

TOWN OF UNDERHILL

Development Review Board

TIMOTHY & THERESA POTVIN
PRELIMINARY & FINAL SUBDIVISION REVIEW
Docket #: DRB-20-01

Applicant(s):	Timothy & Theresa Potvin
Consultant(s):	Green Mountain Engineering and Grove Land Surveyors
Property Location:	145 Moose Run (MO145) (Formerly 27 Moose Run)
Acreage:	±105.6 Acres
Zoning District(s):	Mt. Mansfield Scenic Preservation and Soil & Water Conservation

Project Proposal:	Preliminary & Final Subdivision Review of Timothy & Theresa Potvin for a proposed 2-Lot Subdivision of property located at the aforementioned address.
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2020 UNDERHILL UNIFIED LAND USE & DEVELOPMENT REGULATIONS RELEVANT REGULATIONS:

- Article II, Table 2.6 – Mt. Mansfield Scenic Preservation District (pg. 21)
- Article II, Table 2.7 – Soil & Water Conservation District (pg. 24)
- Article III, Section 3.2 – Access (pg. 30)
- Article III, Section 3.7 – Lot, Yard & Setback Requirements (pg. 36)
- Article III, Section 3.13 – Parking, Loading & Service Areas (pg. 42)
- Article III, Section 3.17 – Source Protection Areas (pg. 53)
- Article III, Section 3.18 – Steep Slopes (pg. 55)
- Article III, Section 3.19 – Surface Waters & Wetlands (pg. 62)
- Article III, Section 3.23 – Water Supply & Wastewater Systems (pg. 66)
- Article VI – Flood Hazard Area Review (pg. 125)
- Article VII, Section 7.2 – Applicability (pg. 137)
- Article VII, Section 7.3 – Sketch Plan Review (pg. 139)
- Article VII, Section 7.5 – Preliminary Subdivision Review (pg. 142)
- Article VII, Section 7.6 – Final Subdivision Review (pg. 144)
- Article VIII – Subdivision Standards (pg. 148)
- Appendix A – Underhill Road, Driveway & Trail Ordinance

CONTENTS:

- a. Exhibit A - Potvin Preliminary & Final Subdivision Review Staff Report
- b. Exhibit B - MO145 Preliminary & Final Subdivision Review Hearing Procedures
- c. Exhibit C - Application for Subdivision
- d. Exhibit D - Project Narrative
- e. Exhibit E - Narrative Regarding Shape of Parent Lot

- f. Exhibit F - BFP Notice
- g. Exhibit G - MO145 Certificate of Service
- h. Exhibit H - MO145 Sketch Plan Acceptance Letter (Dated 02.04.20)
- i. Exhibit I - DRB Decision DRB-18-04
- j. Exhibit J - Access Permit A-18-12
- k. Exhibit K - Wastewater Permit WW-4-3810-01
- l. Exhibit L - Road Maintenance Agreement
- m. Exhibit M - Proposed Survey of MO137
- n. Exhibit N - Proposed Survey of Subdivision
- o. Exhibit O - Site Plan

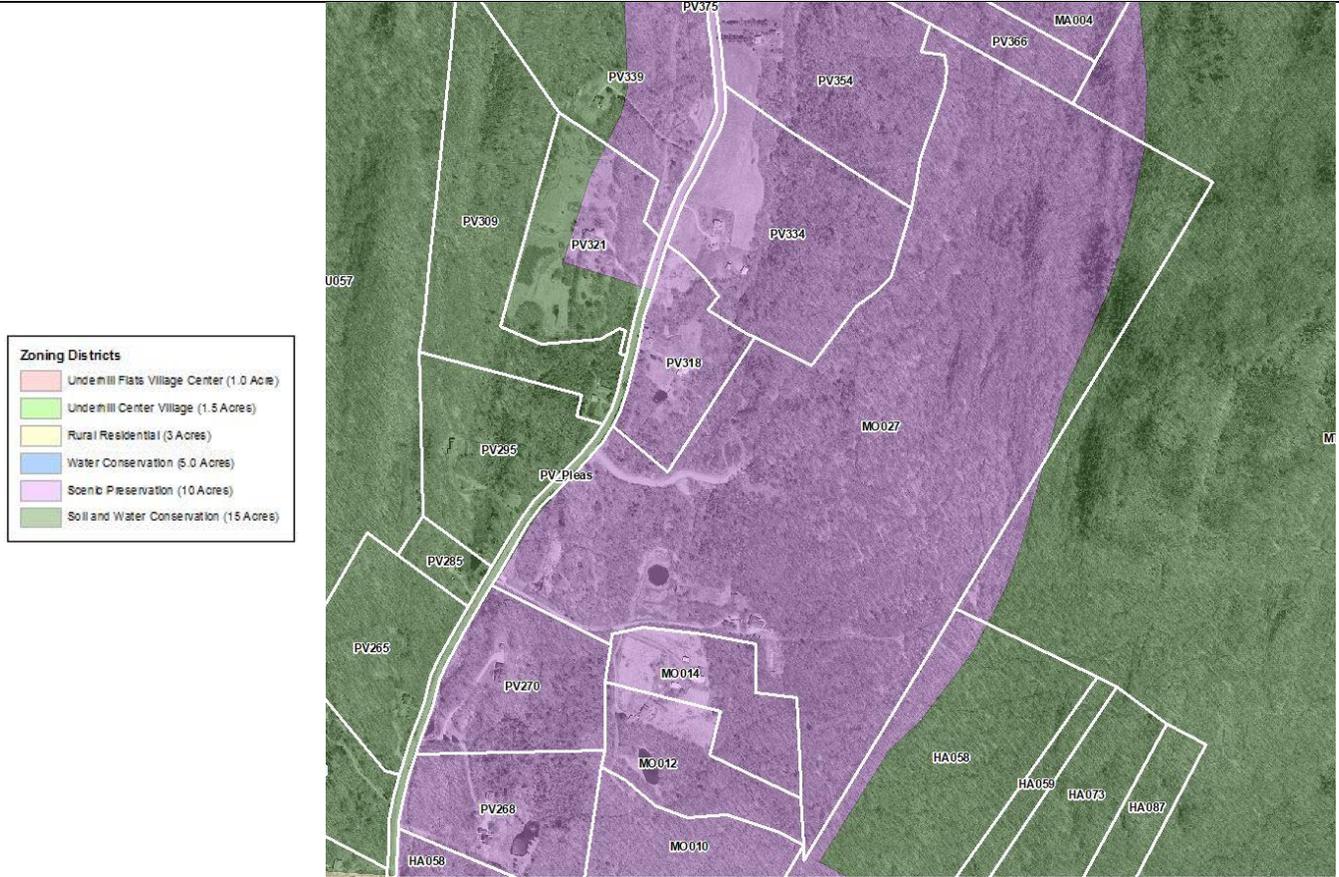
COMMENTS/QUESTIONS

1. **SECTION 3.7 – LOT, YARD & SETBACK REQUIREMENTS:** Due to the lot’s irregular shape, and desire to keep private development roads on land associated with the parent lot, the lot depicted as a “Portion of Lot 1” in Exhibit M will fail to meet the frontage requirement under Section 3.7.D for Pleasant Valley.
2. **SECTION 3.19 – SURFACE WATERS & WETLANDS:** Since the development already exists, and no new development is being proposed as a direct result of this subdivision, the Board should determine how much more review they want to conduct under this section.
3. **SECTION 7.3 – SKETCH PLAN REVIEW:**
 - a. The Applicants have submitted a site plan depicting the well shield and isolation distances (see Exhibit O) for Lot 5 only.
 - b. While the project narrative makes reference to the property’s history, it does not make address any of the Article VIII Standards.
 - c. The Applicants have submitted an updated site plan (see Exhibit O) from their previous DRB Application (DRB-18-04). The updated site plan now depicts the wetland buffer; however, whether the wetland’s delineation remains valid is unanswered.
 - d. The Board will need to determine if they want to see information relating to the 145 Moose Run.
 - e. The turnaround depicts the 37.5 ft. measurement being measured from the center of the driveway turnaround area rather than from the edge of the driveway.
 - f. Draft Deeds have not been submitted.
4. **SECTION 8.1.D – MODIFICATIONS & WAIVERS:** The Applicants have not directly requested any modifications or waivers; however, are indirectly requesting the frontage requirement for 145 Moose Run (a “Portion of Lot 1”) to be waived due to the proposed lot’s irregularity.
5. **SECTION 8.2.F - LAYOUT:**
 - a. **Section 8.2.F.4** – The current configuration of the lot does not conform with the district lot and yard requirements (see Section 3.7).
 - b. **Section 8.2.F.5** – While the proposed Lot 5 is not irregular, as currently configured, the proposed “Portion of Lot 1” (145 Moose Run) is irregular, as an arch-like shape will encompass the proposed Lot 5.

- i. Irregularly shaped lots shall only when topographic, site constrains, or minimizing the fragmentation of natural, scenic or cultural resources factors emerge.
 - 6. **SECTION 8.2.G – BUILDING ENVELOPES:** No building envelopes are illustrated on any of the submitted plans, and therefore, the underlying districts’ setback requirements will be considered building envelope.
 - 7. **SECTION 8.3.D – NATURAL AREAS & WILDLIFE HABITAT:** A priority level 10 habitat block is located on the existing lot (see directly to the right on the next page), and has already been impacted with the construction of the dwellings.
 - 8. **SECTION 8.7.A – PUBLIC FACILITIES:**
 - a. Staff has forgone soliciting comments from the Mt. Mansfield Union School District since dwelling units already exist on both proposed lots.
 - b. Should the Board wish to have comments submitted, please inquire with Staff before the hearing in order to obtain those comments.
 - 9. **SECTION 8.7.B – FIRE PROTECTION:**
 - a. Staff has forgone soliciting comments from the Underhill-Jericho Fire Department since the driveways are already existing.
 - b. Should the Board wish to have comments submitted, please inquire with Staff before the hearing in order to obtain those comments.
 - 10. **APPENDIX A – ROAD & DRIVEWAY STANDARDS:**
 - a. The Board should determine if they believe the Applicants require an additional access permit.
 - b. The Board should determine if they believe that Moose Run or the driveway serving either 137 or 145 Moose Run require additional improvements to meeting and satisfy AOT A-76 and B-71 Standards.
 - c. The Applicants were instructed to contact the Road Foreman in order to obtain a “hidden drive” sign, which was to replace the handmade sign. If the Applicants have not done so yet, the Board should condition approval on ensuring the replacement of the handmade “hidden drive” sign with a valid standard “hidden drive” sign that conforms for FHWA and/or State standards.
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STAFF FINDINGS OF RELEVANT SECTIONS

ARTICLE II – ZONING DISTRICTS



	Mt. Mansfield Scenic Preservation	Soil & Water Conservation	Proposed Lot 5 (Accessory Dwelling) ±10.0 Acres	Proposed Lot 2 (Single-Family Dwelling) ±95.6 Acres
Lot Size:	10.0 Acres	15.0 Acres	See Section 3.7 Below	
Frontage:	400 ft.	400 ft.	Source: B-18-06	Source: ANR Atlas
Setbacks:			±210 ft. (South)	~1,050 ft. (West)
• Front	30 ft.	30 ft.	±490 ft. (West)	~3,156 ft. (North)
• Side 1	75 ft.	75 ft.	~190 ft. (East)	~189 ft. (South)
• Side 2	75 ft.	75 ft.	±660 ft. (North)	~1,004 ft. (East)
• Rear	75 ft.	75 ft.	Assumed Met	Assumed Met
Max. Building Coverage:	10%	7%	Assumed Met	Assumed Met
Max. Lot Coverage:	15%	10%	Assumed Met	Assumed Met
Maximum Height:	35 ft.	35 ft.	Assumed Met	Assumed Met

TABLE 2.6 – MT. MANSFIELD SCENIC PRESERVATION DISTRICT

Purpose Statement: To protect the scenic vistas along Pleasant Valley Road. This district includes upland areas with access and/or development constraints, and valley areas 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.

- The proposed subdivision involves the division of a ±105 acre lot into two lots: a ±10 acre lot and a ±95 acre lot.
 - Both lots will contain a single-family dwelling (the accessory dwelling on the proposed Lot 5 will become a primary dwelling, while the existing single-family dwelling on the parent lot will remain with the proposed “Portion of Lot 1”).
- Both lots already contain dwelling units, and therefore, at this time, no new development is proposed.
 - The Board found the detached accessory dwelling to be in conformance with the Mt. Mansfield Scenic Preservation District with their 2018 approval (DRB-18-04, Exhibit I)
- Both lots will access Moose Run, a private road that connects to Pleasant Valley Road, a Class II Town Highway.

TABLE 2.7 – SOIL & WATER CONSERVATION **PG. 24**

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

- The proposed subdivision will subdivide a ±105 Acre lot into two lots.
- The Applicants are not proposing any new development, and therefore, the area designated as the Soil & Water Conservation District would therefore not be impacted at this time.
 - *NOTE: the area of land designated as Soil & Water Conservation is unlikely to be developed due to the steep slope nature of that area (see Section 3.18 below).*

ARTICLE III – GENERAL REGULATIONS

SECTION 3.2 – ACCESS **PG. 30**

- The driveway serving 145 Moose Run (formerly known as 27 Moose Run and depicted as “A Portion of Lot 1,” Exhibit M, and contains the existing single-family dwelling) already exists and was assumedly permitted during the creation of the Moose Run Subdivision.
- The driveway serving 137 Moose Run (the accessory dwelling and depicted as the proposed Lot 5 in Exhibit M) already exists and was permitted under Access Permit #: A-18-12 (see Exhibit J).
- Since no additional dwellings/residences are being added as part of this subdivision, no modifications to Moose Run appear to be required.

SECTION 3.7 – LOT, YARD & SETBACK REQUIREMENTS **PG. 36**

- Both lots will contain one principal use/structure:
 - Proposed Lot 5 (MO135): a single-family dwelling;
 - *NOTE: the accessory dwelling, which currently exists on the proposed Lot 5 will revert to the primary use upon subdividing, and therefore, will become a single-family dwelling; and*
 - Portion of Lot 1 (MO145): a single-family dwelling.
- Due to the lot’s irregular shape, and desire to keep private development roads on land associated with the parent lot, the lot depicted as a “Portion of Lot 1” in Exhibit M will fail to meet the frontage requirement under Section 3.7.D for Pleasant Valley.

- While Section 3.7.E.2 allows a lot to use frontage along a private development road to meet the frontage requirements, the way that the proposed “Portion of Lot 1” is configured creates a flag lot.
 - Flag lots are only specifically addressed in the Regulations in relation to reducing lot frontage to allow for infill development within the Underhill Flats Village Center and Underhill Center Village zoning districts (§§ 3.7.F.3.d & 8.6.A.2.d).
- Enough information has not been submitted to definitively verify that the “Portion of Lot 1” satisfies the frontage requirement along Pleasant Valley Road; however, circumstantial evidence suggests that that the proposed “Portion of Lot 1” will fail to satisfy the 400 ft. frontage requirement.
- Since Moose Run terminates where the driveway serving the “Portion of Lot 1” immediately commences, thereby meaning the Lot does not sharing a driveway with any of the other lots within the Moose Run Subdivision, the frontage waiver under Section 8.6.A is not applicable.
- At this time, the only conceivable lot configuration Staff can think of that would allow the Applicants to achieve the desired subdivision is for the proposed Lot 5 to contain the lands that Moose Run and Lap Run traverse, thereby requiring a right-of-way easement for both private roads.
 - The parent lot, a “Portion of Lot 1,” would be allowed to waive its frontage at this point under Section 8.6.A.2.c, as it would be considered a lot at the end of an existing dead-end road.

SECTION 3.13 – PARKING, LOADING & SERVICE AREAS

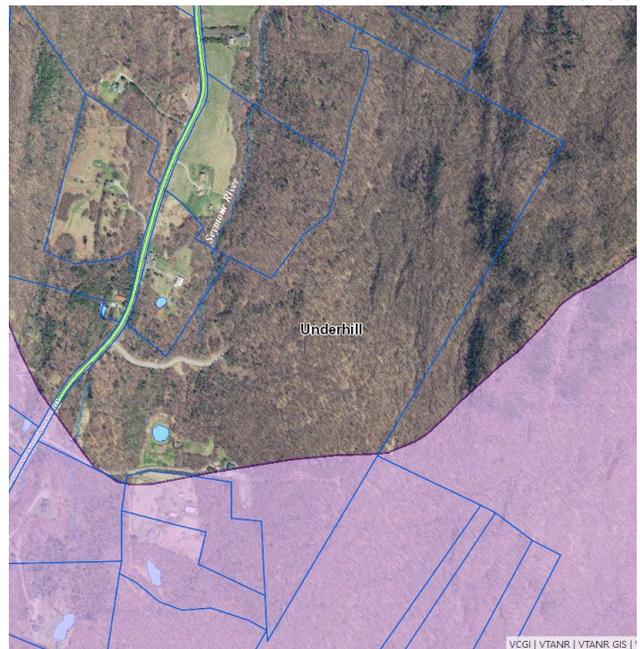
PG. 42

- Both lots will retain separate primary dwelling and have assumedly satisfied the parking requirement for a single-family dwelling (2 parking spaces per dwelling) since both structures received building permits.

SECTION 3.17 – SOURCE PROTECTION AREAS

PG. 53

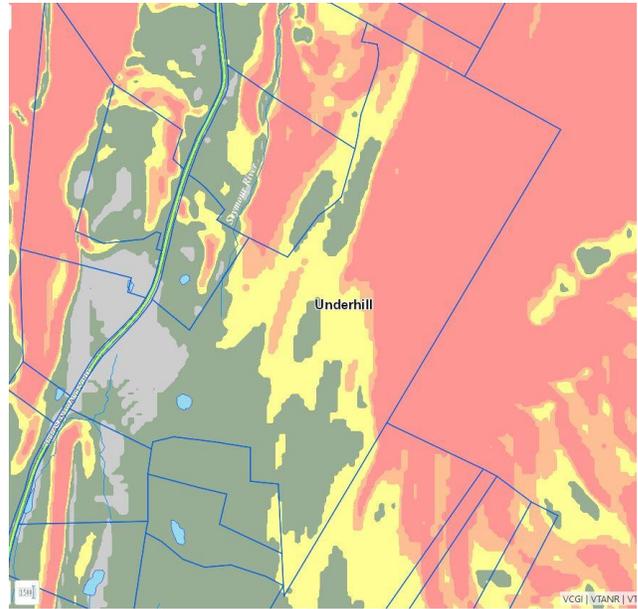
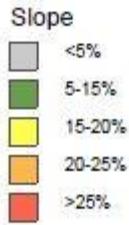
- Both proposed lots will contains areas designated as a Groundwater Source Protection Area; however, since the development already exists, and no new development is being proposed as a direct result of this subdivision application, review under this section appears to be unnecessary at this time.



SECTION 3.18 – STEEP SLOPES

PG. 55

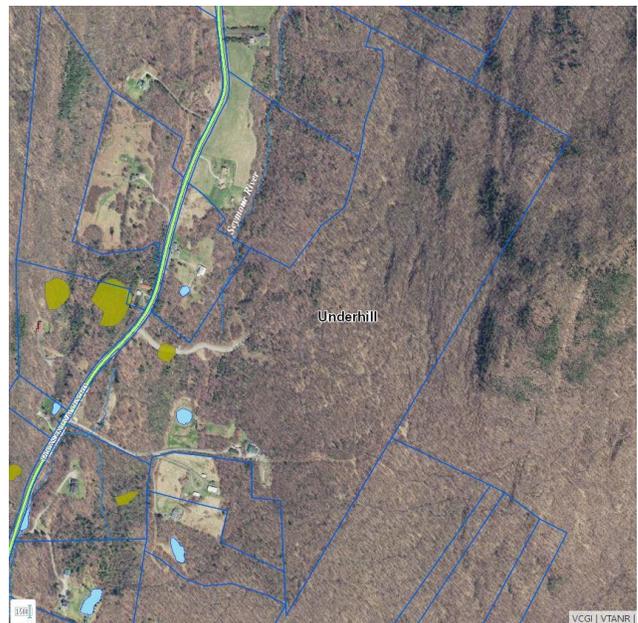
- Areas of steep slopes (15-25%) are present on the existing lot – 145 Moose Run (see directly to the right).
 - The existing development (the single-family dwelling that will remain on the “Portion of Lot 1” 2 and the accessory dwelling that will remain on Lot 5) appear to be located in areas that do not contain areas of Steep Slopes (15-25%) or very steep slopes.
- Since the development already exists, and no new development is being proposed as a direct result of this subdivision application, review under this section appears to be unnecessary at this time.



SECTION 3.19 – SURFACE WATERS & WETLANDS

PG. 62

- An unnamed stream exists on the proposed Lot 5, and is depicted on the 2017 Survey (Exhibit N) submitted as part of a boundary line adjustment application (BLA-17-02).
 - The Applicants resubmitted a site plan (Exhibit O) from their previous 2018 hearing with some modifications; however, that site plan did not depict the unnamed stream.
- Class II and Class III Wetlands were identified on the engineering plans (Exhibit N) from when the Applicants previously submitted a survey for a previously approved boundary line adjustment application in 2017 (BLA-17-02)
 - The Applicants resubmitted a site plan (Exhibit O) from their previous 2018 hearing with some modifications, which includes the identification of a wetlands and wetlands buffer.
 - Staff is unaware when this depicted wetlands delineation on the submitted site plan was performed, which would verify the delineation’s validity.
- Since the development already exists, and no new development is being proposed as a direct result of this subdivision, the Board should determine how much more review they want to conduct under this section.



SECTION 3.23 – WATER SUPPLY & WASTEWATER SYSTEMS

PG. 66

- Upon subdividing, each proposed lot will contain a single-family dwelling with approved wastewater and potable water supply systems (see Exhibit K).
 - The accessory dwelling (Lot 5 – MO137), which will revert to a single-family dwelling, is approved for two-bedrooms and is also approved for a drilled well and a mound system.
 - The single-family dwelling (a “Portion of Lot 1” – MO145) is approved for four bedrooms, a drilled well and on-site wastewater system.
- No new development is being proposed as a direct result of this subdivision.
 - Since no new development is being proposed as a direct result of this subdivision, additional permitting from the State regarding the water supplies and wastewater systems does not appear to be required. *(The Applicants should verify with the State of Vermont.)*

ARTICLE VI – FLOOD HAZARD AREA REVIEW

- No Special Flood Hazard Areas were depicted on the existing lot according to the ANR Website; therefore, review under this section is not required.

PG. 125

ARTICLE VII – SUBDIVISION REVIEW

SECTION 7.2 – APPLICABILITY

PG. 137

- The Applicants are proposing a 2-Lot subdivision that meets the requirements of Section 7.2.E.1.a.
- The Board categorized the proposed subdivision as a minor subdivision during its January 20, 2020 sketch plan review meeting and memorialized in its February 4, 2020 acceptance letter (Exhibit H).

SECTION 7.3 – SKETCH PLAN REVIEW

PG. 139

- See Exhibit B pertaining to the purpose statement for Sketch Plan Review.
- The Applicants have generally submitted the requested materials from the Board’s sketch plan review letter (see Exhibit H), as outlined below:
 1. The proposed configuration of the parent lot (MO145) has the propensity of being viewed as irregular, thereby failing to conform with Section 8.2.F of the *Unified Land Use & Development Regulations*. The Applicants should explore options to reduce the irregularity of the parent lot (MO145).
 - *The Applicants submitted a narrative outlining and requesting the “Portion of Lot 1” be approved as proposed (see Exhibit E).*
 2. The survey plat prepared by a licensed surveyor shall depict all easements and/or rights-of-way that are located on the existing parcel of land to be subdivided, including easements for potential utilities.
 - *The Applicants have submitted a survey plat (see Exhibit M).*
 3. 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.
 - *The Applicants have submitted a site plan depicting the well shield and isolation distances (see Exhibit O) for Lot 5 only.*
 4. The Applicants shall consider all components of the Article VIII Subdivision Standards, and submit a project narrative outlining the property’s history, 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
 - *The Applicants have submitted a project narrative (see Exhibit D).*
 - *While the project narrative makes reference to the property’s history, it does not*

distributed Preliminary Subdivision Findings Checklist per § 7.5 of the *Underhill Unified Land Use & Development Regulations* that used to be required (see enclosed example).

make address any of the Article VIII Standards.

5. If not intending to use the setback requirements as the proposed building envelopes, the site plan shall depict the building envelopes for the principal structure, as well as building envelopes for ancillary structures and on-site parking. These building envelopes shall depict the distance from the envelope itself to the property's boundaries. Also note that the building envelope shall exclude constraints such as steep slopes, streams, wetlands, etc., where feasible.
 6. The Applicants 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;
 - b. The requisite size culverts shall be illustrated on the plans; and
 - c. Update wetland delineation on new lot.
 7. The Applicants shall submit engineering drawings in conformance with the requirements of the *Underhill Road, Driveway and Trail Ordinance*, which shall address:
 - a. A turnaround area measuring 12 ft. by 37.5 ft. measured from the edge of the driveway;
 - b. All turning radii at the driveway entrance must meeting the 35 ft. requirement as measured from the far side of the approaching road to the far side of the required driveway width – or as approved by the Fire Department.
 8. An Application for Subdivision shall be submitted in accordance with the criteria listed below under "Final Subdivision/Hearing – Process."
 9. Draft deeds containing or making reference to:
 - a. The right-of-way easement that serves the new lot; and
 - b. A road maintenance agreement.
 10. The scheduling of a site visit prior to the final subdivision review hearing.
- *The Applicants did not depict a building envelope and any of the submitted plans (See Exhibits M, N & O), and therefore, Staff presumes that the Applicants are intending to use the District's setback requirements as the building envelope.*
 - *The Applicants have submitted an updated site plan (see Exhibit O) from their previous DRB Application (DRB-18-04). The updated site plan now depicts the wetland buffer; however, whether the wetland's delineation remains valid is unanswered.*
 - *The submitted site plan does not depict areas of steep slopes, the unnamed stream or the culverts.*
 - *The Applicants have submitted a site plan depicting the existing driveway serving 137 Moose Run, but not 145 Moose Run.*
 - *The Board will need to determine if they want to see information relating to the 145 Moose Run.*
 - *The turnaround depicts the 37.5 ft. measurement being measured from the center of the driveway turnaround area rather than from the edge of the driveway.*
 - *The Applicants have submitted a Subdivision Application (see Exhibit C).*
 - *The Applicants have submitted a draft Road Maintenance Agreement (see Exhibit L).*
 - *Draft Deeds have not been submitted.*
 - *Scheduled site visit for 9:30 PM on Saturday, June 27, 2020.*

SECTION 7.5 – PRELIMINARY SUBDIVISION REVIEW **PG. 142**

- The Board waived preliminary subdivision review (see Exhibit H).
- The Applicants have forgone the findings checklist for Preliminary Subdivision Review as directed by the Sketch Plan Review acceptance letter (Item 4, Exhibit H).

SECTION 7.6 – FINAL SUBDIVISION REVIEW **PG. 144**

- The Applicants submitted materials that can assist the Board in making a decision regarding the Final Subdivision Review application.
 - Should the Board require additional information, they have the option to continue the hearing to a later date.

ARTICLE VIII – SUBDIVISION STANDARDS

SECTION 8.1 – APPLICABILITY

SECTION 8.1.B – REQUEST FOR MORE INFORMATION **PG. 148**

- Technical review is not required at this time.

SECTION 8.1.C – FINDINGS OF FACT **PG. 148**

- The Applicants have forgone the findings checklist for Preliminary Subdivision Review as directed by the Sketch Plan Review acceptance letter (Item 4, Exhibit H).

SECTION 8.1.D – MODIFICATIONS & WAIVERS **PG. 148**

- The Applicants have not directly requested any modifications or waivers; however, are indirectly requesting the frontage requirement for 145 Moose Run (a “Portion of Lot 1”) to be waived due to the proposed lot’s irregularity.

SECTION 8.2 – GENERAL STANDARDS

SECTION 8.2.A – DEVELOPMENT SUITABILITY **PG. 149**

- Since the development already exists, and no new development is being proposed as a direct result of this subdivision application, no additional unforeseen undue adverse impacts to the public health, safety or the character of the area in which the proposed development is located are anticipated.
- The Applicants have not expressed any intention of setting aside land as open space that would be excluded from subsequent development lands that periodically flood, have poor drainage, contain very steep slopes (>25%), or have other known hazards, or that is otherwise not suitable to support structures or infrastructure.

SECTION 8.2.B – DEVELOPMENT DENSITY **PG. 149**

- Once subdivided, the existing development/subdivision will meet the density requirements of this Section.

SECTION 8.2.C – EXISTING SITE CONDITIONS **PG. 149**

- Since the development already exists, and no new development is being proposed as a direct result of this subdivision application, none of the existing site features or natural resources listed in this subsection are expected to be adversely affected any more than they may already have been.

SECTION 8.2.D – UNDERHILL TOWN PLAN & REGULATIONS **PG. 150**

- The proposed project appears to conform to the *Underhill Town Plan* and the *Underhill Unified Land Use & Development Regulations*.

SECTION 8.2.E – DISTRICT SETTLEMENT PATTERNS

PG. 150

Rural Districts. Subdivisions within the Rural Residential, Water Conservation and Scenic Preservation Districts shall be designed and configured to reinforce the rural character and historic working landscape of these districts, characterized by forested hillsides and hilltops, open fields, and moderate to low densities of residential development interspersed with large contiguous tracts of undeveloped land. Lots shall be configured to maintain contiguous tracts of open land between adjoining parcels.

Soil & Water Conservation District. Subdivisions within the Soil & Water Conservation Districts shall be designed and configured to avoid undue adverse impacts to existing forest resources and environmental sensitive upland areas, including watersheds and significant wildlife habitat and travel corridors, and to maintain traditional land uses including forestry and outdoor recreation. To the extent physically feasible, fragmentation of productive forest lands and significant wildlife habitat shall be avoided, and lots shall be configured to maintain contiguous tracts to open land between adjoining parcels. Lots created for the purpose of constructing dwellings or other structures in this district shall not result in the development of environmentally sensitive areas identified in the town plan or through site investigation, as specified in Section 8.3.

- The proposed project appears to conform with the Rural Districts settlement patterns outlined in Section 8.2.E.1 (see directly to the left).
- The proposed “Portion of Lot 1” will contain a small area of the Soil & Water Conservation District, and is expected to remain vacant, and therefore, no adverse impact to land in this district is expected as a direct result from this subdivision review application – at least at this point in time.
 - Additionally, the area of land contained in the Soil & Water Conservation District is largely comprised of steep slopes (15%-25%) & very steep slopes (>25%).

SECTION 8.2.F - LAYOUT

PG. 151

- The current configuration of the proposed subdivision only appear to satisfy the first three subsections of this section, failing to satisfy the latter two subsections (see directly below).
- **Section 8.2.F.4** – The current configuration of the lot does not conform with the district lot and yard requirements (see Section 3.7 above).
- **Section 8.2.F.5** – While the proposed Lot 5 is not irregular, as currently configured, the proposed “Portion of Lot 1” (145 Moose Run) is irregular, as an arch-like shape will encompass the proposed Lot 5.
 - The purpose of the arch-like shape around the proposed Lot 5 is to retain the development roads (Moose Run and Lap Run) with the parent lot (the “Portion of Lot 1”).

- As currently configured, the lot does not adhere to Section 8.2.F.5, which allows for irregularly shaped lots only when topographic, site constraints, or minimizing the fragmentation of natural, scenic or cultural resources factors emerge.
 - Staff is unaware of any of the abovementioned factors existing in the areas where the irregularity exist, and therefore, does not recommend approval in its current proposal.

SECTION 8.2.G – BUILDING ENVELOPES **PG. 151**

- No building envelopes are illustrated on any of the submitted plans, and therefore, the underlying districts’ setback requirements will be considered building envelope.

SECTION 8.2.H – SURVEY MONUMENTS **PG. 151**

- No findings.

SECTION 8.2.I – LANDSCAPING & SCREENING **PG. 151**

- Dense vegetation exists between the existing dwelling units and Moose Run & Pleasant Valley Road.
- No additional development is expected as a direct result of this subdivision application, which would typically require review under this subsection to ensure the proper landscaping and screening techniques.

SECTION 8.2.J – ENERGY CONSERVATION **PG. 152**

- No findings.

SECTION 8.3 – NATURAL CULTURAL RESOURCES

SECTION 8.3.A – RESOURCE IDENTIFICATION & PROTECTION **PG. 152**

- No information pertaining to, nor has any identification relating to, significant cultural and natural features necessitating protection has been submitted for consideration.

SECTION 8.3.B – SURFACE WATERS, WETLANDS & FLOODPLAINS **PG. 153**

- See Section 3.19 and Article VI above for more information.

SECTION 8.3.C – ROCK OUTCROPS, STEEP SLOPES, HILLSIDES & RIDGELINES **PG. 153**

- See Section 3.18 above for more information.

SECTION 8.3.D – NATURAL AREAS & WILDLIFE HABITAT **PG. 154**

- A priority level 10 habitat block is located on the existing lot (see directly to the right on the next page), and has already been impacted with the construction of the dwellings.
- Since the development already exists, and no new development is being proposed as a direct result of this subdivision application, additional impact to the habitat block is not expected to happen at this time.
- No deer wintering yards have been identified on the lot.
- The ANR Biofinder has also identified the

following priority characteristics:

- Highest Priority Community & Species (located along Pleasant Valley Road)
- Highest Priority Landscape (located in a similar area as the identified habitat block)
- Wetlands (see Exhibits N & O)
- Highest Priority Wildlife Crossing (along Pleasant Valley Road)
- Riparian Wildlife Connectivity (along the unnamed stream and identified pond)
- Highest Priority Surface Water and Riparian Areas (along the unnamed stream and identified pond)



- Highest Priority Interior Forest Blocks (located in a similar area as the identified habitat block)
- Highest Priority Connectivity Blocks (located in a similar area as the identified habitat block)
- Representative and Responsibility Physical Landscapes (located in a similar area as the identified habitat block)

SECTION 8.3.E – HISTORIC & CULTURAL RESOURCES

PG. 155

- Staff is unaware of any historic and cultural resources located on the existing lot.

SECTION 8.3.F – FARMLAND

PG. 155

- Statewide Agricultural Soils were identified to be located on the existing property (see directly to the right).
- Since the development already exists, and no new development is being proposed as a direct result of this subdivision application, additional impact to prime agricultural soils is not expected to happen.

	Local
	Local (b)
	Not rated
	Prime
	Prime (b)
	Prime (f)
	Statewide
	Statewide (a)
	Statewide (b)
	Statewide (c)



SECTION 8.3.G - FORESTLAND

PG. 156

- Since the development already exists, and no new development is being proposed as a direct result of this subdivision application, additional impact to forestland is not expected to happen at this time.

SECTION 8.4 – OPEN SPACE & COMMON LAND

SECTION 8.4.A – OPEN SPACE

PG. 157

- The Applicants are not proposing to designate any land as open space.

SECTION 8.4.B – COMMON LAND

PG. 158

- The Applicants are not proposing to designate any land as common land.

SECTION 8.4.C – LEGAL REQUIREMENTS

PG. 158

- No findings.

SECTION 8.5 – STORMWATER MANAGEMENT EROSION CONTROL

PG. 158

- Since the development already exists, and no new development is being proposed as a direct result of this subdivision application, conforming with these standards should have already occurred.
- Normally, Staff recommends that the Board require as a condition of approval that the Applicant adheres to this Section, as well as conform to the guidelines set out in the Vermont DEC Low Risk Site Handbook for Erosion Prevention and Sediment Control.

SECTION 8.6 – TRANSPORTATION FACILITIES

SECTION 8.6.A – ACCESS & DRIVEWAY

PG. 160

- Both lots are served by their own driveways, which directly access Moose Run, and therefore, only the requirements from Sections 3.2 & 8.6.A apply (see above for more information as it relates to the *Underhill Unified Land Use & Development Regulations*). See Appendix A below for more information as it relates to the *Underhill Road, Driveway & Trail Ordinance*.

SECTION 8.6.B – DEVELOPMENT ROADS

PG. 161

- This subsection does not apply.

SECTION 8.6.C – PARKING FACILITIES

PG. 162

- This subsection does not apply.

SECTION 8.6.D – TRANSIT FACILITIES

PG. 162

- This subsection does not apply.

SECTION 8.6.E – PEDESTRIAN ACCESS

PG. 162

- This subsection does not apply.

SECTION 8.7 – PUBLIC FACILITIES & UTILITIES

SECTION 8.7.A – PUBLIC FACILITIES

PG. 162

- An undue burden on existing and/or planned public facilities is not anticipated.
- Staff has forgone soliciting comments from the Mt. Mansfield Union School District since dwelling units already exist on both proposed lots.
 - Should the Board wish to have comments submitted, please inquire with Staff before the hearing in order to obtain those comments.

SECTION 8.7.B – FIRE PROTECTION

PG. 163

- An undue burden on the Underhill-Jericho Fire Department is not anticipated.
- Staff has forgone soliciting comments from the Underhill-Jericho Fire Department since the driveways are already existing.
 - Should the Board wish to have comments submitted, please inquire with Staff before the hearing in order to obtain those comments.

SECTION 8.7.C – WATER SYSTEMS

PG. 163

- See Section 3.23 Above.

SECTION 8.7.D – WASTEWATER SYSTEMS

PG. 163

- See Section 3.23 Above.

SECTION 8.7.D – UTILITIES

PG. 164

- No findings.

SECTION 8.8 – LEGAL REQUIREMENTS

PG. 165

- A Road Maintenance Agreement has been submitted for review (see Exhibit L).
- Draft deeds pertaining to the proposed lots have not been submitted.
 - The Board has allowed previous Applicants to proceed without submitting draft deeds.
 - The Board should determine if draft deeds are required for their review.

APPENDIX A – ROAD & DRIVEWAY STANDARDS

- The driveways relating to both proposed lots are already constructed.
- The driveway serving the accessory dwelling (137 Moose Run) received an access permit (see Exhibit J).
- Staff is unaware if the driveway serving the existing single-family dwelling (145 Moose Run) has received an access permit.
- The Board should determine if they believe the Applicants require an additional access permit.
- The Board should determine if they believe that Moose Run or the driveway serving either 137 or 145 Moose Run require additional improvements to meeting and satisfy AOT A-76 and B-71 Standards.
- The Applicants were instructed to contact the Road Foreman in order to obtain a “hidden drive” sign, which was to replace the handmade sign. If the Applicants have not done so yet, the Board should condition approval on ensuring the replacement of the handmade “hidden drive” sign with a valid standard “hidden drive” sign that conforms for FHWA and/or State standards.