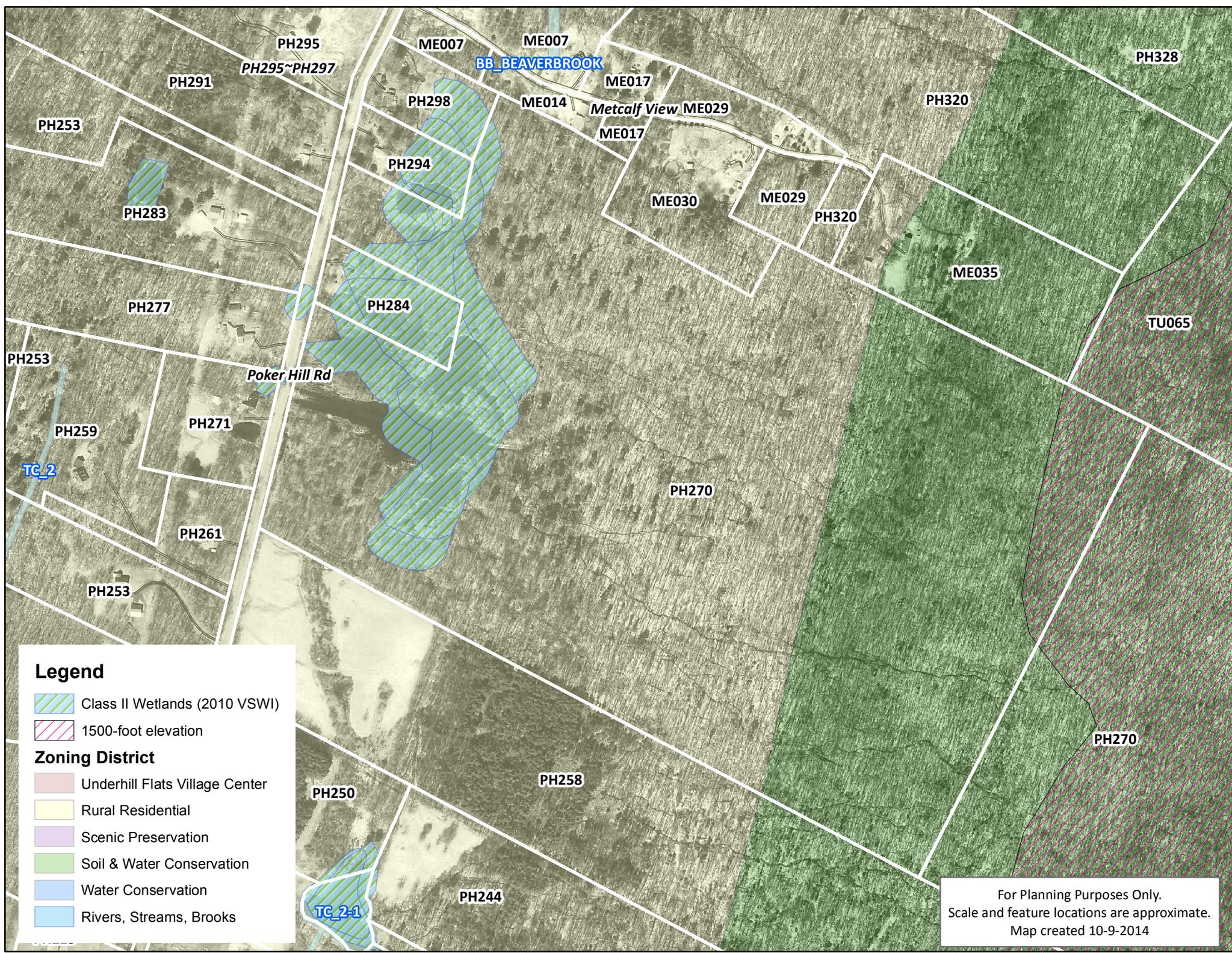
If you have any questions, I can be reached at the addresses or phone number listed above.

Sincerely,



Sarah McShane

cc: File
O'Leary-Burke Civil Associates, PLC



Legend

-  Class II Wetlands (2010 VSWI)
-  1500-foot elevation

Zoning District

-  Underhill Flats Village Center
-  Rural Residential
-  Scenic Preservation
-  Soil & Water Conservation
-  Water Conservation
-  Rivers, Streams, Brooks

For Planning Purposes Only.
 Scale and feature locations are approximate.
 Map created 10-9-2014