



# ***APPLICATION OVERVIEW***

## ***CONDITIONAL USE REVIEW (§ 5.4)***

### ***& SITE PLAN REVIEW (§ 5.3)***

<b>DRB DOCKET #:</b>	DRB-19-07
<b>APPLICANT(S):</b>	Kurt Thoma & Rachel Fraumann
<b>CONSULTANT(S):</b>	Justin Willis
<b>PROPERTY ADDRESS (PARCEL ID CODE):</b>	43 Ellsworth Meadow Lane
<b>ZONING DISTRICT(S):</b>	Mt. Mansfield Scenic Preservation
<b>INITIAL FILING DATE:</b>	July 8, 2019
<b>APPLICATION COMPLETION DATE:</b>	July 9, 2019
<b>SCHEDULED HEARING DATE:</b>	August 5, 2019

**PROJECT DESCRIPTION:**

The Applicants are seeking to construct two decks, as well as convert the half, second floor into a full, second floor, within the property’s setback.

**MOST RELEVANT ULUDR SECTIONS:**

§ 5.3 (Site Plan Review); § 5.4 (Conditional Use Review; and § 5.5 (Waivers & Variances)

**REASON FOR CONDITIONAL USE REVIEW:**

The construction of a structure, including the increase in volume (i.e. the conversion of a half floor to a full floor), within the property’s setback requirements necessitates either a dimensional waiver (§ 5.5.B) or a variance (§ 5.5.C). See Exhibit O for a depiction of the proposed structure within the setback requirements.

**APPLICABILITY OF ROAD ORDINANCE:**

The 2015 Road Ordinance, as amended December 18, 2018 **DOES NOT APPLY.**

**STATE PERMIT INFORMATION:**

A Wastewater System & Potable Water Supply Permit (WW-4-5075) has been obtained, but is not required as part of this application.

**COMMENTS/NOTABLE ISSUES:**

- The Board should evaluate if reasonable alternatives exist (§§ 3.8 & 5.5.B.4.a).
- The Board should evaluate if the Applicants can overcome the “not creating the unnecessary hardship” themselves hurdle (§ 5.5.C.2.c).



# TOWN OF UNDERHILL

## Development Review Board

KURT THOMA & RACHEL FRAUMANN  
CONDITIONAL USE: VARIANCE/WAIVER REQUEST HEARING  
Docket #: DRB-19-07

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Applicant(s):	Kurt Thoma & Rachel Fraumann
Consultant:	Justin Willis (Wastewater Plan)
Property Location:	43 Ellsworth Meadow Lane (RA028)
Acreage:	± 1.04 Acres
Zoning District(s):	Mt. Mansfield Scenic Preservation

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Project Information:	The Applicants are proposing to construct two decks, with associated stairs, as well as expand the structure from one and half (1 ½) floors to two (2) floors. Since the structure is entirely within the property's setbacks (see Exhibit O), any increase in volume, or any increase to the structure's footprint, including attached accessory structures like decks, requires conditional use review since the project is considered expanding a nonconforming structure.
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### **2018 UNDERHILL UNIFIED LAND USE & DEVELOPMENT REGULATIONS RELEVANT REGULATIONS:**

- Article II, Table 2.6 – Mt. Mansfield Scenic Preservation District (pg. 21)
  - 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 3.9 – Nonconforming Structures (pg. 40)
  - Article III, Section 3.11 – Outdoor Lighting (pg. 41)
  - Article III, Section 3.13 – Parking, Loading & Service Areas (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)
  - Appendix A – *Underhill Road, Driveway, Trail Ordinance*
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## CONTENTS:

- a. Exhibit A - Thoma/Fraumann Conditional Use Review Staff Report
- b. Exhibit B - Thoma/Fraumann (EM043) Conditional Use Review Hearing Procedures
- c. Exhibit C - Development Review Application
- d. Exhibit D - Responses to Development Review Application Questions
- e. Exhibit E - Zoning Permit Application (B-19-23a)
- f. Exhibit F - Zoning Permit Application (B-19-23b)
- g. Exhibit G - Notice to BFP
- h. Exhibit H - Certificate of Service
- i. Exhibit I - Floor Plans
- j. Exhibit J - Elevations
- k. Exhibit K - Recorded Seasonal Camps
- l. Exhibit L - Wastewater System & Potable Water Supply Permit (WW-4-5075)
- m. Exhibit M - Wastewater System & Potable Water Supply Site Plan
- n. Exhibit N - Wastewater System Details
- o. Exhibit O - Site Plan with Proposed Additions, Waiver & Variance Limitations
- p. Exhibit P - Site Plan with Setback Measurements
- q. Exhibit Q - Tax Map Discrepancy

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## COMMENTS/QUESTIONS

1. **TABLE 2.6 – MT. MANSFIELD SCENIC PRESERVATION DISTRICT:** The Board should take notice during the site visit regarding the scenic vistas.
2. **SECTION 3.2 – ACCESS:** The property contains a recorded restriction in the land records that requires the Development Review Board to approve any conversion of the seasonal camp to a year-round residence. The Applicants are **NOT** proposing to convert the seasonal camp at this time. Had the Applicants proposed a conversion of use, Ellsworth Meadow Lane would have to be upgraded in conformance with the Road Ordinance.
3. **SECTION 3.7 – LOT, YARD & SETBACK REQUIREMENTS:** A dimensional waiver may be approved by the Board “to allow for limited additions to or enlargements of nonconforming structures or structures on nonconforming lots” (§ 3.7.E.1).
4. **SECTION 3.8 – NONCONFORMING LOTS:** The Board may reduce the district setback requirements in accordance with Article V “as necessary to allow for the development of a pre-existing nonconforming lot, if the Board determines that the lot cannot otherwise be developed in conformance with the regulations.”
5. **SECTION 3.18 – STEEP SLOPES:** During the site visit, the Board should take notice if the area around the seasonal camp is flat, thereby not needing to apply the standards under this Section. Should steep slopes and very steep slopes exist in the project area, the exemption under § 3.18.B.1.e likely applies since the construction of the decks and stairs (accessory structures) are under 500 ft.
6. **SECTION 5.3.B.6 – LANDSCAPING & SCREENING:** The Board should take note of the landscaping & screening techniques of other properties in the areas to determine if any measures under this section should be taken.
7. **SECTION 5.3.B.8 – STORMWATER MANAGEMENT AND EROSION CONTROL:** The Board typically requires as a condition of approval that the Applicants adhere to the guidelines set out in the Vermont DEC Low Risk Site Handbook for Erosion Prevention and Sediment Control.

8. **SECTION 5.5.B.2 – APPLICABILITY OF WAIVER REQUEST:** A waiver may be approved in four situations. The proposed project seemingly qualifies under two of the four situations below:
    - a. To allow for the reasonable development and use of a pre-existing nonconforming lot.
    - b. To allow for additions or improvements to a pre-existing nonconforming structure.
  9. **SECTION 5.5.B.4 – WAIVER REQUEST ELEMENTS:** The Board shall find that the proposed project satisfies four elements prior to issuing a waiver. When reviewing the four elements, the Board should take note of the following elements as it relates to the project:
    - a. *Element 1* – No reasonable alternative exists for siting the structure, addition or improvement outside of the required setback area.
    - b. *Element 3* – The waiver represents the minimum setback reduction necessary to allow for the proposed development.
  10. **SECTION 5.5.C.2 – VARIANCE REQUEST ELEMENTS:** The Board shall find that the proposed project satisfies five elements prior to issuing a variance. When reviewing the five elements, the Board should take note of the following elements as it relates to the project:
    - a. *Element 2* – Because of such physical circumstances and conditions, there is no possibility that the property can be developed in strict conformity with the provisions of these regulations and that the authorization of a variance is necessary to enable the reasonable use of the property.
    - b. *Element 3* – The unnecessary hardship has not been created by the applicant or appellant.
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# STAFF FINDINGS OF RELEVANT SECTIONS

## ARTICLE II – ZONING DISTRICTS

	Mt. Mansfield Scenic Preservation		Previously Proposed Single-Family Dwelling	Proposed Dwelling with Decks
<b>Lot Size:</b>	10.00 Acres		1.04 Acres	
<b>Frontage:</b>	400 ft.		±348 ft.	
<b>Setbacks:</b>	Principal	Accessory	Source: Site Plan (Exhibit P)	
• Front South	30 ft.	30 ft.	±31	±32 ft.
• Side 1 West	75 ft.	20 ft.	±278 ft.	±276 ft.
• Side 2 East	75 ft.	20 ft.	±24 ft.	±24 ft.
• Rear North	75 ft.	20 ft.	±152 ft.	±143 ft.
<b>Max. Building Coverage:</b>	25%		Assumed Met	
<b>Max. Lot Coverage:</b>	50%		Assumed Met	
<b>Maximum Height:</b>	35 ft.		Assumed Met	

TABLE 2.3 – MT. MANSFIELD SCENIC PRESERVATION DISTRICT

PG. 21

**Purpose Statement:** The purpose of the Scenic Preservation District is to protect the scenic vistas along Pleasant Valley Road. This district includes upload areas with access and/or development constraints, and valley area with access onto Pleasant Valley Road. The goal of this is achieved by allowing compatible lower densities of development or clustered development that maintains Underhill’s rural character while protecting the views along Pleasant Valley Road.

- Adverse impact to the scenic vistas along Pleasant Valley Road are not anticipated. The Board should take notice during the site visit regarding the scenic vistas.
- The existing structure is in a lower-density neighborhood (Ellsworth Meadow Lane).
- The proposed deck additions, as well as the addition of a full second floor to the existing structure, is within the east, side setback requirement (see Exhibit O), and is therefore, expanding a nonconforming structure (see Section 3.9 Nonconforming Structures below).
- The proposed project (deck and the addition of a full second floor to the existing structure) requires a dimensional waiver & variance.
- The existing lot does not conform to the lot size requirement, and is therefore, a preexisting nonconforming lot (see Section 3.8, Nonconforming Lots below).

## ARTICLE III – GENERAL REGULATIONS

### SECTION 3.2 – ACCESS

PG. 30

- The subject lot has access to Ellsworth Meadow Lane, a Private Road.
- While the lot is nonconforming, no modifications to the existing access way are being proposed, nor does the proposed project require modifications to the existing access way.
  - *Note:* The property contains a recorded restriction in the land records that requires the Development Review Board to approve any conversion of the seasonal camp to a year-round residence. The Applicants are **NOT** proposing to convert the seasonal camp at this time. Had the Applicants proposed a conversion of use, Ellsworth Meadow Lane would have to be upgraded in conformance with the Road Ordinance.

- *Note:* The existing shared driveway traverses the lot in various locations, as well as straddles the south property line, and therefore, is pre-existing nonconforming.
- *Note:* The Board has authority to require the applicants to relocated the existing access way if necessary per Section 3.2.D.4. Any relocation of the access way requires an access permit.
- In regards to § 3.2.C.3, requiring an access permit for this project proposal is unnecessary.
- Since no modifications to the existing driveway are being proposed, review of § 3.2.D is unnecessary.

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

- The proposed decks will be attached to the single-family dwelling, the only principal structure/use on the lot.
- The proposed decks, as well as expansion of the second floor, will not satisfy the east, side property setback requirement, and therefore, a dimensional waiver & variance is required (see Section 5.5.C below).

**SECTION 3.8 – NONCONFORMING LOTS** **PG. 39**

- The Board may reduce the district setback requirements in accordance with Article V “as necessary to allow for the development of a pre-existing nonconforming lot, if the Board determines that the lot cannot otherwise be developed in conformance with the regulations.”
  - Due to several site constraints (e.g. an undersized lot, the proposed septic system, and the shared driveway), the ability to construct a conforming structure is limited (see Exhibit O).

**SECTION 3.9 – NONCONFORMING STRUCTURES** **PG. 40**

- The preexisting, nonconforming seasonal dwelling (camp) will remain in the same footprint; however, the Applicants propose to construct attached decks, as well as enlarge the second floor.
- Typically, nonconforming structures cannot be expanded; however, the Board may grant a dimensional waiver & variance to expand a nonconforming structure in accordance with Article V.

**SECTION 3.11 – OUTDOOR LIGHTING** **PG. 41**

- The Applicants have advised that should any new lighting be added, it will be downcast and shielded (see Exhibit D).

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

- The proposed decks and second floor expansion should not adversely affect parking.
- *Note:* The ULUDR does not provide a parking requirement for seasonal dwellings.

**SECTION 3.14 – PERFORMANCE STANDARDS** **PG. 46**

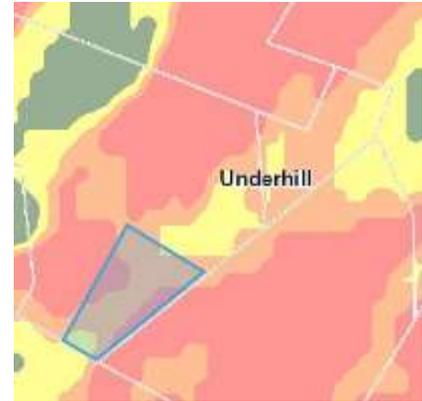
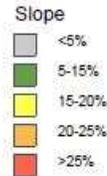
- The proposed decks and expanded second floor, which are associated with a seasonal camp, and is consistent with the other uses in the area, is not anticipated to create any of the situations/circumstances enumerated within this Section (specifically § 3.14.B).

**SECTION 3.17 – SOURCE PROTECTION AREAS** **PG. 55**

- The subject lot is not located within any Source Protection Areas.

**SECTION 3.18 – STEEP SLOPES** **PG. 56**

- The ANR Atlas depicts the entire property as being in steep slopes (15%-25%) or very steep slopes (>25%) (see directly to the right).
- During the site visit, the Board should take notice if the area around the seasonal camp is flat, thereby not needing to apply the standards under this Section.
- Should steep slopes and very steep slopes exist in the project area, the exemption under § 3.18.B.1.e likely applies since the construction of the decks and stairs (accessory structures) are under 500 ft.



**SECTION 3.19 – SURFACE WATERS & WETLANDS**

**PG. 63**

- The ANR Atlas does not depict any surface waters or wetlands on the property.

**SECTION 3.23 – WATER SUPPLY & WASTEWATER SYSTEMS**

**PG. 68**

- A wastewater permit has been obtained prior to the submittal of this application, before the Applicants contemplated constructing the decks and enlarging the second floor.
- The Applicants obtained a wastewater permit (Permit #: WW-4-5075) for the existing seasonal camp (see Exhibit L), which was issued on July 20, 2018.

**ARTICLE V – DEVELOPMENT REVIEW**

**SECTION 5.1 – APPLICABILITY**

SECTION 5.1.A – TYPE OF REVIEW REQUIRED

**PG. 112**

- Conditional use review is required in accordance with Sections 3.7.E.1 and 3.9.

SECTION 5.1.B – COORDINATION OF REVIEW

**PG. 112**

- Does not apply.

**SECTION 5.3 – SITE PLAN REVIEW**

SECTION 5.3.A – PURPOSE

**PG. 115**

- Site plan review is required per § 5.4.C when reviewing a conditional use review application.

SECTION 5.3.B – STANDARDS *(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**

- The proposed decks appear to only impact areas of steep and very steep slopes (see Section 3.18 above); otherwise, the proposed decks appear to avoid, or conform with the requirements pertaining to the resources identified under Section 5.3.A.1.
- Should the Board discover any of the resources identified under Section 5.3.A.1, they have the ability to require one or more of the mitigation techniques:
  - 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.

*SECTION 5.3.B.2 – SITE LAYOUT & DESIGN* **PG. 115**

**Mt. Mansfield Scenic Preservation and Soil & Water Conservation Districts.** Site layout and design, to the extent physically feasible, shall, avoid adverse impacts to natural and scenic resources and environmentally sensitive areas within these districts, including those resources listed under Subsection B.1. The applicant should consider, and the DRB may require one or more mitigation measures listed under Subsection B.1 as necessary to minimize adverse impacts to identified resources in the vicinity of the proposed development.

- The proposed decks and second floor expansion seemingly will have a negligible impact to the natural and scenic resources, as well as the environmentally sensitive areas, within the Mt. Mansfield Scenic Preservation District.

*SECTION 5.3.B.3 – VEHICLE ACCESS* **PG. 116**

- The property is currently accessed by one curb-cut via Ellsworth Meadow Lane.
  - No modifications to the existing curb-cut or driveway are anticipated.

*SECTION 5.3.B.4 – PARKING, LOADING & SERVICE AREAS* **PG. 117**

- See Section 3.13 above.

*SECTION 5.3.B.5 – SITE CIRCULATION* **PG. 117**

- Site circulation is expected to continue being consistent with site circulation patterns associated with the seasonal & single-family dwellings in the area.

*SECTION 5.3.B.6 – LANDSCAPING & SCREENING* **PG. 118**

- No modifications to landscaping and screening are proposed.
- The proposed decks and second floor expansion will be located towards the northwest of the property, and is unlikely to be seen from Pleasant Valley Road and the majority of Ellsworth Meadow Lane.
  - The construction of the proposed decks and second floor expansion are consistent with similarly approved projects and will conform with other dwellings in the area.
- The Board should take note of the landscaping & screening techniques of other properties in the areas to determine if any measures under this section should be taken.

*SECTION 5.3.B.7 – OUTDOOR LIGHTING* **PG. 119**

- See Section 3.11 above.

*SECTION 5.3.B.8 – STORMWATER MANAGEMENT AND EROSION CONTROL* **PG. 119**

- The Board typically requires as a condition of approval that the Applicants adhere to the guidelines set out in the Vermont DEC Low Risk Site Handbook for Erosion Prevention and Sediment Control.

**SECTION 5.4 – CONDITIONAL USE REVIEW**

**SECTION 5.4.A – PURPOSE** *(the standards and conditions should relate to the identification, avoidance and/or mitigation of potential impacts:)* **PG. 120**

- Board approval is required for development that is proposed to occur in the property's setbacks per Sections 3.9, 5.5.B and 5.5.C.

**SECTION 5.4.B – GENERAL STANDARDS**

*SECTION 5.4.B.1 – THE CAPACITY OF EXISTING OR PLANNING COMMUNITY SERVICES OR FACILITIES* **PG. 121**

- The construction of the proposed decks and second floor addition is not anticipated to have an adverse impact on the existing or planning community services or facilities.
- Staff did not solicit input from the Road Foreman, UJFD or MMU.

*SECTION 5.4.B.2 – THE CHARACTER OF THE AREA AFFECTED* **PG. 121**

- The construction of the decks and proposed second floor addition are not anticipated to have an adverse impact on the character of the area, as the aforementioned project conforms with other development in the area – seasonal and single-family dwellings.
  - **Location:** the property is located in the Mt. Mansfield Scenic Preservation District, specifically in an area where the development consists of seasonal dwellings and single-family dwellings.
  - **Scale:** the scale of the proposed construction is consistent with the development that currently exists on the property and the surrounding properties.
  - **Type:** the proposed decks and second floor expansion will be attached to the seasonal dwelling, a permitted use in the Mt. Mansfield Scenic Preservation District.
  - **Density:** the proposed decks and second floor expansion will not increase the density in the area affected.
  - **Intensity:** the proposed decks and second floor expansion will negligibly change the intensity of the area affected.

*SECTION 5.4.B.3 – TRAFFIC ON ROADS & HIGHWAYS IN THE VICINITY* **PG. 121**

- The proposed decks and second floor expansion is unlikely to increase the traffic on the roads and highways in the vicinity, thus not resulting in an adverse impact.

*SECTION 5.4.B.4 – BYLAWS IN EFFECT* **PG. 122**

- Staff is unaware of any violations or noncompliance issues pertaining to the property.
- Should the Applicants wish to use the seasonal dwelling for year round use, they will be required to obtain approval from the Development Review Board (see Exhibit K).
- The proposed decks and second floor expansion will conform with the *Underhill Unified Land Use & Development Regulations* should they applicants get approval from the Board.

*SECTION 5.4.B.5 – THE UTILIZATION OF RENEWABLE ENERGY RESOURCES* **PG. 122**

- The proposed development is not anticipated to interfere with any sustainable use of renewable energy resources.

**SECTION 5.4.C – SITE PLAN REVIEW STANDARDS** **PG. 123**

- See analysis under Section 5.3 above.

**SECTION 5.4.D – SPECIFIC STANDARDS** *(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**

- The proposed development is consistent with the Town Plan.

*SECTION 5.4.D.2 – ZONING DISTRICT & USE STANDARDS* **PG. 123**

- The proposed decks and second floor expansion will comply with the Mt. Mansfield Scenic Preservation dimensional and use standards should the Board grant the conditional use approval under Section 5.5 below.

*SECTION 5.4.D.3 – PERFORMANCE STANDARDS*

**PG. 123**

- See Section 3.14 above.

*SECTION 5.4.D.4 – LEGAL DOCUMENTATION*

**PG. 123**

- Does not apply.

**SECTION 5.5 – WAIVERS & VARIANCES**

SECTION 5.5.A – APPLICATIONS & REVIEW STANDARDS

**PG. 123**

- The Applicants have asked for a dimensional waiver & variance to construct two decks, with associated stairs, as well as to expand the half floor to a second floor.
- Other waivers may be granted by the Board as they see appropriate.
  - The Board may waive application requirements, and site plan or conditional use review standards under Sections 5.3 and 5.4 that it determines are not relevant to the application.

SECTION 5.5.B – DIMENSIONAL WAIVERS

*SECTION 5.5.B.1 – WAIVER REQUEST RATIONALE*

**PG. 124**

- The Applicants have requested a waiver & variance to construct two decks and associated stair cases, as well as to expand the second floor (see Exhibits C & D), which will serve the seasonal dwelling.

*SECTION 5.5.B.2 – APPLICABILITY OF WAIVER REQUEST*

**PG. 124**

- The Applicants are proposing the southern-most deck within the waiver limitation boundary (between 37.5 ft and 75 ft. from the property line, see Exhibit O), the waiver criteria shall be applied for that deck.
- Since the Applicants proposal includes a deck (located to the north of the seasonal dwelling), as well as the expansion of the second floor, within 37.5 ft. from the east, side setback, a variance is required.

*SECTION 5.5.B.4 – WAIVER REQUEST ELEMENTS*

**PG. 124**

- |   |   |
|---|---|
| <p>a. <i>Element 1</i> – No reasonable alternative exists for siting the structure, addition or improvement outside of the required setback area.</p> | <ul style="list-style-type: none"> <li>• When reviewing the submitted site plan (see Exhibits O), siting the southern-most deck in an area that conforms to the setback requirements is unlikely since the seasonal dwelling is located entirely within the property’s setbacks.</li> <li>• The recently completed septic system, Ellsworth Meadow Lane, and steep slopes, also create barriers to building within the approved building envelope (the setbacks), inevitably resulting in a project that encroaches upon the setback, thus requiring a waiver.</li> </ul> |
| <p>b. <i>Element 2</i> – The reduced setback is not contrary to public health, safety and</p>   | <ul style="list-style-type: none"> <li>• Staff is unaware of any stated objectives and policies in the Town Plan where the</li> </ul>   |

welfare, stated objectives and policies of the Underhill Town Plan, or the intent of these regulations.

- c. *Element 3* – The waiver represents the minimum setback reduction necessary to allow for the proposed development.
- d. *Element 4* – Any potential adverse impacts resulting from reduced setbacks on adjoining properties, surface waters or wetlands shall be mitigated through site design, landscaping and screening, other accepted mitigation measures.

construction of the proposed southern-most deck would be contrary.

- The Board should explore if there are any alternatives to siting the southern-most deck within the property’s setbacks.
- The Board should evaluate if any mitigation measures are required as a result of the construction of the proposed deck.

SECTION 5.5.C – VARIANCES

*SECTION 5.5.C.2 – VARIANCE REQUEST ELEMENTS*

**PG. 125**

- a. *Element 1* – There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to these conditions and not the circumstances or conditions generally created by the provisions of these regulations in the neighborhood or district in which the property is located.
- b. *Element 2* – Because of such physical circumstances and conditions, there is no possibility that the property can be developed in strict conformity with the provisions of these regulations and that the authorization of a variance is necessary to enable the reasonable use of the property.
- c. *Element 3* – The unnecessary hardship has not been created by the applicant or appellant.

- The subject lot – 43 Ellsworth Meadow Lane, contains steep slopes, Ellsworth Meadow Lane, and a recently installed septic system (see Exhibit O), thereby limiting suitable areas for development.
- As depicted in Exhibit O, the area to situate development is narrow, and includes steep slopes and the recently installed septic system.
- The existing structure is already entirely in the property’s setbacks.
- This is the hardest element to overcome: that the Applicant(s) is/are not creating the hardship. Simply by proposing the project, the Applicant(s) by definition, is/are creating the hardship.
- The unique circumstances described above substantially inhibit the applicant from construction any new additions or structures on the property.
- The circumstances presented are likely to exemplify a situation where the Applicants

- d. *Element 4* – The variance, if authorized will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources or be detrimental to the public welfare.
  - e. *Element 5* – The variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from these regulations and from the plan.
- are not creating the unnecessary hardship themselves.
  - If granted, the variance is unlikely alter the character of the neighborhood or district, as the existing structure is screened from other properties by the surrounding forest.
  - The proposed construction is unlikely to substantially or permanently impair the appropriate use or development of adjacent properties.
  - The variance for the proposed project likely represents the least deviation from the regulations possible.

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### **ARTICLE VI – FLOOD HAZARD AREA REVIEW**

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- No Special Flood Hazard Areas are depicted on the existing lot (source: ANR Website); therefore, review under this Article is not required.

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### **APPENDIX A – ROAD & DRIVEWAY STANDARDS**

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- Since no modifications to the existing driveway and curb cut are proposed, review under the Road Ordinance is unnecessary; an access permit is therefore not being sought at the direction of Staff (see Section 3.2 above for more information).



## UNDERHILL DEVELOPMENT REVIEW BOARD

CONDITIONAL USE REVIEW

HEARING PROCEDURES

Monday, August 5, 2019

**Applicant(s):** Kurt Thoma & Rachel Fraumann

**Docket #:** DRB-19-07

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State the following:

1. This is a conditional use review: waiver/variance request hearing on the application of Kurt Thoma & Rachel Fraumann for the construction of two decks, as well as conversion of the half, second floor to a full, second floor, within the property's setback requirements on the land they own at 43 Ellsworth Meadow Lane (EM043) in Underhill, Vermont.

This application is subject to review under the 2011 *Unified Land Use & Development Regulations*, as amended March 6, 2018 and the 2015 *Road, Driveway and Trail Ordinance*, as amended December 18, 2018.

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 to be imposed relate to the identification, avoidance and/or mitigation of potential impacts. Should additional information be required, the Board reserves the option to continue the hearing to a time and date certain in order for that information to be submitted and reviewed by this Board.

2. Copies of the Rules of Procedure that the Board follows are available for review at the front counter, and can be obtained 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 his or her representative(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 extended upon request to the Board and majority consent of the Board; then
  - d. The applicant(s) and/or their representative(s) will have an opportunity to respond; then;
  - e. Final comments will be solicited from all parties.

All speakers should address their comments to the Board, not to other parties present at the hearing. Board Members may feel free to ask questions of any speaker.

4. Are any state or municipal representatives present, and acting in their representative capacities?
5. An Interested Parties Info Sheet is available to all attendees at the front counter or from the Planning & Zoning Administrator. 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, representative of the applicant(s), 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 Planning & Zoning Administrator prior to the hearing. The information included in this package relevant to this hearing is:

Exhibit A - Thoma/Fraumann Conditional Use Review Staff Report  
Exhibit B - Thoma/Fraumann (EM043) Conditional Use Review Hearing Procedures  
Exhibit C - Development Review Application  
Exhibit D - Responses to Development Review Application Questions  
Exhibit E - Zoning Permit Application (B-19-23a)  
Exhibit F - Zoning Permit Application (B-19-23b)  
Exhibit G - Notice to BFP  
Exhibit H - Certificate of Service  
Exhibit I - Floor Plans  
Exhibit J - Elevations  
Exhibit K - Recorded Seasonal Camps  
Exhibit L - Wastewater System & Potable Water Supply Permit (WW-4-5075)  
Exhibit M - Wastewater System & Potable Water Supply Site Plan  
Exhibit N - Wastewater System Details  
Exhibit O - Site Plan with Proposed Additions, Waiver & Variance Limitations  
Exhibit P - Site Plan with Setback Measurements  
Exhibit Q - Tax Map Discrepancy

These exhibits are available in the Thoma/Fraumann conditional use review file (DRB-19-07 / EM043) at the Underhill Zoning & Planning Office and on the Town's website.

10. We'll begin testimony, and hear from the applicant(s) and/or their representative(s).

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 the Board or applicant(s) and/or their representative(s)?
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, continue the hearing to a date and time certain, and outline for the Applicant(s) what is required at that continued hearing; or*
  - b. *If, by consensus, enough information has been presented to make a decision on the application, ask for a motion to close the evidentiary portion of the hearing.*
15. Ask for a motion to approve or deny the application, as well as asking the Board if they wish to discuss the application in open deliberative 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 Board, will send a copy of the decision to the Applicant(s), their representative(s), 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

## DEVELOPMENT REVIEW (ART. V) APPLICATION

**OFFICE USE ONLY**

PROPERTY CODE: EM043  
 PROPERTY ADDRESS: 43 Ellsworth Meadow

**ZONING DISTRICT(S):**

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

DRB Docket #: DRB-19-07  
 Received Date: 7/8/2019  
 Hearing Date: 8/5/2019  
 Application Completion Date: 7/9/2019  
 (See Requirements Below)

**SUBJECT PROPERTY ADDRESS:**

Applicant Information	Landowner Information (if Different)
<b>NAME(S):</b> <u>Kurt Thoma &amp; Rachel Fraumann</u>	<b>NAME(S):</b>
<b>MAILING ADDRESS:</b> <u>161 Austin DR #34 Burlington VT 05401</u>	<b>MAILING ADDRESS:</b>
<b>EMAIL ADDRESS:</b> <u>Kurtthoma@gmail.com</u>	<b>EMAIL ADDRESS:</b>
<b>PHONE NUMBER:</b> <u>802-565-0040</u>	<b>PHONE NUMBER:</b>
Description of Proposed Project	Contractor/Surveyor Information (if Applicable)
<u>To Raise The 2nd floor walls to 8' tall, to change the roof from a steep rafter system to a 4/12 truss, Add exterior Decks.</u>	<b>NAME(S):</b>
	<b>MAILING ADDRESS:</b>
	<b>EMAIL ADDRESS:</b>
	<b>PHONE NUMBER:</b>

<b>APPLICANT SIGNATURE</b> 	<b>DATE</b> <u>July 8, 2019</u>	<b>Conditional Use Review</b>
<b>Variance Request</b>	<b>Site Plan Review</b>	
<p><b>Applicable:</b></p> <p><input type="checkbox"/> Yes</p> <p style="margin-left: 20px;"><input type="checkbox"/> Concurrent with an Appeal Request</p> <p style="margin-left: 20px;"><input type="checkbox"/> Concurrent with a Site Plan Review or Conditional Use Review App.</p> <p><input type="checkbox"/> No</p> <p><b>Required Materials</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Application (incl. Zoning Permit App.)</li> <li><input type="checkbox"/> Application Fee (\$150.00)</li> <li><input type="checkbox"/> Copies of a Site Plan</li> <li><input type="checkbox"/> State Project Review Sheet</li> <li><input type="checkbox"/> Draft Legal Documents</li> <li><input type="checkbox"/> Other Information Identified by the Zoning Administrator or Checklists (see § 5.2.A.1.e)</li> <li><input type="checkbox"/> Written Waivers/Modifications Requests</li> <li><input type="checkbox"/> Written response to variance requirements (see Page 2)</li> </ul> <p><small>Please Checkoff All Submitted Materials</small></p>	<p><b>Applicable:</b></p> <p><input type="checkbox"/> Yes</p> <p style="margin-left: 20px;"><input type="checkbox"/> Standalone Site Plan Review App.</p> <p style="margin-left: 20px;"><input type="checkbox"/> Concurrent Conditional Use Review</p> <p><input type="checkbox"/> No</p> <p><b>Required Materials</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Application (incl. Zoning Permit App.)</li> <li><input type="checkbox"/> Application Fee (\$150.00)</li> <li><input type="checkbox"/> Copies of a Site Plan</li> <li><input type="checkbox"/> State Project Review Sheet</li> <li><input type="checkbox"/> Draft Legal Documents</li> <li><input type="checkbox"/> Other Information Identified by the Zoning Administrator or Checklists (see § 5.2.A.1.e)</li> <li><input type="checkbox"/> Written Waivers/Modifications Requests</li> <li><input type="checkbox"/> Written response to site plan review requirements (see Page 2)</li> </ul> <p><small>Please Checkoff All Submitted Materials</small></p>	<p><b>Applicable:</b></p> <p><input type="checkbox"/> Yes</p> <p style="margin-left: 20px;"><input type="checkbox"/> Other: _____</p> <p style="margin-left: 20px;"><input type="checkbox"/> Floodplain Review</p> <p style="margin-left: 20px;"><input type="checkbox"/> Required for Proposed Use</p> <p style="margin-left: 20px;"><input type="checkbox"/> Stream/Wetland Encroachment</p> <p style="margin-left: 20px;"><input type="checkbox"/> Waiver Request</p> <p><input type="checkbox"/> No</p> <p><b>Required Materials</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Application (incl. Zoning Permit App.)</li> <li><input type="checkbox"/> Application Fee (\$150.00)</li> <li><input type="checkbox"/> Copies of a Site Plan</li> <li><input type="checkbox"/> State Project Review Sheet</li> <li><input type="checkbox"/> Draft Legal Documents</li> <li><input type="checkbox"/> Other Information Identified by the Zoning Administrator or Checklists (see § 5.2.A.1.e)</li> <li><input type="checkbox"/> Written Waivers/Modifications Requests</li> <li><input type="checkbox"/> Written response to conditional use &amp; site plan review requirements (see Page 2)</li> </ul> <p><small>Please Checkoff All Submitted Materials</small></p>



# TOWN OF UNDERHILL

## DEVELOPMENT REVIEW (ART. V) APPLICATION

In submitting this application, please submit a copy of the zoning permit application (if applicable), two (2) to-scale site plans, twelve (12) 11" x 17" copies of the site plan, in addition to the other requirements provided on page one of this application. Please be advised that separate State permits, include but not limited to, water/wastewater, stormwater, Act 250, and Construction General permits may be required. The applicant bears the responsibility and obligation to contact the State Permit Specialist (802-477-2241) to obtain a Project Review Sheet. A hearing before the Development Review Board will be scheduled by the Zoning Administrator upon determining that the application is complete. Note, that Zoning Administrator may require additional information or supporting documentation in conformance with Section 5.2.A.1.e of *Underhill Unified Land Use & Development Regulations*.

### Conditional Use Review Supplemental Questions (Please Answer on a Separate Sheet of Paper)

Applies:  Yes or  No

1. Please advise how the proposed project affects the demand for community services and facilities.
2. Please advise how the proposed project relates to the character of the area. Discuss how project's a) location, b) type, c) density, and d) intensity relate to the character of area. Should the project not conform with any of the abovementioned attributes (location, type, density and intensity), please explain what mitigation measures will be utilized to avoid any undue adverse (negative) impacts to the character of the area.
3. Please specify the projected impact on traffic patterns resulting from the proposed project. The explanation shall address impacts on the following: a) traffic conditions; b) capacity; c) safety; d) efficiency; and e) the use of existing and planning roads, bridges, intersections, and associated highway infrastructure, in the vicinity.
4. Please advise of any aspects of the proposed project that does not comply with any Town regulations or ordinances.
5. Please advise how the proposed will not interfere with the sustainable use of renewable energy resources, including access to, or the direct use or future availability of, such resources.

### Site Plan Review Supplemental Questions (Please Answer on a Separate Sheet of Paper)

Applies:  Yes or  No

1. Please provide supporting information on how the proposed site layout and design avoids undue adverse impacts to significant natural, historic and scenic resources. These resources include, but are not limited to: a) existing topography and drainage patterns; b) land above 1500 ft. elevation; c) areas of steep and very steep slope; d) surface waters, wetlands, and associate buffers; e) special flood hazard areas; f) delineated source protection areas; g) significant wildlife habitat areas and travel corridors; and h) scenic resources (see § 5.3.B.1.a.viii).
2. Please advise how the proposed location and orientation of structures, and supporting infrastructure on the site, are compatible with their proposed setting and context, as provided by the Town's Plan, zoning district objects, existing site conditions and features, adjoining or facing structures in the vicinity, and other applicable provisions in the *Underhill Unified Land Use & Development Regulations*. See Section 5.3.B.2 for more details.
3. Please advise how the proposed use meets the Town and State access management and design standards. Include an explanation of how the curb cut (s)/access way(s) and road intersection(s) do not create hazards to vehicles, pedestrians or bicyclists onsite or on adjoining roads, sidewalks and pathways.
4. Please advise how the proposed project conforms to the parking, loading & service areas.
5. Please explain how the proposed project provides for adequate and safe onsite vehicular and pedestrian circulation. Site plans shall address the requirements under Sections 5.3.B.5.a & b.
6. Please advise any proposed landscaping and screening modifications anticipated to occur. Any reduction in landscaping or screening, or any significant proposed project shall address the requirements of Section 5.3.B.6.
7. Please advise if the proposed project requires outdoor lighting. If so, please explain how the proposed lighting conforms to the requirements of Section 3.11.
8. Please advise of the proposed temporary and permanent stormwater management and erosion control measures that will be undertaken as part of the proposed project.

### Variance Request Supplemental Questions (Please Answer on a Separate Sheet of Paper)

Applies:  Yes or  No

1. Please Submit a to-scale drawing depicting the following: a) frontage on a public or private road or right-of-way; b) setbacks to the front, rear, and side property lines; c) location of the septic system and well; d) easements or covenants where appropriate to show on the plan; e) any watercourse on the property; and f) abutting neighbors.
2. Please submit a short statement explaining why a variance is being sought. Please address any easements or covenants that may be attached to the property if not shown on the site plan.
3. For a variance to be granted, the Board needs to find that the following conditions are met:
  - a. There are unique physical circumstances or conditions (e.g. lot irregularities, lot narrowness, shallowness of lot size and/or shape, exceptional topography, or other physical conditions peculiar to the particular property) and that an unnecessary hardship is due to these conditions, and not the circumstances or conditions generally created by the provisions of the bylaw in the neighborhood or district in which the property is location.
  - b. Because of the physical circumstances or conditions identified above, there is no possibility that the property can be developed in strict conformity with the provisions of the bylaw, and that the authorization of a variance is therefore a necessary to enable the reasonable use of the property.
  - c. The unnecessary hardship has not been created by the appellant.
  - d. The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially, or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare.
  - e. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the bylaw and from the plan.

In the written statement, required under #2 above, please address each of the preceding conditions (a-c), specifically advising why the proposed project satisfies those conditions.

July 9, 2019

To Whom it May Concern,

My wife and I purchased the property at 43 Ellsworth Meadow Lane during the winter of 2018 and we would like to make the home comfortable for our family. In addition to some interior remodeling, all of which will stay within the current footprint of the house, we would like to add 2 decks, an exterior stairway, and expand another deck.

We believe that we have met the following conditions for a variance to be granted.

A. The property is triangular in shape and has a 70' drop in elevation. Due to the challenges of the topography the home was built near the north east corner of the property, where the original owners were able to utilize the flattest piece of land within the property boundary.

B. The entirety of the dwelling was built within 60' of the neighboring property and within 60' of our private road. Building these decks will allow us to: enjoy family cookouts; move furniture into the second floor; and easily escape in case of a fire.

C. All structures on the property were built by previous owners, with the home having been built at least 40 years prior.

D. Ellsworth Meadow Lane has a total of 5 residences. The modifications that we are requesting will not alter the essential character of the neighborhood. Conversely, by improving the aesthetics, health, and safety of the property, the changes that we propose will bring our property more in line with the character of the neighborhood.

E. We understand that a variance, if granted, will represent the least deviation possible from the bylaws and plan.

Due to the proximity of the dwelling to the neighboring property line, and the facts stated above, we kindly request a variance to make the following additions to our home.

#### Proposed Deck additions

Deck 1 - 6'x12' deck to be accessible from the second floor bedroom on the west end of the house. This deck will serve as a fire escape and allow us to move furniture into the second floor because the only interior access to the 2nd floor is a spiral staircase. It's location will be directly above the existing 6'x12' deck.

Deck 2 (expansion of existing deck) - 3'x26'(linear) L shaped deck that will connect the new front door entry (south wall) to the existing 6'x12' deck.

Deck 3 - 12'x18' deck on the north wall to be accessible from the north entry and a short stairwell to the ground (north east corner). This deck will also attach to a small landing (3'x3') for the exterior stairway which will provide access to Deck 1.

Thank You,

Kurt Thoma & Rachel Fraumann

Conditional Use Review Supplemental Answers:

1. The proposed project will not impact the demand for community services and facilities.
2. The proposed project, of an interior remodel and adding decks to the residential property, will not negatively impact the character of the area. The proposed work will improve the aesthetics of the home and make the residential property more livable.
3. The project will have no impact on the traffic patterns of the neighborhood.
4. The proposed project does not meet the setback requirements due to the location of the original construction of the home.
5. The proposed project will not interfere with the sustainable use of renewable energy resources.

Site Plan Review Supplemental Answers:

1. The proposed site layout will not impact the natural, historic, or scenic resources.
2. The proposed location and orientation of the of the structures is consistent with the other residential houses in the neighborhood.
3. The proposed project will in no way cause a hazard to vehicles, pedestrians, or bicyclists on any roads, sidewalks or pathways.
4. The proposed project will not impact any loading or parking areas
5. The proposed project does not impact the vehicular or pedestrian circulation.
6. The proposed project does not include any modification of screening or landscaping.
7. If any outdoor lighting is added as part of the proposed project, it will be downcast and shaded.
8. There will be no temporary or permanent stormwater management or erosion control measures taken as part of the proposed project.

## Andrew Strniste

---

**From:** kurt thoma <kurtthoma@gmail.com>  
**Sent:** Monday, July 15, 2019 11:07 AM  
**To:** Andrew Strniste  
**Subject:** Re: Development review answers for 43 Ellsworth Meadow  
**Attachments:** 2nd floor.pdf

Andrew,

At this time we have decided to keep cabin as a seasonal camp.

With regards to the question of the 2nd bedroom, I am waiting to hear back from the state about changing the state permit from 1 bedroom to 2.

If you don't hear back from me by the end of the day, you may go forward with our intent of:

1. Keeping the property as a seasonal camp
2. Keeping the dwelling listed as one bedroom (use the attached drawing as visual indication).

Thank you,  
Kurt

On Thu, Jul 11, 2019 at 8:34 AM Andrew Strniste <[astrniste@underhillvt.gov](mailto:astrniste@underhillvt.gov)> wrote:

Good morning Kurt,

Thank you for forwarding this along. Just for clarification purposes, as I know we have discussed this in the past; however, is your intention to keep this particular structure as a seasonal camp? Or is your intention to make it a year-round residence?

Thank you,

**Andrew Strniste**

Planning Director

Zoning Administrator

Town of Underhill

P.O. Box 120



# TOWN OF UNDERHILL

## ZONING PERMIT APPLICATION

- Place Plan  
- Site Plan

**OFFICE USE ONLY**

APPLICATION #: B-19-23a

PROPERTY CODE: EM043

**ZONING DISTRICT(S):**

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

**APPLICANT:**  
KURT THOMA & Rachel Fraumann

**PROPERTY LOCATION:**  
43 Ellsworth Meadow Lane - Underhill

**MAILING ADDRESS:**  
161 Austin DR #34 Burlington VT 05401

**EMAIL ADDRESS:**  
Kurtthomae@gmail.com

**PHONE NUMBER:**  
802-565-0040

**LANDOWNER (IF DIFFERENT FROM APPLICANT):**

**LANDOWNER'S CONTACT INFORMATION:**

**CONTRACTOR:**  
Self

**CONTRACTOR'S CONTACT INFORMATION:**

**PROJECT DESCRIPTION:**  
TO improve the living environment of a personal residence,

**Section A**

**Zoning Permit Application Type:**

- Agricultural Exemption (Requires VT Review)
- Boundary Line Adjustment Permit (see Supp. Form)
- Building Permit (see Section B)
- After-the-Fact Building Permit (see Section B)
- Conversion/Change of Use Permit (see Section C)
- Home Occupation Permit (see Supplemental Form)
- Sign Permit (see Supplemental Form)
- Temporary Structure Permit
- Temporary Use Permit
- General/Other: \_\_\_\_\_

**Section B**

**Building Permit Application Information:**

- Accessory Dwelling (see Section D)
- Accessory Structure(s) (e.g. barn, garage, shed, etc.)
- Addition:
  - Number of Bedrooms (if applicable): 1
  - Number of Bathrooms (if applicable): 1
- Single-Family Dwelling:
  - Number of Bedrooms: 2
  - Number of Bathrooms: 2
- Two-Family Dwelling:
  - Dwelling 1 - Number of Bedrooms: \_\_\_\_\_
  - Dwelling 1 - Number of Bathrooms: \_\_\_\_\_
  - Dwelling 2 - Number of Bedrooms: \_\_\_\_\_
  - Dwelling 2 - Number of Bathrooms: \_\_\_\_\_
- Multi-Family Dwelling:
  - Number of Units: \_\_\_\_\_
  - Total Number of Bedrooms: \_\_\_\_\_
  - Total Number of Bathrooms: \_\_\_\_\_
- Commercial/Industry
- Carport
- Porch/Deck/Fence
- In-Ground Pool

**Section D**

**Accessory Dwelling Application Information:**

- Attached Accessory Dwelling, or
- Detached Accessory Dwelling

Square Footage of Principal Dwelling: \_\_\_\_\_ sq. ft.

Square Footage of Proposed Accessory Dwelling: \_\_\_\_\_ sq. ft.

Number of Bedrooms (in Accessory Dwelling): \_\_\_\_\_

Number of Bathrooms (in Accessory Dwelling): \_\_\_\_\_

**Section C**

**Conversion/Change of Use Application Information:**

Existing Use: \_\_\_\_\_

Proposed Use: \_\_\_\_\_

# of Bedrooms Added (if applicable): \_\_\_\_\_

# of Bathrooms Added (if applicable): \_\_\_\_\_

\*Please fill out this section if the project includes the conversion of unfinished living space to living space.

All construction is to be completed in accordance with the Town of Underhill Unified Land Use & Development Regulations, as amended, and any & all federal and/or State regulations currently in effect. Once approved, notice of the permit is required to be posted in a conspicuous location on the property during the appeal period. The Town recommends that that notice be posted during the duration of the construction period. The applicant and/or landowner is required to contact the necessary State agencies to obtain permits: (802) 477-2241 (permit specialist). Interest persons have the right to appeal the approval of a permit to the Development Review Board within fifteen days (15) from the date of issuance.



# TOWN OF UNDERHILL

## ZONING PERMIT APPLICATION

### Dimensions of ALL Proposed Construction

Proposed Structure(s)	Front	Side	Side	Rear	Height (Max. 35 ft.)	Square Feet Added
Current structure	22'	25'	26'	22'	18' current	0
Proposed	26'	22'	22'	26'	21'	0
* Front + Side are switching						

← Acreage: 1.04 Frontage: \_\_\_\_\_ Estimated Value/Cost of Construction: \$ 20,000 →

### FOR OFFICE USE ONLY

Setbacks: To be measured as the closest part of ALL NEW CONSTRUCTION to the subject lot line and natural features.

Proposed Structure(s)	Front	Side	Side	Rear	River, Stream, or Ponds	Wetland

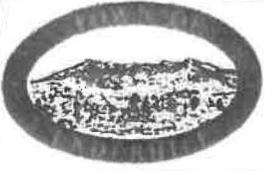
#### Site Constraints

- Class II Wetland
- Class III Wetland
- Wetland Buffers
- Deer Wintering Yard
- Floodplain: Zone \_\_\_\_\_
- Named River(s)  
     Named River 1: \_\_\_\_\_  
     Named River 2: \_\_\_\_\_
- Prime Agricultural Soils
- Unnamed Stream
- Source Protection Area
- Steep Slopes
- Very Steep Slopes

#### Building & Lot Coverage Information

- a. Total # of Acres: \_\_\_\_\_ acres(s)
- b. Total Lot Area (1 Acre = 43,560 sq. ft.): \_\_\_\_\_ sq. ft.
- c. Footprint of Proposed Project (sq. ft.): \_\_\_\_\_ sq. ft.
- d. Footprint of Existing Buildings (sq. ft.): \_\_\_\_\_ sq. ft.
- e. Footprint of Proposed & Existing Buildings (sq. ft.): \_\_\_\_\_ sq. ft.
- f. Total Building Coverage (line e / line b \* 100): \_\_\_\_\_ %
- g. Total Impervious Surface (sq. ft.): \_\_\_\_\_ sq. ft.
- h. Total Lot Coverage (line e + g / line b \* 100): \_\_\_\_\_ %

All construction is to be completed in accordance with the Town of Underhill Unified Land Use & Development Regulations, as amended, and any & all federal and/or State regulations currently in effect. Once approved, notice of the permit is required to be posted in a conspicuous location on the property during the appeal period. The Town recommends that that notice be posted during the duration of the construction period. The applicant and/or landowner is required to contact the necessary State agencies to obtain permits: (802) 477-2241 (permit specialist). Interest persons have the right to appeal the approval of a permit to the Development Review Board within fifteen days (15) from the date of issuance.



# TOWN OF UNDERHILL

## ZONING PERMIT APPLICATION

**INSTRUCTIONS:** Provide a sketch showing dimensions of the proposed construction. You may use another sheet, or the space below.

See attached

Please Accurately Depict the Following (Checklist):

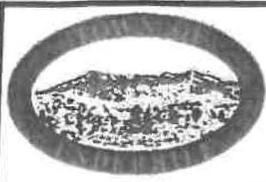
### Required Features to Depict

- Location of Existing Property Boundaries
- Dimensions of Property's Boundaries
- Location & Footprints of Existing Structure(s)
- Location & Footprints of Proposed Structure(s)
- Location & Footprints of Existing Access Ways
- Location & Footprints of Proposed Access Ways
- Dimensions of Existing/Proposed Access Ways
- Setbacks from Property Boundaries
- Floor Plan of Proposed Structure(s)
- Height of Proposed Structure(s)

### Required Features to Depict if Applicable

- Location of Existing/Proposed Easements
- Location of Existing/Proposed Rights-of-Way
- Location of Existing/Proposed Utilities
- Setbacks from Road Rights-of-Way
- Setbacks from Surface Waters & Wetlands
- Location of Existing/Proposed Water System (Well)
- Location of Existing/Proposed Wastewater Systems
- Other: \_\_\_\_\_

All construction is to be completed in accordance with the Town of Underhill Unified Land Use & Development Regulations, as amended, and any & all federal and/or State regulations currently in effect. Once approved, notice of the permit is required to be posted in a conspicuous location on the property during the appeal period. The Town recommends that that notice be posted during the duration of the construction period. The applicant and/or landowner is required to contact the necessary State agencies to obtain permits: (802) 477-2241 (permit specialist). Interest persons have the right to appeal the approval of a permit to the Development Review Board within fifteen days (15) from the date of issuance.



# TOWN OF UNDERHILL

## ZONING PERMIT APPLICATION

The undersigned hereby requests a Zoning Permit for the construction project described in this application. By signing below, Applicant acknowledges that he/she they will comply with the requirements of the permit, if granted, and all Town Regulations. Separate State permits including, but not limited to, water/wastewater, stormwater, Act 250, and Construction General Permits may be required. The applicant bears the responsibility and obligation to contact the State Permit Specialist at 802-477-2241 prior to construction.

The Zoning Administrator (or representative) may access the subject property for purposes of inspections before, during, and upon completion of the project. Upon approval, a Permit Notice sign will be supplied to the Applicant to be posted within view of a Town Highway until the 15-day appeal period expires. Interested parties may exercise their appeal rights pursuant to 24 VSA §4465.

Applicant and/or their consultant(s) should check with the Road Foreman for any posted road restrictions. Failure to substantially commence construction by the permit expiration date will require a new permit from the Zoning Administrator. Upon completion of construction, Applicant must contact the Listers' office and the Zoning Administrator to obtain a Certificate of Occupancy (where applicable).

  
Applicant Signature

July 8, 2019  
Date

\_\_\_\_\_  
Landowner Signature

\_\_\_\_\_  
Date

**OFFICE USE ONLY**

RECEIVED: Date 7/8/2019

DEVELOPMENT REVIEW BOARD REVIEW (IF APPLICABLE):

Required  Not Required

Date: 8/5/2019

Conditional Use Review

Site Plan Review

Variance Request

APPROVED: Date \_\_\_\_\_

Effective Date \_\_\_\_\_

Expiration Date \_\_\_\_\_

REJECTED: Date \_\_\_\_\_

Permit Fee	\$
Posting Fee	\$ 5.00
Recording Fee	\$ 10.00
<b>TOTAL FEE</b>	\$
<input type="checkbox"/> Check #	<input type="checkbox"/> Cash

REFERRED (IF APPLICABLE):

To: \_\_\_\_\_

Date: \_\_\_\_\_

To: \_\_\_\_\_

Date: \_\_\_\_\_

Comments/Conditions:

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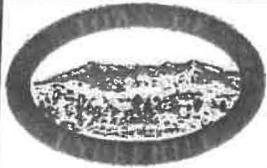


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\_\_\_\_\_  
Zoning Administrator

\_\_\_\_\_  
Date

All construction is to be completed in accordance with the Town of Underhill Unified Land Use & Development Regulations, as amended, and any & all federal and/or State regulations currently in effect. Once approved, notice of the permit is required to be posted in a conspicuous location on the property during the appeal period. The Town recommends that that notice be posted during the duration of the construction period. The applicant and/or landowner is required to contact the necessary State agencies to obtain permits: (802) 477-2241 (permit specialist). Interest persons have the right to appeal the approval of a permit to the Development Review Board within fifteen days (15) from the date of issuance.



# TOWN OF UNDERHILL

## ZONING PERMIT APPLICATION

**OFFICE USE ONLY**

APPLICATION #: B-19-236

PROPERTY CODE: EM043

**ZONING DISTRICT(S):**

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

Section A

**Zoning Permit Application Type:**

- Agricultural Exemption (Requires VT Review)
- Boundary Line Adjustment Permit (see Supp. Form)
- Building Permit (see Section B)
- After-the-Fact Building Permit (see Section B)
- Conversion/Change of Use Permit (see Section C)
- Home Occupation Permit (see Supplemental Form)
- Sign Permit (see Supplement Form)
- Temporary Structure Permit
- Temporary Use Permit
- General/Other: \_\_\_\_\_

**APPLICANT:**  
Kurt Thoma & Rachel Fraumann

**PROPERTY LOCATION:**  
43 Ellsworth Meadow Lane Underhill

**MAILING ADDRESS:**  
161 Austin DR #34 Burlington VT 05401

**EMAIL ADDRESS:**  
Kurtthoma@gmail.com

**PHONE NUMBER:**  
802-565-0040

**LANDOWNER (IF DIFFERENT FROM APPLICANT):**

**LANDOWNER'S CONTACT INFORMATION:**

**CONTRACTOR:**  
SELF

**CONTRACTOR'S CONTACT INFORMATION:**

**PROJECT DESCRIPTION:**  
TO RAISE THE 2ND FLOOR WALLS TO 8' TALL, CHANGE THE ROOF FROM A STEEP RAFTER SYSTEM TO A 4/12 TRUSS SYSTEM, ADD EXTERIOR DECKS

Section B

**Building Permit Application Information:**

- Accessory Dwelling (see Section D)
- Accessory Structure(s) (e.g. barn, garage, shed, etc.)
- Addition:
  - Number of Bedrooms (if applicable): 1
  - Number of Bathrooms (if applicable): 1
- Single-Family Dwelling:
  - Number of Bedrooms: 2
  - Number of Bathrooms: 2
- Two-Family Dwelling:
  - Dwelling 1 - Number of Bedrooms: \_\_\_\_\_
  - Dwelling 1 - Number of Bathrooms: \_\_\_\_\_
  - Dwelling 2 - Number of Bedrooms: \_\_\_\_\_
  - Dwelling 2 - Number of Bathrooms: \_\_\_\_\_
- Multi-Family Dwelling:
  - Number of Units: \_\_\_\_\_
  - Total Number of Bedrooms: \_\_\_\_\_
  - Total Number of Bathrooms: \_\_\_\_\_
- Commercial/Industry
- Carport
- Porch/Deck/Fence
- In-Ground Pool

Section D

**Accessory Dwelling Application Information:**

- Attached Accessory Dwelling, or
- Detached Accessory Dwelling

Square Footage of Principal Dwelling: \_\_\_\_\_ sq. ft.

Square Footage of Proposed Accessory Dwelling: \_\_\_\_\_ sq. ft.

Number of Bedrooms (in Accessory Dwelling): \_\_\_\_\_

Number of Bathrooms (in Accessory Dwelling): \_\_\_\_\_

Section C\*

**Conversion/Change of Use Application Information:**

Existing Use: \_\_\_\_\_

Proposed Use: \_\_\_\_\_

# of Bedrooms Added (if applicable): \_\_\_\_\_

# of Bathrooms Added (if applicable): \_\_\_\_\_

\*Please fill out this section if the project includes the conversion of unfinished living space to living space.

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# TOWN OF UNDERHILL

## ZONING PERMIT APPLICATION

### Dimensions of ALL Proposed Construction

Proposed Structure(s)	Front	Side	Side	Rear	Height (Max. 35 ft.)	Square Feet Added
Current	22'	26'	26'	22'	18'	⊙
Proposed	26'	22'	22'	26'	21'	⊙
	* Front + Side are switching					

← Acreage: 1.04      Frontage: \_\_\_\_\_      Estimated Value/Cost of Construction: \$ 20,000 →

### FOR OFFICE USE ONLY

**Setbacks:** To be measured as the closest part of ALL NEW CONSTRUCTION to the subject lot line and natural features.

Proposed Structure(s)	Front	Side	Side	Rear	River, Stream, or Ponds	Wetland

#### Site Constraints

- Class II Wetland
- Class III Wetland
- Wetland Buffers
- Deer Wintering Yard
- Floodplain Zone \_\_\_\_\_
- Named River(s)  
     Named River 1: \_\_\_\_\_  
     Named River 2: \_\_\_\_\_
- Prime Agricultural Soils
- Unnamed Stream
- Source Protection Area
- Steep Slopes
- Very Steep Slopes

#### Building & Lot Coverage Information

- a. Total # of Acres: \_\_\_\_\_ acrs(s)
- b. Total Lot Area (1 Acre = 43,560 sq. ft.): \_\_\_\_\_ sq. ft.
- c. Footprint of Proposed Project (sq. ft.): \_\_\_\_\_ sq. ft.
- d. Footprint of Existing Buildings (sq. ft.): \_\_\_\_\_ sq. ft.
- e. Footprint of Proposed & Existing Buildings (sq. ft.): \_\_\_\_\_ sq. ft.
- f. Total Building Coverage (line e / line b \* 100): \_\_\_\_\_ %
- g. Total Impervious Surface (sq. ft.): \_\_\_\_\_ sq. ft.
- h. Total Lot Coverage (lines e + g / line b \* 100): \_\_\_\_\_ %

All construction is to be completed in accordance with the Town of Underhill Unified Land Use & Development Regulations, as amended, and any & all federal and/or State regulations currently in effect. Once approved, notice of the permit is required to be posted in a conspicuous location on the property during the appeal period. The Town recommends that that notice be posted during the duration of the construction period. The applicant and/or landowner is required to contact the necessary State agencies to obtain permits: (802) 477-2241 (permit specialist). Interest persons have the right to appeal the approval of a permit to the Development Review Board within fifteen days (15) from the date of issuance.



# TOWN OF UNDERHILL

## ZONING PERMIT APPLICATION

**INSTRUCTIONS:** Provide a sketch showing dimensions of the proposed construction. You may use another sheet, or the space below.

See attached

Please Accurately Depict the Following (Checklist):

### Required Features to Depict

- Location of Existing Property Boundaries
- Dimensions of Property's Boundaries
- Location & Footprints of Existing Structure(s)
- Location & Footprints of Proposed Structure(s)
- Location & Footprints of Existing Access Ways
- Location & Footprints of Proposed Access Ways
- Dimensions of Existing/Proposed Access Ways
- Setbacks from Property Boundaries
- Floor Plan of Proposed Structure(s)
- Height of Proposed Structure(s)

### Required Features to Depict if Applicable

- Location of Existing/Proposed Easements
- Location of Existing/Proposed Rights-of-Way
- Location of Existing/Proposed Utilities
- Setbacks from Road Rights-of-Way
- Setbacks from Surface Waters & Wetlands
- Location of Existing/Proposed Water System (Well)
- Location of Existing/Proposed Wastewater Systems
- Other: \_\_\_\_\_

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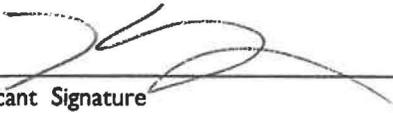
# TOWN OF UNDERHILL

## ZONING PERMIT APPLICATION

The undersigned hereby requests a Zoning Permit for the construction project described in this application. By signing below, Applicant acknowledges that he/she/they will comply with the requirements of the permit, if granted, and all Town Regulations. **Separate State permits including, but not limited to, water/wastewater, stormwater, Act 250, and Construction General Permits may be required. The applicant bares the responsibility and obligation to contact the State Permit Specialist at 802-477-2241 prior to construction.**

The Zoning Administrator (or representative) may access the subject property for purposes of inspections before, during, and upon completion of the project. Upon approval, a Permit Notice sign will be supplied to the Applicant to be posted within view of a Town Highway until the 15-day appeal period expires. Interested parties may exercise their appeal rights pursuant to 24 VSA §4465.

Applicant and/or their consultant(s) should check with the Road Foreman for any posted road restrictions. Failure to substantially commence construction by the permit expiration date will require a new permit from the Zoning Administrator. Upon completion of construction, Applicant must contact the Listers' office and the Zoning Administrator to obtain a Certificate of Occupancy (where applicable).

  
Applicant Signature

July 8, 2019  
Date

\_\_\_\_\_  
Landowner Signature

\_\_\_\_\_  
Date

**OFFICE USE ONLY**

**RECEIVED:** Date 7/8/2019

**DEVELOPMENT REVIEW BOARD REVIEW (IF APPLICABLE):**

Required  Not Required

Date: 8/5/2019

Conditional Use Review

Site Plan Review

Variance Request

**APPROVED:** Date \_\_\_\_\_

Effective Date \_\_\_\_\_

Expiration Date \_\_\_\_\_

**REJECTED:** Date \_\_\_\_\_

Permit Fee	\$	
Posting Fee	\$	15.00
Recording Fee	\$	10.00
<b>TOTAL FEE</b>	\$	
<input type="checkbox"/> Check #		
<input type="checkbox"/> Cash		

**REFERRED (IF APPLICABLE):**

To: \_\_\_\_\_

Date: \_\_\_\_\_

To: \_\_\_\_\_

Date: \_\_\_\_\_

Comments/Conditions:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Zoning Administrator

\_\_\_\_\_  
Date

All construction is to be completed in accordance with the Town of Underhill Unified Land Use & Development Regulations, as amended, and any & all federal and/or State regulations currently in effect. Once approved, notice of the permit is required to be posted in a conspicuous location on the property during the appeal period. The Town recommends that that notice be posted during the duration of the construction period. The applicant and/or landowner is required to contact the necessary State agencies to obtain permits: (802) 477-2241 (permit specialist). Interest persons have the right to appeal the approval of a permit to the Development Review Board within fifteen days (15) from the date of issuance.



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 07/20/2019



# NOTICE OF PUBLIC MEETING

Town of Underhill Development Review Board (DRB)

Monday, August 5, 2019

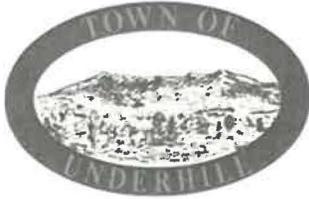
At the Underhill Town Hall, 12 Pleasant Valley Road, Underhill, VT

The DRB will hold a hearing on the Conditional Use Review – Variance/Waiver Request Application by Kurt Thoma & Rachel Fraumann for the proposed construction of multiple decks within the property’s setback requirements, as well as increase the volume of a nonconforming structure, on property they own located at 43 Ellsworth Meadow Lane (EM043). This property is located in the Mt. Mansfield Scenic Preservation zoning district. A site visit will commence at the property’s location at 6:00 PM on Monday, August 5, 2019, and the hearing will be held at Underhill Town Hall at 6:35 PM on Monday, August 5, 2019.

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](mailto: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: 08-05-19 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 18 day of July, 2019, 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 – Variance Request/Waiver Request hearing pertaining to the proposed construction of multiple decks within the property's setback requirements on property located at 43 Ellsworth Meadow Lane (EM043) in Underhill, Vermont, which is owned by Kurt Thoma & Rachel Fraumann.

**Recipients and Corresponding Address:** \$6.80

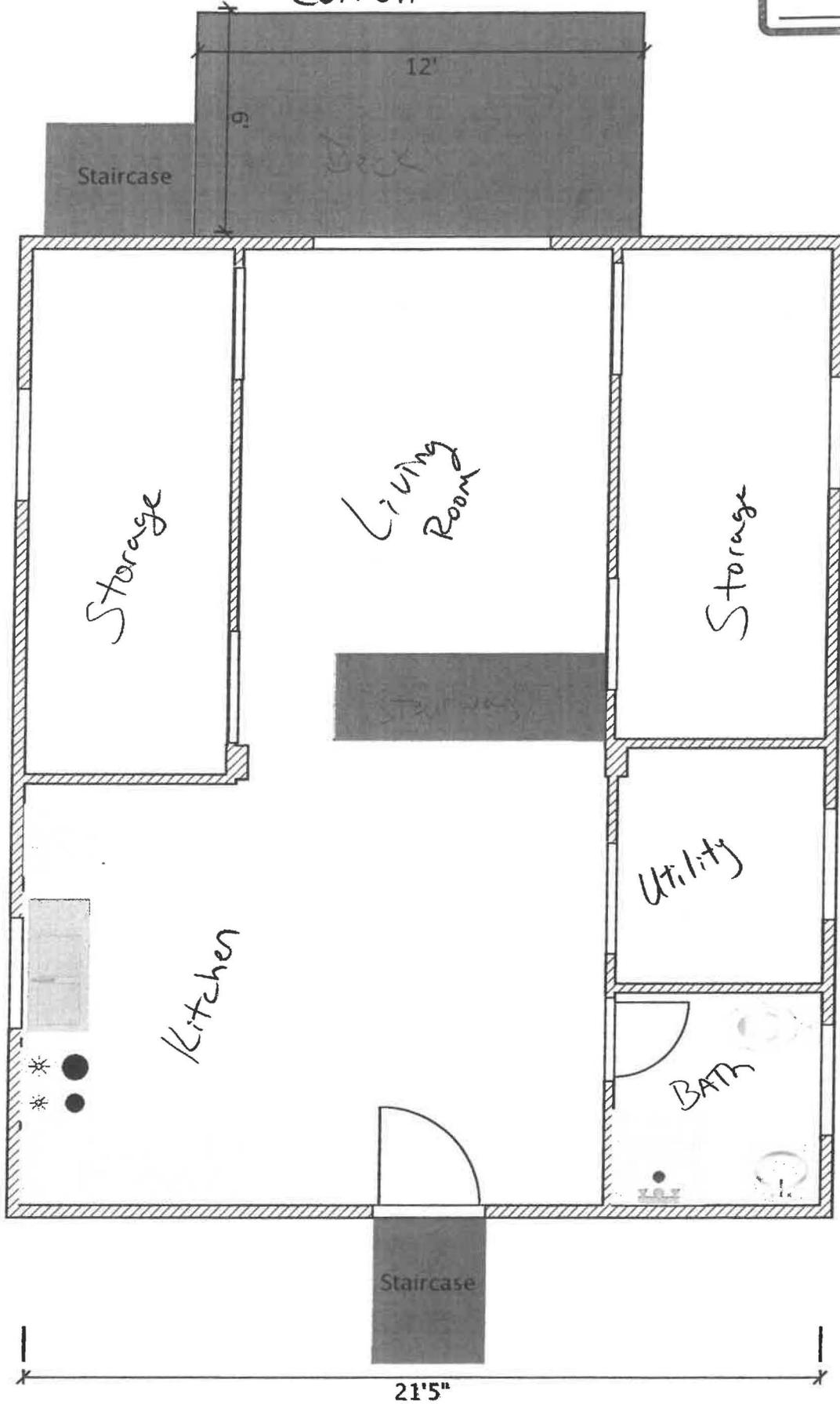
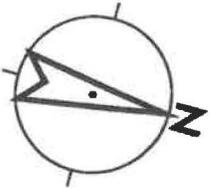
- |  |  |
|--|--|
| <p>✓ <b>43 ELLSWORTH MEADOW LANE (EM043)</b><br/>Kurt Thoma &amp; Rachel Fraumann<br/>161 Austin Drive, Unit 34<br/>Burlington, VT 05401</p> | <p>✓ <b>44 ELLSWORTH MEADOW LANE (EM044)</b><br/>Gail L. Canedy<br/>P.O. Box 6<br/>Underhill Center, VT 05490</p>            |
| <p>✓ <b>13 ELLSWORTH MEADOW LANE (EM013)</b><br/>Matthew Apgar &amp; Brenda Parker<br/>13 Ellsworth Meadow Lane<br/>Underhill, VT 05489</p>  | <p>✓ <b>45 ELLSWORTH MEADOW LANE (EM045)</b><br/>Randy L. Vance<br/>67 Chapin<br/>Essex Junction, VT 05452</p>               |
| <p>✓ <b>27 ELLSWORTH MEADOW LANE (EM027)</b><br/>Mark P. Hamelin &amp; Susan E. Ray<br/>27 Ellsworth Meadow Lane<br/>Underhill, VT 05489</p> | <p>✓ <b>7 MACOMBER VIEW (MA007)</b><br/>Michael H. &amp; Darlene T. Charland<br/>7 Macomber View<br/>Underhill, VT 05489</p> |

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

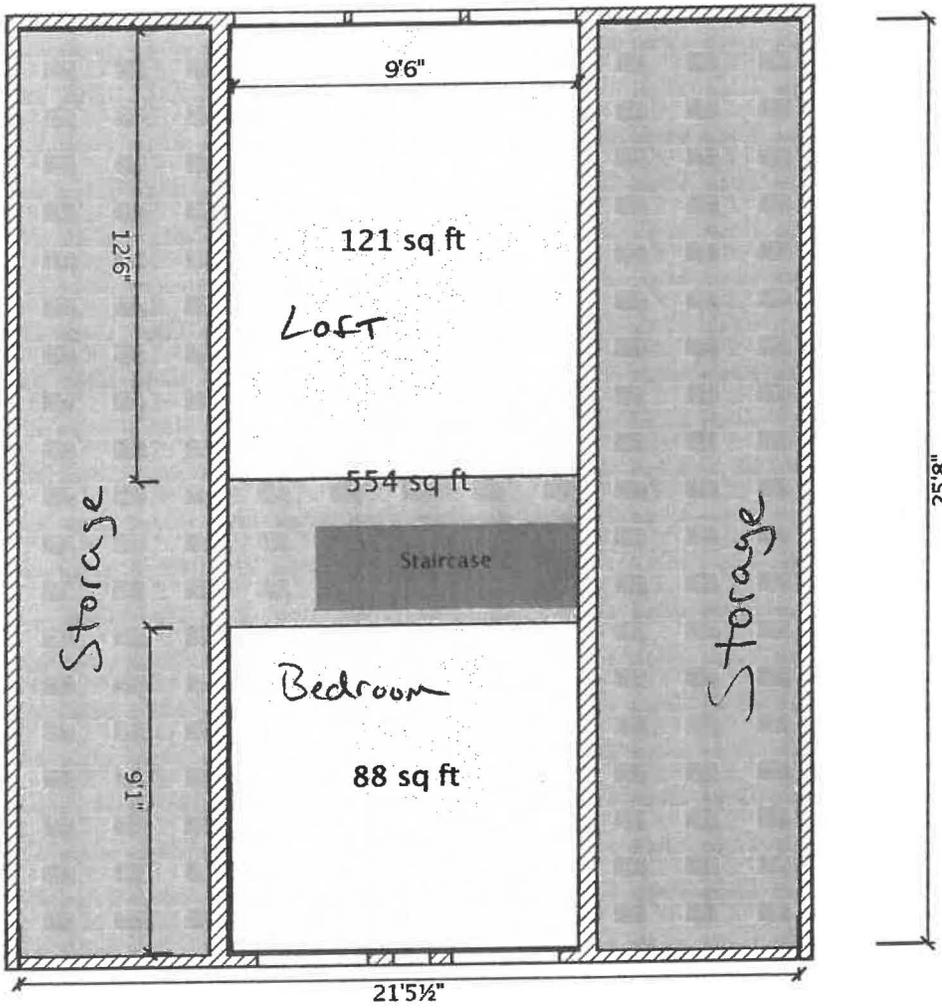
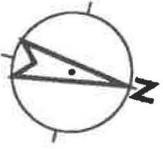
Date: 7/18/2019

1st floor  
Current

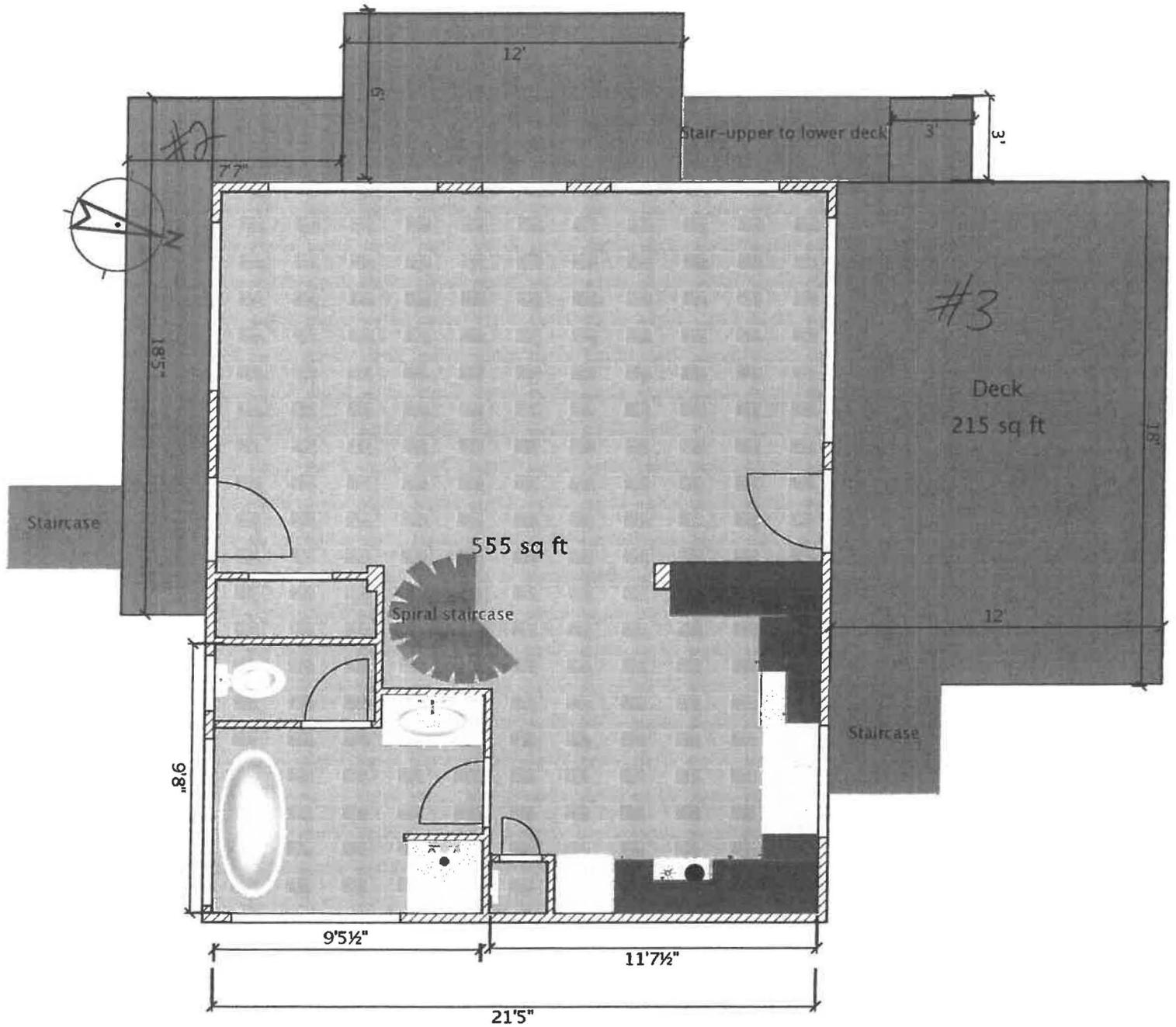
EXHIBIT  
I

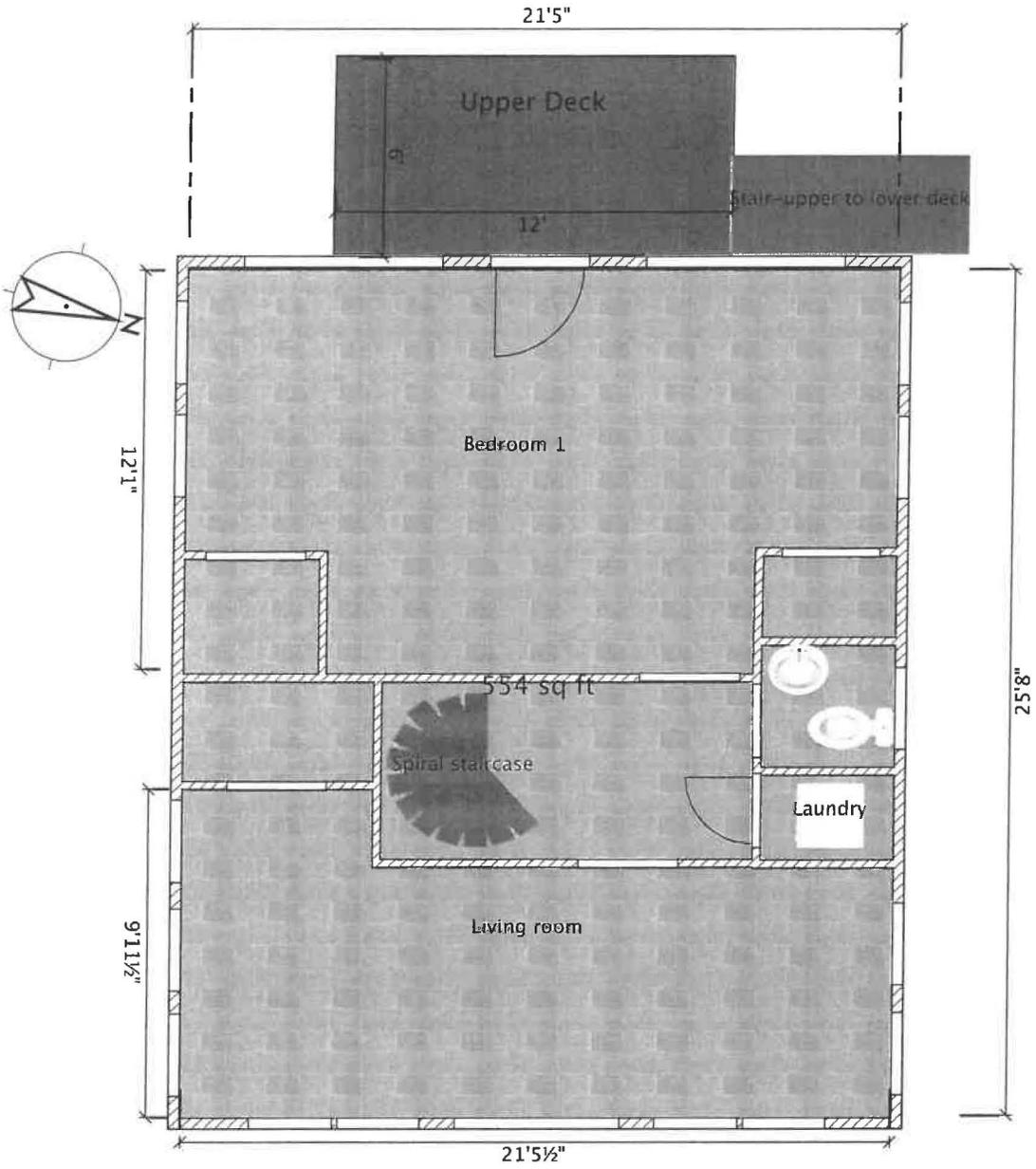


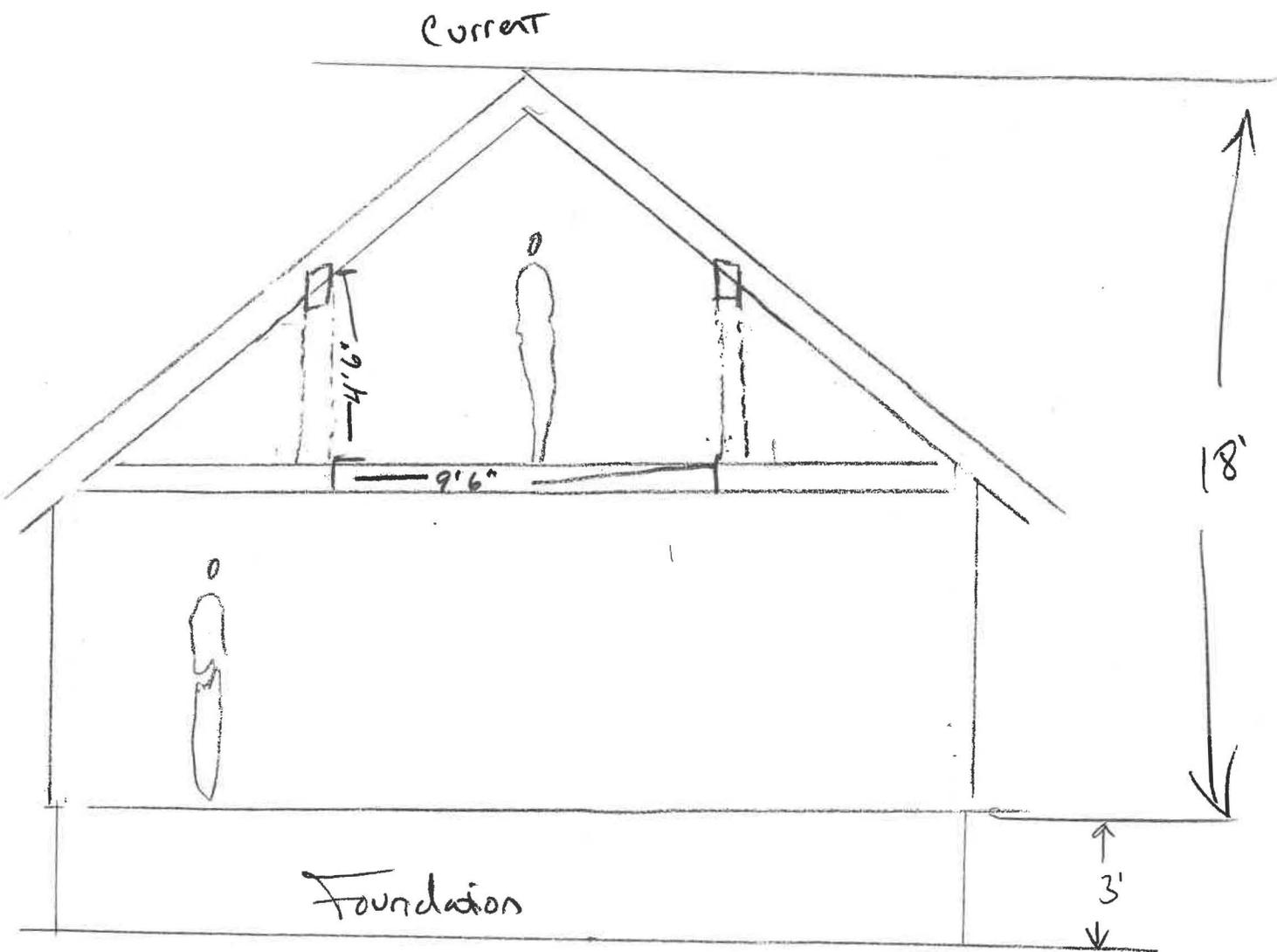
Current  
2nd Floor



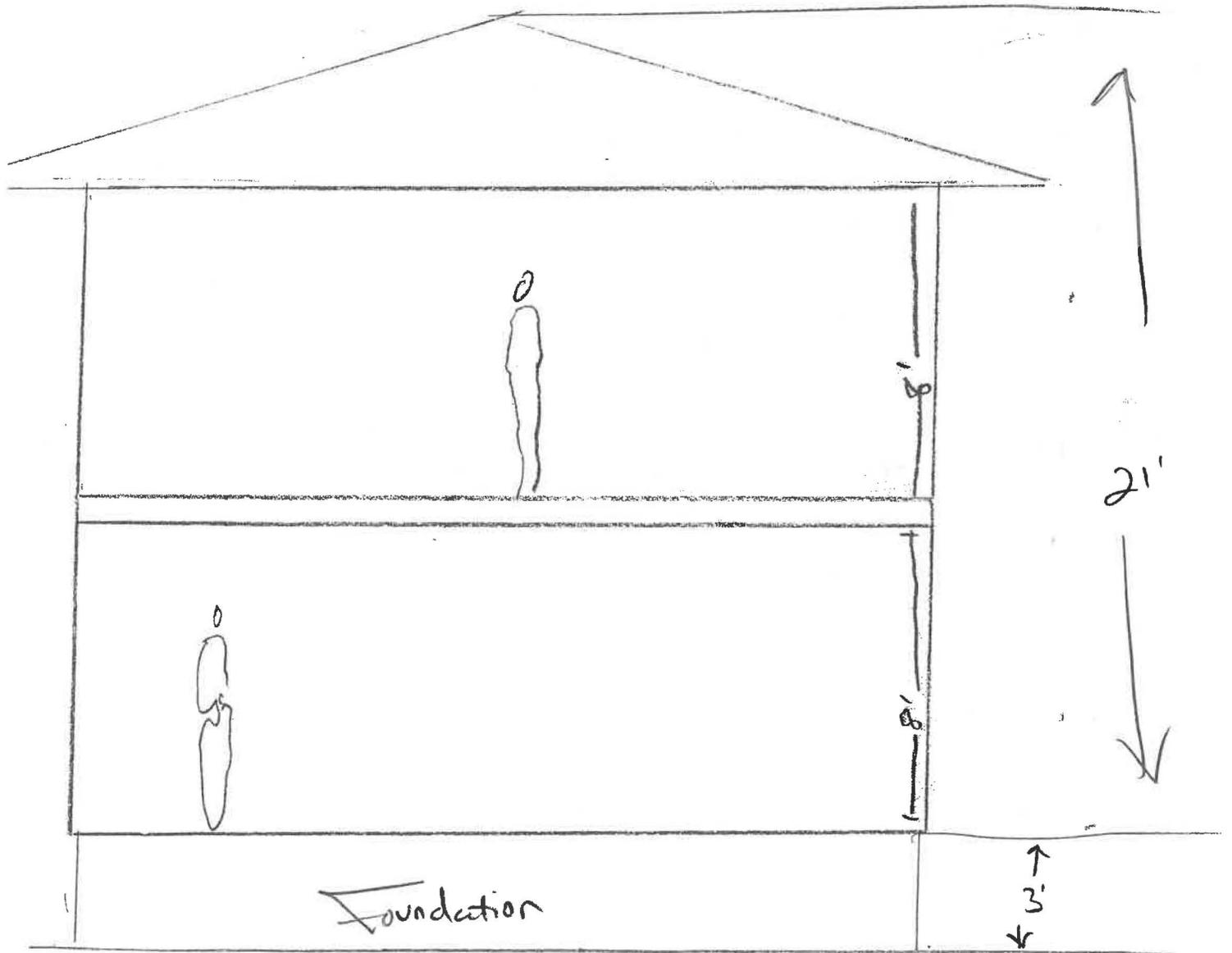
Proposed  
1st Floor



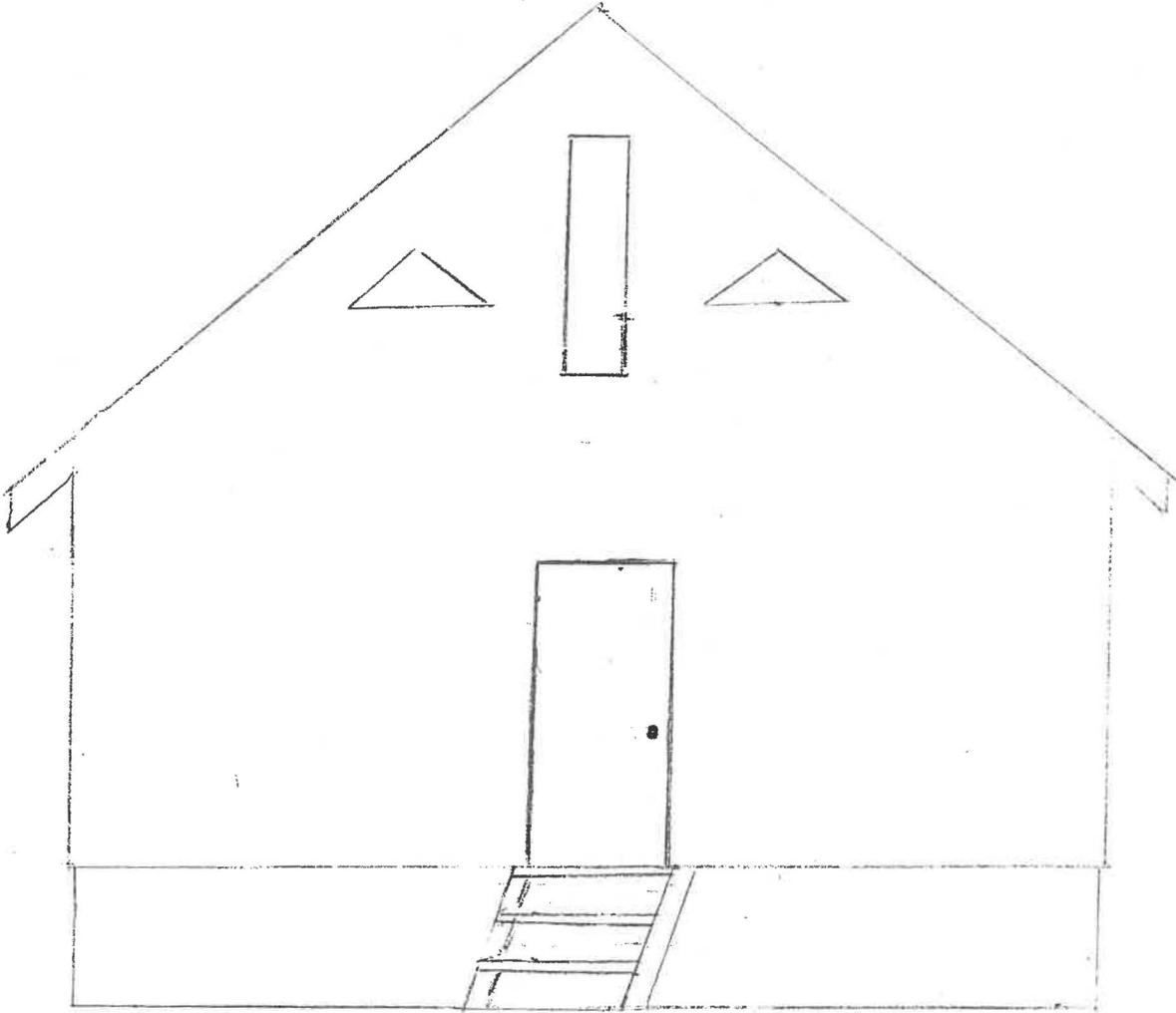




Proposed

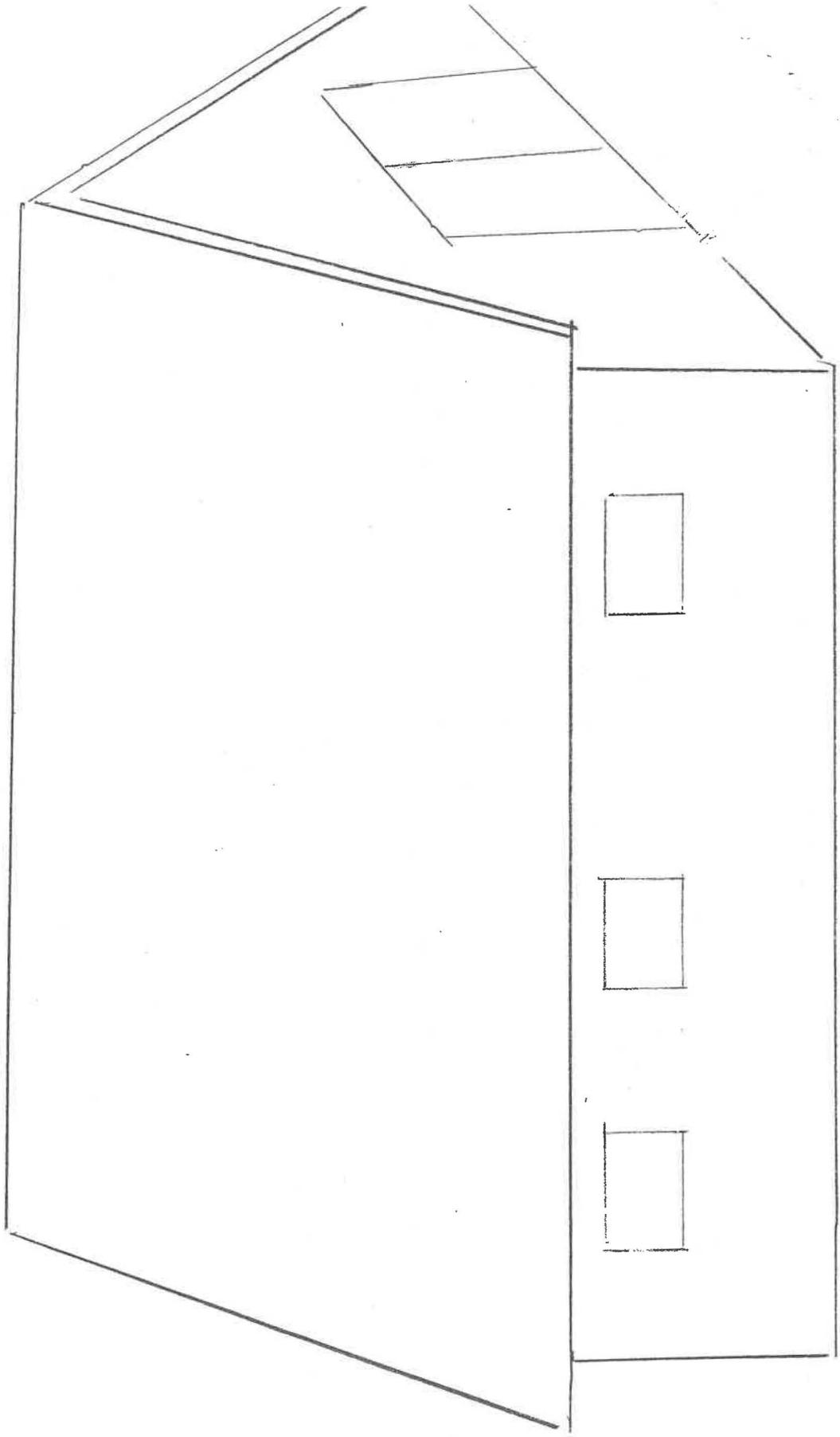


Current East Side  
Rear



North  
Current ~~Side~~ Side

Front

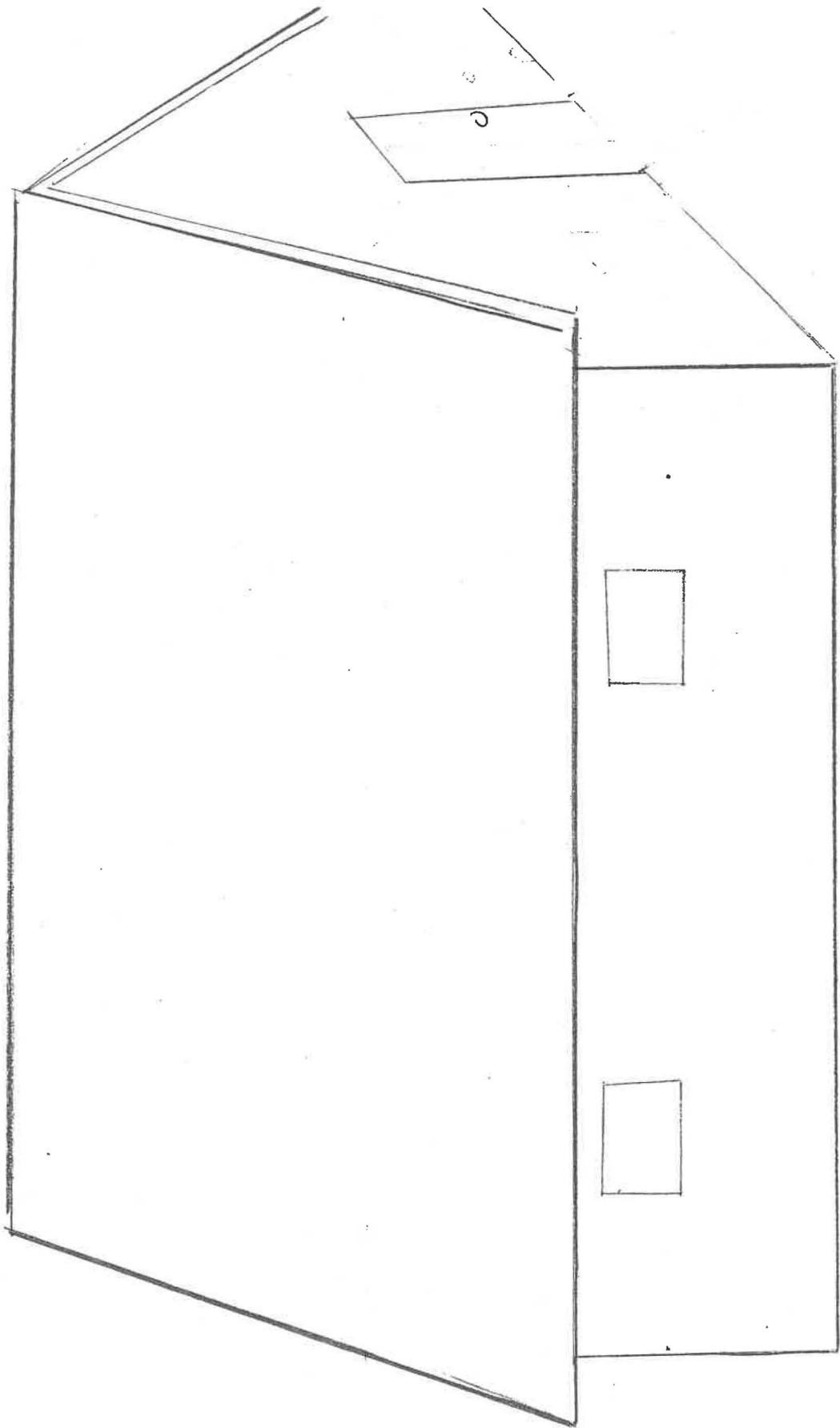


Rear

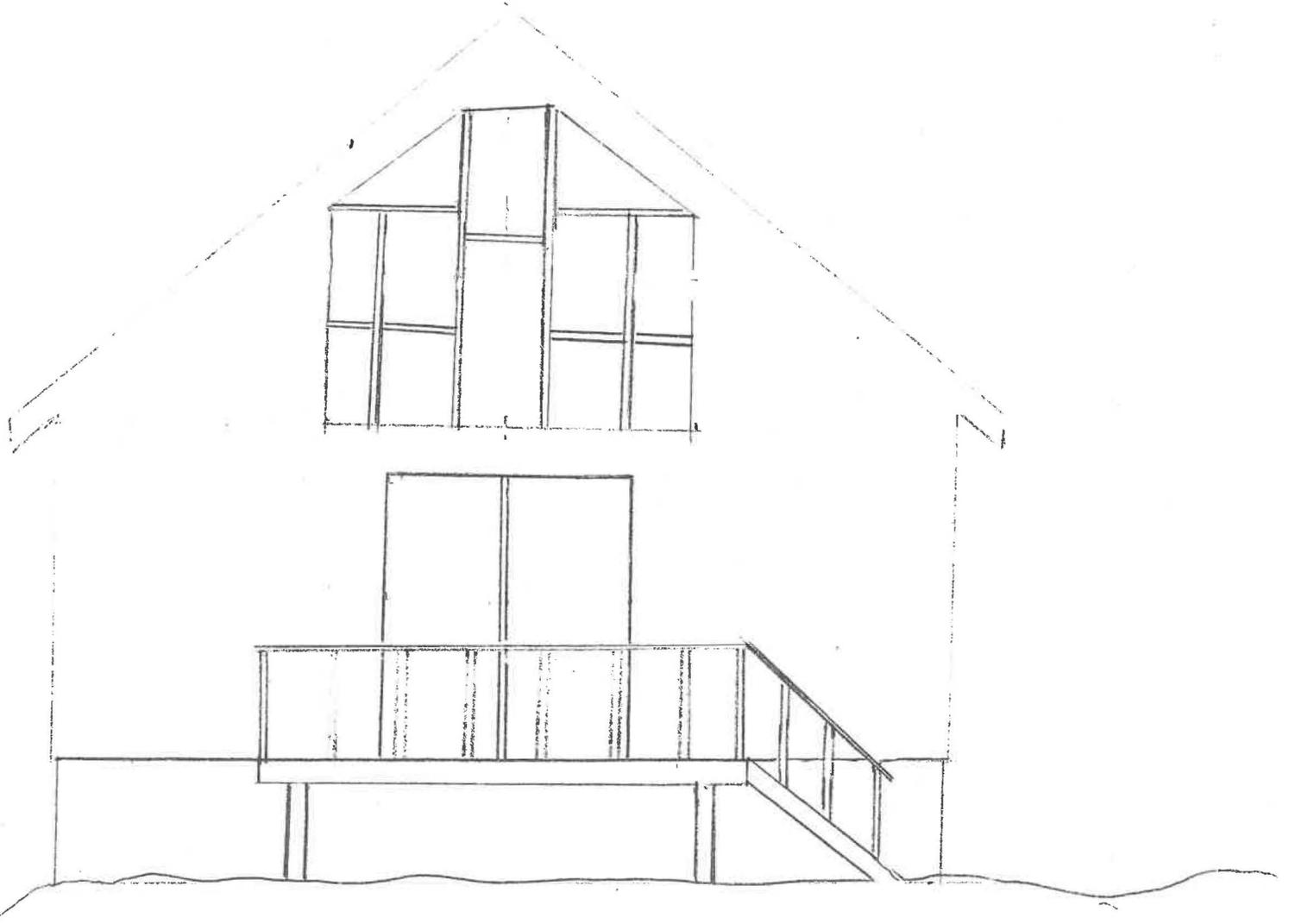
Current South side

Front

Rear

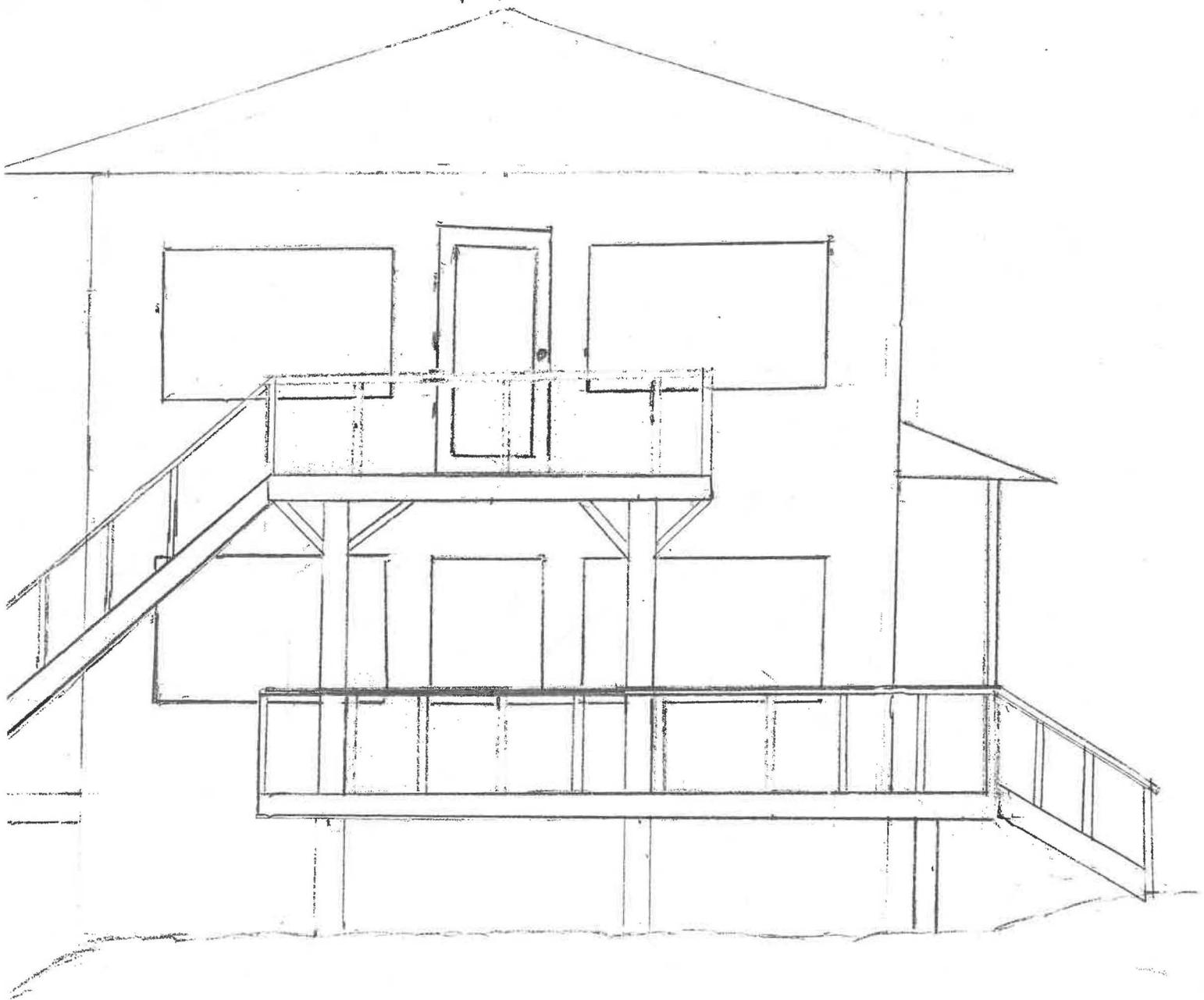


Current  
Front West side

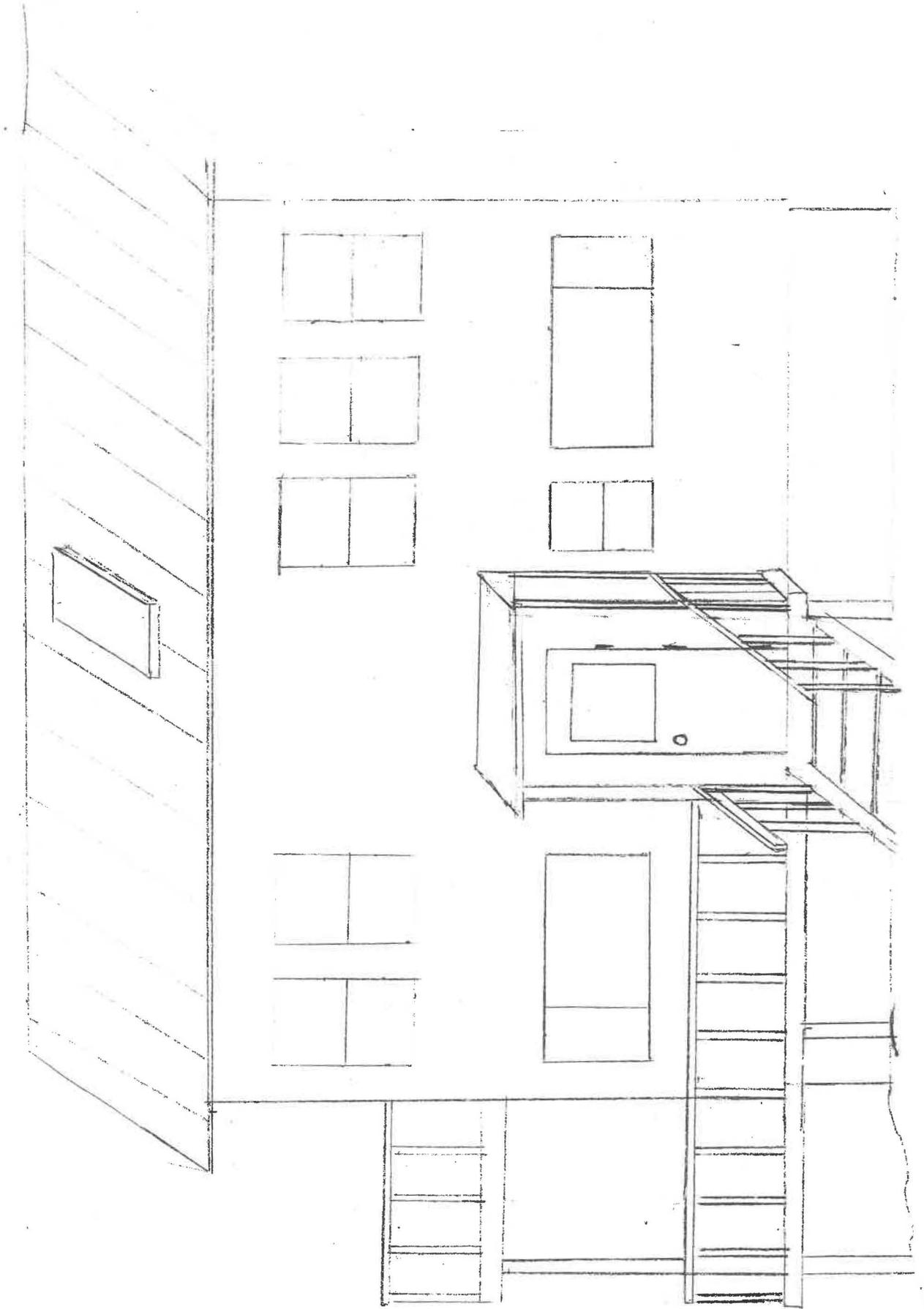


Proposed side

West Side



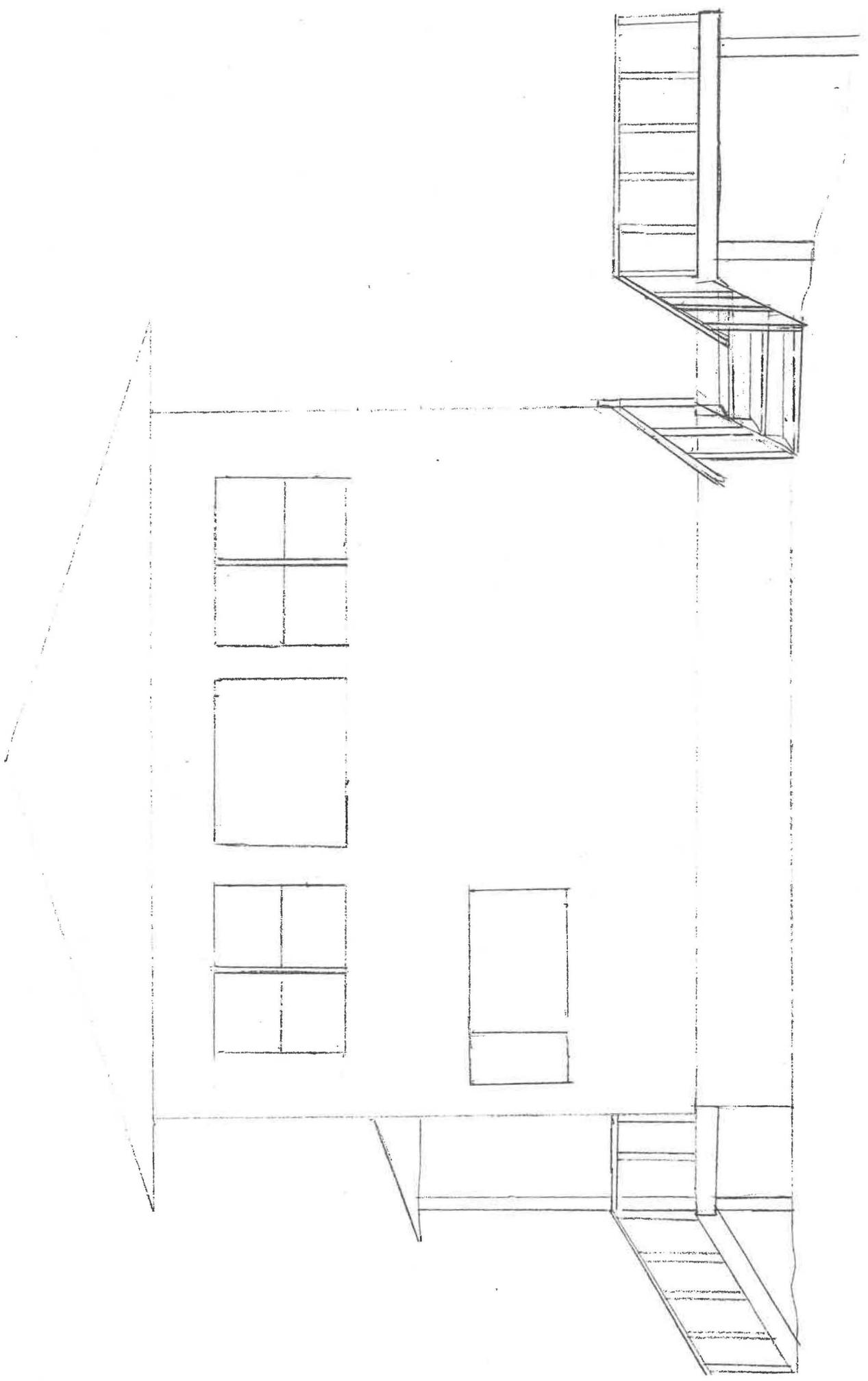
Proposed Front Southside





East Side

Proposed Side





**Town of Underhill  
P.O. Box 32  
Underhill Center, VT 05490**

*The following properties have been determined to be a seasonal camp and is limited to 182 days of occupancy per year. Any change in this use is required approval from the Zoning Board of Adjustment.*

*(CB084 - Vol. 48/388)*

*Owner: Jean & Mary Audette, 1309 Edgewater Road, Daytona Beach, Florida 32114*

*(CH451 - Vol. 44/173)*

*Owner: Llanda Richardson & Terry D. Steiner, 82 Sunset Drive, Northborough, Ma. 01532*

*(DE004- Vol. 40/342)*

*Owner: Charles & Gloria Scribner, 5 Parsons Road, Colchester, Vt. 05446*

*(DE082 - Vol. 36/271)*

*Owner: Bogue Family Trust, 128 No. Union Street, Burlington, Vermont 05401*

*(DE086 - Vol. 66/69)*

*Owner: Arthur & Virginia Swinehart, 1118 West Grove Ctr., Covina, Ca. 91722*

*(DE165 - Vol. 83/183)*

*Owner: E.D. McLane et al Trustees 106 McLane Lane, Manchester, N.H. 03104*

*(EM043 - Vol. 60/436)*

*Owner: Donald James Cerro, 43 Ellsworth Meadow Lane, Underhill, Vt 05489*

*(EM045 - Vol. 43/264)*

*Owner: Reginald H., David W., Randy L. Vance, 67 Chapin Road, Essex Jct., Vt. 05452*

*(HA078 - Vol. 43/371)*

*Owner: Joachim H. & Heather M. Poetzsch, 41 Pershing Avenue, Locust Valley, NY 11560*

*(IS523 - Vol. 68/290)*

*Owner: Glen A. & Stuart E. Russell, P.O. Box 142, Greenbank, WA 98253*

*(IS549- Vol. 53/75)*

*Owner: Charles D. & Geraldine C. Hardy, 19 Jansen Road, Stone Ridge Road, NY 12484*

(IS595 - Vol. 39/66)

Owner: Francis Rooney, 4 Cascadnac Avenue, Essex Jct., Vt. 05452

(ME007 - Vol. 35/431)

Owner: Paul Poissant, 1 Russell Street, Winooski, Vt. 05404

(ML020 - Vol. 62/10)

Owner: Michael Luck & Barbara Wilson, 18 Winthrop Terrace, Wayland, MA. 01778

(MT174 )

Owner: Charles P. Smith, Amy V. Mellencamp, 379 So. Winooski Ave., Burlington, Vt. 05401

(MT239- Vol. 48/150)

Owner: Thomas A. McNulty, 276 South Street, Pittsfield MA., 01201

(PC032 - Vol. 39/124)

Owner: Hopkinson, Francis Jr., Mark, Ann/Wood, Rachel, 340 East 57th St. #3B, New York, N.Y.

(PG027)

Owner: Oliver F. Bengston, 74 Boston Road, Middletown, CT. 06457

(RE106 - Vol. 42/517)

Owner: David Arnold, Presto Music, 166 Dorset Street, So. Burlington, Vt. 05403

(RV103 - Vol. 41/56)

Owner: Carl & Mary Lou Eycke, 212 Groveland Avenue, Raleigh, N.C. 27605

(SA025 - Vol. 37/301)

Owner: Parisi Family Trust C/O Theresa Potvin, P.O. Box 135, Underhill Center, Vt. 05490

(ST015 - Vol. 52/382)

Owner: Roger D. Giroux, P.O. Box 446, Shelburne, Vermont 05482

(ST137 - Vol. 38/178)

Owner: Trask, Fredrick k. Jr. IQR Trust, 135 Stevensville Road, Underhill, Vt. 05489

(ST147 - Vol. 69/173)

Owner: Trask, Fredrick k. Jr. IQR Trust, 135 Stevensville Road, Underhill, Vt. 05489

(ST168 - Vol. 66/239)

Owner: Herbert C. MacArthur & Richard Wheatley, 15 Brickyard Rd., Essex Jct., Vt 05452

(ST185 - Vol. 38/282)

Owner: Donald & Bernice Grady, 106 Park Street, Essex Jct., Vt. 05452

(ST221 - Vol. 31/26)

Owner: George H. III, Lucille, & Victoria, Howard, 1438 Ridge Road, Syosset, N.Y. 11791

(ST246 - Vol. 66/304)

Owner: Wheeler Associates, Edward Wheeler, 909 Wake Robin, Shelburne, Vt. 05482

(St276 - Vol. 54/59)

Owner: Robert P. & Carol Smith, RR 2 Box 2506, Charlotte, Vt. 05445

(WB013 - Vol. 44/347)

Owner: Robert G. Westphal, 5 Benedict Lane, Middlebury, Vt. 05753

(WB022 )

Owner: Floyd L. & Helen L. White, RR 2 Box 18 -A, Jericho, Vt. 05465

(WI031 - Vol. 68/40)

Owner: Ronald M. Rademacher, 29 Wild Berry Lane, Underhill, Vt. 05489

Received for record June 18, 1997 at 4:00 P.M.

ATTEST: *Nancy C. Bradford*, Town Clerk



State of Vermont  
Department of Environmental Conservation

Agency of Natural Resources

## WASTEWATER SYSTEM AND POTABLE WATER SUPPLY PERMIT

### LAWS/REGULATIONS INVOLVED

10 V.S.A. Chapter 64, Potable Water Supply and Wastewater System Permit  
Wastewater System and Potable Water Supply Rules, Effective September 29, 2007  
Chapter 21, Water Supply Rules, Effective December 1, 2010

Landowner(s): Kurt Thoma  
Rachel Fraumann  
161 Austin Drive #34  
Burlington VT 05401

Permit Number: WW-4-5075

This permit affects the following properties in Underhill, Vermont:

Lot	Parcel	SPAN	Acres	Book(s)/Page(s)#
N/A	EMO43	660-209-10204	1.30±	Book:235 Page(s):287-289

This project, to convert a one bedroom seasonal residence to a one bedroom year-round occupied residence, utilizing the existing offsite shallow water supply and a new Enviro-Septic® (ES) Pipe Leaching System, located on 43 Ellsworth Meadow Lane in Underhill, Vermont, is hereby approved under the requirements of the regulations named above subject to the following conditions.

### 1. GENERAL

- 1.1 The project shall be completed as shown on the plans and/or documents prepared by Justin Willis from Willis Design Assoc., Inc., with the stamped plans listed as follows:

Title	Sheet Number	Plan Date	Revision Date
Site Plan Wastewater System & Water Supply	S1	06/25/2018	
Details Wastewater System & Water Supply	D1	06/25/2018	

- 1.2 This permit does not relieve the landowner from obtaining any and all other applicable state and local approvals and permits PRIOR to construction.
- 1.3 The conditions of this permit shall run with the land and will be binding upon and enforceable against the landowner and all assigns and successors in interest. The landowner shall record and index this permit in the Underhill Land Records within thirty, (30) days of issuance of this permit and prior to the conveyance of any lot subject to the jurisdiction of this permit.
- 1.4 The landowner shall record and index all required installation certifications and other documents that are required to be filed under these Rules or under a specific permit condition in the Underhill Land Records and ensure that copies of all certifications are sent to the Secretary.
- 1.5 No permit issued by the Secretary shall be valid for a substantially completed wastewater system until the Secretary receives a signed and dated certification from a qualified Vermont Licensed Designer that states:

*"I hereby certify that, in the exercise of my reasonable professional judgment, the installation-related information submitted is true and correct and wastewater system was installed in accordance with the permitted design and all the permit conditions, was inspected, was properly tested, and has successfully met those performance tests",*

or which otherwise satisfies the requirements of §1-308 and §1-911 of the referenced rules.



- 1.6 This permit authorizes the landowner to convert the existing one bedroom seasonally occupied residence to a year-round occupied one bedroom single family residence. The residence shall not be occupied as a year-round residence until such time as the construction of the new wastewater system is completed and all the conditions of this permit are satisfied. The landowner shall complete construction of the new wastewater system approved by this permit **no later than June 30, 2019**. The landowner may request one extension of this deadline, provided the landowner makes the request in writing prior to the specified date, and shows good cause why construction cannot be completed by the stated date. If construction is not completed by the required deadline, this permit shall no longer remain valid for the purposes of authorizing the construction of the wastewater system.
- 1.7 Each purchaser of any portion of the project shall be shown a copy of the Wastewater System and Potable Water Supply Permit, the **Innovative/Alternative System Approval letter #2004-02-R4 (2017 Renewal for Advanced Enviro-Septic (AES), Enviro-Septic® (ES), and Simple Septic® (SS) Pipe Leaching System)** and the stamped plans prior to conveyance of any portion of the project to that purchaser. If the licensed designer specified AES or ES Pipe Leaching System, a permit is required to change to SS Pipe Leaching System.
- 1.8 By acceptance of this permit, the landowner agrees to allow representatives of the State of Vermont access to the property covered by the permit, at reasonable times, for the purpose of ascertaining compliance with the Vermont environmental and health statutes and regulations, and permit conditions.
- 1.9 Any person aggrieved by this permit may appeal to the Environmental Court within 30 days of the date of issuance of this permit in accordance with 10 V.S.A. Chapter 220 and the Vermont Rules of Environmental Court Proceedings.

## **2. WATER SUPPLY**

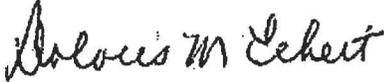
- 2.1 The project is authorized to utilize the existing offsite shallow water supply system for 140 gallons of water per day provided the potable water supply is operated at all times in a manner that keeps the supply free from contamination. No changes shall be made to the existing water system unless prior approval is obtained from the Drinking Water and Groundwater Protection Division. No other means of obtaining potable water shall be allowed without prior review and approval by the Drinking Water and Groundwater Protection Division unless otherwise exempt. The landowner shall immediately notify the Division if the water supply system fails to function properly and becomes a "failed supply".

## **3. WASTEWATER DISPOSAL**

- 3.1 The components of the sanitary wastewater system herein approved shall be routinely and reliably inspected during construction by a Vermont Licensed Designer who shall, upon completion, report in writing to the Drinking Water and Groundwater Protection Division that the installation was accomplished in accordance with the referenced plans and permit conditions, as specifically directed in Condition #1.5 herein.
- 3.2 This project is approved for the disposal of wastewater in accordance with the design depicted on the stamped plans for 140 gallons of wastewater per day. The system shall be operated at all times in a manner that will not permit the discharge of effluent onto the surface of the ground or into the waters of the State. Should the system fail and not qualify for the minor repair or replacement exemption, the current landowner shall engage a qualified Vermont Licensed Designer to evaluate the cause of the failure and to submit an application to this office and receive written approval prior to correcting the failure.
- 3.3 Variances for the design of the replacement wastewater system were granted from the technical standards in accordance with the Wastewater System and Potable Water Supply Rules, Subchapter 1-806(a).
- 3.4 The project is approved for the mound wastewater system provided the mound is constructed in strict accordance with the following conditions:
  - a. The mound system is to be located and constructed as depicted on the plans that have been stamped by the Drinking Water and Groundwater Protection Division.
  - b. A qualified Vermont Licensed Designer shall inspect the mound system during critical stages of construction. This shall include the staking of the location of the mound, ensuring the site has been properly plowed prior to placement of the appropriate sand fill, the installation and testing of the distribution piping, and final grading of the mound including side slopes.
  - c. The construction of the mound shall adhere to the requirements set forth in Section 1-913(f) of the above referenced rules.
- 3.5 The corners of the proposed replacement wastewater system shall be accurately staked out and flagged prior to construction with the flagging/staking being maintained until construction is complete.

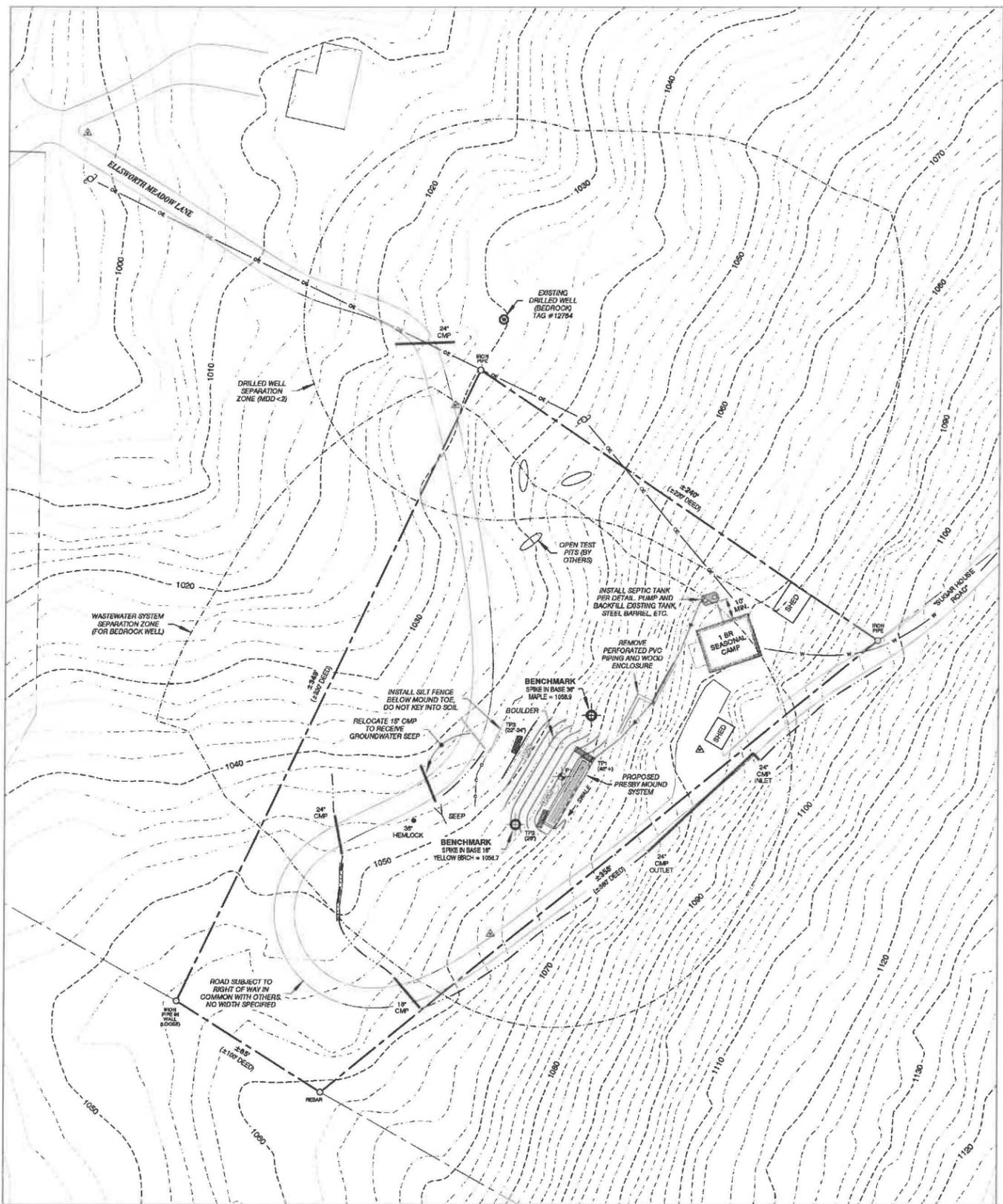
- 3.6 The wastewater system for this project is approved for domestic type wastewater only except as allowed for water treatment discharges. No discharge of other type wastewater is permitted unless prior written approval is obtained from the Drinking Water and Groundwater Protection Division.
- 3.7 No buildings, roads, water lines, earthwork, re-grading, excavation or other construction that might interfere with the installation or operation of the wastewater system are allowed on or near the site-specific wastewater disposal system depicted on the stamped plans. All isolation distances that are set forth in the Wastewater System and Potable Water Supply Rules shall be adhered to and will be incorporated into the construction and installation of the wastewater system, except as permitted under the approved variances.

Emily Boedecker, Commissioner  
Department of Environmental Conservation



By \_\_\_\_\_ Dated July 20, 2018  
Dolores M. Eckert, Assistant Regional Engineer  
Essex Junction Regional Office  
Drinking Water and Groundwater Protection Division

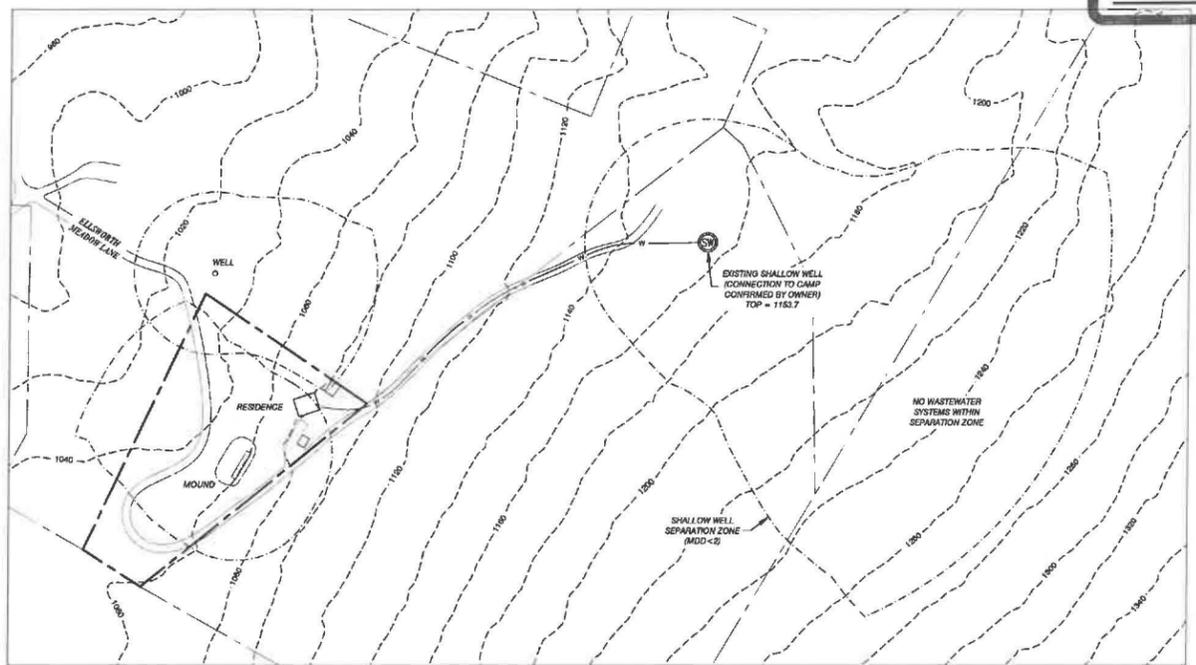
cc: Justin Willis  
Underhill Planning Commission  
Innovative/Alternative Manufacturer – Presby Environmental, Inc.



**SITE PLAN**  
1" = 30'



CALL DIG SAFE  
DIAL 811  
PRIOR TO ANY EXCAVATION



**OVERALL SITE PLAN**  
1" = 100'



**- BOUNDARY NOTE -**  
THIS IS NOT A BOUNDARY SURVEY.  
APPROXIMATE BOUNDARIES ARE DEPICTED PER OWNER DEED DESCRIPTION AND LIMITED EVIDENCE FOUND IN THE FIELD. CONTACT A LICENSED LAND SURVEYOR AS NECESSARY TO VERIFIY/ESTABLISH BOUNDARIES.

**PARCEL DATA**  
±1.3 AC  
B. 235, P. 287-289  
PARCEL ID #EM043  
SPAN #6600-209-10204  
\*ACREAGE PER PLAN, 1.04 ACRES PER GRAND LIST

LEGEND	
	PERCOLATION TEST
	TEST PIT (W/OUTLINE) (DEPTH TO 8'-W/)
	CONTROL POINT (SPIKE IN GROUND)
	BOUNDARY CORNER
	DRILLED WELL
	SHALLOW WELL
	UTILITY POLE
	TREE LINE
	STREAM
	EXISTING CONTOURS
	APPROX. EASEMENT
	APPROX. BOUNDARY
	WATER LINE
	OVERHEAD ELECTRIC



**VERMONT**  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
Drinking Water & Groundwater Protection Division  
THIS IS SUBJECT TO PROVISIONS OR CONDITIONS LISTED IN PERMIT  
Permit #: WW-4-5075  
Date: 7/20/2018

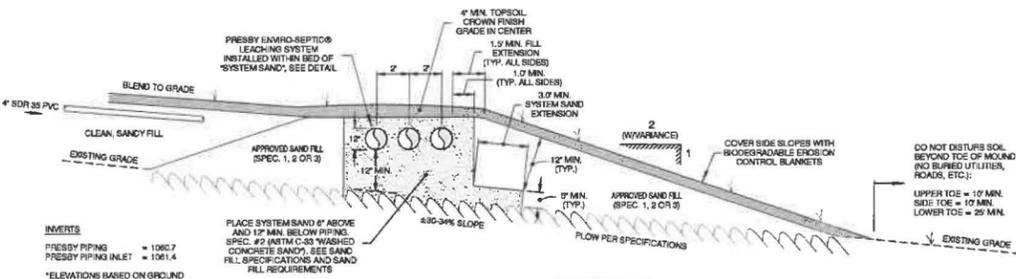


NO.	DATE	REVISION	BY

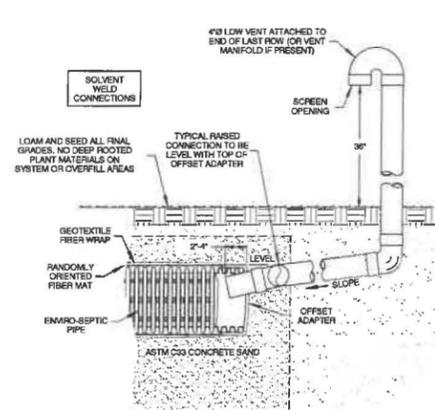
**WILLIS DESIGN ASSOC., INC.**  
P.O. BOX 1001, FERRISBURGH, VERMONT 05465 (802) 855-9228

SITE PLAN WASTEWATER SYSTEM & WATER SUPPLY		SCALE:
DRAWN:	JTW	NOTED
DESIGN:	JTW	
DATE:	9/28/18	SHEET:
PROJECT:	18-014	<b>S1</b>
DRAWING:	18014-1	

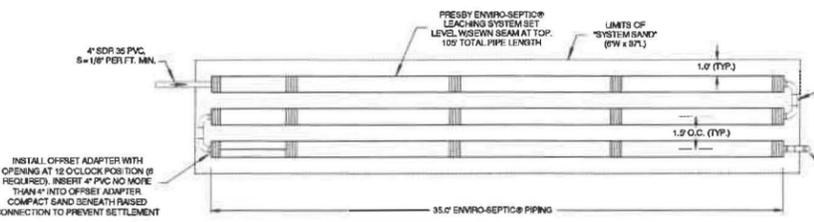
**KURT THOMA**  
RACHEL FRAUMANN  
43 ELLSWORTH MEADOW LANE  
UNDERHILL - VERMONT



SECTION MOUND SYSTEM NTS



VENT DETAIL NTS



PLAN VIEW ENVIRO-SEPTIC LEACHING SYSTEM NTS

**- CONTRACTOR NOTE -**  
 THE INSTALLER (CONTRACTOR) SHALL BE OBTAINED BY PRESBY ENVIRONMENTAL, INC. THE INSTALLER SHALL CONSTRUCT THE SYSTEM IN ACCORDANCE WITH THIS PLAN AND THE VERMONT DESIGN & INSTALLATION MANUAL FOR ENVIRO-SEPTIC (DATE OF ISSUE 7/31/14).  
 THE INSTALLER SHALL COMPLETE THE VERMONT INSTALLATION FORM AND RETURN IT TO THE LOCAL APPROVING AUTHORITY AND TO PRESBY ENVIRONMENTAL, INC.

**§1-619(c) SAND FILL SPECIFICATIONS**

(1) SIEVE NO.	OPENING (MM)	% PASSING (BY WT)
3/8	9.500	85 - 100
40	0.420	25 - 35
60	0.250	0 - 10
100	0.150	0 - 5
200	0.075	0 - 5

**(2) SYSTEM SAND**

SIEVE NO.	OPENING (MM)	% PASSING (BY WT)
4	4.750	95 - 100
10	2.000	80 - 100
18	1.180	50 - 85
30	0.600	25 - 60
50	0.300	10 - 30
100	0.150	2 - 10
200	0.075	0 - 5

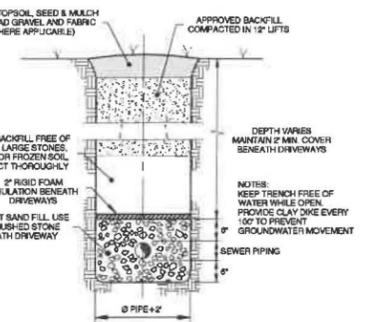
**ASTM SPECIFICATION C-33, INTENDED FOR MANUFACTURED MATERIAL.**

(3) SIEVE NO.	OPENING (MM)	% PASSING (BY WT)
3/8	9.500	85 - 100
40	0.420	30 - 50
200	0.075	0 - 5

THE FILL MATERIAL MUST MEET SPECIFICATIONS (1), (2), OR (3) ABOVE. INTERPOLATION OF ANALYSIS IS NOT PERMITTED.  
 \*X = 5% FOR SYSTEM SAND; X = 5% FOR SAND FILL.

**PRESBY SYSTEM SAND REQUIREMENTS**  
**12.22 SYSTEM SAND REQUIREMENTS FOR ALL BEDS**  
 IT IS CRITICAL TO THE PROPER FUNCTIONING OF THE PRESBY SYSTEM THAT THE PROPER AMOUNT AND TYPE OF SYSTEM SAND BE INSTALLED. SYSTEM SAND MUST BE CLEAN, GRANULAR SAND FREE OF ORGANIC MATTER AND MUST ADHERE TO VERMONT §1-619(c)(2) FILL MATERIAL, EXCEPT A MAXIMUM OF 5% OF TOTAL SAND MAY PASS THROUGH A #200 SIEVE. VERIFIED BY WASHING SAMPLE PER REQUIREMENTS OF ASTM C-117. ASTM C-33 (CONCRETE SAND) IS ACCEPTABLE FOR USE AS SYSTEM SAND PROVIDED THAT NO MORE THAN 5% CAN PASS A #200 SIEVE (VERIFIED BY WASHING SAMPLE PER REQUIREMENTS OF ASTM C-117 AS NOTED IN THE ASTM C-33 SPECIFICATION). SYSTEM SAND IS PLACED A MINIMUM OF 6 IN. BELOW THE PRESBY ROWS FOR BELOW GRADE SYSTEMS, A MINIMUM OF 12 IN. BELOW THE PRESBY ROWS FOR MOUND/ELEVATED/ON GRADE SYSTEMS, A MINIMUM OF 1 IN. ABOVE THE PRESBY ROWS, AND A MINIMUM OF 12 IN. HORIZONTALLY AROUND THE PERIMETER OF THE ROWS. NOTE: SYSTEM SAND MAY BE USED IN PLACE OF SAND FILL.

**12.24 SAND FILL**  
 SAND FILL IS USED TO RAISE THE ELEVATION OF THE SYSTEM IN ORDER TO MEET THE REQUIRED SEPARATION DISTANCE FROM THE SHWT OR OTHER RESTRICTIVE FEATURE. SAND FILL IS DEFINED BY VERMONT §1-619(c), NO ORGANIC MATERIAL IS ALLOWED. IF §1-619(c)(2) OR §1-619(c)(3) MATERIAL IS USED, NO MORE THAN 5% SHALL PASS A #200 SIEVE (TESTED PER ASTM C-117) AND NO STONES OVER 3/4 INCH IN SIZE.



TYPICAL SEWER TRENCH NTS

**TEST PIT LOGS**

DATE	5/9/18
METHOD	EXCAVATOR (C. WELLS EXCAVATING)
PRESENT	J. WILLIS, L.D. W. ZABLOSKI, VT DEC
TP-1	10YR 2/2 (VERY DARK BROWN) FINE SANDY LOAM, LOOSE.
0'-4"	10YR 3/4 (DARK YELLOWISH-BROWN) LOAMY FINE SAND, VERY FRAGILE.
4'-36"	10YR 3/3 (DARK BROWN) FINE SANDY LOAM, FIRM, POSSIBLE BEDROCK AT DEPTH.
36'-48"	10YR 3/3 (DARK BROWN) FINE SANDY LOAM, FIRM, REDOX.
SEASONAL HIGH WATER TABLE (SHWT)	NONE TO DEPTH.
BEADROCK	NONE TO DEPTH.
TP-2	10YR 2/2 (VERY DARK BROWN) FINE SANDY LOAM, LOOSE.
0'-4"	10YR 3/4 (DARK YELLOWISH-BROWN) LOAMY FINE SAND, VERY FRAGILE.
4'-26"	10YR 3/3 (DARK BROWN) FINE SANDY LOAM, FIRM, REDOX.
26'-40"	10YR 3/3 (DARK BROWN) FINE SANDY LOAM, FIRM, REDOX.
FEATURES	22'-24", SEEPAGE AT 36".
SHWT	22'-24".
BEADROCK	NONE TO DEPTH.
TP-3	10YR 2/2 (VERY DARK BROWN) FINE SANDY LOAM, LOOSE.
0'-10"	10YR 3/4 (DARK YELLOWISH-BROWN) LOAMY FINE SAND, VERY FRAGILE, BOULDER.
10'-22"	10YR 3/3 (DARK BROWN) FINE SANDY LOAM, FIRM, REDOX.
22'-42"	10YR 3/3 (DARK BROWN) FINE SANDY LOAM, FIRM, REDOX.
FEATURES	22'-24", SEEPAGE AT 36".
SHWT	22'-24".
BEADROCK	NONE TO DEPTH.

**PERCOLATION TEST RESULTS**

NUMBER	DEPTH	DISP	RUNS	RATE (EXTRAPOLATED)
P1	16"	1"	7	8.1 MPM

\*DESIGN RATE.

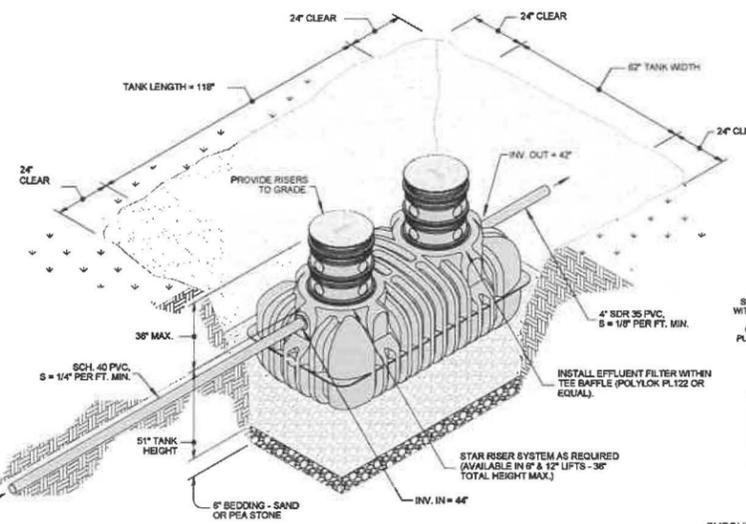
**BASIS OF DESIGN - PROPOSED WASTEWATER SYSTEM**  
 PROJECT: EXISTING 1 BR SEASONAL HOME TO BE CONVERTED TO YEAR-ROUND USE.  
 1 BR HOME @ 140 GPD/BR = 140 GPD FLOWS.  
 DESIGN PERCOLATION RATE = 8.1 MPM  
 DESIGN REFERENCE (2 BR MIN.):  
 VERMONT DESIGN & INSTALLATION MANUAL FOR ENVIRO-SEPTIC (DATE OF ISSUE 7/31/14)  
 9.0 TABLE A: PERCOLATION RATE OF 7-9 MPM = 100 MIN. FT OF PIPE.  
 10.0 TABLE B: PERCOLATION RATE OF 9-10 MPM, 185.0 SF AREA REQUIRED.  
 11.0 TABLE C: 35' PIPE LENGTH REQUIRES 3 ROWS TO PROVIDE 105 LF.  
 INSTALL (3) 35' PIPE LENGTHS AT 1.5' C-C.  
 SYSTEM SAND BED AREA = 6.0'x37' L = 222.0 SF. (185.0 SF MIN.)  
 BASAL AREA = 140 GPD/0.74 GDSF = 189.2 SF = 5.1'x37.0' L (DEFAULT TO 6.0'x37').

**BASIS OF DESIGN - EXISTING WATER SUPPLY**  
 THE EXISTING WATER SUPPLY IS NOT CURRENTLY FAILED (PER OWNER). THE SOURCE SHOULD BE TESTED FOR CONTAMINANTS PRIOR TO USE.  
 1 BR HOME @ 140 GPD/BR = 140 GPD FLOWS.  
 NOTE:  
 A REPLACEMENT WELL MAY BE CONSTRUCTED PER §304(c)(2) OF THE VERMONT ENVIRONMENTAL PROTECTION RULES (IF AND WHEN REQUIRED).

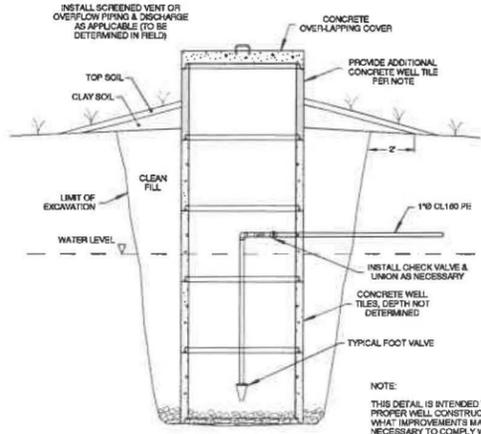
- MOUND CONSTRUCTION SPECIFICATIONS**
- CONTACT THE DESIGNER PRIOR TO ANY CONSTRUCTION OF THE MOUND SYSTEM AND TO DISCUSS CONSTRUCTION REQUIREMENTS. ALL ELEVATIONS OF FEATURES SUCH AS FLOOR, SEPTIC TANK AND PUMP STATION TO BE FIELD VERIFIED. REPORT ANY PROPOSED CHANGES IN THE LOCATIONS OF THE HOUSE, SUB-GRADE TANKS, DRIVEWAY, ETC.
  - THE CONTRACTOR SHALL SUBMIT A RECENT SIEVE ANALYSIS (<6 MONTHS) OF THE SYSTEM SAND AND SAND FILL. GRAIN SIZE DISTRIBUTION SHALL COMPLY WITH EITHER SPECIFICATIONS NOTED ON PLAN.
  - ABOVE GROUND VEGETATION SHALL BE CLOSELY CUT AND REMOVED FROM THE MOUND AREA AND 10 FEET FROM EDGE OF THE SYSTEM AS MEASURED FROM THE TOE(S). DO NOT REMOVE TREE STUMPS.
  - FLOW THE MOUND AREA TO A DEPTH OF 7" TO 8" PARALLEL TO THE LAND CONTOUR WITH THE FLOW THROWING THE SOIL UPSLOPE TO PROVIDE A PROPER INTERFACE BETWEEN THE FILL AND NATURAL SOIL. TREE STUMPS SHOULD NOT BE PULLED. FLOW WITH A MOLD-BOARD PLOW OR A CHISEL POINT ADAPTED TO A BACKHOE BUCKET (USED IN WOODED AREAS ONLY).
  - THE MOUND PERIMETER SHALL BE GRADED TO ENSURE DIVERSION OF SURFACE WATER RUN-OFF (DIVERSION DITCH OR SWALE AS SHOWN).
  - ONCE FLOWING IS COMPLETE, CONTACT THE DESIGNER FOR AN INSPECTION OF THE SITE PRIOR TO PLACEMENT OF FILL.
  - DUMP THE APPROVED SAND FILL AROUND THE EDGE OF THE PLOWED AREA WHILE KEEPING THE TRUCK WHEELS OFF THE PLOWED AREA. WHEEL TRACKS IN THE PLOWED AREA WILL LEAD TO COMPACTION AND RUTS, ADVERSELY AFFECTING THE OPERATION OF THE SYSTEM.
  - MOUND THE SAND AROUND INTO PLACE WHILE MAINTAINING AT LEAST 12" OF SAND UNDER THE EQUIPMENT TO MINIMIZE COMPACTION OF PLOWED LAYER. SHAPE THE SIDES TO THE REQUIRED SLOPES.
  - INSTALL THE ENVIRO-SEPTIC LEACHING PIPES LEVEL WITH SPACING INDICATED. PLACE APPROVED SAND FILL BETWEEN AND 6" ABOVE THE PIPING AS INDICATED. REFER TO PRESBY DESIGN AND INSTALLATION MANUAL FOR INSTALLATION, HANDLING AND STORAGE GUIDELINES.
  - CONTACT THE DESIGNER FOR AN INSPECTION PRIOR TO COVERING THE LEACHING PIPES WITH 6" OF SYSTEM SAND.
  - CAP THE MOUND WITH A MINIMUM OF 4" OF TOPSOIL, CROWN IN CENTER AND SHAPE SURFACE AS DEPICTED.
  - LANDSCAPE THE MOUND BY PLANTING GRASSES ON THE SURFACE. SHRUBS PLACED AT THE FOOT AND UP THE SLOPE ON THE SIDES AND ENDS ARE OPTIONAL. SHRUBS PLACED ON TOP OF THE MOUND MAY INTERFERE WITH THE DISTRIBUTION SYSTEM. UPON COMPLETION OF CONSTRUCTION, CONTACT THE DESIGNER.

- OPERATION AND MAINTENANCE NOTES**
- THE DISPOSAL SYSTEM MAY REQUIRE ADJUSTMENTS OR MODIFICATIONS DURING STARTUP AS WELL AS DURING THE LIFETIME OF THE SYSTEM. THESE ADJUSTMENTS INCLUDE RE-LEVELING DISTRIBUTION TANKS OR DISTRIBUTION BOXES DUE TO FROST ACTION OR SETTLEMENT. FILL MAY BE ADDED TO REPAIR EROSION OR LEVEL SETTLED AREAS.
  - IN GENERAL, SEPTIC TANKS MUST BE PUMPED EVERY 2 TO 3 YEARS (OR MORE FREQUENTLY DEPENDING UPON USAGE). AT LEAST ONCE A YEAR, THE DEPTH OF SLUDGE AND SCUM IN THE SEPTIC TANK BE MEASURED. THE TANK SHOULD BE PUMPED IF:  
 (A) THE SLUDGE IS CLOSER THAN TWELVE INCHES TO THE OUTLET BAFFLE.  
 (B) THE SCUM LAYER IS CLOSER THAN THREE INCHES TO THE SEPTIC TANK BAFFLE.  
 (C) FOLLOWING SEPTIC TANK CLEANING IN UNITS OVER 8,000 GALLONS, SURFACES OF THE TANK SHOULD BE INSPECTED FOR LEAKS AND CRACKS.
  - AT LEAST ONCE A YEAR, DOING TANKS AND DISTRIBUTION BOXES SHOULD BE OPENED AND SET TO DRAIN. AS NECESSARY AND THE DOING TANK OR DISTRIBUTION BOX CHECKED FOR LEVELNESS.
  - PLUMBING AND ELECTRICAL COMPONENTS ASSOCIATED WITH PUMP STATIONS OR ADVANCED TREATMENT UNITS MUST BE CHECKED REGULARLY FOR OPERATION AND LEAKS.
  - TOXIC OR HAZARDOUS SUBSTANCES SHOULD IN GENERAL NOT BE DISPOSED OF IN SEPTIC SYSTEMS. THESE SUBSTANCES MAY PASS THROUGH THE SYSTEM IN AN UNALTERED STATE AND CONTAMINATE GROUNDWATER OR REMAIN IN THE SEPTIC TANK AND SUBSEQUENTLY CONTAMINATE THE SOIL OR CROPS AT THE SITE OF ULTIMATE DISPOSAL.
  - FLOW ADJUSTMENT DIALS WITHIN DISTRIBUTION BOXES SHOULD BE CHECKED AND ADJUSTED AS NECESSARY TO INSURE EQUAL FLOW TO EACH LATERAL. ADJUSTMENT MUST BE PERFORMED WITHIN ONE YEAR OF INSTALLATION AND WHENEVER THE SEPTIC TANK IS PUMPED. FAILURE TO DO SO MAY OVERLOAD AND CAUSE THE PREMATURE FAILURE OF AN ABSORPTION TRENCH OR BED SYSTEM.
  - THE EFFLUENT FILTER IN THE SEPTIC TANK OUTLET BAFFLE SHOULD BE CLEANED (WASHED-OFF) EVERY 3-6 MONTHS OR MORE FREQUENTLY DEPENDING ON USAGE. THE EFFLUENT FILTER MUST BE CLEANED IF SEWAGE BEGINS TO DRAIN SLOWLY FROM THE HOUSE. THE SEPTIC TANK MAY REQUIRE PUMPING IF THE FILTER BECOMES PLUGGED.
  - IMPROPER MAINTENANCE OF THE PRETREATMENT UNIT (SEPTIC TANK) AND RELATED COMPONENTS MAY RESULT IN PLUGGING WITHIN THE DISTRIBUTION NETWORK. THE LIFE OF THE DISPOSAL SYSTEM CANNOT BE ESTIMATED DUE TO A VARIETY OF OPERATIONAL AND ENVIRONMENTAL FACTORS. INTRODUCTION OF MATERIAL OTHER THAN HUMAN WASTES (E.G. USE OF NON-BIODEGRADABLE DETERGENTS, CHEMICALS AND USE OF A GARBAGE DISPOSAL), EXCESSIVE SEWAGE FLOWS OR RAINFALL WILL ADVERSELY AFFECT THE OPERATION OF THE DISPOSAL SYSTEM. SOIL SETTLEMENT, FREEZING OF COMPONENTS AND CLOGGING DUE TO ORGANIC SOLIDS ACCUMULATION WILL REQUIRE REPAIRS.
  - USE OF GARBAGE DISPOSALS IS PROHIBITED UNLESS SPECIFIED OTHERWISE.
  - IMPROPERLY OPERATING WATER SOFTENERS CAN ADVERSELY AFFECT THE OPERATION OF THE SYSTEM. DEMAND-DOSED SYSTEMS ARE RECOMMENDED VERSUS THE DOSER. CONNECTION TO A WASTEWATER DISPOSAL SYSTEM SHOULD BE AVOIDED IF POSSIBLE.
  - THE OWNER ASSUMES FULL RESPONSIBILITY FOR THE CONTINUED PROPER USE AND MAINTENANCE OF THE SYSTEM.

**DESIGN NOTE**  
 TO THE EXTENT REASONABLY POSSIBLE, THIS DESIGN WAS PREPARED IN ACCORDANCE WITH CHAPTER 1, WASTEWATER SYSTEM AND POTABLE WATER SUPPLY RULES, EFFECTIVE 9/29/07.  
 SYSTEM PLACEMENT IS SUBJECT TO EXISTING SITE CONSTRAINTS (STEEP SLOPES, AREA LIMITATIONS, ETC.). REQUESTED (KNOWN) VARIANCES INCLUDE: THE WASTEWATER SYSTEM IS PROPOSED ON SLOPE EXCEEDING 30%. 2:1 MOUND SIDE SLOPES PROPOSED VERSUS 3:1 AND MINIMUM SITE CONDITIONS DO NOT EXIST 25 FT. DOWNSLOPE FROM MOUND TOE.  
 THE LANDOWNER IS ADVISED THAT A FUTURE APPLICATION TO INCREASE DESIGN FLOWS (I.E. ADD BEDROOM) MAY NOT BE PERMITTED WHEN VARIANCES ARE GRANTED. FULL COMPLIANCE IS REQUIRED TO INCREASE DESIGN FLOWS.  
 USE OF LOW FLOW PLUMBING FIXTURES AND DEVICES IS STRONGLY RECOMMENDED.



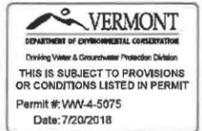
**SUBSURFACE TANK NOTE**  
 THE CONTRACTOR IS RESPONSIBLE FOR IDENTIFYING AN AREA WHICH CONTAINS SUFFICIENT SOIL DEPTH FOR TANK PLACEMENT. ALTERNATE LOCATIONS MAY BE REQUIRED TO ACHIEVE DESIRED ELEVATIONS AND PROPER SOIL COVER OVER TANK. SOIL DEPTH SHOULD BE VERIFIED PRIOR TO ORDERING OR DELIVERY OF TANK(S).  
 KEEP EXCAVATION FREE OF WATER DURING INSTALLATION. PLACE 3"-6" CRUSHED STONE BED BENEATH TANK.



TYPICAL DUG WELL NTS

**NOTES:**  
 OPTIONAL PARTITION WALL REQUIRES THAT BOTH OPENINGS BE ACCESSED FOR PUMPING.  
 PROVIDE COUNTER-BUFLYANTY THE DOWNING AND DEAD MEN AS NECESSARY.  
 INSTALL PER MFR. GUIDELINES.

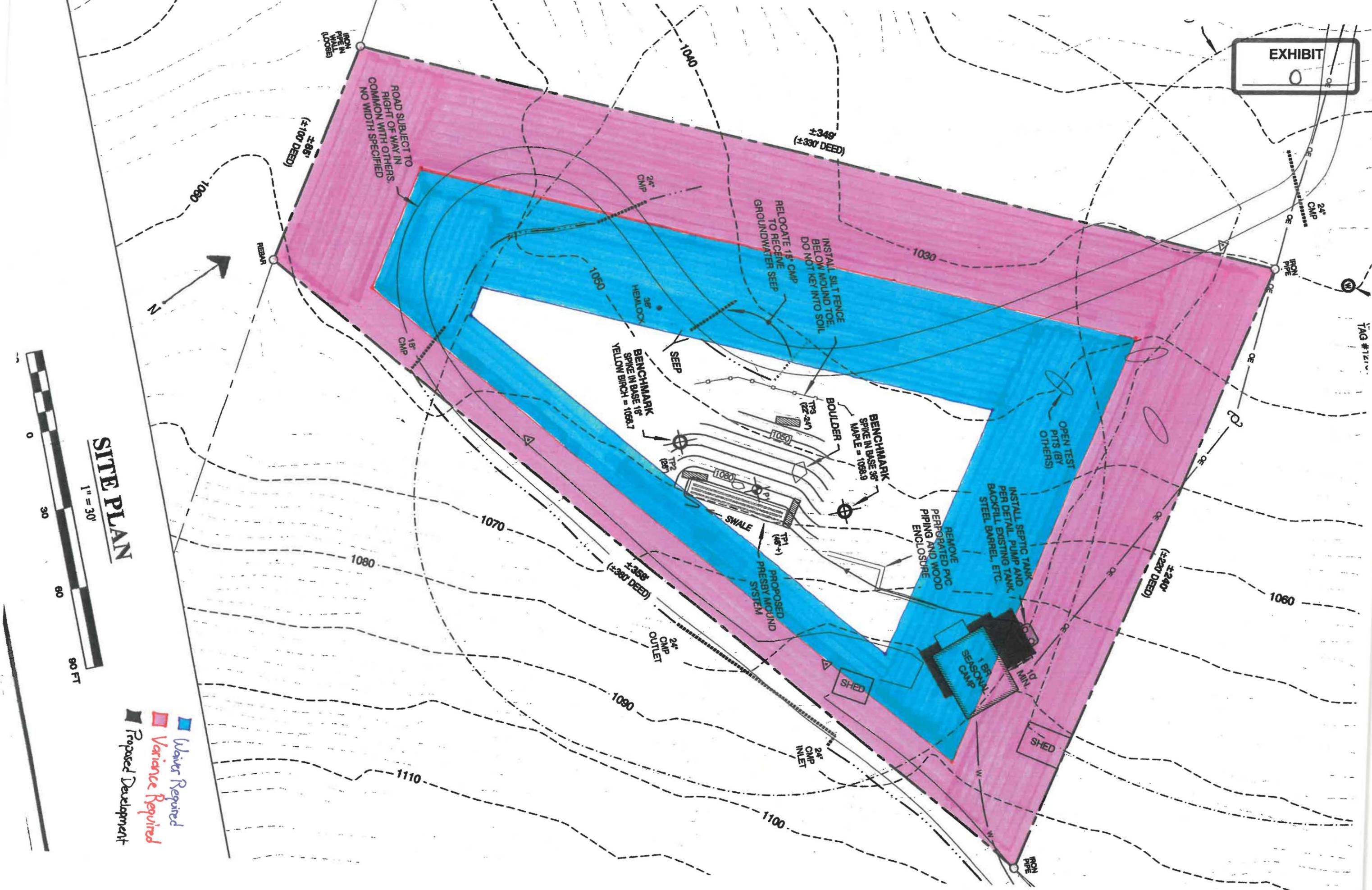
FRALO PLASTECH  
 1,000 GAL. MODEL ST-1000E  
**SEPTIC TANK**  
 NTS



**WILLIS DESIGN ASSOC., INC.**  
 P.O. BOX 1001, FERRISBURGH, VERMONT 05465 (802) 558-9228

**DETAILS WASTEWATER SYSTEM & WATER SUPPLY**  
 KURT THOMA  
 RACHEL FRAUMANN  
 43 ELLSWORTH MEADOW LANE  
 UNDERHILL - VERMONT

DATE	SCALE
JTW	NOTED
JTW	
8-25-18	SHEET
18-014	<b>D1</b>
18014-1	



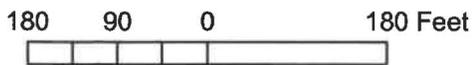
SITE PLAN

1" = 30'

90 FT

- Water Required
- Variance Required
- Proposed Development





**1 inch = 192 feet**



For Planning Purposes Only.  
Scale and feature locations are approximate.  
Map created 07/08/2019