



# Town of Underhill

## Development Review Board

### Sketch Plan Findings & Decision

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#### Application of Marty Baslow for a 2-Lot Subdivision

Marty Baslow  
65 Colonel Page Road  
Essex, VT 05452

October 7, 2019

During the September 17, 2019 meeting, the Development Review Board reviewed and accepted your sketch plan application for a 2-lot subdivision of property you own located at 37 Warner Creek (WC037) in Underhill, VT. This letter is provided per Section 7.3.D of the *Unified Land Use and Development Regulations* and is valid for one year. If a preliminary/final subdivision application is not filed within a year of the date this letter was issued, another sketch plan review meeting shall be required [Section 7.3.E].

#### **SUBDIVISION CLASSIFICATION**

This application was reviewed under the *Unified Land Use & Development Regulations* adopted March 2011, as amended through March 6, 2018. The subdivision process must distinguish between major and minor classifications. Due to the nature of your submitted proposal, the DRB has classified your project as a "minor subdivision" [Section 7.2.E]. Also, as you know, the Board voted to waive preliminary subdivision review, and therefore, only a final subdivision hearing will be required [Section 7.5.B].

#### **REGULATION CONFORMANCE**

Based upon the information submitted at the sketch plan hearing, the proposed subdivision appears to have the potential to conform to the regulations. In a standard subdivision hearing(s), the applicant is required to address the subdivision review standards in Article VIII and to ensure the applicable preliminary subdivision requirements in Section 7.5 and the final subdivision requirements in Section 7.6 are met for all proposed lots. However, as presented during the meeting, you intend to retain one of the lots (Parcel A) for yourself without development at this time; therefore, the subdivision review criteria for Parcel A at this time will be reduced in scope. The other lot (Parcel B) is intended for a building lot which you will sell upon completion of this subdivision review process, and therefore, all of the standard review criteria shall be provided as part of your application for the combined preliminary and final subdivision hearing. While the subdivision review criteria for Parcel A has been reduced in scope, the Board retains continuing jurisdiction pertaining to future development. In other words, at the time you or your successor wishes to develop Parcel A, an application shall be made with this Board for approval.

Please note that during the September 16, 2019 meeting, the Board expressed several concerns that could be problematic in the future pertaining to Parcel A should you forgo review at this time. The first concern is related to a developable area on the proposed lot. As currently proposed, according to the Agency of Natural Resources Atlas, Parcel A is largely comprised of steep slopes (slopes between 15% and 25%) or very steep slopes (greater than 25%). For your reference, the impact to

very steep slopes (slopes greater than 25%) is prohibited (see § 3.18.E) unless you qualify for one of the exemptions of the abovementioned section or an exemption under § 3.18.B. Therefore, should the current Agency of Natural Resources Atlas accurately reflect the existing slope conditions of Parcel A, there is no guarantee that a future project involving the construction of a seasonal dwelling (camp) on Parcel A will be approved. As mentioned during the evening's meeting, conducting a slope analysis will better help you ascertain if there are suitable areas on the lot for future development (i.e. a camp).

Another related concern regarding Parcel A pertains to the upgrading of the existing logging road. While the road is existing, once the lot changes in use (i.e. from a forestry/agricultural lot to a seasonal camp), the existing logging road will be required to be upgraded to conform with the *Underhill Road, Driveway and Trail Ordinance*. Given the apparent steep slopes on Parcel A, constructing a driveway that does not exceed 10% and impact steep slopes seems improbable, if not impossible. As outlined above, performing a slope analysis will better assist you in determining the feasibility of upgrading the existing logging road to a driveway.

Lastly, concerns exist about the installation of a wastewater system on Parcel A. While there is no intention at this time to develop Parcel A, wastewater and potable water are typically integral with any dwelling unit, regardless of whether the development is for a seasonal dwelling or year-round development. Forgoing the identification of a wastewater system and potable water supply source at this time could be problematic in the future if Parcel A does not contain any suitable areas for these two systems.

As a reminder, the regulations can change in the future and those changes may affect the development potential for Parcel A - even for a seasonal dwelling (camp). There may be a risk in delaying the development of Parcel A.

While the above concerns are not required to be addressed, the Board highly recommends that you investigate the above-outlined issues thoroughly to ensure that the proposed Parcel A satisfies your future endeavors, and at the same, takes into consideration foreseen future value. In regard to your preliminary & final subdivision review application, the Board has outlined the review criteria to be addressed for each lot directly below.

#### **REVIEW CRITERIA & ISSUES TO BE ADDRESSED**

The remainder of this sketch plan letter outlines "specific areas of concern to address" per Section 7.3.D regarding the presented application and is meant to provide recommendations and guidance to the applicant. The Board opined that the following items and concerns should be addressed in your application for final subdivision approval:

##### *In regard to Parcel A:*

1. The Board acknowledges your desire to separate and subdivide your existing 30.61-acre parcel into an ±11.76-acre parcel (Parcel A) and an ±18.85-acre parcel (Parcel B). As advised during the meeting, no development on Parcel A is proposed, and therefore, the Board defers its review of the lot's conformance with the UULDR until such time development is proposed. Please note the Board will retain continuing jurisdiction over the proposed Parcel A and will require conformance to the regulations in effect at the time of proposed development. There is no guarantee that future development on Parcel A will be approved by a subsequent Board;

2. The Applicant shall determine if the Soil & Water Conservation District is located on the proposed Parcel A and correspond with the Zoning Administrator regarding the options available should that district be located on the Parcel;
3. The Applicant shall supply updated documentation relating to how a new lot accessed from Baslow Lane affects the existing road maintenance agreement (assuming one exists);
  - a. Should a road maintenance agreement for Baslow Lane not exist, the Board encourages the Applicant to develop a road maintenance agreement; however, is not required.
4. The Board will retain jurisdiction over Parcel A for development (i.e. a camp or a dwelling) and must give approval prior to the issuance of a building permit. If the current applicant wishes to pursue development of Parcel A at this time:
  - a. The submitted materials for Final Subdivision review shall include those required by, but not exclusive of:
    - i. A Project Narrative similar to the enclosed example that addresses constraints and issues that are identified in this letter in accordance with the *Underhill Unified Land Use & Development Regulations*
  - b. Additionally, the submitted materials for Final Subdivision review shall include engineering drawings addressing:
    - i. Areas of steep slopes, flood hazards, stream water setbacks, septic setbacks, and well shields, isolation distances;
    - ii. Issues raised in "Regulation Conformance" above: development area, driveway and water/wastewater systems located outside steep slopes.
  - c. An access permit application should the Applicant change his mind and classify the Parcel as a "building lot" rather than a "wood lot."
  - d. Please contact the Zoning Administrator for additional requirements.

*In regard to Parcel B*

1. All surface waters, including streams and brooks, wetlands and floodplains shall be identified and delineated on the submitted site plan;
2. The applicant shall identify the well shield and isolation distances on the submitted site plans and how those distances will impact the adjacent property owners;
3. The applicant shall consider all components of the Article VIII Subdivision Standards and submit a project narrative outlining the property's history and references to book and page numbers, as well as provide comments on any related issues pertaining to the aforementioned Article VIII Subdivision Standards. This narrative shall substitute for the previously distributed Preliminary Subdivision Findings Checklist per § 7.5 of the *Underhill Unified Land Use & Development Regulations* that used to be required (see enclosed example);
4. The site plan shall depict a proposed building envelope for the principal structure, as well as a building envelope for ancillary structures and on-site parking. These building envelopes shall depict the distance from the envelope itself to the property's boundaries and the identified Class II Wetland encompassing the Creek. Also note that the building envelope shall exclude constraints such as steep slopes, streams, wetlands, etc., where feasible;

5. The Applicant shall submit engineering drawings in conformance with the application requirements in the *Underhill Unified Land Use & Development Regulations*, specifically:
  - a. Areas of steep slopes, flood hazards, stream water setbacks, septic setbacks, and well shields, isolation distances; and
  - b. The requisite size culverts shall also be illustrated on the plans;
6. The Applicant shall submit engineering drawings depicting the existing driveway and make modifications where applicable, so the existing driveway conforms with the *Underhill Road, Driveway and Trail Ordinance*. Modifications could include:
  - a. Providing a turnaround area that is suitable for emergency vehicles;
  - b. The widening of any turning radii; and
  - c. Driveway width.
7. The Applicant shall also provide engineering drawings illustrating that the portion of Warner Creek Extension meets the road width requirements from where Warner Creek Extension splits into a north/south direction at the intersection of Warner Creek to Parcel B; and
8. The Applicant shall submit relevant documentation pertaining to the Warner Creek Extension Homeowners Association.

*In regard to both parcels*

1. The survey plat prepared by a licensed surveyor shall depict all applicable easements and/or rights-of-way that are located on both parcels, including easements for potential utilities;
2. The scheduling of a site visit prior to the final subdivision review hearing.
3. A Final Subdivision Application shall be submitted in accordance with the criteria listed above and on the accompanying checklist.
4. Draft deeds referencing any applicable easements or road maintenance agreements;

**FINAL SUBDIVISION APPLICATION/HEARING - PROCESS**

Per Section 7.5.B and at your request, the Board has waived the preliminary subdivision review hearing, and therefore, only a final subdivision review hearing is required - the next step in the subdivision process. The application requirements for this step are detailed in Section 7.6 "Final Subdivision Review" and Article VIII "Subdivision Standards" of the *Unified Land Use & Development Regulations*. However, please note that requirements under Section 7.5 "Preliminary Subdivision Review" still apply to your application, despite the waiver of the preliminary hearing.

Directly below is a general overview of the Final Subdivision Application/Hearing process.

Submit required documentation to the Zoning Administrator:

- Two full-size copies of the plat and engineering plans to scale, eight 11" x 17" reduced copies of the plat and the engineering drawings (e.g. for the siting of water & wastewater facilities), seven copies of draft legal documents, as well as the associated pdf digital files (which can be submitted by email).
- Should you pursue developing Parcel A, or should you explore the future development potential of Parcel A, you should submit engineering drawings (e.g. for the siting of water & wastewater facilities) or supporting document for the relevant development. The Board

asks for you to submit two full-size copies, seven 11" x 17" reduced copies of any engineering plans, as well as the associated pdf digital files.

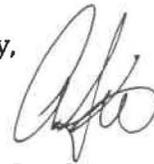
- Information addressing the items under "Review Criteria & Issues to Be Addressed" (see above).
- Completed application form for the Final Subdivision Hearing.
- Information or materials required by the checklists included with the subdivision application. The checklists will assist you in preparation for your hearing submission and will also aid the Board in reviewing the required documents.

Once the completed final application package is received, the site visit and final hearing will be scheduled and warned. You will be asked to post a red "Z" sign on the lot no later than 15 days prior to the scheduled hearing. Planning staff will take care of the notice requirements, which includes certified mail to your neighbors and publication in a newspaper. The cost for notice and the newspaper fee is borne by you and will be included in the invoice with your final decision.

After the Final Subdivision Hearing, the Board will have 45 days to issue a written decision. You will receive a copy of the signed decision via certified mail. Any interested parties who participated in the hearing will also receive a copy of the decision. A 30-day appeal period will begin from the date of the signed decision.

If you have any questions or need assistance with the required submissions, please feel free to contact me by phone: (802) 899-4434, ext. 106; or by email: [astrniste@underhillvt.gov](mailto:astrniste@underhillvt.gov).

Sincerely,



**Andrew Strniste**  
Planning Director & Zoning Administrator

cc: Richard Hamlin, P.O. Box 9, Essex Junction, VT 05453

encl: Application for Subdivision  
Project Narrative Example  
Final Sketch Plan Review Meeting Invoice (x2)