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Development Review Board

SETH & ALISON FRIEDMAN TRUSTEES
SKETCH PLAN REVIEW
Docket #: DRB-19-01

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| Applicant(s): | Seth & Alison Friedman Trustees |
| Consultant(s): | Brad Holden & Justin Willis |
| Property Location: | 144 Pleasant Valley Road (PV144) |
| Acreage: | ± 15.6 Acres |
| Zoning District(s): | Water Conservation & Mt. Mansfield Scenic Preservation |

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| Project Proposal: | Sketch Plan Review of Seth & Alison Friedman Trustees Proposal for a 2-Lot Subdivision of property located at the aforementioned address. |
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2018 UNDERHILL UNIFIED LAND USE & DEVELOPMENT REGULATIONS RELEVANT REGULATIONS:

- Article II, Table 2.5 – Water Conservation District (pg. 18)
 - Article II, Table 2.7 – Soil and Water Conservation District (pg. 24)
 - 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 VIII – Subdivision Standards (pg. 150)
 - Appendix A – Underhill Road, Driveway & Trail Ordinance
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CONTENTS:

- a. Exhibit A – Friedman Trustees Sketch Plan Review Staff Report
- b. Exhibit B – Friedman Trustees (PV144) Sketch Plan Review Rules of Procedure
- c. Exhibit C - Subdivision Review Application
- d. Exhibit D - Certificate of Service
- e. Exhibit E – Jackson Hill Subdivision Approval Letter
- f. Exhibit F – Selectboard Minutes Pertaining to Jackson Hill Boundary Line Adjustment

- g. Exhibit G - ANR Habitat Blocks Map
- h. Exhibit H - ANR Steep Slopes Map
- i. Exhibit I - ANR Prime Agricultural Soils
- j. Exhibit J - Site Plan

COMMENTS/QUESTIONS

1. **SECTION 3.2 – ACCESS:** An access permit application shall be submitted upon filing the Preliminary Subdivision Review Application.
 2. **SECTION 3.18 – STEEP SLOPES:** The proposed driveway appears to traverse the steep slope, and therefore, a more in-depth review of this section will be required at the time of Preliminary & Final Subdivision Review.
 3. **SECTION 3.19 – SURFACE WATERS & WETLANDS:** The applicants have communicated that the proposed driveway to Lot 2 will impact the wetland’s buffer (50 ft. from the Class II Wetland), and therefore, they anticipate obtaining a Wetlands Permit from the Vermont Department of Environmental Conservation.
 4. **SECTION 3.23 – WATER SUPPLY & WASTEWATER SYSTEMS:** A water supply and wastewater system design shall be submitted prior to Preliminary Subdivision review.
 5. **SECTION 8.2.C – EXISTING SITE CONDITIONS:** The Board should inquire further about the curb cut since the location of the curb cut will cause the driveway to impact Class II Wetlands and steep slopes.
 6. **SECTION 8.2.G – BUILDING ENVELOPES:** The Board should explore whether a building envelope should be depicted.
 7. **SECTION 8.3.D – NATURAL AREAS & WILDLIFE HABITAT:** Proposed development on the proposed Lot 2 will likely impact the priority level 10 habitat block; however, the impact will occur near the edge of the mapped area, thus logically reducing the potential impact to the habitat block.
 8. **SECTION 8.3.D – NATURAL AREAS & WILDLIFE HABITAT:** The ANR Biofinder has also identified the following priority characteristics: Highest Priority Wildlife Crossings (across Pleasant Valley Road); Highest Priority Interior Forest Blocks; Highest Priority Connectivity Blocks; and Representative Physical Landscapes.
 9. **APPENDIX A, SECTION 4.C.3 - RADII:** The applicants need to depict a turnaround area (12.5 ft. by 37.5 ft.) with turning radii that are 35 ft. on subsequent plan submittals.
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STAFF FINDINGS OF RELEVANT SECTIONS

ARTICLE II – ZONING DISTRICTS

| | Water Conservation | Mt. Mansfield Scenic Preservation | Existing Lot 1 (SFD) | Proposed Lot 2 |
|--------------------------------|--------------------|-----------------------------------|----------------------|----------------|
| Lot Size: | 5.0 Acres | 10.0 Acres | 10.3 Acres | 5.3 Acres |
| Frontage: | 250 ft. | 300 ft. | ~800 ft. | ~500 ft. |
| Setbacks: | | | | |
| • Front West | 30 ft. | 30 ft. | ~18 ft. | TBD |
| • Side 1 North | 50 ft. | 50 ft. | ~482 ft. | TBD |
| • Side 2 South | 50 ft. | 50 ft. | ~164 ft. | TBD |
| • Rear West | 50 ft. | 50 ft. | ~454 ft. | TBD |
| Max. Building Coverage: | 20% | 10% | Assumed Met | TBD |
| Max. Lot Coverage: | 30% | 15% | Assumed Met | TBD |
| Maximum Height: | 35 ft. | 35 ft. | Assumed Met | TBD |

TABLE 2.5 – WATER CONSERVATION DISTRICT

PG. 16

Purpose Statement: The purpose of the Water Conservation District is to protect the important gravel aquifer recharge area in Underhill Center.

- No adverse impact to the gravel aquifer recharge area for Underhill Center is anticipated; however, will be confirmed with the completion of a wastewater design.
- Lot 1 will be located in both the Water Conservation District and the Mt. Mansfield Scenic Preservation District.
- Lot 1 appears to meet the district’s dimensional standards of the Water Conservation District.
- Lot 2 is located entirely within the Water Conservation District and appears to meet standards of this zoning district.
- No structures located on the proposed Lot 1 appear to be within the Water Conservation District.
- The anticipated dwelling for Lot 2 should be able to conform with the district’s requirements.

TABLE 2.6 – MT. MANSFIELD SCENIC PRESERVATION DISTRICT

PG. 21

Purpose Statement: The purpose of the Scenic Preservation District is 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 existing single-family dwelling and accessory structures would be located on Lot 1, which will remain almost entirely within the Scenic Preservation District. No new development appears to be anticipated as a result of this proposed subdivision.
- The existing single-family dwelling DOES NOT conform with the front setback requirement (see Section 3.9 below).
- Lot 1 appears to satisfy the district’s dimensional standards of the Scenic Preservation District.

ARTICLE III – GENERAL REGULATIONS

SECTION 3.2 – ACCESS

PG. 30

- Both proposed lots satisfy the frontage requirements of section.
- Both lots will access Pleasant Valley Road, a Class II Highway.
- An access permit application shall be submitted upon filing the Preliminary Subdivision Review Application.
- A driveway design, including a driveway profiles, which will be forwarded to the Road Foreman upon submission of the Preliminary Subdivision Review Application, shall be submitted that conforms to the standards in the *Underhill Unified Land Use & Development*, as well as the *Underhill Road, Driveway and Trail Ordinance*.
- The applicants have proposed a driveway serving Lot 2 that is 15 ft. from the north, side property line, thus meeting the 12 ft. setback requirement for driveways.

SECTION 3.7 – LOT, YARD & SETBACK REQUIREMENTS

PG. 38

- One principal use/structure is anticipated for each lot – single-family dwellings.
- Each lot will satisfy the frontage requirements for each district the lot is located in.
- No waivers have been requested at this time.

SECTION 3.9 – NONCONFORMING STRUCTURES

PG. 40

- The existing structure on Lot 1 is nonconforming as it does not meet the front setback requirement for the Mt. Mansfield Scenic Preservation District.
- A nonconforming structure does not inhibit the applicants from subdividing their lot.

SECTION 3.13 – PARKING, LOADING & SERVICE AREAS

PG. 44

- The anticipated development for Lot 2 (a single-family dwelling) is likely to satisfy the parking requirement – 2 parking spaces per dwelling.

SECTION 3.17 – SOURCE PROTECTION AREAS

PG. 55

- The subject lot is located within a Groundwater Source Protection Area.
- Since the applicants are proposing single-family dwellings on both lots, the proposed project will be exempt from additional review per Section 3.17.B.

SECTION 3.18 – STEEP SLOPES

PG. 56

- Areas of steep slopes (15-25%) are present on the subject lot (see Exhibit H).
- Steep slopes (15-25%) appear to only affect the proposed Lot 2; however, the proposed development (single-family dwelling) appears to be located out of these steep slopes areas.
- The proposed driveway appears to traverse the steep slope, and therefore, a more in-depth review of this Section will be required at the time of Preliminary & Final Subdivision Review.

SECTION 3.19 – SURFACE WATERS & WETLANDS

PG. 63

- No surface waters (i.e. ponds, rivers or streams) were identified on the subject property by the applicants or by the ANR Website.
- The applicants have identified a Class II Wetland that is centrally located on the proposed Lot 2.
- The applicants have communicated that the proposed driveway to Lot 2 will impact the wetland's buffer (50 ft. from the Class II Wetland), and therefore, they anticipate obtaining a Wetlands Permit from the Vermont Department of Environmental Conservation.

SECTION 3.23 – WATER SUPPLY & WASTEWATER SYSTEMS

PG. 68

- The location of the water supply and wastewater system have not been identified at this time.
- The water supply and wastewater system design shall be submitted prior to Preliminary Subdivision review.

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.
- Staff recommends that the project be classified as a minor subdivision.

SECTION 7.3 – SKETCH PLAN REVIEW

PG. 141

- See Exhibit B pertaining to the purpose statement for Sketch Plan Review.
- The applicants have submitted the necessary materials for the Board to make a decision about the 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

- Findings of fact are not required at this stage of the subdivision review process.

SECTION 8.1.D – MODIFICATIONS & WAIVERS

PG. 150

- The applicants have not requested any modifications or waivers.

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 exclude 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 large portion of the existing lot contains prime agricultural soils (see Exhibit I).
- An area of steep slopes (15%-25%) existing on the proposed Lot 2 (see Exhibit H).

- An area of Class II Wetlands existing on the proposed Lot 2 (see Exhibit J).
- Given the proposed location of the single-family dwelling, the proposed driveway is anticipated to impact the steep slopes area, Class II Wetlands, as well as statewide prime agricultural soils.
 - Avoiding impact to the statewide prime agricultural soils appears impossible; and
 - While the driveway could avoid steep slopes and potentially the Class II Wetlands, the applicants have advised that the proposed curb cut is more desirable (the Board should inquire further).
- 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.

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.

SECTION 8.2.F - LAYOUT

PG. 153

- The proposed subdivision conforms with the requirements of this section.
- Subsequent subdivisions are not feasible due to limitations with acreage.

SECTION 8.2.G – BUILDING ENVELOPES

PG. 153

- The applicants have not identified a proposed building envelope; therefore, the least restrictive building envelope is presumed, which shall take in consideration site limitations such as setbacks from wetlands and steep slopes.
- The Board should explore whether a building envelope should be illustrated.

SECTION 8.2.H – SURVEY MONUMENTS

PG. 153

- No findings.

SECTION 8.2.I – LANDSCAPING & SCREENING

PG. 153

- No findings.

SECTION 8.2.J – ENERGY CONSERVATION

PG. 154

- No findings.

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 10 habitat block is located on the existing lot.
- Proposed development on the proposed Lot 2 will likely impact the habitat block; however, the impact will occur near the edge of the mapped area, thus logically reducing the potential impact to the habitat block.
- The ANR Biofinder has also identified the following priority characteristics: Highest Priority Wildlife Crossings (across Pleasant Valley Road); Highest Priority Interior Forest Blocks; Highest Priority Connectivity Blocks; and Representative Physical Landscapes.

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 large area of prime agricultural Land exists on the subject lot.
- See 8.2.C above for more information.

SECTION 8.3.G - FORESTLAND **PG. 158**

- The applicants appear to have configured the proposed property line between Lots 1 & 2 along on existing tree line.

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, 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.
- Comments from the Mt. Mansfield Union School District will be solicited during the Preliminary/Final Subdivision Review process.

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 will be solicited during the Preliminary/Final Subdivision Review process.

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

- The impact of the water system will be reviewed during the Preliminary/Final Subdivision Review process since the applicants have not depicted the water system at this time.

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

- The impact of the wastewater system will be reviewed during the Preliminary/Final Subdivision Review process since the applicants have not depicted the wastewater system at this time.

SECTION 8.7.D – UTILITIES **PG. 169**

- No findings.

SECTION 8.8 – LEGAL REQUIREMENTS **PG. 170**

- The applicants have advised that an Act 250 permit amendment will be sought, which includes a resolution to an easement issue that is not accurately reflected on the existing subdivision plans.

APPENDIX A – ROAD & DRIVEWAY STANDARDS

SECTION 4 – GENERAL PROVISIONS RELATING TO ACCESSWAYS

SECTION 4.B – REASONABLE ACCESS **PG. 8**

SECTION 4.C – DEVELOPMENT ROAD & DRIVEWAY STANDARDS **PG. 8**

1. *GRADES*
 - The applicants have advised that they will be proposing a driveway for Lot 2 that does not exceed a 10% grade.

- 2. *TOPOGRAPHY*
 - The Board should solicit information as why the proposed curb cut for Lot 2 is in the area proposed.
- 3. *RADII*
 - The applicants shall ensure that all turning radii are 35 ft., include the radii for the yet to be depicted turnaround area.
- 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 Pleasant Valley Road (which includes sedimentation, erosion or impounding of water).
- 7. *SLOPES, BANKS & DITCHES*
 - The applicants shall ensure that ditches will be provide where necessary to prevent infiltration of water into the gravel subbase, and to conduct storm drainage to waterways and absorption areas.
- 8. *WET AREAS*
 - A wetland's permit is being sought.
- 9. *CULVERS*
 - Comment from the Road Foreman will be solicit during the Preliminary & Final Subdivision Review Process.
- 10. *STREAM CROSSINGS*
 - This section does not apply.
- 11. *BRIDGES*
 - This section does not apply.
- 12. *DESIGN*
 - When submitting the preliminary subdivision application, the applicants shall depict a turnaround area (12.5 ft. by 37.5 ft.) with at least 10 ft. paved apron where the driveway meets Pleasant Valley Road, as well as indicate the site distances where the driveway meets Pleasant Valley Road.

SECTION 5 – SPECIFIC PROVISIONS: DRIVEWAYS & DEVELOPMENT ROADS

SECTION 5.A - DRIVEWAYS

PG. 11

- 1. *CONSTRUCTION & DESIGN REQUIREMENTS*
 - The proposed driveway shall be built in accordance with the AOT B-71 Standards.
- 2. *LOCATION*
 - One access point is proposed.
 - The applicants shall ensure that the proposed driveway is at least 100 ft. from another intersection.
- 3. *WIDTHS*
 - The proposed driveway shall be at least 12 ft. in width.
- 4. *NONCONFORMING LOTS*
 - Does not apply.