



Town of Underhill

P.O. Box 120, Underhill, VT 05489
www.underhillvt.gov

Phone: (802) 899-4434, x106
Fax: (802) 899-2137

Development Review Board NOTICE OF PUBLIC MEETING AGENDA

Monday, April 4, 2016 - 6:30 Public Hearing
Underhill Town Hall, 12 Pleasant Valley Rd. Underhill, VT

Note: 6:00 PM Site Visit at 26 Westman Road

- 6:30 PM Open Meeting, Public Comment Period
- 6:35 PM Final: Subdivision Revision, Modify Building Envelope Lot #2
Applicant: Rondeau TTEE
Docket #: DRB 16-02
Location: 26 Westman Road
- 7:30 PM Other Business
Minutes of March 7 meeting
- 8:00 PM Adjourn

Additional information may be obtained at the Underhill Town Hall. The meeting and hearing are open to the public. Pursuant to 24 VSA §§4464(a)(1)(C) and 4471(a), participation in this local proceeding, by written or oral comment, is a prerequisite to the right to take any subsequent appeal. If you cannot attend the hearing, comments may be made in writing prior to the meeting and mailed to: Zoning & Planning Administrator, P.O. Box 120 Underhill, VT 05489 or to zoning@underhillvt.gov.

Note: The timing of agenda items is approximate and subject to change

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Zoning & Planning Administration
Town of Underhill, VT

P.O. Box 120, Underhill, VT 05489
E-mail: zoning@underhillvt.gov

Phone: (802) 899-4434 x 6
Fax: (802) 899-2137

MEMORANDUM

To: DRB, SB
From: Underhill Planning and Zoning
Date: 4/4/2016
Re: Agenda and Information for 4/4/16 Hearing

NOTICE OF PUBLIC MEETING

Town of Underhill Development Review Board (DRB)
Monday, April 4, 2016
6:35 PM Public Hearing
Underhill Town Hall, 12 Pleasant Valley Rd. Underhill, VT

The DRB will hold a Final Subdivision Review hearing on the application of the Linda G. Rondeau Family Trust for a proposed revised building envelope on a previously approved lot located at 26 Westman Road (WS026). This property is located in the Scenic Preservation zoning district. The hearing will be held at Town Hall at 6:35 PM.

Contents:

- a) Linda G. Rondeau Family Trust Application for Subdivision: Final (dated 3/16/2016);
- b) A copy of the Site Plan: entitled Revised Building Envelope—Lot 2, Planning Residential Development, prepared by Consultant Bradford L. Holden, Land Surveyor;
- c) A copy of the plans for the proposed driveway, including a driveway grading plan indicating wetland impacts, construction details and erosion control details and specifications, prepared by Civil Engineering Associates;
- d) A copy of a July 14, 2005 fax sent from then Town Administrator/PZA Christine Murphy to Consultant Brad Holden L.S. Fax includes copy of Planning Commission minutes of June 28, 2005. Staff has been unable to find a Final Notice of Decision;
- e) A copy of the Planning Commission minutes from the 4/12/05 and 6/28/2005 meetings at which the original subdivision received Sketch Plan and Final Subdivision approval;
- f) A copy of input received from the Chittenden East Supervisory Union dated 5/31/2005;
- g) A copy of input received from the Underhill Jericho Fire Department dated 6/10/2005;
- h) An Individual Wetland Permit issued by the Vermont Department of Environmental Conservation for the property (2014-217) on 1/8/2016;
- i) A copy of the Wastewater System and Potable Water Supply Permit from the Vermont Department of Environmental Conservation, dated 7/8/2005;
- j) The minutes from the 6/6/2005 Selectboard meeting at which the curb cut for this lot was approved;

4/4/2016 DRB Hearing
Rondeau Final Hearing

- k) A map showing steep slopes from the ANR Natural Resources Atlas;
- l) A map showing primary agricultural soils from the ANR Natural Resources Atlas;
- m) A letter from the Underhill Selectboard to the Vermont Department of Environmental Conservation confirming the approval of the curb cut, dated August 2, 2015;
- n) A copy of the procedure checklist for this meeting; and
- o) This Memo.

**Final Hearing on the Application of
The Linda G. Rondeau Family Trust for a revision to the 2005 Vaughan Subdivision**

Applicant(s): Linda G. Rondeau Family Trust
Consultant(s): Brad Holden
Property Location: 26 Westman Road (WS026)
Acreage: ±10.4 Acres

Zoning District(s): **Mt. Mansfield Scenic Preservation: 3 acres**
 400 ft road frontage
 Setbacks: Front – 30 ft
 Side & Rear – 75 ft
 Accessory Bldgs. – 30 ft (front)
 20 ft (side & rear lines)
 Max. Bldg. Coverage: 10%
 Max. Lot Coverage: 15%
 Max. Building Height: 35 ft

Relevant Regulations: 2014 Unified Land Use & Development Regulations; 2015 Road, Driveway and Trail Ordinance

- Article II, Table 2.5 – Mt. Mansfield Scenic Preservation District (pg. 18)
- Section 3.2 – Access (pg. 27)
- Section 3.7 – Lot, Yard & Setback Requirements (pg. 35)
- Section 3.18 – Steep Slopes (pg. 53)
- Section 3.19 – Surface Waters & Wetlands (pg. 60)
- Article VII – Subdivision Review (pg. 132)
- Section 7.6 – Final Subdivision Review (pg. 139)
- Article VIII – All (pg. 143)
- Article IX – Planned Unit Development (pg. 165)

Staff Comments/Questions

- The proposal is to modify the size of the Building Envelope on Lot 2 of the 2005 Vaughan 2-lot subdivision.
- When the 2-lot subdivision was approved on June 22, 2005, a building envelope was approved in approximately the same location as the proposed modified building envelope. A larger building envelope is proposed. This change in size is based on two changes since 2005:

1. The local wetland regulations have changed. In 2005, Underhill regulations required a 100 ft buffer between building envelopes and Class III wetlands. The wetlands on the lot were classified as Class III wetlands in 2005. The wetlands have since been reclassified as Class II wetlands.
 2. The 2014 Underhill Unified Land Use and Development Regulations require a smaller buffer (50 feet, rather than 100 feet) between building envelopes and Class II wetlands (Section 3.19(D)(2), page 61).
 - The proposed modified building envelope is outside of the required 50 foot buffer between building envelopes and Class II wetlands (Section 3.19(D)(2), page 61).
 - The Selectboard approved an access permit for the lot on 6/5/2005 (minutes attached). Plans for the proposed driveway are included in the application.
 - No other changes to the lot layout are proposed.
-

Article II, Table 2.5 – Underhill Flats Village Center District (pg. 9)

The purpose of this district is to protect the scenic vistas along Pleasant Valley Road.

The existing lot meets all dimensional requirements. The building envelope as proposed appears to meet the front setback requirements of 30 feet and side and rear setback requirements of 75 feet from the lot lines.

Section 3.2 – Access (pg. 27)

An access permit for the lot was granted by the Selectboard at their meeting on 6/6/2005 (minutes attached).

The zoning regulations require that all new driveways must meet the requirements of Section 3.2 and the Town Road Policy. Section 3.2 requires that driveways (serving up to 3 lots) meet B-71 standards. The driveway, as shown in the attached driveway grading plan and erosion control details and specifications, prepared by Civil Engineering Associates, appears to meet these standards.

Section 3.2(9)(b) states that driveways “shall be located to avoid, to the extent physically feasible...primary agricultural soils and surface waters, wetlands and associated buffer areas...” Though the driveway will impact the Class II wetlands on the property, the applicant has received an Individual Wetland Permit (2014-217) from the Vermont Department of Environmental Conservation for the driveway as proposed.

Additionally, much of the lot contains primary agricultural soils of statewide significance (map attached). However, it is impossible to access the building lot as proposed without impacting these soils.

Section 3.7 – Lot, Yard & Setback Requirements (pg. 35)

The proposed development appears to meet all lot, yard and setback requirements.

Section 3.18 – Steep Slopes (pg. 53)

No development appears to be proposed in areas of steep slopes (map attached).

Section 3.19 – Surface Waters & Wetlands (pg. 60)

No surface waters are present on the property.

Class II wetlands are present on much of the property. The applicant has received an Individual Wetland Permit (2014-217) from the Department of Environmental Conservation for the proposed construction.

Section 3.22 – Water Supply & Wastewater Systems (pg. 65)

The Applicant has provided an approved Wastewater System and Potable Water Supply Permit (WW-4-2420) issued by the VT Department of Environmental Conservation on July 8, 2005. The septic permit is for a “proposed four bedroom single family residence.”

Article VI – Flood Hazard Area Review (pg. 120)

No development is located within the Flood Hazard Area.

Article VII- Section 7.6 – Final Subdivision Review (pg. 139)

The purpose of final subdivision review is to determine final project conformance with the municipal plan, the regulations and other municipal ordinances in effect at the time of application.

At their 6/22/2005 meeting, the PC approved the Vaughan 2-lot subdivision (minutes attached). The only issue in question at this time is the modified building envelope.

The submission requirements of Section 7.6 and the hearing requirements of Section 7.6(C) have been fulfilled.

Section 7.7 – Plat Recording Requirements (pg. 140)

Within 180 days of the date of final subdivision approval by the PC, the applicant shall file a Mylar of the approved plat and the site plan in accordance with the regulations of Section 7.7.

Article VIII- Subdivision Standards- Sections 8.1-8.8 (143-163)

At their meeting on 6/22/2005, the PC approved the Vaughan 2-lot subdivision.

Article IX – Planned Unit Development (pg. 165)

At their meeting on 6/22/2005, the PC approved the Vaughan 2-lot subdivision as a Planned Residential Development, as recorded on subdivision plan #222B in the Underhill Town Offices. The plat stipulates that the lot may not be subdivided further.

Underhill DRB Rules of Procedure
Final Hearing Application of
Linda G. Rondeau Family Trust
4/4/16

State the following:

- 1) "This is a final hearing on the application of the Linda G. Rondeau Family Trust for a revision to the 2-lot Vaughan subdivision on property they own at 26 Westman Road in Underhill, VT.

The purpose of final subdivision review is to determine final project conformance with the municipal plan, the regulations, and other municipal ordinances in effect at the time of application.

This subdivision revision is subject to review under the 2014 Unified Land Use and Development Regulations.

- 2) The order of speakers tonight will be:
 - a. We will hear from and ask questions of the Applicants' consultant, and/or the Applicants;
 - b. Then we will hear and ask questions of the Acting Planning and Zoning Administrator, Brian Bigelow;
 - c. Then we will give other persons in the room a chance to speak. Under our Rules of Procedure, each speaker is limited to three minutes; however, that time can be increased upon request to the Board and majority consent of the Board; then
 - d. The applicant's or their consultants will have an opportunity to respond; then
 - e. Final comments will be solicited from all parties.
 - f. All speakers should address their comments to the Board, not to other parties present at the hearing.
 - g. Board members may feel free to ask questions of any speaker.
- 3) Are any State or municipal representatives present?
- 4) An Interested Parties Info Sheet has been provided to all attendees. Please review it for further information.

Then state:

"Only those interested persons who have participated, either orally or through written statements in a DRB proceeding may appeal a decision rendered in that proceeding to the Environmental Division of Superior Court."

- 5) If you are an applicant/applicant representative, or an interested party who wants to participate in the hearing, we will have you come up to the witness chair and clearly state your name, residential address, and mailing address if it differs.

- 6) I am now going to swear in all those present who wish to speak tonight. All individuals who plan to testify must take the following oath by responding "I do" at the end: ***"Do you hereby swear that the evidence you give in the cause under consideration shall be the whole truth and nothing but the truth under pains and penalties of perjury?"***
- 7) Are there any conflicts of interest or have there been any ex parte communications on the part of the Board members?
- 8) At this point I am going to enter into the record the information package that was sent by the Zoning & Planning Administrator prior to the hearing. The information included in this package relevant to this hearing is:
 - a. Linda G. Rondeau Family Trust Application for Subdivision: Final (dated 3/16/2016);
 - b. A copy of the Site Plan: entitled Revised Building Envelope—Lot 2, Planning Residential Development, prepared by Consultant Bradford L. Holden, Land Surveyor;
 - c. A copy of the plans for the proposed driveway, including a driveway grading plan indicating wetland impacts, construction details and erosion control details and specifications, prepared by Civil Engineering Associates;
 - d. A copy of a July 14, 2005 fax sent from then Town Administrator/PZA Christine Murphy to Consultant Brad Holden L.S. Fax includes copy of Planning Commission minutes of June 28, 2005. Staff has been unable to find a Final Notice of Decision;
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 - h. An Individual Wetland Permit issued by the Vermont Department of Environmental Conservation for the property (2014-217) on 1/8/2016;
 - i. A copy of the Wastewater System and Potable Water Supply Permit from the Vermont Department of Environmental Conservation, dated 7/8/2005;
 - j. The minutes from the 6/6/2005 Selectboard meeting at which the curb cut for this lot was approved;
 - k. A map showing steep slopes from the ANR Natural Resources Atlas;
 - l. A map showing primary agricultural soils from the ANR Natural Resources Atlas;
 - m. A letter from the Underhill Selectboard to the Vermont Department of Environmental Conservation confirming the approval of the curb cut, dated August 2, 2015;
 - n. A copy of the procedure checklist for this meeting; and
 - o. This Memo.
- 9) We'll begin testimony, and hear from applicants and/or their consultant.

10) Next we will hear from the Acting Planning and Zoning Administrator, Brian Bigelow. Refer to the draft Final Findings and Decision.

11) Are there members of the public who would like to speak?

12) Any final comments from anyone?

13) Does the Board feel that they have enough information at this time to make a decision on the application?

a. If more information is needed to make a decision on the application, adjourn the hearing to a time certain and outline for the applicant what is required at that continued hearing; or

b. If by consensus enough information has been presented to make a decision on the application, announce that the evidentiary portion of the hearing is closed.

14) Does the Board wish to discuss the application in open or (closed) deliberative session?
(After the ruling, continue with the info below.)

“Within 45 days from this hearing, the Zoning Administrator, on behalf of the DRB, will send a copy of the decision and letter to the Applicants, their consultants, and those who have participated in tonight’s hearing. A 30-day appeal period will begin on the date the decision is signed. The letter will outline the next steps in the process.

If there are no other comments or questions we will close [this portion of] the meeting.”

TOWN OF UNDERHILL

P.O. Box 32
Underhill Center, VT 05490

Phone: (802) 899-4434 x106

Fax: (802) 899-2137

Email: underhillzoning@comcast.net

APPLICATION FOR SUBDIVISION: FINAL

*Plz see
302*

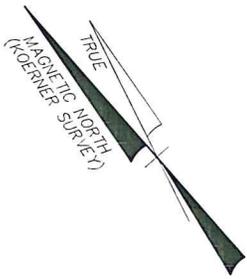
ZONING DISTRICT(S): _____ PROPERTY CODE: WS026

FEES: \$300 hearing fee + \$100 per lot + costs + recording fees

Residential Rural Residential Water Conservation Scenic Preservation Soil & Water Conservation

RECORD OWNER OF PROPERTY: <u>LINDA G. BONDEAU FAMILY TRUST</u>	MAILING ADDRESS: <u>64 VT ROUTE 104 CAMBRIDGE, VT. 05444</u>
PHONE: <u>(802) 644-2179</u>	E-MAIL: <u>DAVID@BONDENVALLEY.COM</u>
ACREAGE IN ORIGINAL PARCEL: <u>10.4 ACRES</u>	PROPOSED NUMBER OF LOTS: <u>0</u>
DESCRIPTION OF PROJECT: <u>DUE TO CHANGES IN THE WETLAND RULES AND CHANGES TO THE UNDERHILL UNIFIED REGS. THE APPLICANTS ARE SEEKING A REVISED BUILDING ENVELOPE FOR THE PREVIOUSLY APPROVED LOT # 2.</u>	
DEVELOPER: <u>N/A</u>	CONTACT INFORMATION:
DESIGNER / ENGINEER: <u>WILLIS DESIGN ASSOCIATES</u>	ADDRESS:
PHONE: <u>(802) 858-9228</u>	E-MAIL: <u>WILLISDESIGNVT@GMAIL.COM</u>
SURVEYOR: <u>BRAD HANON</u>	ADDRESS:
PHONE: <u>(802) 578-7401</u>	EMAIL: <u>BHOLDENVT@GMAIL.COM</u>
APPLICANT SIGNATURE 	DATE <u>3-16-2016</u>
RECEIVED	DATE

Please submit a complete application with the attached checklist and final plans to the Zoning Administrator. A Final Hearing before the Development Review Board will be scheduled upon receipt of a complete application. For questions, please contact the Zoning Administrator at 899-4434, x106 or underhillzoning@comcast.net.

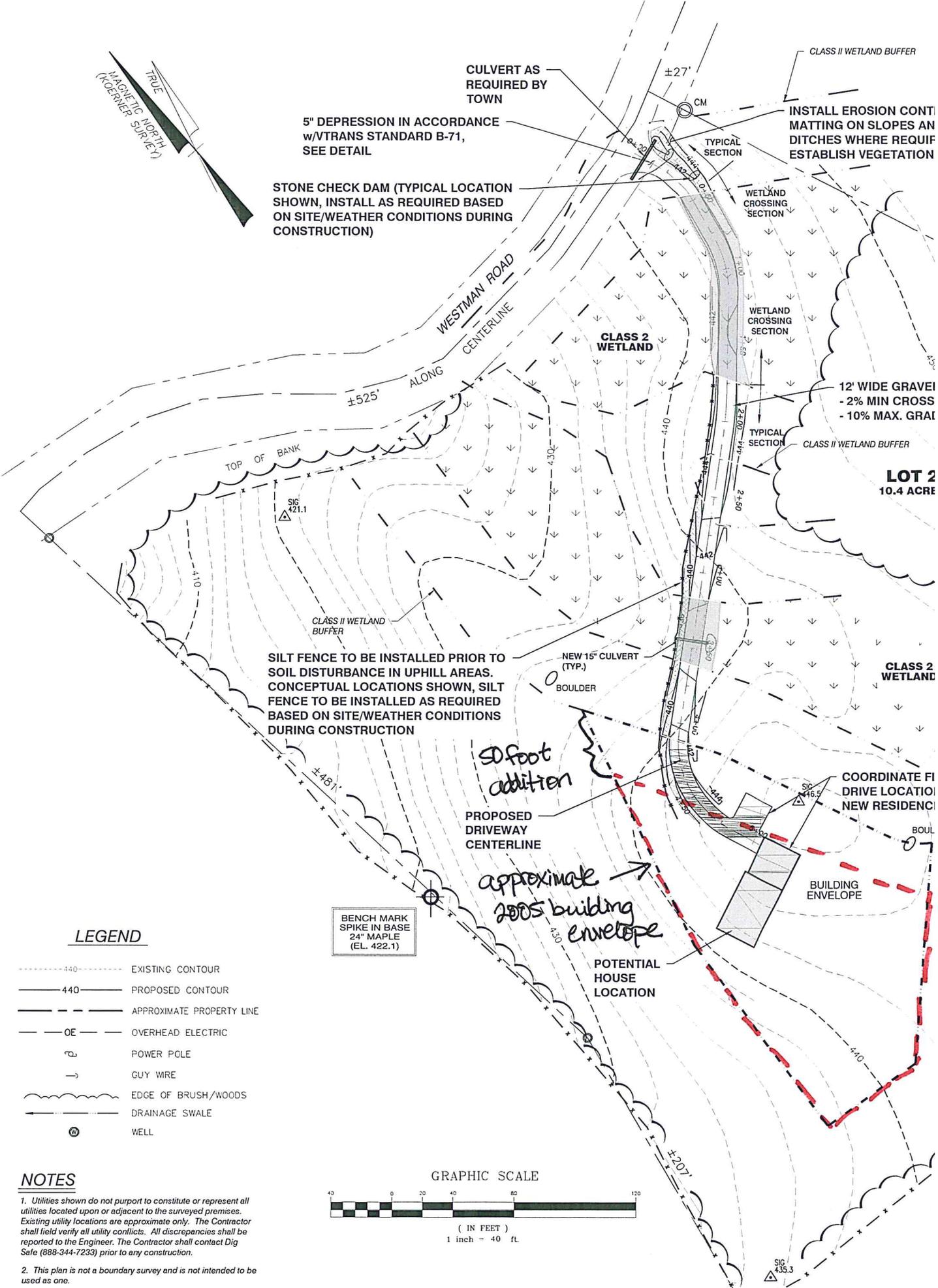


CULVERT AS REQUIRED BY TOWN

5" DEPRESSION IN ACCORDANCE w/TRANS STANDARD B-71, SEE DETAIL

STONE CHECK DAM (TYPICAL LOCATION SHOWN, INSTALL AS REQUIRED BASED ON SITE/WEATHER CONDITIONS DURING CONSTRUCTION)

CLASS II WETLAND BUFFER
INSTALL EROSION CONT MATTING ON SLOPES AND DITCHES WHERE REQUIF ESTABLISH VEGETATION



12' WIDE GRAVE
- 2% MIN CROSS
- 10% MAX. GRAT

LOT 2
10.4 ACRE

SILT FENCE TO BE INSTALLED PRIOR TO SOIL DISTURBANCE IN UPHILL AREAS. CONCEPTUAL LOCATIONS SHOWN, SILT FENCE TO BE INSTALLED AS REQUIRED BASED ON SITE/WEATHER CONDITIONS DURING CONSTRUCTION

50 foot addition

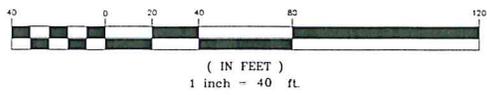
approximate 2005 building envelope

LEGEND

- 440 --- EXISTING CONTOUR
- 440 — PROPOSED CONTOUR
- - - - - APPROXIMATE PROPERTY LINE
- OE — OVERHEAD ELECTRIC
- ⊕ POWER POLE
- GUY WIRE
- ~ EDGE OF BRUSH/WOODS
- ← DRAINAGE SWALE
- ⊙ WELL

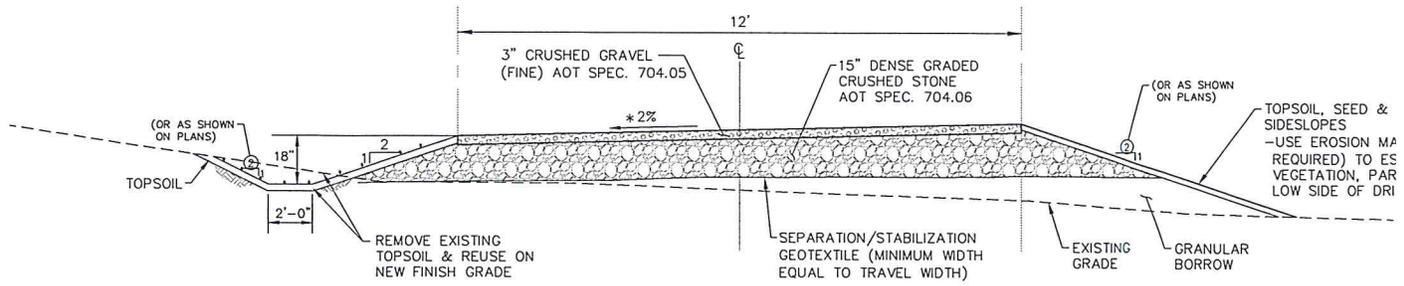
BENCH MARK SPIKE IN BASE 24" MAPLE (EL. 422.1)

GRAPHIC SCALE



NOTES

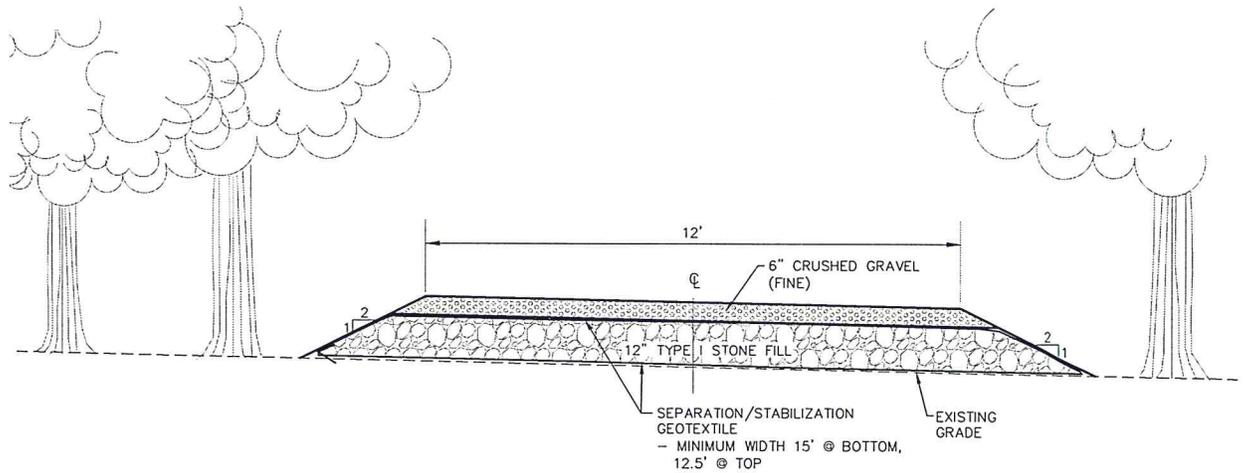
1. Utilities shown do not purport to constitute or represent all utilities located upon or adjacent to the surveyed premises. Existing utility locations are approximate only. The Contractor shall field verify all utility conflicts. All discrepancies shall be reported to the Engineer. The Contractor shall contact Dig Safe (888-344-7233) prior to any construction.
2. This plan is not a boundary survey and is not intended to be used as one.
3. The sole purpose of these plans are to depict the proposed design for the drive. Site topography, property lines, and additional site information was supplied to Civil Engineering Associates, Inc. for design of the drive. No site work was performed to verify this information.



TYPICAL DRIVE SECTION

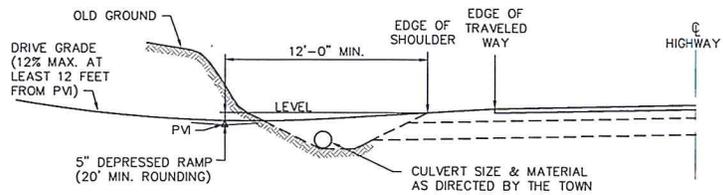
N.T.S.

* SUPERELEVATE AS SHOWN ON PLAN



TYPICAL SECTION - WETLAND CROSSING

SCALE: 1/2" = 1'



**PROFILE OF DRIVE INTERSECTION
(CUT SECTION)**

N.T.S.

BASED UPON VTRANS
STANDARD DRAWING B-71

This project is subject to the terms and conditions of the authorization from the State of Vermont to discharge construction related storm water runoff.

Coverage under the State Construction General Permit 3-9020 is required for any construction activity that disturbs 1 or more acres of land, or is part of a larger development plan that will disturb 1 or more acres.

This project has been deemed to qualify as a Low Risk Site which is subject to the erosion prevention and sediment control (EPSC) standards set for in the State of Vermont's Low Risk Site Handbook for Erosion Prevention and Sediment Control

The following narrative and implementation requirements represent the minimum standard for which this site is required to be maintained as regulated by the State of Vermont.

Any best management practices (BMP's) depicted on the project's EPSC Site plan which go beyond the Handbook requirements are considered to be integral to the management of the site and represent components of the municipal EPSC approval for the project which shall be implemented.

The EPSC plan depicts one snap shot in time of the site. All construction sites are fluid in their day to day exposures and risks as it relates to minimizing sediment loss from the site. It is the responsibility of the Contractor to implement the necessary BMP's to comply with the Low Risk Handbook standards outlined on this sheet based on the interim site disturbance conditions which may or may not be shown on the EPSC Site Plan.

Specific BMP's which are critical to allowing the project to be considered a Low risk site include the items checked below:

- Limit the amount of disturbed earth to two acres or less at any one time.
- There shall be a maximum of 7 consecutive days of disturbed earth exposure in any location before temporary or final stabilization is implemented.

1. Mark Site Boundaries

Purpose:

Mark the site boundaries to identify the limits of construction. Delineating your site will help to limit the area of disturbance, preserve existing vegetation and limit erosion potential on the site.

How to comply:

Before beginning construction, walk the site boundaries and flag trees, post signs, or install orange safety fence. Fence is required on any boundary within 50 feet of a stream, lake, pond or wetland, unless the area is already developed (existing roads, buildings, etc.)

2. Limit Disturbance Area

Purpose:

Limit the amount of soil exposed at one time to reduce the potential erosion on site.

Requirements:

The permitted disturbance area is specified on the site's written authorization to discharge. Only the acreage listed on the authorization form may be exposed at any given time.

How to comply:

Plan ahead and phase the construction activities to ensure that no more than the permitted acreage is disturbed at one time. Be sure to properly stabilize exposed soil with seed and mulch or erosion control matting before beginning work in a new section of the site.

3. Stabilize Construction Entrance

Purpose:

A stabilized construction entrance helps remove mud from vehicle wheels to prevent tracking onto streets.

Requirements:

If there will be any vehicle traffic off of the construction site, you must install a stabilized construction entrance before construction begins.

How to install

Rock Size: Use a mix of 1 to 4 inch stone

Depth: 8 inches minimum

Width: 12 feet minimum

Length: 40 feet minimum (or length of driveway, if shorter)

Geotextile: Place filter cloth under entire gravel bed

Maintenance:

Redress with clean stone as required to keep sediment from tracking onto the street.

4. Install Silt Fence

Purpose:

Silt fences intercept runoff and allow suspended sediment to settle out.

Requirements:

Silt fence must be installed:

- on the downhill side of the construction activities
- between any ditch, swale, storm sewer inlet, or waters of the State and the disturbed soil

* Hay bales must not be used as sediment barriers due to their tendency to degrade and fall apart.

Where to place:

- Place silt fence on the downhill edge of bare soil. At the bottom of slopes, place fence 10 feet downhill from the end of the slope (if space is available).
- Ensure the silt fence catches all runoff from bare soil.
- Maximum drainage area is 1/4 acre for 100 feet of silt fence.
- Install silt fence across the slope (not up and down hills!)
- Install multiple rows of silt fence on long hills to break up flow.
- Do not install silt fence across ditches, channels, or streams or in stream buffers.

How to install silt fence:

- Dig a trench 6 inches deep across the slope
- Unroll silt fence along the trench
- Ensure stakes are on the downhill side of the fence
- Join fencing by rolling the end stakes together
- Drive stakes in against downhill side of trench
- Drive stakes until 16 inches of fabric is in trench
- Push fabric into trench; spread along bottom
- Fill trench with soil and pack down

Maintenance:

- Remove accumulated sediment before it is halfway up the fence.
- Ensure that silt fence is trenched in ground and there are no gaps.

5. Divert Upland Runoff

Purpose:

Diversion berms intercept runoff from above the construction site and direct it around the disturbed area. This prevents clean water from becoming muddied with soil from the construction site.

Requirements:

If storm water runs onto your site from upslope areas and your site meets the following two conditions, you must install a diversion berm before disturbing any soil.

1. You plan to have one or more acres of soil exposed at any one time (excluding roads).
2. Average slope of the disturbed area is 20% or steeper.

How to install:

1. Compact the berm with a shovel or earth-moving equipment.
2. Seed and mulch berm or cover with erosion control matting immediately after installation.
3. Stabilize the flow channel with seed and straw mulch or erosion control matting. Line the channel with 4 inch stone if the channel slope is greater than 20%.
4. Ensure the berm drains to an outlet stabilized with riprap. Ensure that there is no erosion at the outlet.
5. The diversion berm shall remain in place until the disturbed areas are completely stabilized.

6. Slow Down Channelized Runoff

Purpose:

Stone check dams reduce erosion in drainage channels by slowing down the storm water flow.

Requirements:

If there is a concentrated flow (e.g. in a ditch or channel) of storm water on your site, then you must install stone check dams. Hay bales must not be used as check dams.

How to install:

Height: No greater than 2 feet. Center of dam should be 9 inches lower than the side elevation
Side slopes: 2:1 or flatter
Stone size: Use a mixture of 2 to 9 inch stone
Width: Dams should span the width of the channel and extend up the sides of the banks
Spacing: Space the dams so that the bottom (toe) of the upstream dam is at the elevation of the top (crest) of the downstream dam. This spacing is equal to the height of the check dam divided by the channel slope.
Spacing (in feet) = Height of check dam (in feet)/Slope in channel (ft/ft)

Maintenance:

Remove sediment accumulated behind the dam as needed to allow channel to drain through the stone check dam and prevent large flows from carrying sediment over the dam. If significant erosion occurs between check dams, a liner of stone should be installed.

7. Construct Permanent Controls

Purpose:

Permanent storm water treatment practices are constructed to maintain water quality, ensure groundwater flows, and prevent downstream flooding. Practices include detention ponds and wetlands, infiltration basins, and storm water filters.

Requirements:

If the total impervious* area on your site, or within the common plan of development, will be 1 or more acres, you must apply for a State Storm water Discharge Permit and construct permanent storm water treatment practices on your site. These practices must be installed before the construction of any impervious surfaces.

How to comply:

Contact the Vermont Storm water Program and follow the requirements in the Vermont Storm water Management Manual. The Storm water Management Manual is available at: www.vtwaterquality.org/stormwater.htm

*An impervious surface is a manmade surface, including, but not limited to, paved and unpaved roads, parking areas, roofs, driveways, and walkways, from which precipitation runs off rather than infiltrates.

8. Stabilize Exposed Soil

Purpose:

Seeding and mulching, applying erosion control matting, and hydroseeding are all methods to stabilize exposed soil. Mulches and matting protect the soil surface while grass is establishing.

Requirements:

All areas of disturbance must have temporary or permanent stabilization within 7, 14, or 21 days of initial disturbance, as stated in the project authorization. After this time, any disturbance in the area must be stabilized at the end of each work day.

The following exceptions apply:

- Stabilization is not required if earthwork is to continue in the area within the next 24 hours and there is no precipitation forecast for the next 24 hours.
- Stabilization is not required if the work is occurring in a self-contained excavation (i.e. no outlet) with a depth of 2 feet or greater (e.g. house foundation excavation, utility trenches).

All areas of disturbance must have permanent stabilization within 48 hours of reaching final grade.

How to comply:

Prepare bare soil for seeding by grading the top 3 to 6 inches of soil and removing any large rocks or debris.

Seeding Rates for Temporary Stabilization

April 15 - Sept. 15 -- Ryegrass (annual or perennial): 20 lbs/acre
 Sept. 15 - April 15 -- Winter rye: 120 lbs/acre

Seeding Rates for Final Stabilization: Choose

Seeding Rates for Final Stabilization:			
Choose from	Variety	lbs./acre	lbs./1000 sq.ft.
Grass	Kentucky Bluegrass	51	9.1
or	Common white clover	8	0.2
plus	Fall Fescue	KY-31 Rebel	10
			0.23
or	Redtop	Common	2
			0.1
or	Perennial Ryegrass	Pennine-Linn	5
			0.1

Mulching rates

April 15 - Sept. 15 -- Hay or Straw: 1 inch deep (1-2 bales/1000 s.f.)
 Sept. 15 - April 15 -- Hay or Straw: 2 in. deep (2-4 bales/1000 s.f.)

Erosion Control Matting

As per manufacturer's instructions

Hydroseed

As per manufacturer's instructions

9. Winter Stabilization

Purpose:

Managing construction sites to minimize erosion and prevent sediment loading of waters is a year-round challenge. In Vermont, this challenge becomes even greater during the late fall, winter, and early spring months.

'Winter construction' as discussed here, describes the period between October 15 and April 15, when erosion prevention and sediment control is significantly more difficult.

Rains in late fall, thaws throughout the winter, and spring melt and rains can produce significant flows over frozen and saturated ground, greatly increasing the potential for erosion.

Requirements for Winter Shutdown:

For those projects that will complete earth disturbance activities prior to the winter period (October 15), the following requirements must be adhered to:

1. For areas to be stabilized by vegetation, seeding shall be completed no later than September 15 to ensure adequate growth and cover.
2. If seeding is not completed by September 15, additional non-vegetative protection must be used to stabilize the site for the winter period. This includes use of Erosion Control Matting or netting of a heavy mulch layer. Seeding with winter rye is recommended to allow for early germination during wet spring conditions.
3. Where mulch is specified, apply roughly 2 inches with an 80-90% cover. Mulch should be tracked in or stabilized with netting in open areas vulnerable to wind.

Requirements for Winter Construction

If construction activities involving earth disturbance continue past October 15 or begin before April 15, the following requirements must be adhered to:

1. Enlarged access points, stabilized to provide for snow stockpiling.
2. Limits of disturbance moved or replaced to reflect boundary of winter work.
3. A snow management plan prepared with adequate storage and control of meltwater, requiring cleared snow to be stored down slope of all areas of disturbance and out of storm water treatment structures.
4. A minimum 25 foot buffer shall be maintained from perimeter controls such as silt fence.
5. In areas of disturbance that drain to a water body within 100 feet, two rows of silt fence must be installed along the contour.
6. Drainage structures must be kept open and free of snow and ice dams.
7. Silt fence and other practices requiring earth disturbance must be installed ahead of frozen ground.
8. Mulch used for temporary stabilization must be applied at double the standard rate, or a minimum of 3 inches with an 80-90% cover.
9. To ensure cover of disturbed soil in advance of a melt event, areas of disturbed soil must be stabilized at the end of each work day, with the following exceptions:
 - If no precipitation within 24 hours is forecast and work will resume in the same disturbed area within 24 hours, daily stabilization is not necessary.
 - Disturbed areas that collect and retain runoff, such as house foundations or open utility trenches.
10. Prior to stabilization, snow or ice must be removed to less than 1 inch thickness.
11. Use stone to stabilize areas such as the perimeter of buildings under construction or where construction vehicle traffic is anticipated. Stone paths should be 10 to 20 feet wide to accommodate vehicular traffic.

10. Stabilize Soil at Final Grade

Purpose:

Stabilizing the site with seed and mulch or erosion control matting when it reaches final grade is the best way to prevent erosion while construction continues.

Requirements:

Within 48 hours of final grading, the exposed soil must be seeded and mulched or covered with erosion control matting.

How to comply:

Bring the site or sections of the site to final grade as soon as possible after construction is completed. This will reduce the need for additional sediment and erosion control measures and will reduce the total disturbed area.

For seeding and mulching rates, follow the specifications under Rule 8, Stabilizing Exposed Soil.

11. Dewatering Activities

Purpose:

Treat water pumped from dewatering activities so that it is clear when leaving the construction site.

Requirements:

Water from dewatering activities that flows off of the construction site must be clear. Water must not be pumped into storm sewers, lakes, or wetlands unless the water is clear.

How to comply:

Using sock filters or sediment filter bags on dewatering discharge hoses or pipes, discharge water into silt fence enclosures installed in vegetated areas away from waterways. Remove accumulated sediment after the water has dispersed and stabilize the area with seed and mulch.

12. Inspect Your Site

Purpose:

Perform site inspections to ensure that all sediment and erosion control practices are functioning properly. Regular inspections and maintenance of practices will help to reduce costs and protect water quality.

Requirements:

Inspect the site at least once every 7 days and after every rainfall or snow melt that results in a discharge from the site. Perform maintenance to ensure that practices are functioning according to the specifications outlined in this handbook.

In the event of a noticeable sediment discharge from the construction site, you must take immediate action to inspect and maintain existing erosion prevention and sediment control practices. Any visibly discolored storm water runoff to waters of the State must be reported. Forms for reporting discharges are available at: www.vtwaterquality.org/stormwater.htm

Brian Bigelow

From: Brad Holden <bholdenvt@gmail.com>
Sent: Monday, March 28, 2016 4:24 PM
To: Brian Bigelow
Subject: Re: Rondeau PRD_Latest Plat and Materials

Yes, I see that. Just checked the file, these three were stapled all together. Didn't see a 4 or 5.

On Mon, Mar 28, 2016 at 3:49 PM, Brian Bigelow <BBigelow@underhillvt.gov> wrote:

Now that I've printed it out I see the cover sheet says there were 5 pages total. Nothing else?

B

Brian Bigelow

Town Administrator

Town of Underhill

P.O. Box 120

Underhill, VT 05489

(802) 899-4434 x100

From: Brad Holden [mailto:bholdenvt@gmail.com]
Sent: Monday, March 28, 2016 3:06 PM
To: Brian Bigelow <BBigelow@underhillvt.gov>
Subject: Re: Rondeau PRD_Latest Plat and Materials

Brian,

This was all I could dig up.

Brad

On Mon, Mar 28, 2016 at 1:36 PM, Brian Bigelow <BBigelow@underhillvt.gov> wrote:

Brad,

Any luck with a copy of the 2005 UPC approval?

B

Brian Bigelow

Town Administrator

Town of Underhill

P.O. Box 120

Underhill, VT 05489

(802) 899-4434 x100

From: Brad Holden [mailto:bholdenvt@gmail.com]

Sent: Monday, March 21, 2016 7:34 AM

To: Brian Bigelow <BBigelow@underhillvt.gov>

Subject: Rondeau PRD_Latest Plat and Materials

Brian,

Attached is a pdf of the plat where I added the neighbors name. I have also included some of the latest documents, anything else should be in the old file, 25 Deane Road Terrance Vaughan.

I will drop off full size copies this afternoon on my way home.

Thanks,

Brad

Bradford Holden, L.S.

60 Covey Road
Underhill, VT 05489
bholdenvt@gmail.com
[802-578-7401](tel:802-578-7401) Mobile

ZONING AND PLANNING ADMINISTRATOR

TOWN OF UNDERHILL VERMONT

PO Box 32, Underhill Center, VT 05490

Phone: (802) 899-4535

E-mail: underhillvt@adelphia.net

Fax: (802) 899-2137

FACSIMILE TRANSMITTAL SHEET

TO: **BRAD** FROM: **Chris Murphy**
COMPANY: **7/14/2005**
FAX NUMBER: **660-3065** TOTAL NO. OF PAGES INCLUDING COVER: **5**
PHONE NUMBER: SENDER'S REFERENCE NUMBER:
RE: YOUR REFERENCE NUMBER:

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

Bubba! Let me know if you need more than this—

Chris

MINUTES
UNDERHILL PLANNING COMMISSION
JUNE 28, 2005

Present: Ch. Pro Tem Dick Albertini, David Edson, Jan DeVries, Charlie VanWinkle, Pat Lamphere, Gerry Adams, Irene Linde, Z/P Admin. Chris Murphy, Selectboard members Stan Hamlet, Marc Maheux, Land Surveyor Brad Holden. Absent: T.Bergersen. D.Wheatley

1. Minutes of June 7 and 21 read and approved on a motion of J.deVries, second by C.VanWinkle and so voted.
2. Discussion on the Action Plan was deferred in favor of pressing issue of Ch.117 revisions
3. Revisions:
 - a. Required Frontage – to read: “Total length of the lot boundary measured along abutting roads. A permanent easement or recorded right-of-way may only count as frontage upon approval of the Planning Commission or the Zoning Board of Adjustment as appropriate under this by-law. (See also Driveway and Private Road)”
 - b. Road – Any public *or private* right-of-way serving three (3) lots, which is designed and intended for use by motor vehicles. The word “road” shall mean the entire right-of-way.
 - c. Driveway -- A private traveled way, easement or right-of-way serving up to two (2) parcels, which provides vehicular access to a parking area(s) associated with the principal structure or use.
4. The Planning Commission broke here for the Terence Vaughan final subdivision (DE025T) hearing.

The 5.5 acre non-conforming parcel is not to be developed. This parcel (in Underhill) will go with the house lot (Lot 1) on the Cambridge side of the town boundary. Lot 2 (10.4 A.in Underhill) may not be further developed. The driveway appears to go through the Class 3 wetlands as designated by K.O'Brien Wetland Consulting.

The Subdivision was approved as a PRD with conditions:

 - a. lots 1 and 2 may not be further developed (to be included in the recorded deed)
 - b. the State Wastewater Disposal Permit must be received.
 - c. Motion by Jan deVries, second by Charlie VanWinkle, and so voted.

3(CONT.) Revisions Brad Holden recommends we clarify our definition of wetlands (See Wetlands as defined by statute as most recently amended. Gerry does not want to regulate Class 3s. Consensus of Board agrees 4-3. David moves we use Bolton's wetlands definition, second by Jan.

5. Regs to go with Wetlands: If 50 feet buffer for septic systems, why not for everything? Include "no land development or disturbance is allowed within the buffer zone unless applicant first appends an application for such .
6. Definition of watercourse. (See State Statute) Add.....
7. Return to Roads:
 - a. Driveways: See Bolton, p. 120
 - b. Roads: See Bolton, p. 130

Meeting adjourned at 8:30 p.m. on a motion by Pat Lamphere, second by Gerry Adams, So voted. NEXT MEETING: JULY 5, 2005 AT 6:30 P.M.

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JULY 5, 2005, WORK SESSION CANCELLED

Minutes of the Underhill Planning Commission Meeting Tuesday April 12, 2005

Attendees: Jerry Adams, Thor Bergersen; chair, David Edson, Pat Lamphere, Irene Linde, Chris Murphy, Jan de Vries, Charlie Van Winkle, Absent: Dick Wheatly & Dick Albertini,

Appreciation

The PC expressed appreciation for Christine's thorough preparation of this meeting.

Sketch plan for Vaughan subdivision

The Vaughan property lies on both sides of the Cambridge-Underhill border. The Underhill part is situated in the Scenic Preservation district and requires a minimum lot size of 10 acres. The request is to create a 10 Acre Lot in Underhill which leaves another 6 acres contingent with the land in Cambridge in Underhill. The sketchplan was approved under three conditions for the 6 acre 'Underhill' parcel:

- Redraw the boundary so that it has less than 200 feet road frontage on Westman Road
- Prohibit building in a covenant
- Record this as a PRD subdivision with this parcel as the open land

A site visit seems not required. If properly announced, the preliminary and final plat maybe combined.

Sketch plan for Montgomery subdivision

The proposed subdivision consists of three lots: 2, 8 and 125 acres. A PRD subdivision allows such a lopsided partition, but requires that the 125 acres remain open. While we are in favor of open land, we doubt whether that is what the landowner (who was not present) really wants. Larger parcels would not require a PRD and leave more freedom for the owner. Justin Willis will discuss this with the owner.

Subdivision approval procedure & checklists

Brad Holden, Justin Willis and Christine offered to specify the subdivision approval procedure and to prepare checklists for each step. Charlie is willing to join them on request.

Saving energy

Charlie presented options to reduce dependency on fossil fuels (see attached memo "Energy Consumption in Underhill). "Efficiency Vermont" will propose measures for town premises. Charlie, Jerry & Irene will see what actions residents can take to reduce energy consumption and what the PC can do to stimulate such actions, for instance, change Zoning Regulations that impede application of energy saving technologies.

Village Center

Stone Environmental has started their environmental assessment. They will interview Jerry & Pat. Two more community discussions are scheduled

Fast Internet connection

The six residents who responded to the article in the Mountain Gazette will be invited to a meeting.

Housing plan for the next 10 years

We are not sure how to manage the conflict between housing demand in the next ten years and the vision expressed in our town plan. To be continued.

Approved 7/12/05

MINUTES
UNDERHILL PLANNING COMMISSION
JUNE 28, 2005

Present: Ch. Pro Tem Dick Albertini, David Edson, Jan DeVries, Charlie VanWinkle, Pat Lamphere, Gerry Adams, Irene Linde, Z/P Admin. Chris Murphy, Selectboard members Stan Hamlet, Marc Maheux, Land Surveyor Brad Holden. Absent: T.Bergersen. D.Wheatley

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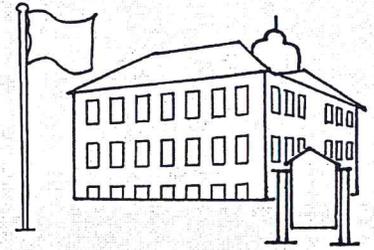
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JULY 5, 2005, WORK SESSION CANCELLED

Chittenden East Supervisory Union # 12

Administrative Offices
PO Box 282, 211 Bridge Street
Richmond, Vermont 05477
(802) 434 - 2128 (802) 434 - 2196 (fax)
www.cesu.k12.vt.us



Bolton
Huntington
Jericho

Richmond
Underhill ID
Underhill
Mt. Mansfield USD # 17

May 31, 2005

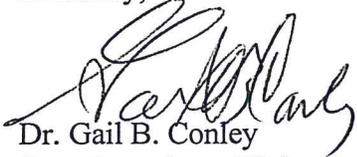
Terence Vaughan
186 Vaughan's Trace
Cambridge, VT 05444

Dear Mr. Vaughan:

I am writing regarding your planned two-lot subdivision on Westman Road in Underhill. Chittenden East Supervisory Union will be able to provide services for the additional students this construction may generate at Underhill Central Elementary School, Browns River Middle School or Mt. Mansfield Union High School.

If you have any questions or concerns, contact me at your convenience.

Sincerely,


Dr. Gail B. Conley
Superintendent of Schools

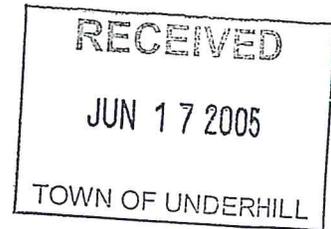
/sc

cc: Town of Underhill
Underhill Central School Directors



**UNDERHILL-JERICHO
FIRE DEPARTMENT, INC.**

P.O. Box 150
Underhill, Vermont 05489



June 10, 2005

Terence G. Vaughan
186 Vaughan's Trace
Cambridge, VT 05444

Dear Mr. Vaughan

We have reviewed your plans for subdividing your property on Westman Road in Underhill. Please find enclosed our checklist for one or two family residence criteria and we ask that this be used as a minimum construction specification. It would appear that the driveway will be in excess of 500' in length we would suggest that the driveway it be constructed to 15 feet of width and to have an approved turn around at the house location per Underhill Road Construction Policy to be ample in turning around Fire Apparatus.

"911" address number shall be posed at the entrance to the driveway. The numbers shall be a minimum of 4" high (larger is better and of contrasting color (i.e. white on black).

Please note that in this area of town water supply for firefighting is limited to the water we bring with us, as well as the distance to the Fire Station is greater than 5 miles. There for we may not be able to supply the required fire flows per NFPA and ISO standards there by hindering firefighting efforts. If you have any questions I can be reached at 899-3753 or via e-mail at chiefujfire@adelphia.net.

Sincerely,

Chief Randy E. Clark

Enclosures

cc: Town of Underhill

UNDERHILL-JERICOHO FIRE DEPARTMENT, INC.
CHECKLIST
ONE OR TWO FAMILY RESIDENCES CRITERIA

1. Town Road Specs shall be used for the construction of any access road.
2. Driveways and entry road must meet the following minimums:
 - 1 residence 12' wide
 - 2 residences 14' wide
 - 3 to 4 residences 20' wide
 - 5 residences or more 24' wide
3. Driveways to each house from the point of town road or access road shall be the following:
 - minimum of 12 feet wide
 - not less than 12 inches of gravel base
 - driveways shall have slopes no greater than 10%
 - maintained and kept clear 12 months per year
 - all bridges shall have a rating capacity of 35,000 pounds or more
 - all curves and grades shall meet town road specifications
 - driveways shall have clear height unobstructed of 13'-6"
 - curve radius – 30' inside radius minimum
4. Distance between dwellings:

If the available fire flow is less than 500 gallons per minute, or the nearest hydrant, if any, is more than 500 feet away, the distance between dwellings must be greater than 100 feet. For less than 100 feet Separation, ISO Standard 6/80 must be met.
5. Identification of dwelling:

Residents shall have their names posted conspicuously on mailbox or sign at the intersection of the driveway.
6. Early warning devices:

All dwelling units shall be protected with a minimum of 1 U.L. approved smoke detection device at or Near the heating apparatus and one protecting all sleeping quarters.
7. Fire department access to dwellings:
 - Exterior access must be provided to all basements, which should be accomplished by one of the following; (1) bulk-head with stairs, (2) window w/minimum dimension of 3', (3) or a passage door.
 - All concealed spaces with a clear dimension of more than 24" shall be provided with a 3' x 3' access door; this shall include attic and crawl spaces.
8. Heating devices:

Installation of all solid fuel (wood/coal burning) heating devices shall be approved by the fire department before such devices become operational.
9. Notification of occupancy:

A Fire Department Home Owner's Form must be filed within one week of occupancy.

**VERMONT AGENCY OF NATURAL RESOURCES
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

INDIVIDUAL WETLAND PERMIT

In the matter of:

David Boyden
1332 Westman Road
Cambridge, VT 05444

Application for the construction of an access drive to a single family residence with proposed impacts to 3,890 square feet of wetland and 5,420 square feet of buffer zone.

26 Westman Road, Underhill

File #: 2014-217
DEC ID #: EJ15-0352

Date of Decision: 1/7/16
Decision: **Approved**
Expiration Date: 1/7/21

Any activity in a Class I or Class II wetland or its associated buffer zone is prohibited unless it is an allowed use under the Vermont Wetland Rules (VWR) or unless it receives a permit allowing such activity. 10 V.S.A. § 913. Applicants for an individual permit for a proposed activity in any Class I or Class II wetland or its buffer zone must demonstrate that the proposed activity complies with the VWR and will have no undue adverse effects on protected functions and values. VWR § 9.5(a).

The Vermont Agency of Natural Resources (Agency) received an application dated November 2, 2015 from David Boyden (permittee) seeking an individual Vermont Wetland Permit for a project involving activities in a wetland and associated buffer zone located in Underhill, Vermont. The Agency gave notice of the application in accordance with the VWR. The Agency considered all comments received during the public comment period during review of the application and issuance of this permit.

DECISION AND PERMIT CONDITIONS

1. Based on the Findings contained in this permit below, the Secretary has determined that the proposed project will comply with 10 V.S.A. chapter 37 and the VWR and will have no undue adverse effect on protected functions and values of the wetland. The permittee has demonstrated that the project will have no undue adverse effects on the protected functions and values of the significant wetland and associated buffer zone, provided the project is conducted in accordance with the following conditions:
 - A. All activities in the wetland and buffer zone shall be completed, operated, and maintained as set forth in the permit application #2014-217 and the supporting

materials submitted with the permit application including site plans titled "Driveway Grading Plan", prepared by Civil Engineering Associates, dated 9/17/2015. No material or substantial changes shall be made to the project without the prior written approval of the Vermont Wetlands Program. Project changes, including transfer of property ownership prior to commencement of a project, may require a permit amendment and additional public notice.

- B. The permittee shall record this permit in the land records of the Town of Underhill for all properties subject to the permit. Within 30 days of the date of issuance of this permit, the permittee shall supply the Vermont Wetlands Program with a copy of the recording of this permit.
- C. Prior to commencement of the approved project, the permittee shall notify the Vermont Wetlands Program digitally in writing of the date the project will commence.
- D. **Prohibitions:** No additional activities are allowed in the wetland and associated buffer zone without the approval of the Secretary unless such activities are allowed uses under VWR § 6. No draining, dredging, filling, grading, or alterations of the water flow is allowed. No cutting, clearing, or removal of vegetation within the wetland and buffer zone is allowed with the exception of the proposed project area as approved by this permit.
- E. This permit expires five years from the date of issuance. If the permittee has not completed all construction activities covered by this permit before the expiration date and wishes to continue construction, the permittee must request a permit extension or apply for a new permit. Any request for an extension must be received by the Agency at least 30 days prior to the end of the five year period in order to prevent the expiration of the permit. A request for extension may be considered a minor modification at the discretion of the Secretary. Pursuant to VWR § 9.1, projects may not be extended beyond ten years of the issuance date.
- F. Wetland boundary delineations are valid for five years. The delineations will need to be re-evaluated by a qualified wetland consultant if the project is not constructed during the five-year period and a request for an extension is submitted.
- G. Within 30 days of completion of the work approved by this permit, the permittee shall supply the Vermont Wetlands Program with a letter certifying that the project was constructed in compliance with the conditions of this permit.
- H. A continuous line of orange snow fence or flagging tape shall be installed along the limits of disturbance prior to the start of construction.
- I. If a stormwater construction permit is obtained for this project, the erosion prevention and control requirements of that permit shall be followed. At minimum, the permittee shall comply with the following: A continuous line of silt fence shall be properly installed by the permittee immediately upgradient of the snow fence or tape prior to any construction and shall be regularly maintained. Care shall be taken to ensure that silt fence is installed on the contour and not in areas of concentrated flow such as stream channels or ditches. Sediment shall be cleaned out before and

after any significant storm event or when sediment has reached less than half the height of the fence. Removed sediments shall be disposed of in a stable, upland area outside the 50-foot buffer zone at least 100 feet from waters of the state and stabilized immediately with seed and mulch at a minimum. All other disturbed soils shall be seeded and mulched within 48 hours of final grading. All sediment barriers and construction fencing shall be removed following the successful establishment of vegetation.

- J. All contractors' equipment shall be cleaned so as to contain no observable soil or vegetation prior to work in wetlands and buffer zones to prevent the spread of invasive species. The permittee shall monitor the portion of the wetland in question annually during early July for five years following construction for the nuisance plant species purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*). All nuisance plants found shall be pulled by hand and disposed of by burial or burning in a non-wetland location. If hand pulling is not feasible, a state approved invasive species control plan is required.
2. The Secretary maintains continuing jurisdiction over this project and may at any time order that remedial measures be taken if it appears that undue adverse impacts to the protected functions and values of the wetland or buffer are occurring or will occur.
 3. This permit does not relieve the permittee of the responsibility to comply with any other applicable federal, state, and local laws, regulations, and permits.
 4. The permittee shall allow the Secretary or the Secretary's representatives, at reasonable times and upon presentation of credentials, to enter upon and inspect the permitted property for the purpose of ascertaining compliance with this permit, the VWR, and the Vermont Water Quality Standards, and to have access to and copy all records required to be prepared pursuant to this permit.
 5. The Agency accepts no legal responsibility for any damage direct or indirect of whatever nature and by whomever suffered arising out of the approved project. This permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to public or private property, or any invasion of personal rights, or any infringement of federal, state, or local laws or regulations. This permit does not obviate the necessity of obtaining such federal, state, or local permits or approvals as may be required by law. Nothing in this permit shall be construed to preclude the institution of legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under other laws.
 6. Within 15 days of the date of the decision, the permittee, any person entitled to notice under VWR § 9.2, or any person who filed written comments regarding the permit application may request in writing reconsideration of the decision by the Secretary in accordance with VWR § 9.6.
 7. Any person with an interest in this matter may appeal this decision pursuant to 10 V.S.A. § 917. Pursuant to 10 V.S.A. chapter 220, any appeal of this decision must be filed with the clerk of the Environmental Division of the Superior Court within 30 days of the date of the

decision. The Notice of Appeal must specify the parties taking the appeal and the statutory provision under which each party claims party status; must designate the act or decision appealed from; must name the Environmental Division; and must be signed by the appellant or their attorney. In addition, the appeal must give the address or location and description of the property, project, or facility with which the appeal is concerned; the name of the permittee; and any permit involved in the appeal. The appellant must also serve a copy of the Notice of Appeal in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings. For further information, see the Vermont Rules for Environmental Court Proceedings, available on line at www.vermontjudiciary.org. The address for the Environmental Division is: 32 Cherry Street, 2nd Floor, Suite 303, Burlington, VT 05401 (Tel. # 802-951-1740).

FINDINGS

1. The Agency received a complete application from David Boyden for Vermont Wetland Permit on November 2, 2015.
2. The wetland and adjacent 50-foot buffer zone are located approximately 30 feet south of Westman Road.
3. Danielle Owczarski District Wetlands Ecologist, conducted a site visit to the subject property with Justin Willis on 10/29/2014.

The subject wetland meets the presumptions listed in VWR § 4.6, the wetland is of the same type and threshold size as those mapped on the VSWI maps or greater than 0.5 acres (VWR §4.6a), and the Secretary has determined based on an evaluation of the functions and values of the subject wetland that it is a significant wetland and therefore is designated as a Class II wetland.

4. The wetland in question is described in detail in Sections 7 and 8 of the permit application. The wetland is approximately 3 acres in size and consists of 80% wet meadow and 20% forested wetland. The wetland is located on a gentle hillslope where groundwater seeps to the surface, and flows southwest. The hydroperiod of the seep appears seasonal, and the wetland is saturated in the spring. Dominant vegetation included broom sedge, tall buttercup, and American vetch. Other wetland sedges and grasses were present. The wetland soils are mapped as Peru stony loams on 5 to 12% slopes.
5. The proposed project is described in detail in Sections 10 and 11 of the permit application. The project consists of the construction of an access drive.
6. Proposed impacts to the wetland and buffer zone, summarized in Section 12 of the permit application, are as follows:

Wetland Alteration:		Buffer Zone Alteration:	
Wetland Fill:	3,890 sq.ft.		
Temporary:	0 sq.ft.	Temporary:	0 sq.ft.
Other Permanent: :	0 sq.ft.	Permanent: :	5,420 sq.ft.
Total Wetland Impact	3,890 sq.ft.	Total Buffer Zone Impact:	5,420 sq.ft.

7. The protected functions of the wetland complex include the following: surface and groundwater protection (VWR § 5.2), and wildlife and migratory bird habitat (VWR § 5.4).
8. The following functions are either not present or are present at such a minimal level as to not be protected functions: water storage for flood water and storm runoff (VWR § 5.1), fish habitat (VWR § 5.3), exemplary wetland natural community (VWR § 5.5), threatened and endangered species habitat (VWR § 5.6), education and research in natural sciences (VWR § 5.7), recreational value and economic benefits (VWR § 5.8), open space and aesthetics (VWR § 5.9), and erosion control through binding and stabilizing the soil (VWR § 5.10).
9. The wetland is significant for the surface and ground water protection function as described in Section 17 of the permit application. Based on the factors described in Section 17.2 of the application, as confirmed through a site visit by Agency staff, the proposed project will not result in an undue adverse impact to this function.
10. The wetland is significant for the wildlife and migratory bird habitat function as described in Section 19 of the permit application. Based on the factors described in Section 19.2 of the application, as confirmed through a site visit by Agency staff, the proposed project will not result in an undue adverse impact to this function.
11. Under 10 V.S.A. § 913 and VWR § 9.5, the Secretary may authorize activities in a Class II wetland or in its buffer zone if the Secretary determines that it complies with the VWR and will have no undue adverse effect on the protected functions and values. Based on the permit application, the site visit(s) by Agency staff, and the foregoing findings and analysis, the Secretary has determined that the proposed project will have no undue adverse effects on the protected functions and values of the subject Class II wetlands.
12. Pursuant to VWR § 9.5(b), the permittee has demonstrated that the proposed activity in the subject wetland cannot practicably be located outside the wetland or on another site owned, controlled, or available to satisfy the basic project purpose. All practicable measures have been taken in this proposal to avoid adverse impacts on protected functions, as described in the application.

Due to town requirements with respect to public safety, the proposed access route is the only option that was viable, and therefore wetland and buffer impacts are unavoidable. The permittee has minimized the impacts to the most practicable extent. The house and septic footprint have been designed to avoid all wetland and buffer impacts.

13. No public comments were received during the public comment period.

Alyssa B. Schuren, Commissioner
Department of Environmental Conservation

E-SIGNED by  Laura Lapierre
by: on 2016-01-07 14:19:35 GMT

Laura Lapierre, Program Manager
Wetlands Program
Watershed Management Division

Dated at Montpelier, Vermont
this seventh day of January, 2016

AS/LVPL/TMH



WASTEWATER SYSTEM AND POTABLE WATER SUPPLY PERMIT

LAWS/REGULATIONS INVOLVED

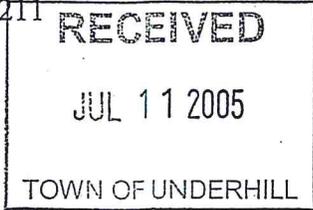
Environmental Protection Rules

Chapter 1, Wastewater System and Potable Water Supply Rules, Effective January 1, 2005

Chapter 21, Water Supply Rules, Effective April 25, 2005

Case Number: WW-4-2420
Landowner: Terence Vaughan
186 Vaughans Trace
Cambridge VT 05444

PIN: EJ05-0211



This permit affects property referenced in deeds recorded in Book 39 Pages 138-139 of the Land Records in Underhill, Vermont.

This project, to create Lot 2 being 10.4 acres for a proposed four bedroom single family residence, served by onsite drilled well and mound wastewater disposal systems, located on Westman Road in Underhill, Vermont is hereby approved under the requirements of the regulations named above, subject to the following conditions.

GENERAL

- 1. This permit does not relieve the permittee from obtaining all other approvals and permits as may be required from the Act 250 District Environmental Commission, the Department of Environmental Conservation, Water Supply Division - telephone (802) 241-3400, Water Quality Division - telephone (802) 241-3770, the Department Public Safety, Division of Fire Safety- telephone (802) 828-2106 or (802) 879-2300, the Department of Health - telephone (802) 863-7221, and local officials prior to proceeding with this project.
2. The project shall be completed as shown on the following plans prepared by Justin Willis which have been stamped "approved" by the Wastewater Management Division:

Project 05-025: Terence G. Vaughan

Plans: Sheet S1 "Site Plan" dated 6/01/05, revised 6/10/05; Sheet S2 "Site Plan" dated 6/01/05, revised 6/22/05; Sheet D1 "Lot 2 Details" dated 6/01/05, revised 6/22/05; and Sheet D2 "Lot 2 Details" dated 6/22/05.

The project shall not deviate from the approved plans in a manner that would change or affect the exterior water supply or wastewater disposal system, building location or the approved use of the building without prior written approval from the Wastewater Management Division.

- 3. The conditions of this permit shall run with the land and will be binding upon and enforceable against the permittee and all assigns and successors in interest. The permittee shall be responsible for the recording of this permit in the Underhill Land Records within thirty, (30) days of issuance of this permit and prior to the conveyance of any lot subject to the jurisdiction of this permit.
4. This project has been reviewed and approved for the construction of one single-family residence on the lot. The permittee shall not construct any other type of structure requiring plumbing, including public buildings, duplexes, condominium units, or commercial buildings, without prior

review and approval by the Wastewater Management Division. Such approvals will not be granted unless the proposal conforms to the applicable laws and regulations.

5. The Wastewater Management Division now reviews the water supply and wastewater disposal systems for all buildings under 10 V.S.A., Chapter 64 – Potable Water Supply and Wastewater System Permit.
6. This permit shall in no way relieve you of the obligations of Title 10, Chapter 48, Subchapter 4, for the protection of groundwater.
7. A copy of the approved plans and this permit shall remain on the project during all phases of construction and, upon request, shall be made available for inspection by State or local personnel.

WATER SUPPLY & WASTEWATER DISPOSAL

8. No permit issued by the Secretary shall be valid for a substantially completed potable water supply and wastewater system until the Secretary receives a certification from a designer or the installer, signed and dated, that states:

“I hereby certify that, in the exercise of my reasonable professional judgment, the installation-related information submitted is true and correct and the potable water supply and wastewater system were installed in accordance with the permitted design and all permit conditions, were inspected, were properly tested, and have successfully met those performance tests.”

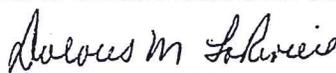
This shall include the water supply system, and wastewater disposal system, water service line and sanitary sewer line to the single family residence on Lot 2.

9. Lot 2 is approved for an onsite water supply system from a drilled well provided that the well is located as shown on the approved plan. No other means of obtaining potable water shall be allowed without prior review and approval by the Wastewater Management Division.
10. The well location shall meet all minimum separation distances required by the Environmental Protection Rules, Chapter 21, Water Supply Rule, Appendix A, Part 11 – Small Scale Water Systems, Section 11.4. The well shall be constructed in accordance with the Appendix A, Part 12.
11. Lot 2 is approved for wastewater disposal by construction and utilization of the site-specific wastewater disposal systems depicted on the approved plans. The Wastewater Management Division shall allow no other method, or location of wastewater disposal without prior review and approval.
12. Lot 2 is approved for the mound wastewater disposal systems provided the mound is constructed in strict accordance with the following conditions:
 - A. The mound system is to be located and constructed as depicted on the plans that have been stamped “approved” by the Wastewater Management Division.
 - B. A licensed designer, who has been determined acceptable by the Wastewater Management Division shall inspect the mound system during critical stages of construction. This shall include the staking of the location of the mound, ensuring the site has been properly plowed

- prior to placement of the appropriate sand fill, the installation and testing of the distribution piping, final grading of the mound including side slopes, and pump station installation.
- C. The construction of the mound shall adhere to the guidelines set forth in Section 1-517(f) of the Wastewater System and Potable Water Supply Rules.
- D. Upon completion of construction, and prior to occupancy of any structure being served by the mound system, the licensed designer, who has been determined acceptable by the Wastewater Management Division shall submit a written certification stating the construction has been completed in accordance with the stamped plans and the permit.
13. The Wastewater Management Division is to be notified, if at any time the wastewater disposal system fails to function properly and/or creates a health hazard.
14. The approved wastewater disposal system has been designed to serve a four bedroom single family residence, with a design flow of 490 gallons of wastewater per day. Prior to any increase in bedrooms, the landowner shall submit an application, fee, and engineering plans for review and approval by the Wastewater Management Division.
15. The future performance based filtrate mound wastewater disposal "replacement area" designated on the approved plans shall be held in reserve for the eventual construction of a replacement wastewater disposal system in the event of the failure of the primary wastewater disposal system. No construction, earthwork, re-grading, excavation, or other activity shall be allowed within the replacement area that would diminish its natural suitability for such eventual use as a wastewater disposal site. Prior to construction of the replacement wastewater disposal system, the landowner shall submit an application, fee and engineering plans for review and approval by the Wastewater Management Division.
16. No buildings, roads, water lines, or other construction that might interfere with the installation or operation of the wastewater disposal systems are allowed on or near the site-specific wastewater disposal system or replacement area depicted on the approved plans. All isolation distances, which are set forth in the Wastewater System and Potable Water Supply Rules, will be incorporated into the construction and installation of the wastewater disposal field. Compliance with these isolation distances is required.

Dated at Essex Junction, Vermont on July 8, 2005.

Jeffrey Wennberg, Commissioner
Department of Environmental Conservation

By 
Dolores M. LaRiviere
Assistant Regional Engineer

C For the Record
Underhill Planning Commission & Select Board
Justin Willis
Water Supply Division

- **7:25 – 7:40 PM: Executive Session:** The Board goes in to executive session at the request of Town Clerk, Sherrie Morin to discuss employment issues.
- **Meeting Schedule:** The Board sets a meeting schedule for the next two weeks. Next week, the Board will meet on Thursday, June 16 at 8:00 AM. The following week the Board will meet on Thursday, June 23 at 9:00, and meet with the District Director of the State Agency of Transportation for a road tour.
- **Irish Settlement Road Speed Signs:** Chris reviews with the Board the statutory requirements regarding how many speed signs are required to make the speed limits enforceable. Signs are required at the intersection of through roads. On Irish Settlement Road, this would mean at the beginning and end, and at the intersections of Sand Hill and Fuller Road. The Board will review this with Dick Hosking of AOT at the June 23 Selectboard meeting. Officer John Plaster of the Vt. State Police came in and requested that the required signs be posted in order to make the 35 MPH speed limit enforceable. There is also a brief discussion of the excessive signage on Pleasant Valley Road. This too will be reviewed.
- **Vaughn Curb Cut, Site Visit:** The Board conducts a site visit of the proposed curb cut onto the Vaughn property off of Westman Road. After review, the Board approves the curb cut on a motion.

8:30: The Board Adjourns

Respectfully Submitted,
Chris Murphy
Town Administrator

Read and Approved as presented/as amended

Stan Hamlet, Chairman

Date



STEEP SLOPES

Vermont Agency of Natural Resources

vermont.gov



LEGEND

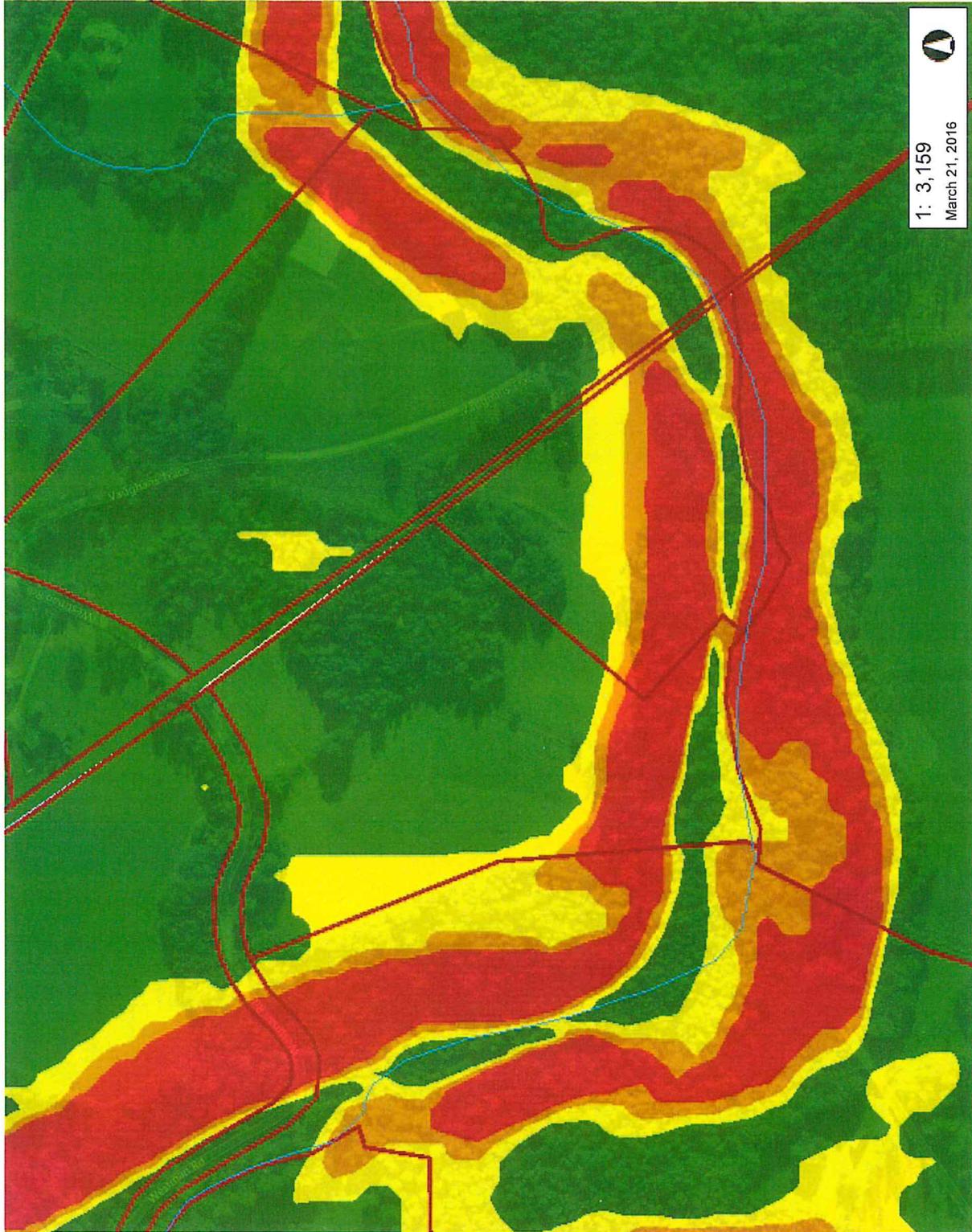
- Waterbody
- Stream
- Parcels (where available)
- Town Boundary

Slope

- <15%
- 15-20%
- 20-25%
- >25%

NOTES

Map created using ANR's Natural Resources Atlas



1: 3,159
March 21, 2016

160.0 0 80.00 160.0 Meters

1" = 263 Ft. 1cm = 32 Meters

THIS MAP IS NOT TO BE USED FOR NAVIGATION

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WGS_1984_Web_Mercator_Auxiliary_Sphere
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PRIMARY AG SOILS
Vermont Agency of Natural Resources

vermont.gov



1: 3,159
March 21, 2016

LEGEND

- Soils - Prime Agricultural
- Local
 - Local (b)
 - Not rated
 - Prime
 - Prime (b)
 - Prime (f)
 - Statewide
 - Statewide (a)
 - Statewide (b)
 - Statewide (c)
 - Parcels (where available)
 - Town Boundary

NOTES

Map created using ANR's Natural Resources Atlas

160.0 80.00 160.0 Meters
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TOWN OF UNDERHILL
P.O. BOX 120
UNDERHILL VERMONT 05489

August 2, 2015

Danielle Owczarski, District Wetland Ecologist
Vermont Dept. of Environmental Conservation
111 West Street
Essex Junction, Vermont 05452

Re: 26 Westman Road Access

In June of 2005 the Underhill Selectboard met on site to review the access permit application for the property that is now known as 26 Westman Road in the Town of Underhill. The proposed access was unanimously approved by the Selectboard and subsequently the property owner installed the curb cut access in the position that was approved.

The public's safety takes precedence when ruling on property access from a town highway. Many factors were taken into account; site distance, storm water runoff, as well as the extreme grade changes that exist along this particular section of road.

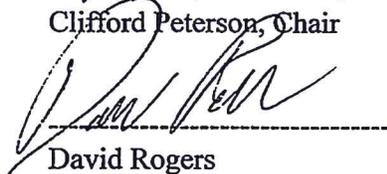
In conclusion the current Selectboard stands behind their predecessor's decision and finds that the access is positioned in the most suitable location.

Respectfully,

The Underhill Selectboard



Clifford Peterson, Chair



David Rogers



Richard Heh