TOWN OF UNDERHILL
APPLICATION OF DENISE ANGELINO
FOR CONDITIONAL USE APPROVAL
TO OPERATE A DOG GROOMING BUSINESS AS A HOME OCCUPATION
FINDINGS AND DECISION

In re: Denise Angelino
3 New Road
Underhill, VT 05489

Docket No. DRB-14-09: Angelino

I. INTRODUCTION AND PROCEDURAL HISTORY

This proceeding involves review of Denise Angelino's application for conditional use review approval to operate a dog grooming business as a home occupation on property currently owned by Denise & John Angelino at 3 New Road in Underhill, VT.

A. On July 8, 2014, Denise Angelino filed a conditional use review application for a dog grooming business as a home occupation. Copies of the application and materials are available at the Underhill Town Hall.

B. On July 17, 2014, copies of the notice of a public hearing were mailed via Certified Mail to the Applicant, Denise Angelino, 3 New Road, Underhill, VT 05489, and to the following abutting neighbors:

1. Fitzgerald, 1397 Spear St, So. Burlington, VT 05403
2. Albertini, PO Box 168 Underhill Center, VT 05490
3. Friedman, PO Box 155, Underhill, VT 05489
4. Gibson, 50 New Road, Underhill, VT 05489
5. Town of Underhill, PO Box 32 Underhill Center, VT 05490
6. Angelino, 3 New Road, Underhill, VT 05489
7. Tomasi C/O Martha Tomasi, 286 Pine Ridge Rd, New Canaan, CT 06840
8. Murphy, 94 Irish Settlement Road, Underhill, VT 05489

Notice was also provided in person to the Underhill Selectboard, c/o Town Administrator Brian Bigelow.

C. Notice of the public hearing on the proposed Angelino conditional use review application was posted at the following places:

1. The property where the use is proposed, 3 New Road;
2. The Underhill Town Clerk's office;
3. The Underhill Center Post Office;
4. The Underhill Flats Post Office;
5. The Town of Underhill website.

D. On July 18, 2014, notice of a public hearing on the proposed conditional use review application was published in *The Burlington Free Press.*

E. The hearing began at 8:15 PM on August 4, 2014.

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

1. Charles Van Winkle, Chair
2. Will Towle
3. Penny Miller
4. Mark Hamelin
5. Jim Gilmartin
6. Matt Chapek
7. Karen McKnight

Sarah McShane, Planning & Zoning Administrator; Denise Angelino, Applicant; Marcy and Kevin Gibson (with son), 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:

1. Denise Angelino, 3 New Road, Underhill, VT
2. Marcy Gibson, 50 New Road, Underhill, VT

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

A. Denise Angelino's Home Business Permit Application (dated 7-8-14);
B. Copy of Denise Angelino's Sign Permit Application (undated);
C. Copy of map indicating proposed location for the sign (undated);
D. Copy of the Conditional Use Review Standards Findings Checklist;
E. Copy of the tax map for NR003 (shown as part of PV139);
F. Copy of the existing Conditional Use/Home Business Permit (CU-13-01);
G. Copy of DRB Decision for existing Contractor's Yard (dated 4-8-2013);
H. Copy of the hearing notice published in *The Burlington Free Press*;
I. Copy of the letter sent certified mail to abutters (dated 7-17-14);
J. A copy of the procedure checklist for this meeting; and
K. Meeting memo.

These exhibits are available in the Angelino, NR003, Conditional Use Review/Home Industry DRB 14-09 file at the Underhill Zoning Office.

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 Applicant, Denise Angelino, seeks conditional use review approval to operate a dog grooming business on property she and John Angelino own at 3 New Road.

B. The subject property, 3 New Rd., Underhill, VT is located in the Rural Residential and Water Conservation zoning districts per Article II, Tables 2.3 and 2.4 respectively of the 2012 Unified Land Use and Development Regulations.

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

D. Testimony was received during the hearing from Denise Angelino and Marcy Gibson. See the meeting minutes for details.

III. CONCLUSIONS

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

- Article II, Table 2.3 – Rural Residential District
- Article II, Table 2.4 – Water Conservation District
- Section 3.13 – Parking, Loading & Service Areas
- Section 3.14 – Performance Standards
- Section 3.16 – Signs
- Section 3.17 – Source Protection Areas
- Section 3.19 – Surface Waters & Wetlands
- Section 4.12 – Home Business
- Section 5.4 – Conditional Use Review

No waivers or variances were submitted by the Applicant. The Board waives all requirements and standards determined to be not applicable.

IV. DECISION AND CONDITIONS

Based upon the findings above, the Development Review Board unanimously grants approval for the Conditional Use Review application for the operation of a dog grooming business as a home occupation as described at the hearing and in the submitted application documents, with the following conditions:

A. This approval runs alongside and concurrently with the existing Home Industry/Contractor's Yard permit. Both activities are individually permitted and conditioned.

B. Permitted hours of operation are Monday through Friday, 7:00 AM-7:00 PM.

C. The overnight boarding of transient dogs and/or outdoor kenneling is not permitted.

D. All transient dogs must remain leashed at all times while outdoors.

E. The proposed sign shall meet the requirements of Section 3.16 and be issued a zoning permit from the Zoning Administrator.

F. All activities must comply with Section 4.12 of the Unified Land Use and Development Regulations.

G. This approval and related home industry permit is personal to the Applicant for as long she owns and resides on the parcel. The permit will not run with the land and shall be reapplied by any future owner/operator.

Dated at Underhill, Vermont this 22 day of August, 2014.

Charles Van Winkle

Charles Van Winkle, Chairperson, Development Review Board

NOTICE: This decision may be appealed to the Vermont Division of Superior Court by an interested person who participated in the proceeding 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 _____.