



Town of Underhill

Development Review Board

Site Plan Review Findings & Decision

SITE PLAN REVIEW APPLICATION BY ST. THOMAS CHURCH TO CONSTRUCTION AN ADDITION

In re: St. Thomas Church
2 Green Street (GR002X)
Underhill, VT 05489

Docket No. DRB-18-12

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

I. INTRODUCTION AND PROCEDURAL HISTORY

This proceeding concerns the site plan review application by St. Thomas Church pertaining to the construction of an addition to the existing church on property the church owns located at 2 Green Street (GR002X) in Underhill, Vermont.

- A. On June 19, 2018 Andy Rowe, on behalf of St. Thomas Church, submitted a building permit application pertaining to the construction of an addition to the existing church. The proposed addition will contain an elevator that will increase accessibility. After reviewing the application, Planning & Zoning Staff discovered that "Places of Worship" requires site plan review by the Development Review Board unless Staff was specifically authorized to approve applications administratively. Staff determined that the Zoning Administrator had not been given that authority; therefore, the application was referred to the Development Review Board on June 27, 2018.
- B. On June 28, 2018, the applicant, St. Thomas Church, submitted a site plan review application for the abovementioned project. The application was accepted and determined to be complete shortly thereafter. A hearing was scheduled for Monday, July 16, 2018 at 6:35 PM
- C. On June 29, 2018, notice of the site plan review hearing was mailed via Certified Mail to the following property owners adjoining the property subject to the application:
 1. Applicant: GR002X – Roman Catholic Diocese of Burlington, c/o Father Jordan, P.O. Box 3, Underhill Center, VT 05490
 2. BE002 – Steven & Andrea Leppert, 2 Beartown Road, Underhill, VT 05489
 3. BE004 – Robert A & Lori Frohock, 4 Beartown Road, Underhill, VT 05489
 4. GR008 – Guy G. Kennedy, 9 South Hill, Underhill, VT 05489
 5. KR006 – Nicholas J. & Amanda R. Tanner, 6 Krug Road, Underhill, VT 05489
 6. KR008 – Aldolph Wells, 8 Krug Road, Underhill, VT 05489
 7. KR010 – Peter D. & Nancy M. Geise, 10 Krug Road, Underhill, VT 05489
 8. PV001 – Rade Holdings, LLC, P.O. Box 184, Underhill Center, VT 05490
 9. PV002 [*Hand Delivered*] – Town of Underhill, Vermont, P.O. Box 120, Underhill, VT 05489

10. PV003 – Paul V. Moran & Nancy Jones, P.O. Box 134, Underhill Center, VT 05490
11. PV004X – Roman Catholic Diocese of Burlington, 55 Joy Drive, South Burlington, VT 05403
12. PV011 [*Hand Delivered*] – Town of Underhill, Vermont, P.O. Box 120, Underhill, VT 05489

D. During the week of June 24, 2018, notice of the public hearing for the proposed site plan 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.

E. On June 30, 2018, notice of public hearing was published in the *Burlington Free Press*.

F. The site plan review hearing commenced at 6:35 PM on Monday, July 16, 2018 at the Town of Underhill Town Hall, 12 Pleasant Valley Road, Underhill, VT.

G. Present at the site plan review hearing were the following members of the Development Review Board:

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

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

Others present at the hearing were:

1. Applicants' Representative, Andy Rowe (14 Morse Drive, Essex, VT)
2. Applicants' Representative, Marilyn Frederick (14 Evergreen Drive, Underhill, VT)

H. At the outset of the hearing, Chairperson 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. Applicants' Representative, Andy Rowe
2. Applicants' Representative, Marilyn Frederick

I. In support of the conditional use review application, the following exhibits were submitted to the Development Review Board:

1. Exhibit A – GR002X - St. Thomas Church Site Plan Review Staff Report
2. Exhibit B - GR002X Site Thomas Church Site Plan Hearing Procedures
3. Exhibit C - Site Plan Review Hearing Request Application
4. Exhibit D - Site Plan Review Standards Findings Checklist
5. Exhibit E - Building Permit Application B-18-24
6. Exhibit F - Burlington Free Press Notice of Public Meeting
7. Exhibit G - Certificate of Service

8. Exhibit H - Exterior Lighting Information
9. Exhibit I - Floodplain Map
10. Exhibit J - Site Plan
11. Exhibit K - ANR Groundwater Source Protection Area Map
12. Exhibit L - ANR Slopes Map

No additional exhibits were distributed to the Board prior to the Monday, July 16, 2018 hearing; however, the following exhibits were submitted into the record during the hearing:

13. Exhibit M – Floor Plans
14. Exhibit N – Elevations of the Proposed Addition
15. Exhibit O – LED Recessed Can Lighting Information
16. Exhibit P – Photograph of the Existing Ramp
17. Exhibit Q – Survey of 2 Green Street (GR002X)

All exhibits are available for public review in the St. Thomas Church Site Plan Review file (GR002X/DRB 18-12) at the Underhill Zoning & Planning office.

II. **FACTUAL FINDINGS & CONCLUSIONS**

The Minutes of the July 16, 2018 meeting, written by Andrew Strniste, are incorporated by reference into this decision. Please refer to the Minutes for a summary of the testimony.

Based on the submitted application, testimony, exhibits, and evidence, the Development Review Board makes the following findings under the requirements of the 2011 *Underhill Unified Land Use and Development Regulations* (ULUDR) as amended through March 6, 2018:

PROJECT SYNOPSIS

The applicant, St. Thomas Church on behalf of the Roman Catholic Diocese of Burlington, record owner of the property located at 2 Green Street (GR002X) in Underhill, Vermont, is seeking site plan review approval to construct an addition to the existing church on the abovementioned property. Since the applicant is proposing to construct an addition to the existing church, which is considered a “Place of Worship,” site plan review is required per Table 2.3.B.14. The entire property is located within the Underhill Center Village zoning district as defined under Article II, Table 2.3 of the ULUDR.

ARTICLE II, ZONING DISTRICTS

A. ARTICLE II, TABLE 2.3 –UNDERHILL CENTER VILLAGE DISTRICT

The Board finds the proposed project is an addition to an already established use within the district – a church (the applicable use is “place of worship”). The addition will increase accessibility to the building, as St. Thomas Church is proposing to add an elevator within the addition similar to the one at the Underhill Town Hall. The church already serves as a gathering place, thus satisfying the Village’s purpose statement. As proposed, the addition, as well as the existing structure, will satisfy the dimensional requirements of this district.

ARTICLE III, GENERAL REGULATIONS

A. SECTION 3.2 – ACCESS

The Board finds the applicant’s proposal does not impact existing curb cuts, nor will it make any modifications to the existing driveway or parking lot. The property at 4 Pleasant Valley Road contains a parking lot, which is separate from the subject lot. The subject lot contains a driveway

towards the west portion of the lot, which is approximately 15 feet from the western property boundary – along Krug Road – satisfying the 12 foot setback requirement. The Board notes that the applicant DOES NOT have to relocate, eliminate or modify any of the existing access ways or parking areas.

B. SECTION 3.7 – LOT, YARD & SETBACK REQUIREMENTS

The Board finds that the proposed addition will serve the existing church (a “Place of Worship”), and the existing lot conforms to the underlying district’s requirement of 1.5 acres, as the lot is 1.55 acres (as indicated by the applicant). The proposed addition will be located within the property’s setback requirements of 0 feet to the front property line and 15 feet to side and rear property lines. As proposed, the addition will be approximately: 5 feet from the front, northern property line; 157 feet from the side, western property line; 116 feet from the side, eastern property line; and 108 feet from the rear, southern property line.

C. SECTION 3.11 – OUTDOOR LIGHTING

The Board finds that any outdoor lighting added as part of the proposed addition be consistent with the lighting proposed and submitted in Exhibits H & O. Lighting added as part of this proposed project shall conform to Section 3.11.

D. SECTION 3.13 – PARKING, LOADING & SERVICE AREAS

The Board finds that the applicant has provided a site plan (see Exhibit J) illustrating that the proposed project meets the parking requirement of 1 per 200 square ft. of gross floor area, or 1 per 5 seats capacity, whichever is greater. The applicant has provided enough parking spaces for each scenario provided under Table 3.1.

E. SECTION 3.14 – PERFORMANCE STANDARDS

The Board finds that the applicant did not submit the requisite information to satisfy the requirements of Section 3.14; however, the Board finds that the applicant is proposing a use that is consistent with the use allowed in the district, and does not anticipate that the applicant will cause, create, or result in any of the situations identified in this section.

F. SECTION 3.17 – SOURCE PROTECTION AREAS

The Board finds that the subject lot is located entirely within a Groundwater Source Protection Area (see Exhibit K) and needs review under Section 3.17 to make sure the project is consistent with the requirements under Section 3.17.B. Under Section 5.2.B.2, the Board waives performing a review under Section 3.17.B as the proposed addition will not increase the seating capacity of the church.

G. SECTION 3.18 – STEEP SLOPES

The Board finds that there are areas of steep slopes (15-25%) and/or very steep slopes (>25%) on the lot; however, the proposed addition and existing church are not located in these areas; therefore, review and analysis under this Section is not required.

H. SECTION 3.19 – SURFACE WATERS & WETLANDS

The Board finds that there are no surface waters or wetlands on the subject lot. Therefore, review and analysis under this Section is not required.

I. SECTION 3.23 – WATER SUPPLY & WASTEWATER SYSTEMS

The Board finds that the proposed addition will not cause an increase in the water demand or wastewater capacity demand since the addition will only pertain to accessing the building.

Therefore, review under this Section is not required.

ARTICLE V, DEVELOPMENT REVIEW

A. SECTION 5.1 – APPLICABILITY

The Board finds that site plan review under Section 5.3 is required per Table 2.3.B.14 of the *Unified Land Use & Development Regulations*.

B. SECTION 5.3 – SITE PLAN REVIEW

Section 5.3.A – Purpose: The Board finds that site plan review is intended to ensure that site layout and development design are functional, safe, attractive, and consistent with the purpose and character of the district(s) in which the development is located. Standards specifically relate to the internal layout of the site, its physical design, and the functional and visual integration of the site with adjoining properties, uses and infrastructure.

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 proposed addition to the church will not be built within the property’s setback requirements, and that the addition will incorporate and avoid undue adverse impacts to significant natural, historic and scenic resources identified from the Underhill Town Plan, maps and related inventories, and the list enumerated under this subsection. The Board does not require any of the mitigation measures identified in Subsection b to be implemented.

Section 5.3.B.2 – Site Layout & Design: The Board finds that the proposed addition is consistent with the purpose and stated goals under Subsection b, Underhill Flats Village Center and Underhill Center Village Districts.

Section 5.3.B.3 – Vehicle Access: The Board finds that the applicant is not proposing to make any modifications to the existing access ways or parking areas. The Board notes that the applicant DOES NOT have to relocate, eliminate or modify any of the existing access ways or parking areas.

Section 5.3.B.4 – Parking, Loading & Service Areas: See Section 3.13 above for more information.

Section 5.3.B.5 – Site Circulation: The Board finds that site circulation will not be disturbed as a result of the proposed addition.

Section 5.3.B.6 – Landscaping and Screening: The Board finds that the existing landscaping and screening techniques will not be impacted by the proposed addition. The Board does not require any of the landscaping mechanisms under this subsection to be implemented.

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

Section 5.3.B.8 – Stormwater Management and Erosion Control: The Board finds that the applicant shall utilize the Vermont DEC Low Risk Site Handbook for Erosion Prevention and Sediment Control when constructing the addition.

ARTICLE VI, FLOOD HAZARD AREA REVIEW

The Board finds that there is a Special Flood Hazard Area located on the lot, as illustrated on the requisite Flood Insurance Rate Maps (see Exhibit I); however, the proposed addition will not be located in the floodplain area (as illustrated on the site plan – Exhibit J). 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 the permit 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”)

Note: under Section 3.1.C, should the owner of a structure that is substantially incomplete at the time the zoning permit expires, the owner of that structure shall either: 1) apply for a zoning permit – in this case submit a new site plan review application – or apply for a permit extension under Section 10.3; or 2) remove all materials from the site, restore the site to surface grade, and establish ground cover sufficient to prevent soil erosion.

SECTION 10.3.D.2 – DRB APPROVALS: The Board finds that site plan review 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 site plan review approval will remain in effect and run with the land. The Board finds that the applicants shall establish the uses within 12 months (1 year or July 26, 2019) of the approval date of this decision (July 26, 2018).

III. WAIVERS, MODIFICATIONS & SUPPLEMENTATIONS

The Board grants no waivers, nor grants any modifications:

IV. 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 addition generally conforms to the aforementioned Regulations.

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

1. The Board finds that any outdoor lighting that is added as part of this proposed project shall be

consistent with the lighting proposed in Exhibits H & O, and installed in the same manner as described during the hearing.

2. The Board finds that the applicants should utilize the Vermont DEC Low Risk Site Handbook for Erosion Prevention and Sediment Control when constructing the addition.
3. Delegation of authority. The Board hereby delegates authority to the Zoning Administrator regarding the fulfillment of the proposed project. The Board empowers the Zoning Administrator to act on behalf of the Board regarding any proposed changes in the approval or proposed design. These changes are not limited in scope, but are left to the discretion of the Zoning Administrator on when to defer changes or modifications to the Board.
4. The Board also hereby delegates authority to the zoning administrator to renew the approval should the project not begin substantial construction within the initial permit year.

Dated at Underhill, Vermont this 26th day of July, 2018.

Charles Van Winkle

Charles Van Winkle, Chairperson, Development Review Board

NOTICE: 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 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 August 25, 2018.