EXHIBIT
M

APPLICATION OF ROSS BREWER FOR A CONDITIONAL USE PERMIT TO CONVERT AN ABANDONED BUILDING TO A MIXED-USE BUILDING CONTAINING THREE APARTMENTS AND OFFICE SPACE

In re: Ross Brewer
413 Vermont Route 15 (VT413)
Underhill, VT 05489

Docket No. DRB-17-09

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

I. INTRODUCTION AND PROCEDURAL HISTORY

This proceeding concerns a conditional use application for the conversion of an abandoned building to a mixed-use facility containing three apartments and office space at 413 Vermont Route 15 (VT413) in Underhill, Vermont, owned by Ross Brewer.

A. On April 24, 2017, Katelin Brewer-Colie, on behalf of her father Ross Brewer (collectively known as the applicants), filed an application for a conditional use for the abovementioned project. The application was accepted and determined to be complete shortly thereafter. A site visit was scheduled for Thursday, June 1, 2017 at 6:30 PM, and the hearing was scheduled for Monday, June 5, 2017 at 7:00 PM.

B. On May 10, 2017, a copy of the notice of the conditional use review hearing was mailed via Certified Mail to the following property owners adjoining the property subject to the application:

1. VT411 – Karl F. Riemer, 411 Vermont Route 15, Underhill, VT 05489
2. VT414 – Moses & Gretchen Daly, 414 Vermont Route 15, Underhill, VT 05489
3. VT416 – Burton T. & Janice A. Robinson Life Estate, P.O. Box 73, Underhill, VT 05489
4. VT417 – Vincent J. & Cheryl M. Arpey, 417 Vermont Route 15, Underhill, VT 05489
5. Applicant: VT413 – W. Ross Brewer, 271 Poker Road, Underhill, VT 05489

C. During the week of May 7, 2017, notice of the public hearing for the proposed conditional use permit was posted at the following locations:

1. The Underhill Town Clerk's office;
2. The Underhill Center Post Office; and
3. The Underhill Flats Post Office.

D. On May 10, 2017, the notice of public hearing was published in the *Burlington Free Press.*

E. A site visit at the property located at 413 Vermont Route 15, Underhill, Vermont commenced at 6:30 pm on June 1, 2017.

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

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

Municipal representatives and members of the public present during the site visit were:

7. Planning & Zoning Administrator, Andrew Strniste
8. Co-Applicant, Katelin Brewer-Colie
9. Abutting Neighbor, Moses Daly
10. Abutting Neighbor, Karl Riemer
11. Abutting Neighbor, Janice Robinson

G. The conditional use review hearing commenced at 7:00 PM on June 5, 2017 at the Town of Underhill Town Hall.

H. Present at the conditional use review hearing were the following members of the Development Review Board:

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

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

Others present at the hearing were:

1. Karl F. Riemer, Abutting Neighbor (411 Vermont Route 15, Underhill, VT 05489)
2. Moses Daly, Abutting Neighbor (414 Vermont Route 15, Underhill, VT 05489)
3. Gretchen Daly, Abutting Neighbor (414 Vermont Route 15, Underhill, VT 05489)
4. Peter Mazurak, Applicant's Engineer (478 Blair Park Road, Williston, VT 05495)
5. Katelin Brewer-Colie, Co-Applicant (44 Booth Street, Burlington, VT)
6. Ross Brewer, Applicant (271 Poker Road, Underhill, VT 05489)

I. At the outset of the hearing, Chair C. 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. Karl F. Riemer
2. Moses Daly
3. Gretchen Daly

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

Exhibit A – Brewer Conditional Use Review Staff Report
Exhibit B- Conditional Use Hearing Request Form
Exhibit C - Site Plan Hearing Request Form
Exhibit D - Site Plan Review Standards Checklist
Exhibit E - Conditional Use Review Standards Checklist
Exhibit F - Certificate of Service
Exhibit G - Maintenance Plan
Exhibit H - MMU Ability to Serve Letter
Exhibit I - Notice to Agency of Transportation
Exhibit J - Correspondence Regarding Wastewater-Water Permit
Exhibit K - Site Plan
Exhibit L - First Floor Floor Plan
Exhibit M - Second Floor Floor Plan
Exhibit N - ANR Slopes Map

Prior to the hearing, and after the Staff Report was distributed, Planning & Zoning Administrator, Andrew Strniste, circulated the following exhibit:

Exhibit O - VT413 Conditional Use Rules of Procedure

The applicants submitted the following exhibits during the hearing:

Exhibit P – Confirmation from Mark Maheux Regarding Additional Parking Spaces
Exhibit Q – Examples of Proposed Light Fixture & Sign

All exhibits are available for public review in the VT413 Conditional Use Review file (DRB 17-09) at the Underhill Zoning & Planning office.

II. FINDINGS

The Minutes of the June 5, 2017 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 Underhill Unified Land Use and Development Regulations (ULUDR) as amended March 6, 2012 & March 4, 2014:

FACTUAL FINDINGS

The applicant, Ross Brewer, record owner of the property located at 413 Vermont Route 15 (VT413) in Underhill, Vermont, and his co-applicant, Katelin Brewer-Colie, are seeking a conditional use permit to convert an existing abandoned building to a mixed-use facility containing three apartments and office space. Since the applicants are proposing a building containing two types of uses, the project is designated as a mixed-use project, thus requiring conditional use review under Article II, Table 2.1.

The property is located in one zoning district: the Underhill Flats Village Center District as defined in Article II, Table 2.3 of the ULUDR.

ARTICLE II, ZONING DISTRICTS

A. ARTICLE II, TABLE 2.4 – UNDER FLATS VILLAGE CENTER DISTRICT

The Board finds that the existing lot does not meet the minimum dimensional requirements, specifically pertaining to setbacks and frontage; however, the building qualifies as a nonconforming structure per Section 3.9 and the lot qualifies as a nonconforming lot per Section 3.8.

ARTICLE III, GENERAL REGULATIONS

A. SECTION 3.2 – ACCESS

The Board finds that the existing lot contains two access points from Vermont Route 15, a regularly maintained State Highway. One access point is located towards the northeastern part of the lot, while the other access point is located towards the southeastern portion of the lot. The Board finds that there is no evidence that an access permit has ever been obtained, most likely since the existing development predates the access permitting process; however, the applicants have been in communication with the Agency of Transportation regarding the closing of the northern access point, thus satisfying the one access point requirement of Section 3.2.D.2

The Board waives the 12-foot setback requirement per Table 2.2 for the parking lot due to the small nature of the lot, noting that the applicants are not proposing to expand the boundaries of the existing lot, but rather, are eliminating the northern half of the lot to accommodate the wastewater water system and are retaining the boundaries of the south half of the parking.

The Board finds that the lot does not conform to the District's frontage requirement of at least 150 feet; however, the lot predates the current Underhill Unified Land Use & Development Regulations, and therefore qualifies as a pre-existing, nonconforming lot under Section 3.8.

B. SECTION 3.3 – CONVERSION OR CHANGE OF USE

The Board finds that the applicants have failed to satisfy the requirements of Section 3.3.A.1 since the lot fails to meet the dimensional requirements. However, Section 3.3.A.4 allows a nonconforming structure to be converted so long as it meets the requirements of Section 3.9.

Conditional use review is required under Section 3.3.A.3 since the proposed project includes three (3) dwelling units, as well as office space, thus qualifying the use as "mixed use." Multi-family dwellings (structures containing three or more dwelling units) and mixed uses are classified as conditional uses under Table 2.1, while office space is classified as a permitted use requiring site plan approval. Since the proposed use is a mixed-use facility, conditional use is the overriding review mechanism.

The Board finds that the applicants are in the process of obtaining Wastewater System & Potable Water Supply Permit from the Vermont Department of Environmental Conservation. The applicants propose to eliminate half of the parking lot to accommodate the wastewater system. Once obtained, the permit will confirm the presumption that the soils, water, and groundwater will not be contaminated.

C. SECTION 3.7 – LOT, YARD & SETBACK REQUIREMENTS

The Board finds that the existing structure and existing lot are both nonconforming. While the lot contains one existing structure, which is proposed to be occupied by three (3) apartments and office space, the structure fails to meet the setback requirements, and possibly the building and lot coverage requirements.

The Board finds that the structure has the following lot characteristics: the lot is ±0.29 acres; the front setback is ±52 feet; the south side setback is ±8 feet; the north side setback is ±13 feet; and the rear setback is 16 feet. The Underhill Flats Village Center District requires a 0-foot front setback and 20 feet side & rear setback requirement. The lot fails to meet the 150 feet frontage requirement, as it only has 112 feet of frontage along Vermont Route 15. Lastly, the Board finds that the existing building is within a Class II Wetlands buffer; however, since the applicants do not propose to enlarge the building's footprint, conditional use review under 3.19 is not required for approval.

The Board finds that applicants have satisfied the requirements of Sections 3.8 and 3.9, and will not be prevented from obtaining approval from the Board under this section.

D. **SECTION 3.8 – NONCONFORMING LOTS**
The Board finds that the lot was legally existing on the effective date of the current Underhill Unified Land Use & Development Regulations (March 1, 2011; Amended March 6, 2012; Amended March 4, 2014), and therefore, per Section 3.8.A, the lot may be developed for the purposes allowed in the district in which it is located even though it does not conform to the minimum lot size requirements.

E. **SECTION 3.9 – NONCONFORMING STRUCTURES**
The Board finds that the existing structure was legally in existence as of the effective dates of the current Underhill Unified Land Use & Development Regulations, and therefore, may continue to be occupied or used indefinitely. The applicants do not propose to structurally enlarge, extend, expand, modify, or move the building, but rather, the applicants propose the building to remain in the same footprint.

F. **SECTION 3.10 – NONCONFORMING USES**
The Board finds that both the proposed uses conform to the Underhill Flats Village Center, if approved as a conditional use, and therefore, this section does not apply.

G. **SECTION 3.11 – OUTDOOR LIGHTING**
The Board finds that the applicants did not submit a lighting plan; however, it waives this requirement under Section 3.11.C. The Board finds that the applicants propose to remove the existing exterior light fixtures and install new architectural light fixtures, maintaining minimal lighting on the exterior of the building and no lighting in the parking area. The proposed architectural-style light fixtures as presented in Exhibit Q or similar shall be located on the east side of the building, be full cutoff or shielded, not exceed 1800 lumens each (~100 watt incandescent bulb), have no spillover light to adjacent properties, and shall not exceed a total count of 5. The exterior light fixtures at the commercial entrances shall be on timers and motion sensors. No signage lighting has been requested by the applicants. Locations for new light fixtures shall be shown on the as-built site plan. Proposals for additional light fixtures or change of fixture style shall require review and approval by the Planning/Zoning Administrator and shall be referred to the DRB for a new Conditional Use review at the PZA's discretion.

H. **ARTICLE III, TABLE 3.1 – MINIMUM OFF-STREET PARKING REQUIREMENTS**
The Board finds that Table 3.1 Minimum Off-Street Parking Requirements does not adequately address how to accommodate fractions of parking spaces for mixed-use occupancies. Per this Table, the applicants are required to provide 4.5 spaces for residential tenants and four (4) spaces for the office space tenants. As a result, the Board requires the applicants to provide a total of nine (9) on-site parking spaces for the proposed project - 5 for residential tenants and 4 for the

commercial tenant.

The Board also finds that the applicants entered into a shared parking agreement with a nearby neighbor to allow for two (2) overflow parking spaces. Conditions regarding the parking arrangement are provided below in Section 3.13.

I. **SECTION 3.13 – PARKING, LOADING & SERVICE AREAS**

PARKING SPACES: The Board finds that the applicants have submitted a site plan indicating a total of 9 on-site parking spaces as required – eight (8) standard parking spaces and one (1) handicapped parking space. Furthermore, the Board finds that the applicants have provided two (2) overflow parking spaces on Mr. Mark Maheux's property two lots to the north, which was confirmed by the submission of an email to the Board during the hearing. The Board acknowledges that this agreement is voluntary and could lapse at Mr. Maheux's discretion. If that agreement expires and parking becomes an issue, the applicants will be required to submit an overflow parking plan for review and approval by the Planning/Zoning Administrator. Failure to adequately address parking-related issues in a timely manner shall result in a violation issued by the PZA.

The Board finds that no parking associated with this multi-use building is allowed on Route 15, and the applicants are responsible for enforcement. The applicants are responsible for directing overflow parking for their commercial or residential tenants to pre-arranged off-site parking spaces or public parking areas.

BICYCLE RACK: The Board finds that the applicants shall provide a bicycle rack and indicate its location on the as-built site plan to be submitted prior to obtaining a Certificate of Occupancy. The location of the bike rack shall not impede vehicular or pedestrian traffic.

FENCING: Given the parking lot's dimensional limitations, the Board recognizes the infeasibility of requiring landscape screening at the parking lot's southern border as a visual barrier between the adjacent residence and vehicle lights in the parking lot. As a substitute, the Board requires the applicants to provide and maintain opaque fencing at the parking lot's southern boundary, ensuring it does not block vehicular sight lines onto Route 15 from either the adjacent residential property or the property being developed. The Board waives the requirement that parking must be screened at its eastern border along Route 15, the public right-of-way, as required under Section 3.13.A.3.

PROPERTY MAINTENANCE: The Board finds that the applicants have provided a Maintenance Plan that addresses snow and trash removal and landscape maintenance. The Boards finds that the applicants will furnish an enclosure on the north side of the building for trash receptacles. Trash, composting, and recycling containers if stored outside shall be screened from the road and immediate neighboring properties to the satisfaction of the Planning and Zoning Administrator.

For snow removal, the applicants have agreed to pile plowed snow onto the grass north of the parking lot. The applicants shall ensure that all nine (9) on-site parking spaces are continuously available for parking throughout the year, and in the event of snow build-up encumbering on-site parking or site circulation or impeding vehicular sight lines onto Route 15, the applicants shall arrange for the excess snow to be removed to an off-site location. The location for on-site snow storage shall be added to the site plan.

The Board finds that the applicants are responsible for keeping the property free of debris and

trash.

J. **SECTION 3.14 – PERFORMANCE STANDARDS**
The Board finds that the applicants did not submit the requisite information to satisfy the requirements of Section 3.14; however, the Board does not anticipate that the proposed use of the property will cause, create or result in any of the situations identified in this section. Nevertheless, the applicants have communicated that the intended business is an educational publishing company, with hours of operation between 8:30 am and 4:30 pm, Monday through Friday. The Board recognizes that the hours of operation are more restrictive than the typical business day, and therefore, permits the hours of operation to occur anytime between 8:00 am and 5:30 pm, Monday through Friday. A change to the hours of operation requires the applicants to contact the Planning and Zoning Administrator for review and approval.

K. **SECTION 3.16 – SIGNS**
The Board finds that the applicants have proposed a sign containing an area of not more than eight (8) sq. ft., which is to be installed on the front of the building facing Vermont Route 15. The Board approves the sign size and locations and notes that a change to signage size or location requires the applicants to contact the Planning and Zoning Administrator for review and approval.

L. **SECTION 3.17 – SOURCE PROTECTION AREAS**
The Board finds the existing structure is located out of all known source protection areas, and therefore, this section does not apply.

M. **SECTION 3.18 – STEEP SLOPES**
The Board finds that there are areas of steep slopes (15-25%) or very steep slopes (>25%) on the lot; however, these areas are contained towards the rear portion (west) of the lot. The applicants have not proposed to expand the building footprint, and therefore, there will be no impact to the existing slopes.

N. **SECTION 3. 19 – SURFACE WATERS & WETLANDS**
The Board finds that there is a Class II Wetlands Buffer on the rear portion (west) of the lot. The applicants have not proposed to expand the building footprint, nor have proposed to disturb the wetland buffer. Therefore, review under this Section is not required since there will be no impact to this area.

O. **SECTION 3.22 – WATER SUPPLY & WASTEWATER SYSTEMS**
The Board finds that the applicants are in the process of obtaining a Wastewater System & Potable Water Supply Permit from the Vermont Department of Environmental Conservation. As communicated by the applicants, the permit will allow for the business to operate with six employees (15 gallons per employee) and three apartments (140 gallons per bedroom). Obtaining a Wastewater System & Potable Water Supply Permit is a requirement to obtain the Certificate of Occupancy Permit per Section 10.4.A.2. If the layout of the wastewater system changes between this approval and the installation of the system, it shall require review and approval by the Planning/Zoning Administrator and shall be referred to the DRB for a new Conditional Use review at the PZA's discretion

ARTICLE IV, SPECIFIC USE STANDARDS

A. **SECTION 4.13 – MIXED USE**
The Board finds that in the Underhill Flats Village Center zoning district a multi-family use (three dwelling units) is a conditional use, while an office use is a permitted use requiring site plan

review. Together, the two uses qualify the structure as a mixed-use structure requiring conditional use review. Therefore, with Board approval, the proposed project can be conditionally permitted. The proposed structure does not meet the required minimum lot size, frontage, setback, and maximum lot coverage of the Underhill Flats Village Center District; however, as discussed above, the lot and structure are both nonconforming and pre-existing.

In addition, the Board approves the application with the understanding that the proposed business is an office use in nature. If the nature of the business changes from office-type to another use, a subsequent Conditional Use review will be required, as the nature of the business could potentially impact other areas of the Board's decision (e.g. parking).

ARTICLE V, DEVELOPMENT REVIEW

A. **SECTION 5.1 – APPLICABILITY**

The Board finds that as part Section 5.4.C of the ULUDR, site plan review is required in addition to conditional use review required by Section 5.4.

B. **SECTION 5.3 – SITE PLAN REVIEW**

Section 5.3.A – Purpose: The Board finds that site plan review is required as part of conditional use review per Section 5.4.C.

Section 5.3.B – Standards: The Board has considered the following standards, and imposes and comments about the following safeguards, modifications, and conditions:

SECTION 5.3.B.1 – Existing Site Features: The Board finds that the applicants provided an adequate site plan allowing the Board to make a determination regarding the project. The Board notes that the building at issue is existing, and therefore, the site layout and design will more or less remain the same.

Section 5.3.B.2 – Site Layout & Design: The Board finds that the site layout and design conforms to the stated goals of the Underhill Flats Village Center District under Section 5.3.B.2.a. The Board notes that the proposed project is a revitalization project that supports the goals and purposes of the Underhill Flats Village Center.

Section 5.3.B.3 – Vehicle Access: The Board finds that the vehicular access points and parking lot are existing; however, the applicants propose to close the northern-most access point. The Board finds that this is consistent with Section 5.3.B.3.b which provides the Board the ability to reduce, consolidate, or eliminate all noncomplying curb cuts.

Section 5.3.B.4 – Parking, Loading & Service Areas: See Section 3.13 above for information regarding parking and service area requirements.

Section 5.3.B.5 – Site Circulation: The Board finds that the lot layout has inherent dimensional constraints which restrict site circulation. Nevertheless, the applicants shall ensure that the tenants have sufficient ingress and egress from the lot during all hours and an unimpeded path to the building entrances.

Section 5.3.B.6 – Landscaping and Screening: See Section 3.13 above for information regarding screening requirements.

Section 5.3.B.7 – Outdoor Lighting: See Section 3.11 above for information regarding outdoor lighting requirements.

Section 5.3.B.8 – Stormwater Management and Erosion Control: The Board waives this requirement under 5.5.A as there will be no development phases since the application pertains to a conversion of use rather than an expansion of the existing structure or the construction of a new building. Furthermore, the Board finds that the applicants are reducing the amount of impervious surface on the lot with the installation of the wastewater system on the northern part of the existing parking lot.

C. SECTION 5.4 – CONDITIONAL USE REVIEW

Section 5.4.A – Purpose: The Board finds that conditional use review is required due to the proposed use. The Board finds that the conditions imposed herein address the identified potential impacts, as well as help reduce, avoid, or mitigate those impacts.

Section 5.4.B – General Standards: The Board finds that the conditions imposed herein will mitigate any potential undue adverse effects.

Section 5.4.B.1 – The Capacity of Existing or Planned Community Services or Facilities: The Board finds that the proposed multi-family units and office business will not result in an increase in community services and facilities. The Board also finds that the applicants are in the process of obtaining a Wastewater System & Potable Water Supply Permit from the Vermont Department of Environmental Conservation, which will confirm the presumption that the proposed project will not be a strain on the community's services or facilities.

Section 5.4.B.2 – The Character of the Area Affected: The Board finds that the Town Plan encourages multi-family dwellings/mixed-use buildings to be located in the village centers, such as Underhill Flats Village District:

> § 3.1 Land Use, which states: "1. Traditional Village Centers: Underhill has two traditional village centers, Underhill Center and the Underhill Flats area. *These areas are characterized by relatively dense, mixed use development.*" [*Emphasis Added*]
>
> § 3.1 Land Use, which states under item 2: "Multi-family dwellings are allowed as a conditional use in all zoning districts except Soil & Water Conservation. Commercial operations exist in all zoning districts because of allowed conditional uses."

Section 5.4.B.3 – Traffic on Roads and Highways in the Vicinity: The Board finds that the change of use from an abandoned building to a mixed-use building containing office space and three apartments will result in a minimal impact on the road network.

Section 5.4.B.4 – Bylaws in Effect: The Board finds that the application is in conformance with the regulations in effect at this time.

Section 5.4.B.5 – The Utilization of Renewable Energy Resources: The Board finds that the proposed conversion of use will not interfere with any sustainable use of renewable energy resources.

Section 5.4.C – Site Plan Review Standards: The Board finds that the site plan review is required as a part of conditional use review. Analysis can be found under Section 5.3 above.

Section 5.4.D – Specific Standards: The Board finds that they may consider the Subsections 5.4.D.1 through 5.4.D.4 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: The proposed conversion of use complies with the Town Plan (see Section 5.4.B.2 above).

Section 5.4.D.2 – Zoning District & Use Standards: The Board finds that the project contains a nonconforming structure on a nonconforming lot, and that these characteristics shall not bar the applicants from approval.

Section 5.4.D.3 – Performance Standards: The Board finds that the proposed project will comply with the performance standards set forth in Section 3.14 above.

Section 5.4.D.4 – Legal Documentation: The Board finds that the applicants have provided a maintenance plan, which addresses trash removal, snow removal and landscape maintenance.

D. **SECTION 5.5 – WAIVERS & VARIANCES**

Section 5.5.A – Applications & Review Standards: The Board finds that it has the authority to waive application requirements and site plan or conditional use review standards under Sections 5.3 and 5.4 that it determines are not relevant to a particular application. The Board has noted those conditions that have been waived throughout this decision. Any provision that was not explicitly waived, and has not been explicitly addressed, the Board makes no finding on.

ARTICLE VI, FLOOD HAZARD AREA REVIEW

There are no Flood Hazard Areas present on the lot, and therefore, review under Article VI is not required.

III. CONCLUSION

The Board thoroughly reviewed all aspects of the proposal under the evaluation criteria in the ULUDR, and it is satisfied with the level of investigation, engineering and evaluation conducted in the application submittal and review process concerning the abovementioned project.

Based on the evidence submitted and the above findings, the Board concludes that the proposed project generally conforms to the Underhill Land Use & Development Regulations.

IV. WAIVERS, MODIFICATIONS & SUPPLEMENTATIONS

The Board grants the following waivers/modifications:

- The Board waives the 12-foot setback requirement per Table 2.2 at the parking lot's south boundary because the parking lot is pre-existing and dimensionally constrained.
- The Board waives that the requirement that parking must be screened from public rights-of-way, as required under Section 3.13.A.3.

V. DECISIONS AND CONDITIONS OF APPROVAL

Based upon the findings above, the Development Review Board grants conditional use approval as presented at the hearing, subject to the following conditions. See the narrative above for more detailed requirements related to the summarized conditions below.

1. The proposed architectural-style light fixtures shall be located on the east side of the building, be full cutoff or shielded, not exceed 1800 lumens each (~100 watt incandescent bulb), have no spillover light to adjacent properties, and shall not exceed a total count of 5. The exterior light fixtures at the commercial entrances shall be on timers and motion sensors.
2. The applicants shall provide a bicycle rack.
3. The applicants shall provide opaque fencing to screen the parking from the residential lot located to the south (411 Vermont Route 15).
4. The applicants shall ensure that all nine (9) on-site parking spaces are available for parking continuously throughout the year. In the event of snow build-up encumbering on-site parking or site circulation or impeding vehicular sight lines onto Route 15, the applicants shall arrange for the excess snow to be removed to an off-site location.
5. The standard parking spaces shall be dimensioned per Section 3.13.A, and the handicapped parking space shall be dimensioned per the Vermont State Accessibility Code. All parking spaces shall be striped.
6. If the off-site, private parking arrangement expires and the lot cannot adequately accommodate parking for the residential and commercial tenants, the applicants are required to contact the Planning and Zoning Administrator for review.
7. No parking for this multi-use building is allowed on Route 15, and the applicants are responsible for enforcement.
8. The applicants shall ensure that all tenants have sufficient ingress and egress from the lot during all hours.
9. Trash, composting, and recycling receptacles shall be adequately screened from Vermont Route 15 and adjacent residential properties.
10. The applicants are responsible for keeping the property free of debris and trash.
11. The hours of operation for the non-retail, office-type business can occur anytime between 8:00 am and 5:30 pm, Monday through Friday.
12. The Board finds that the applicants shall erect a sign containing an area of not more than eight (8) sq. ft., which is to be installed on the front of the building facing Vermont Route 15.
13. Second story emergency egress such as a fire escape that may require ground based infrastructure shall not require a subsequent Conditional Use review. Such infrastructure shall be shown on the as-built drawings.
14. The applicants shall submit as-built drawings prior to obtaining the Certificate of Occupancy. The revised site plan shall locate and identify the following: handicapped ramp; bicycle rack; exterior trash enclosure; location of new exterior light fixtures; location for intended snow pile storage; location of south boundary fence and descriptive note that it shall be opaque-type.
15. The applicants shall secure all required permits or approvals from the applicable Vermont state agencies, including but not limited to the Division of Fire Safety (or written verification a permit

is not required). These permits shall be submitted to the Zoning Administrator prior to obtaining to a Certificate of Occupancy as required under Section 10.4.A.2.

16. The above conditions must be met by the applicants prior to obtaining a Certificate of Occupancy, and any ongoing conditions shall be the permanent responsibility of the building owner if the property changes ownership. Additionally, the project shall conform to the submitted application materials and hearing testimony presented by the applicants. Any changes to the plans, the wastewater layout, the office-type occupancy or any obstructions to the conditions above shall be brought to the attention of the Planning and Zoning Administrator for review and shall be referred to the DRB for a new Conditional Use review at the PZA's discretion.

Dated at Underhill, Vermont this _28_ day of _JUNE___, 2017.

Charles Van Winkle

Digitally signed by Charles Van Winkle
DN: cn=Charles Van Winkle, o=Northern Reliability, Inc, ou=Chief Operations Officer, email=charlievanwinkle@outlook.com, c=US
Date: 2017.06.28 09:14:50 -04'00'

Charlie Van Winkle, Chair, 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 July 29, 2017.