

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

Gordon Grant
RR 1, Box 5165
Underhill, VT 05489

March 19, 1997

Re: Final Driveway Inspection

Dear Gordie,

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

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

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

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

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

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

For the Underhill Selectboard,

Ted Tedford

enc. as noted

cc. Underhill-Jericho Fire Department
file

ROAD ACCESS AND HOLD HARMLESS AGREEMENT

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

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

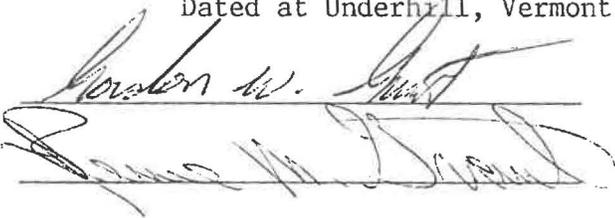
WHEREAS, the Warranty Deed reserved a right of way to the Grants land designated as Lot 2;

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

The parties agree as follows:

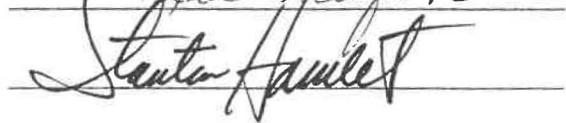
1. Said right of way or road leading from Downes Road and serving as access to Lot 2 shall never be offered as a town road to the Town of Underhill, nor shall any owners using said road petition the Town of Underhill to take over said road as a town road unless said road shall be constructed pursuant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

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









STATE OF VERMONT
CHITTENDEN COUNTY, ss.

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

Before me, 

Notary Public

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Gordon Grant
RR 1, Box 5165
Underhill, VT 05489

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

Dear Gordie,

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

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

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

Please contact me with any questions.

Sincerely,

Selectboard/Agent

Date: _____

cc. file

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Gordon Grant
RR 1, Box 5165
Underhill, VT 05489

March 12, 1997

Re: Waiver request

Dear Gordon,

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

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

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

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

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

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

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

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

For the Underhill Selectboard,

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

cc. Robert Reed
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