



Town of Underhill

Development Review Board

Conditional Use Review Findings & Decision

APPLICATION OF DOUG MILLER FOR CONDITIONAL USE REVIEW - DIMENSIONAL WAIVER REQUEST RELATING TO THE ENLARGEMENT OF A NONCONFORMING DETACHED GARAGE WITHIN THE PROPERTY'S SETBACK REQUIREMENTS

In re: Doug Miller
275 River Road (RV275)
Underhill, VT 05489

Docket No. DRB-21-04

Decision: Approved with Conditions (see Section V for More Details)

I. INTRODUCTION AND PROCEDURAL HISTORY

This proceeding concerns the conditional use review application of Doug Miller co-owner of record of the property located at 275 River Road (RV275), Underhill Center, VT. The subject property at 275 River Road, is located on the north side of River Road and within the Underhill Center Village zoning district. Mr. Miller is requesting a dimensional waiver to enlarge the detached garage, add living space above, and in the process, convert the detached garage to an attached garage within the district property line setback on the property. On May 13, 2021, the Applicant, Doug Miller, submitted a conditional use review application for the abovementioned project. The application was accepted and determined to be sufficiently complete on May 13, 2021. A site visit was scheduled for Saturday, May 15, 2021 at 8:45 AM, while a hearing was scheduled remotely via the Go-To-Meeting platform to commence on Monday, May 17, 2021 at 6:35 PM.

1. *Due to the COVID-19 pandemic, the Vermont legislature enacted Act 92 that permits public hearings to be held remotely (without a public gathering place) as long as the remote meeting can be accessed by the public. As a public hearing, the meeting was recorded.*
 2. The Monday, May 17, 2021 meeting agenda contained both a hyperlink to attend the meeting by computer, table or smartphone, as well as a dial-in phone number and access code allowing a participant to attend via phone.
- B. On May 1, 2021, notice of the conditional use review hearing was mailed via Certified Mail to the following property owners adjoining the property subject to the application:
1. **RV276** – Ryan Philip & Shannon Marie Riddle, 267 River Road, Underhill, VT 05489
 2. **RV270** – Philip Retzloff & Abigail Shaker, 270 River Road, Underhill, VT 05489
 3. **RV277** – Wesley & Malgorzata A. Carr, 277 River Road, Underhill, VT 05489
 4. **RV278** – Cedric P. & Laura L. Wells, PO Box 165, Underhill Center, VT 05490
 5. **RA002** – Joseph A. Lechter Mindel & Meghan Conroy, 2 Range Road, Underhill, VT 05490

- C. During the week of May 10, 2021, notice of the public hearing for the proposed conditional use review application was posted at the following locations:
1. The Underhill Town Clerk's office;
 2. The Underhill Center Post Office; and
 3. Jacobs & Son Market.
- D. On May 1, 2021, notice of public hearing was published in the *Burlington Free Press*.
- E. The scheduled site visit at the property's location (275 River Road, Underhill, Vermont) commenced at 8:45 AM on May 15, 2021.
- F. Present at the site visit were the following members of the Development Review Board
1. Board Member, Charles Van Winkle, Chairperson
 2. Board Member, Penny Miller, Vice Chairperson
 3. Board Member, Matt Chapek
 4. Board Member, Mark Green
 5. Board Member, Daniel Lee
 6. Board Member, Karen McKnight

Municipal representatives and members of the public present during the site visit were:

7. J. Kail Romanoff, Interim Zoning Administrator
 8. Applicant: Doug Miller (275 River Road, Underhill, VT)
- G. In accordance with Act 92, the conditional use review hearing commenced at 6:35 PM on Monday, May 17, 2021 via the Go-To-Meeting platform. A public gathering place was not established; the meeting was recorded.
- H. Present at the conditional use review hearing were the following members of the Development Review Board:
1. Board Member, Charles Van Winkle, Chairperson
 2. Board Member, Penny Miller, Vice Chairperson
 3. Board Member, Shanie Bartlett
 4. Board Member, Matt Chapek
 5. Board Member, Mark Green
 6. Board Member, Daniel Lee
 7. Board Member, Karen McKnight

Also in attendance was Staff Member J. Kail Romanoff, Interim Zoning Administrator.

Others present at the hearing were:

1. Applicant, Doug Miller (275 River Road, Underhill, VT)

Due to the COVID-19 pandemic, all attending parties (the Board Members, Staff, and the Applicant) attended the meeting remotely via the Go-To-Meeting platform.

- I. At the outset of the hearing, Chairperson Charles Van Winkle explained the criteria under 24 V.S.A

§ 4465(b) for being considered an “interested party.” Those who spoke at the hearing were:

1. Applicant, Doug Miller
- J. In support of the conditional use review application, the following exhibits were submitted to the Development Review Board:
1. Exhibit A - Miller Conditional Use Review Staff Report
 2. Exhibit B - Miller (RV275) Conditional Use Review Hearing Procedures
 3. Exhibit C - Development Review Application
 4. Exhibit D - Responses to Development Review Application Questions
 5. Exhibit E - BFP Notice
 6. Exhibit F - Certificate of Service
 7. Exhibit G - Zoning Permit Application (Z-21-25)
 8. Exhibit H - ANR Atlas Site Plan

No additional exhibits were distributed to the Board prior to the Monday, May 17, 2021 hearing, nor were any additional exhibits submitted into the record during the hearing.

All exhibits are available for public review in the Miller Conditional Use Review file RV275/DRB-21-04) at the Underhill Zoning & Planning office.

II. FACTUAL FINDINGS & CONCLUSIONS RELATING TO THE UNDERHILL UNIFIED LAND USE & DEVELOPMENT REGULATIONS

The Minutes of the May 17, 2021 meeting, written by J. Kail Romanoff, are incorporated by reference into this decision. Please refer to those minutes for a summary of the testimony. The recording of the May 17, 2021 Development Review Board meeting can be viewed on the Mt. Mansfield Community Television’s website: <https://archive.org/details/underhill-drb-05172021>

Based on the submitted application, testimony, exhibits, and evidence, the Development Review Board makes the following findings under the requirements of the 2011 *Underhill Unified Land Use and Development Regulations* (ULUDR), as amended through March 3, 2020:

PROJECT SYNOPSIS

The Applicant, Doug Miller, is seeking conditional use approval, specifically a dimensional waiver, relating to the enlargement of a nonconforming garage within a district property line setback. The subject property is located at 275 River Road (RV275) in Underhill, Vermont and is owned by Douglas & Sarah Miller. A dimensional waiver is subject to conditional use review in accordance with Section 5.5.B. The property is located within the Underhill Center Village zoning district as defined under Article II, Table 2.3 of the ULUDR.

ARTICLE II, ZONING DISTRICTS

A. ARTICLE II, TABLE 2.3 – UNDERHILL CENTER VILLAGE

The Board finds that the subject property is located in the Underhill Center Village district and that the proposed project, an attached garage, is consistent with other accessory structures within the district and in the surrounding neighborhood, thus conforming with the traditional development patterns of the zoning district. The proposed attached garage will satisfy the front and rear setback requirements; however, it will fail to satisfy the 15 ft. side setback requirement for the

principal structure. The proposed attached garage will encroach into the side setback by seven (7) feet. As a result, the proposed attached garage will be setback ± 8 ft. from the side property line (located to the east).

The Board notes that the proposed attached garage is an allowed use within the district, as it is considered an accessory structure.

ARTICLE III, GENERAL REGULATIONS

A. SECTION 3.2 – ACCESS

The Board finds that the subject property has access to River Road, a Class II Town Highway. No modifications to the existing access way (driveway or curb cut) are being proposed, nor does the proposed project require modifications to the existing access way. The Board is not requiring the Applicant to make any modifications to or relocate the driveway in accordance with Section 3.2.D.4. As a result, the Board finds that the issuance of an access permit is not needed and that review under subsection 3.2.D. is unnecessary.

SECTION 3.7 – LOT, YARD & SETBACK REQUIREMENTS

The Board finds that the subject property predates the zoning bylaws and therefore the minimum 1.5-acre requirement for the Underhill Center Village District, as the property is ± 0.45 acres. The Board also finds that principal structure setbacks apply as the proposed reconstructed garage will be attached to the principal dwelling and will include living space upstairs.

The proposed reconstruction will maintain the existing front setback, will reduce the existing rear setback, and will maintain the existing east side setback which currently does not conform to the Zoning Regulations.

The setbacks of the existing principal dwelling with the proposed attached and reconstructed two-story garage--as measured using the ANR atlas and site measurements--will be:

- Front Property line: +/- 25 ft. setback (South)
- Side 1 Property line: +/- 120 ft. (West) [??? I'm not sure what the setback is to the principal dwelling]
- Side 2 Property Line: +/- 8 ft. setback (East)
- Rear Property Line: +/- 65 ft. (North)

While the proposed structure satisfies the District's North, South and West setback requirements, it will fail to conform with the 15 ft. east sideline setback as the attached garage will encroach into the setback by ± 7 ft. Due to the encroachment, a dimensional waiver is required in accordance with Sections 3.9(B), 5.4, and 5.5(B). The Board agrees with Staff's interpretation that Section 5.5(B) provides the authority to allow the setback reduction.

B. SECTION 3.9 – NONCONFORMING STRUCTURES

The Board finds that the existing garage to be replaced is a nonconforming structure, per Section 3.9(A), as it encroaches on the east sideline setback by ± 7 ft. Moreover, the Board finds the foundation of the existing garage is damaged, thus necessitating repair or reconstruction as allowed by Section 3.9(A)(2).

While the existing nonconforming garage may be repaired or reconstructed per 3.9(A)(2), the proposed attached garage will increase the degree of non-conformance by adding ten (10) feet to the rear of the existing garage which will also encroach by ± 7 ft. on the east sideline setback. Due to the encroachment, a dimensional waiver is required in accordance with Sections 3.9(B), 5.4, and 5.5(B). The Board agrees with Staff's interpretation that Section 5.5(B) provides the authority to allow the setback reduction.

Although the proposed attached garage fails to meet the district dimensional setback requirement, because the Applicant has satisfied the requirements of Section 3.9(B) and 5.4, and in conjunction with Section 5.5(B), as explained below, the Applicant is not prohibited from obtaining approval by this Board.

C. SECTION 3.11 – OUTDOOR LIGHTING

The Board finds that the Applicant is not proposing any new lighting at this time. Should the Applicant add any additional outdoor lighting relating to the project, it shall be downward facing and shielded.

D. SECTION 3.13 – PARKING, LOADING & SERVICE AREAS

The Board finds that the proposed attached garage is not a use that will increase the demand in parking for the existing use of the property per Table 3.1 – a single-family dwelling (two parking spaces).

E. SECTION 3.14 – PERFORMANCE STANDARDS

The Board finds that the Applicant did not submit the requisite information to make a determination about Section 3.14; however, the Board finds that the proposed attached garage is consistent with other uses/structures in the area. Therefore, the Board does not anticipate that the Applicant's proposal will cause, create, or result in any of the situations identified in this section.

F. SECTION 3.17 – SOURCE PROTECTION AREAS

The Board finds that the subject lot is not located in a source protection area, nor is the proposed attached garage located within 200 ft. of a public water source. Since the project is an associated use of the principal structure's – a single-family dwelling – the project is exempt from review under Section 3.17.B.

G. SECTION 3.18 – STEEP SLOPES

The Board finds that there are no areas of steep slopes (15-25%) nor very steep slopes (>25%) on the subject lot and during the site visit, the proposed detached garage was confirmed to be in an area that is less than a 15% slope; therefore, review and analysis under this Section is not required.

H. SECTION 3.19 – SURFACE WATERS & WETLANDS

The ANR Atlas, which was confirmed during the Board's site visit, depicts the Browns River comprising the western property line of the subject property. Using the ANR Atlas, the proposed attached garage will be located ± 148 feet from the Brown's River, which satisfies the 100 ft. setback requirement. No wetlands are located on the property

SECTION 3.23 – WATER SUPPLY & WASTEWATER SYSTEMS

The Board finds that a wastewater permit may be required for the construction of the proposed attached garage depending on the living space configuration and bedroom count of the final floor plan; however, the Applicant is responsible for inquiring with the Vermont Department of Environmental Conservation regarding whether one is required.

The Board finds that the Applicant shall confirm with the Vermont Department of Environmental Conservation as to whether an updated water and wastewater permit is required for the proposed project, and if so, present a copy of the permit to the Zoning Administrator prior to receiving a Certificate of Occupancy.

- I. For notation purposes, the Board is unaware of what water and wastewater permitting has been approved for the subject property.

ARTICLE V, DEVELOPMENT REVIEW

A. SECTION 5.1 – APPLICABILITY

The Board finds that conditional use review is required per Sections 3.9(B) and 5.5.B. As required under Section 5.4.C of the *Unified Land Use & Development Regulations*, when considering conditional use review applications, the Board shall apply all the site plan review standards under Section 5.3.

B. SECTION 5.3 – SITE PLAN REVIEW

Section 5.3(A) – Purpose: The Board finds that site plan review is required as part of conditional use review per Section 5.4(C).

Section 5.3(B) – Standards: The Board has considered this section’s standards and issues the following comments and/or imposes the following safeguards, modifications, and conditions:

SECTION 5.3(B)(1) – Existing Site Features: The Board finds that the Applicant submitted a satisfactory aerial plan depicting the proposed project and was able to ascertain enough information through the submitted aerial plan, site visit and other sources, such as the ANR Website, that the proposed attached garage does not adversely affect or impact the enumerated resources in this subsection. Surface waters (Browns River) are the only enumerated feature that exists on the subject property, and it will not be impacted by the construction of the proposed attached garage.

Section 5.3(B)(2) – Site Layout & Design: The Board finds that the proposed attached garage is not contrary to the purpose and stated goals under Subsection A, Underhill Center Village district, noting that the proposed attached garage has no impact on the historic character of the Underhill Center Village district.

Section 5.3(B)(3) – Vehicle Access: The Board finds the subject lot is accessed by one curb-cut via River Road. The Applicant is not proposing to modify or relocate the existing curb-cut or driveway, and therefore, the Board IS NOT requiring any modification to the existing access way.

Section 5.3(B)(4) – Parking, Loading & Service Areas: The Board finds that the proposed attached garage does not increase the number of parking spaces that are required for the

existing use of the property – a single-family dwelling. See Section 3.13 for more information.

Section 5.3(B)(5) – Site Circulation: The Board finds that the proposed attached garage does not alter the site circulation, which is expected to remain consistent with site circulation patterns of a residential unit/lot.

Section 5.3(B)(6) – Landscaping and Screening: The Board finds that the Applicant is not proposing any additional landscaping at this time. While the proposed attached garage will be visible from River Road, the structure is consistent with other accessory structures in the district and surrounding neighborhood. No additional screening or landscaping is mandated by the Board.

Section 5.3(B)(7) – Outdoor Lighting: See Section 3.11 above for more information.

Section 5.3(B)(8) – Stormwater Management and Erosion Control: The Board finds that the Applicant shall utilize the Vermont DEC Low Risk Site Handbook for Erosion Prevention and Sediment Control for any work pertaining to the proposed attached garage.

C. SECTION 5.4 – CONDITIONAL USE REVIEW

Section 5.4(A) – Purpose: The Board finds that conditional use review is required per Sections 3.9(B) and 5.5(B), which require conditional use approval for the enlargement, expansion, extension, modification, or relocation of a nonconforming structure that increases the degree of nonconformance. Specifically, a dimensional waiver under Section 5.5(B) is allowed if the encroachment is less than 50% of the district setback requirement (§ 5.5(B)(3)). The Board finds that the conditions imposed herein address the identified potential impacts, as well as help reduce, avoid, or mitigate those impacts.

Section 5.4(B) – General Standards: The Board finds that the conditions imposed herein will likely mitigate any potential undue adverse effects.

Section 5.4(B)(1) – The Capacity of Existing or Planned Community Services or Facilities: The Board finds that the proposed attached garage will not result in an increase in demand on community services and facilities.

Section 5.4(B)(2) – The Character of the Area Affected: The Board finds that the proposed attached garage does not affect the character of the area, as the area is largely, or mostly, single-family dwellings with accessory structures, including attached garages. Furthermore, the Board makes the following findings pertaining to the location, scale, type, density, and intensity of the use (attached garage) as it relates to other buildings and uses in the area:

- **Location:** the property is located in the Underhill Center Village zoning district, which largely contains medium density development, including single-family dwellings with attached garages.
- **Scale:** the scale of the proposed construction is consistent with the development that currently exists on the property and the surrounding neighboring properties.
- **Type:** the proposed reconstruction project creates a primary residence with an attached garage, a permitted use within the Underhill Center Village zoning district
- **Density:** the proposed attached garage results in no change to the density of the area.
- **Intensity:** the proposed attached garage negligibly changes the intensity of the area.

Section 5.4(B)(3) – Traffic on Roads and Highways in the Vicinity: The Board finds that the proposed attached garage does not result in an increase in traffic on roads and highways in the vicinity, nor does the project create any congestion, since the use is the same.

Section 5.4(B)(4) – Bylaws in Effect: The Board finds that the proposed attached garage, as a result of this approval, will comply with the 2020 *Unified Land Use & Development Regulations*.

Section 5.4(B)(5) – The Utilization of Renewable Energy Resources: The Board finds that the proposed attached garage will not interfere with any sustainable use of renewable energy resources.

Section 5.4(C) – Site Plan Review Standards: The Board finds that site plan review is required as a part of conditional use review. Analysis can be found under Section 5.3 above.

Section 5.4(D) – Specific Standards: The Board finds that it may consider the Subsections 5.4(D)(1) through 5.4(D)(4) and impose conditions as necessary to reduce or mitigate any identified adverse impacts of a proposed development.

Section 5.4(D)(1) – Conformance with the Town Plan: The Board finds that the proposed attached garage is not contrary to the Town Plan.

Section 5.4(D)(2) – Zoning District & Use Standards: The Board finds that the attached garage conforms with the zoning district and use standards, as outlined above, with the approval by this Board.

Section 5.4(D)(3) – Performance Standards: The Board finds that the project complies with the performance standards set forth in Section 3.14 above.

Section 5.4(D)(4) – Legal Documentation: The Board finds that this Section does not apply.

D. SECTION 5.5 – WAIVERS & VARIANCES

Section 5.5(A) – Applications & Review Standards: The Board finds that it has the authority to waive application requirements and site plan or conditional use review standards under Sections 5.3 and 5.4 that it determines are not relevant to a particular application. The Applicant has specifically asked for a dimensional waiver to reduce the setback requirement as it relates to the east side district dimensional setback, which is approved, as explained below.

Any other conditions that have been waived have been noted in this decision. The Board makes no finding on any provision that was not explicitly waived and has not been explicitly addressed.

Section 5.5(B) – Dimensional Waivers: The Board, in association with Conditional Use Review, finds that it can reduce district dimensional setback requirements so long as the following information is obtained and following requirements are met:

Section 5.5(B)(1) – Untitled: The Applicant is proposing to construct a detached garage within district dimensional setback. The Board finds that the Applicant has presented an application illustrating the justification for a dimensional waiver. The Board also notes that Section 5.5(B) of these Regulations takes precedence in authorizing the Board to grant a waiver for structures

built in district dimensional setbacks. While Section 3.9 provides several applicable regulations, the authority to grant the waiver is found this Section.

Section 5.5(B)(2) – Untitled: The Board finds that a waiver may be granted by the Board if one of the criteria enumerated under this Section is found to be true. The Board finds the first two criterion to be true: the waiver will allow for the reasonable development and use of a pre-existing nonconforming lot, and the waiver will allow for additions or improvements to a non-conforming structure. The Applicant is proposing to construct an attached garage, a normally permitted action, if not for the constraint of the side setback requirement.

Section 5.5(B)(3) – Untitled: The Board finds that it may reduce the setback by no more than 50%, or in this case seven and one-half (7.5) feet. The Applicant has presented an application illustrating that the proposed attached garage encroaches upon the setback by seven (7) ft. and is not anticipating to exceed this threshold.

Section 5.5(B)(4) – Untitled: The Board finds based on clear and convincing evidence that the Applicant has satisfied the elements enumerated in this subsection, all of which are required to be satisfied in order to grant a waiver:

Section 5.5(B)(4)(a) – Element 1: No reasonable alternative exists for siting the structure, addition, or improvement outside of the required setback area.

The Board finds that the project is constrained by the existing site location of the principal structure, the size and shape of the nonconforming lot, and the existence of the Browns River on the property. Thus, any required alteration of the proposed project would be unreasonable, and therefore, the construction of the proposed detached garage within the district dimensional setback is justifiable.

Section 5.5(B)(4)(b) – Element 2: The reduced setback is not contrary to public health, safety, and welfare, or stated objectives and policies of the Underhill Town Plan, or the intent of these Regulations.

The Board finds that the reduced setback is not contrary to the public health, safety, and welfare; nor is it contrary to the stated objectives and policies of the *Underhill Town Plan*, or the intent of these Regulations.

Section 5.5(B)(4)(c) – Element 3: The waiver represents the minimum setback reduction necessary to allow for the proposed development.

The Board finds that the approved waiver represents the minimum setback reduction necessary to allow for the proposed attached garage.

Section 5.5(B)(4)(d) – Element 4: Any potential adverse impacts resulting from reduced setbacks on adjoining properties, surface waters or wetlands shall be mitigated through site design, landscaping and screening, or other accepted mitigation measures.

The Board finds that there are no adverse impacts resulting from the reduced setback on adjoining properties, surface waters or wetlands. No mitigation

measures are required as part of this decision.

Section 5.5(C) – Variances: The Board finds that this Subsection does not apply, and therefore, review and analysis under this Subsection is not required.

ARTICLE VI, FLOOD HAZARD AREA REVIEW

The Board finds that, although Special Flood Hazard Areas exist on the property, no Special Flood Hazard Areas are impacted by the proposed attached garage, and therefore, review and analysis under this Article is not required.

ARTICLE X, SPECIFIC USE STANDARDS

A. SECTION 10.3 – ZONING PERMITS

Section 10.3(D) – Effective Dates and Permit Renewals:

SECTION 10.3(D)(1) – ZONING PERMITS: The Board finds that the permit issued as part of this decision will remain in effect for one year from the date of issuance. The Applicant must substantially commence construction within one year or the permit will become null and void. “Substantially commence” entails “initial site preparation; the installation of an access; and the installation of a foundation, water and/or wastewater system on-site.” (See Article XI for definition of “Substantially Commenced”)

SECTION 10.3(D)(2) – DRB APPROVALS: The Board finds that conditional use approvals expire with the expiration of the zoning permit and may only be extended as provided under Section 10.3(D)(1). Once the approved uses or structures are established, the conditional use approval will remain in effect and run with the land. The Board finds that the Applicant shall establish the use within 12 months of the effective date of the issuance of the zoning permit – to be issued by the Zoning Administrator as a result of this approval.

III. FACTUAL FINDINGS & CONCLUSIONS RELATING TO THE UNDERHILL ROAD, DRIVEWAY & TRAIL ORDINANCE

The Board finds that the *Underhill Road, Driveway & Trail Ordinance* does not apply since no modifications to the existing driveway and existing curb cut are proposed. Since Board review is unnecessary, an access permit is not required as a part of this decision. In addition, whatever access permit is in place (if at all), that approval and any associated conditions of approval, are to remain in place.

IV. WAIVERS, MODIFICATIONS & SUPPLEMENTATIONS

The Board grants the following waivers/modifications:

- The Board approves the dimensional waiver, which therefore permits the Applicant to encroach upon the district dimensional setback requirement. The Applicant may only encroach upon the setback to the limits as portrayed on the submitted aerial plan (encroach into the setback by seven (7) ft.) and zoning permit application (see Exhibit G) and as presented during the hearing. Any deviation of this project that would result in further encroachment into the setback area may require additional review by this Board.
- The Applicant, landowner, or subsequent landowner(s), are/is not required to come before the Board for the construction of any out buildings, ancillary buildings, or accessory buildings,

which would typically be required for any projects obtaining site plan review approval. Instead, the application for a building permit for those accessory-type buildings can be administratively reviewed and approved. However, the abovementioned structures must conform to the Regulations in effect at the time of the proposed projects.

V. DECISIONS AND CONDITIONS OF APPROVAL

The Board is satisfied with the level of investigation, engineering and evaluation conducted in the application submittal and review process concerning the above-mentioned project. The Board thoroughly reviewed all aspects of the proposal under the evaluation of the *Underhill Land Use & Development Regulations* and concludes that based on the evidence submitted and the above findings, the proposed reconstructed, attached garage with living space above generally conforms to the aforementioned Regulations.

Based upon the findings above, and subject to the conditions below, the Development Review Board grants conditional use approval for the project presented in the application and at the hearing with the following conditions:

1. The Board finds that any outdoor lighting that is added as part of this proposed project shall be downward facing and shielded.
2. The Board finds that the Applicant should utilize the Vermont DEC Low Risk Site Handbook for Erosion Prevention and Sediment Control if any remaining work needs to be completed.
3. The Board finds that the Applicant shall investigate if an updated wastewater permit from the VT Agency Of Natural Resources is required based on the finished bedroom count. If so, the applicant is responsible for obtaining said permit and shall submit a copy of the permit to the Zoning Administrator prior to the obtainment of a certificate of occupancy.

Dated at Underhill, Vermont this 21st day of June, 2021.

Charles Van Winkle

Charles Van Winkle, Chairperson, Development Review Board

NOTICE/APPEAL (ZONING): This decision may be appealed to the Vermont Environment Court by an interested person who participated in the proceedings before the Development Review Board. Such appeal must be taken within 30 days.

NOTICE/APPEAL (ACCESS): This permit covers only the Selectboard's (or its designee's) jurisdiction and authority over town highways under 19 V.S.A. § 1111. It does not release the applicant from the requirements of other applicable federal, state or local statutes, ordinances, rules or regulations, including the Underhill Unified Land Use & Development Regulations. This permit addresses issues including access to, work within, and drainage affecting the town highway and its right-of-way, as described in Section 1111 and the Town's Road Ordinance. It does not address all other possible transportation, access (including the use of private access ways) or development issues which, if relevant to a proposed project, must be addressed separately. This permit is subject to the provisions of the local zoning ordinance and the state zoning law.

No Access Permit Issued