

Two related amendments to the zoning bylaw are proposed.

IMPORTANT: neither amendment changes any zoning districts or district boundaries.

The amendments correct mapping errors in the 2011 zoning regulations that affect the whole town.

- The amendments make clear that the official map is the map used until 2011.
- The amendments also make clear that a 1972 district boundary decision is still in force, contrary to the erroneous map attached to the 2011 regulations.

Again, the amendments do not change any zoning districts or boundaries.

The following pages give details.

Proposed Amendments to Underhill Unified Land Use and Development Regulations

Underhill Selectboard

Public Hearing

January 8, 2014

Problem No. 1:

“Town of Underhill Zoning Map”

- 2011 Regulations (amended 2012), Section 2.1 say:
 - B. The location and boundaries of each zoning district are shown on the official “Town of Underhill Zoning Map,” which is incorporated as part of these regulations.
- Problem: There is no such map.

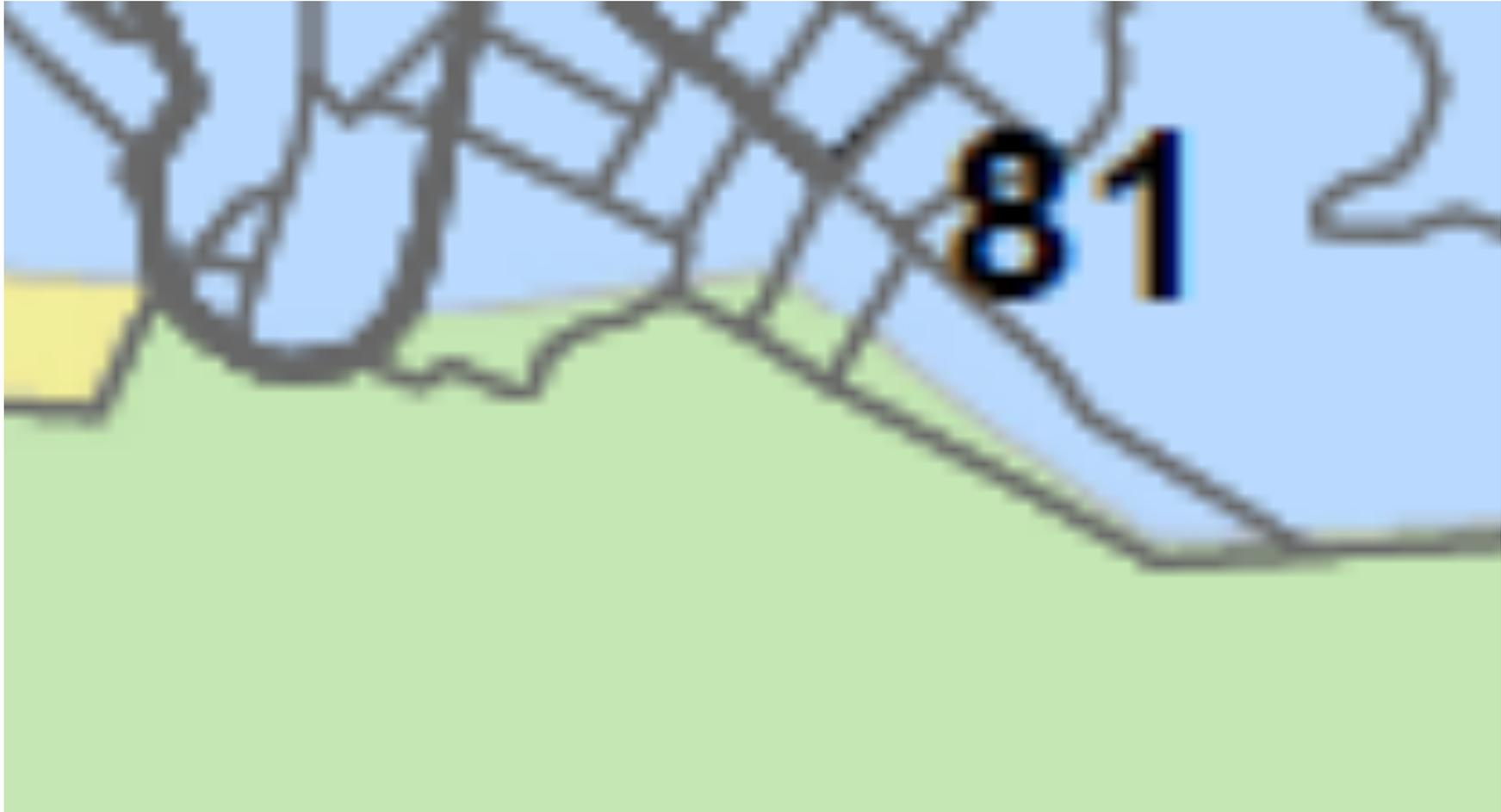
What about the map attached to the
2011/2012 regulations?

Problem #2:

(a) The map attached to the
2011/2012 regulations is not
“Town of Underhill Zoning Map”

(b) The map attached to the
2011/2012 regulations is wrong

The 2011/2012 map wrongly cuts off the southern sections of several lots on Beartown Road and puts those slivers in the Soil and Water Conservation District (that is, in the Range's district)



WHY THAT'S WRONG:

In 1972 the Planning Commission and Select Board moved the southern boundary of the Water Conservation District southward, from Clay Brook to the Range Boundary

AMENDMENTS
TO THE
REVISED COMPREHENSIVE PLAN
TOWN OF UNDERHILL

October 24, 1972

The Comprehensive Plan for the Town of Underhill shall be the attached document (Comprehensive Plan for Underhill, Vermont, revised June, 1972) developed by the Underhill Planning Commission with the following amendments:

I. Section 1. under paragraph two of Summary on page 1 is amended to read: "Open Space - flood plains and all land within one hundred (100) feet of any stream should remain open."

II. The paragraph under 1 b., Stream Banks, page 22, is amended to read: "All land within one hundred (100) feet of any stream shall be maintained as open space; such uses as agriculture, forestry or selected recreation may be permitted."

III. The proposed Land Use Map of Appendix C is modified by transfer of the more or less triangular area (shown on the map with red circles) from the Soil and Water Conservation Area to the Water Conservation Area. This area is roughly bounded by Clay Brook to the north, the Underhill Range to the south and a portion of the Soil and Water Conservation Area boundary to the west.

The Revised Comprehensive Plan for Underhill, Vermont as amended above shall take effect upon the day of its adoption by the Selectmen of Underhill.

Underhill Planning Commission

Bert K. Kusserow, Chairman
Gerard Adams
Mary Fell

Marian Fay
Duane Graveline
Elizabeth Moore

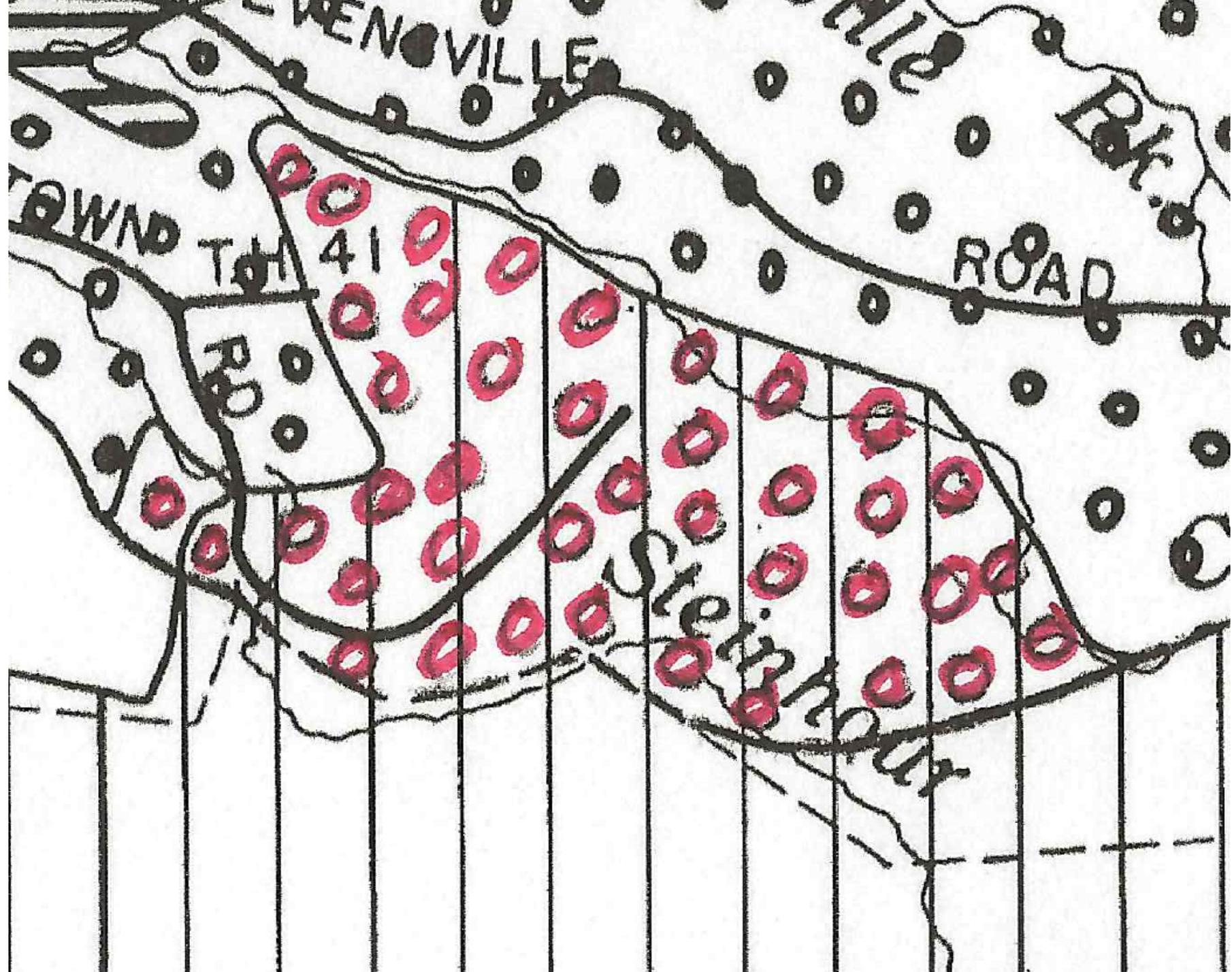
*Rec. for record Oct. 30, 1972 at 10:00 AM
Attest: Gilbe B. Mitchell, Town Clerk*

In detail:

III. The proposed Land Use Map of Appendix C is modified by transfer of the more or less triangular area (shown on the map with red circles) from the Soil and Water Conservation Area to the Water Conservation Area. This area is roughly bounded by Clay Brook to the north, the Underhill Range to the south and a portion of the Soil and Water Conservation Area boundary to the west.

Here's "the map with red
circles"

The old boundary is shown by the vertical
lines.

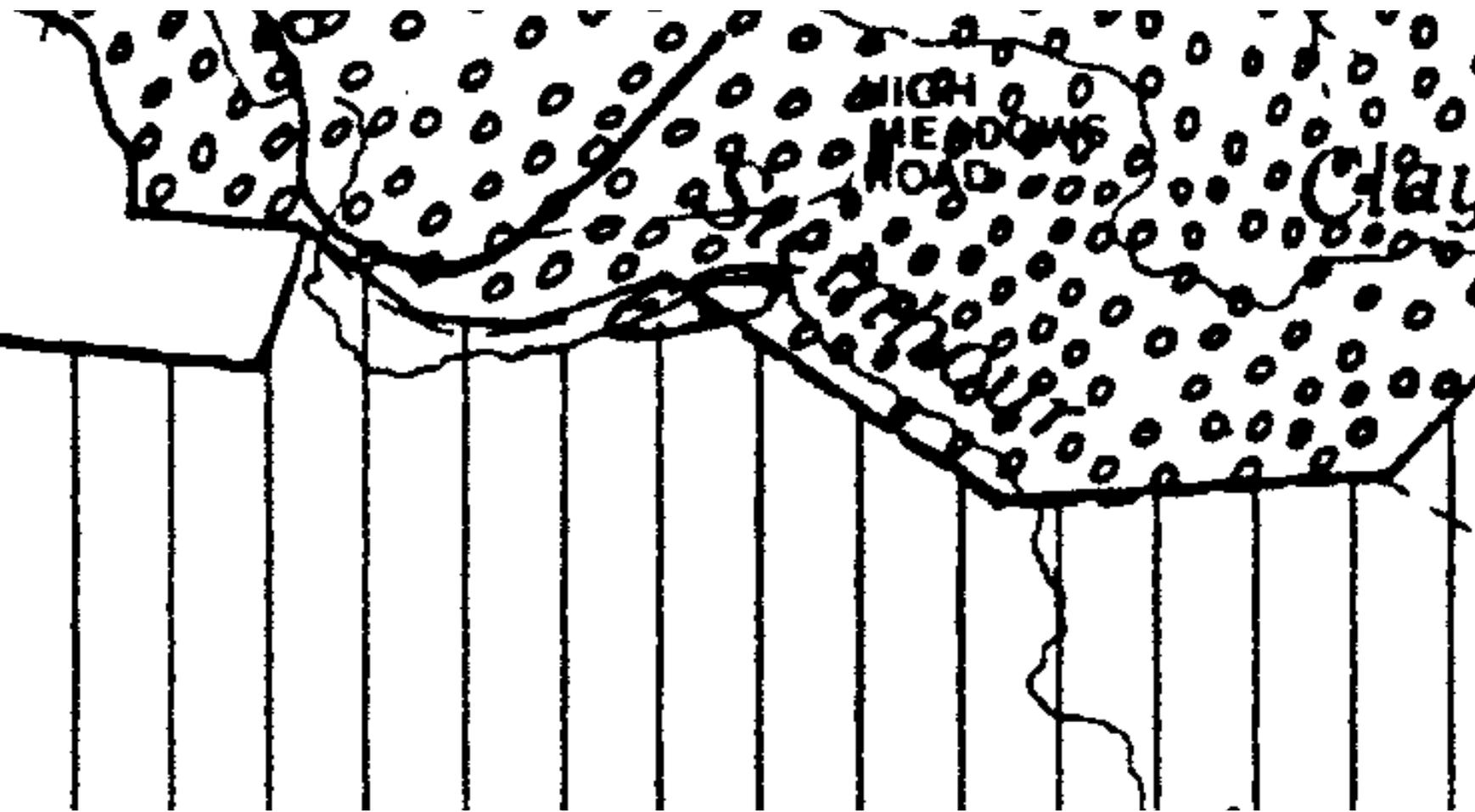


The Selectboard duly adopted the Planning Commission amendment

Dec 27, 74 In accordance with ^{to} Title 24, Chapter 91, Section
4-305(b) VSA, the Selectmen of the Town of
Underhill adopt on this date the Revised
Municipal Plan for the Town of Underhill, Vermont
dated September 1972 and amended October
1972. The Revised Municipal Plan, as amended,
shall be effective upon adoption.
WJM - LF-JF-EPH

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Subsequent changes squared off some lines in the area to meet the Range boundary more precisely, as shown on the maps used until 2011. Here's the June, 1985 map:



THE SOLUTIONS

PROBLEM #1: NAME A MAP

The June, 1985 map was the official map, is the best map, and the districts have not changed. Therefore:

The following is added to Article 2.1 of the Unified Land Use and Development Regulations:

C. The official “Town of Underhill Zoning Map” is Appendix A “Zoning Map” (revision date June, 1985) to the September 1985 Underhill zoning regulations, subject to subsection D below.

PROBLEM #2: BE SURE THE 1972 BOUNDARY CHANGE AMENDMENT CONTROLS

Therefore:

The following is added to Article 2.1 of the Unified Land Use and Development Regulations:

D. Notwithstanding any other provision of these Unified Land Use and Development Regulations, the adjustment to the southern boundary of the Water Conservation District adopted by the Planning Commission on October 24, 1972 as Paragraph III of proposed amendments to the Comprehensive Plan and by the Selectboard on December 27, 1972 shall continue in full force and effect.