

TOWN OF UNDERHILL

Development Review Board

JASON A. & KAREN M. GUYMON AND
ANTOINE M. & PAMELA J. CATUDAL
PRELIMINARY & FINAL SUBDIVISION REVIEW
Docket #: DRB-19-08

Applicant(s): Jason A. & Karen M. Guymon and Antoine M. & Pamela J. Catudal
Consultant(s): Rob Goodwin (Surveyor) & Michael Gervis (Engineer)
Property Location: 73 North Underhill Station Road (NU073)
Acreage: ±29.9 Acres
Zoning District(s): Rural Residential

Project Proposal: Preliminary & Final Subdivision Review of Jason A. & Karen M. Guymon and Antoine M. & Pamela J. Catudal for a proposed 2-Lot Subdivision of property located at the aforementioned address.

Relevant Background Info:

- September 19, 2014: The Board approved the Applicants', Jason & Karen Guymon, Conditional Use Review application (DRB-14-11) to construct a bridge and portions of a residential driveway within a riparian buffer (see Sketch Plan Exhibit F), with conditions.
- September 30, 2014: The Applicants subsequently obtained an Access Permit (A-14-03) for the construction of the driveway; however, the Selectboard only permitted the driveway serving the principal residence and not the second driveway (see Sketch Plan Exhibit G).
- April 1, 2015: The Building Permit (B-15-01) for a principal residence (a single-family dwelling) and an attached garage was approved.
- August 13, 2017: Since the Applicants did not build the attached garage at the time, they applied for another Building Permit (B-17-27) to build the attached garage, as well as to build a deck. The permit became effective on the aforementioned date.
- August 22, 2018: The Applicants submitted a building permit (B-18-31) to construct a barn/garage in the area labeled "proposed accessory dwelling" on the access permit (see Sketch Plan Exhibit G). The building permit explicitly stated that the building was not approved for dwelling purposes, which is in conformance with the Board's 2014 decision (DRB-14-11). This building permit became effective on September 7, 2018.
- August 20, 2019: The Development Review Board accepted the proposed 2-Lot subdivision where one lot would retain the existing single-family dwelling and the other lot would retain the existing accessory structure – the detached garage.

2018 UNDERHILL UNIFIED LAND USE & DEVELOPMENT REGULATIONS

RELEVANT REGULATIONS:

- Article II, Table 2.4 – Rural Residential (pg. 15)

- Article III, Section 3.2 – Access (pg. 30)
- Article III, Section 3.7 – Lot, Yard & Setback Requirements (pg. 38)
- Article III, Section 3.9 – Nonconforming Structures (pg. 40)
- Article III, Section 3.13 – Parking, Loading & Service Areas (pg. 44)
- 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 VI – Flood Hazard Area Review (pg. 127)
- Article VII, Section 7.2 – Applicability (pg. 139)
- Article VII, Section 7.3 – Sketch Plan Review (pg. 141)
- Article VII, Section 7.5 – Preliminary Subdivision Review (pg. 144)
- Article VII, Section 7.6 – Final Subdivision Review (pg. 146)
- Article VIII – Subdivision Standards (pg. 150)
- Appendix A – Underhill Road, Driveway & Trail Ordinance

CONTENTS:

Preliminary & Final Subdivision Review Exhibits

- a. Exhibit A - Guymon/Catudal Sketch Preliminary & Final Subdivision Review Staff Report
- b. Exhibit B – Guymon-Catudal(NU073) PrelimFinal Subd Review Hearing Procedures
- c. Exhibit C - Application for Subdivision
- d. Exhibit D - Access Permit Application (Permit No. A-20-02)
- e. Exhibit E - Project Summary
- f. Exhibit F - BFP Notice
- g. Exhibit G - NU073 Certificate of Service
- h. Exhibit H - Project Narrative
- i. Exhibit I - MMU Ability to Serve Correspondence
- j. Exhibit J - Bassler Correspondence
- k. Exhibit K - Shared Maintenance Agreement
- l. Exhibit L - Guymon-Catudal Sketch Plan Review Letter
- m. Exhibit M - WW Permit No. WW-4-4186
- n. Exhibit N - Proposed Survey Plat
- o. Exhibit O - Proposed Site Plan

Relevant Sketch Plan Review Exhibits

- p. Exhibit F - DRB Decision #: DRB-14-11
- q. Exhibit G - Access Permit #: A-14-03
- r. Exhibit H - Subdivision Plan

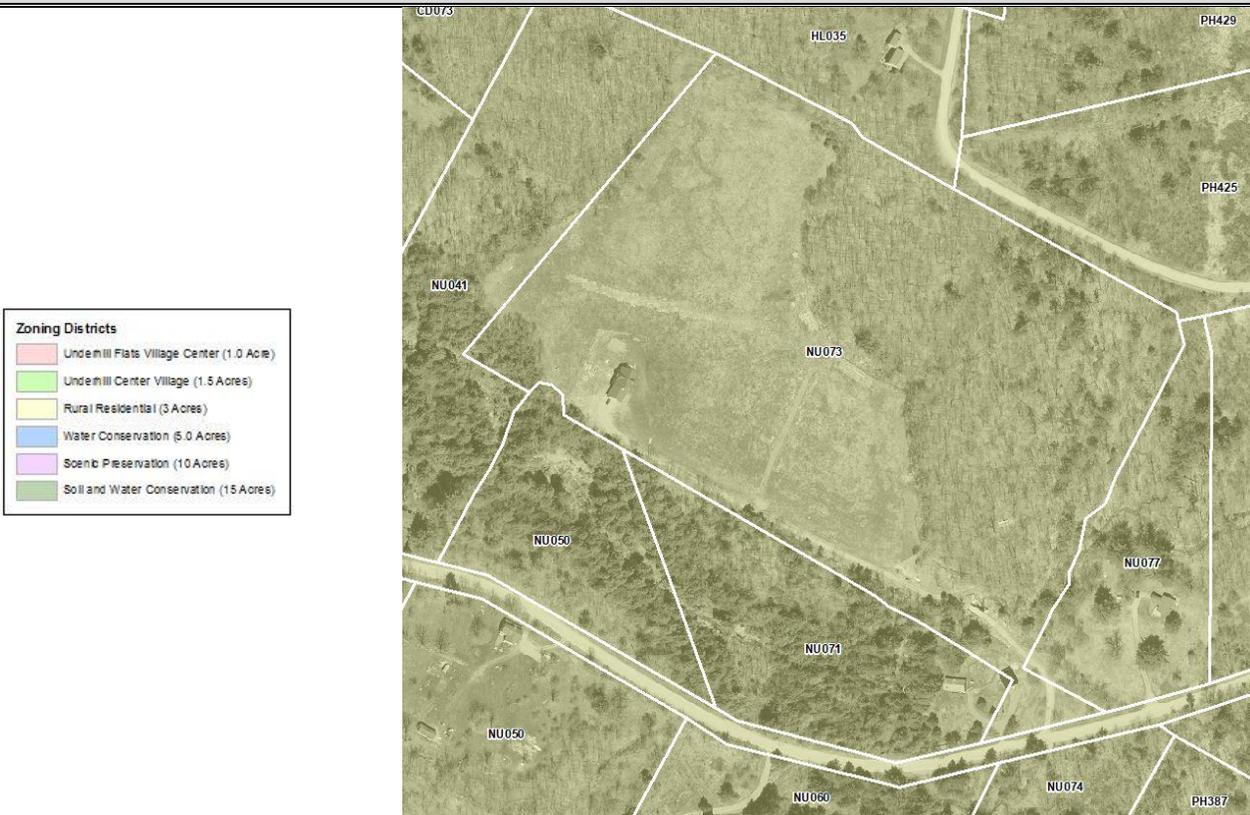
COMMENTS/QUESTIONS

1. **SECTION 3.2 – ACCESS:** Lot 1 fails to satisfy the frontage require; however, the frontage requirement can be waived in accordance with §§ 3.7.E.1 & 8.6.A.2 since the lot will be accessed by a shared driveway.
2. **SECTION 3.18 – SLOPE:** The Board should determine if additional review under this section is required, as the shared driveway will need to be widened to 14 ft. If the widening of the driveway will occur on land that is under 15% slope, then no further review under this section is required.

- 3.
 4. **SECTION 7.3 – SKETCH PLAN REVIEW, CONDITION 1:** The submitted site plan and submitted plat both depict streams/brooks; however, do not depict any wetlands.
 5. **SECTION 7.3 – SKETCH PLAN REVIEW, CONDITION 7:**
 - a. The Applicants are proposing a turning radius of 28 ft. at the intersection of the two driveways.
 - b. Information regarding the turning radii at the intersection of the shared driveway and North Underhill Station Road has not been provided.
 6. **SECTION 7.3 – SKETCH PLAN REVIEW, CONDITION 9:** Draft deeds containing, or making reference to the shared right-of-way serving Lot 1 and wastewater easement serving Lot 2 have not been provided.
 - **SECTION 8.2.G – BUILDING ENVELOPES:** The Applicants have identified a proposed building envelope for the proposed Lot 2, which is more restrictive than the Rural Residential District allows. While more restrictive, the building envelope has been reduced in size in order to protect forested areas on the proposed Lot 2.
 7. **SECTION 8.8 – LEGAL REQUIREMENTS:** A deed containing a draft septic easement for the benefit of Lot 2 has not been provided.
 8. **APPENDIX A – ROAD & DRIVEWAYS STANDARDS, SECTION 4.C.3:** The Applicants have not provided information regarding the turning radii of where the shared driveway will meet North Underhill Station Road. The Board should consider a condition of approval regarding the turning radii at this intersection if they find this intersection needs to be brought up to the standards within the Road Ordinance.
 9. **CONDITION D IN DRB DECISION: DRB-14-11:** The Board should address the condition requiring Board approval prior to filing for a building permit application for the construction of a detached accessory dwelling by either superseding the condition or require conditional use review to be held in conjunction with final subdivision review.
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STAFF FINDINGS OF RELEVANT SECTIONS

ARTICLE II – ZONING DISTRICTS



	Rural Residential	Proposed Lot Lot 1 (SFD)	Proposed Lot 2
Lot Size:	3.0 Acres	±9.82	±20.8 Acres
Frontage:	250 ft.	0 ft.	±290
Setbacks:			
• Front	30 ft.	±166 ft. (East)	>400 ft. (South)
• Side 1	50 ft.	>400 ft. (North)	±139 ft. (South)
• Side 2	50 ft.	±103 ft. (South)	>400 ft. (North)
• Rear	50 ft.	±327 ft. (West)	±139 ft. (West)
Max. Building Coverage:	25%	Presumably Met	Presumably Met
Max. Lot Coverage:	50%	Presumably Met	Presumably Met
Maximum Height:	35 ft.	Presumably Met	Presumably Met

TABLE 2.4 – RURAL RESIDENTIAL

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

- The proposed subdivision will subdivide an ~30 Acre lot into two lots, which better conforms with medium density development.
- Both lots will utilize a shared driveway via a right-of-way that connects with North Underhill Station Road, a Class III Town Highway, that connects Route 15 with Poker Hill Road.
- Single-family dwellings are proposed for both lots furthering the residential aspect of the purpose statement.

ARTICLE III – GENERAL REGULATIONS

SECTION 3.2 – ACCESS

PG. 30

- Lot 1 fails to satisfy the frontage require; however, the frontage requirement can be waived in accordance with §§ 3.7.E.1 & 8.6.A.2 since the lot will be accessed by a shared driveway.
- Both lots will have access via North Underhill Station Road, a Class III Highway, by a shared driveway.
- The Selectboard has delegated authority to approve access permits to the Development Review Board when reviewing applications involving access components.
 - An access permit application for the proposed Lot 1 has been approved (see Sketch Plan Exhibit G), while an access permit application for the proposed Lot 2 has been submitted (see Exhibit D). Both driveways have already been constructed, with the driveway serving Lot 2 being constructed without a permit.
 - See Appendix A for greater details about the shared driveways, and separate driveways.
- The shared driveway and driveway serving Lot 1 are approximately 16 ft. to the nearest point of the south property line of both lots.

SECTION 3.7 – LOT, YARD & SETBACK REQUIREMENTS

PG. 38

- Both proposed lots meet the minimum three (3) acre requirement (see Chart on Page 4).
- One principal use/structure is anticipated for each lot – single-family dwellings.
 - Both structures are intended to meet the setback requirements (see Chart on Page 4 and Exhibit O).
- Lot 2 has a frontage of ±290 ft., which satisfies the frontage requirement of 250 ft.
- A frontage waiver is required for Lot 1, which is allowed in accordance with §§ 3.7.E.1 & 8.6.A.2 since Lot 1 will be accessed via a Shared Driveway.

SECTION 3.13 – PARKING, LOADING & SERVICE AREAS

PG. 44

- Both lots will contain single-family dwellings, and are likely to satisfy the parking requirement – 2 parking spaces per dwelling (to be confirmed during zoning permit review).

SECTION 3.17 – SOURCE PROTECTION AREAS

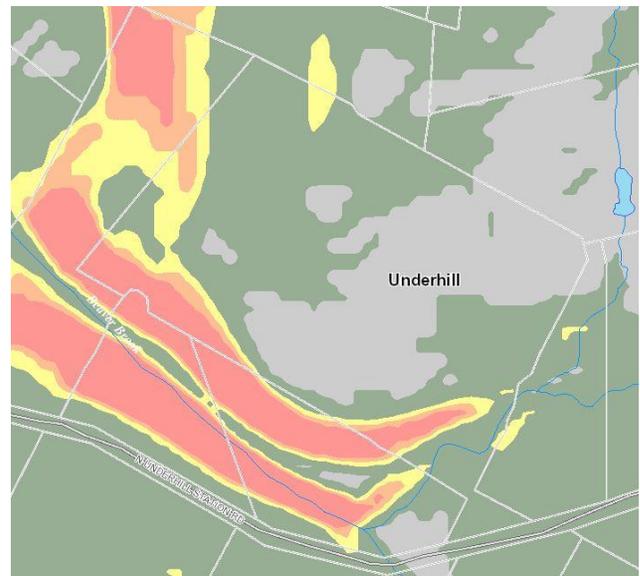
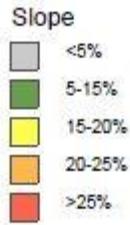
PG. 55

- The subject lot is not located within a Source Protection Area.

SECTION 3.18 – STEEP SLOPES

PG. 56

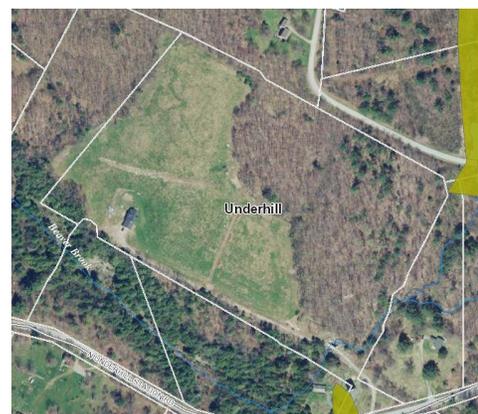
- Areas of steep slopes (15-25%) are present on the existing lot (see directly to the right).
 - Steep Slopes (15-25%) and Very Steep Slopes (>25%) appear to affect both lots; however, the proposed/existing developments (single-family dwellings) appear to be outside of these areas.
- Since both driveways are already constructed, no significant additional impact to these areas is anticipated.
 - The Board should determine if additional review under this section is required, as the shared driveway will need to be widened to 14 ft.
 - If the Board finds that the widening of the driveway will occur on land that is under 15% slope, then no further review under this section is required.



SECTION 3.19 – SURFACE WATERS & WETLANDS

PG. 63

- An unnamed stream bisects the southern portion of the lot in an east to west direction (see directly to the right) – 25 ft. Setback Requirement.
- Beaver Brook is located to the south of the property; A 50 ft. Setback from the “top of slope” is required since no floodplains are associated with the Brook in this location.
- A Class II Wetland has been identified to the northeast of the property, as well in the south portion of the property – 50 ft. Setback Requirement.
- All anticipated new development is expected to satisfy the aforementioned setback requirements for wetlands and surface waters.



SECTION 3.23 – WATER SUPPLY & WASTEWATER SYSTEMS

PG. 68

- The Applicants have obtained a Wastewater System & Potable Water Supply Permit (WW-4-4186, see Exhibit M).
- The WW Permit allows for two, 4-bedroom, single-family residences on the existing lot.

- Each single-family dwelling is approved for a drilled well, to be located on each lot.
- A septic system has been approved for each single-family dwelling, noting that the proposed Lot 2 septic system will be located on Lot 1.

ARTICLE IV – SPECIFIC USE STANDARDS

SECTION 4.15 – MULTI-DWELLING STRUCTURES (ACCESSORY DWELLINGS, TWO-FAMILY DWELLINGS AND MULTI-FAMILY DWELLINGS) PG. 92

- In accordance with Section 4.15.D.3:
 “A detached accessory dwelling may be subdivided and or converted for conveyance or use as principal dwellings only if they are found to meet all current municipal regulations for two single family dwellings in the district where it is located. All municipal permits and approvals shall be obtained prior to conversion to or conveyance as a principal Dwelling.”
- While the barn/garage is not permitted as an accessory dwelling, that structure is expected to be converted to a principal dwelling, and therefore, the Board should consider the abovementioned provision of the *Unified Land Use & Development Regulations*.

ARTICLE VI – FLOOD HAZARD AREA REVIEW

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

ARTICLE VII – SUBDIVISION REVIEW

SECTION 7.2 – APPLICABILITY PG. 139

- The Applicants are proposing a 2-Lot subdivision that meets the requirements of Section 7.2.E.1.a.
- The Board classified this project as a minor subdivision during the sketch plan review meeting (see Exhibit L).

SECTION 7.3 – SKETCH PLAN REVIEW PG. 141

- The Board accepted the proposed subdivision during the Sketch Plan Review meeting on August 5, 2019, noting the following items to be address:
 1. All surface waters, including streams and brooks, wetlands and floodplains shall be identified and delineated on the submitted site plan;
 - The submitted site plan (see Exhibit O) and submitted plat (see Exhibit N) both depict streams/brooks; however, do not depict any wetlands.
 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 submitted a survey plat prepared by a licensed surveyor – Michael J. Gervais (see Exhibit N).
 - Easements for proposed utilities are not shown, but are presumed to be in the shared right-of-way.
 3. The applicants shall identify the well shield and isolation distances on the submitted site plans and how those distances will impact the adjacent property owners.
 - The site plan depicts the well shields and isolation distances for wastewater systems (see Exhibit O).

4. The applicant 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 aforementioned Article VIII Subdivision Standards. The narrative shall substitute for the previously distributed Preliminary Subdivision Findings Checklist per Section 7.5 of the *Underhill Unified Land Use & Development Regulations* that used to be required (see enclosed example);
 5. The site plan shall depict proposed 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 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;
 7. The applicant 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 site 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."
- The Applicants have submitted a project narrative addressing relevant information in Article VIII of the *Underhill Unified Land Use & Development Regulations* (see Exhibit H).
 - The Applicants have depicted a building envelope for the proposed Lot 2 (see Exhibits N & O) that is more restrictive than the minimum requirements in order to preserve the forested areas.
 - The Applicants have submitted engineering drawings (see Exhibit O).
 - The Applicants have submitted engineering drawings depicting the driveway layout (see Exhibits N & O).
 - The Applicants are proposing to use the intersection of the two driveways as the turnaround area for each lot.
 - The Applicants are proposing a turning radius of 28 ft. at the intersection of the two driveways.
 - Information regarding the turning radii at the intersection of the shared driveway and North Underhill Station Road has not been provided.
 - An Application for Subdivision review has been submitted (see Exhibit C).

- 9. Draft deeds containing, or making reference to:
 - a. The right-of-way easement that serves Lot 1;
 - b. The wastewater system easement that serves Lot 2; and
 - c. A road maintenance agreement.
 - 10. The scheduling of a site visit prior to the final subdivision review hearing.
- Draft deeds containing, or making reference to the shared right-of-way serving Lot 1 and wastewater easement serving Lot 2 have not been provided.
 - A draft Road Maintenance Agreement has been submitted for review (see Exhibit K).
 - A site visit has been scheduled for Saturday, February 29, 2020 @ 8:30 AM.

SECTION 7.5 – PRELIMINARY SUBDIVISION REVIEW PG. 144

- The Board waived preliminary subdivision review (see Exhibit L).
- Staff has advised the Applicants to forgo the findings checklist for Preliminary Subdivision Review.

SECTION 7.6 – FINAL SUBDIVISION REVIEW PG. 146

- The Applicants have substantially submitted the necessary materials to make a decision regarding the final subdivision review application.

ARTICLE VIII – SUBDIVISION STANDARDS

SECTION 8.1 – APPLICABILITY

SECTION 8.1.B – REQUEST FOR MORE INFORMATION PG. 150

- Technical review is not required at this time.

SECTION 8.1.C – FINDINGS OF FACT PG. 150

- Staff advised the Applicants to submit a project narrative (see Exhibit H) in place of the Findings of Facts.

SECTION 8.1.D – MODIFICATIONS & WAIVERS PG. 150

- The Applicants have not requested any additional modifications or waivers other than the frontage requirement waiver for Lot 1 (in accordance with §§ 3.7.E.1 & 8.6.A.2).
 - Lot 1 will be accessed by a shared driveway with Lot 2 (Section 8.6.A.2.a).

SECTION 8.2 – GENERAL STANDARDS

SECTION 8.2.A – DEVELOPMENT SUITABILITY PG. 151

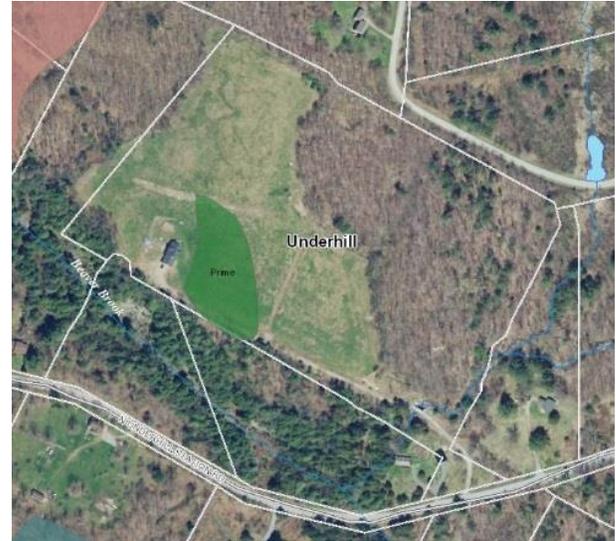
- No unforeseen undue adverse impacts to the public health, safety or the character of the area in which the proposed development is located are anticipated.
- The Applicants have not expressed any intention of setting aside land as open space that would be excluded from subsequent development lands 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. 151

- The proposed subdivision meets the density requirements of this Section.

SECTION 8.2.C – EXISTING SITE CONDITIONS PG. 151

- A small area of prime agricultural soils will likely be bisected by the proposed property line (see directly right in comparison to Exhibit H); anticipated development could potentially impact this area.
- Areas of steep slopes (15%-25%) and very steep slopes (>25%) exist on both lots (see § 3.18 above).
- An unnamed stream bisects the southern portion of the lot, while Beaver Brook traverses the area to the south of the lot (see § 3.19 above).
- Class II Wetlands exist to the northeast of the property, as well as on the southern area of the property (see § 3.19 above).
 - These areas are not depicted on the site plan (see Exhibit O).
- Given the proposed location of the single-family dwelling on Lot 2, as well as the completed single-family dwelling on Lot 1, and the completed driveways, the prime agricultural soils seem to be the only resource being impacting:
 - The Board could explore if there are any options for minimizing impact to the prime agricultural soils.
- The proposed layout of the subdivision and development does not appear to adversely affect any of the other existing site features and/or natural amenities listed in this subsection.



Red square	Local
Blue square	Local (b)
Cyan square	Not rated
Green square	Prime
Olive square	Prime (b)
Light green square	Prime (f)
Brown square	Statewide
Dark blue square	Statewide (a)
Dark purple square	Statewide (b)
Purple square	Statewide (c)

SECTION 8.2.D – UNDERHILL TOWN PLAN & REGULATIONS

PG. 152

- 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. 152

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.

- The proposed project appears to conform with the Rural Districts settlement patterns outlined in Section 8.2.E.1 (see directly to the left).

SECTION 8.2.F - LAYOUT **PG. 153**

- The proposed subdivision conforms with the requirements of this section.
- The proposed layout of the subdivision is configured in a way that would allow subsequent subdivisions should the landowners, or their successors, choose to subdivide.

SECTION 8.2.G – BUILDING ENVELOPES **PG. 153**

- The Applicants have identified a proposed building envelope for the proposed Lot 2, which is more restrictive than the Rural Residential District allows.
 - While more restrictive, the building envelope has been reduced in size in order to protect forested areas on the proposed Lot 2.
 - If the Board finds that the building envelope should remain as depicted, they should explicitly state the reason for do so in the decision.

SECTION 8.2.H – SURVEY MONUMENTS **PG. 153**

- No findings.

SECTION 8.2.I – LANDSCAPING & SCREENING **PG. 153**

- The Board should take note of the existing landscaping and screening currently in place during the scheduled site visit – 8:30 AM @ February 29, 2020.

SECTION 8.2.J – ENERGY CONSERVATION **PG. 154**

- No findings by Staff.
- Questions pertaining to zoning regulations for the Applicants to answer during the hearing:
 - Do the proposed locations of the SFDs maximize southern exposure? (§ 8.2.J.1)
 - Are the SFDs clustered enough to allow for group net-metering? (§ 8.2.J.2)

SECTION 8.3 – NATURAL CULTURAL RESOURCES

SECTION 8.3.A – RESOURCE IDENTIFICATION & PROTECTION **PG. 154**

- 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. 155**

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

SECTION 8.3.C – ROCK OUTCROPS, STEEP SLOPES, HILLSIDES & RIDGELINES **PG. 155**

- See Section 3.18 above for more information.

SECTION 8.3.D – NATURAL AREAS & WILDLIFE HABITAT **PG. 156**

- A priority level 4 habitat block is located on the existing lot (see directly to the right on the next page).
- Proposed development on the proposed Lot 2 will not likely impact the identified habitat block.
- No Deer Wintering Yards have been identified on the lot.
- The ANR Biofinder has also identified the following priority characteristics:
 - Class II Wetlands (see § 3.19 above);

- Highest Priority Wildlife Crossing (overlying the same area as the Class II Wetland on the southern portion of the Lot);
- Riparian Wildlife Connectivity (encompassing Beaver Brook and the unnamed stream);
- Highest Priority Surface Water and Riparian Areas (encompassing Beaver Brook and the unnamed stream);
- Priority Interior Forest Blocks (same area as the identified Forest Blocks to the right);
- Highest Priority Connectivity Blocks (same area as the identified Forest Blocks to the right); and
- Representative Physical Landscapes; (mostly the same area as the identified Forest Blocks to the right).



SECTION 8.3.E – HISTORIC & CULTURAL RESOURCES

PG. 157

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

SECTION 8.3.F – FARMLAND

PG. 157

- A small area of prime agricultural soils exists in an area where the proposed property line is anticipated.
- See § 8.2.C above for more information.

SECTION 8.3.G - FORESTLAND

PG. 158

- The proposed property line appears to consider the forested land located towards the northeast portion of the property.
- Anticipated development is expected to occur outside of this forested area.
- The building envelope takes into consider the forested areas on the proposed Lot 2 – see Section 8.2.G above.

SECTION 8.4 – OPEN SPACE & COMMON LAND

SECTION 8.4.A – OPEN SPACE

PG. 159

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

SECTION 8.4.B – COMMON LAND

PG. 160

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

SECTION 8.4.C – LEGAL REQUIREMENTS

PG. 160

- No findings.

SECTION 8.5 – STORMWATER MANAGEMENT EROSION CONTROL

PG. 160

- No findings at this time.

SECTION 8.6 – TRANSPORTATION FACILITIES

SECTION 8.6.A – ACCESS & DRIVEWAY **PG. 162**

- Both lots will be served by their own driveways, which will access a shared driveway with access to North Underhill Station Road, 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. 164**

- This subsection does not apply.

SECTION 8.6.C – PARKING FACILITIES **PG. 167**

- This subsection does not apply.

SECTION 8.6.D – TRANSIT FACILITIES **PG. 167**

- This subsection does not apply.

SECTION 8.6.E – PEDESTRIAN ACCESS **PG. 167**

- This subsection does not apply.

SECTION 8.7 – PUBLIC FACILITIES & UTILITIES

SECTION 8.7.A – PUBLIC FACILITIES **PG. 168**

- An undue burden on existing and/or planned public facilities is not anticipated.
- The MMU School District has confirmed that there will not be an adverse impact on the school system (see Exhibit I).
- Comments have been requested from the Underhill Road Foreman regarding the driveways and will be subsequently submitted into the record.

SECTION 8.7.B – FIRE PROTECTION **PG. 168**

- An undue burden on the Underhill-Jericho Fire Department is not anticipated.
- Comments from the Underhill-Jericho Fire Department have been solicited; however, no comments have been provided at this time.
 - If comments are received prior to the hearing, they will be submitted into the record.

SECTION 8.7.C – WATER SYSTEMS **PG. 168**

- The Applicants have obtained a Wastewater System & Potable Water Supply Permit (WW-4-4186, see Exhibit I).
- The WW Permit allows for two, 4-bedroom, single-family residences on the existing lot.
- Each single-family dwelling is approved for a drilled well, to be located on each lot.

SECTION 8.7.D – WASTEWATER SYSTEMS **PG. 169**

- The Applicants have obtained a Wastewater System & Potable Water Supply Permit (WW-4-4186, see Exhibit I).
- The WW Permit allows for two, 4-bedroom, single-family residences on the existing lot.
- A septic system has been approved for each single-family dwelling, noting that the proposed Lot 2 septic system will be located on Lot 1.

SECTION 8.7.D – UTILITIES **PG. 169**

- No findings.

SECTION 8.8 – LEGAL REQUIREMENTS

PG. 170

- The Applicants have submitted a draft Road Maintenance Agreement prior to the Preliminary/Final Subdivision Review hearing (see Exhibit K).
- A deed containing a draft septic easement for the benefit of Lot 2 has not been provided.

APPENDIX A – ROAD & DRIVEWAY STANDARDS

SECTION 4 – GENERAL PROVISIONS RELATING TO ACCESSWAYS

SECTION 4.B – REASONABLE ACCESS

PG. 8

- Both lots will have access to North Underhill Station Road via a shared driveway.

SECTION 4.C – DEVELOPMENT ROAD & DRIVEWAY STANDARDS

PG. 8

1. *GRADES*
 - Both driveways, including the shared portion, currently exist and presumably satisfy the 10% slope requirement.
 - The Board should take note of any grade concerns during the site visit on February 29, 2020 @ 8:30 AM.
2. *TOPOGRAPHY*
 - Both driveways, including the shared portion, currently exist and presumably satisfy the topography requirements.
 - The Board should take note of any topography concerns during the site visit on February 29, 2020 @ 8:30 AM.
3. *RADII*
 - The Applicants shall ensure that all turning radii are satisfactory to the Underhill-Jericho Fire Department.
 - The proposed turning radii where the two driveways meet is 28 ft.
 - The Applicants have not provided information regarding the turning radii of where the shared driveway will meet North Underhill Station Road.
 - The Board should consider a condition of approval regarding the turning radii at this intersection if they find this intersection needs to be brought up to the standards within the *Road Ordinance*.
 - The Board should determine if the proposed turning radii is satisfactory should the Underhill-Jericho Fire Department not reply.
4. *CURBS*
 - Does not apply.
5. *GEOTEXTILES*
 - Does not apply.
6. *DRAINAGE*
 - The Applicants shall ensure that no drainage will occur in the Town’s right-of-way, nor will drainage impact North Underhill Station Road (which includes sedimentation, erosion or impounding of water).
7. *SLOPES, BANKS & DITCHES*
 - The Applicants shall ensure that ditches will be provided where necessary to prevent infiltration of water into the gravel subbase, and to conduct storm drainage to waterways and absorption areas.
8. *WET AREAS*
 - Staff makes no findings.
9. *CULVERS*
 - Comments from the Road Foreman have been solicited and will be subsequently entered into the record.

- 10. *STREAM CROSSINGS*
 - The Applicants already obtained approval to construct a bridge over the unnamed stream (see DRB-14-11, Sketch Plan Exhibit F).
- 11. *BRIDGES*
 - The Applicants already obtained approval to construct a bridge over the unnamed stream (see DRB-14-11, Sketch Plan Exhibit F).
- 12. *DESIGN*
 - The Applicants are planning to utilize the intersection of the two driveways as the turnaround area.
 - The Board should evaluate if this design is satisfactory.
 - The Board should evaluate if they wish to require a 10 ft. apron at the intersection of the shared driveway and North Underhill Station Road.

SECTION 5 – SPECIFIC PROVISIONS: DRIVEWAYS & DEVELOPMENT ROADS

SECTION 5.A - DRIVEWAYS

PG. 11

- 1. *CONSTRUCTION & DESIGN REQUIREMENTS*
 - The Board should evaluate (at the site visit – Saturday, February 29, 2020) if the existing driveways, and shared driveway, and determine if they need to be brought up to the AOT B-71 Standards.
- 2. *LOCATION*
 - One existing access point onto North Underhill Station Road is proposed and currently being utilized.
- 3. *WIDTHS*
 - The existing driveways, as depicted on the site plans (Exhibit O) meet the 12 ft. wide driveway width requirement.
 - The shared driveway is depicted as 12 ft. wide.
 - The Board should condition approval of the submitted access permit application (Exhibit D) and subdivision application (Exhibit C) on upgrading the width to 14 ft.
- 4. *NONCONFORMING LOTS*
 - Does not apply.