



# Town of Underhill

## Development Review Board

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### Development Review Board

#### STAFF REPORT

To: DRB, SB, UJFD, UCC  
From: Underhill Planning and Zoning  
Date: October 25, 2018  
Re: Agenda and Information for 10/29/2018

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### SPECIAL PUBLIC MEETING

#### AGENDA

**Monday, October 29, 2018 –Public Hearing(s)**  
**Underhill Town Hall, 12 Pleasant Valley Road, Underhill, VT**

- 6:30 PM Open Meeting, Public Comment Period
- 6:35 PM Appeal of Zoning Violation  
Applicant(s): ReTribe Transformations  
Docket #: DRB-18-15  
Location: 8 Maple Leaf Road (ML008)
- 7:05 PM Conditional Use Review: Update Application Pertaining to Mixed-Use Facility  
Applicant(s): ReTribe Transformation  
Docket #: DRB-18-16  
Location: 8 Maple Leaf Road (ML008)
- 8:30 PM Other Business  
  - Approve Previous Meeting Minutes
- 8:35 PM Executive Session to Discuss Duval Appeal
- 9:00 PM Adjourn

# ReTribe Transformations Conditional Use Review

**Docket #: DRB-18-16**

**Conditional Use Review Application by ReTribe Transformations to Update Aspects of their Previously Approved Project Relating to a Mixed Use Facility Containing: two single-family dwellings, forestry, wildlife management area, school, inn, health clinic, outdoor recreation, nature center and cultural facility**

Applicant(s): ReTribe Transformations  
 Consultant(s): N/A  
 Property Location: 8 Maple Leaf Farm Road (ML008)  
 Acreage:

8 Maple Leaf Road (ML008X)	20 Maple Leaf Road (ML020X)
Grand List Acreage: 10.00 Acres	Grand List Acreage: 68.00 Acres
ArcMap Acreage: 10.13 Acres	ArcMap Acreage: 66.31 Acres

Zoning District(s): Water Conservation and Soil & Water Conservation

	<u>Water Conservation</u>	<u>Soil &amp; Water Conservation District</u>	<u>Proposed</u>
Lot Size:	5.0 Acres	15.0 Acres	± 78.0 Acres
Frontage:	300 Feet	400 Feet	± 1,790 ft. (ML) ± 1280 ft. (ST)
Setbacks:			
• Front:	Principal: 30 Feet Accessory: 30 Feet	Principal: 30 Feet Accessory: 30 Feet	Existing - No Change Existing - No Change
• Side:	Principal: 50 Feet Accessory: 20 Feet	Principal: 50 Feet Accessory: 20 Feet	Existing - No Change Existing - No Change
• Rear:	Principal: 50 Feet Accessory: 20 Feet	Principal: 50 Feet Accessory: 20 Feet	Existing - No Change Existing - No Change
Max. Building Coverage:	20%	7%	Assumed Met
Max. Lot Coverage:	30%	10%	Assumed Met
Maximum Height:	35 Feet	35 Feet	Assumed Met

## 2018 UNDERHILL UNIFIED LAND USE & DEVELOPMENT REGULATIONS RELEVANT REGULATIONS:

- Article II, Table 2.5 – Water Conservation District (pg. 18)
- Article II, Table 2.7 – Soil & Water Conservation District (pg. 24)
- Article III, Section 3.2 – Access (pg. 30)
- Article III, Section 3.3 – Conversion or Change of Use (pg. 33)
- Article III, Section 3.7 – Lot, Yard & Setback Requirements (pg. 38)
- Article III, Section 3.13 – Parking, Loading & Service Areas (pg. 44)
- Article III, Section 3.16 – Signs (pg.50)
- Article III, Section 3.17 – Source Protection Areas (pg. 55)

- Article III, Section 3.18 – Steep Slopes (pg. 56)
  - Article III, Section 3.19 – Surface Waters & Wetlands (pg. 63)
  - Article III, Section 3.23 – Water Supply & Wastewater Systems (pg. 68)
  - Article IV, Section 4.5 – Commercial Lodging (Bed & Breakfast, Inn) (pg. 74)
  - Article IV, Section 4.12 – Mixed Use
  - Article V, Section 5.1 – Applicability (pg. 1112)
  - Article V, Section 5.3 – Site Plan Review (pg. 115)
  - Article V, Section 5.4 – Conditional Use Review (pg. 120)
  - Article V, Section 5.5 – Waivers & Variances (pg. 123)
  - Article VI – Flood Hazard Area Review (pg. 127)
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## **CONTENTS:**

- a. Exhibit A - Conditional Use Review Application
  - b. Exhibit B - Conditional Use & Site Plan Review Findings Checklist
  - c. Exhibit C - Project Narrative
  - d. Exhibit D - Certificate of Service
  - e. Exhibit E - Building Floorplans
  - f. Exhibit F - Impact Spreadsheets
  - g. Exhibit G - Site Plan
  - h. Exhibit H - Site Plan with Notes
  - i. Exhibit I - Correspondence from Elaine Herman
  - j. Exhibit J - DRB-18-05 Conditional Use Review Decision
  - k. Exhibit K – ReTribe Transformations Conditional Use Review Staff Report
  - l. Exhibit L – ML008 ReTribe Transformations Conditional Use Review Hearing Procedures
  - m. Exhibit M – Wastewater Permit #: WW-4-0294-6R
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In lieu of the typical Staff Report, Staff has solicited questions from the Development Review Board that they wished to be answered prior to the hearing on Monday, October 29, 2018. In addition, Staff will note observed areas of concern, as well as provide background from what was previously approved.

**SYNOPSIS OF PREVIOUSLY APPROVED APPLICATION:**

- The Board made its decision based on the existing limitations of the already installed wastewater system. The Board provided the following chart within the decision (Page 6, Exhibit J):

<b>BLDG #</b>	<b>Building Name</b>	<b>Permitted Wastewater Usage</b>	<b>Wastewater GPD</b>
1	Barn Facility	8 Beds, 5 Medical Staff, 15 Other Staff, 100 Visitors Per day	1,750
2	Men's Dorm	22 Beds	2,475
3	Office Building	10 Employees	135
4	Garage	-	0
5	SHED	-	0
6	Annex Building	2 Employees	27
7	Women's Dorm	11 Beds	770
		<b>Approved Wastewater Capacity in (GPD)</b>	5,157

In addition, the Board specifically delineated what each building would be used for (Pages 5 and 6, Exhibit J):

- Convert identified buildings six (6) and seven (7) to single-family dwellings. As part of the old Maple Leaf Farm campus, building six (6) served as an administration building, while building seven (7) served as the women’s dormitory. The applicant anticipates occupying building seven (7), while the applicant’s mother, Jane Hunt, anticipates occupying building six.
- Maintain building one (1), labelled as the barn facility, as a multi-functional building. The Board acknowledges that this building currently contains a kitchen, dining hall, bathrooms, and offices; however, many of these rooms will be repurposed to fit the needs of the proposed uses. The proposed layout contains bedrooms as part of a hostel, kitchen, offices, bathrooms, and a dining hall. The applicant has expressed a desire to have the dining hall serve the children enrolled in the transformational programs, the hostel guests, and the students associated with the proposed school (addressed below).
- Repurpose building three (3), previously modular offices, as a health clinic for therapeutic modalities, not for medical emergencies. The applicant’s mother, will oversee the activities associated with the health clinic, which include seeing clientele during the day.
- Maintain building two (2), previously used as the men’s dormitory, as a dormitory for the boarding school/transformational program.
- Retain building four (4) as a garage.
- Retain building five (5) as a shed.

- The Board identified various uses, as well as the corresponding building each use would be associated with in a chart enumerated in the decision (Page 7, Exhibit J):

<u>Proposed Use</u>	<u>Permitted or Conditional</u>	<u>Corresponding Project Aspect</u>	<u>Corresponding Description</u>
Single-Family Dwellings	Permitted	Two separate residences	Building 6 – Residence for the Applicant’s Mother Building 7 – Residence for the Applicant.
Forestry	Permitted	Transformational Program & Boarding School	The land accompanying the buildings. The applicant has informed the Board that she intends the land at 20 Maple Leaf Road to remain in Current Use.
Wildlife Habitat	Permitted	Transformational Program & Boarding School	See “Forestry.”
School	Conditional Use	Boarding School	Building 1 – Provide bathroom facilities and dining for students. Building 2 – Dormitory for Boarding Students
Inn	Conditional Use	Hostel	Building 1 – Provide guest rooms, dining facilities and bathroom facilities for patrons.
Health Clinic	Conditional Use	Therapeutic Health Care Services	Building 3 – Provide therapeutic health care services to clients and students.
Recreation, Outdoor	Conditional Use	Transformational Program, Boarding School & Hostel	See “Forestry.” The hostel patrons may use portions of the land to connect with other hiking and skiing trails.
Nature Center	Conditional Use	Transformational Program & Boarding School	See “Forestry.”
Cultural Facility	Conditional Use	Transformational Program & Boarding School	See “Forestry.”

**ISSUES & CONCERNS:**

1. The applicants have advised that they are currently using the old “Men’s Dormitory” as a place to lodge transformational participants on a long term basis, as well as lodge individuals who are assisting in the renovation of the old Maple Leaf Farm Campus. Staff’s understanding is that the long term nature of the residing transformational participants exceeds what was communicated to the Board and described in the decision on Page 5 of

Exhibit J:

“The applicant has advised that they hold daily programs, typically up to three (3) times a week. There are also five weeks during the year when they hold five (5) weeklong, overnight programs, typically serving children, but with one of the weeks tailored towards adults. Hereafter, the daily program and weeklong program will be referred to as ‘transformational programs’ or ‘programs.’ These programs are mostly associated with the outdoor related uses as provided above: forestry, wildlife management area, outdoor recreation, nature center, and cultural facility.”

In addition, there are individuals currently residing in the old “Men’s Dormitory” on a long term basis to assist with the renovation of the campus’s facilities. Staff found these individuals living at the facility on a long term basis to be exceeding the scope of the permit since the old “Men’s Dormitory” was to be used as a dormitory for the yet to be established boarding school or for participants in the transformational programs, as described above (for a week or two, not a long term basis). Should the Board agree with Staff, the Board will need to redefine the extent of the limitations if they chose to allow a more long-term natured transformational program.

2. The applicants have depicted on the site plan (Exhibit G) a driveway and additional parking spots that were unknown to Staff, and presumably the Board, during the previous hearing. This additional driveway and extra parking spaces were not reviewed by the Selectboard, and therefore, could potentially require further review. In addition, the applicants have designated 12 overflow parking spaces to the south of the existing, detached garage; however, there are no definitive parking spaces illustrated. The Board should determine if they would like the applicants to specifically depict the additional parking space, especially if the applicants are intending to use those parking spaces are regular parking spaces.
3. The applicants have proposed new uses – a day care and offices. In addition, the applicants advised that they wish for more of a long-term transformational program, which would allow participants to remain at the facility for a duration of time longer than one month greater than the time limitation provided in the definition of “inn” in Article XI). The Board would need to review the impact of these two new uses as they relate to the overall impact of the facility. The Board should evaluate if the two new uses will exceed the impacts of the already approved application, and if so, what mechanisms can be used to mitigate those impacts.
4. Prior to submitting the application, the applicants communicated that they wished for the opportunity to have additional programming events. Currently, the “Weekly Transformation Programs” are restricted by the conditions listed under Section 3.14 of the decision (Page 13, Exhibit J). The Board should inquire with the applicants if they still wish to expand the number of weeks they wish to conduct the transformational programs, and if so, if any limitations should be imposed.
5. With the submittal of this application, the applicants are asking the Board to provide them flexibility as they are attempting to implement and shape their business at the old Maple Leaf Farm campus. This is most evident by requesting various be associated with the limited number of bedrooms provided on the campus. As communicated by the applicants, they are proposing a short term plan where overnight guests using the bedrooms will

include patrons from the inn/hostel, transformational program participants, and residents that are helping with the renovation process. Long term, the applicants are proposing the bedrooms to be used and occupied by inn/hostel patrons, transformational program participants, and boarding school students. However, the applicants are requesting that they be given the flexibility to use the bedrooms in a manner that would allow them to fluctuate between the three uses should vacancies emerge. The Board previously allowed the applicants to allocate the bedrooms as they see fit; however, should there be an incorporation of a more long-term transformational program, the Board should consider if this flexibility is beyond the scope of the regulations.

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**QUESTIONS FROM THE DEVELOPMENT REVIEW BOARD PERTAINING TO THE APPLICATION:**

1. With the new parking scheme, does the curb cut off of Stevensville Road meet the driveway and road standards in the Underhill Road, Driveway & Trail Ordinance?
  - a. Per Section 6.3 of the Ordinance, a lot is not to be served by more than one access. After reviewing the zoning file, Staff is unable to verify that the second access way was legally permitted. Aerial photography from 2018 illustrates a roughed in driveway in the approximate location of a proposed temporary driveway depicted on site plans from 1987; however, the roughed-in driveway at issue does not appear to be “roughed-in” in 2008 aerial photography. In addition, the 1987 project does not appear to have been completed and/or pursue.

Furthermore, Plans that were submitted to the Agency of Natural Resources for previous wastewater permits do not illustrate the second driveway. Staff defers to the general public or Board Members with institutional knowledge of the old Maple Leaf Farm facility to confirm that the depicted driveway existed; however, sufficient evidence has not been ascertained that the second driveway was legally approved and permitted.

2. Has the applicant provided any information regarding their process to amend and reallocate the Wastewater Permit?
  - a. Yes, see Exhibit M (Wastewater Permit #: WW-4-0294-6R).
3. Does the previous decision (DRB-18-05) refer to residential staff?
  - a. Staff was unable to ascertain any references to residential staff in the decision.
4. State Permits Obtained:
  - a. Land Use Permit Administrative Amendment (4C0658-12)
  - b. Wastewater System & Potable Water Supply Permit (WW-4-0294-6R) (Exhibit M)
  - c. Meals & Rooms Tax License (No Permit #)
  - d. Division of Fire Safety Inspection Results Pertaining to Modular Office

The applicants have advised that a construction permit is not required for the old Men’s Dormitory, old Women’s Dormitory and old Annex Building. The Division of Fire Safety has advised that the residents can re-occupy the modular office. Staff assumes that a construction permit will be required for the barn facility. Staff also notes that a meals and room license has been obtained for the hostel/inn. Staff recommends that the Board elaborate about the meals and room license, specifically in regards to what is permitted by the license.

5. Confirm the number of bedrooms in the old Men’s Dormitory.

- a. Based on the submitted floor plans, Staff counts a total of 13 bedrooms between the first and second floor of what use to be the old Men's Dormitory.
  - b. A question emerged on whether the applicants would like to house 10 staff, as well as participants in the transformational program in the dorm. Staff believes that is a correct assertion. Staff assumes that there will be multiple beds in each bedroom; however, this should be confirmed during the hearing.
6. Does the decision run with the land?
- a. Yes, per section 10.3.D.2 – DRB Approvals:

“Development Review Board approvals shall remain in effect as follows: b. Site Plan and Conditional Use Approval. Site plan and conditional use approval by the DRB shall expire with the expiration of the zoning permit, and may be extended only in accordance with Subsection D.1 above; or as provided for abandoned structures under Section 3.1. Once approved uses or structures are established, site plan and conditional use approvals shall remain in effect and run with the land.”

Section 10.3.D.1 states:

“Zoning Permits. No zoning permit shall take effect until the time for appeal under Section 10.5 has passed or, in the event that a notice of appeal is properly filed, until the appeal has been decided. Permits shall remain in effect for one year from the date of issuance, unless the permit specifies otherwise.”