



Town of Underhill

Development Review Board

Conditional Use Review Findings & Decision

CONDITIONAL USE REVIEW APPLICATION OF JONATHAN AND HEATHER FULLER RELATING TO THE CONSTRUCTION OF A SINGLE-FAMILY DWELLING

In re: Jonathan & Heather Fuller
97 Stevensville Road (ST097)
Underhill, VT 05489

Docket No. DRB-20-06

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

I. INTRODUCTION AND PROCEDURAL HISTORY

This proceeding concerns the conditional use review application of Jonathan & Heather Fuller relating to the construction of a single-family dwelling on property they own located at 97 Stevensville Road (ST097) in Underhill, Vermont.

A. On Saturday, May 30, 2020, the Applicants, Jonathan and Heather Fuller submitted a conditional use review application for the abovementioned project. Planning Director & Zoning Administrator, Andrew Strniste, received the application and determined the application to be complete shortly thereafter. A site visit was scheduled to commence at 9:00 AM on Saturday, July 18, 2020, while a hearing was scheduled remotely via the Go-To-Meeting platform to commence at Monday, 6:35 PM on July 20, 2020. No public gathering place was provided for the hearing.

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, July 20, 2020 meeting agenda contained both a hyperlink to attend the meeting by computer, table or smartphone, as well as contained a dial-in phone number and access code allowing a participant to attend via phone.

B. On June 23, 2020, 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. **ST065** – Underhill Farm, LLC, P.O. Box 2, Underhill Center, VT 05490
2. **ST092** – Nicolas H. & Jill G. Ash, 92 Stevensville Road, Underhill, VT 05489
3. **ST102** – Lois T. Nassau Trustee, P.O. Box 129, Underhill, VT 05490
4. **ST108** – John B. & Penelope B. Moore Trustees, P.O. Box 24, Underhill Center, VT 05490
5. **ST119** – Martha B. Abbott, 119 Stevensville Road, Underhill, VT 05489
6. Applicant: **ST097** – Jonathan I. & Heather V. Fuller, 119 Stevensville Road, Underhill, VT 05489

C. During the week of June 21, 2020, 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 June 27, 2020, notice of public hearing was published in the *Burlington Free Press*.

E. A site visit at the property's located at 97 Stevensville Road, Underhill, Vermont, commenced at 9:00 AM on Saturday, July 18, 2020.

F. Present at the site visit were the following members of the Development Review Board:

1. Board Member, Charles Van Winkle, Chair
2. Board Member, Stacey Turkos, Vice Chair
3. Board Member, Penny Miller, Clerk
4. Board Member, Matt Chapek
5. Board Member, Mark Green
6. Board Member, Daniel Lee
7. Board Member, Karen McKnight

No municipal representatives were present at the meeting. Members of the public that were present during the site visit were:

8. Applicant: Jonathan Fuller (97 Stevensville Road, Underhill, VT)

G. In accordance with Act 92, the conditional use review hearing began at 6:35 PM on Monday, July 20, 2020 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 (July 20, 2020) were the following members of the Development Review Board:

1. Board Member, Charles Van Winkle, Chairperson
2. Board Member, Stacey Turkos, Vice Chairperson
3. Board Member, Matt Chapek
4. Board Member, Mark Green
5. Board Member, Daniel Lee
6. Board Member, Karen McKnight
7. Board Member, Penny Miller

Also in attendance was Staff Member Andrew Strniste, Planning Director & Zoning Administrator.

Others present at the hearing were:

1. Applicant, Jonathan Fuller (97 Stevensville Road, Underhill, VT)

Due to the COVID-19 pandemic, all attending parties (the Board Members, Staff, the Applicant and his representative, and the other attendees) 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. Staff Member, Andrew Strniste
 2. Applicant, Jonathan Fuller
- J. In support of the conditional use review application, the following exhibits were submitted to the Development Review Board:
 1. Exhibit A – Fuller Conditional Use Review Staff Report
 2. Exhibit B – Fuller (ST097) Conditional Use Review Hearing Procedures
 3. Exhibit C – Fuller Development Review Application
 4. Exhibit D – Conditional Use Review Supplemental Questions
 5. Exhibit E – Site Plan Review Supplemental Questions
 6. Exhibit F – Zoning Permit Application (B-20-14)
 7. Exhibit G – BFP Public Notice
 8. Exhibit H – Certificate of Service
 9. Exhibit I – Water Wastewater Permit (WW-4-4545-1)
 10. Exhibit J – Floor Plans & Elevations
 11. Exhibit K – Site Plan

No additional exhibits were distributed to the Board prior to the Monday, July 20, 2020 hearing, nor were any additional exhibits submitted into the record during the hearing.

All exhibits are available for public review in the Fuller Conditional Use Review file (ST097 /DRB-20-06) at the Underhill Zoning & Planning office.

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

The Minutes of the July 20, 2020 meeting, written by Andrew Strniste, are incorporated by reference into this decision. Please refer to those minutes for a summary of the testimony. The recording of the July 20, 2020 Development Review Board meeting can be viewed on the Mt. Mansfield Community Television’s website: <https://archive.org/details/underhilldrb07202020>.

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* (hereafter “Regulations” or ULUDR), as amended through March 3, 2020:

PROJECT SYNOPSIS

The Applicants, Jonathan & Heather Fuller, record owner of the property located at 97 Stevensville Road (ST097) in Underhill, Vermont, are seeking conditional use approval for the construction of a single-family dwelling on property they own located at 97 Stevensville Road (ST097) in Underhill, Vermont. Currently, a tiny house exists on the subject property that is presently serving as the Applicants’ single-family dwelling. Upon construction of the new single-family dwelling, the tiny house

will be converted to an accessory dwelling. While Section 4.15.A.2 does not explicitly require conditional use review when constructing a new single-family dwelling and converting the already existing single-family dwelling to an accessory dwelling, the Board agrees with Staff's interpretation that the logical association relating to this section is that any construction involving a new structure for a new dwelling unit requires conditional use review. The property is located within the Water Conservation zoning district as defined under Article II, Table 2.5 of the ULUDR.

ARTICLE II, ZONING DISTRICTS

A. ARTICLE II, TABLE 2.5 – WATER CONSERVATION

The Board finds that the proposed project will conform with the applicable dimensional standards of this zoning district, which includes the District's setback, acreage and frontage requirements (see Section 3.7 below). The Applicants have obtained a Wastewater System and Potable Water Supply Permit from the Vermont Department of Environmental Conservation (Exhibit I, WW-4-45-45-1) for a three-bedroom single-family dwelling and a one-bedroom accessory structure, thereby creating the presumption that the proposed and existing development will not contaminate the underlying gravel aquifer area, thus conforming with the purpose statement of this zoning district.

ARTICLE III, GENERAL REGULATIONS

A. SECTION 3.2 – ACCESS

The Board finds that the subject property has access to Stevensville Road, a Class III Town Highway. The Board finds that the zoning file does not contain an access permit; however, the Applicants testified that an access permit was obtained at some point in the past few years.

The Applicants are not proposing any modifications to the driveway as part of the proposed project. During the site visit, the Board confirmed that improvements to the driveway were unnecessary, including relocation options provided under Section 3.2.D.4. As a result, no additional access permitting is required by this Board. The Board notes for record keeping purposes that the driveway is ±116 ft. from the west side property line and ±119 ft. from the rear, north property line, thereby satisfying the 12 ft. setback requirement for driveways.

No modifications to the existing access way were made or are being proposed, nor does the completed project require modifications to the existing access way. Therefore, the Board finds that an access permit is unnecessary and that review under subsection 3.2.D is unnecessary.

B. SECTION 3.3 – CONVERSION OR CHANGE OF USE

Upon the construction of the new single-family dwelling, the existing tiny house will revert from a single-family dwelling to an accessory dwelling. As a result, the conversion will be from a permitted use to another permitted use, which can be approved by the Zoning Administrator. The Board notes that the approval of this application is inherently approving the conversion of the tiny house from its current status as a single-family dwelling to an accessory dwelling. No formal action is required by this Board regarding the conversion of use.

C. SECTION 3.7 – LOT, YARD & SETBACK REQUIREMENTS

The Board finds that the proposed single-family dwelling will serve as the lot's principal structure/use, while the existing tiny house, upon conversion to a detached accessory dwelling, will serve as an accessory structure/use. Both the proposed single-family dwelling and the existing tiny house, which is to be converted to an accessory dwelling, will conform to the Water Conservation District's setback requirements, as outlined below:

Setback Requirement	Proposed Single-Family Dwelling	Setback Requirement	Existing Tiny House
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	(Principal Structures)	(Principal Structure)	(Accessory Structures)	(to be Converted to an Accessory Dwelling)
Front Setback (South):	30 ft.	±210 ft.	30 ft.	±300 ft.
Side 1 Setback (West):	50 ft.	±66 ft.	20 ft.	±165 ft.
Side 2 Setback (East):	50 ft.	±396 ft.	20 ft.	±284 ft.
Rear Setback (East):	50 ft.	±131 ft.	20 ft.	±120 ft.

In addition to satisfying the setback requirements, the existing lot conforms with the frontage and acreage requirements of the Water Conservation District. The lot is ±5.86 acres in a district requiring 5.0 acres as a minimum lot size, and has ±622 ft. of frontage in a district that requires 300 ft. of frontage. The Applicants have not requested any dimensional waivers, nor are any dimensional waivers necessary.

D. SECTION 3.11 – OUTDOOR LIGHTING

The Board finds that the Applicants are not proposing to install any additional outdoor lighting that would be inconsistent with residential development in the area. Should the Applicants add any outdoor lighting relating to the project, it shall be downward facing and shielded.

E. SECTION 3.13 – PARKING, LOADING & SERVICE AREAS

The Board agrees with the Applicants' assessment that there is enough parking for six vehicles (see Exhibit E), which satisfies the parking requirement of three parking spaces (two parking spaces for the principal dwelling unit and one parking space for the accessory dwelling unit). The Board notes that proposed construction of the single-family dwelling will only result in a net increase of one parking space (for the addition of an accessory dwelling).

F. SECTION 3.14 – PERFORMANCE STANDARDS

The Board finds that the Applicants did not submit the requisite information to make a determination about Section 3.14; however, the Board finds that the completed single-family dwelling with a detached accessory dwelling is consistent with other uses in the area. Therefore, the Board does not anticipate that the Applicants' proposed project will cause, create, or result in any of the situations identified in this section.

G. SECTION 3.17 – SOURCE PROTECTION AREAS

The Board finds that the subject lot is in a groundwater source protection area; however, since the project involves the construction of a single-family dwelling and an accessory dwelling, the project is exempt from review under Section 3.17.B. The Board finds the subject property is not in the vicinity of any public water sources.

H. SECTION 3.18 – STEEP SLOPES

The Board finds that there are areas of steep slopes (15-25%) and very steep slopes (>25%) on the subject lot, specifically along the northwestern, northern and eastern borders of the property (see Exhibit A, Page 6). The proposed single-family dwelling, existing tiny house (to be converted to an accessory dwelling) and driveway are located in areas that are less than 15% in slope, and therefore, review and analysis under this Section is not required.

I. SECTION 3.19 – SURFACE WATERS & WETLANDS

The Board finds that there are no surface waters or wetlands on the lot, and therefore, review and

analysis under this Section is not required.

J. SECTION 3.22 – TINY HOUSES

The Board finds that the current dwelling unit on the subject lot is a tiny house, and shall be treated in the same manner as a single-family dwelling and/or accessory dwelling (§ 3.22.A).

K. SECTION 3.23 – WATER SUPPLY & WASTEWATER SYSTEMS

The Board finds that the Applicants have obtained a Wastewater System & Potable Water Supply Permit (WW-4-4545-1, Exhibit I). The permit allows for the construction of a three-bedroom single-family dwelling and one-bedroom accessory dwelling. Both dwellings will be served by a soil-based wastewater system and a drilled well. The obtainment of this permit satisfies the presumption that the proposed project will not contaminate the underlying aquifer.

ARTICLE 4, SPECIFIC USE STANDARDS

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

As outlined in this section, if a detached accessory dwelling involves the construction of a new structure, then conditional use review is required (§ 4.15.A.2). The Board finds that this section is silent as to what happens when an applicant constructs a single-family dwelling and then converts the existing single-family dwelling to an accessory dwelling. However, the Board agrees with Staff's interpretation of the regulations: that the logical association is that any construction of a new structure for a new dwelling unit requires conditional use review, thus validating Staff's referral of this application.

The Board finds that once converted, the accessory structure will conform with the requirements of this Section. The converted accessory dwelling's square footage will not exceed 50% of the proposed single-family dwelling's square footage, nor will the converted accessory dwelling exceed 1,000 sq. ft. The primary residence will be ±1,728 sq. ft., while the accessory dwelling will be 510 sq. ft., thus the accessory dwelling's square footage will be approximately 29.5% of the principal structure's square footage (510 sq. ft./±1,728 sq. ft. = ~29.5%).

Regarding the other provisions of this subsection, the accessory dwelling will be in close proximity to the single-family dwelling and its use is incidental to the primary dwelling, and therefore, the accessory dwelling is determined to be appurtenant to the principal structure. The Fullers, the landowners, are expecting to live in the proposed single-family dwelling. Both dwelling units will satisfy the underlying zoning district's requirements and have been approved by the State's Department of Environmental Conservation for wastewater and water purposes. Lastly, the Board finds that the existing driveway will serve both dwelling units.

ARTICLE V, DEVELOPMENT REVIEW

A. SECTION 5.1 – APPLICABILITY

The Board finds that conditional use review is required per Section 4.15.A.2, as explained under the project synopsis and Section 4.15 above. 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 of 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 Applicants submitted a satisfactory site plan depicting the completed project, and was able to ascertain enough information through the site plan and other sources, such as the ANR Website, that the proposed single-family dwelling does not impact the enumerated resources in this subsection. The Board notes that the subject property contains a habitat block, level 4 (a low level habitat block), and that a threat level, level 6, was identified. As a result, the Board determined that the single-family dwelling does not adversely affect those enumerated features, and therefore, no mitigation measures are required under Section 5.3.B.2.

Section 5.3.B.2 – Site Layout & Design: The Board finds that the proposed single-family dwelling is not contrary to the purpose and stated goals under Subsection B, Rural Residential and Water Conservation District, noting that the proposed single-family dwelling will be consistent with the rural character of the area and traditional working landscape of the Water Conservation zoning district – largely a residential district. Additionally, the proposed single-family dwelling and soon-to-be accessory dwelling is located in an area surrounded by hills & woodland, and therefore minimally visible from the front, side, or rear yards, thus not altering the aesthetics of the lot.

Section 5.3.B.3 – Vehicle Access: The Board finds the subject lot is accessed by one curb-cut via Stevensville Road, specifically a Class III section of Stevensville Road. The Applicants are 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 single-family dwelling and resulting accessory dwelling only requires a net increase of one parking space. The Applicants have advised that enough parking has been provided for six vehicles (see Exhibit E), thus satisfying the parking requirements of these regulations. See Section 3.13 for more information.

Section 5.3.B.5 – Site Circulation: The Board finds that the single-family dwelling and resulting accessory dwelling will be consistent with site circulation patterns of a residential unit/lot.

Section 5.3.B.6 – Landscaping and Screening: The Board finds that the Applicants did not implement, nor are proposing, any landscaping or screening techniques; however, the site layout and design occurs in a residential area that provides for various techniques of landscaping and screening. Additionally, the single-family dwelling and resulting accessory dwelling are located towards the rear portion of the lot, and surrounded by hills and woodland. Therefore, the subject development is not seen from Stevensville Road, nor is it seen from neighboring properties. As a result no additional screening and landscaping are mandated.

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 Applicants shall utilize the Vermont DEC Low Risk Site Handbook for Erosion Prevention and Sediment Control for the construction of the single-family dwelling.

C. SECTION 5.4 – CONDITIONAL USE REVIEW

Section 5.4.A – Purpose: The Board finds that conditional use review is required per Sections 4.15.A.2, as explained under the project synopsis and Section 4.15 above. 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 construction of a single-family dwelling is not anticipated to have an adverse impact on existing or planned community services or facilities. Normally, the construction of a single-family dwelling on a pre-existing lot does not require any review by the Development Review Board, and in the majority of cases, the creation of an accessory dwelling does not require approval from the Development Review Board.

In addition, the Board’s understanding is that, statutorily, accessory dwellings are allowed uses (in some cases conditionally allowed) where single-family dwellings are allowed. Therefore, the Board finds that there are few scenarios where an accessory dwelling may not be permitted. In this case, accessory dwellings are commonplace within the Water Conservation zoning district, as well as in the nearby area.

While Staff did not solicit input from the Underhill-Jericho Fire Department or Mount Mansfield Unified School District, the Board agrees with Staff’s assessment that the creation of a second dwelling unit on the lot will not cause an undue adverse effect on these services.

Section 5.4.B.2 – The Character of the Area Affected: The Board finds that the proposed single-family dwelling and resulting accessory dwelling will not affect the character of the area, as the area is largely, or mostly, single-family dwellings. Furthermore, the Board makes the following findings relating to the location, scale, type, density and intensity of the use as it relates to other buildings and uses in the area:

- **Location:** the property is located in the Water Conservation District, which largely contains residential development, including single-family dwellings with accessory dwellings.
- **Scale:** the scale of the proposed construction is consistent with the development that currently exists on the property and the surrounding properties.
- **Type:** the single-family dwelling and conversion of the tiny house to a detached accessory dwelling are permitted uses within the Water Conservation District.
- **Density:** the proposed single-family dwelling and conversion of the tiny house to a detached accessory dwelling will increase the density in the area affected by one dwelling unit; however, the added density is expected and/or foreseeable on pre-existing lots like the case here.
- **Intensity:** while one extra dwelling will be added as a result of the proposed project, the intensity of the area will negligibly change.

Section 5.4.B.3 – Traffic on Roads and Highways in the Vicinity: The Board finds that the proposed single-family dwelling (and the conversion of the tiny house to a detached accessory dwelling) will negligibly increase the traffic on the roads and highways in the vicinity, thus not

resulting in a noticeable or adverse impact.

Section 5.4.B.4 – Bylaws in Effect: The Board finds, with its approval, that the proposed project will conform with the 2020 *Unified Land Use & Development Regulations*.

Section 5.4.B.5 – The Utilization of Renewable Energy Resources: The Board finds that proposed project is not anticipated to interfere with any use of renewable energy resources, and in fact, the Applicants have informed the Board of their hopes to install solar panels as part of the proposed project (Exhibit D).

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 single-family dwelling, and resulting conversion of the tiny house to a detached accessory dwelling, is not contrary to Town Plan.

Section 5.4.D.2 – Zoning District & Use Standards: The Board finds that the proposed single-family dwelling, and resulting conversion of the tiny house to a detached accessory dwelling, conforms to the zoning district and use standards, as outlined above.

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

The Board finds that the Applicants are not requesting or seeking any waivers or variances, nor are any waivers or variances implicit in the proposed project as presented.

ARTICLE VI, FLOOD HAZARD AREA REVIEW

The Board finds that there are no Special Flood Hazard Areas, as illustrated on the requisite Flood Insurance Rate Maps, present on the lot, and therefore, review under Article VI 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 Applicants 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 Applicants 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, nor are any modifications required, as confirmed during the Board’s site visit on Saturday, July 18, 2020. Since Board review relating to the ordinance is unnecessary, an access permit is not required as a part of this decision. In addition, whatever access permit is in place, 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 Applicants, 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 single-family dwelling and resulting conversion of the tiny house to a detached accessory dwelling conform 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 requires that any outdoor lighting that is added as part of this proposed project shall be downward facing and shielded.
2. The Board requires that the applicants should utilize the Vermont DEC Low Risk Site Handbook for Erosion Prevention and Sediment Control if any remaining work needs to be completed.

Dated at Underhill, Vermont this 2nd day of September 2020.

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 may be reviewed pursuant to the procedures and time limits set forth in V.R.C.P. 75.