

Town of Underhill

P.O Box 120, Underhill, VT 05489

www.underhillvt.gov

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Zoning Violation

Inquiry Pertaining to Occupying a Building without a Permit

Sent via Certified Mail, Return Receipt Requested

August 16, 2018

Northern Shire, L3C
663 Guyette Road
Plainfield, VT 05667

To Whom It May Concern:

Pursuant to the 2018 *Underhill Unified Land Use & Development Regulations*, this zoning violation letter is being issued under § 10.6 and 24 V.S.A. § 4451 for the occupancy of a building without a certificate of occupancy permit.

As you are aware, a letter inquiring about the occupancy of one of the old Maple Leaf Farm buildings was sent to you on July 20, 2018. As explained in that letter, you and/or your representative informed the Underhill Planning & Zoning Department that you were no longer intending on using the old Maple Leaf Farm men's dormitory as an inn/hostel, and instead, the old Maple Leaf Farm men's dormitory would be used for residential rental purposes on a long term basis, and/or house individuals on a long term basis for free in return for their labor in renovating and maintaining the campus and its facilities. In addition, you and/or your representatives had advised that you have begun using the men's dormitory for residential use and for carrying out the activities of your programming business, as described during your March 19, 2018 hearing with the Underhill Development Review Board.

After the issuance of the inquiry letter, you advised Planning & Zoning Staff that you would be continuing the use of the old men's dormitory for various reasons including those stated above. You also acknowledged that the certificate of occupancy permit that was issued was for **ONLY** the old Maple Leaf Farm women's dormitory and administration building, which was issued for the conversion of those two buildings into single-family dwellings. Staff notes that the old Maple Leaf Farm men's dormitory has not received its certificate of occupancy permit, and therefore, shall not be occupied for any reason other than to perform renovation work consistent with the Board's conditional use approval.

Since you have continued to use the old Maple Leaf Farm men's dormitory without a certificate of occupancy permit, you are in direct violation of § 10.4.A of the 2018 *Underhill Unified Land Use & Development Regulations* and Condition 5 of the Development Review Board's decision (DRB-18-05). Additionally, Staff finds that the intended and current use of the men's dormitory is beyond the scope of the Board decision, and should you desire to use the men's dormitory for long term

housing or as a boarding house (rather than an inn/hostel, and later on as a boarding school), you should submit a conditional use review application for the Board to consider.

Therefore, in conformance with 24 V.S.A § 4451, you have seven days from the receipt of this notice to correct the abovementioned violation by vacating the old Maple Leaf Farm men's dormitory, and only occupying the building when you receive the proper permitting from the Town and from the State. Please understand that if you fail to take corrective action towards this violation within seven days, a fine of up to \$100 may be assessed each day the violation continues. Each day the violation continues constitutes a separate offense. You will not be entitled to an addition warning notice for a violation occurring after the seventh day.

If necessary, this matter may also be turned over to the Town Attorney to institute in the name of the municipality any action deemed appropriate by the municipality, such as an injunction or other proceeding to prevent, restrain, correct, or abate the use, or to prevent, in or about those premises, any act, conduct, business, or use constituting a violation. Such court action may be initiated in the environmental court as provided in 24 V.S.A. § 1974a.

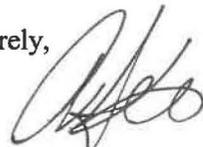
You should be aware that further action may be taken without the seven-day notice and opportunity to correct the violation if the violation of the bylaw or ordinance is repeated after the seven-day notice period and within the next succeeding 12 months.

In accordance with 24 V.S.A. § 4465, should you disagree with this Notice of Violation, you may appeal to the Development Review Board within 15 days of the date of this letter. A copy of the appeal must be provided to the Board's clerk, as well as the Zoning & Planning Administrator. The appeal must include the appellant's name and address, a brief description of the property with respect to which the appeal is taken, a reference to the regulatory provisions applicable to that appeal, the relief requested, and the alleged grounds for the requested relief.

The appeal must also be accompanied by a hearing, posting, and Certified Mail notice fee. Additional fees include the cost of notice in the newspaper as required per 24 V.S.A. § 4464(1)(A), \$10/page for recording of the decision, the cost of mailing via Certified Mail the final decision to you and all interested parties, and any applicable permitting costs.

Should you have any questions, please do not hesitate to contact at either: (802) 899-4434, ext. 106 or at astrniste@underhillvt.gov.

Sincerely,



Andrew Strniste
Planning Director & Zoning Administrator

cc: File
Northern Shire, L3C, 10 Maple Leaf Road, Underhill, VT 05489

encl: Appeal Application
Conditional Use/Site Plan Review Hearing Request Application
Conditional Use Review Standards Findings Checklist
Site Plan Review Standards Findings Checklist

Certified Mailing Tracking #: 7017 0660 0000 5816 4254
7017 0660 0000 5816 4261

TOWN CLERK'S OFFICE
Received AUG 16, 2018 10:30 AM
Recorded in VOL: 239 PG: 133 - 134
Of Underhill Land Records
ATTEST: Sherri Morin, Town Clerk