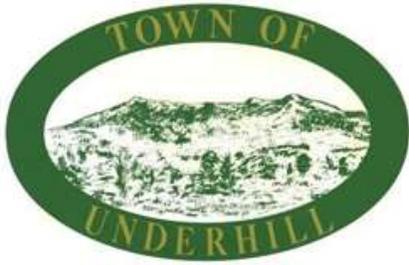


APPLICATION OVERVIEW

CONDITIONAL USE REVIEW (§ 5.4) & SITE PLAN REVIEW (§ 5.3)

DRB DOCKET #:	DRB-19-11
APPLICANT(S):	Scott & Amelia Tower
CONSULTANT(S):	Robert Linde
PROPERTY ADDRESS (PARCEL ID CODE):	73 River Road (RV073)
ZONING DISTRICT(S):	Rural Residential and Water Conservation
INITIAL FILING DATE:	August 16, 2019
APPLICATION COMPLETION DATE:	September 12, 2019
SCHEDULED HEARING DATE:	October 7, 2019

PROJECT DESCRIPTION:	The Applicants are seeking approval for a deck addition, which is within the property's setback.
MOST RELEVANT ULUDR SECTIONS:	§ 5.3 (Site Plan Review); § 5.4 (Conditional Use Review); and § 5.5 (Waivers & Variances)
REASON FOR CONDITIONAL USE REVIEW:	The construction of a structure within the property's setback requirements necessitates either a dimensional waiver (§ 5.5.B) or a variance (§ 5.5.C). See Exhibit K for a depiction of the proposed structure within the setback requirements.
APPLICABILITY OF ROAD ORDINANCE:	The 2015 Road Ordinance, as amended December 18, 2018 DOES NOT APPLY .
STATE PERMIT INFORMATION:	<ul style="list-style-type: none"> State permitting does not appear to be required.
COMMENTS/NOTABLE ISSUES:	<ul style="list-style-type: none"> The Board should evaluate if reasonable alternatives exist (§§ 3.8 & 5.5.B.4.a). The Applicants are not in conformance with the current bylaws in effect (§ 5.4.B.4), as the deck addition has already been constructed. The variance regulations do not appear to apply; however, should they need to, the variance criteria under Section 5.5.C shall be applied.



TOWN OF UNDERHILL

Development Review Board

SCOTT & AMELIA TOWER
CONDITIONAL USE: WAIVER REQUEST HEARING
Docket #: DRB-19-11

Applicant(s):	Scott & Amelia Tower
Consultant:	Robert Linde
Property Location:	73 River Road (RV073)
Acreage:	± 2.50 Acres
Zoning District(s):	Rural Residential and Water Conservation
Project Information:	The Applicants have constructed an addition to a deck, which encroaches into the west, side property setback.

2018 UNDERHILL UNIFIED LAND USE & DEVELOPMENT REGULATIONS RELEVANT REGULATIONS:

- Article II, Table 2.4 – Rural Residential (pg. 15)
- Article II, Table 2.5 – Water Conservation (pg. 18)
- Article III, Section 3.2 – Access (pg. 30)
- Article III, Section 3.7 – Lot, Yard & Setback Requirements (pg. 38)
- Article III, Section 3.8 – Nonconforming Lots (pg. 39)
- Article III, Section 3.9 – Nonconforming Structures (pg. 40)
- Article III, Section 3.11 – Outdoor Lighting (pg. 41)
- Article III, Section 3.13 – Parking, Loading & Service Areas (pg. 44)
- Article III, Section 3.14 – Performance Standards (pg. 46)
- Article III, Section 3.17 – Source Protection Areas (pg. 55)
- Article III, Section 3.18 – Steep Slopes (pg. 56)
- Article III, Section 3.19 – Surface Waters & Wetlands (pg. 63)
- Article III, Section 3.23 – Water Supply & Wastewater Systems (pg. 68)
- Article V, Section 5.1 – Applicability (pg. 112)
- Article V, Section 5.3 – Site Plan Review (pg. 115)
- Article V, Section 5.4 – Conditional Use Review (pg. 120)
- Article V, Section 5.5 – Waivers & Variances (pg. 123)
- Article VI – Flood Hazard Area Review (pg. 127)
- Appendix A – *Underhill Road, Driveway, Trail Ordinance*

CONTENTS:

- a. Exhibit A - Tower Conditional Use Review Staff Report
- b. Exhibit B - Tower (RV073) Conditional Use Review Hearing Procedures
- c. Exhibit C - Development Review Application
- d. Exhibit D - Responses to Development Review Application Questions
- e. Exhibit E - Zoning Permit Application (B-19-31)

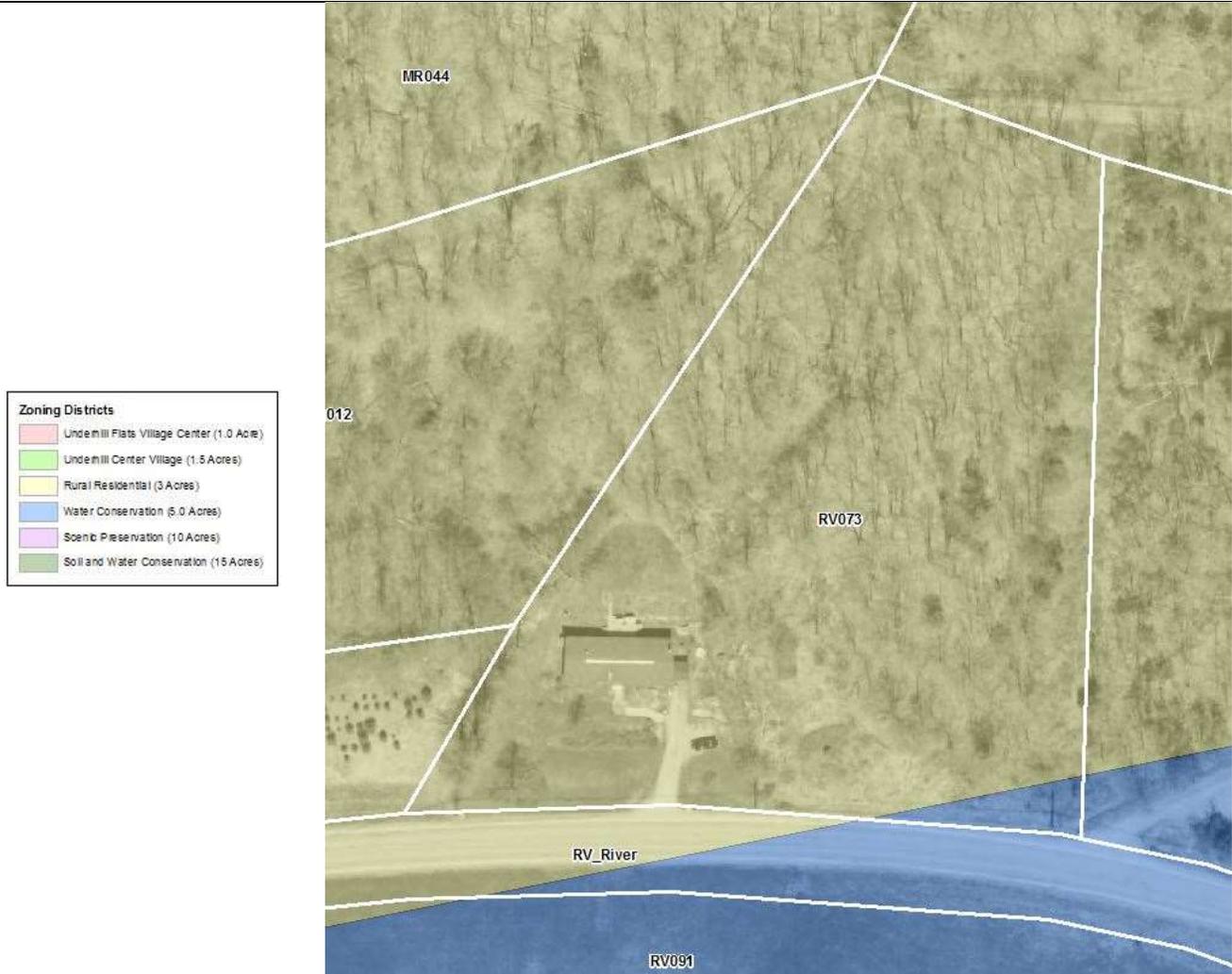
- f. Exhibit F - BFP Notice
- g. Exhibit G - Certificate of Service
- h. [Exhibit H - Omitted]
- i. Exhibit I - Zoning Board of Adjustment Decision
- j. Exhibit J - Site Plan
- k. Exhibit K - Site Plan with Waiver & Variance Limitations

COMMENTS/QUESTIONS

1. **SECTION 3.7 – LOT, YARD & SETBACK REQUIREMENTS:** A dimensional waiver may be approved by the Board “to allow for limited additions to or enlargements of nonconforming structures or structures on nonconforming lots” (§ 3.7.E.1).
2. **SECTION 3.8 – NONCONFORMING LOTS:** The Board may reduce the district setback requirements in accordance with Article V “as necessary to allow for the development of a pre-existing nonconforming lot, if the Board determines that the lot cannot otherwise be developed in conformance with the regulations.”
3. **SECTION 3.11 – OUTDOOR LIGHTING:** The Board typically requires that if new lighting is installed, it shall be downcast and shielded.
4. **SECTION 5.3.B.6 – LANDSCAPING & SCREENING:** The Board should take note of the landscaping & screening techniques of other properties in the areas to determine if any measures under this section should be taken.
5. **SECTION 5.3.B.8 – STORMWATER MANAGEMENT AND EROSION CONTROL:** The Board typically requires as a condition of approval that the Applicants adhere to the guidelines set out in the Vermont DEC Low Risk Site Handbook for Erosion Prevention and Sediment Control.
6. **SECTION 5.4.B.4 – BYLAWS IN EFFECT:** Staff finds that the construction of the deck addition has commenced without the proper permitting in place.
7. **SECTION 5.5.B.2 – APPLICABILITY OF WAIVER REQUEST:** A waiver may be approved in four situations. The proposed project seemingly qualifies under two of the four situations below:
 - a. To allow for the reasonable development and use of a pre-existing nonconforming lot.
 - b. To allow for additions or improvements to a pre-existing nonconforming structure.
8. **SECTION 5.5.B.4 – WAIVER REQUEST ELEMENTS:** The Board shall find that the proposed project satisfies four elements prior to issuing a waiver. When reviewing the four elements, the Board should take note of the following elements as it relates to the project:
 - a. *Element 1* – No reasonable alternative exists for siting the structure, addition or improvement outside of the required setback area.
 - b. *Element 3* – The waiver represents the minimum setback reduction necessary to allow for the proposed development.

STAFF FINDINGS OF RELEVANT SECTIONS

ARTICLE II – ZONING DISTRICTS



	Rural Residential	Water Conservation	Proposed Deck and Utility Room
Lot Size:	3.0 Acres	5.0 Acres	2.5 Acres
Frontage:	250 ft.	300 ft.	±389 ft.
Setbacks:	Principal	Principal	Source: ArcMap & Site Plan (Exhibits J & K)
	Accessory	Accessory	
• Front South	30 ft.	30 ft.	±97 ft.
• Side 1 West	50 ft.	20 ft.	~30 ft.
• Side 2 East	50 ft.	20 ft.	±275 ft.
• Rear North	50 ft.	20 ft.	±349 ft.
Max. Building Coverage:	25%	20%	Assumed Met
Max. Lot Coverage:	50%	30%	Assumed Met
Maximum Height:	35 ft.	35 ft.	Assumed Met

TABLE 2.4 – RURAL RESIDENTIAL DISTRICT**PG. 15**

Purpose Statement: The purpose of the Rural Residential District is to accommodate medium density development on land that has access to public roads where traditional development has taken place, where soil cover is thicker than on the hillside. The Rural Residential district allows for the continuation of existing commercial, residential, and public uses and to encourage future development, particularly along Route 15, Poker Hill Road and Irish Settlement Road that is compatible with these historic uses.

- The proposed deck addition will be attached to the single-family dwelling, and will continue to conform to the medium development along River Road, a public road.
- The existing lot does not conform to the minimize lot size requirement, and is therefore, a preexisting nonconforming lot (see Section 3.8, Nonconforming Lots below).
- The existing dwelling is within the property’s setback requirement, but was previously approved by the Zoning Board of Adjustment as part of a variance request review on October 22, 2002 (see Section 3.9, Nonconforming Structures below; see Exhibit I).
- The proposed project (deck addition) does not satisfy the west, side setback requirement (see Table above), thus requiring a dimensional setback waiver.

TABLE 2.5 – WATER CONSERVATION**PG. 18**

Purpose Statement: The purpose of the Water Conservation District is to protect the important gravel aquifer recharge area in Underhill Center.

- The southeast corner of the property is located in the Water Conservation District.
- The proposed project (deck addition) is not located in the Water Conservation District.
- The proposed project (deck addition) would unlikely impact the aquifer recharge area in a negative manner, even if the project was in the Water Conservation District.

ARTICLE III – GENERAL REGULATIONS

SECTION 3.2 – ACCESS**PG. 30**

- The subject lot accesses to River Road, a Class II Town Highway.
- While the lot is nonconforming, no modifications to the existing access way are being proposed, nor does the proposed project require modifications to the existing access way.
 - *Note:* The nearest part of the driveway is ±96 ft. from the west, side property line and ±365 ft. from the rear, north property line; therefore, is conforming with the 12 ft. setback requirement.
 - *Note:* The Board has authority to require the Applicants to relocated the existing access way if necessary per Section 3.2.D.4. Any relocation of the access way requires an access permit.
 - Relocation is not recommended and seems unnecessary.
- In regards to § 3.2.C.3, requiring an access permit for this project proposal is unnecessary.
- Since no modifications are being made to the existing driveway, review of § 3.2.D is unnecessary.

SECTION 3.7 – LOT, YARD & SETBACK REQUIREMENTS**PG. 38**

- The proposed deck addition will be attached to the north side of the single-family dwelling, the only principal structure/use on the lot.
- The proposed deck addition will not satisfy the west, side property setback requirement, and therefore, a dimensional waiver is required.
 - A dimensional waiver may be approved by the Board “to allow for limited additions to or enlargements of nonconforming structures or structures on nonconforming lots” (§ 3.7.E.1)

SECTION 3.8 – NONCONFORMING LOTS

PG. 39

- The Board may reduce the district setback requirements in accordance with Article V “as necessary to allow for the development of a pre-existing nonconforming lot, if the Board determines that the lot cannot otherwise be developed in conformance with the regulations.”
 - Due to site constraints, specifically the undersized lot and steep & very steep slopes, the ability to construct a conforming structure is limited.

SECTION 3.9 – NONCONFORMING STRUCTURES

PG. 40

- The approved single-family dwelling (see Zoning Board of Adjustment decision, Exhibit I) will remain an approved “nonconforming structure” in the same location.
- Typically, nonconforming structures cannot be expanded; however, the Board may grant a dimensional waiver to expand a nonconforming structure in accordance with Article V.

SECTION 3.11 – OUTDOOR LIGHTING

PG. 41

- No new lighting is proposed (see Exhibit D).
- The Board typically requires that if new lighting is installed, it shall be downcast and shielded.

SECTION 3.13 – PARKING, LOADING & SERVICE AREAS

PG. 44

- The proposed deck addition does not increase the number of parking spaces that are required for the existing uses on the property – a single-family dwelling (two parking spaces).

SECTION 3.14 – PERFORMANCE STANDARDS

PG. 46

- The proposed deck addition is not anticipated to create any of the situations/circumstances enumerated within this Section (specifically § 3.14.B).

SECTION 3.17 – SOURCE PROTECTION AREAS

PG. 55

- The subject lot is located entirely within the Groundwater Source Protection Area.
- The project is exempt from review under Section 3.17.B since it relates to a single-family dwelling.



SECTION 3.18 – STEEP SLOPES

- The ANR Atlas depicts areas of steep slopes (15%-25%) or very steep slopes (>25%) in the project area (see directly to the right).
 - While the proposed project (deck addition) does not appear to be located within any areas of steep slopes or very steep slopes, building the deck addition inside the existing “building envelope” is unlikely due to the “building envelope” being tightly confined resulting from the setback requirements and the abundance of steep and very steep slopes.



SECTION 3.19 – SURFACE WATERS & WETLANDS

- The ANR Atlas does not depict any surface waters or wetlands on the property.

SECTION 3.23 – WATER SUPPLY & WASTEWATER SYSTEMS

- A water/wastewater permit is not required for the proposed project.
- The water/wastewater systems appear to have been installed prior to 2007, when the State of Vermont began reviewing water/wastewater systems.

ARTICLE V – DEVELOPMENT REVIEW

SECTION 5.1 – APPLICABILITY

SECTION 5.1.A – TYPE OF REVIEW REQUIRED

- Conditional use review is required in accordance with Sections 3.7.E.1 and 3.9.

SECTION 5.1.B – COORDINATION OF REVIEW

- Does not apply.

SECTION 5.3 – SITE PLAN REVIEW

SECTION 5.3.A – PURPOSE

- Site plan review is required per § 5.4.C when reviewing a conditional use review application.

SECTION 5.3.B – STANDARDS *(the Board may wish to consider and impose appropriate safeguards, modifications and conditions relating to any of the following standards:)*

SECTION 5.3.B.1 – EXISTING SITE FEATURES

- The proposed deck addition appears to avoid, or conforms with, the constraints and requirements pertaining to the resources identified under Section 5.3.A.1.

- Should the Board discover any of the resources identified under Section 5.3.A.1, they have the ability to require one or more of the mitigation techniques:
 - Increased setback distances or undisturbed buffer areas between proposed development and identified resources.
 - The designation of building envelopes sited to exclude identified resource areas, and to limit the extent of site clearing and disturbance.
 - Permanent protection of identified resource areas as designated open space.
 - The screening of development as viewed from public vantage points.
 - The preparation and implementation of management plans for identified resources.

SECTION 5.3.B.2 – SITE LAYOUT & DESIGN

PG. 115

Rural Residential and Water Conservation Districts. Site design and layout shall reinforce the rural character and traditional working landscape of these districts, characterized by wooded hillsides, open fields, and a visual and functional relationship of structures to the surrounding landscape. Buildings shall be sited to minimize, to the extent physically feasible, encroachments on open fields and prominent ridgelines or hilltops, and be oriented and designed in a manner that is compatible with the residential character and scale of adjoining development within these districts.

- The proposed deck addition, is consistent with the rural character of the area and traditional working landscape of the Rural Residential District and Water Conservation District.
- The proposed deck addition appears to conform with the characteristics described.

SECTION 5.3.B.3 – VEHICLE ACCESS

PG. 116

- The property is currently accessed by one curb-cut via River Road.
 - No modifications to the existing curb-cut or driveway are anticipated.

SECTION 5.3.B.4 – PARKING, LOADING & SERVICE AREAS

PG. 117

- See Section 3.13 above.

SECTION 5.3.B.5 – SITE CIRCULATION

PG. 117

- Site circulation is expected to continue being consistent with site circulation patterns associated with single-family dwellings.

SECTION 5.3.B.6 – LANDSCAPING & SCREENING

PG. 118

- No modifications to landscaping and screening are proposed.
- The proposed deck addition will be located on the rear side of single-family dwelling, and will not be visible from River Road.
- The proposed deck addition is unlikely to be visible from the side or rear of the property due to dense vegetation and topography.
- The construction of the proposed deck addition will be consistent with similarly approved project and will conform with the proposed single-family dwelling.
- The Board should take note of the landscaping & screening techniques of other properties in the areas to determine if any measures under this section should be taken.

SECTION 5.3.B.7 – OUTDOOR LIGHTING

PG. 119

- See Section 3.11 above.

SECTION 5.3.B.8 – STORMWATER MANAGEMENT AND EROSION CONTROL **PG. 119**

- The Board typically requires as a condition of approval that the Applicants adhere to the guidelines set out in the Vermont DEC Low Risk Site Handbook for Erosion Prevention and Sediment Control.

SECTION 5.4 – CONDITIONAL USE REVIEW

SECTION 5.4.A – PURPOSE *(the standards and conditions should relate to the identification, avoidance and/or mitigation of potential impacts:)* **PG. 120**

- Board approval is required for development that is proposed to occur in the property's setbacks per Sections 3.7.E.1 and 3.9.

SECTION 5.4.B – GENERAL STANDARDS

SECTION 5.4.B.1 – THE CAPACITY OF EXISTING OR PLANNING COMMUNITY SERVICES OR FACILITIES **PG. 121**

- The construction of the proposed deck addition is not anticipated to have an adverse impact on the existing or planning community services or facilities.
- Staff did not solicit input from UJFD or MMU.

SECTION 5.4.B.2 – THE CHARACTER OF THE AREA AFFECTED **PG. 121**

- The construction of the proposed deck addition is not anticipated to have an adverse impact on the character of the area, as the single-family dwelling and proposed deck addition conform with other development in the area – single-family dwellings.
 - **Location:** the property is located in the Rural Residential District, specifically in an area where the large majority of the development is single-family 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 proposed deck addition will be attached to the single-family dwelling, a permitted use in the Rural Residential District.
 - **Density:** the proposed deck addition will not increase the density in the area affected.
 - **Intensity:** the proposed deck addition will negligibly change the intensity of the area affected.

SECTION 5.4.B.3 – TRAFFIC ON ROADS & HIGHWAYS IN THE VICINITY **PG. 121**

- The proposed deck addition is unlikely to increase the traffic on the roads and highways in the vicinity, thus not resulting in an adverse impact.

SECTION 5.4.B.4 – BYLAWS IN EFFECT **PG. 122**

- Staff finds that the construction of the deck addition has commenced without the proper permitting in place.
- Staff is unaware of any violations or other noncompliance issues pertaining to the property.
- The proposed deck addition will conform with the *Underhill Unified Land Use & Development Regulations* should the Applicants get approval from the Board.

SECTION 5.4.B.5 – THE UTILIZATION OF RENEWABLE ENERGY RESOURCES **PG. 122**

- The proposed development is not anticipated to interfere with any sustainable use of renewable energy resources.

SECTION 5.4.C – SITE PLAN REVIEW STANDARDS **PG. 123**

- See analysis under Section 5.3 above.

SECTION 5.4.D – SPECIFIC STANDARDS *(The Board may consider the following subsections 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 **PG. 123**

- The proposed development is consistent with the Town Plan.

SECTION 5.4.D.2 – ZONING DISTRICT & USE STANDARDS **PG. 123**

- The proposed deck addition will comply with the Rural Residential District dimensional and use standards should the Board grant conditional use approval.

SECTION 5.4.D.3 – PERFORMANCE STANDARDS **PG. 123**

- See Section 3.14 above.

SECTION 5.4.D.4 – LEGAL DOCUMENTATION **PG. 123**

- Does not apply.

SECTION 5.5 – WAIVERS & VARIANCES

SECTION 5.5.A – APPLICATIONS & REVIEW STANDARDS **PG. 123**

- The applicants have asked for a dimensional waiver to construct a deck addition.
- Other waivers may be granted by the Board as they see appropriate.
 - The Board may waive application requirements and site plan or conditional use review standards under §§ 5.3 and 5.4 that it determines are not relevant to the application.

SECTION 5.5.B – DIMENSIONAL WAIVERS

SECTION 5.5.B.1 – WAIVER REQUEST RATIONALE **PG. 124**

- The Applicants have requested a waiver to construct a deck addition, which will serve the single-family dwelling.

SECTION 5.5.B.2 – APPLICABILITY OF WAIVER REQUEST **PG. 124**

- The Board may grant a waiver if one of the following is true:
 - To allow for the reasonable development and use of a pre-existing nonconforming lot under Section 3.8.
 - To allow for additions or improvements to a pre-existing nonconforming structure under Section 3.9.
 - Comply with federal or state public health, safety, access and disability standards.
 - Allow for the siting of renewable energy structures.
- Statement 1 and 2 above appear to be applicable.

SECTION 5.5.B.4 – WAIVER REQUEST ELEMENTS **PG. 124**

- a. *Element 1* – No reasonable alternative exists for siting the structure, addition or improvement outside of the required setback area.
 - When reviewing the submitted site plan (see Exhibits J & K), siting the deck addition in an area that conforms to the setback requirements is unlikely due to the lot being undersized, as well as the steep slopes and very steep slopes, thereby inevitably encroaching upon the setback, thus requiring a waiver.

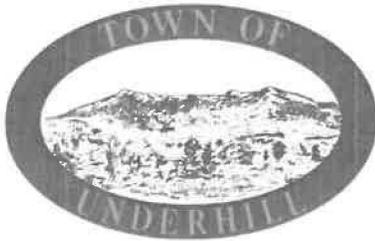
- b. *Element 2* – The reduced setback is not contrary to public health, safety and welfare, stated objectives and policies of the Underhill Town Plan, or the intent of these regulations.
 - Staff is unaware of any stated objectives and policies in the Town Plan where the construction of the proposed deck addition would be contrary.
- c. *Element 3* – The waiver represents the minimum setback reduction necessary to allow for the proposed development.
 - The waiver appears to represent the minimum setback reduction necessary to allow for the proposed development, as the single-family dwelling has already been granted a setback variance that encroaches into the setback more than what the Applicants are currently proposing with the deck addition.
- 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, other accepted mitigation measures.
 - The Board should evaluate if any mitigation measures are required as a result of the construction of the proposed deck addition.

ARTICLE VI – FLOOD HAZARD AREA REVIEW

- No Special Flood Hazard Areas are depicted on the existing lot (source: ANR Website); therefore, review under this Article is not required.

APPENDIX A – ROAD & DRIVEWAY STANDARDS

- Since no modifications to the existing driveway and curb cut are proposed, review under the Road Ordinance is unnecessary – an access permit is therefore not being sought at the direction of Staff.



UNDERHILL DEVELOPMENT REVIEW BOARD

CONDITIONAL USE REVIEW
HEARING PROCEDURES
Monday, October 7, 2019

Applicant(s): Scott & Amelia Tower
Docket #: DRB-19-11

State the following:

1. This is a conditional use review: waiver/variance request hearing on the application of Scott & Amelia Tower for the construction of a deck addition within the property's setback requirements on the land they own at 73 River Road (RV073) in Underhill, Vermont.

This application is subject to review under the 2011 *Unified Land Use & Development Regulations*, as amended March 6, 2018 and the 2015 *Road, Driveway and Trail Ordinance*, as amended December 18, 2018.

Conditional use review is intended to ensure compliance with standards addressing the potential impacts of development on adjoining properties, the neighborhood, and/or zoning district in which the development is located, and the community at large. Typically, land uses are subject to conditional use review because their scale, intensity and potential for off-site impacts warrant more careful scrutiny by the Development Review Board (DRB). Standards and conditions to be imposed relate to the identification, avoidance and/or mitigation of potential impacts. Should additional information be required, the Board reserves the option to continue the hearing to a time and date certain in order for that information to be submitted and reviewed by this Board.

2. Copies of the Rules of Procedure that the Board follows are available for review at the front counter, and can be obtained from the Planning & Zoning Administrator.
3. The order of speakers tonight will be:
 - a. We will hear from, and ask questions of, the applicant(s) and his or her representative(s);
 - b. Then we will hear and ask questions of the Planning & Zoning Administrator;
 - c. Then we will give other persons in the room a chance to speak. Under our Rules of Procedure, each speaker is limited to five minutes; however, that time can be extended upon request to the Board and majority consent of the Board; then
 - d. The applicant(s) and/or their representative(s) will have an opportunity to respond; then;
 - e. Final comments will be solicited from all parties.

All speakers should address their comments to the Board, not to other parties present at the hearing. Board Members may feel free to ask questions of any speaker.

4. Are any state or municipal representatives present, and acting in their representative capacities?

5. An Interested Parties Info Sheet is available to all attendees at the front counter or from the Planning & Zoning Administrator. 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.

6. If you are an applicant, representative of the applicant(s), 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.
7. 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?"***
8. Are there any conflicts of interest or have there been any ex parte communications on the part of the Board Members?
9. At this point I am going to enter into the record the information package that was sent by the Planning & Zoning Administrator prior to the hearing. The information included in this package relevant to this hearing is:

Exhibit A - Tower Conditional Use Review Staff Report
Exhibit B - Tower (RV073) Conditional Use Review Hearing Procedures
Exhibit C - Development Review Application
Exhibit D - Responses to Development Review Application Questions
Exhibit E - Zoning Permit Application (B-19-31)
Exhibit F - BFP Notice
Exhibit G - Certificate of Service
[Exhibit H - Omitted]
Exhibit I - Zoning Board of Adjustment Decision
Exhibit J - Site Plan
Exhibit K - Site Plan with Waiver & Variance Limitations

These exhibits are available in the Tower conditional use review file (DRB-19-11 / RV073) at the Underhill Zoning & Planning Office and on the Town's website.

10. We'll begin testimony, and hear from the applicant(s) and/or their representative(s).
11. Next we will hear from the Planning & Zoning Administrator.
12. Are there members of the public who would like to speak?
13. Any final comments from the Board or applicant(s) and/or their representative(s)?

14. 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, continue the hearing to a date and time certain, and outline for the Applicant(s) what is required at that continued hearing; or*
 - b. *If, by consensus, enough information has been presented to make a decision on the application, ask for a motion to close the evidentiary portion of the hearing.*
15. Ask for a motion to approve or deny the application, as well as asking the Board if they wish to discuss the application in open or closed deliberation? (After the ruling, continue with the info below.)

“Within 45 days from this hearing, the Planning & Zoning Administrator, on behalf of the Board, will send a copy of the decision to the Applicant(s), their representative(s), 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

DEVELOPMENT REVIEW (ART. V) APPLICATION

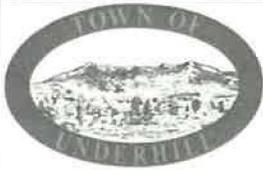
<p>OFFICE USE ONLY</p> <p>PROPERTY CODE: <u>RV073</u></p> <p>PROPERTY ADDRESS: <u>73 River Road</u></p>	<p>ZONING DISTRICT(S):</p> <p><input type="checkbox"/> Underhill Flats Village Center</p> <p><input type="checkbox"/> Underhill Center Village</p> <p><input checked="" type="checkbox"/> Rural Residential</p> <p><input type="checkbox"/> Water Conservation</p> <p><input type="checkbox"/> Mt. Mansfield Scenic Preservation</p> <p><input type="checkbox"/> Soil & Water Conservation</p>	<p>DRB Docket #: <u>DRB-19-11</u></p> <p>Received Date: <u>August 16, 2019</u></p> <p>Hearing Date: <u>October 2, 2019</u></p> <p>Application Completion Date: <u>September 12, 2019</u></p> <p style="text-align: right;"><small>(See Requirements Below)</small></p>
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SUBJECT PROPERTY ADDRESS: 73 River Road, Underhill, VT

Applicant Information	Landowner Information (if Different)
NAME(S): <u>Tower, Scott + Amelia</u>	NAME(S):
MAILING ADDRESS: <u>73 River Road, Underhill</u>	MAILING ADDRESS:
EMAIL ADDRESS: <u>scotthtower@hotmail.com</u>	EMAIL ADDRESS:
PHONE NUMBER: <u>802-899-2983 / 318-5434</u>	PHONE NUMBER:
Description of Proposed Project	Contractor/Surveyor Information (if Applicable)
<u>addition of 5x12 deck variance request</u>	NAME(S):
	MAILING ADDRESS:
	EMAIL ADDRESS:
	PHONE NUMBER:

APPLICANT SIGNATURE <u>Scott H Tower</u>	DATE <u>8-16-19</u>	Conditional Use Review
--	-------------------------------	-------------------------------

Variance Request	Site Plan Review	Applicable:
<p>Applicable:</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> Concurrent with an Appeal Request</p> <p><input checked="" type="checkbox"/> Concurrent with a Site Plan Review or Conditional Use Review App.</p> <p><input type="checkbox"/> No</p> <p>Required Materials</p> <p><input checked="" type="checkbox"/> Application (incl. Zoning Permit App.)</p> <p><input checked="" type="checkbox"/> Application Fee (\$150.00)</p> <p><input checked="" type="checkbox"/> Copies of a Site Plan</p> <p><input type="checkbox"/> State Project Review Sheet</p> <p><input type="checkbox"/> Draft Legal Documents</p> <p><input type="checkbox"/> Other Information Identified by the Zoning Administrator or Checklists (see § 5.2.A.1.e)</p> <p><input type="checkbox"/> Written Waivers/Modifications Requests</p> <p><input type="checkbox"/> Written response to variance requirements (see Page 2)</p> <p><small>Please Checkoff All Submitted Materials</small></p>	<p>Applicable:</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> Standalone Site Plan Review App.</p> <p><input type="checkbox"/> Concurrent Conditional Use Review</p> <p><input type="checkbox"/> No</p> <p>Required Materials</p> <p><input type="checkbox"/> Application (incl. Zoning Permit App.)</p> <p><input type="checkbox"/> Application Fee (\$150.00)</p> <p><input type="checkbox"/> Copies of a Site Plan</p> <p><input type="checkbox"/> State Project Review Sheet</p> <p><input type="checkbox"/> Draft Legal Documents</p> <p><input type="checkbox"/> Other Information Identified by the Zoning Administrator or Checklists (see § 5.2.A.1.e)</p> <p><input type="checkbox"/> Written Waivers/Modifications Requests</p> <p><input type="checkbox"/> Written response to site plan review requirements (see Page 2)</p> <p><small>Please Checkoff All Submitted Materials</small></p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> Other: _____</p> <p><input type="checkbox"/> Floodplain Review</p> <p><input type="checkbox"/> Required for Proposed Use</p> <p><input type="checkbox"/> Steam/Wetland Encroachment</p> <p><input type="checkbox"/> Waiver Request</p> <p><input type="checkbox"/> No</p> <p>Required Materials</p> <p><input type="checkbox"/> Application (incl. Zoning Permit App.)</p> <p><input type="checkbox"/> Application Fee (\$150.00)</p> <p><input type="checkbox"/> Copies of a Site Plan</p> <p><input type="checkbox"/> State Project Review Sheet</p> <p><input type="checkbox"/> Draft Legal Documents</p> <p><input type="checkbox"/> Other Information Identified by the Zoning Administrator or Checklists (see § 5.2.A.1.e)</p> <p><input type="checkbox"/> Written Waivers/Modifications Requests</p> <p><input type="checkbox"/> Written response to conditional use & site plan review requirements (see Page 2)</p> <p><small>Please Checkoff All Submitted Materials</small></p>



TOWN OF UNDERHILL

DEVELOPMENT REVIEW (ART. V) APPLICATION

In submitting this application, please submit a copy of the zoning permit application (if applicable), two (2) to-scale site plans, twelve (12) 11" x 17" copies of the site plan, in addition to the other requirements provided on page one of this application. Please be advised that separate State permits, include but not limited to, water/wastewater, stormwater, Act 250, and Construction General permits may be required. The applicant bears the responsibility and obligation to contact the State Permit Specialist (802-477-2241) to obtain a Project Review Sheet. A hearing before the Development Review Board will be scheduled by the Zoning Administrator upon determining that the application is complete. Note, that Zoning Administrator may require additional information or supporting documentation in conformance with Section 5.2.A.1.e of *Underhill Unified Land Use & Development Regulations*.

Conditional Use Review Supplemental Questions (Please Answer on a Separate Sheet of Paper)

Applies: Yes or No

1. Please advise how the proposed project affects the demand for community services and facilities.
2. Please advise how the proposed project relates to the character of the area. Discuss how project's a) location, b) type, c) density, and d) intensity relate to the character of area. Should the project not conform with any of the abovementioned attributes (location, type, density and intensity), please explain what mitigation measures will be utilized to avoid any undue adverse (negative) impacts to the character of the area.
3. Please specify the projected impact on traffic patterns resulting from the proposed project. The explanation shall address impacts on the following: a) traffic conditions; b) capacity; c) safety; d) efficiency; and e) the use of existing and planning roads, bridges, intersections, and associated highway infrastructure, in the vicinity.
4. Please advise of any aspects of the proposed project that does not comply with any Town regulations or ordinances.
5. Please advise how the proposed will not interfere with the sustainable use of renewable energy resources, including access to, or the direct use or future availability of, such resources.

Site Plan Review Supplemental Questions (Please Answer on a Separate Sheet of Paper)

Applies: Yes or No

1. Please provide supporting information on how the proposed site layout and design avoids undue adverse impacts to significant natural, historic and scenic resources. These resources include, but are not limited to: a) existing topography and drainage patterns; b) land above 1500 ft. elevation; c) areas of steep and very steep slope; d) surface waters, wetlands, and associate buffers; e) special flood hazard areas; f) delineated source protection areas; g) significant wildlife habitat areas and travel corridors; and h) scenic resources (see § 5.3.B.1.a.viii).
2. Please advise how the proposed location and orientation of structures, and supporting infrastructure on the site, are compatible with their proposed setting and context, as provided by the Town's Plan, zoning district objects, existing site conditions and features, adjoining or facing structures in the vicinity, and other applicable provisions in the *Underhill Unified Land Use & Development Regulations*. See Section 5.3.B.2 for more details.
3. Please advise how the proposed use meets the Town and State access management and design standards. Include an explanation of how the curb cut (s)/access way(s) and road intersection(s) do not create hazards to vehicles, pedestrians or bicyclists onsite or on adjoining roads, sidewalks and pathways.
4. Please advise how the proposed project conforms to the parking, loading & service areas.
5. Please explain how the proposed project provides for adequate and safe onsite vehicular and pedestrian circulation. Site plans shall address the requirements under Sections 5.3.B.5.a & b.
6. Please advise any proposed landscaping and screening modifications anticipated to occur. Any reduction in landscaping or screening, or any significant proposed project shall address the requirements of Section 5.3.B.6.
7. Please advise if the proposed project requires outdoor lighting. If so, please explain how the proposed lighting conforms to the requirements of Section 3.11.
8. Please advise of the proposed temporary and permanent stormwater management and erosion control measures that will be undertaken as part of the proposed project.

Variance Request Supplemental Questions (Please Answer on a Separate Sheet of Paper)

Applies: Yes or No

1. Please Submit a to-scale drawing depicting the following: a) frontage on a public or private road or right-of-way; b) setbacks to the front, rear, and side property lines; c) location of the septic system and well; d) easements or covenants where appropriate to show on the plan; e) any watercourse on the property; and f) abutting neighbors.
2. Please submit a short statement explaining why a variance is being sought. Please address any easements or covenants that may be attached to the property if not shown on the site plan.
3. For a variance to be granted, the Board needs to find that the following conditions are met:
 - a. There are unique physical circumstances or conditions (e.g. lot irregularities, lot narrowness, shallowness of lot size and/or shape, exceptional topography, or other physical conditions peculiar to the particular property) and that an unnecessary hardship is due to these conditions, and not the circumstances or conditions generally created by the provisions of the bylaw in the neighborhood or district in which the property is location.
 - b. Because of the physical circumstances or conditions identified above, there is no possibility that the property can be developed in strict conformity with the provisions of the bylaw, and that the authorization of a variance is therefore a necessary to enable the reasonable use of the property.
 - c. The unnecessary hardship has not been created by the appellant.
 - d. The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially, or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare.
 - e. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the bylaw and from the plan.

In the written statement, required under #2 above, please address each of the preceding conditions (a-e), specifically advising why the proposed project satisfies those conditions.

RV073

Variance Request

Conditional Use Review Supplement Questions

1. DNA
2. deck extension 72 sq ft addition on a $\frac{3}{4}$ ac. lot
3. DNA
4. does not meet town setbacks regulations
5. DNA

Site Plan Review Supplemental Questions

1. DNA
2. addition joins rear door + existing deck on north rear side of existing house.
3. DNA
4. DNA
5. DNA
6. no change in landscaping or screening will occur.
7. no change in rear lighting
8. no change in drainage or erosion control will occur.



TOWN OF UNDERHILL

ZONING PERMIT APPLICATION

OFFICE USE ONLY

APPLICATION #: B-19-31

PROPERTY CODE: BV073

ZONING DISTRICT(S):

- Underhill Flats Village Center
- Underhill Center Village
- Rural Residential
- Water Conservation
- Mt. Mansfield Scenic Preservation
- Soil & Water Conservation

APPLICANT:
Scott + Amy Tower

PROPERTY LOCATION:
73 River Road

MAILING ADDRESS:
same

EMAIL ADDRESS:
scotthtower@hotmail.com

PHONE NUMBER:
802-889-2923

LANDOWNER (IF DIFFERENT FROM APPLICANT):

LANDOWNER'S CONTACT INFORMATION:

CONTRACTOR:
Robert Linde

CONTRACTOR'S CONTACT INFORMATION:
304-995-9517

PROJECT DESCRIPTION:
replacement of deck 10x16
addition to deck 7x12'

Section A

Zoning Permit Application Type:

- Agricultural Exemption (Requires VT Review)
- Boundary Line Adjustment Permit (see Supp. Form)
- Building Permit (see Section B)
- After-the-Fact Building Permit (see Section B)
- Conversion/Change of Use Permit (see Section C)
- Home Occupation Permit (see Supplemental Form)
- Sign Permit (see Supplement Form)
- Temporary Structure Permit
- Temporary Use Permit
- General/Other: _____

Section B

Building Permit Application Information:

- Accessory Dwelling (see Section D)
- Accessory Structure(s) (e.g. barn, garage, shed, etc.)
- Addition:
 - Number of Bedrooms (if applicable): _____
 - Number of Bathrooms (if applicable): _____
- Single-Family Dwelling:
 - Number of Bedrooms: _____
 - Number of Bathrooms: _____
- Two-Family Dwelling:
 - Dwelling 1 - Number of Bedrooms: _____
 - Dwelling 1 - Number of Bathrooms: _____
 - Dwelling 2 - Number of Bedrooms: _____
 - Dwelling 2 - Number of Bathrooms: _____
- Multi-Family Dwelling:
 - Number of Units: _____
 - Total Number of Bedrooms: _____
 - Total Number of Bathrooms: _____
- Commercial/Industry
- Carport
- Porch/Deck/Fence
- In-Ground Pool

Section D

Accessory Dwelling Application Information:

- Attached Accessory Dwelling, or
- Detached Accessory Dwelling Structure

Square Footage of Principal Dwelling: 1320 sq. ft.

Square Footage of Proposed Accessory Dwelling: 84 sq. ft.

Number of Bedrooms (in Accessory Dwelling): 2

Number of Bathrooms (in Accessory Dwelling): 2

Section C*

Conversion/Change of Use Application Information:

Existing Use: 1480

Proposed Use: NA

of Bedrooms Added (if applicable): _____

of Bathrooms Added (if applicable): _____

*Please fill out this section if the project includes the conversion of unfinished living space to living space.

All construction is to be completed in accordance with the Town of Underhill Unified Land Use & Development Regulations, as amended, and any & all federal and/or State regulations currently in effect. Once approved, notice of the permit is required to be posted in a conspicuous location on the property during the appeal period. The Town recommends that that notice be posted during the duration of the construction period. The applicant and/or landowner is required to contact the necessary State agencies to obtain permits: (802) 477-2241 (permit specialist). Interest persons have the right to appeal the approval of a permit to the Development Review Board within fifteen days (15) from the date of issuance.



TOWN OF UNDERHILL

ZONING PERMIT APPLICATION

Dimensions of ALL Proposed Construction

Proposed Structure(s)	Front	Side	Side	Rear	Height (Max. 35 ft.)	Square Feet Added
7x12 Deck	12	7				
	12ft.	7ft.	7ft.	12ft.	3'	84 sq. ft.

Acreage: 2.5 Acres Frontage: 389 ft. Estimated Value/Cost of Construction: \$ 3300

FOR OFFICE USE ONLY

Setbacks: To be measured as the closest part of ALL NEW CONSTRUCTION to the subject lot line and natural features.

Proposed Structure(s)	Front	Side	Side	Rear	River, Stream, or Ponds	Wetland
Deck	~99ft. (South)	~35ft. (West)	~276ft. (East)	~347ft. (North)	N/A	N/A
SFD w/ Existing Decks	~65ft. (South)	~26ft. (West)	~229ft. (East)	~341ft. (North)	N/A	N/A

Site Constraints

Building & Lot Coverage Information

- Class II Wetland
- Class III Wetland
- Wetland Buffers
- Deer Wintering Yard
- Floodplain: Zone
- Named River(s)
 - Named River 1: _____
 - Named River 2: _____
- Prime Agricultural Soils (Not in project area)
- Unnamed Stream
- Source Protection Area
- Steep Slopes
- Very Steep Slopes } Not in project area.

- a. Total # of Acres: 2.5 acre(s)
- b. Total Lot Area (1 Acre = 43,560 sq. ft.): 108,900 sq. ft.
- c. Footprint of Proposed Project (sq. ft.): 84 sq. ft.
- d. Footprint of Existing Buildings (sq. ft.): 1,840 sq. ft.
- e. Footprint of Proposed & Existing Buildings (sq. ft.): 1,924 sq. ft.
- f. Total Building Coverage (line e / line b * 100): 1.77 %
- g. Total Impervious Service (sq. ft.): 3,424 sq. ft.
- h. Total Lot Coverage (lines e + g / line b * 100): 3.14 %

All construction is to be completed in accordance with the Town of Underhill Unified Land Use & Development Regulations, as amended, and any & all federal and/or State regulations currently in effect. Once approved, notice of the permit is required to be posted in a conspicuous location on the property during the appeal period. The Town recommends that that notice be posted during the duration of the construction period. The applicant and/or landowner is required to contact the necessary State agencies to obtain permits: (802) 477-2241 (permit specialist). Interest persons have the right to appeal the approval of a permit to the Development Review Board within fifteen days (15) from the date of issuance.



TOWN OF UNDERHILL

ZONING PERMIT APPLICATION

INSTRUCTIONS: Provide a sketch showing dimensions of the proposed construction. You may use another sheet, or the space below.

See attached.

Please Accurately Depict the Following (Checklist):

Required Features to Depict

- Location of Existing Property Boundaries
- Dimensions of Property's Boundaries
- Location & Footprints of Existing Structure(s)
- Location & Footprints of Proposed Structure(s)
- Location & Footprints of Existing Access Ways
- Location & Footprints of Proposed Access Ways
- Dimensions of Existing/Proposed Access Ways
- Setbacks from Property Boundaries
- Floor Plan of Proposed Structure(s)
- Height of Proposed Structure(s)

Required Features to Depict if Applicable

- Location of Existing/Proposed Easements
- Location of Existing/Proposed Rights-of-Way
- Location of Existing/Proposed Utilities
- Setbacks from Road Rights-of-Way
- Setbacks from Surface Waters & Wetlands
- Location of Existing/Proposed Water System (Well)
- Location of Existing/Proposed Wastewater Systems
- Other: _____

All construction is to be completed in accordance with the Town of Underhill Unified Land Use & Development Regulations, as amended, and any & all federal and/or State regulations currently in effect. Once approved, notice of the permit is required to be posted in a conspicuous location on the property during the appeal period. The Town recommends that that notice be posted during the duration of the construction period. The applicant and/or landowner is required to contact the necessary State agencies to obtain permits: (802) 477-2241 (permit specialist). Interest persons have the right to appeal the approval of a permit to the Development Review Board within fifteen days (15) from the date of issuance.



TOWN OF UNDERHILL

ZONING PERMIT APPLICATION

The undersigned hereby requests a Zoning Permit for the construction project described in this application. By signing below, Applicant acknowledges that he/she/they will comply with the requirements of the permit, if granted, and all Town Regulations. **Separate State permits including, but not limited to, water/wastewater, stormwater, Act 250, and Construction General Permits may be required. The applicant bears the responsibility and obligation to contact the State Permit Specialist at 802-477-2241 prior to construction.**

The Zoning Administrator (or representative) may access the subject property for purposes of inspections before, during, and upon completion of the project. Upon approval, a Permit Notice sign will be supplied to the Applicant to be posted within view of a Town Highway until the 15-day appeal period expires. Interested parties may exercise their appeal rights pursuant to 24 VSA §4465.

Applicant and/or their consultant(s) should check with the Road Foreman for any posted road restrictions. Failure to substantially commence construction by the permit expiration date will require a new permit from the Zoning Administrator. Upon completion of construction, Applicant must contact the Listers' office and the Zoning Administrator to obtain a Certificate of Occupancy (where applicable).

Scott H. Towns
Applicant Signature

7-29-19
Date

Landowner Signature

Date

OFFICE USE ONLY

RECEIVED: Date 8/2/2019

DEVELOPMENT REVIEW BOARD REVIEW (IF APPLICABLE):

Required Not Required

Date: 8/14/2019

- Conditional Use Review
- Site Plan Review
- Variance Request

APPROVED: Date _____

Effective Date _____

Expiration Date _____

REJECTED: Date _____

Permit Fee	\$
Posting Fee	\$ <u>15.00</u>
Recording Fee	\$ <u>15.00</u>
TOTAL FEE	\$
<input type="checkbox"/> Check #	<input type="checkbox"/> Cash

REFERRED (IF APPLICABLE):

To: _____

Date: _____

To: _____

Date: _____

Comments/Conditions:

Article XI, Definitions defines "Principal Structure" as "That structure or building in which the main, primary or principal use of the property is conducted. Attached accessory dwellings, garages, porches or carports, or other structures which share a common wall and/or roof, or are connected by an enclosed breezeway, are considered to be part of the principal structure. ↳ Since deck is considered part of principal structure, deck must meet setbacks for a principal structure.

Zoning Administrator

Date

All construction is to be completed in accordance with the Town of Underhill Unified Land Use & Development Regulations, as amended, and any & all federal and/or State regulations currently in effect. Once approved, notice of the permit is required to be posted in a conspicuous location on the property during the appeal period. The Town recommends that that notice be posted during the duration of the construction period. The applicant and/or landowner is required to contact the necessary State agencies to obtain permits: (802) 477-2241 (permit specialist). Interest persons have the right to appeal the approval of a permit to the Development Review Board within fifteen days (15) from the date of issuance.

1 order to promote desired types and patterns of mixed use development (see Article XI). See
2 also Mixed Use, Planned Residential Development.

3
4 **Plat:** A map or representation on paper, Mylar or other accepted material, of a piece of land
5 subdivided into lots and roads, drawn to scale.

6
7 **Post Office:** A facility operated by the United States Postal Service for the collection and
8 distribution of mail, and associated mailing and delivery services.

9
10 **Primary Agricultural Soils:** Agricultural soils of federal (prime), state (statewide) or local
11 importance for growing food and forage crops, as defined and mapped for the state by the
12 USDA Natural Resource Conservation Service.

13
14 **Principal Structure:** A structure or building in which the main, primary or principal use of the
15 property is conducted. Attached accessory dwellings, garages, porches or carports, or other
16 structures which share a common wall and/or roof, or are connected by an enclosed
17 breezeway, are considered to part of the principal structure.

18
19 **Private Club:** An establishment operated for social, recreational, educational or cultural
20 purposes that is open only to members and their invited guests, and not the general public.

21
22 **Public Improvement:** Any improvement which shall be owned or maintained by the Town of
23 Underhill or other government entity.

24
25 **Public Facility:** A building or other facility owned, leased, held, used, and/or controlled
26 exclusively for public purposes by a municipality, state or federal government, regulated utility
27 or railroad. Such facilities include, but may not be limited to municipal buildings and garages,
28 public parks and playgrounds, water and wastewater facilities, power generation and
29 transmission facilities, and educational facilities (see Section 4.16).

30
31 **Quarrying:** The removal of rock or minerals by means of open excavation to supply material for
32 construction, industrial or manufacturing purposes (see Section 3.4). See also Extraction.

33
34 **Reasonable Use:** A use of real property which is allowed within the district in which the
35 property is located, which provides some (but not necessarily all) potential benefit to the
36 owner, and which does not lead to unreasonable interference with another's use of property,
37 or with the natural flow of water. Reasonable use does not mean highest and best use; nor
38 does it include accessory uses, structures, or additions which may be customary, but are not
39 necessary, to the existing or intended principal use (e.g., garages, swimming pools).

40
41 **Reconstruct:** To replace or rebuild a building or structure which has been substantially
42 destroyed or demolished without regard to cause.

43
44 **Recreation, Indoor:** A building or structure designed, equipped and used for sports, leisure
45 time, and other recreational activities, except for such facilities which are accessory to an

**To: Burlington Free Press
Classifieds/Legals
legals@bfp.burlingtonfreepress.com
860-5329**

**From: Town of Underhill
Zoning & Planning
P.O. Box 120
Underhill, VT 05489**

LEGAL AD

Please e-mail to confirm receipt of this ad.

.....

Release Date: NO LATER THAN 09/21/2019

NOTICE OF PUBLIC MEETING

Town of Underhill Development Review Board (DRB)

Monday, October 7, 2019

At the Underhill Town Hall, 12 Pleasant Valley Road, Underhill, VT

The DRB will hold a hearing on the Conditional Use Review Application by Scott & Amelia Tower for the construction of a deck within the property's setback requirements on property they own located at 73 River Road (RV073). The subject property is located in the Rural Residential and Water Conservation zoning districts. A site visit will commence at the property's location at 6:10 PM on Monday, October 7, 2019, and the hearing will be held at Underhill Town Hall at 6:35 PM on Monday, October 7, 2019.

The DRB will hold a hearing on the combined Preliminary & Final Subdivision Review application by Tara & Keith Carter for a proposed two (2) lot subdivision of property they own at 39 Hobart Hill Road (HB039). The subject property is located in the Rural Residential and Soil & Water Conservation zoning districts. A site visit at the property's location will begin at 5:45 PM on Monday, October 7, 2019, and the hearing will commence at Underhill Town Hall at 7:10 PM on Monday, October 7, 2019.

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

Please call Andrew Strniste at the Planning & Zoning Administrator's office at 899-4434 x106 with any questions concerning this ad and to confirm receipt. Please remit bill to: Town of Underhill, RE: 10-07-19 DRB Hearing, P.O. Box 120, Underhill, VT 05489. Thank you.



Town of Underhill Development Review Board

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

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

Certificate of Service

I hereby certify that on this 19th day of September, 2019, a copy of the following documents were delivered to the below recipients and corresponding addresses by United certified mail, return receipt requested.

Documents:

Notice to abutting neighbors regarding a Conditional Use Review -Waiver Request hearing pertaining to the proposed construction of a deck within the property's setback requirements on property located at 73 River Road (RV073) in Underhill, Vermont, which is owned by Scott & Amelia Tower.

Recipients and Corresponding Address:

✓ **73 RIVER ROAD (RV073)**

Scott & Amelia Tower
73 River Road
Underhill, VT 05489

✓ **12 MAPLE RIDGE (MR012)**

Kevin King & Shelby Gillespie
12 Maple Ridge
Underhill, VT 05489

✓ **14 MAPLE RIDGE (MR014)**

William P. Baldwin & Sally Libby
14 Maple Ridge
Underhill, VT 05489

✓ **44 MAPLE RIDGE (MR044)**

Peter A. & Marcella Giammanco
44 Maple Ridge
Underhill, VT 05489

✓ **58 RIVER ROAD (RV058T)**

Steve G. & Wendy P. Guay
58 River Road
Underhill, VT 05489

✓ **79 RIVER ROAD (RV079)**

Paul R. & Karen G. Millette
P.O. Box 113
Underhill, VT 05489

✓ **91 RIVER ROAD (RV091)**

Nate L. Sullivan & Winifred L. Sullivan
91 River Road
Underhill, VT 05489

Andrew Strniste
Planning Director & Zoning Administrator
12 Pleasant Valley Road
Underhill, VT 05489

Date: 9/19/2019

TOWN OF UNDERHILL

ZONING ADMINISTRATION
Underhill, Vermont

ADMINISTRATIVE OFFICER

BOARD OF ADJUSTMENT

ZONING BOARD OF ADJUSTMENT - NOTICE OF DECISION

Mr. and Mrs. Scott Tower
73 River Road
Underhill VT 05489

Oct. 22, 2002

Dear Mr. and Mrs. Tower:

A public hearing was held on Sep. 23, 2002 to consider your request for variances to construct a new mobile home to replace your present house that is to be demolished at your lot at 73 River Rd. The following facts were found:

(1) You have been advised that your present home is in very poor condition, and you plan to demolish it and replace it with a double wide mobile home.

(2) The present house is a non-complying structure which does not meet several set back requirements, but the site of the new home will be less non-complying on your 2.5 acre lot.

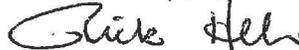
(3) The variances needed for construction of the new home are: 11 ft. from the required front yard set back and 20 ft. from a side yard set back. Also a variance of 95 ft. from a drainage swale you constructed to divert water away from your house some years ago. (This is not a pre-existing watercourse).

(4) All neighboring property owners were notified of this hearing.

Decision:

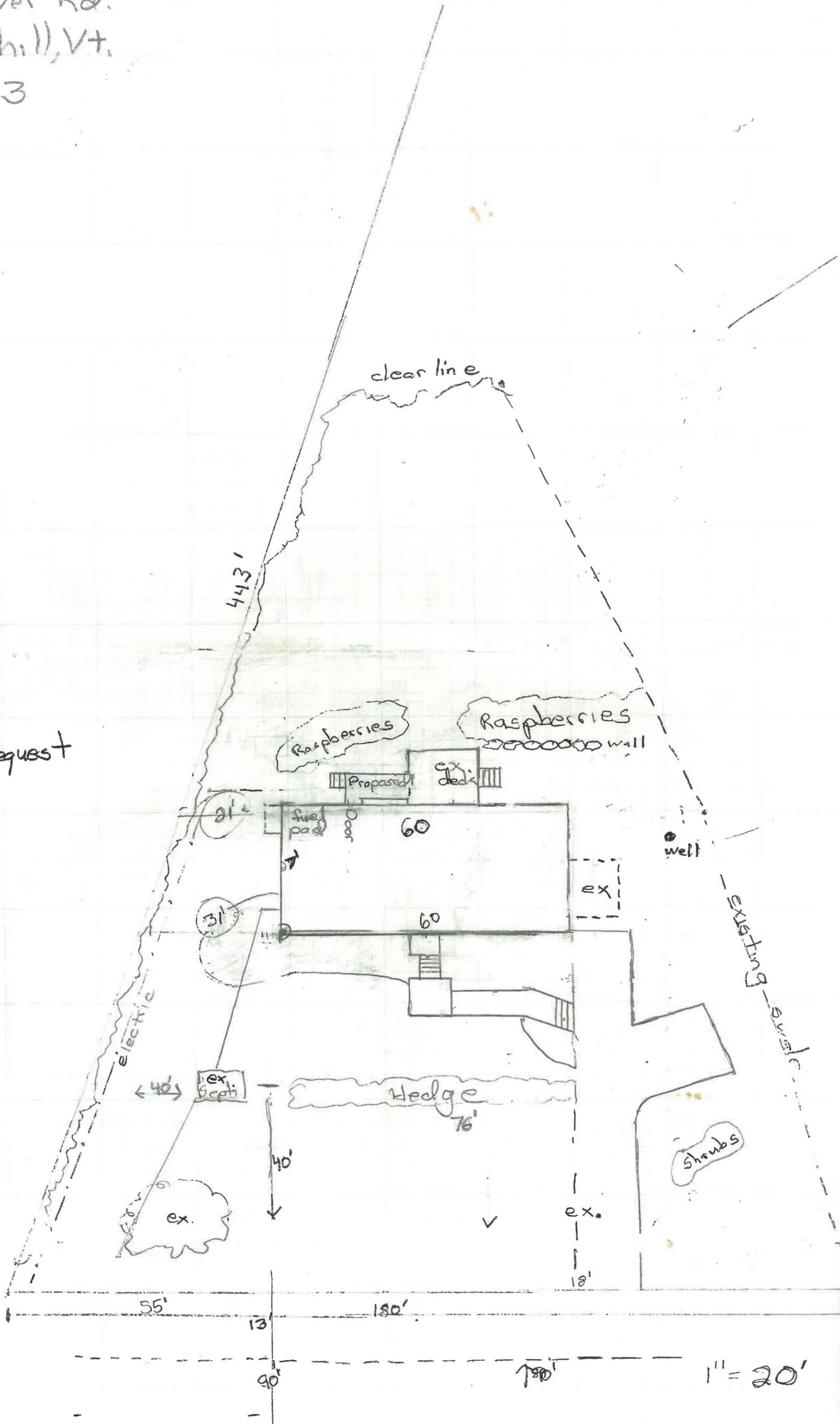
The Board voted to approve a variance of 11 ft. from the front yard set back requirement, a variance of 20 ft. from the side yard set back requirement, and, if needed, a variance of 95 ft. from a drainage swale to enable you to replace your present home with a double wide mobile home.

Sincerely yours,

Rick Heh, Chairman
Underhill Zoning Boardcc: Mr. and Mrs. David Sullivan
Mr. and Mrs. Dan MacDonald

Tower
73 River Rd.
Underhill, Vt.
RV073

Tower
RV073
waiver request



1" = 20'

Tower

73 River Rd.

Underhill, Vt.

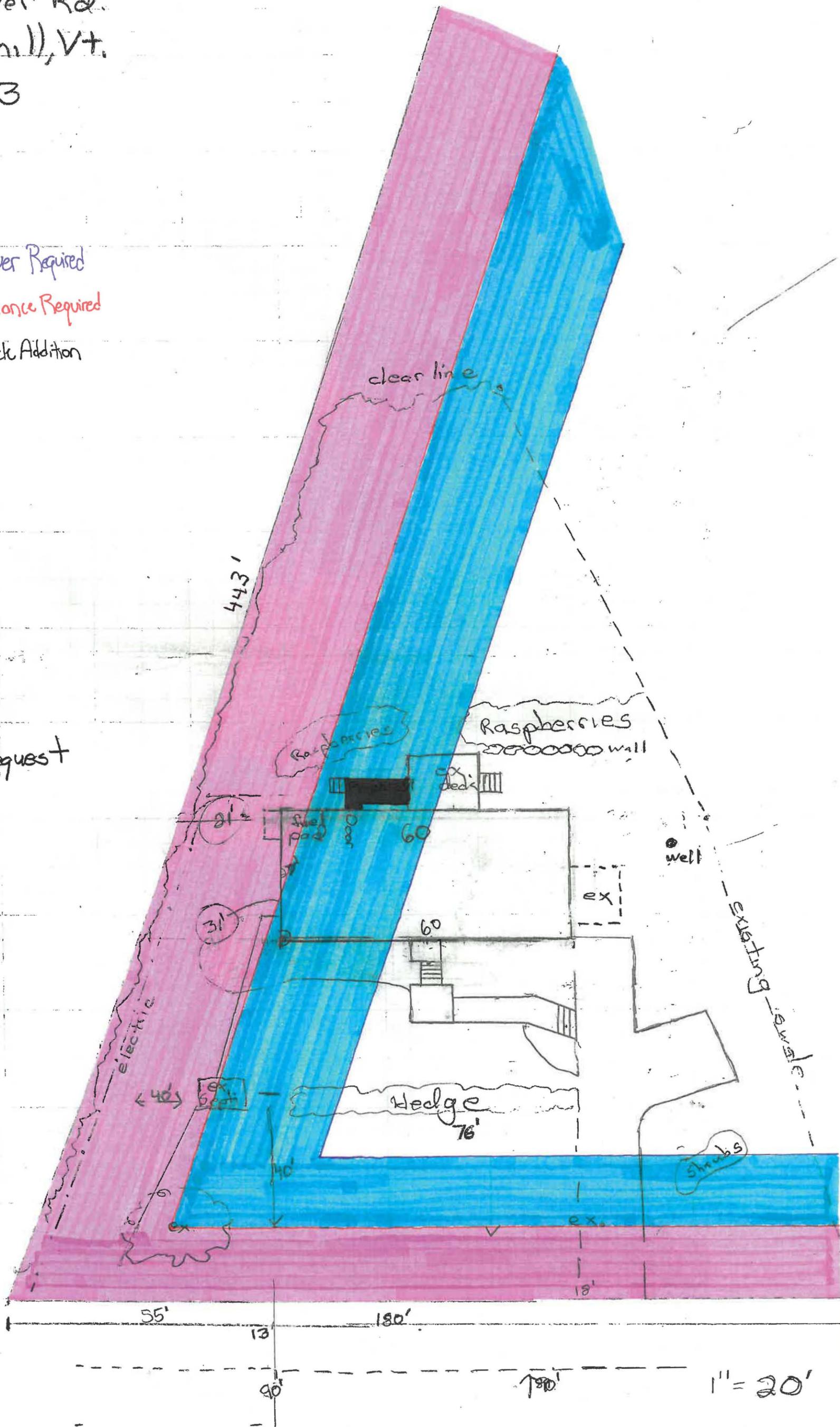
RV073

Waiver Required

Variance Required

Deck Addition

Tower
RV073
waiver request



1" = 20'