EXHIBIT
F

TOWN OF UNDERHILL
APPLICATION OF JASON & KAREN GUYMON
FOR CONDITIONAL USE REVIEW
FINAL FINDINGS AND DECISION

In re: Jason & Karen Guymon
496 Birchwood Drive
Hinesburg, VT 05461

Docket No. DRB 14-11: Guymon

I. INTRODUCTION AND PROCEDURAL HISTORY:

This proceeding concerns Jason & Karen Guymon's conditional use review hearing to construct a bridge and portions of a residential driveway within the riparian buffer on the property located at 73 North Underhill Station Road in Underhill, VT.

A. On August 19, 2014, Jason & Karen Guymon filed an application for conditional use review. A copy of the application and additional information are available at the Underhill Town Hall.

B. On August 25, 2014, a copy of the notice of a public hearing was mailed via Certified Mail to the Applicants, Jason and Karen Guymon, 496 Birchwood Drive, and to the following owners of properties adjoining the property subject to the application:

1. Goodman, 35 Highland Road, Underhill, VT 05489
2. Bassler, 71 N. Underhill Station Road, Underhill, VT 05489
3. Warren, 74 N. Underhill Station Road, Underhill, VT 05489
4. Davis, 41 N. Underhill Station Road, Underhill, VT 05489
5. Luce, 50 N. Underhill Station Road, Underhill, VT 05489
6. Vandeth/Juel, 60 N. Underhill Station Road, Underhill, VT 05489
7. Deforge, 77 N. Underhill Station Road, Underhill, VT 05489
8. Simanskas, 425 Poker Hill Road, Underhill, VT 05489
9. Catudal, 272 Pumpkin Harbor Road, Cambridge, VT 05444

C. Notice of the public hearing was posted at the following places:

1. The property to be developed NU073;
2. The Underhill Town Hall;
3. The Underhill Center Post Office;
4. The Underhill Flats Post Office

D. On August 27, 2014, notice of public hearing was published in Seven Days Newspaper.

E. The Conditional Use Review Hearing began at 7:30 PM on September 15, 2014.

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

- Charles Van Winkle, Chairperson
- Will Towle
- Penny Miller
- Jim Gilmartin
- Matt Chapek
- Mark Hamelin
- Karen McKnight

Planning and Zoning Administrator, Sarah McShane; Applicants Jason & Karen Guymon; Tony Catudal (272 Pumpkin Harbor Rd. Cambridge, VT), Merianne O'Brady (61 Highland Rd., Underhill, VT); Ellen Goodman (35 Highland Rd., Underhill, VT), and Cathy Bassler (71 N.Underhill Station Rd., Underhill, VT) also attended the hearing.

G. 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:

- Jason Guymon (Applicant/Property owner- NU073)
- Tony Catudal (Co-property owner- NU073)
- Ellen Goodman (35 Highland Rd, Underhill, VT)
- Merianne O'Brady (61 Highland Road, Underhill, VT)
- Cathy Bassler (71 North Underhill Station Rd., Underhill, VT)

H. During the course of the hearing the following exhibits were submitted to the Development Review Board:

a) Conditional Use Review Hearing Request (dated 8-20-2014);
b) Buffer/Encroachment Permit Application (dated 8-18-2014);
c) Conditional Use Review Standards Findings Checklist;
d) Copy of site plan with aerial image indicating location of proposed improvements;
e) Copy of bridge design drawing by T.R. Fellows Engineering (dated 7-22-14);
f) Copy of Appendix B: Category 1 Self Verification Form U.S. Army Corps of Engineers (no date);
g) Copy of letter to Antoine Catudal and Jason Guymon from T.R. Fellows Engineering (dated 7-22-2014);
h) Copy of VT DEC Authorization to Conduct Stream Alteration Activities from Chris Bruenelle (dated 6-25-2014);
i) Copy of CA-1 Catudal-Beaver Brook Crossing Watershed CB 1P, Catudal Proposed Bridge Report;
j) Copy of Shared Drive Sketch Plan as prepared by Northern Land Surveying, LLC. Project No. 13079 (date 8-20-2014);
k) A copy of email correspondence from Danielle Owczarski (District Wetlands Ecologist) to Karen Guymon dated 7-11-2013;
l) A copy of the letter mailed to abutters (dated 8-22-2014)
m) A copy of the public hearing notice posted in Seven Days on 8-27-2014;
n) A copy of the letter sent to the Stream Alteration Engineer and Army Corps of Engineers (dated 8-22-2014);
o) A copy of the tax map for NU073;
p) A copy of ANR map indicating the location of wetlands;
q) Field visit photos from 9-8-2014;

r) VT Dept. of Fish & Wildlife Guidelines for the Design of Stream/Road Crossings for Passage of Aquatic Organisms in Vermont (March 2009) (electronic copy);
s) A copy of the procedure checklist for this meeting; and
t) Procedural Memo.

The following Exhibits were submitted during the hearing:

- Exhibit Q- Recommendations from Harry Schoppmann III, Captain, Underhill Jericho Fire Department, (Email dated 9/15/2014 4:11 PM);

- Exhibit R- Letter from Kristin F. McCusker P.E., T.R. Fellows Engineering (dated September 13, 2014);

- Exhibit S- Additional bridge design drawing (Drawn by Tony Catudal, Reviewed by T.R. Fellows Engineering 9/13/14).

These exhibits are available in the Guymon, NU073, Conditional Use file at the Underhill Town Hall.

II. FINDINGS:

Factual Findings

The minutes of the meeting written by Sarah McShane are incorporated by reference into this decision. Please refer to these minutes for a summary of the testimony.

Based on the application, testimony, exhibits, and other evidence, the Development Review Board makes the following findings:

A. The Applicants seek a conditional use review approval to construct a bridge and portions of a residential driveway within the riparian buffer on property located at 73 North Underhill Station Rd. (NU073) in Underhill, VT.

B. The property is located within the Rural Residential zoning district as defined in Article II, Table 2.3 of the 2012 Unified Land Use and Development Regulations.

C. Conditional Use Review approval is requested for the project pursuant to review under the 2012 Unified Land Use and Development Regulations.

D. Access approval is requested pursuant to review under the 2002 Underhill Road Policy and the 2012 Unified Land Use and Development Regulations. Final review and approval of the access will be made by the Selectboard.

E. The Board finds that there is no physically feasible alternative for providing safe access. Article III, §3.19 (E)(2)(d)

III. CONCLUSIONS:

The Board finds the application is in conformance with the following sections of the Unified Land Use and Development Regulations:

- Article II, Table 2.3- Rural Residential District
- Section 3.2 - Access
- Section 3.19 – Surface Waters & Wetlands
- Section 4.2 – Accessory Dwelling
- Section 5.4 – Conditional Use Review

IV. DECISION AND CONDITIONS:

Based upon the findings above, and subject to the conditions below, the Development Review Board grants final approval for the Conditional Use Review application as described at the hearing and in the submitted application documents with the following conditions:

A. Approval is granted to construct a 30' x 14' bridge and portions of a residential driveway both as depicted in the application, within the Beaver Brook riparian buffer on the property located at 73 North Underhill Station Road in Underhill, VT.

B. The applicant shall conform to the VT DEC Authorization to Conduct Stream Alteration Activities from Chris Bruenelle (dated 6-25-2014) or any subsequent revisions.

C. A building permit is required for the construction of the principal dwelling. A zoning permit shall be retained prior to construction in accordance with Section 10.3 of the Unified Land Use and Development Regulations.

D. Applicant will be required to obtain Board approval prior to filing for a building permit application for the construction of a detached accessory dwelling.

E. An Access Permit shall be obtained by the Selectboard.

F. The E-911 code shall be posted per Underhill Jericho Fire Department specifications prior to the issuance of any building permit.

Dated at Underhill, Vermont this 19th day of September 2014.

Charles Van Winkle

Charles Van Winkle, Chair, Development Review Board

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceedings before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. §4471 and Rule 5 (b) of the Vermont Rules for Environmental Court proceedings. Appeal period ends 10/19/14.