

Town of Underhill

Development Review Board

P.O. Box 120, Underhill, VT 05489
www.underhillvt.gov

Phone: (802) 899-4434, x106
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Development Review Board

STAFF REPORT

To: DRB
From: Underhill Planning and Zoning
Date: September 11, 2018
Re: Agenda and Information for 09/17/2018

AGENDA

Monday, September 17, 2018 – Site Visit(s) & Public Meeting(s)
Underhill Town Hall, 12 Pleasant Valley Road, Underhill, VT

- 5:45 PM *Site Visit @ 32 Downs Road, Underhill, VT (DW032)*
- 6:30 PM Open Meeting, Public Comment Period
- 6:35 PM Conditional Use Review: Impact on Steep Slopes
Applicant(s): Victor Veve
Docket #: DRB-18-14
Location: 32 Downs Road (DW032)
- 7:30 PM Other Business
- Approve Previous Meeting Minutes
- 8:00 PM Adjourn

Veve Conditional Use Review

Docket #: DRB-18-14

Conditional Use Hearing on the Application of Victor Veve to Construct a Driveway and Impact Steep Slopes and Very Steep Slopes

Applicant(s): Victor Veve
 Land Owner(s): John A. & Cheryl B. Perreault
 Consultant(s): O’Leary & Burke Civil Associates
 Property Location: 32 Downs Road (DW032)
 Acreage: ±19.0 Acres (Grand List) / ±18.8 Acres (ArcGIS)
 Zoning District(s): Rural Residential and Soil & Water Conservation

	<u>Rural Residential</u>	<u>Soil & Water Conservation</u>	<u>Existing/Proposed</u>
Lot Size:	3.0 Acres	15.0 Acres	± 19.0 Acres
Frontage:	250 Feet	400 Feet	~190 Feet
Setbacks:			
• Front:	30 Feet	30 Feet	286 ft. (W) to Downs Rd.
• Side 1:	50 Feet	75 Feet	209 Feet (N)
• Side 2:	50 Feet	75 Feet	136 Feet (S)
• Rear:	50 Feet	75 Feet	>300 Feet (E)
Max. Building Coverage:	25%	7%	Assumed Met
Max. Lot Coverage:	50%	10%	Assumed Met
Maximum Height:	35 Feet	35%	One Story

**2018 UNDERHILL UNIFIED LAND USE & DEVELOPMENT REGULATIONS
 RELEVANT REGULATIONS:**

- Article II, Table 2.4 – Rural Residential District (pg. 15)
- Article II, Table 2.7 – Soil & Water Conservation District (pg. 24)
- Article III, Section 3.2 – Access (pg. 30)
- Article III, Section 3.7 – Lot, Yard & Setback Requirements (pg. 38)
- Article III, Section 3.8 – Nonconforming Lots (pg.39)
- Article III, Section 3.11 – Outdoor Lighting (pg. 41)
- Article III, Section 3.13 – Parking, Loading & Service Areas (pg. 44)
- Article III, Table 3.1 – Minimum Off-Street Parking Requirements (pg. 44)
- Article III, Section 3.14 – Performance Standards (pg. 46)
- Article III, Section 3.17 – Source Protection Areas (pg. 55)
- Article III, Section 3.18 – Steep Slopes (pg. 56)
- Article III, Section 3.19 – Surface Waters & Wetlands (pg. 63)
- Article III, Section 3.23 – Water Supply & Wastewater Systems (pg. 68)
- Article V, Section 5.1 – Applicability (pg. 112)

- Article V, Section 5.3 – Site Plan Review (pg. 115)
- Article V, Section 5.4 – Conditional Use Review (pg. 120)
- Article V, Section 5.5 – Waivers & Variances (pg. 123)
- Article VI – Flood Hazard Area Review (pg. 127)

CONTENTS:

- a. Exhibit A - DW032 - Veve Conditional Use Staff Report
- b. Exhibit B - DW032 Veve Conditional Use Review Hearing Procedures
- c. Exhibit C - Conditional Use & Site Plan Review Hearing Request Application
- d. Exhibit D - Site Plan Review Standards Findings Checklist
- e. Exhibit E - Conditional Use Review Standards Findings Checklist
- f. Exhibit F - BFP Notice of Public Meeting
- g. Exhibit G - Certificate of Service
- h. Exhibit H - Correspondence Regarding Existing Driveway
- i. Exhibit I - Access Permit (A-18-20)
- j. Exhibit J - Site Plan
- k. Exhibit K - Driveway Profile
- l. Exhibit L - Erosion Control Plan
- m. Exhibit M - Details Sheet
- n. Exhibit N - Existing Slopes
- o. Exhibit O - ANR Slopes Map
- p. Exhibit P - Zoning Map
- q. Exhibit Q - Section 3.18 Steep Slopes & Very Steep Slopes

COMMENTS/QUESTIONS

1. **SECTION 3.2 – ACCESS:** Staff was unable to ascertain the original subdivision plat during a limited search. Staff has provided some access approval materials pertaining to the driveway currently serving 34 Downs Road
2. **SECTION 3.18.D – STEEP SLOPES (15% TO 25%):**
 - a. The Development Review Board should assess the application as it relates to the various standards in this subsection, noting that subsection 3.18.D.3 is most pertinent, as it relates to driveways.
 - b. Ascertaining where rock outcroppings and ledges could potentially be challenging should vegetation exist; therefore, the Board should consider these areas during the site visit.
 - c. The Board shall ensure that no channeling or directing of stormwater runoff to adjoining properties, public rights-of-way, and surface waters and wetlands will occur during the review.
3. **SECTION 3.18.E – VERY STEEP SLOPES (>25%):** The Board will need to inquire about the more than 100 feet exemption as it relates to this project.

REVIEW OF RELEVANT SECTIONS

ARTICLE II – ZONING DISTRICTS

ARTICLE II, TABLE 2.4 – RURAL RESIDENTIAL DISTRICT (PG. 15)

The purpose of the Rural Residential District is to accommodate medium density development on

land that has access to public roads where traditional development has taken place, where soil cover is thicker than on the hillside. The Rural Residential district allows for the continuation of existing commercial, residential, and public uses and to encourage future development, particularly along Route 15, Poker Hill Road and Irish Settlement Road that is compatible with these historic uses.

Staff finds that the conditional use review application is to address the impact that the construction of the driveway will have on steep slopes. The construction of the project would allow the existing lot to access an existing public road – Downs Road. Staff notes that the lot is nonconforming (see Section 3.8 below for more information), as it does not meet all of the dimensional standards and requirements. Per Section 2.2.E.2:

The minimum frontage and minimum setback requirement for that portion of the lot within the district in which the structure is to be located shall control. If the structure is to be in both district, the more stringent requirement shall control.

In the subject case, the proposed single-family dwelling is located in the Rural Residential District, and therefore the setback and frontage requirements are to control. In this case, the existing lot fails to meet the frontage requirement of 250 feet (see chart above); however, the lot is pre-existing, nonconforming.

ARTICLE II, TABLE 2.7 – SOIL & WATER CONSERVATION DISTRICT (PG. 24)

The Soil & Water Conservation District includes significant headwater and aquifer recharge areas, unique and fragile natural areas, critical wildlife, habitat, and mountainsides and ridges characterized by steep slopes and shallows soils. The purpose of this district is to protect Underhill's more remote and inaccessible forested upland areas from fragmentation, development, and undue environmental disturbance, while allowing for the continuation or traditional uses such as forestry outdoor recreation, and compatible development.

Staff finds that the amount of acreage in this district (see Exhibit P) will not be impacted by the proposed construction of the driveway or intended single-family dwelling. Additionally, the area identified as Soil & Water Conservation on the unofficial zoning map could potentially be inaccurately delineated on the best interpretation of the official zoning map. Nevertheless, using the resources available, Staff finds that the proposed project area is not in the immediate vicinity.

ARTICLE III – GENERAL REGULATIONS

SECTION 3.2 – ACCESS (PG. 30)

Staff finds that the applicant obtained an access permit from the Selectboard on Tuesday, August 14, 2018 (Access Permit #: A-18-20) (see Exhibit I). Staff recommended that the Selectboard narrow their review to the driveway's layout (e.g. minimum turning radii, turnaround area, and pull off areas), as the Development Review Board would be reviewing the impact of the driveway on steep slopes and very slopes, which involves sediment, erosion, and stormwater control measures. Assuming this Board's approval, the Selectboard's approval and the Development Review Board's approval will review all aspects of the proposed driveway.

Staff notes that while the lot is nonconforming, and shall adhere to the requirements of Section 3.2.B, a driveway currently exists, which currently serves 34 Downs Road (DW034). The applicant is proposing to access the existing driveway, thus resulting in a shared driveway from the 32

Downs Road proposed driveway to Downs Road. Since the existing driveway is presumably built in conformance with the previous subdivision approval, Staff finds that further review under 3.2.B may not be required; however note, Staff was unable to ascertain the original subdivision plat during a limited search. Staff has provided some access approval materials pertaining to the driveway currently serving 34 Downs Road (which is associated with this application since the proposed driveway will now share a portion of the existing driveway) (see Exhibit H). Comments from the applicant's engineer (if he or she is able to provide such comments) during the hearing about these materials may be enlightening to determine if these issues still persist today.

Additionally, Staff finds that the driveway is located ~18 ft. from north, side property line, which marks the driveway's closest point to either a side or rear property line. The applicant is not anticipating (as evidenced in Exhibit K) to exceed a slope of 10%, and has depicted multiple pull-off areas.

SECTION 3.7 – LOT, YARD & SETBACK REQUIREMENTS (PG. 38)

The applicant has illustrated a single-family dwelling to be located on the nonconforming lot. Staff finds that the conditional use review application is to address the impact that the construction of the driveway will have on steep slopes, and therefore, review of the single-family dwelling as it relates to the yard & setback requirements is not the focus of review. However, should the Board review the yard & setback requirements as they related to the single-family dwelling, the applicant will satisfy those requirements (see chart above). In addition, as stated above, the applicant has satisfied the setback requirements for the driveway.

However note, the existing lot is considered pre-existing nonconforming, as the lot fails to satisfy the frontage requirement of the Rural Residential District: 250 ft. While the lot fails to meet all of the dimensional requirements, the applicant is allowed to proceed with development as explained under Section 3.8 directly below.

SECTION 3.8 – NONCONFORMING LOTS (PG. 39)

The lot being reviewed was legally in existence on the effective date of the 2018 *Underhill Unified Land Use and Development Regulations* (adopted on March 1, 2011 and amended through March 6, 2018). Therefore, the lot may be developed for the purposes allowed in the district the lot is located even though it does not conform to the minimum lot size requirements per Section 3.8.A.

SECTION 3.11 – OUTDOOR LIGHTING (PG. 41)

Staff finds that the conditional use review application is to address the impact that the construction of the driveway will have on steep slopes, and therefore, review of the single-family dwelling as it relates to outdoor lighting is not focus of review. Nevertheless, Staff anticipates that the outdoor lighting is likely to be consistent with that of other single-family dwellings in the area. However, the Board could consider requiring minimal downward shielded lighting should the applicant install outdoor lighting.

SECTION 3.13 – PARKING, LOADING & SERVICE AREAS (PG. 44)

Staff finds that the conditional use review application is to address the impact that the construction of the driveway will have on steep slopes, and therefore, review of the single-family dwelling as it relates to parking, loading & service areas is not the focus of review. Nevertheless, Staff anticipates that the applicant will satisfy the parking requirement of two spaces per dwelling unit, as the applicant is not proposing any changes to the driveway and parking area.

TABLE 3.1 – MINIMUM OFF-STREET PARKING REQUIREMENTS (PG. 44)

See Section 3.13 – Parking, Loading & Service Areas directly above.

SECTION 3.14 – PERFORMANCE STANDARDS (PG. 46)

Staff finds that the conditional use review application is to address the impact that the construction of the driveway will have on steep slopes, and therefore, review of the single-family dwelling as it relates to performance standards is not the focus of review. Nevertheless, Staff does not foresee that the proposed use would cause, create or result in any of the situations presented in Section 3.14.B.

SECTION 3.17 – SOURCE PROTECTION AREAS (PG. 55)

Staff finds the subject lot is not located within a Groundwater Source Protection Area, and therefore, review and analysis under this Section is not required.

SECTION 3.18 – STEEP SLOPES (PG. 56)

The Agency of Natural Resource’s Atlas has depicted areas of steep slopes (15-25%) and very steep slopes (>25%) on the lot (see Exhibit _). Review and analysis under this Section is required:

Section 3.18.A – Purpose (pg. 56): When reviewing a project that impacts steep slopes, the Development Review Board should ensure that the project conforms with the various purpose statements enumerated in this Section.

Section 3.18.B – Applicability (pg. 57): Staff finds this section applies since the project involves the construction and installation of the driveway. Staff finds that none of the exemptions under Section 3.18.B.1 apply, and therefore, review is required under Section 3.18.B.2. The Board may waive one or more standards under this Section (3.18), and associated application requirements, should they find:

1. Such requirement and standards are not applicable to a particular project; or
2. It is evident, based on submitted information and a site inspection, that the proposed development involves minimal site disturbance involves minimal site disturbance and poses a negligible threat to water quality, public roads and facilities, and to adjoining properties.

Section 3.18.C – Application Requirements (pg. 58): Staff finds that the applicant has provided various Exhibits pertaining to the driveway layout, road profile, erosion control measures, and topography. The Development Review Board may require materials provided in this section that may not have been submitted should they feel more information is required.

Section 3.18.D – Steep Slopes (15% to 25%) (pg. 60): Staff finds that the applicant will be constructing a driveway on the subject property, thereby impacting Steep Slopes (15% to 25%). The Development Review Board should assess the application as it relates to the various standards in this subsection (see Exhibit Q), noting that subsection 3.18.D.3 is most pertinent, as it relates to driveways. Staff finds that the driveway will traverse the side of a slope diagonally (rather than straight on), thus minimize the amount of cut required. Ascertaining where rock outcroppings and ledges could potentially be challenging should vegetation exist; therefore, the Board should consider these areas during the site visit. The Board shall ensure that no channeling or directing of stormwater runoff to adjoining properties, public rights-of-way, and surface waters and wetlands will occur during the review. The applicant is not proposing to exceed an average finish grade over 12% over any 50-foot section.

In addition, the Board should also focus on subsection 3.18.D.5, as that section relates to stormwater runoff and erosion. The Board should inquire with the applicant/engineer about these standards.

Section 3.18.E – Very Steep Slopes (>25%) (pg. 62): Staff finds that the applicant will be constructing a driveway that potentially impacts Very Steep Slopes (>25%). The Development Review Board should assess the application as it relates to the various standards in this subsection (see Exhibit Q). Staff notes that, normally, the construction and installation of a driveway over a very steep slope is normally prohibited; however, the applicant could potentially satisfy the following exemption:

“A driveway or road required to serve proposed development which extends no more than 100 feet into an area of very steep slope, if it is clearly documented that no other means of access can be provided.”

The Board will need to inquire about the more than 100 feet qualifier as it relates to this project. Based on the ANR Slopes Map (Exhibit O), Staff finds that there appears to be no other means of access to the project location.

Section 3.18.F – Considerations (pg. 63): Staff finds that the Board has the ability to incorporate as conditions of approval any of the conditions enumerated under this subsection (see Exhibit Q).

Section 3.18.G – Liability Waiver (pg. 63): The applicant shall be advised of the following:

“The applicant and subsequent property owners shall assume all liability in the event that changes in topography and drainage result in damage to neighboring or downstream properties. The Town of Underhill shall be held harmless from any claims for damage for approved development on steep and very steep slopes under these regulations.

SECTION 3.19 – SURFACE WATERS & WETLANDS (PG. 63)

The Agency of Natural Resource’s Atlas has not depicted any surface waters or wetlands on the lot, and therefore, review under this Section is not required.

SECTION 3.23 – WATER SUPPLY & WASTEWATER SYSTEMS (PG. 68)

Staff finds that the conditional use review application is to address the impact that the construction of the driveway will have on steep slopes, and therefore, review of the single-family dwelling as it relates to performance standards is not the focus of review. Nevertheless, the landowners have obtained a wastewater permit from the State of Vermont, Department of Environmental Conservation approving a mound system and drilled well (see WW Permit #: WW-4-4978). The permit allows for a four bedroom, single-family residence.

ARTICLE V – DEVELOPMENT REVIEW

SECTION 5.1 – APPLICABILITY (PG. 112)

Staff finds that conditional use review is required per Section 3.9.B, and is to be reviewed under Sections 3.18.B.2, 3.18.D and 3.18.E.

SECTION 5.3 – SITE PLAN REVIEW (PG. 115)

Section 5.3.A – Purpose (pg. 115): When reviewing a conditional use review application, site plan review is also required per Section 5.4.C.

Section 5.3.B – Standards (pg. 115): The Board may wish to consider and impose appropriate safeguards, modifications and conditions relating to any of the following standards:

Section 5.3.B.1 – Existing Site Features (pg. 115): Staff finds that the proposed driveway will traverse areas of steep (15%-25%) and very steep (>25%) slope. Staff anticipates that the proposed driveway (as well as single-family dwelling) will incorporate and avoid undue adverse impacts to known significant natural, historic and scenic resources identified in the Underhill Town Plan, maps and related inventories, and the list enumerated under this subsection.

Staff notes that the Board has the ability to require one of the mitigation techniques identified in Subsection b, and transcribed below:

- Increased setback distances or undisturbed buffer areas between proposed development and identified resources.
- The designation of building envelopes sited to exclude identified resource areas, and to limit the extent of site clearing and disturbance.
- Permanent protection of identified resource areas as designated open space.
- The screening of development as viewed from public vantage points.
- The preparation and implementation of management plans for identified resources.

See Exhibit D for more information.

Section 5.3.B.2 – Site Layout & Design (pg. 115): Staff finds that the proposed driveway and intended single-family dwelling more or less satisfy, and are not contrary, to the purpose and stated goals under Subsection b, Rural Residential and Water Conservation Districts. Staff recommends that Board confirm that the proposed project conforms with the goal of

“minimizing, to the extent physically feasible, encroachments on open field and prominent ridgelines or hilltops, and is oriented and designed in a manner that is compatible with the residential character and scale of adjoining development within these districts.”

See Exhibit D for more information.

Section 5.3.B.3 – Vehicle Access (pg. 116): Staff finds that the applicant is proposing to access the driveway currently serving 34 Downs Road, which bisects the 32 Downs Road property. Staff finds that the proposed project will be consistent with the requirements of this subsection. Please see Section 3.2 and Exhibit D for more information.

Section 5.3.B.4 – Parking, Loading & Service Areas (pg. 117): Staff finds that the conditional use review application is to address the impact that the construction of the driveway will have on steep slopes, and therefore, review of the single-family dwelling as it relates to parking, loading & service areas is not the focus of review. Nevertheless, please refer to Section 3.13 and see Exhibit D for more information.

Section 5.3.B.5 – Site Circulation (pg. 117): Staff finds that the conditional use review application is to address the impact that the construction of the driveway will have on steep slopes, and therefore, review of the single-family dwelling as it relates to site circulation is not the focus of review. Nevertheless, Staff finds that the site circulation will be consistent with site circulation patterns with other single-family dwellings seen in the area.

Section 5.3.B.6 – Landscaping and Screening (pg. 118): Staff finds that the conditional use review application is to address the impact that the construction of the driveway will have on steep slopes, and therefore, review of the single-family dwelling as it relates to landscaping and screening is not the focus of review. Nevertheless, Staff finds the landscaping and screening techniques will be consistent with landscaping and screening techniques with other single-family dwellings in the area. See Exhibit D for more information.

Section 5.3.B.7 – Outdoor Lighting (pg. 119): Staff finds that the conditional use review application is to address the impact that the construction of the driveway will have on steep slopes, and therefore, review of the single-family dwelling as it relates to outdoor lighting is not the focus of review. Nevertheless, see Section 3.11 above for more information.

Section 5.3.B.8 – Stormwater Management and Erosion Control (pg. 119): Staff defers to the materials submitted by applicant as they relate to stormwater management and erosion control (see Exhibits D & L).

SECTION 5.4 – CONDITIONAL USE REVIEW (PG. 120)

Section 5.4.A – Purpose (pg. 113): Development Review Board approval is required for development that occurs on steep and very steep slopes per Sections 3.18.B.2, 3.18.D and 3.18.E. The standards and conditions should relate to the identification, avoidance and/or mitigation of potential impacts.

Section 5.4.B – General Standards (pg. 121): Conditional Use Review shall be granted only if the Board finds that the proposed development will not result in an undue adverse effect on any of the following subsections:

Section 5.4.B.1 – The Capacity of Existing or Planned Community Services or Facilities (pg. 121): The construction of the driveway, thus resulting in the construction of a single-family dwelling on the pre-existing lot, is not expected to change or increase the demand of community services and facilities, as the lot has already been approved as part of a subdivision application. See Exhibit E for more information.

Section 5.4.B.2 – The Character of the Area Affected (pg. 121): Staff finds that the proposed construction of the driveway will not affect the character of the area, as the proposed driveway would serve a single-family dwelling in an area that is largely, if not all, single-family dwellings. See Exhibit E for more information.

Section 5.4.B.3 – Traffic on Roads and Highways in the Vicinity (pg. 121): The construction of the driveway, thus resulting in the construction of a single-family dwelling on the pre-existing lot, is not expected to change or increase the demand of community services and facilities, as the lot has already been approved as part of a subdivision application. *Note that a traffic impact study has not been provided to confirm this assumption; however, one*

could be requested by the Board under Section 5.4.B.3.b if deemed necessary. See Exhibit E for more information.

Section 5.4.B.4 – Bylaws in Effect (pg. 122): Staff does not believe that the applicant is noncompliant with other aspects of the bylaws in effect at the time of this application submittal. See Exhibit E for more information.

Section 5.4.B.5 – The Utilization of Renewable Energy Resources (pg. 122): Staff does not believe that the proposed driveway and development will interfere with any sustainable use of renewable energy resources. See Exhibit E for more information.

Section 5.4.C – Site Plan Review Standards (pg. 123): Under this subsection, site plan review is required as part of conditional use review. Analysis can be found above under Section 5.3.

Section 5.4.D – Specific Standards (pg. 123): The Board may consider the following subsections and impose conditions as necessary to reduce or mitigate any identified adverse impacts of a proposed development:

Section 5.4.D.1 – Conformance with the Town Plan (pg. 123): Staff finds that the proposed driveway and single-family dwelling is consistent with the Town Plan.

Section 5.4.D.2 – Zoning District & Use Standards (pg. 123): Staff finds that the proposed driveway and single-family dwelling will comply with the zoning district and use standards, should the Development Review Board grant conditional use review under Sections 3.18.B.2, 3.18.D, 3.18.E and 5.4 above.

Section 5.4.D.3 – Performance Standards (pg. 123): Staff finds that the conditional use review application is to address the impact that the construction of the driveway will have on steep slopes, and therefore, review of the single-family dwelling as it relates to performance standards is not the focus of review. Nevertheless, Staff does not foresee that the propose use would cause, create or result in any of the situations presented in Section 3.14.B.

Section 5.4.D.4 – Legal Documentation (pg. 123): Staff finds that this Section does not apply.

SECTION 5.5 – WAIVERS & VARIANCES (PG. 123)

Staff finds that the applicant has not asked for any waivers, and therefore, review and analysis under this Section is not required.

ARTICLE VI – FLOOD HAZARD AREA REVIEW

Staff finds that there are no Flood Hazard Areas present on the lot, and therefore, review and analysis under Article VI is not required.

UNDERHILL DRB RULES OF PROCEDURE
HEARING CHECKLIST
CONDITIONAL USE REVIEW
Victor Veve
September 17, 2018

State the following:

- 1) "This is a hearing on the Conditional Use Review Application submitted by Victor Veve for the approval to construct a driveway that will impact steep slopes on property John A. & Cheryl B. Perreault at 32 Downs Road (DW032) in Underhill, Vermont."

Conditional use review is intended to ensure compliance with standards addressing the potential impacts of development on adjoining properties, the neighborhood, and/or zoning district in which the development is located, and the community at large. Typically, land uses are subject to conditional use review because their scale, intensity and potential for off-site impacts warrant more careful scrutiny by the Development Review Board (DRB). Standards and conditions relate to the identification, avoidance and/or mitigation of potential impacts.

This application is subject to review under the 2011 Unified Land Use and Development Regulations, as amended through March 6, 2018."

- 2) Copies of the Rules of Procedure that the Board follows are available for review from the Planning & Zoning Administrator.
- 3) The order of speakers tonight will be:
 - a. We will hear from and ask questions of the applicant(s) and of his or her consultant(s)/engineer(s);
 - b. Then we will hear and ask questions of the Planning & Zoning Administrator;
 - 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 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.
- 4) Are any State or municipal representatives present?
- 5) An Interested Parties Info Sheet has been provided to all attendees. Please review it for further information.

Then state:

"Only those interested persons who have participated, either orally or through written statements in a DRB proceeding may appeal a decision rendered in that proceeding to the

Environmental Division of Superior Court."

- 6) If you are an applicant/applicant representative, or an interested party who wants to participate in the hearing, we will have you come up to the witness chair and clearly state your name, residential address, and mailing address if it differs.
- 7) I am now going to swear in all those present who wish to speak tonight. All individuals who plan to testify must take the following oath by responding "I do" at the end: ***"Do you hereby swear that the evidence you give in the cause under consideration shall be the whole truth and nothing but the truth under pains and penalties of perjury?"***
- 8) Are there any conflicts of interest or have there been any ex parte communications on the part of the Board members?
- 9) At this point I am going to enter into the record the information package that was sent by the Zoning Administrator prior to the hearing. The information included in this package relevant to this hearing is:
 - a. Exhibit A - DW032 - Veve Conditional Use Staff Report
 - b. Exhibit B - DW032 Veve Conditional Use Review Hearing Procedures
 - c. Exhibit C - Conditional Use & Site Plan Review Hearing Request Application
 - d. Exhibit D - Site Plan Review Standards Findings Checklist
 - e. Exhibit E - Conditional Use Review Standards Findings Checklist
 - f. Exhibit F - BFP Notice of Public Meeting
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 - m. Exhibit M - Details Sheet
 - n. Exhibit N - Existing Slopes
 - o. Exhibit O - ANR Slopes Map
 - p. Exhibit P - Zoning Map
 - q. Exhibit Q - Section 3.18 Steep Slopes & Very Steep Slopes
- 10) We'll begin testimony, and hear from the applicant.
- 11) Next we will hear from the Planning & Zoning Administrator.
- 12) Are there members of the public who would like to speak?
- 13) Any final comments from anyone?
- 14) Does the Board feel that they have enough information at this time to make a decision on the application?
 - a. *If more information is needed to make a decision on the application, adjourn the hearing to a time certain and outline for the appellant what is required at that continued hearing;*
or

b. If by consensus enough information has been presented to make a decision on the appeal, announce that the evidentiary portion of the hearing is closed.

- 15) Does the Board wish to discuss the application in open or (closed) deliberative session?
(After the ruling, continue with the info below.)

“Within 45 days from this hearing, the Planning & Zoning Administrator, on behalf of the DRB, will send a copy of the decision and letter to the Appellants, their consultants, and those who have participated in tonight’s hearing. A 30-day appeal period will begin on the date the decision is signed. The letter will outline the next steps in the process.

If there are no other comments or questions we will close [this portion of] the meeting.”

TOWN OF UNDERHILL

P.O. Box 32
Underhill Center, VT 05490

Phone: (802) 899-4434 x106

Fax: (802) 899-2137

Email: underhillzoning@comcast.net

CONDITIONAL USE/SITE PLAN REVIEW HEARING REQUEST

INSTRUCTIONS TO APPLICANT:

FEES: \$150 + Certified Mail
costs + recording fees

Complete the form below and submit it to the Zoning Administrator with a check for the initial hearing fees. Include a copy of the building permit application (if applicable), two original and twelve 11" x 17" copies of a site development plan, a copy of the State Project Review Sheet, draft legal documents (if applicable), the information on the attached checklist(s), and any written waiver or modification requests. Separate State permits including, but not limited to, water/wastewater, stormwater, Act 250, and Construction General permits may be required. It is the obligation of the Applicant to contact the State Permit Specialist at 802-879-5676 to obtain a Project Review Sheet.

A hearing before the Development Review Board will be scheduled upon receipt of a complete application. For assistance with this application, please contact the Zoning Administrator at 899-4434, x106.

ZONING DISTRICT(S): Check all that apply

PROPERTY CODE: DW32

- Underhill Flats Village Center
 Rural Residential
 Water Conservation
 Scenic Preservation
 Soil & Water Conservation

APPLICANT: Victor Veve Rical'le	MAILING ADDRESS: PO Box 47 Cambridge VT 05444
PHONE: 802 373 3977	E-MAIL: VQVw Dev. com
SUBJECT PROPERTY ADDRESS: 32 Downes Rd.	
DESCRIPTION OF PROPOSED PROJECT:	
APPLICANT SIGNATURE: 	DATE: 8.20.18
HEARING DATE (to be determined by the Zoning Administrator): September 17, 2018	
SIGNATURE OF ZONING ADMINISTRATOR: 	DATE: 8/21/2018

TOWN OF UNDERHILL, VERMONT

EXHIBIT

D

Article V, Section 5.3 – Site Plan Review Standards Findings Checklist

Docket #: DRB-18-14 Property ID: DW032 Hearing Date: 9/17/2018
Applicant/Consultant: Rical LLC. Victor Veve

Check the zoning district(s) in which the proposed use will occur:

- | | | |
|---|---|---|
| <input type="checkbox"/> Underhill Flats Village Center | <input checked="" type="checkbox"/> Rural Residential | <input type="checkbox"/> Water Conservation |
| <input type="checkbox"/> Scenic Preservation | <input checked="" type="checkbox"/> Soil & Water Conservation | |

The following standards are excerpted from Article V, Section 5.3 of the Unified Land Use and Development Regulations. For full standards, refer to the complete regulations document.

Applicant(s) shall submit proposed findings of fact for each of the relevant standards below as part of the application for site plan review. Proposed findings shall address how the proposed development relates to each portion of the standard.

<u>Required</u>	<u>Submitted</u>	<u>Section 5.3 (B) Standards</u>
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(1) Existing Site Features.

Demonstrate how the proposed site layout and design avoids undue adverse impacts to significant natural, historic, and scenic resources. Refer to Section 5.3 (B)(1)(a) for specific areas of concern.

The existing topography and drainage patterns are shown of the Site Plan;
The portion of the property to be developed is not above 1500 feet in elevation;
Areas of steep and very steep slopes are shown on the Site Plan;
There are no known surface waters or wetlands in the area to be developed;
The property is not in a special flood hazard area;
The property is not in a delineated source protection area;
The ANR Resource atlas does not list and significant habitat areas or travel corridors on the property;
The property is not in a scenic viewshed and is pre-dominantly wooded.

TOWN OF UNDERHILL, VERMONT

Article V, Section 5.3 – Site Plan Review Standards Findings Checklist



Required

Submitted

Section 5.3 (B) Standards Continued



(2) Site Layout & Design.

Explain how the proposed location and orientation of structures, and supporting infrastructure on the site, are compatible with their proposed setting and context as determined from the Underhill Town Plan, zoning district objectives, existing site conditions and features, adjoining or facing structures in the vicinity, and other applicable provisions of the Unified Land Use and Development Regulations. Refer to Section 5.3(B)(2) for details.

The proposed site is located on a wooded hillside and does not encroach on open fields or a prominent ridgeline or hilltop. The proposed building lot is in scale with the surrounding properties.

TOWN OF UNDERHILL, VERMONT

Article V, Section 5.3 – Site Plan Review Standards Findings Checklist



Required

Submitted

Section 5.3 (B) Standards Continued

(3) Vehicle Access.

Explain how the proposed use meets all town and state access management and design standards. Include an explanation of how the curb cut(s) and road intersection(s) do not create hazards to vehicles, pedestrians or bicyclists onsite or on adjoining roads, sidewalks, and pathways.

The access from Downes road to Grants landing is a town highway. Grants Landing has an already existing curb cut that will not create hazards to existing houses or people. The curb cut to the private drive will be the required width. The private drive has ample site lines for safety and meets the town specifications. There are no public sidewalks or paths existing on the land or roadway.

Required

Submitted

(4) Parking, Loading & Service Areas.

Indicate how the proposed use conforms to the requirements of this section.

This is an access road to a residential home. Parking will be non-paved. There will be no undue adverse impacts on view as we have gone to great lengths for privacy on this lot. So there will be no public views. There is no proposed shared parking for the access road.

TOWN OF UNDERHILL, VERMONT

Article V, Section 5.3 – Site Plan Review Standards Findings Checklist

Required

Submitted

Section 5.3(B) Standards Continued



(5) Site Circulation.

Explain how the proposed use has provided for adequate and safe onsite vehicular and pedestrian circulation. Site plans shall include the requirements of Section 5.3(B)(5)(a), (b) where applicable.

There are clearly marked access plans with adequate pull off as per town regulations.

Required

Submitted



(6) Landscaping and Screening.

Explain how the proposed plan incorporates the landscaping and screening requirements of Section 5.3(B)(6).

The road will be lined with mature tree growth which will screen and mitigate the visual impacts to Grants Landing as well the property will not be seen by the public.

TOWN OF UNDERHILL, VERMONT

Article V, Section 5.3 – Site Plan Review Standards Findings Checklist



Required Submitted Section 5.3(B) Standards Continued

(7) Outdoor Lighting.

Does the proposed use require outdoor lighting?

Yes

No *(If no, skip to #8).*

Explain how the proposed outdoor lighting conforms to the requirements of Section 3.11.

TOWN OF UNDERHILL, VERMONT

Article V, Section 5.3 – Site Plan Review Standards Findings Checklist



<u>Required</u>	<u>Submitted</u>	<u>Section 5.3(B) Standards Continued</u>
<input type="checkbox"/>	<input type="checkbox"/>	(8) Stormwater Management and Erosion Control.

Indicate how the proposed use incorporates the requirements of Section 5.3(B)(8) including temporary and permanent stormwater management and erosion control measures.

The Site Plan shows the proposed grading needed to incorporate the driveway and house site. Also included are details to control stormwater runoff from the site and the recommended erosion measures during construction. Stormwater will be collected at key points along the driveway and directed to level spreaders to mitigate the erosion potential.

TOWN OF UNDERHILL, VERMONT

**Article V, Section 5.4 – Conditional Use Review Standards
Findings Checklist**

Docket #: DRB-18-14 **Property ID:** Dw032 **Hearing Date:** 9/17/2018
Applicant/Consultant: Rical LLC. Victor Veve

Check the zoning district(s) in which the proposed use will occur:

- | | | |
|---|---|---|
| <input type="checkbox"/> Underhill Flats Village Center | <input checked="" type="checkbox"/> Rural Residential | <input type="checkbox"/> Water Conservation |
| <input type="checkbox"/> Scenic Preservation | <input checked="" type="checkbox"/> Soil & Water Conservation | |

The following standards are excerpted from Article V, Section 5.4 of the Unified Land Use and Development Regulations. For full standards, refer to the complete regulations document.

Applicant(s) shall submit proposed findings of fact for each of the relevant standards below as part of the application for conditional use review. Proposed findings shall address how the proposed development relates to each portion of the standard.

<u>Required</u>	<u>Submitted</u>	<u>Section 5.4(B) General Standards</u>
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(1) Capacity of existing or planned community services or facilities.

Indicate how the proposed conditional use affects the demand for community services and facilities.

The access road off of Grants Landing is designed per Town of Underhill Vt. Regulations. The access road and driveway will serve a residential home. The project will not have an adverse impact on the demand for community services.

TOWN OF UNDERHILL, VERMONT

Article V, Section 5.4 – Conditional Use Review Standards Findings Checklist

Required

Submitted

Section 5.4(B) General Standards Cont'd



(2) Character of the area affected.

Indicate how the proposed conditional use relates to the character of the area in terms of location, scale, type, density, and intensity. Include any mitigation measures that will be utilized to avoid undue adverse impacts to the character of the area.

The access road will be curved in nature and have no undue adverse impacts to the area. It is located to mitigate any view sheds it is out of site from all major roadways.

The proposed use (a residential home) is consistent with the other uses in the area.



(3) Traffic on roads and highways in the vicinity.

Specify the projected impact of traffic resulting from the proposed conditional use. Include the impacts to the condition, capacity, safety, efficiency and use of existing and planned roads, bridges, intersections and associated highway infrastructure in the vicinity.

This access to a single-family home will provide two cars to egress and ingress perhaps daily from Grants Landing to Downes Rd. to Pokerhill Rd. which has ample ways to access route 15. Either by Bill Cook Rd., Underhill Station Rd., or Pokerhill Rd. to Route 15. With very good visibility there will be no major impacts on local infrastructure.

TOWN OF UNDERHILL, VERMONT

Article V, Section 5.4 – Conditional Use Review Standards Findings Checklist



<u>Required</u>	<u>Submitted</u>	<u>Section 5.4(B) General Standards Cont'd</u>
<input type="checkbox"/>	<input type="checkbox"/>	(4) Bylaws in effect.

Indicate how the proposed conditional use complies with all municipal bylaws and ordinances.

The access road will be 12 feet wide with the required slopes being under 10% or less per Town Regulations. The proposed project will comply with all municipal bylaws and regulations.

<input type="checkbox"/>	<input type="checkbox"/>	(5) Utilization of renewable energy resources.
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Demonstrate how the proposed conditional use will not interfere with the sustainable use of renewable energy resources, including access to, or the direct use or future availability of such resources.

There are no major water ways for hydroelectric power. It is a wooded lot that is not a preferred solar site and industrial wind would be a challenge. If the house chooses to do geothermal, solar, or small turbine, it will not have an impact on any neighboring properties.



To: Burlington Free Press
Classifieds/Legals
legals@bfp.burlingtonfreepress.com
860-5329

From: Town of Underhill
Zoning & Planning
P.O. Box 120
Underhill, VT 05489

LEGAL AD

Please e-mail to confirm receipt of this ad.



Release Date: NO LATER THAN 09/01/2018



NOTICE OF PUBLIC MEETING

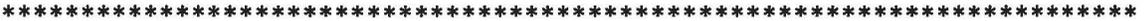
Town of Underhill Development Review Board (DRB)

Monday, September 17, 2018

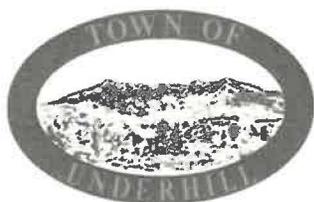
At the Underhill Town Hall, 12 Pleasant Valley Road, Underhill, VT

The DRB will hold a hearing on the Conditional Use Review application by Victor Veve for the proposed construction and impact on steep slopes on property owned by John A. & Cheryl B. Perreault located at 32 Downs Road (DW032). This property is located in the Rural Residential and Soil & Water Conservation zoning districts. A site visit will commence at the property's location at 5:45 PM on Monday, September 17, 2018, and the hearing will begin at 6:35 PM on Monday, September 17, 2018 at Underhill Town Hall.

Additional information may be obtained at the Underhill Town Hall. The hearing(s) are open to the public. Pursuant to 24 VSA §§4464(a)(1)(C) and 4471(a), participation in this local proceeding is a prerequisite to the right to take any subsequent appeal. If you cannot attend the hearing(s), comments may be made in writing prior to the meeting and mailed to: Andrew Strniste, Planning Director & Zoning Administrator, P.O. Box 120 Underhill, VT 05489 or to astrniste@underhillvt.gov.



Please call Andrew Strniste at the Planning & Zoning Administrator's office at 899-4434 x106 with any questions concerning this ad and to confirm receipt. Please remit bill to: Town of Underhill, RE: 09-17-18 DRB Hearing, P.O. Box 120, Underhill, VT 05489. Thank you.



Town of Underhill Development Review Board

P.O. Box 120, Underhill, VT 05489
www.underhillvt.gov

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

Certificate of Service

I hereby certify that on this 30th day of August, 2018, a copy of the following documents were delivered to the below recipients and corresponding addresses by United certified mail, return receipt requested.

Documents:

Notice to abutting neighbors regarding a Conditional Use Review hearing pertaining to the construction and impact on steep slope on property located at 32 Downs Road (DW032) in Underhill, Vermont, owned by John A. & Cheryl B. Perreault. Application submitted by Victor Veve.

Recipients and Corresponding Address:

✓ **32 Downs Road (DW032)**
John A. & Cheryl B. Perreault
219 Ash Street
Hopkinton, MA 01748

✓ Victor Veve
P.O. Box 47
Cambridge, VT 05444

✓ **20 Downs Road (DW020)**
Robert & Kitty L. Reed
20 Downs Road
Underhill, VT 05489

✓ **29 Downs Road (DW029)**
James J. & Shiela J. Corbett
29 Downs Road
Underhill, VT 05489

✓ **34 Downs Road (DW034)**
Gordon W. & Renee Grant
34 Downs Road
Underhill, VT 05489

✓ **36 Downs Road (DW036)**
Christopher & Megan Martin
36 Downs Road
Underhill, VT 05489

✓ **41 Downs Road (DW041)**
Harman & Rhonda Dinwiddie
41 Downs Road
Underhill, VT 05489

✓ **80 Downs Road (DW080)**
Robert Jr. & Matthew E. Holstein
P.O. Box 284
Jericho, VT 05465

Andrew Strmiste
Planning Director & Zoning Administrator
12 Pleasant Valley Road
Underhill, VT 05489

Date: 8/30/2018

TOWN OF UNDERHILL
P.O. Box 32
Underhill Center, VT 05490
tel. (802) 899-4434
fax (802) 899-2137

Gordon Grant
RR 1, Box 5165
Underhill, VT 05489

March 19, 1997

Re: Final Driveway Inspection

Dear Gordie,

After visiting your property off Downes Road on March 15, 1997, the Selectboard considered your situation and requests for waivers. The correct procedure is for waivers to be granted as part of the permit process (prior to construction), in situations where limitations are recognized and it is demonstrated that particular design standards can not be met.

The waiver process is reserved for lots with very limited access options. When this lot was originally created, the limited local review, and possible absence of state review, did not identify any access limitations. Application was made, and permits issued, based in part on assurances that a complying access could be built. With construction underway it became apparent to your contractor that alterations/substitutions were going to be required. After construction, site visits by the Town Administrator, Road Foreman and representatives from the local fire department pointed out two major areas of concern which necessitate waivers: culverts smaller than the minimum specifications and problematic access for emergency vehicles due to the angle of intersection with Downes Road.

The pervasiveness of ledge was behind your contractor's decision to install culverts which do not meet the local road policy minimums. The substandard culverts will require a higher degree of maintenance to ensure adequacy. The requested waiver for the culverts is granted.

In balancing slope requirements and the requirement for a depressed ramp, the angle of the driveway-Downes Road intersection was built at less than the required 90 degrees. This intersection was the major limitation identified in the Underhill-Jericho Fire Department letter of January 13, 1997 (enclosed). You have submitted a hold harmless agreement acknowledging and accepting responsibility for the potential risks involved with the deficiencies associated with this access. The hold harmless agreement has been signed and is enclosed. The waiver on the angle of access is granted on the condition that this agreement be recorded in the Underhill Land Records. Please contact Nancy Bradford for that procedure.

17817X3

Also enclosed is the Final Inspection letter. This will be signed and a copy sent to you after the hold harmless agreement has been recorded.

We sincerely hope that any drainage issue can be worked out between yourselves and the Reeds. Please contact the Selectboard with any questions.

For the Underhill Selectboard,

Ted Tedford

enc. as noted

cc. Underhill-Jericho Fire Department
file

ROAD ACCESS AND HOLD HARMLESS AGREEMENT

This is an agreement by and between Gordon W. Grant and Renee Grant of Underhill, Vermont (hereafter "the Grants") and the Town of Underhill.

WHEREAS, the Grants are owners of a certain parcel of land containing (16.6) acres designated as Lot 2 on a driveway off Downes Road, which property is more particularly described in a Warranty Deed recorded at Volume 65, Page 368 of the Town of Underhill Land Records;

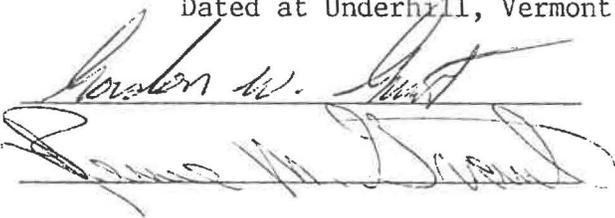
WHEREAS, the Warranty Deed reserved a right of way to the Grants land designated as Lot 2;

WHEREAS, the Underhill-Jericho Fire Department is concerned that the entrance to the drive and the entrance to the home could pose a problem for fire trucks and other emergency vehicles.

The parties agree as follows:

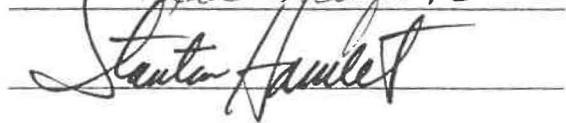
1. Said right of way or road leading from Downes Road and serving as access to Lot 2 shall never be offered as a town road to the Town of Underhill, nor shall any owners using said road petition the Town of Underhill to take over said road as a town road unless said road shall be constructed pursuant to the then existing town specifications for the Town of Underhill.
2. The Grants, for themselves, their heirs and assigns, acknowledge that the access road for Lot 2 could make it difficult for emergency vehicles to access Lot 2.
3. The Grants, for themselves, their heirs and assigns, agree to hold the Town of Underhill harmless from any claims, or for damages or injuries that may result as caused by inadequate access to said property.
4. This Agreement shall be construed in accordance with the laws of the State of Vermont.

Dated at Underhill, Vermont this 8th day of March, 1997.









STATE OF VERMONT
CHITTENDEN COUNTY, ss.

At Underhill this 8 day of March, 1997, GORDON W. GRANT and RENEE GRANT personally appeared, and they acknowledged this instrument, by them sealed and subscribed, to be their free act and deed.

Before me, 

Notary Public

Town of Underhill
P.O. Box 32
Underhill Center, VT 05490
tel. (802) 899-4434
fax (802) 899-2137

Gordon Grant
RR 1, Box 5165
Underhill, VT 05489

Re: Driveway Final Inspection
Access Permit #25-96
Wayne Russin, contractor

Dear Gordie,

The access to the your lot (PH168F) off Downes Road has been inspected. The improvements that were part of the Access Permit for this lot have been accomplished in a satisfactory manner or waived as requested. This assessment is based in part on the following:

- September 15, 1977 Underhill Selectboard approval to build a private road at this location
- Your original Access Permit dated April 24, 1996
- As built you dropped off January 13, 1997
- Letter from Underhill-Jericho Fire Department dated January 13, 1997
- Hold harmless agreement acknowledging and accepting responsibility for the potential risks involved with the deficiencies associated with your access.
- Letter from Underhill Selectboard granting requested waivers dated March 19, 1997

The septic system has been installed and inspected, a certificate of compliance related to that system has been issued. This letter in conjunction with that certificate, make up the local equivalent of a Certificate of Occupancy.

Please contact me with any questions.

Sincerely,

Selectboard/Agent

Date: _____

cc. file

TOWN OF UNDERHILL
P.O. Box 32
Underhill Center, VT 05490
tel. (802) 899-4434
fax (802) 899-2137

Gordon Grant
RR 1, Box 5165
Underhill, VT 05489

March 12, 1997

Re: Waiver request

Dear Gordon,

The following documents were reviewed by the Underhill Selectboard at their meeting of March 12, 1997:

- September 15, 1977 Underhill Selectboard approval to build a private road at this location
- Your original Access Permit dated April 24, 1996
- My letter of October 7, 1996 re: adjustments made during construction, and requesting for an as-built and input from the Underhill-Jericho Fire Department.
- As built you dropped off January 13, 1997
- Letter from Underhill-Jericho Fire Department dated January 13, 1997
- Your letter of January 28, 1997
- My letter of February 3, 1997
- An undated note from you
- My letter of February 17, 1997
- Your letter of February 19, 1997

As discussed, your driveway, as built, is in need of waivers regarding the size of culverts and emergency and service vehicle access, most particularly the intersection with Downes Road. It was relayed that the presence of ledge was more extensive than originally realized. In achieving and maintaining the approved grade, the intersection was installed in a manner which resulted in the Underhill-Jericho Fire Department letter of January 13, 1997. The pervasiveness of ledge also was evidently behind the contractor's decision to install culverts which do not meet the local road policy minimums.

You have submitted a hold harmless agreement acknowledging and accepting responsibility for the potential risks involved with the deficiencies associated with your access.

It is clear that this project would have benefitted from engineering review. But as you were proposing to build a driveway, rather than a road, an engineering design was not required. Based on the assurances that the minimum standards could be met and that adverse impacts on with the adjacent property owner could be avoided, no design drawings were required.

A neighbor has informed the town of damage to his driveway, shop and Downes Road as a result of the change in the drainage pattern. It is Reed's contention that in addition to the water being more concentrated, there is actually more water impacting his property.

Within the scope of what the Town can do to mitigate impact on the neighboring properties, is to include the need for increased drainage facilities in an engineering study on Downes Road. The correction of any problems associated with development is the responsibility of the developer.

Prior to granting the waivers the Selectboard would like to schedule a site visit for March 15, at 3:00 p.m.. Please contact Brian Bigelow at the Town Hall if that is not a good date/time.

For the Underhill Selectboard,

A handwritten signature in cursive script that reads "Margaret P. Himmel".

cc. Robert Reed
file

TOWN OF UNDERHILL

P.O. Box 120
Underhill, VT 05489

A18-20

Phone: (802) 899-4434

Fax: (802) 899-2137

ACCESS PERMIT APPLICATION

All access permit applications require review by the Selectboard and Road Foreman.

pd 80-
chk # 002266 RDB

ZONING DISTRICT(S):

PROPERTY CODE: BW 032

FEES: \$50+ recording fees

UFVC

Rural Residential

Water Conservation

Scenic Preservation

Soil & Water Conservation

NAME:

Victor Wade Ricall Inc.

PROPERTY LOCATION:

32 Downes Rd.

MAILING ADDRESS:

P.O. Box 47 Cambridge

ACREAGE:

19

PHONE:

802-373-3977

E-MAIL:

VQVwDev.com

CONSULTANT(S):

O'Leary Bunke

CONSULTANT CONTACT INFORMATION:

PLAN REQUIREMENTS (Attach plan to application)

All driveways and private roads must conform to the standards in the Underhill Road Policy. Waiver requests must be submitted at time of application. The plan must include accurate measurements of the following requirements:

- Proposed access on public or private road
- Property boundaries with measurements to proposed curb cut
- Landmarks sufficient to determine access point and path of traveled way
- Distance from all waterways
- All easements, covenants, and abutting property owners

TOWN CLERK'S OFFICE
Received AUG 22, 2018 11:45 AM
Recorded in VOL: 239 PG: 167 - 169
Of Underhill Land Records
ATTEST: Sherri Morin, Town Clerk

APPLICANT SIGNATURE

DATE

7.26.18

Received by

FOR OFFICE USE ONLY

Date:

7/26/18

Road Foreman Inspection

Site Visit Date: 7/30/18 Road Classification (if applicable): Shared Drive

Speed Limit/Average Running Speed (if applicable):

Sight Distances: Left 242

Right: 207

Culvert Required? No

Yes

Size 18" x 30"

Comments, Restrictions, Conditions:

To be Reviewed by the Selectboard (Date)

8/14/17

ACCESS PERMIT #A18 - 20 CONDITIONS

In regard to the Access Permit application of: Victor Veve Ricall LLC for the property at: 32 Downes Road, Underhill, VT, submitted: July 26, 2018.

Current plans (All from July 2018) do not include Stormwater Management considerations or erosion prevention and sediment control planning making a determination on potential drainage impacts to neighboring properties and public infrastructure impossible at this time. In addition input not yet received from Underhill Jericho Fire Department.

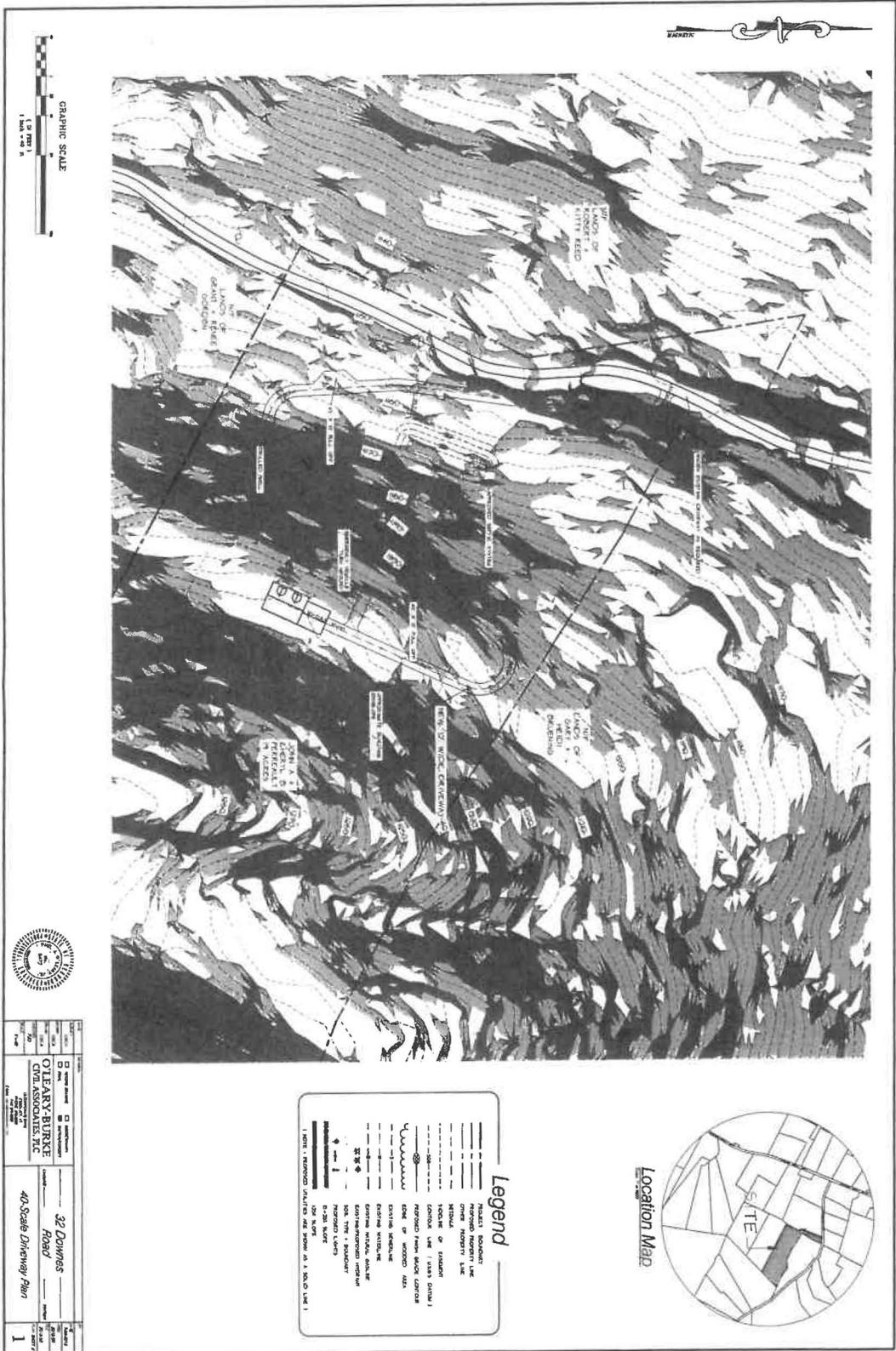
The permit is granted subject to the following conditions:

1. The driveway shall be built as shown on drawing(s) entitled 32 Downes Road, Plan Sheet #1 (dated 7/20/18) and Plan Sheet #2 (7/17/18) prepared by O'Leary-Burke Civil Associates, PLC and attached to this permit or by later revised drawings reviewed and approved by the Underhill Development Review Board (DRB).
2. Prior to construction Applicant shall receive approval from the DRB under the Underhill Unified Land Use and Development Regulations, Section 3.18 Steep Slopes. Application requirements under Section 3.18.C, include but are not limited to, a grading plan, a stormwater management plan, erosion prevention and sediment control plan
3. The DRB is acknowledged by the Selectboard as having more experience reviewing environmental considerations associated with construction on steep slopes.
4. After DRB approval, changes in alignment, grade, drainage, use or other features will require either administrative amendment or application to the Selectboard pursuant to the Underhill Road, Driveway and Trail Ordinance adopted February 3, 2015 (the "Road Ordinance").
5. Driveway shall be built according to State Agency of Transportation standard B-71 and all other applicable requirements of the Road Ordinance.
6. Applicant's waiver request (from Road Ordinance, Section 6.4.A.1) to maintain the shared portion of Grant's Landing at a width of 12 feet rather than 14 feet was considered under Road Ordinance Section 5.19.A and declined.
7. At a minimum one 18" x 30' culvert is required in the established ditch line at the new driveway's proposed access on Grant's Landing.
8. Other conditions as identified at Selectboard meeting (if any):

- _____
- _____

For the Underhill Selectboard:


 Date: 8-14-18

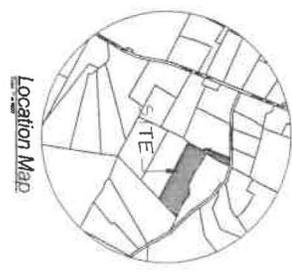


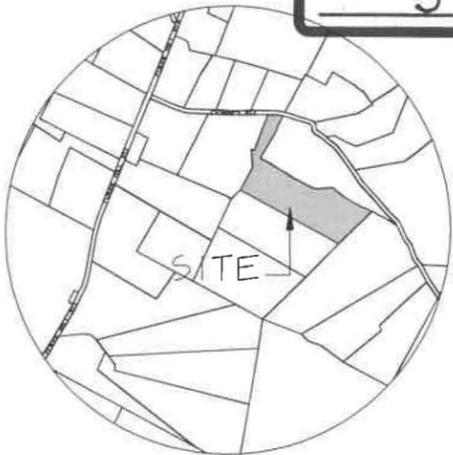
Scale	32 Downsize
Project	40-Scate Driveaway Plan
Client	ORLARY BURKE CIVIL ASSOCIATES, INC.
Sheet No.	1

Legend

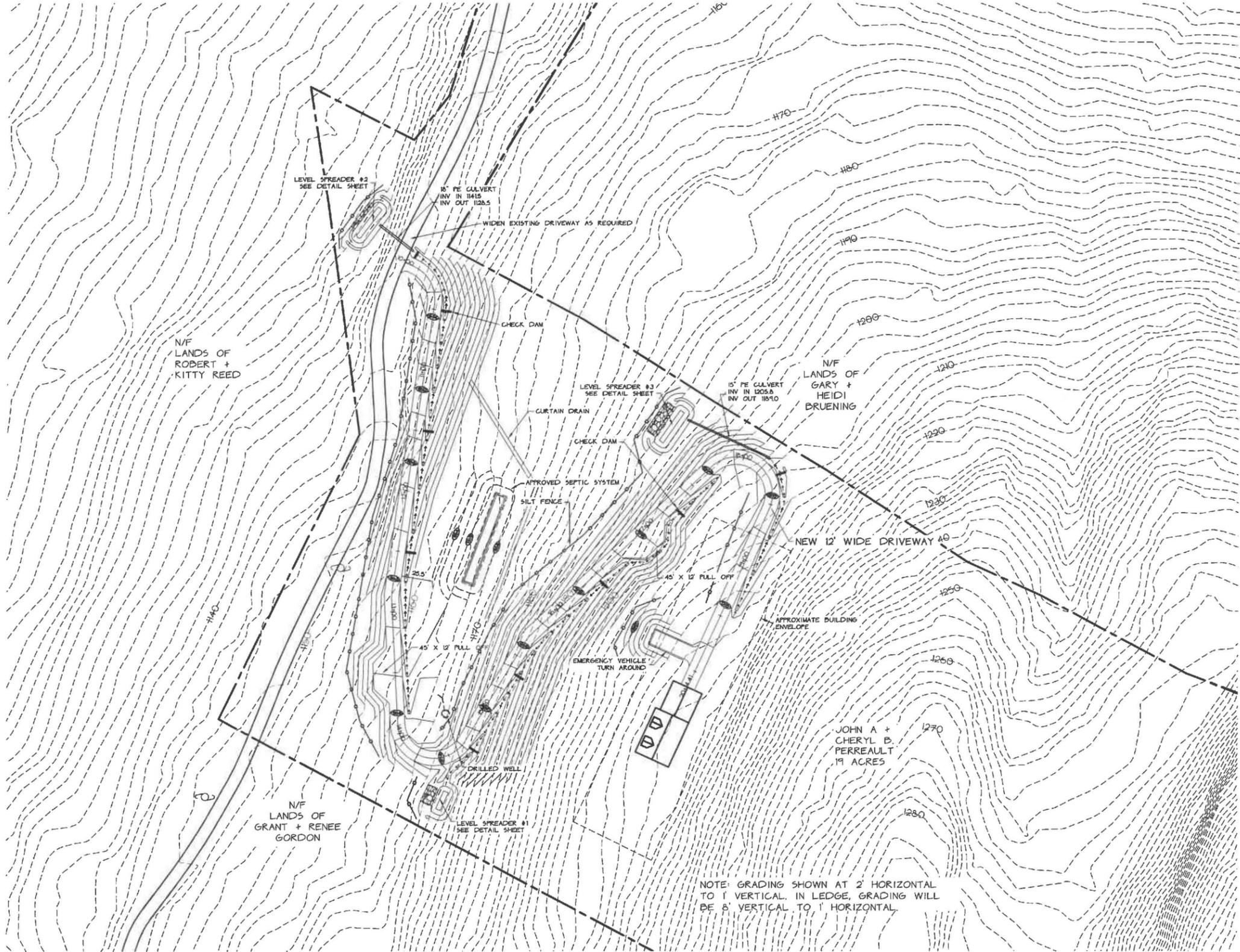
- PROPOSED ROADS
- EXISTING ROADS
- PROPOSED PROPERTY LINE
- EXISTING PROPERTY LINE
- BOUNDARY OF SUBJECT
- CONTOUR LINE (5' VERT. INTERVAL)
- PROPOSED FROM EACH CORNER
- EDGE OF WOODS
- EXISTING WOODS
- EXISTING WETLAND
- EXISTING WATERWAY
- EXISTING UTILITY
- PROPOSED UTILITY
- PROPOSED LOTS
- 2% SLOPE
- 4% SLOPE
- 6% SLOPE
- 8% SLOPE
- 10% SLOPE

1. NOT TO BE REMOVED UNLESS SHOWN IN A RED LINE 1.





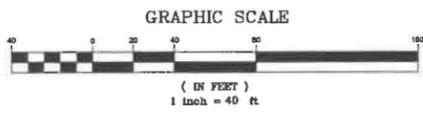
Location Map
Scale: 1" = 100'



Legend

- PROJECT BOUNDARY
- PROPOSED PROPERTY LINE
- OTHER PROPERTY LINE
- SETBACK
- SIDELINE OF EASEMENT
- CONTOUR LINE (U.S.G.S. DATUM)
- PROPOSED FINISH GRADE CONTOUR
- EDGE OF WOODED AREA
- EXISTING SEWERLINE
- EXISTING WATERLINE
- EXISTING NATURAL GASLINE
- EXISTING/PROPOSED HYDRANT
- SOIL TYPE + BOUNDARY
- PROPOSED LIGHTS
- 15-25% SLOPE
- >25% SLOPE

[NOTE : PROPOSED UTILITIES ARE SHOWN AS A SOLID LINE]

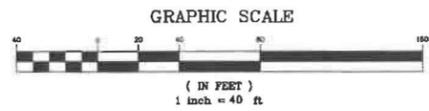
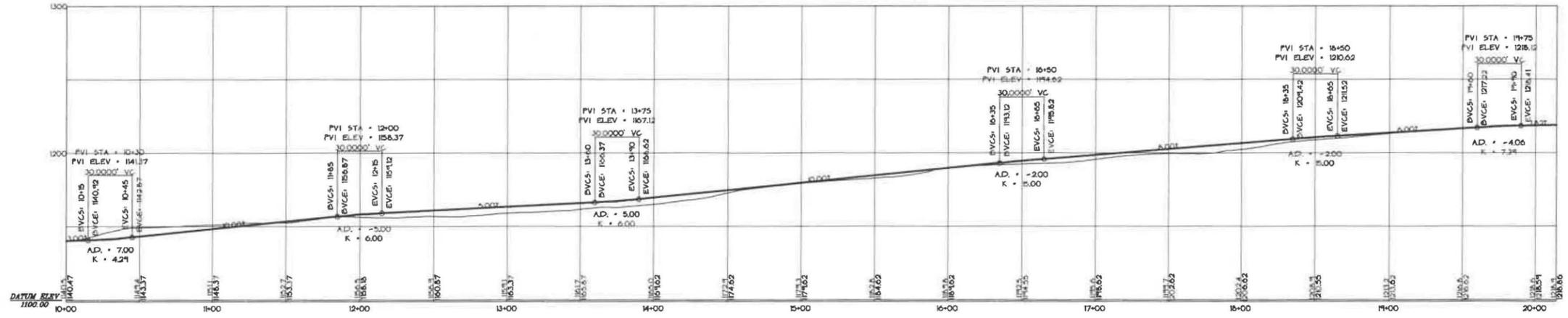
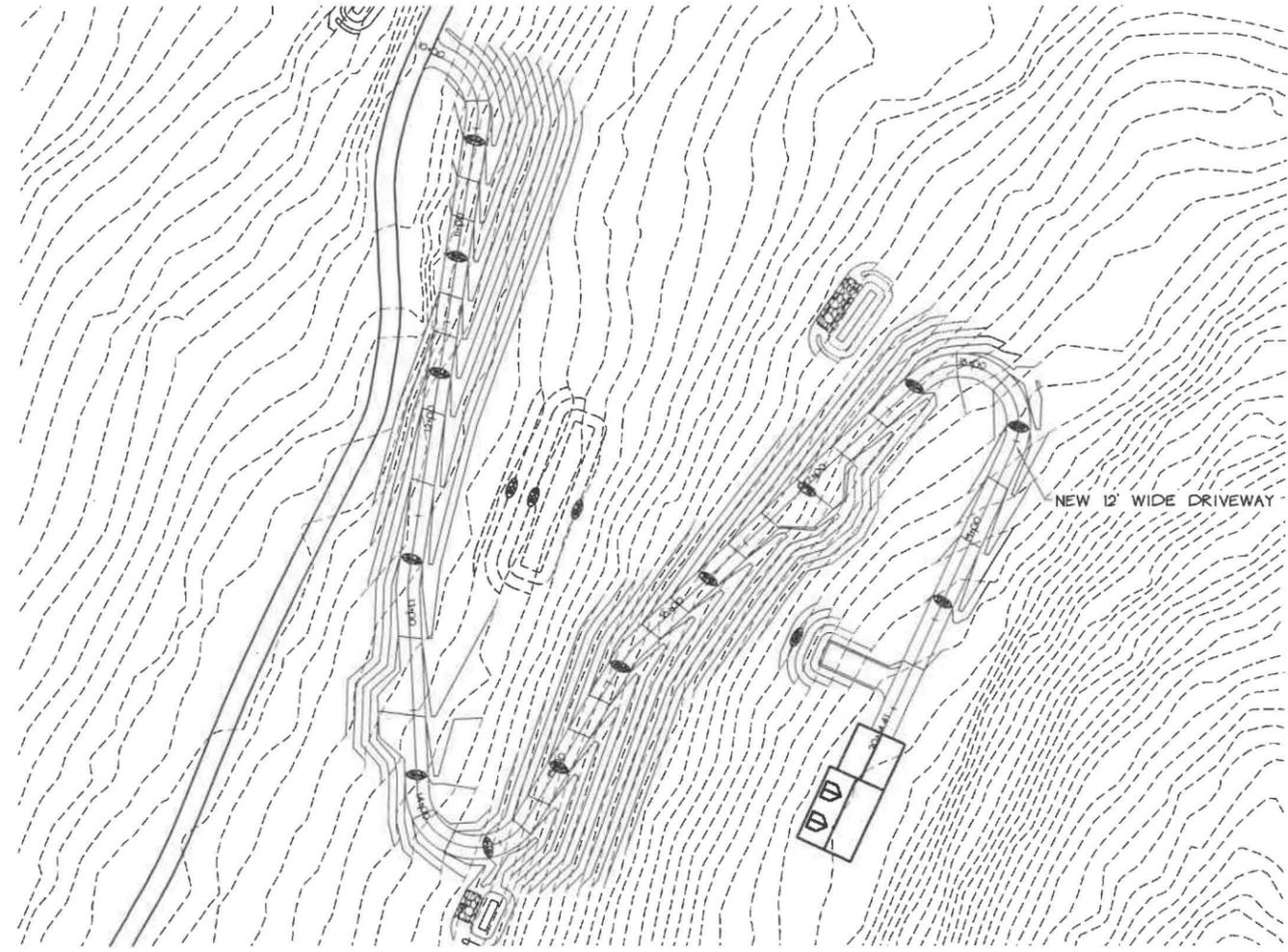


DATE	REVISION	BY
2018-00	RECORD DRAWING	JGB
2018-00	FINAL	JGB
2018-00	SKETCH/CONCEPT	JGB
2018-00	DESIGN	JGB
2018-00	DRAWN	JGB
2018-00	CHECKED	JGB
2018-00	PLD	JGB
2018-00	SCALE	JGB
2018-00	1"=40'	JGB

<p>32 Downes Road</p> <p>Under #</p> <p>40-Scale Driveway Plan</p>	<p>DATE 8-27-2018</p> <p>JOB 2018-00</p> <p>PLD 2018-00</p> <p>PLAN SHEET # 1</p>
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O'LEARY-BURKE CIVIL ASSOCIATES, PLC

13 CORPORATE DRIVE
EDDYS ACT, VT
PHONE: 878-6666
FAX: 878-6668
E-MAIL: paul@o'burburke.com

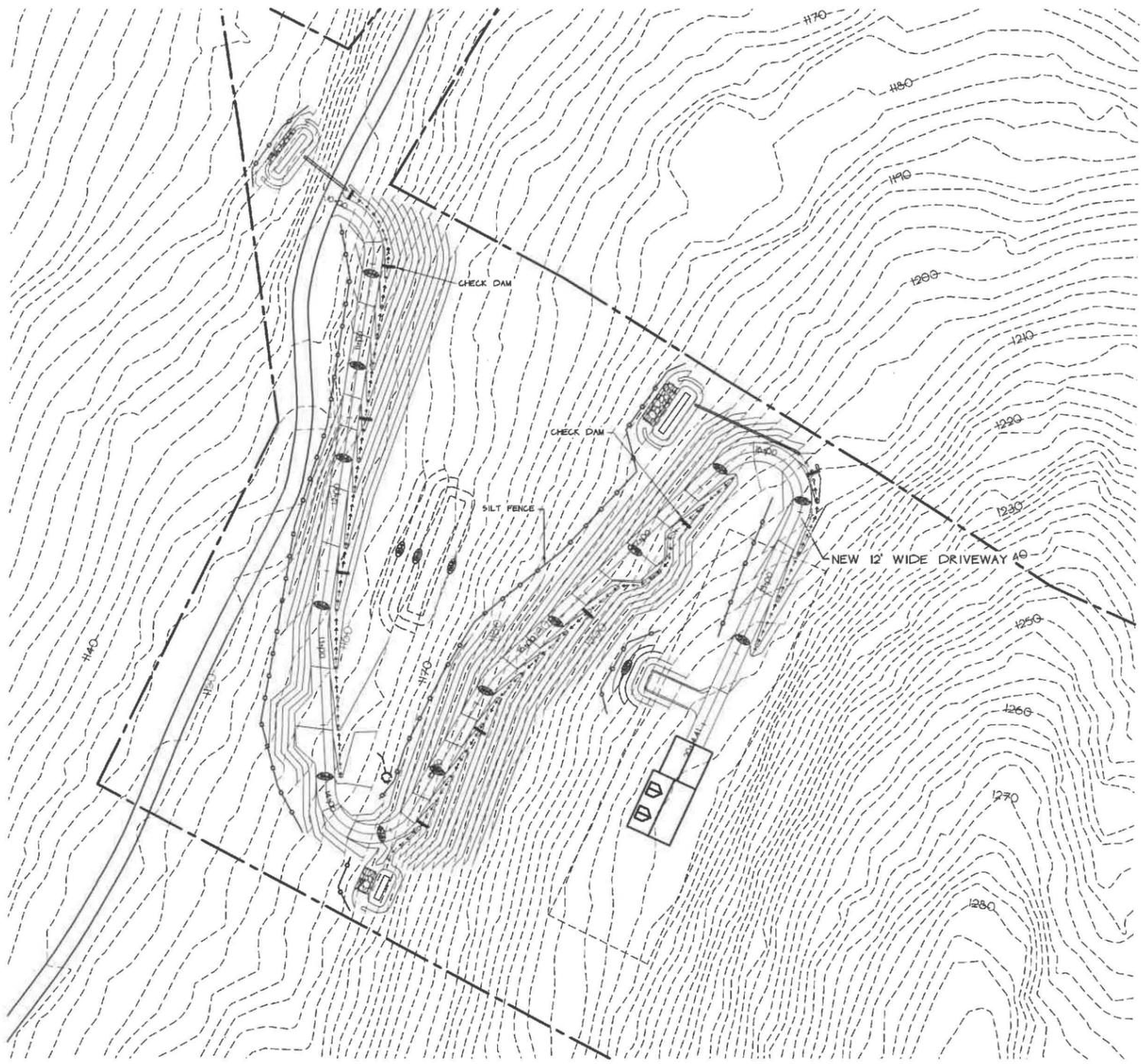


DATE	REVISION	BY
0-27-2018	RECORD DRAWING	JCB
2018-03	FINAL	JCB
2018-03	DISCRETIONARY	JCB
2018-03	SKETCH/CONCEPT	JCB

O'LEARY-BURKE CIVIL ASSOCIATES, PLC <small>19 COMPANY DRIVE BURLINGTON, VT PHONE: 878-8888 FAX: 878-8889 EMAIL: o'b@o'b-civil.com</small>	32 Downes Road Underhill, Vermont Driveway Plan & Profile	PLAN SHEET # 2
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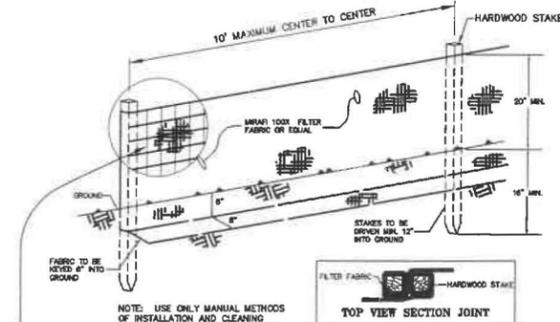
LEGEND

	PROJECT BOUNDARY
	PROPERTY LINE - OTHER
	SETBACK
	EASEMENT
	EXISTING CONTOUR
	PROPOSED CONTOUR
	SOIL UNIT BOUNDARY
	SILT FENCE



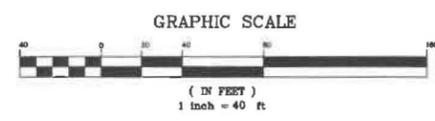
EROSION CONTROL NARRATIVE

THE CONSTRUCTION BOUNDARY AND CLEARING LIMITS WILL BE MARKED WITH FLAGGING ON TREES AND THE DRIVEWAY ALIGNMENT WILL BE STAKED OUT TO LIMIT DISTURBANCE AND PRESERVE EXISTING VEGETATION. THE DRIVEWAY WILL BE CONSTRUCTED SEQUENTIALLY TO MINIMIZE DISTURBED AREA. SILT FENCE WILL BE INSTALLED ON THE DOWNHILL SIDE OF CONSTRUCTION ACTIVITIES. THE DRIVEWAY DITCH WILL BE INSTALLED CONCURRENTLY WITH THE DRIVEWAY TO COLLECT AND DIVERT UPLAND RUNOFF AWAY FROM DISTURBED AREAS. AS THE DRIVEWAY DITCH IS CONSTRUCTED CHECK DAMS WILL BE INSTALLED EVERY 100 FEET TO REDUCE RUNOFF VELOCITIES. IF NATURAL DRAINAGE SWALES ARE OBSERVED UPSLOPE OF THE DRIVEWAY DURING CONSTRUCTION, BYPASS CULVERTS WILL BE INSTALLED BELOW THE DRIVEWAY TO MINIMIZE RUNOFF ENTERING DISTURBED AREAS AND MAINTAIN EXISTING DRAINAGE PATTERNS. PERMANENT STORMWATER TREATMENT PRACTICES (LEVEL SPREADERS AND DETENTION BASIN) WILL BE CONSTRUCTED AS SHOWN ON THE PLANS TO CONTROL STORMWATER RUNOFF AS CONSTRUCTION PROGRESSES. DISTURBED AREA WILL BE STABILIZED WITHIN 14 DAYS OF INITIAL DISTURBANCE OR WHEN FINAL GRADE IS ACHIEVED, WHICHEVER OCCURS FIRST. DURING WINTER CONSTRUCTION (OCTOBER 15 TO APRIL 15) IF VEGETATION IS NOT ABLE TO BE ESTABLISHED, NON-VEGETATIVE PROTECTION WILL BE USED TO STABILIZE DISTURBED AREAS. IF DEWATERING IS REQUIRED, WATER WILL BE PUMPED AND DISCHARGED THROUGH A SEDIMENT FILTER BAG IN AN AREA UPSLOPE OF SILT FENCE. THE SILT FENCE MAY ONLY BE REMOVED ONCE ALL CONSTRUCTION ACTIVITIES ARE COMPLETED AND PERMANENT VEGETATION IS ESTABLISHED. DURING CONSTRUCTION, DAILY INSPECTIONS WILL BE PERFORMED TO ENSURE EROSION CONTROL MEASURES ARE FUNCTIONING PROPERLY. DAILY INSPECTIONS WILL INCLUDE THE SILT FENCE, ROCK CHECK DAMS, DRIVEWAY DITCH, AND PERMANENT STORMWATER TREATMENT PRACTICES. ADDITIONALLY, IF SIGNIFICANT EROSION, CRACKING, SLOUGHING, ETC. IS OBSERVED ON ANY STEEP SLOPES THE CONTRACTOR SHALL STOP CONSTRUCTION ACTIVITIES IMMEDIATELY AND CONTACT THE ENGINEER FOR FURTHER EVALUATION. CONSTRUCTION IN THESE AREAS MAY NOT RESUME UNTIL THE ENGINEER HAS EVALUATED THE SITUATION.

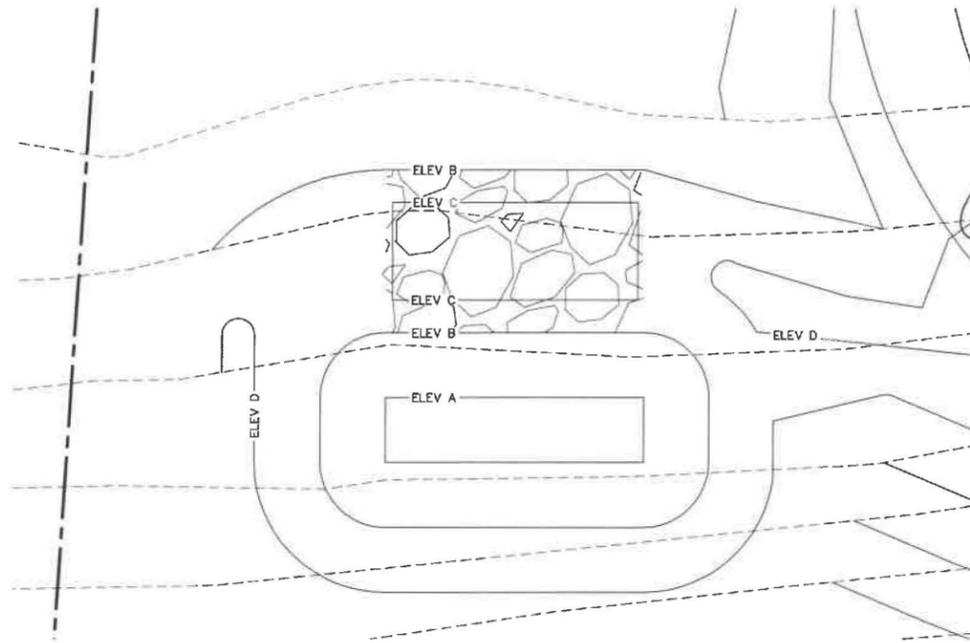


- NOTES:**
- WHERE SILT FENCE IS WITHIN 100' UPSLOPE OF RECEIVING WATERS, ADDITIONAL WOVEN WIRE FENCE SHALL BE SECURELY FASTENED TO FENCE POSTS WITH WIRE TIES.
 - FILTER CLOTH TO BE FASTENED SECURELY TO WOVEN WIRE WITH TIES SPACED EVERY 24" AT TOP AND MID-SECTION. FENCE SHALL BE WOVEN WIRE, 6" MAXIMUM MESH OPENING.
 - WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER, THEY SHALL BE OVER-LAPPED BY SIX INCHES AND FOLDED. FILTER CLOTH SHALL BE EITHER FILTER X, MIRA1 100X, STABILINKA 1140N OR APPROVED EQUAL.
 - PREFABRICATED UNITS SHALL BE GEOPAR, ENVIROFENCE OR APPROVED EQUIVALENT.
 - MAINTENANCE SHALL BE PERFORMED AS NEEDED AND MATERIAL REMOVED WHEN SEDIMENT REACHES HALF OF FABRIC HEIGHT.

TEMPORARY SILT FENCE
NT5



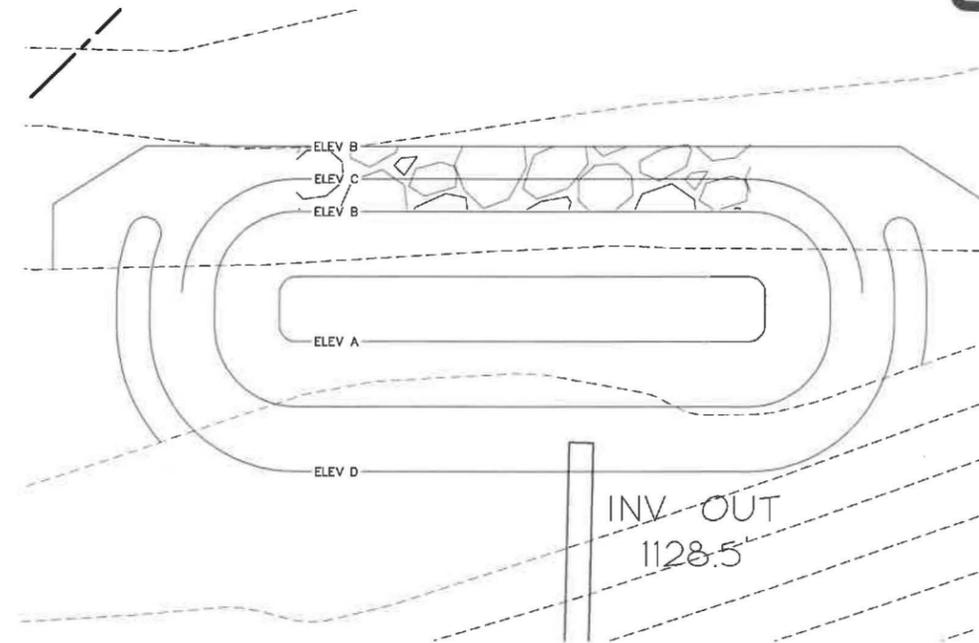
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DESIGN	<input type="checkbox"/> FINAL <input type="checkbox"/> SKETCH/CONCEPT	DATE
DRAWN		DATE
CHECKED		DATE
SCALE		DATE
O'LEARY-BURKE CIVIL ASSOCIATES, PLC 13 CORPORATE DRIVE BRANDSLET, VT PHONE: 878-8989 FAX: 878-8988 E-MAIL: ocb@olearyburke.com		32 Downes Road Underhill, Vermont Erosion Control Plan PLAN SHEET # 3



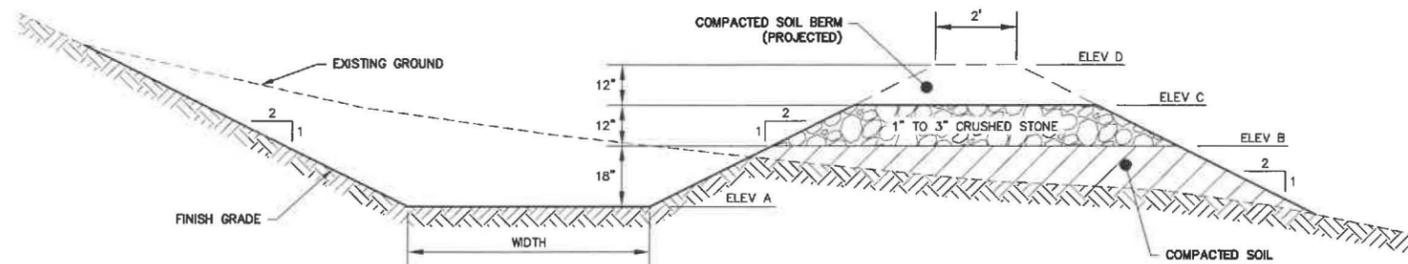
LEVEL SPREADER #1

LEVEL SPREADER TABLE

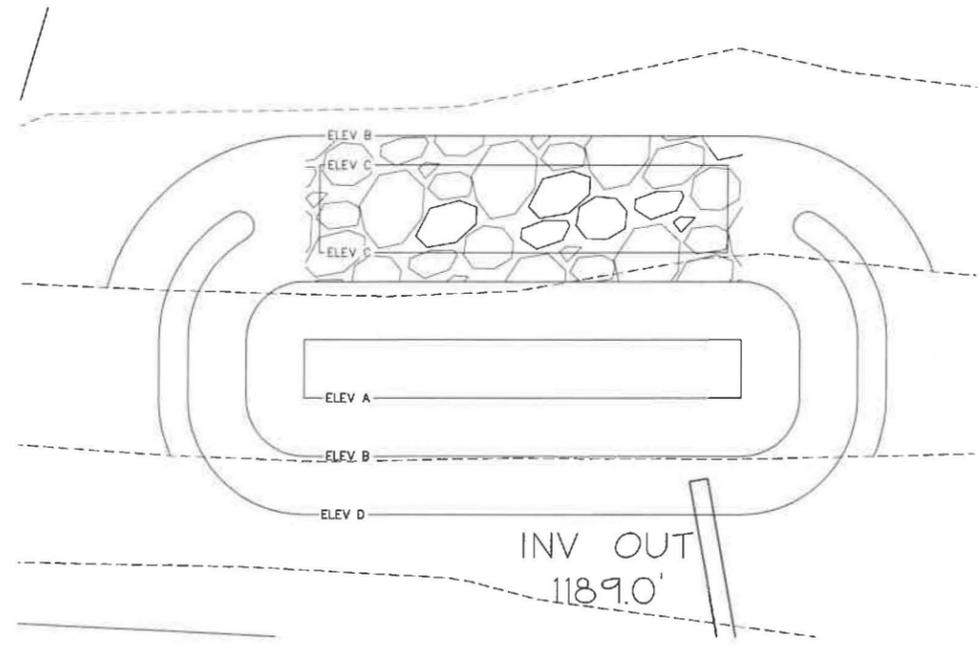
NO.	ELEV A	ELEV B	ELEV C	ELEV D
1	1170.0	1172.0	1173.0	1174.0
2	1126.0	1128.0	1129.0	1130.0
3	1186.0	1188.0	1189.0	1190.0



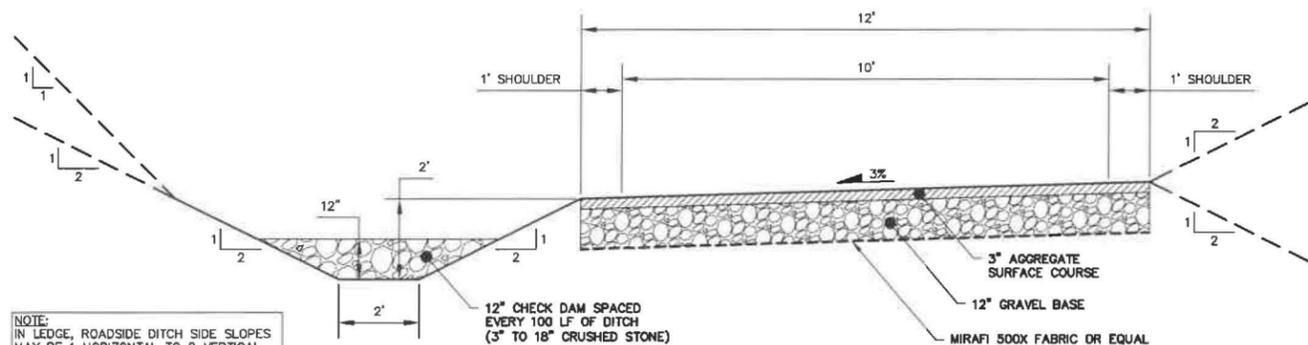
LEVEL SPREADER #2



SECTION
LEVEL SPREADER
NTS



LEVEL SPREADER #3

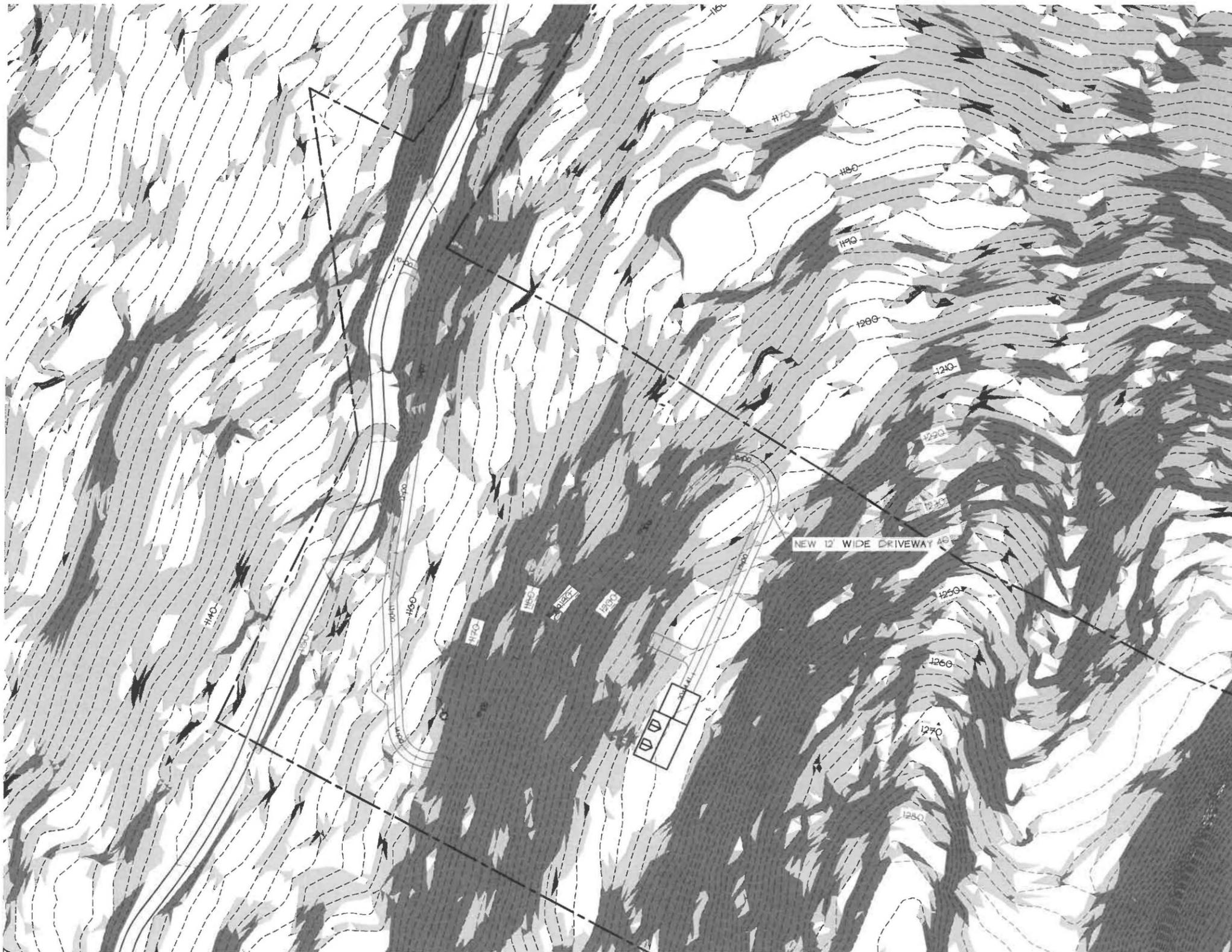


DRIVEWAY AND DITCH
NTS

NOTE:
IN LEDGE, ROADSIDE DITCH SIDE SLOPES
MAY BE 1 HORIZONTAL TO 8 VERTICAL



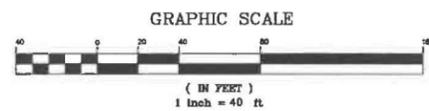
DATE	REVISION	BY
SURVEY	QBCA	
DESIGN	QBCA	
DRAWN	QBCA	
CHECKED	RJD	
SCALE	NTS	
<input type="checkbox"/> RECORD DRAWING <input type="checkbox"/> FINAL <input type="checkbox"/> DISCRETIONARY <input type="checkbox"/> SKETCH/CONCEPT	O'LEARY-BURKE CIVIL ASSOCIATES, PLC 13 CORNWALL DRIVE FERRIS, VT PHONE: 878-8888 FAX: 878-8888 E-MAIL: info@o-leary-burke.com	
32 Downes Road Vermont		DATE: 3-27-2018 JOB: 2018-00 FILE: 2018-00 PLAN SHEET # 4



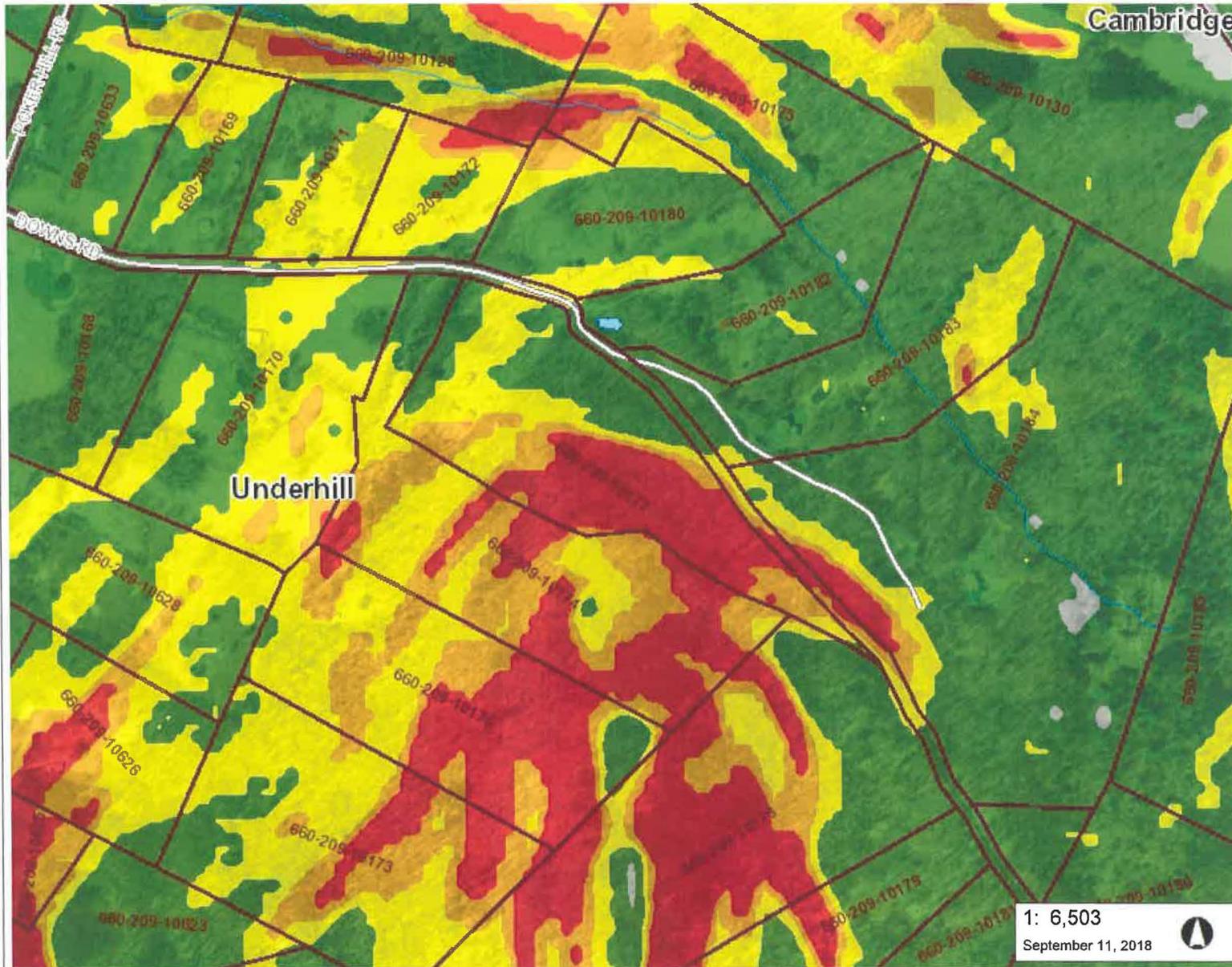
Legend

- PROJECT BOUNDARY
- PROPOSED PROPERTY LINE
- OTHER PROPERTY LINE
- SETBACK
- SIDELINE OF EASEMENT
- CONTOUR LINE (U.S.G.S. DATUM)
- PROPOSED FINISH GRADE CONTOUR
- EDGE OF WOODED AREA
- EXISTING SEWERLINE
- EXISTING WATERLINE
- EXISTING NATURAL GASLINE
- EXISTING/PROPOSED HYDRANT
- SOIL TYPE + BOUNDARY
- PROPOSED LIGHTS
- 15-25% SLOPE
- 25% SLOPE

(NOTE - PROPOSED UTILITIES ARE SHOWN AS A SOLID LINE)



DATE	REVISION	BY
DESIGN	<input type="checkbox"/> RECORD DRAWING <input type="checkbox"/> DISCRETIONARY <input type="checkbox"/> FINAL <input type="checkbox"/> SKETCH/CONCEPT	DATE
DESIGN		2018-02
DRAWN		FILE
CHECKED		2018-02
SCALE		PLAN SHEET #
1"=40'	O'LEARY-BURKE CIVIL ASSOCIATES, PLC <small>13 CORPORATE DRIVE BURLINGTON, VT PHONE: 878-8888 FAX: 878-8888 E-MAIL: info@olearyburke.com</small>	32 Downes Road Vermont 40-Scale Existing Slopes
		5



LEGEND

- Parcels (Standardized)
- Parcels (Non-Standardized)
- Roads**
 - Interstate
 - Principal Arterial
 - Minor Arterial
 - Major Collector
 - Minor Collector
 - Local
 - Not part of function Classification S
- Waterbody
- Stream
- Town Boundary
- Slope**
 - <5%
 - 5-15%
 - 15-20%
 - 20-25%
 - >25%



1: 6,503
September 11, 2018



330.0 0 165.00 330.0 Meters
WGS_1984_Web_Mercator_Auxiliary_Sphere 1" = 542 Ft. 1cm = 65 Meters
© Vermont Agency of Natural Resources THIS MAP IS NOT TO BE USED FOR NAVIGATION

DISCLAIMER: This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. ANR and the State of Vermont make no representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.

NOTES

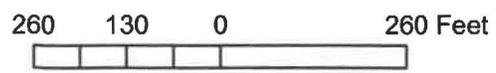
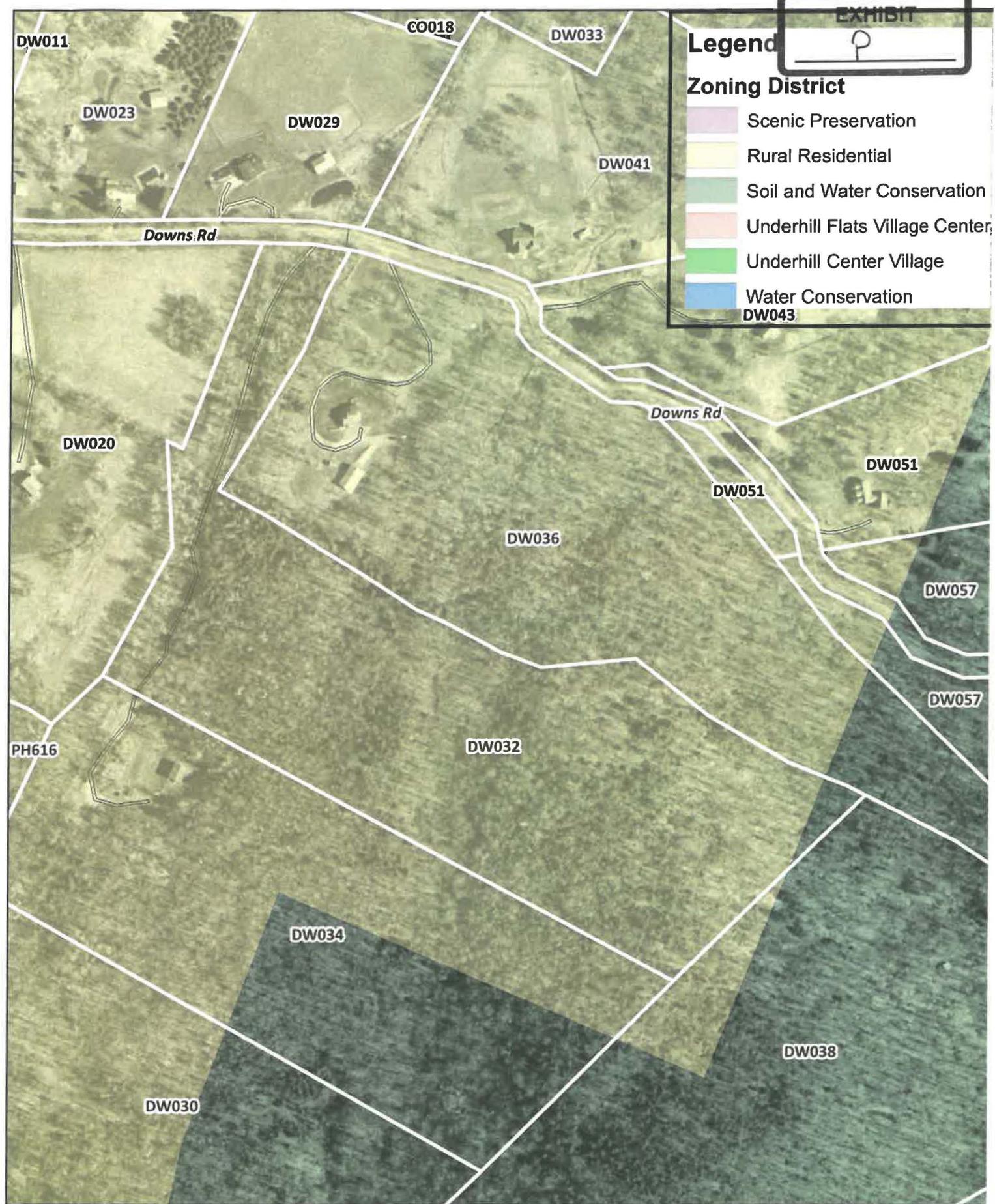
Map created using ANR's Natural Resources Atlas

Legend



Zoning District

-  Scenic Preservation
-  Rural Residential
-  Soil and Water Conservation
-  Underhill Flats Village Center
-  Underhill Center Village
-  Water Conservation



1 inch = 267 feet



For Planning Purposes Only.
 Scale and feature locations are approximate.
 Map created 9/11/2018

Article III. General RegulationsAdopted 3-1-11, Amended 3-6-18; ~~3-4-14; 3-6-12~~

1 6. Above ground storage tanks for oil, gasoline or other petroleum products shall be placed
2 in a building or other impervious containment area to prevent spills and leaks from
3 reaching groundwater (also see Section 3.12).

4
5 7. The use of sodium chloride for ice control shall be minimized.

6
7 C. The DRB, as a condition of approval, may required groundwater monitoring on-site or in
8 the immediate vicinity of the project.

9
10 D. The following uses and activities are specifically prohibited within designated source
11 protection areas:

12
13 1. Operations, including home based businesses, which manufacture, use, process, store or
14 dispose of hazardous materials or wastes in amounts that could threaten public water
15 supplies, including but not limited to metal plating, chemical manufacturing, wood
16 preserving, photographic processing, motor vehicle service, auto body repair, furniture
17 stripping, and dry cleaning materials.

18
19 2. Solid and hazardous waste landfills, storage and transfer facilities, dumps, and salvage
20 yards.

21
22 3. Outdoor storage of salt, de-icing materials, snow dumps, pesticides or herbicides.

23
24 4. The storage or spreading of sludge from wastewater treatment facilities.

25
26 5. Cemeteries.

27
28 6. The storage of unregistered vehicles, unless stored in an enclosed structure and parked
29 on an impervious surface or drained of all fluids.

30
31 7. Installation of floor drains or sumps that discharge directly to the ground.

32
33 8. Underground storage tanks, and above ground storage tanks that lack an adequate
34 impervious containment area.

35
36 **Section 3.18 Steep Slopes**

37
38 A. **Purpose.** The purpose of this section is to regulate land subdivision and development to
39 minimize site disturbance and construction on steep slopes (15% to 25%), and to avoid site
40 disturbance on very steep slopes (> 25%) in order to:

41
42 1. Maintain existing topography, including natural (pre-development) elevations, grades
43 and drainage patterns.

44 2. Minimize impervious surfaces, stormwater runoff, channeling, flooding and soil erosion,
45 on steep slopes.

- 1 3. Prevent hazards to life and property resulting from slope instability or failure, including
2 rock falls, slides, slumps and other downslope movements of materials or structures.
- 3 4. Avoid stream sedimentation and adverse impacts to surface and ground water quality,
4 and aquatic habitat.
- 5 5. Maintain and re-establish vegetation on steep slopes to stabilize soils, and to maintain
6 riparian buffers.
- 7 6. Minimize the adverse visual impacts of steep slope development, as viewed from public
8 vantage points.
- 9 7. Avoid the need for permanent and costly engineered slope stabilization and stormwater
10 management practices on very steep slopes, including excessive long-term management
11 and maintenance costs.
- 12 8. Ensure that development on steep slopes is constructed and maintained in conformance
13 with best management practices for construction, stormwater management and erosion
14 control.

15

16 **B. Applicability.** The requirements of this section apply to all land subdivision and
17 development including, within the context of this section, site clearing and preparation,
18 grading and excavation, construction, and the installation of driveways, roads, utilities and
19 other infrastructure, on steep or very steep slopes as defined under Section 11.2

20

21 1. **Exemptions.** The following are specifically exempt from the requirements of this
22 section:

23

24 a. Agriculture conducted in conformance with Accepted Agricultural Practices (AAPs)
25 as defined by the Secretary of Agriculture, Food and Markets (see Section 10.2).

26

27 b. Forestry (silviculture), conducted in conformance with Accepted Management
28 Practices (AMPs) as defined by the Commissioner of Forests, Parks and Recreation,
29 including logging roads which conform to "Acceptable Management Practices for
30 Maintaining Water Quality on Logging Jobs in Vermont" as most recently amended
31 (see Section 10.2).

32

33 c. Utilities, including telecommunications facilities, power generation facilities, and
34 transmission lines regulated by the Vermont Public Service Board (see Sections
35 4.16, 10.2).

36

37 d. Extraction and quarrying operations which are separately regulated under Section
38 4.8.

39

40 e. The construction of additions or new accessory structures that, in total, do not
41 increase the pre-existing building coverage of the lot within a steep or very steep
42 slope area, as of March 2, 2011, by more than 500 square feet.

43

44 f. Site disturbance and clearing that is customary and incidental to residential
45 gardening and landscaping activities (see Section 10.2).

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- g. Emergency remedial action to stabilize an unstable or failing slope which poses an imminent threat to public health, safety or welfare, provided that the action involves the least necessary disruption of natural features of the site.
- h. Unpaved paths or trails incidental a residential use that are maintained for use only by residents of the property and guests (see Section 10.2).
- i. Isolated, noncontiguous areas of steep or very slope with a total area of 1,000 square feet or less.

2. All other development on steep and very steep slopes is subject to conditional use review under Section 5.4 or, for the subdivision of land, applicable subdivision standards under Article VII, and the requirements of this section.

3. The DRB may waive one or more standards under this section, and associated application requirements, if it finds that:

- a. such requirements and standards are not applicable to a particular project; or
- b. it is evident, based on submitted information and a site inspection, that the proposed development involves minimal site disturbance and poses a negligible threat to water quality, public roads and facilities, and to adjoining properties.

C. Application Requirements. In addition to application requirements under Section 5.2, applications for development on steep or very steep slopes shall include the following:

- 1. A copy of the USGS topographic map showing the location of the property in relation to general site topography and drainage.
- 2. A slope map of the property generally showing areas of steep (15% to 25%) and very steep (>25%) slope, as determined from one or more of the following:
 - a. USGS topographic maps,
 - b. Digital elevation data available from the Vermont Center for Geographic Information, or
 - c. Vermont Soil Survey map units, available from the USDA Natural Resource Conservation Service.
- 3. A site plan for the property prepared by a licensed professional engineer or surveyor showing:
 - a. The location of all surface waters, wetlands, and required setback and buffer areas (see Section 3.19).

- 1 b. The general location and density of existing vegetation and a tabulation of the type,
2 area and location of vegetation to be removed.
- 3 c. The location of rock outcrops and ledges larger than 200 square feet in area.
- 4 d. The location of all existing and proposed improvements, including building
5 envelopes or footprints, driveways, roads and other impervious surfaces, and trail
6 and utility corridors.
- 7
- 8 4. A grading plan for the property prepared by a licensed professional engineer or surveyor
9 showing:
 - 10
 - 11 a. The limits of proposed site disturbance on steep and very steep slopes.
 - 12 b. Existing elevation contours at 2-foot intervals (National Geodetic Vertical Datum)
13 within and extending 100 feet beyond all areas of proposed site disturbance.
 - 14 c. For linear development (e.g., driveway, road, trail) attached elevation cross-sections
15 (profiles) and slope calculations for each segment identified on the grading plan.
 - 16 d. Elevation contours for finished grades within all proposed areas of site disturbance.
 - 17 e. The location of existing and proposed erosion control and stormwater management
18 facilities or measures.
 - 19
- 20 5. A stormwater management, erosion prevention and sediment control plan, prepared or
21 certified by a professional engineer, that includes:
 - 22
 - 23 a. A construction narrative and schedule.
 - 24 b. Calculations of the volume and velocity of surface runoff from the lot pre- and post-
25 development.
 - 26 c. A description of soils within and extending 100 feet beyond all proposed areas of
27 disturbance, including information regarding soil slope, erodability, construction
28 stability, and depth to bedrock.
 - 29 d. Temporary and permanent measures to control stormwater runoff and prevent soil
30 erosion during all phases of development, and associated construction details.
 - 31 e. Temporary and permanent slope stabilization measures, and associated
32 construction details.
 - 33 f. Specifications for site re-vegetation following final construction and grading.
 - 34
- 35 6. For development that involves the construction of structures on steep slopes, an
36 architectural or engineering plan, prepared by a licensed professional, that includes
37 structural elevations and sections, and identifies building construction methods and
38 details.
- 39
- 40 7. The following also shall be submitted as applicable for development that directs or
41 channels stormwater runoff off-site to adjoining surface waters, properties or public
42 rights-of-way:
 - 43
 - 44 a. Approval from the Underhill Selectboard or Vermont Agency of Transportation for
45 drainage into public road rights-of-way.

- 1 b. Drainage easements for drainage onto adjoining properties.
- 2 c. A hydrologic study prepared by a qualified professional, to be paid for by the
- 3 applicant, if required by the DRB to determine the effects of proposed development
- 4 on surface waters, wetlands, special flood hazard areas and downstream facilities in
- 5 the vicinity of the project, and recommended mitigation measures.
- 6
- 7 **D. Steep Slopes (15% to 25%).** Development, including building envelopes or footprints,
- 8 driveways, parking areas, septic systems, and road and utility corridors shall be sited to
- 9 minimize site disturbance on steep slopes (15% to 25%), in conformance with the following
- 10 standards:
- 11
- 12 1. Existing vegetation and drainage patterns shall be maintained to the maximum extent
- 13 physically feasible to avoid stream alterations and relocations, and increased
- 14 stormwater runoff due to vegetation removal, slope disturbance, re-contouring or site
- 15 compaction. No new drainageways shall be created or additional runoff directed to
- 16 surface waters, wetlands, public rights-of-way, or adjacent properties unless all
- 17 necessary state and municipal approvals and drainage easements are obtained.
- 18
- 19 2. The area(s) of site disturbance shall be limited in extent to that necessary to
- 20 accommodate proposed development, including access and supporting infrastructure,
- 21 and shall be stabilized and re-vegetated at the completion of construction and final
- 22 grading.
- 23
- 24 a. Areas of site disturbance shall exclude ridgelines and, to the extent physically
- 25 feasible, rock outcrops greater than 200 square feet in area.
- 26
- 27 b. Areas of site disturbance shall be located outside of required setback areas,
- 28 including property line and surface water and wetland setbacks. Setback distances
- 29 shall be increased as necessary to avoid slope instability or surface runoff that could
- 30 damage surface waters, wetlands or adjoining properties.
- 31
- 32 c. Areas of site disturbance and construction, as approved by the DRB, shall be clearly
- 33 marked (staked or fenced) on the ground during all phases of construction.
- 34
- 35 d. Site disturbance and construction shall be phased so that only those areas under
- 36 active construction are exposed.
- 37
- 38 e. Topsoil removed from disturbed areas shall be stockpiled and stabilized for
- 39 replacement on the site following final construction and grading. Topsoil shall not
- 40 be stockpiled on slopes greater than 10%.
- 41
- 42 f. Temporary measures shall be used to stabilize slopes and soils until final grades are
- 43 established, in conformance with a DRB-approved construction or phasing
- 44 schedule.
- 45

- 1 g. All disturbed areas shall be stabilized during winter months. Site stabilization
2 measures shall be installed by October 15th. No site disturbance or construction
3 shall occur between October 15th and April 15th unless specific measures for
4 winter construction, stormwater management and erosion control are approved.
5
- 6 h. Finished grades shall not exceed 3:1 (three-foot horizontal to one-foot vertical) and
7 shall be rounded to eliminate sharp angles and blend into natural land contours,
8 except where retaining walls or other engineered slope-stabilization measures are
9 proposed.
10
- 11 i. Permanent vegetation shall be re-established and maintained following final
12 construction and grading as necessary to stabilize disturbed and graded slopes, to
13 minimize stormwater runoff and erosion, and to screen development as viewed
14 from public vantage points to avoid undue adverse visual impacts.
15

- 16 3. Driveways, roads and utility corridors, to the maximum extent physically feasible, shall
17 be shared and designed and constructed to:
18
- 19 a. Follow natural elevation contours to minimize the amount of cut and fill and slope
20 stabilization required, and the adverse visual impacts of road and utility cuts.
- 21 b. Avoid rock outcrops and ledges larger than 200 square feet in area.
- 22 c. Minimize the number and extent of stream crossings and buffer area disturbance
23 within steep slope areas.
- 24 d. Avoid channeling or directing stormwater runoff to adjoining properties, public
25 rights-of-way, and surface waters and wetlands.
- 26 e. Not exceed an average finished grade of 12% as measured over any 50-foot section,
27 in accordance with Sections 3.2 and 8.6.
28

29 An existing farm or logging road with a gradient of 25% or less may be converted and
30 upgraded for recreational use or to access development if it meets all applicable
31 requirements of these regulations. However, if an alternative route exists that results
32 in less slope or site disturbance, the DRB may require the installation of a new driveway
33 or access road and the stabilization, re-vegetation and abandonment of the farm or
34 logging road.
35

- 36 4. Structures shall be designed, to the maximum extent physically feasible, to conform to
37 rather than alter steep slope areas.
38
- 39 a. Reduced building footprints, stilts, step-down and similar construction methods
40 shall be used to minimize the need for slope terracing and retaining walls.
- 41 b. Excavation for foundations and footings shall be limited to the extent physically
42 feasible to minimize site disturbance and ensure compatibility with surrounding
43 terrain. Footings shall extend to stable rock or soil.
- 44 c. Site excavation for building pads is prohibited for detached accessory structures
45 other than garages.

- 1 d. Compacted clean fill shall be used as necessary to support proposed structures.
- 2 e. Structures shall be set back from the top and bottom of cut and fill slopes an
- 3 adequate distance (generally six feet plus one-half the height of the cut or fill)
- 4 necessary to ensure structural safety.
- 5 f. Structures on steep slopes shall be screened and constructed of materials that
- 6 minimize their visibility from public vantage points.
- 7

8 5. Stormwater runoff and erosion shall be managed on-site in conformance with
9 management plans approved by the DRB, through the use of best management
10 practices (BMPs) approved by state which are appropriate for the type of development
11 and site-specific slope, drainage and soil conditions. For the purpose of these
12 regulations, the following publications, as most recently revised, shall serve as official
13 guides and specifications for stormwater management and erosion control. Practices
14 designed and constructed in accordance with these technical documents shall be
15 presumed to meet this standard:

- 16
- 17 a. Vermont Stormwater Management Manual, Volumes I and II.
- 18 b. Vermont Standards & Specifications for Erosion Prevention and Sediment Control.
- 19 c. Vermont Erosion Prevention and Sediment Control Field Guide.
- 20

21 State stormwater management and construction permits may serve as documentation
22 that this standard has been met.

23

24 E. **Very Steep Slopes (>25%).** Site disturbance and development, not limited to grading,
25 building construction and the installation of driveways, roads, utilities or other
26 infrastructure, is prohibited on very steep slopes (>25%) except for activities that are exempt
27 under Subsection B, and the following, which must otherwise meet all relevant steep slopes
28 standards under Subsection D.

- 29
- 30 a. Hiking, rock climbing, snowmobile and mountain-biking trails that are open to the
- 31 public and are regularly maintained by a public, nonprofit or commercial entity.
- 32
- 33 b. Ski lifts and trails associated with an existing or permitted alpine or Nordic ski
- 34 facility, including permitted year-round recreational uses of such facilities.
- 35
- 36 c. Development on a lot legally in existence as of March 2, 2011 for which the DRB
- 37 determines that no portion of the lot has a slope of 25% or less and, as such,
- 38 prohibiting development on very steep slopes would preclude any reasonable use
- 39 of the property.
- 40
- 41 d. A driveway or road required to serve proposed development which extends no
- 42 more than 100 feet into an area of very steep slope, if it is clearly documented that
- 43 no other means of access can be provided.
- 44

1 F. **Considerations.** Conditions of approval under the standards of this section, as required
2 to meet the intent and purpose of these regulations, may include but are not limited to:

- 3 a. Limitations on the total portion of any steep or very steep slope area that may be
4 cleared, regraded, filled, drained, excavated or otherwise modified.
- 5
- 6 b. Performance bonds or other sureties acceptable to the Underhill Selectboard to
7 ensure that construction, stormwater management and erosion control systems,
8 and slope stabilization and revegetation are completed as approved.
- 9
- 10 c. Easements or deed restrictions on the future use and subdivision of land as
11 necessary to protect remaining undeveloped steep and very steep slope areas.
- 12
- 13 d. Maintenance agreements that ensure permanent slope stabilization and
14 stormwater management facilities are properly maintained.
- 15
- 16 e. Increased setbacks from slopes, property lines, surface waters and wetlands for site
17 disturbance and construction activities, as necessary to maintain slope stability.
- 18
- 19 f. The submission of monitoring and site inspections reports and professional
20 certifications during and after the completion of construction.
- 21
- 22 g. Construction materials that minimize the visibility of development on steep slopes.
- 23
- 24 h. Re-vegetation and screening requirements.
- 25
- 26 i. Documentation that all required state and federal permits have been obtained prior
27 to the start of site work.
- 28

29 G. **Liability Waiver.** The applicant and subsequent property owners shall assume all liability
30 in the event that changes in topography and drainage result in damage to neighboring or
31 downstream properties. The Town of Underhill shall be held harmless from any claims for
32 damage for approved development on steep and very steep slopes under these regulations.

34 **Section 3.19 Surface Waters & Wetlands**

35

36 A. **Purpose.** The town's rural character is enhanced by the presence of many streams,
37 rivers, and wetlands. In addition to recreational opportunities and aesthetic benefits, these
38 natural features provide important functions for residents and wildlife. The purpose of this
39 section is to:

- 40
- 41 1. Protect the beneficial functions of wetlands including retaining stormwater runoff, soil
42 stabilization, pollutant filtering, flood reduction, and protecting groundwater quality and
43 quantity.
- 44 2. Prevent soil erosion and river/stream channel instability.
- 45 3. Protect and maintain water quality.