EXHIBIT
B

UNDERHILL DEVELOPMENT REVIEW BOARD

CONDITIONAL USE REVIEW
HEARING PROCEDURES
Monday, August 5, 2019

Applicant(s): Kurt Thoma & Rachel Fraumann
Docket #: DRB-19-07

State the following:

1. This is a conditional use review: waiver/variance request hearing on the application of Kurt Thoma & Rachel Fraumann for the construction of two decks, as well as conversion of the half, second floor to a full, second floor, within the property's setback requirements on the land they own at 43 Ellsworth Meadow Lane (EM043) 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 impose 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 - Thoma/Fraumann Conditional Use Review Staff Report
    Exhibit B - Thoma/Fraumann (EM043) Conditional Use Review Hearing Procedures
    Exhibit C - Development Review Application
    Exhibit D - Responses to Development Review Application Questions
    Exhibit E - Zoning Permit Application (B-19-23a)
    Exhibit F - Zoning Permit Application (B-19-23b)
    Exhibit G - Notice to BFP
    Exhibit H - Certificate of Service
    Exhibit I - Floor Plans
    Exhibit J - Elevations
    Exhibit K - Recorded Seasonal Camps
    Exhibit L - Wastewater System & Potable Water Supply Permit (WW-4-5075)
    Exhibit M – Wastewater System & Potable Water Supply Site Plan
    Exhibit N - Wastewater System Details
    Exhibit O - Site Plan with Proposed Additions, Waiver & Variance Limitations
    Exhibit P - Site Plan with Setback Measurements
    Exhibit Q - Tax Map Discrepancy

    These exhibits are available in the Thoma/Fraumann conditional use review file (DRB-19-07 / EM043) 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 deliberative or closed deliberative session? (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."