



# Town of Underhill

## Development Review Board

P.O. Box 120, Underhill, VT 05489  
www.underhillvt.gov

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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 as 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.”

UNDERHILL DRB HEARING PROCEDURES  
**CONDITIONAL USE REQUEST**  
**ReTribe Transformations**  
October 29, 2018

State the following:

- 1) "This is a conditional use review hearing on the application of ReTribe Transformations to update aspects of their previously approved project relating to a mixed-use facility. The proposed project is located at 8 Maple Leaf Road (ML008) in Underhill, Vermont.

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 relate to the identification, avoidance and/or mitigation of potential impacts.

This application is subject to review under the 2011 Unified Land Use and Development Regulations, as amended through March 6, 2018."

- 2) Copies of the Rules of Procedure that the Board follows are available for review 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 of his or her consultants/engineers/representatives;
  - 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 increased upon request to the Board and majority consent of the Board; then
  - d. The applicants will have an opportunity to respond; then
  - e. Final comments will be solicited from all parties.
  - f. All speakers should address their comments to the Board, not to other parties present at the hearing.
  - g. Board members may feel free to ask questions of any speaker.
- 4) Are any State or municipal representatives present?
- 5) An Interested Parties Info Sheet has been provided to all attendees. 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/applicant representative, 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 - Conditional Use Review Application

Exhibit B - Conditional Use & Site Plan Review Findings Checklist

Exhibit C - Project Narrative

Exhibit D - Certificate of Service

Exhibit E - Building Floorplans

Exhibit F - Impact Spreadsheets

Exhibit G - Site Plan

Exhibit H - Site Plan with Notes

Exhibit I - Correspondence from Elaine Herman

Exhibit J - DRB-18-05 Conditional Use Review Decision

Exhibit K - ReTribe Transformations Conditional Use Review Staff Report

Exhibit L - ML008 ReTribe Transformations Conditional Use Review Hearing Procedures

Exhibit M - Wastewater Permit #: WW-4-0294-6R

Exhibit N - Land Use Permit

Exhibit O - Construction Permit

Exhibit P - Meals and Room Tax License

10) We'll begin testimony, and hear from applicants.

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 anyone?

14) Does the Board feel that they have enough information at this time to make a decision on the appeal?

- a. *If more information is needed to make a decision on the appeal, adjourn the hearing to a time certain and outline for the appellant what is required at that continued hearing; or*
- b. *If by consensus enough information has been presented to make a decision on the appeal, announce that the evidentiary portion of the hearing is closed.*

15) Does the Board wish to discuss the application in open 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 DRB, will send a copy of the decision and letter to the Appellants, their consultants, 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.”

## TOWN OF UNDERHILL

P.O. Box 120  
Underhill, VT 05489

Phone: (802) 899-4434 x106

Fax: (802) 899-2137

## CONDITIONAL USE/SITE PLAN REVIEW HEARING REQUEST

## INSTRUCTIONS TO APPLICANT:

**FEES:** \$150 + Certified Mail  
costs + recording fees

Complete the form below and submit it to the Zoning Administrator with a check for the initial hearing fees. Include a copy of the building permit application (if applicable), two original and twelve 11" x 17" copies of a site development plan, a copy of the State Project Review Sheet, draft legal documents (if applicable), the information on the attached checklist(s), and any written waiver or modification requests. Separate State permits including, but not limited to, water/wastewater, stormwater, Act 250, and Construction General permits may be required. It is the obligation of the Applicant to contact the State Permit Specialist at 802-879-5676 to obtain a Project Review Sheet.

A hearing before the Development Review Board will be scheduled upon receipt of a complete application. For assistance with this application, please contact the Zoning Administrator at 899-4434, x106.

ZONING DISTRICT(S): *Check all that apply*PROPERTY CODE: ML008

- Underhill Flats Village Center   
  Rural Residential   
  Water Conservation   
  Scenic Preservation   
  Soil & Water Conservation

APPLICANT: <i>Julia Martn, ReTrib Transformation</i>	MAILING ADDRESS: <i>14 Maple Leaf Rd, Underhill VT 05489</i>
PHONE: <i>609-933-0877</i>	E-MAIL: <i>ReTribTransformation@gmail.com</i>
SUBJECT PROPERTY ADDRESS: <i>14 Maple Leaf Rd, Underhill, VT 05489</i>	
DESCRIPTION OF PROPOSED PROJECT:  <i>see attached.</i>	
APPLICANT SIGNATURE <i>[Signature]</i>	DATE <i>10/3/18</i>
HEARING DATE (to be determined by the Zoning Administrator) <i>October 29, 2018</i>	
SIGNATURE OF ZONING ADMINISTRATOR <i>[Signature]</i>	DATE <i>10/3/2018</i>

## TOWN OF UNDERHILL, VERMONT

### Article V, Section 5.3 – Site Plan Review Standards Findings Checklist

**Docket #: Property ID: Hearing Date:**

**Applicant/Consultant:**

**Check the zoning district(s) in which the proposed use will occur:**

Underhill Flats Village Center Rural Residential Water Conservation Scenic Preservation Soil & Water Conservation

*The following standards are excerpted from Article V, Section 5.3 of the Unified Land Use and Development Regulations. For full standards, refer to the complete regulations document.*

*Applicant(s) shall submit proposed findings of fact for each of the relevant standards below as part of the application for site plan review. Proposed findings shall address how the proposed development relates to each portion of the standard.*

Required Submitted **Section 5.3 (B) Standards (1) Existing Site Features.**

**Demonstrate how the proposed site layout and design avoids undue adverse impacts to significant natural, historic, and scenic resources. Refer to Section 5.3 (B)(1)(a) for specific areas of concern.**

NA

# TOWN OF UNDERHILL, VERMONT

## Article V, Section 5.3 – Site Plan Review Standards Findings Checklist

Required Submitted **Section 5.3 (B) Standards Continued (2) Site Layout & Design.**

Explain how the proposed location and orientation of structures, and supporting infrastructure on the site, are compatible with their proposed setting and context as determined from the Underhill Town Plan, zoning district objectives, existing site conditions and features, adjoining or facing structures in the vicinity, and other applicable provisions of the Unified Land Use and Development Regulations. Refer to Section 5.3(B)(2) for details.

Findings Checklist 2 of 6 Updated 7/21/2011

# TOWN OF UNDERHILL, VERMONT

## Article V, Section 5.3 – Site Plan Review Standards Findings Checklist

Required Submitted **Section 5.3 (B) Standards Continued (3) Vehicle Access.**

Explain how the proposed use meets all town and state access management and design standards. Include an explanation of how the curb cut(s) and road intersection(s) do not create

hazards to vehicles, pedestrians or bicyclists onsite or on adjoining roads, sidewalks, and pathways.

NA

Required Submitted

**(4) Parking, Loading & Service Areas.**

Indicate how the proposed use conforms to the requirements of this section.

Given the amount of parking we have on site in preparation for the Boarding school during this intermediate time running these programs will not require any additional parking. See Site Plan and See our Spreadsheet with parking needs.

Findings Checklist 3 of 6 Updated 7/21/2011

## TOWN OF UNDERHILL, VERMONT

### Article V, Section 5.3 – Site Plan Review Standards Findings Checklist

Required Submitted **Section 5.3(B) Standards Continued (5) Site Circulation.**

Explain how the proposed use has provided for adequate and safe onsite vehicular and pedestrian circulation. Site plans shall include the requirements of Section 5.3(B)(5)(a), (b) where applicable.

NA

Required Submitted

**(6) Landscaping and Screening.**

Explain how the proposed plan incorporates the landscaping and screening requirements of Section 5.3(B)(6).

NA

Findings Checklist 4 of 6 Updated 7/21/2011

## TOWN OF UNDERHILL, VERMONT

### Article V, Section 5.3 – Site Plan Review Standards Findings Checklist

Required Submitted **Section 5.3(B) Standards Continued (7) Outdoor Lighting.**

Does the proposed use require outdoor lighting? Yes No *(If no, skip to #8).*

Explain how the proposed outdoor lighting conforms to the requirements of Section 3.11.

NA

Findings Checklist 5 of 6 Updated 7/21/2011

# TOWN OF UNDERHILL, VERMONT

## Article V, Section 5.3 – Site Plan Review Standards Findings Checklist

Required Submitted **Section 5.3(B) Standards Continued**  
**(8) Stormwater Management and Erosion Control.**

Indicate how the proposed use incorporates the requirements of Section 5.3(B)(8) including temporary and permanent stormwater management and erosion control measures.

NA

Findings Checklist 6 of 6 Updated 7/21/2011

# TOWN OF UNDERHILL, VERMONT

## Article V, Section 5.4 – Conditional Use Review Standards Findings Checklist

Required Submitted **Section 5.4(B) General Standards Cont'd (2) Character of the area affected.**

Indicate how the proposed conditional use relates to the character of the area in terms of location, scale, type, density, and intensity. Include any mitigation measures that will be utilized to avoid undue adverse impacts to the character of the area.

**(3) Traffic on roads and highways in the vicinity.**

Specify the projected impact of traffic resulting from the proposed conditional use. Include the impacts to the condition, capacity, safety, efficiency and use of existing and planned roads, bridges, intersections and associated highway infrastructure in the vicinity.

We do not anticipate these new proposed programs to affect our traffic because they will only supplement other proposed programs that will not be running simultaneously.

Findings Checklist 2 of 3 Updated 7/21/2011

## TOWN OF UNDERHILL, VERMONT

### Article V, Section 5.4 – Conditional Use Review Standards Findings Checklist

**Docket #: Property ID: Hearing Date:**

**Applicant/Consultant:**

**Check the zoning district(s) in which the proposed use will occur:**

Underhill Flats Village Center Rural Residential Water Conservation Scenic Preservation Soil & Water Conservation

*The following standards are excerpted from Article V, Section 5.4 of the Unified Land Use and Development Regulations. For full standards, refer to the complete regulations document.*

*Applicant(s) shall submit proposed findings of fact for each of the relevant standards below as part of the application for conditional use review. Proposed findings shall address how the proposed development relates to each portion of the standard.*

Required Submitted **Section 5.4(B) General Standards**

**(1) Capacity of existing or planned community**

**services or facilities.**

Indicate how the proposed conditional use affects the demand for community services and facilities.

NA

## TOWN OF UNDERHILL

P.O. Box 32 Underhill Center, VT 05490

Phone: (802) 899-4434 x106 Fax: (802) 899-2137 Email: [underhillzoning@comcast.net](mailto:underhillzoning@comcast.net)

## TOWN OF UNDERHILL, VERMONT

### **Article V, Section 5.4 – Conditional Use Review Standards Findings Checklist**

Required Submitted **Section 5.4(B) General Standards Cont'd (4) Bylaws in effect.**

**Indicate how the proposed conditional use complies with all municipal bylaws and ordinances.**

We believe our proposed project will meet the definitions as defined by article 11.1 and 11.2 and will not violate the ordinances. We are proposing a project that will conform to the ordinances and aren't proposing any non-compliant uses.

**(5) Utilization of renewable energy resources.**

Demonstrate how the proposed conditional use will not interfere with the sustainable use of renewable energy resources, including access to, or the direct use or future availability of such resources.

We will comply with Act 250 permitting.

Findings Checklist 3 of 3 Updated 7/21/2011

Programming Descriptions:

We are returning to the Underhill Development Review Board to clarify our programming intentions on what was the "Old Maple Leaf Farm" property. In the Conditional Use Findings and Decision made in April, the DRB granted us permission to run much of what will be our long term programming goals. One of the programs we received permitting for was our Boarding High School. We do still intend to launch this program with hope for success however, the initial launch of this program is not planned for at least a year and even then, we foresee several years before this program reaches its full capacity. This is due to the complexity and depth of a full year boarding school program and we anticipate a lengthy process of development and growth. Due to this fact, we are requesting permission to run other programming to supplement the boarding school in the intermediate time period before its full capacity operation so as to maintain a sustainable financial model and continue to operate the extensive buildings at "Maple Leaf".

Below are our specific programming requests:

1. Long term Transformational programming:

We will be using what was once referred to as the "Men's Dorm" as housing and the Barn for dining and activities. Though we have received permitting to run Transformational programs, we request permitting to extend the number of weeks and length of stay for program participants. We were permitted to run 5 weeks of programming, however this is what we are currently running and leaves us no room for expansion. We would like to extend these programs to run during any weeks of the year when our Boarding School programming is not in full capacity.

(Please see attached charts with specific numbers, building usage, and correlation between programs)

Below is a list of our specific types of Transformational Programming at ReTribe:

Our programming will be accessible to a range of participants of all ages and will offer education on holistic living. These educational/recreational programs offer opportunities for people to connect with themselves, the community and the earth through outdoor education, social and emotional learning, and healthy living practices. Participants will stay on campus and be offered a variety of opportunities including: learning communication skills and conflict resolution, meditation and yoga, outdoor recreation, wilderness living skills, gardening, cooking, nutritional health, and more. Our programs will range from weekend long retreats to long term stays. Some of our programs are designed for teen populations, some are for adults and some are for the whole family.

Our programming includes:

Teen Retreats-1-4 weeks long: 20-30 teens

Adult retreats- 4 days-2 weeks- 20-30 adults

Long Term Community Program (families)- 1 months or more- 10 participants

\*you can find more information on these programs on our website [www. ReTribe.org](http://www.ReTribe.org)

2. Staff on Campus:

While, we did previously receive approval to have staff on campus we want to clarify and confirm this approval. We will need staff for our programming ongoing, and for now we particularly need staff to help us get things up and running. We are requesting up to 10 staff living on campus in the "Men's Dorm" to support the development and management of our programs including the hostel, and boarding high school development and to help fix up and maintain the infrastructure on campus.

### 3. Early Child Care:

We would like to apply for approval to run an early child day care program for as many as 15-20 children up to five days per week We intend to run this program in the north end of the barn upstairs and do not foresee the launching of this program until Spring 2019 or Fall 2019. (see chart for more details)

We have been in communication with Poker Hill preschool staff as well as other preschools in the area and they have informed us that there is a significant lack of preschool opportunities available for the population in need of child care. They shared that their school has a two year wait list and that they feel that the area desperately needs another option for early child care and they would gladly support us providing this option. We feel that this program would complement our other programming and that our facility would provide what is needed for this program to operate.

4. Health Clinic/Office: We would like to change our zoning in the modular building so that it remains partially a health clinic and partially maintains its previous use as an office. We may want to open this space for others to use the office space who are not healing practitioners before such a time that we have our full Health Clinic up and running. We may even want to put our own personal administrative office in the building as well.

As stated above, you will find charts attached with information about all of our programming, both those stated above and the programs we previously received permitting for.

\*Note: The data we provided in our charts reflects the higher end of our anticipated programming in each department. At this time it is hard to anticipate the communities response to our program offerings and we would like to have the flexibility to react to the communities response by either increasing a program or discontinuing it if there is not community support for that program.



## Town of Underhill Development Review Board

P.O. Box 120, Underhill, VT 05489  
www.underhillvt.gov

Phone: (802) 899-4434, x106  
Fax: (802) 899-2137

### Certificate of Service

I hereby certify that on this 3<sup>RD</sup> day of OCT, 18, a copy of the following documents were delivered to the below recipients and corresponding addresses by United certified mail, return receipt requested.

Documents:

Notice to abutting neighbors regarding a conditional use review application submitted by ReTribe Transformation to update their previous conditional use review application pertaining to the mixed-use facility at 8 Maple Leaf Road (ML008) in Underhill, Vermont, which is owned by Northern Shire, L3C.

Recipients and Corresponding Address:

✓ **8 Maple Leaf Road (ML008X)**  
Northern Shire, L3C  
663 Guyette Road  
Plainfield, VT 05667

✓ **31 Maple Leaf Road (ML031)**  
Stephen M. & Tamara V. Pitmon  
31 Maple Leaf Road  
Underhill, VT 05489

✓ **8 Maple Leaf Road (ML008X)**  
ReTribe Transformations  
8 Maple Leaf Road  
Underhill, VT 05489

✓ **42 Maple Leaf Road (ML042)**  
Michael Luck Trustee  
Barbara C. Wilson Trustee  
Of the Wilson-Luck Living Trust  
42 Maple Leaf Road  
Underhill, VT 05489

✓ **21 Ledge Hill Road (LH021)**  
Stephen W. Mahin  
21 Ledge Hill Road  
Underhill, VT 05489

✓ **55 Maple Leaf Road (ML055)**  
Frank Tyler Whitcomb  
55 Maple Leaf Road  
Underhill, VT 05489

✓ **26 Maple Leaf Road (ML026)**  
James & Mary Leddy Estate  
14 Elsom Parkway  
South Burlington, VT 05403

✓ **157 Stevensville Road (ST157)**  
John F. & Carole R. Doherty  
157 Stevensville Road  
Underhill, VT 05489

✓ **168 Stevensville Road (ST168)**

Christine McArthur David & Frances Dube  
Anna Leigh Horton  
266 Old Stage Road  
Essex Junction, VT 05452

✓ **204 Stevensville Road (ST204)**

Jeffrey L. & Karen C. Davis  
P.O. Box 229  
Underhill Center, VT 05490

✓ **217 Stevensville Road (ST217)**

Elaine Herman Trustee  
P.O. Box 116  
Underhill Center, VT 05490

✓ **219 Stevensville Road (ST219)**

Jon Howard  
P.O. Box 43  
Underhill Center, VT 05490

✓ **221 Stevensville Road (221)**

Infields, LLC  
Livingston Howard  
199 Bayberry Lane  
Westport, CT 06880

✓ **6 Wheeler Road (WH006)**

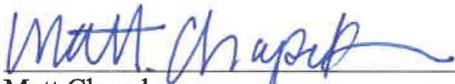
Ryan & Julie A. Ochs  
6 Wheeler Road  
Underhill, VT 05489

✓ **14 Wheeler Road (WH014)**

Richard J. & Margaret E. Rushlow  
P.O. Box 86  
Underhill Center, VT 05490

✓ **26 Wheeler Road (WH026)**

John & Angela M. Hermoian  
5184 Carlton Ridge Circle  
Hahira, GA 31632



Matt Chapek  
Development Review Board Clerk  
12 Pleasant Valley Road  
Underhill, VT 05489

Date: 10/3/18

# Buildings + Uses

EXHIBIT

8

1 - Private Residence

2 - Private Residence

3 - Dorm (Transformational Programming,  
Boarding School, Staff)

4 - Barn

Upstairs - (North Side - Early Childhood  
- Future Meeting Room  
South Side - Hostel  
- Future EC)

Downstairs - (Kitchen, Dining Hall)

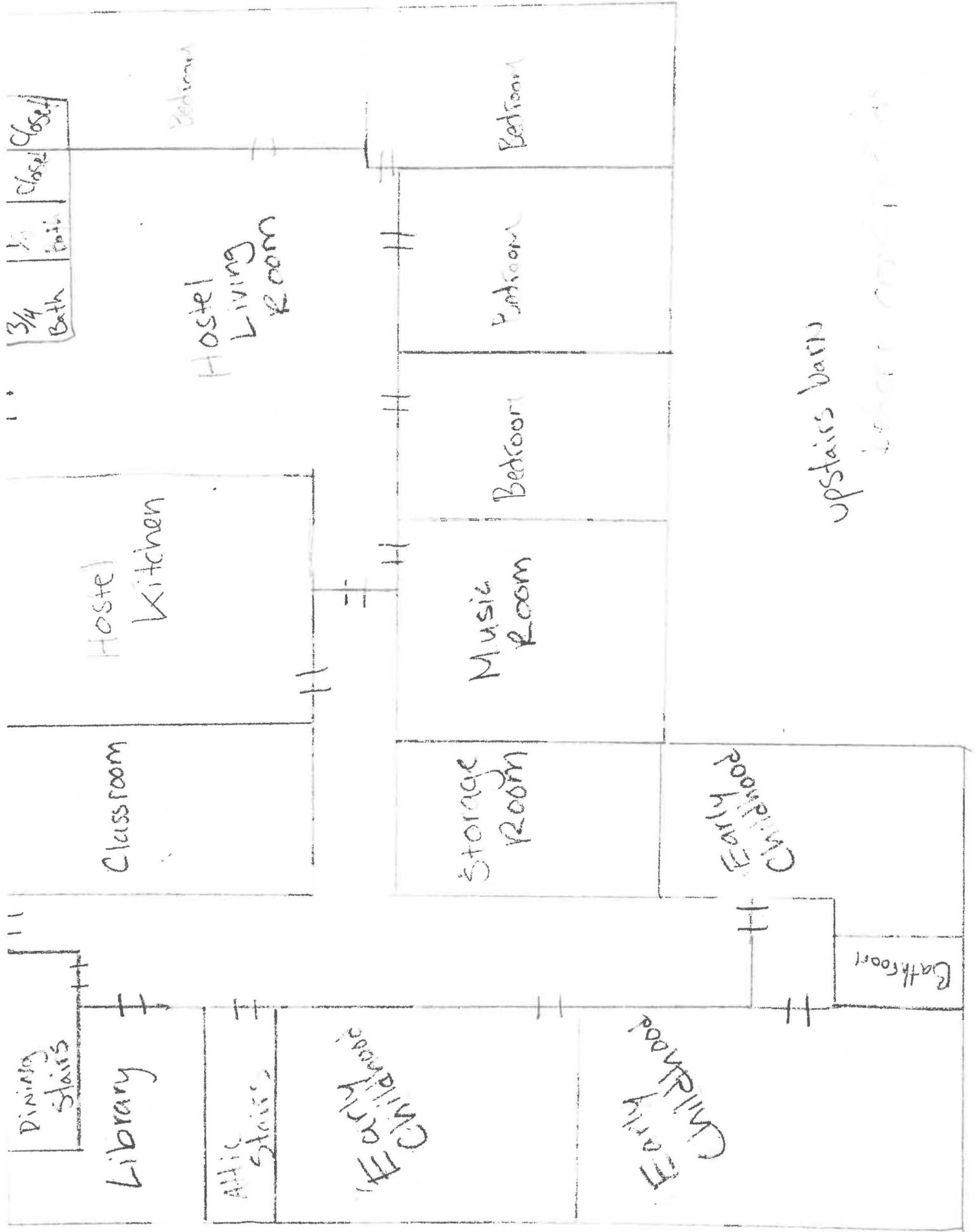
5 - Modular - (Health Clinic, offices)

6 - Garage

7 - Tech Shed

8 - Water Pump House

9 - Sprinkler Building.



upstairs bar  
 lower corridors

Stairs

Hostel  
Kitchen

Hostel  
Living  
Room

Bed

3/4  
Bath

1/2  
Bath

1/2  
Closet

1/2  
Closet

MEETING  
Room

Bed

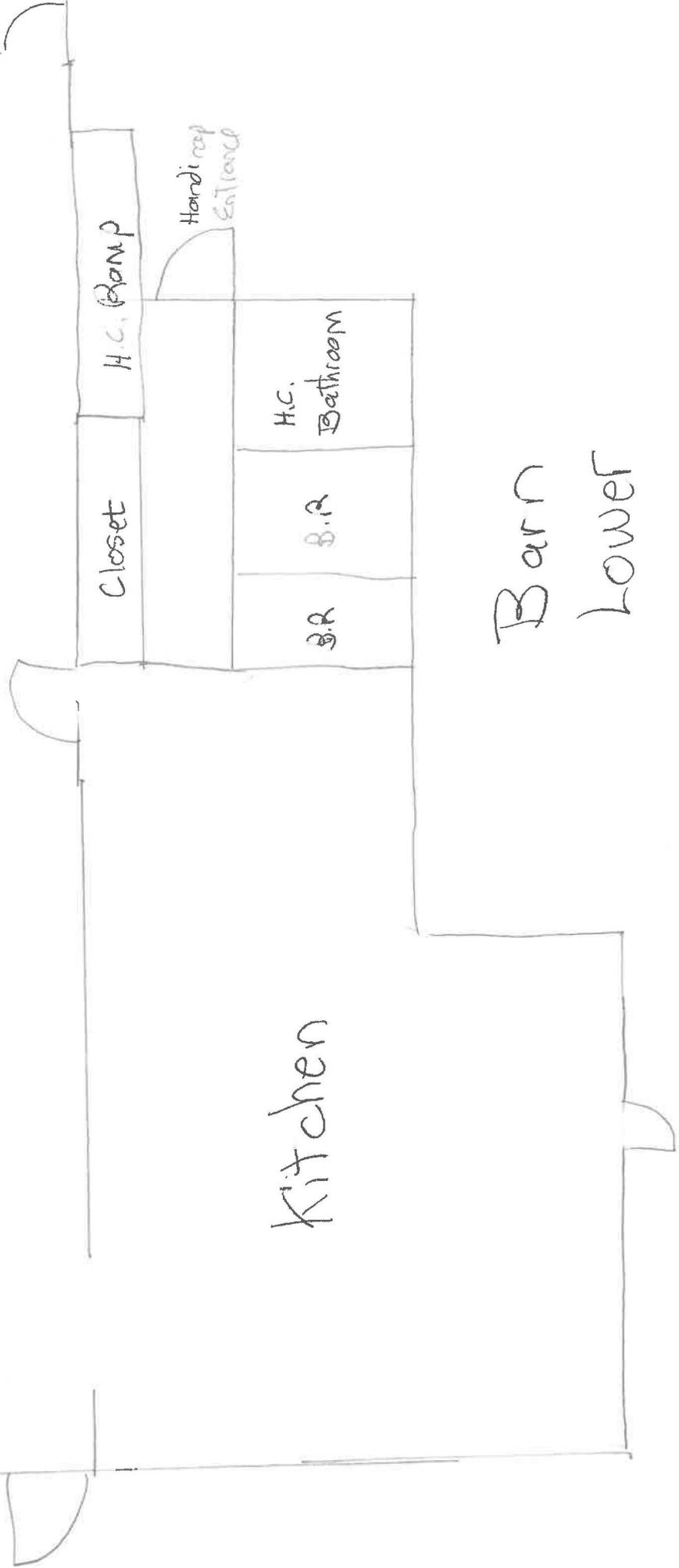
Bed

Bed

BARN UPSTAIRS  
After Construction

DINING  
HALL

MEETING  
ROOM



Closet

H.C. Ramp

Handicap  
Entrance

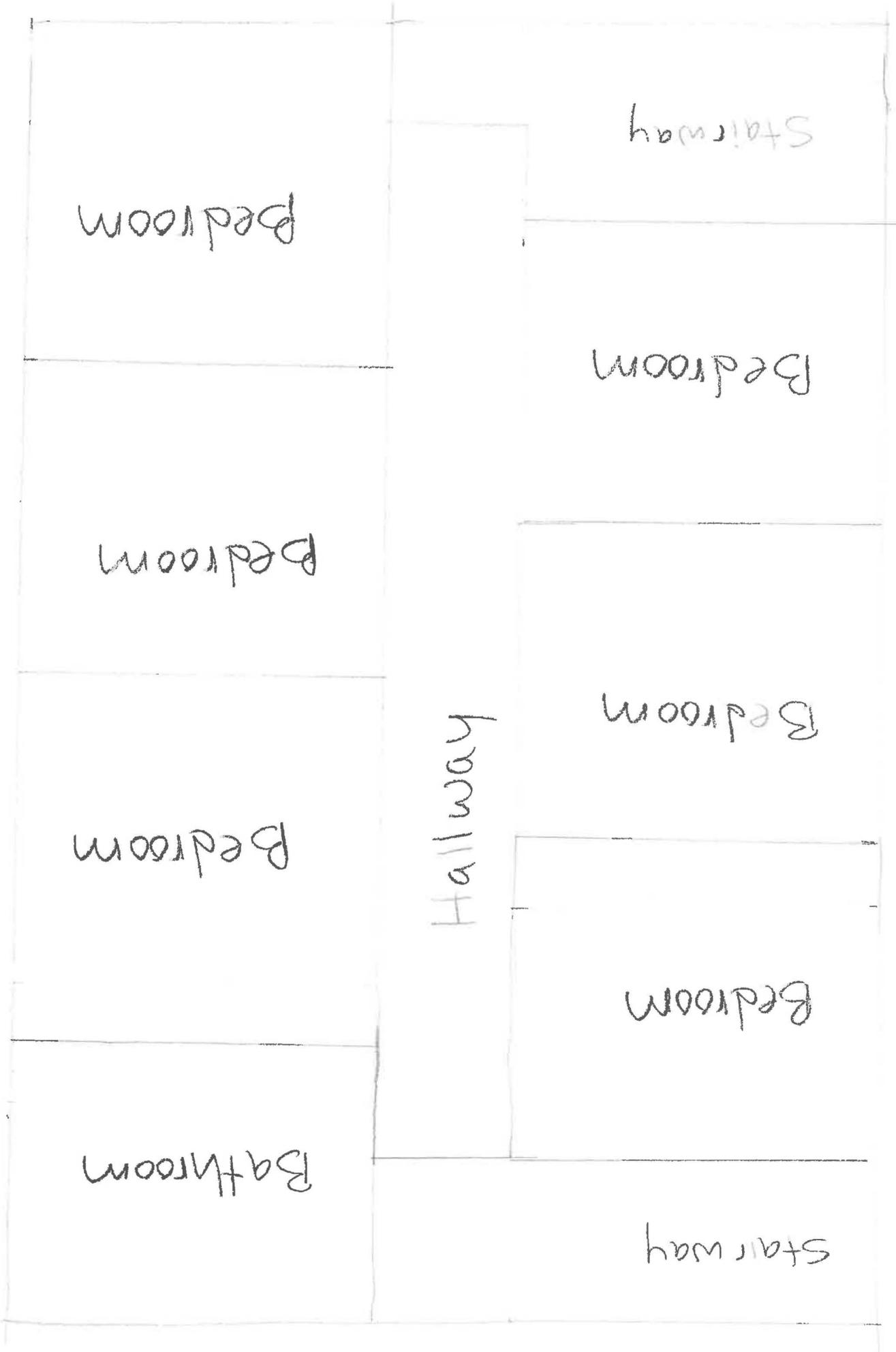
Kitchen

B.R.

B.R.

H.C.  
Bathroom

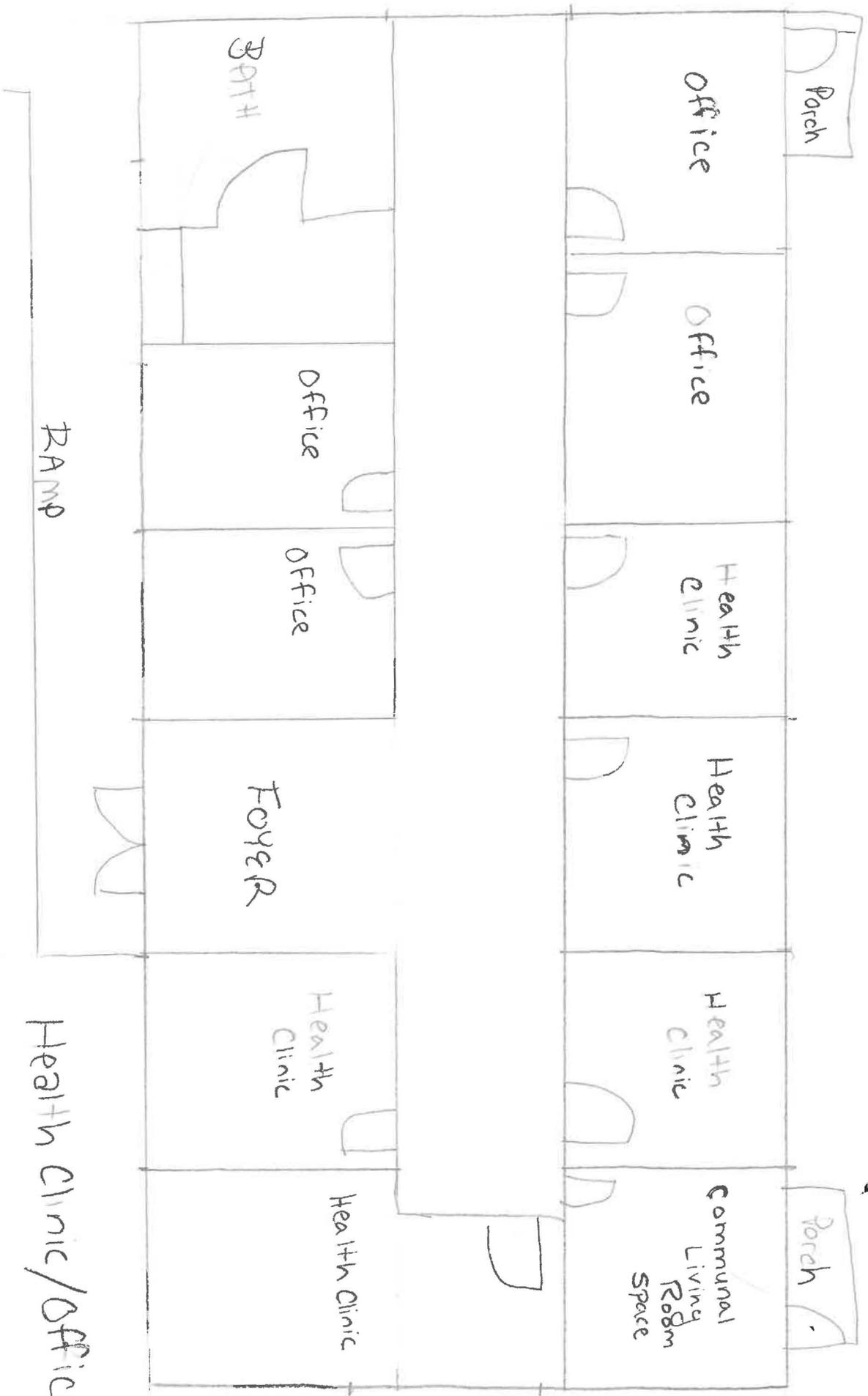
Barn  
Lower



Dorm upstairs



Dorm Downstairs



Health Clinic/offices

MODULAR OFFICES

Aggregate Summer	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Full Capacity
DORM overnight summer	29	29	29	29	29	30	30
BARN Hostel beds when the retreats/boarding school is not in session	5	5	5	5	5	5	5
Traffic impact - trips per day	49	49	53	53	52	51	42
Parking needed maximum, if everyone were there at one time. (unlikely)	40	45	52	52	53	64	76
We didn't include Transformational programming numbers here because we would either be having summer camps OR TP at any given time. We included the summer camps because their numbers are higher.							



Aggregate Winter	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Full Capacity
DORM overnight winter	17	20	21	23	24	27	29
BARN kitchen usage	14	20	23	27	30	37	46
Traffic impact - trips per day	48	61	80	86	92	94	92
Parking needed maximum, if everyone were there at one time. (unlikely)	32	40	46	49	53	50	49
We didn't include Boarding School here because we will stagger the arrival times so that we ensure ample parking availability							

BS	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Full Capacity
7days/week for boarders 5 days/week for day students							
DORM (night students)	0	2	3	5	7	12	18
BARN kitchen/classrooms (day students)	0	4	6	8	10	15	22
BARN kitchen/classrooms (night plus day students)	0	6	9	13	17	27	40
Staff night	0	1	1	1	1	2	2
Staff day	0	1	2	2	3	4	5
Traffic impact - trips per day - 1/3 siblings/carpool estimated	0	3	5	6	8	11	16
Parking needed, for 30 minutes morning and afternoon	0	6	9	11	14	21	29

Teen and Adult Transformationa	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Full Capacity
DORM overnight participants	28	28	28	28	28	28	28
Staff night	1	1	1	1	1	2	2
Traffic impact - just drop off on first day and pickup on last day. About half carpool	4	4	4	4	4	4	4
Parking needed on dropoff/pickup days for an hour or two	14	14	14	14	14	14	14

Summer camps	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Full Capacity
Land only, camps 5/days per week	30	35	40	40	40	50	60
Staff night	0	0	0	0	0	0	0
Staff day	4	4	4	4	4	5	7
Traffic impact - trips per day - 1/3 siblings/carpool estimated	40	46	52	52	52	66	80
Parking needed, for 30 minutes morning and afternoon	34	39	44	44	44	55	67

RT Community Program	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Full Capacity
DORM	10	10	10	10	9	6	2
BARN kitchen usage	10	10	10	10	9	6	2
Staff night	2	2	2	2	2	2	2
Traffic impact	4	4	4	4	3	2	1
Parking needed	12	12	12	12	11	8	4

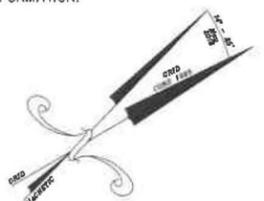
Hostel	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Full Capacity
0-5 people per day							
BARN south end hostel rooms	5	5	5	5	5	5	5
Barn Hostel rooms during retreats	10	10	10	10	10	10	10
Staff night	1	1	1	1	1	1	1
Kitchen usage	4	4	4	4	4	4	4
Traffic impact, mostly hikers from off Mt Mansfield. Possibly sometimes a car.	1	1	1	1	1	1	1
Parking needed	0	0	0	0	0	0	0

Forest School	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Full Capacity
No building usage							
No overnight							
Students per day	12	18	20	20	25	25	30
Days per week	1	2	3	3	4	4	4
Staff (either onsite/drive in)	2	2	2	3	4	4	4
Traffic impact.							
All day parkers, 1 trip/day/days per week	0	1	1	2	2	2	2
Students, 1/3 carpool or siblings	1	4	7	7	12	12	14
Parking needed at any one time	9	13	14	15	19	19	22

Modular Building	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Full Capacity
Office rentals No overnight							
Wellness Center number of professnls	1	1	2	2	3	3	4
Office number of renters	8	8	7	7	5	5	1
Traffic impact. All day parkers, 1 trip/day/5days per week	9	9	9	9	8	8	5
Patients 7 per professional per day, 3 per office renter per day	31	31	35	35	36	36	31
Parking needed at any one time	6	6	8	8	9	9	9

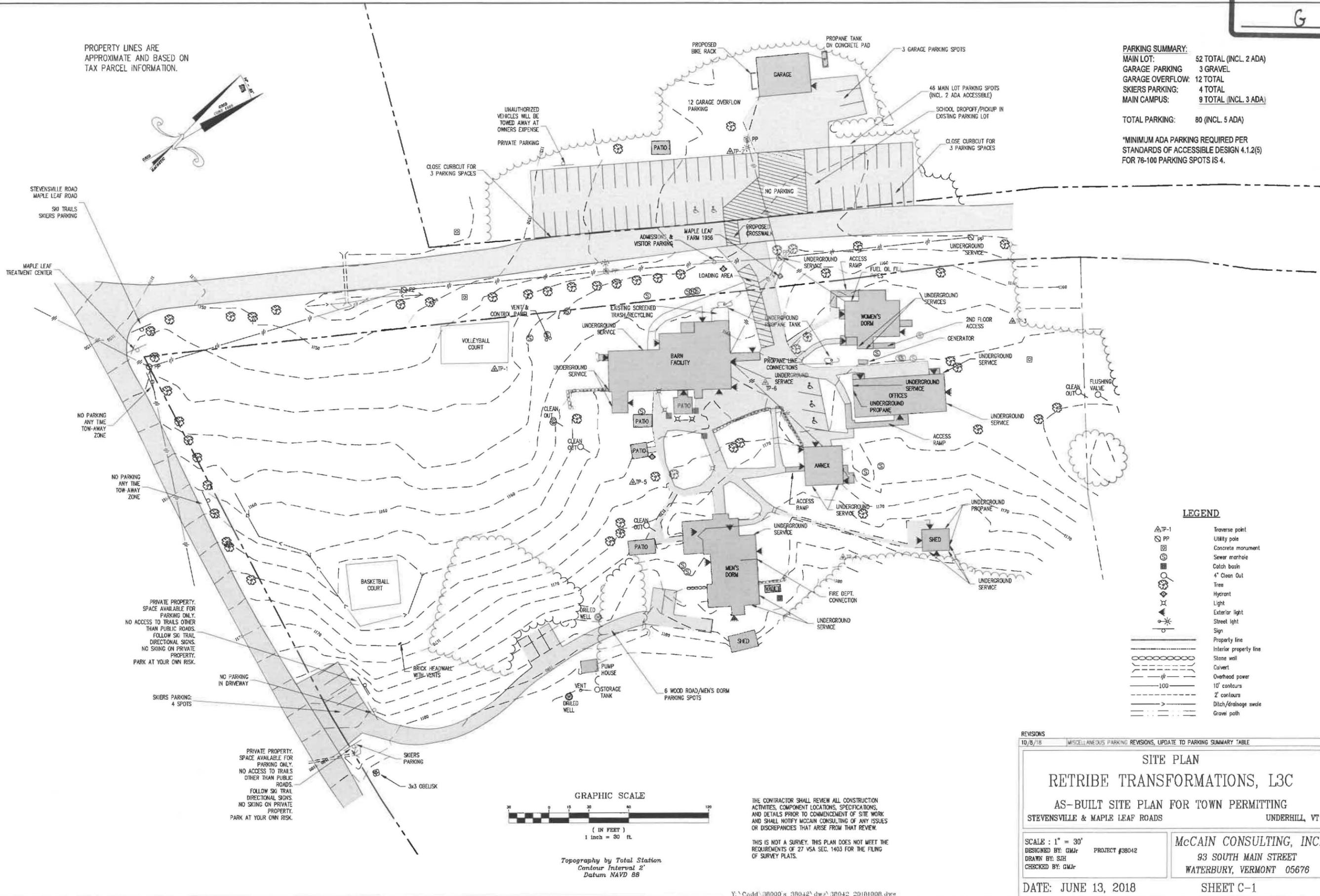
Early childhood	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Full Capacity
<b>Barn classrooms</b>							
<b>No overnight</b>							
Students per day	7	12	16	20	20	20	20
Days per week	1	3	5	5	5	5	5
Staff (either onsite/drive in)	1	2	2	2	2	2	2
<b>Traffic impact.</b>							
All day parkers, 1 trip/day/days per week	0	1	2	2	2	2	2
Students, 1/3 carpool or siblings	2	9	19	24	24	24	24
Parking needed at any one time	5	9	12	14	14	14	14

PROPERTY LINES ARE APPROXIMATE AND BASED ON TAX PARCEL INFORMATION.



**PARKING SUMMARY:**  
 MAIN LOT: 52 TOTAL (INCL. 2 ADA)  
 GARAGE PARKING: 3 GRAVEL  
 GARAGE OVERFLOW: 12 TOTAL  
 SKIERS PARKING: 4 TOTAL  
 MAIN CAMPUS: 9 TOTAL (INCL. 3 ADA)  
**TOTAL PARKING: 80 (INCL. 5 ADA)**

\*MINIMUM ADA PARKING REQUIRED PER STANDARDS OF ACCESSIBLE DESIGN 4.1.2(5) FOR 76-100 PARKING SPOTS IS 4.



- LEGEND**
- △ TP-1 Traverse point
  - PP Utility pole
  - Concrete monument
  - Sewer manhole
  - Catch basin
  - 4" Clean Out
  - Tree
  - Hydrant
  - Light
  - Exterior light
  - Street light
  - Sign
  - Property line
  - Interior property line
  - Stone wall
  - Culvert
  - Overhead power
  - 10' contours
  - 2' contours
  - Ditch/drainage swale
  - Grave path

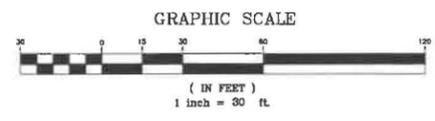
REVISIONS  
 10/6/18 MISCELLANEOUS PARKING REVISIONS, UPDATE TO PARKING SUMMARY TABLE

**SITE PLAN**  
**RETRIBE TRANSFORMATIONS, L3C**  
 AS-BUILT SITE PLAN FOR TOWN PERMITTING  
 STEVENSVILLE & MAPLE LEAF ROADS UNDERHILL, VT

SCALE: 1" = 30'  
 DESIGNED BY: GMJr PROJECT #38042  
 DRAWN BY: SJH  
 CHECKED BY: GMJr

**MCCAIN CONSULTING, INC.**  
 93 SOUTH MAIN STREET  
 WATERBURY, VERMONT 05676

DATE: JUNE 13, 2018 SHEET C-1



Topography by Total Station  
 Contour Interval 2'  
 Datum NAVD 88

THE CONTRACTOR SHALL REVIEW ALL CONSTRUCTION ACTIVITIES, COMPONENT LOCATIONS, SPECIFICATIONS, AND DETAILS PRIOR TO COMMENCEMENT OF SITE WORK AND SHALL NOTIFY MCCAIN CONSULTING OF ANY ISSUES OR DISCREPANCIES THAT ARISE FROM THAT REVIEW.

THIS IS NOT A SURVEY. THIS PLAN DOES NOT MEET THE REQUIREMENTS OF 27 VSA SEC. 1403 FOR THE FILING OF SURVEY PLATS.



**Andrew Strniste**

---

**From:** Elaine Herman <elen7@post.harvard.edu>  
**Sent:** Monday, October 15, 2018 12:47 PM  
**To:** Andrew Strniste  
**Subject:** 29 october hearing maple leaf

Dear Andrew,

Since I will not be in Underhill on 29 October, I am writing to comment on the Conditional Use Review Hearing for ReTribe. Although I have no objection in principle to what they propose, given that there has been a violation of the original terms, I would like assurances that the total impact, especially in terms of traffic and noise, will not be greater than was agreed in the initial decision by the DRB.

Thank you very much.

Sincerely,

Elaine Herman



# Town of Underhill

## Development Review Board

### Conditional Use Review Findings and Decision

**CONDITIONAL USE REVIEW APPLICATION BY JULIA MARTIN, ON BEHALF OF MAPLE LEAF FARM ASSOCIATES, INC., WHICH IS BEING ADMINISTERED BY DOUGLAS J. WOLINSKY, CHAPTER 7 TRUSTEE, FOR THE PROPOSED CONVERSION OF THE FORMER MAPLE LEAF FARM CAMPUS INTO A MIXED-USE FACILITY CONTAINING MULTIPLE USES, SPECIFICALLY: TWO SINGLE-FAMILY DWELLINGS, FORESTRY, WILDLIFE MANAGEMENT AREA, SCHOOL, INN, HEALTH CLINIC, OUTDOOR RECREATION, NATURE CENTER, AND CULTURAL FACILITY**

In re: Julia Martin  
8, 10, 12, 14 & 20 Maple Leaf Road (ML008X, ML010X, ML012X, ML014X, ML020)  
Underhill, VT 05489

Docket No. DRB-18-05

**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 the former Maple Leaf Farm Campus into a mixed-use facility containing multiple uses, specifically: two single-family dwellings, forestry, wildlife management area, school, inn, health clinic, outdoor recreation, nature facility, and cultural facility at 8, 10, 12, 14, & 20 Maple Leaf Road (ML010X, ML012X, ML014X, ML020) in Underhill, Vermont, owned by Maple Leaf Farm Associates, Inc, which is being administered by Douglas J. Wolinsky, Chapter 7 Trustee.

- A. On February 9, 2018, Julia Martin, and on behalf of Maple Leaf Farm Associates, Inc., which is being administered by Douglas J. Wolinsky, Chapter 7 Trustee, 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 March 19, 2018 at 6:00 PM, and the hearing was scheduled for Monday, March 19, 2018 at 7:30 PM.
- B. On March 2, 2018, 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. \*ML008X – Primmer Piper Eggleston & Cramer, P.C., Attn: Douglas J. Wolinsky, Trustee, P.O. Box 1489, Burlington, VT 05402-1489
  2. \*ML010X – Primmer Piper Eggleston & Cramer, P.C., Attn: Douglas J. Wolinsky, Trustee, P.O. Box 1489, Burlington, VT 05402-1489
  3. \*ML012X – Primmer Piper Eggleston & Cramer, P.C., Attn: Douglas J. Wolinsky, Trustee, P.O. Box 1489, Burlington, VT 05402-1489
  4. \*ML014X – Primmer Piper Eggleston & Cramer, P.C., Attn: Douglas J. Wolinsky, Trustee, P.O. Box 1489, Burlington, VT 05402-1489
  5. \*ML020 – Primmer Piper Eggleston & Cramer, P.C., Attn: Douglas J. Wolinsky, Trustee, P.O. Box 1489, Burlington, VT 05402-1489

\* Note: All Maple Leaf Farm Associates, Inc. correspondence sent to Douglas J. Wolinsky, Trustee, in one letter in one mailing.

6. LH021 – Stephen W. Mahin, 21 Ledge Hill Road, Underhill, VT 05489
7. ML026 – James & Mary Leddy Estate, 14 Elsom Parkway, South Burlington, VT 05403
8. ML031 – Stephen M. & Tamara V. Pitmon, 31 Maple Leaf Road, Underhill, VT 05489
9. ML042 – Michael Luck Trustee, Barbara C. Wilson Trustee, of the Wilson-Luck Living Trust, 42 Maple Leaf Road, Underhill, VT 05489
10. ML055 – Frank Tyler Whitcomb, 55 Maple Leaf Road, Underhill, VT 05489
11. ST157 – John F. & Carole R. Doherty, 157 Stevensville Road, Underhill, VT 05489
12. ST168 – Christine McArthur, David & Frances Dube, Anna Leigh Horton, 266 Old Stage Road, Essex Junction, VT 05452
13. ST204 – Jeffrey L. & Karen C. Davis, P.O. Box 229, Underhill Center, VT 05490
14. ST217 – Elaine Herman Trustee, P.O. Box 116, Underhill Center, VT 05490
15. ST 219 – Jon Howard, P.O. Box 43, Underhill Center, VT 05490
16. ST221 – Livingston Howard, 199 Bayberry Lane, Westport, CT 06880
17. WH006 – Ryan & Julie A. Ochs, 6 Wheeler Road, Underhill, VT 05489
18. WH014 – Richard J. & Margaret E. Rushlow, P.O. Box 86, Underhill Center, VT 05490
19. WH026 – John & Angela M. Hermoain, 106 Kathleen Place, Yorktown, VA 23693
20. Applicant: VT413 – Julia Martin, 663 Guyette Road, Plainfield, VT 05667

C. During the week of February 25, 2018, 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 March 3, 2018, the notice of public hearing was published in the *Burlington Free Press*.

E. A site visit at the property location (8, 10, 12, 14 & 20 Maple Leaf Road, Underhill Vermont) commenced at 6:00 PM on March 19, 2018.

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, Daniel Lee
4. Board Member, Karen McKnight
5. Board Member, Stacey Turkos

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

6. Planning & Zoning Administrator, Andrew Strniste
7. Co-Applicant, Julia Martin (663 Guyette Road, Plainfield, VT 05667)
8. Co-Applicant, John Hunt (663 Guyette Road, Plainfield, VT 05667)
9. Abutting Neighbor, Elaine Herman (217 Stevensville Road, Underhill, VT)
10. Abutting Neighbor, John Doherty (157 Stevensville Road, Underhill, VT)
11. Abutting Neighbor, Carole Doherty (157 Stevensville Road, Underhill, VT)
12. Abutting Neighbor, Ryan Ochs (6 Wheeler Road, Underhill, VT)
13. Abutting Neighbor, Frank Tyler Whitcomb (55 Maple Leaf Road, Underhill, VT)

14. Abutting Neighbor, Christine Dube (168 Stevensville Road, Underhill, VT)
15. Abutting Neighbor Representative, Lauren Dube (Representing: 168 Stevensville Road; Mailing Address: 119B LaFountain Street, Winooski, VT)
16. Abutting Neighbor Representative, Jake Palmer (Representing: 168 Stevensville Road; Mailing Address: 119B LaFountain Street, Winooski, VT)
17. Abutting Neighbor Representative, Sarah Leddy (Representing 26 Maple Leaf Road; Mailing Address: 434 North Street, Burlington, VT)
18. Abutting Neighbor Representative, Daniele Negro (Representing 26 Maple Leaf Road; Mailing Address: 434 North Street, Burlington, VT)
19. Attendee: Ellen Post, 64 Brainerd St, St. Albans, VT

G. The conditional use review hearing commenced at 7:47 PM on March 19, 2018 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, Daniel Lee
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. Sue Ellen Walsh, Neighbor (29 Maple Leaf Farm, Underhill, VT)
2. Tamara Pitmon, Abutting Neighbor (31 Maple Leaf Farm, Underhill, VT)
3. Richard Rushlow, Abutting Neighbor (14 Wheeler Road, Underhill, VT)
4. Margaret Rushlow, Abutting Neighbor (14 Wheeler Road, Underhill, VT)
5. Sarah Leddy, Abutting Neighbor Representative (Representing 26 Maple Leaf Road, Underhill, VT; Mailing Address: 434 North Street, Burlington, VT)
6. Daniele Negro, Abutting Neighbor Representative (Representing 26 Maple Leaf Road, Underhill, VT; Mailing Address: 434 North Street, Burlington, VT)
7. Lauren Dube, Abutting Neighbor Representative (Representing 168 Maple Leaf Road, Underhill, VT; Mailing Address: 119B LaFountain, Street, Winooski, VT)
8. Jake Palmer, Abutting Neighbor Representative (Representing 168 Maple Leaf Road, Underhill, VT; Mailing Address: 119B LaFountain, Street, Winooski, VT)
9. Ellen Post, Attendee (Mailing Address: 64 Brainerd Street, St. Albans)
10. Christine Dube, Abutting Neighbor (168 Stevensville Road, Underhill, VT)
11. Kristin Humbargar, Attendee (142 River Road, Underhill, VT)
12. Sarah Hurley, Attendee (16 Spruce Lane, Underhill, VT)
13. Brian Hurley, Attendee (16 Spruce Lane, Underhill, VT)
14. Tonya Howard, Attendee (5 Black Dog Lane, Underhill, VT)
15. Tatyana Cady, Attendee (16 Covey Road, Underhill, VT)
16. Tom Cady, Attendee (16 Covey Road, Underhill, VT)
17. John Doherty, Abutting Neighbor (157 Stevensville Road, Underhill, VT)
18. Carole Doherty, Abutting Neighbor (157 Stevensville Road, Underhill, VT)

19. Thomas Montgomery, Attendee (3 Montgomery Road, Underhill)
20. Ryan Ochs, Abutting Neighbor (6 Wheeler, Underhill, VT)
21. Christine Dillon, Attendee (31 Beartown Road, Underhill, VT)
22. Gretil Dougherty, Attendee (142 River Road, Underhill, VT)
23. Julia Martin, Co-Applicant (663 Guyette Road, Plainfield, VT)
24. John Hunt, Co-Applicant (663 Guyette Road, Plainfield, VT)

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. Julia Martin
2. John Hunt
3. John Doherty
4. Carole Doherty
5. Sarah Hurley
6. Brian Hurley
7. Sarah Leddy
8. Tamara Pitmon
9. Richard Rushlow
10. Christine Dube
11. Laruen Dube
12. Tonya Howard
13. Elaine Herman
14. Jim Leddy

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

- Exhibit A – ML008 Martin Staff Report - Conditional Use Review
- Exhibit B – Martin (ML008X) Conditional Use Review Hearing Procedures
- Exhibit C – Application for Conditional Use and Site Plan Review
- Exhibit D – Authorization Letter from Chapter 7 Trustee
- Exhibit E – Conditional Use Review Findings Checklist
- Exhibit F – Site Plan Review Findings Checklist
- Exhibit G – Certificate of Service
- Exhibit H – Burlington Free Press Notice
- Exhibit I – Use Key for Site Plan
- Exhibit J – Project Narrative
- Exhibit K – Existing & Proposed Floor Plans
- Exhibit L – Site Plan with Corresponding Use Key Numbers
- Exhibit M – Anticipated Demographics Chart
- Exhibit N – Survey
- Exhibit O – Wastewater System Site Plan
- Exhibit P – Project Review Sheet
- Exhibit Q – Wastewater System & Potable Water Supply Permit
- Exhibit R – Associated Wastewater Permit Documents
- Exhibit S – Land Use Permit

No other exhibits were subsequently submitted and distributed prior to the start of the hearing. However, during the hearing, the following exhibits were submitted into the record:

Exhibit T – Correspondence from Elaine Herman Re: Application

Exhibit U – Correspondence from Jim Leddy Re: Application

All exhibits are available for public review in the ML008 Martin Conditional Use Review file (ML008 / DRB 18-05) at the Underhill Zoning & Planning office.

## **II. FACTUAL FINDINGS & CONCLUSIONS**

The Minutes of the March 19, 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 March 6, 2012, March 4, 2014 and March 6, 2018:

### ***PROJECT DESCRIPTION***

The applicant, Julia Martin, and John Hunt, are both co-owners of their business ReTribe Transformations, which provides transformational programs for children, teens, young adults, and adults. The applicant, with the permission of the Maple Leaf Farm Associate Inc. Chapter 7 Trustee, Douglas Wolinsky, has submitted an application to convert the old Maple Leaf Farm campus, which was previously used as drug rehabilitation facility, to a mixed-use facility containing multiple uses thus requiring conditional use review under Article II, Table 2.1. Specifically, the proposed uses are: two single-family dwellings, forestry, wildlife management area, school, inn, health clinic, outdoor recreation, nature center, and cultural facility, which are outlined and defined (in accordance with Article XI) below.

For clarification purposes, as described during the hearing, ReTribe Transformations is similar to Poker Hill School, but for older students (typically between ages 6 and 14). 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 reference to Exhibit L, which was submitted as part of the application, Ms. Martin proposes to:

- 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 subject properties are located at 8, 10, 12, 14 and 20 Maple Leaf Road (ML008X, ML010X, ML012X, ML014X and ML020), which are in the Water Conservation District as defined in Article II, Table 2.5 and in the Soil & Water Conservation District as defined in Article II, Table 2.7.

To summarize the intended project, the applicant proposes to utilize the existing buildings and infrastructure as a mixed-use facility to operate her business - ReTribe Transformations, to operate her mother's business - a therapeutic health clinic, to operate a hostel, and to operate a school/boarding school. Two of the buildings will be converted to separate single-family dwellings, where one will be occupied by the applicant and the other will be occupied by the applicant's mother. The transformational programs will largely utilize the forest, fields, and environment for activity purposes, but will also utilize some of the facilities for dining and overnight purposes. The health clinic will be small in nature with a modest number of clientele visiting on a daily or bi-daily basis. The hostel is intended to serve hikers along the Long Trail, as well as cross country skiers, and may serve as a starting point for those individuals. The applicants intend to start a boarding school, which will utilize the dining and boarding facilities.

The Board finds the wastewater disposal capacity of the site to be the limiting factor in determining use. The Board makes the following findings and limitations based on the existing Agency of Natural Resources Wastewater Disposal and Water Supply Permit WW-4-0294-5 issued on 30 October 2013, and summarized in the following chart:

<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>	<b>5,157</b>

**A. ARTICLE II, TABLE 2.5 – WATER CONSERVATION DISTRICT**

The Board finds that the existing structures, which are subject to this application, meet the minimum dimensional requirements, specifically pertaining to setbacks and frontage. The

applicant does not propose to construct any additions to the pre-existing buildings, nor does the applicant propose to construct any new buildings. In addition, the previous use conducted at the property, the now defunct Maple Leaf Farm drug rehabilitation center, was likely a nonconforming use, and the conversion of the campus to uses described below, with approval by this Board, brings the use into conformance with the Regulations.

The following chart identifies the proposed use, whether the use is a permitted use or conditional use, as well as the corresponding project aspect/description as summarized directly above in the “project description” section of this decision (Note – the definition of each use, as described in the 2018 *Underhill Unified Land Use & Development Regulations*, is incorporated into this decision by reference):

<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.”

As a result, the Board finds that the descriptions outlined above are consistent with their corresponding definitions; however, the Board finds that the school shall be considered an independent school and fall under the jurisdiction of the Vermont Department of Education. The

board shall require the school become either an “Approved” or “Recognized” Independent School as allowed by the Vermont Department of Education, either prior to, or within 10 months of the start of instructional curriculum on site. The board shall require verification that the health clinic and associated professionals are licensed in accordance with the services they are providing as defined by the Vermont Secretary of State.

Lastly, as indicated above under “project description,” the Department of Environmental Conservation Wastewater System & Potable Water Supply Permit (Permit #: WW-4-0294-5) is the limiting factor in this Board’s decision. Since the Board finds that a permit has already been issued by the State of Vermont, the Board requires the permit to be amended and a re-allocation of wastewater be updated in accordance with the proposed uses, not to exceed the gallons per day limitations in the original Wastewater System & Potable Water Supply Permit. The Board finds, that by amending the ANR permit regarding wastewater, the applicant will satisfy the purpose of the underlying zoning district – the Water Conservation District.

**B. ARTICLE II, TABLE 2.7 – SOIL & WATER CONSERVATION DISTRICT**

The Board finds that the pre-existing structures are not located in the Soil & Water Conservation District, and therefore, the uses directly associated with the buildings will not impact this district. However, similar to above, the chart directly below identifies the proposed uses that will occur in the Soil & Water Conservation District, whether the use is a permitted use or conditional use, as well as the corresponding project aspect/description as summarized directly above in the “project description” section of this decision (Note – the definition of each use, as described in the 2018 *Underhill Unified Land Use & Development Regulations*, is incorporated into this decision by reference):

<u>Proposed Use</u>	<u>Permitted or Conditional</u>	<u>Corresponding Project Aspect</u>	<u>Description</u>
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.”
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.”

Therefore, the Board finds that the descriptions outlined above are consistent with their corresponding definitions. The Board finds that the portion of the property that is located in the Soil & Water Conservation District is in the State’s current use program, and that the applicant intends to keep these lands in that program. The abovementioned uses, in the Board’s opinion, are not inconsistent with the current use program; however, the applicant is responsible for verifying

this information with the Vermont Department of Taxes.

**ARTICLE III, GENERAL REGULATIONS**

**C. SECTION 3.2 – ACCESS**

The Board finds that the existing lot contains a single access point off of Maple Leaf Farm Road, a regularly maintained Town Road. 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, since a conversion of use is proposed, the Board finds that the applicant will need to obtain an access permit from the Selectboard prior to commencing with their project, as outlined under Section 3.B(iii) of the Underhill Road Ordinance.

The Board finds that the applicant does not propose to construct or extend the existing driveway or parking lot, and that she intends to utilize the existing driveway and parking lot. As currently configured, the parking lot directly abuts Maple Leaf Road, thus failing to meet the minimum setback requirements; however, since the applicant does not propose to make any changes to the driveway or parking lot, the applicant is not increasing the degree of nonconformance, and therefore, the driveway and parking can be used as currently configured.

Lastly, the Board finds that the lot conforms to both the Water Conservation and Soil & Water Conservation zoning districts' frontage requirements of at least 300 & 400 feet respectively.

**D. SECTION 3.3 – CONVERSION OR CHANGE OF USE**

The Board finds that conditional use review approval is required since the applicant is converting the old Maple Leaf Farm campus, formally a drug rehabilitation center that was likely nonconforming, to a mixed-use facility containing several uses, which include multiple permitted uses and multiple conditional uses, and are outlined above. Regardless of the configuration of uses, and whether they are permitted or conditional, any combination of uses qualifying the proposal as a mixed-use project requires conditional use review.

The Board finds that with the approval of this conditional use review application, the applicant will satisfy the conditions of this Section, noting that review under nonconforming uses is directly below under Section 3.10. Also to note, the Board is limiting the project to the already approved and installed wastewater system, and therefore, the Board does not anticipate an increase in wastewater generation. However, the applicant will be required to submit the necessary documentation from the State of Vermont, Department of Environmental Conservation regarding the Wastewater System & Potable Water Supply permit prior to obtaining their Certificate of Occupancy.

**E. SECTION 3.7 – LOT, YARD & SETBACK REQUIREMENTS**

The Board finds that the existing structures appear to conform with lot, yard, and setback requirements; however, the parking lot, located on the west side of Maple Leaf Road, to be preexisting and nonconforming, as the lot directly abuts the town highway. The Board also finds that the proposed project conforms with the total building coverage and lot coverage requirements.

The combination of lots 8, 10, 12, 14 & 20 Maple Leaf Road yield a total area of approximately 78 acres (8, 10, 12 & 14 Maple Leaf Road total 10 total acres and 20 Maple Leaf Road total 68 acres), with approximately 1,790 feet of frontage along Maple Leaf Road and approximately 1,280 feet of frontage along Stevensville Road. The applicant does not propose to construct any additions or new buildings, and therefore, even if one of the buildings is nonconforming, the applicant would

not increase the degree of nonconformance due to the lack of exterior expansions of the existing buildings.

While Stevensville Brook bisects the 20 Maple Leaf Road parcel of land, in addition with a pond and Class II Wetland being located on 20 Maple Leaf Road, the applicant does not propose any new construction in the vicinity of these constraints. In addition, the existing structures more than satisfy the setback requirements (50-foot setback for Class II Wetlands; 25-foot setback for ponds and unnamed waterbodies; as well as the top of bank/top of slope requirement under Section 3.19).

The Board finds that applicant has satisfied the requirements of Sections 3.9 and 3.10, and will not be prevented from obtaining approval from the Board under this section.

**F. SECTION 3.8 – NONCONFORMING LOTS**

The Board finds that there is evidence to believe that 8 Maple Leaf Road (ML008X), 10 Maple Leaf Road (ML010X), 12 Maple Leaf Road (ML012X) and 14 Maple Leaf Road (ML014X) were separate lots at some time; however, no evidence has been submitted supporting that notion. Therefore, for the purposes of this application, the Board finds that the lots are deemed merged under Section 3.8.B, thus being treated as one lot, as the Board makes the assumption that some, if not all, of the lots were nonconforming and came under common ownership with one or more contiguous lots.

**G. SECTION 3.9 – NONCONFORMING STRUCTURES**

The Board finds that the existing structures were legally in existence as of the effective dates of the current *Underhill Unified Land Use & Development Regulations*, and are more than likely conforming; however, in the alternative, since the applicant did not submit evidence confirming that the structures conform to the abovementioned regulations, should the structures actually be nonconforming, the applicant may continue to occupy or use the buildings indefinitely since she does not propose to structurally enlarge, extend, expand, modify, or move any of the buildings.

The Board does find that the parking lot is nonconforming since it directly abuts Maple Leaf Road, thus failing to meet the setback requirements of the underlying district. However, the applicant may continue using the parking lot, as currently configured, to serve the facility since no alterations to the parking lot are proposed

**H. SECTION 3.10 – NONCONFORMING USES**

The Board finds that the previous use, a drug rehabilitation center, was likely a nonconforming use; however, the proposed mixed-use facility containing the various uses outlined above under Tables 2.5 and 2.7, with this approval, are conforming uses. This section is addressed as a formality in accordance with Section 3.3.

**I. SECTION 3.11 – OUTDOOR LIGHTING**

The Board finds that the applicant did not submit a lighting plan, but intends to keep the existing lighting in place. The Board finds that all lighting shall be downward facing, shield lighting and shall be installed with motion sensors. Each light shall not exceed 1800 lumens each (~100 watt incandescent bulb) and have no objectional spillover light to adjacent properties. 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~~ this Board for additional review should the Planning & Zoning Administrator find that the proposed lighting is inconsistent with this decision.

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

**PARKING SPACES:** The Board finds that the applicant has advised that the proposed project will have adequate parking, indicated that they counted 60 to 80 parking spaces on aerial photography. The Board finds that there is no supporting evidence that the old Maple Leaf Farm Campus provided that many parking spaces; however, as outlined in detail below. The Board finds that a minimum of 70 parking spaces are required in order to accommodate the anticipated demand created by the approved uses. Due to the configuration of the parking lot directly abutting Maple Leaf Road, the Board finds that parking shall not obstruct or disturb two-way vehicular traffic circulation or town maintenance / snow removal operations. In addition, in accordance with ADA standards, the applicant shall provide the requisite number of labeled, handicapped parking spaces. Lastly, since the parking lot exceeds eight parking spaces, typically 10% of the total parking area is required to be landscaped, unless waived under by the Board under this Section. The Board finds that the applicant's proposal does not satisfy any of the exceptions provided in Section 3.13.C; however, the lot is pre-existing, and since the applicant does not propose to increase the degree of nonconformance, the parking can remain in its current state.

**BICYCLE RACK:** The Board finds that the applicant shall provide a bicycle rack prior to obtaining a Certificate of Occupancy permit. 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 border with Maple Leaf Road; therefore, the Board waives the requirement that parking must be screened at this boundary under Section 3.13.A.3.

**LOADING & SERVICE AREAS:** The Board finds that the applicant shall provide loading and servicing areas in accordance with Section 3.13.B on the as-built site plan to be submitted prior to obtaining a Certificate of Occupancy permit. The location of these areas shall not impede with vehicular or pedestrian traffic.

**PROPERTY MAINTENANCE:** The Board finds that the applicant shall ensure that snow removal or snow storage does not interfere with parking capacity, pedestrian and vehicular circulation. The storage of snow shall not impede upon sight lines onto Maple Leaf Road, and in the event that excess snow interferes with the amount of parking spaces provided, the applicant shall arrange that the excess snow is removed from the site and located elsewhere.

In addition, the applicant shall ensure that trash is stored in a location that is enclosed and shielded from public view, which shall be located on the as-built site plan to be submitted prior to obtaining a Certificate of Occupancy permit and confirmed by the Planning and Zoning Administrator. The Board finds that the applicant is ultimately responsible for keeping the property free of debris and trash.

**K. 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 parking for the following uses associated with the proposed project: Forestry; Wildlife Habitat; Recreation, Outdoor; Nature Center; and Cultural Facility. The following chart outlines the parking requirement, broken down by use:

**L.**

Proposed Use	Parking Space Requirement	Required Number of Spaces
Single-Family Dwelling (x2)	2 per Dwelling Unit	4 spaces
Forestry	None Identified	4 spaces
Wildlife Habitat	None Identified	4 spaces
School (40 Children)	3 Spaces per Child	13 spaces
Inn (1 per Guest Room)	1 per Guest Room	21 spaces
Health Clinic	3 per Every Caregiver	12 spaces
Recreation, Outdoor	None Identified	4 spaces
Nature Center	None Identified	4 spaces
Cultural Facility	None Identified	4 spaces
Total		70 spaces

The applicant advised that there is between 60 to 80 parking spaces allocated between the parking lot on the west side of Maple Leaf Road and on the main campus, on the east side of Maple Leaf Road. While there is no parking requirement for the Forestry, Wildlife Habit, Outdoor Recreation, Nature Center, and Cultural Facility uses, as illustrated above, the Board has set required minimums for each use and finds there is an adequate amount of parking to accommodate the parking demand associated with these uses – the transformational programs. The Board finds that the transformational programs do not require day-long parking, as the transformational programs largely involve the pick-up and drop-off of children – as described during the hearing. Therefore the transformational programs will not require a large number of parking spaces, but rather, involve an area for pick-up and drop-off. The Board requires that the applicant designate a safe area for pick-up and drop-off, which shall be shown on the as-built site plan and which will be reviewed on-site by the Zoning Administrator prior to obtaining a Certificate of Occupancy permit.

**M. SECTION 3.14 – PERFORMANCE STANDARDS**

The Board finds that testimony submitted during the hearing was concerned with the anticipated level of noise. The Board finds that evidence was not submitted supporting the claim that the proposed project would violate the performance standard under Section 3.14.B. In addition, given the nature of the applicant’s business, children are to be expected to be noisy from time to time, and the Board encourages the applicant to try to minimum excessive and prolonged noise. In addition, the Board encourages the applicant and surrounding community to communicate with one another should noise become an issue. In regards to the other performance standards enumerated in this Section, the Board finds that the proposed project will conform to the requirements of this Section.

Nevertheless, the Board finds that the following conditions are imposed to help ensure that the requirements of this section are satisfied, acknowledging the conditions below may not explicitly apply to this Section of the zoning regulations:

- **School (Boarding School)**
  - The total number of bedrooms that are permitted at the site's location (number of bedrooms to serve the inn and the Boarding School) shall not exceed 30 beds and may be configured at the discretion of the applicant, noting that the number of beds for the hostel cannot exceed 22 as discussed under Section 4.5.
  - The boarding school shall not exceed more than 40 students – 20 commuting students and 20 boarding students (living on-site).
  - Since the school will be a boarding school, days of operation are implied to be Sunday thru Saturday.
  
- **Inn (Hostel)**
  - The total number of bedrooms that are permitted at the site's location (number of bedrooms to serve the inn and the Boarding School) shall not exceed 30 beds, and may be configured at the discretion of the applicant, noting that the number of bedrooms for the hostel cannot exceed 22 as discussed under Section 4.5.
  - Since the hostel will function similarly to an inn, days of operation are implied to be Sunday thru Saturday.
  
- **Health Clinic (Therapeutic Healthcare Facility)**
  - The total number of providers shall not exceed four (4).
  - The hours of operation shall occur between 7:00 am and 6:00 pm.
  - The days of operation shall occur between Monday and Friday.
  
- **Daily Transformational Programs**
  - The total number of participants shall not exceed 100 students and staff at any one time.
  - The days of operation shall occur between Monday and Saturday.
  
- **Weekly Transformational Programs**
  - The weekly transformational programs shall occur during vacations times within the traditional school year, summer vacation, or at those times when the on-site school is on break or vacation.
  - The total number of participants staying overnight in the Weekly Transformational Program shall be limited to the maximum boarding students allowed in the boarding school.
  - The total number of daily commuter participants in the Weekly Transformational Program shall be limited to the maximum of allowable commuter school students.
  - The days of operation are implied to be Sunday thru Saturday.
  - The applicants are permitted to perform five weekly transformation programs in a calendar year, as presented at the hearing (March 19, 2018).

A change to the hours of operation requires the applicant to contact the Planning and Zoning Administrator, and may require additional review by this Board.

**N. SECTION 3.16 – SIGNS**

The Board finds that the previous landowner had erected several signs in various located on the property. The applicant has advised she does not anticipate adding additional signage, and therefore, the Board finds that no new signage, or additional square footage of signage, shall be erected. However, the applicant is permitted to utilize the existing signage, not to exceed the cumulative square footage currently in place. Any change to signage size or location requires the

applicants to contact the Planning and Zoning Administrator for review and approval. Subsequently, if the applicant proposes additional sign square footage, she shall submit an application to the Zoning Administrator and will be required to comply with the zoning regulations in effect at the time of application.

**O. SECTION 3.17 – SOURCE PROTECTION AREAS**

The Board finds the project location is within an active groundwater source protection area, and as a result, the applicant is required to satisfy Section 3.17.B. The Board finds that the applicant does not propose any new structures or additions, and that the project will conform to requirements of this section. During the hearing, the applicant expressed a willingness to forgo the use of sodium chloride for de-icing and will instead consider environmentally-friendly alternatives (i.e. sand).

**P. SECTION 3.18 – STEEP SLOPES**

The Board finds that there are areas of steep slopes (15-25%) or very steep slopes (>25%) on the property under consideration; however, the applicants have not proposed to expand the building footprint, and therefore, there will be no impact to the existing slopes. The Board notes that activities associated with the transformational programs, the board school, and the hostel (i.e. hiking and skiing by the patrons) will likely occur in these areas; however, these activities are not prohibited, nor are they regulated, by this Section.

**Q. SECTION 3.19 – SURFACE WATERS & WETLANDS**

Evidenced by the ANR Website, a Class II Wetland is located in the general vicinity of a pond located at 20 Maple Leaf Farm Road. In addition, Stevensville Brook bisects the same lot. The Board finds that the applicant does not propose to construct any new buildings or additions, and therefore, there will be no new adverse impacts to these features. Additionally, the predominant development located on the two properties (8 Maple Leaf Road and 20 Maple Leaf Road) is at the site of 8 Maple Leaf Road, thus reconfirming that there are no adverse impacts to the brook, wetland or pond. Therefore, the Board finds that the applicant has satisfied the setback requirements for both the Class II Wetland (50-foot setback requirement) and the pond (25-foot setback – unnamed waterbody and/or under Section 3.16), as well as the 100-foot top of bank setback from Stevensville Brook.

**R. SECTION 3.23 – WATER SUPPLY & WASTEWATER SYSTEMS**

The subject property contains a Wastewater System & Potable Water Supply Permit from the Vermont Department of Environmental Conservation (Permit #: WW-4-0294-5) which contains the following restriction:

<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

<b>BLDG #</b>	<b>Building Name</b>	<b>Permitted Wastewater Usage</b>	<b>Wastewater GPD</b>
7	Women's Dorm	11 Beds	770
		<b>Approved Wastewater Capacity in (GPD)</b>	5,157

The Board finds that the applicant shall not exceed the allowed wastewater capacity currently permitted under Permit #: WW-4-0294-5, though the applicant is permitted to reallocate the allowed capacity to her discretion. As noted above, the total number of beds between the boarding school and the hostel that this Board permits shall not exceed 30, and can be allocated how the applicant wishes, noting that the number of beds for the hostel cannot exceed 22 as discussed under Section 4.5. The applicant shall submit an updated Wastewater System & Potable Water Supply Permit for recordation or documentation advising that an updated permit is not required, prior to obtaining the first certificate of occupancy.

**ARTICLE IV, SPECIFIC USE STANDARDS**

**A. SECTION 4.5 – COMMERCIAL LODGING (BED & BREAKFAST, INN)**

The Board conditions approval on the total number of beds between the boarding school and the hostel (Inn) not exceeding 30 beds, noting that the number of bedrooms for the hostel cannot exceed 22 as allowed under this section. The Board finds that the applicant proposes to offer on-site meals for overnight guests, and will be consistent with the other requirements of this Section. All applicable documentation shall be obtained and submitted to the Zoning Administrator prior to obtaining the first Certificate of Occupancy.

**B. SECTION 4.13 – MIXED USE**

The Board finds that multi-use facilities are conditional uses under both the Water Conservation and Soil & Water Conservation zoning districts. The applicant proposes multiple uses that vary from permitted uses to conditional uses. These are outlined above under Article II, Tables 2.5 and 2.7. The Board finds that the requirements of this Section are satisfied: no prohibited uses in the underlying zoning districts are proposed; the combination of the uses meet the applicable standards in the district which it is proposed; and the uses meet the applicable regulations under Article III, discussed above.

In addition, the Board approves the application with the understanding that the proposed uses will operate as outlined in this decision. If the nature of any of the uses (as described under the Article II Tables above) changes, the applicant, or subsequent landowner/applicant, is required to submit a conditional use review application for review by this Board. Should the applicant abandon one of the uses approved as part of this decision, the regulations in effect at the time of the abandoned use shall apply.

**ARTICLE V, DEVELOPMENT REVIEW**

**A. SECTION 5.1 – APPLICABILITY**

The Board finds that as part of Conditional Use Review under Section 5.4, Site Plan Review is also required under Section 5.4.C of the *Unified Land Use and Development Regulations*.

**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/or comments about the following safeguards, modifications, and conditions:

SECTION 5.3.B.1 – Existing Site Features: The Board finds that the applicant provided a site plan that was submitted at a previous hearing involving the subject properties. The site plan illustrated all of the existing buildings in relation to the property's boundaries, driveways/Town Highways, and landscaping. While the site plan did not show site features enumerated under Section 5.3.B.1 with great specificity, the Board was able to obtain that information through other sources (the ANR Website) and determined that the proposed use would not adversely affect these features. The Board also determined that the proposed project will not negatively impact the enumerated site features, as the applicant will not construct any new buildings or additions. Therefore, no mitigation measures are required under Section 5.3.B.2.

Section 5.3.B.2 – Site Layout & Design: The Board finds that the structures and supporting infrastructure are already in place and existing. While the previous use was a drug rehabilitation center, the Board finds that the buildings are compatible with the setting and context of the surrounding area and neighborhood. Specifically, the buildings at the subject property, when viewed separately, are of similar scale to other development nearby. Board finds that more intense use (albeit only more intense due to the amount of traffic associated with the use) is buffered due to the substantial amount of acreage associated with the subject property (approximately 78.0 acres), thus shielding the residential community. Together, the scale of the pre-existing buildings and extent of the property mitigate any intensity issue and/or scale issue that may be associated with the project.

The Board also makes the finding that the pre-existing buildings (the development) are all within the Water Conservation District. As mentioned above, the buildings, when viewed individually, are of a scale that is compatible with the surrounding community, and thus reinforce the rural character and traditional working landscape of the Water Conservation District. The existing buildings are already sited to avoid site features mentioned under Section 5.3.B.2.b. Lastly, the proposed project will conform to the Soil & Water Conservation District's vision outlined under Section 5.3.B.2.c, as the applicant has expressed a desire to retain the presently enrolled land in the Current Use program.

Section 5.3.B.3 – Vehicle Access: The Board finds that the vehicular access points and parking lot are existing. The Board finds that the applicant will be required to obtain an access permit from the Selectboard. The Board does not find that any of the measures in Section 5.3.B.3 need to be taken. See Section 3.2 above for more information.

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 existing infrastructure is in place to facilitate vehicular and pedestrian site circulations. As mentioned above, the applicant shall designate on the site plan: an area for loading and servicing on the property that does not interfere with the site circulation and a safe area for drop-off/pick-up of day students. In an effort to ensure pedestrian safety, the Board also encourages and recommends that the Selectboard to work with the applicant to designate a crosswalk in a preferred location that

would connect the parking lot to the main campus. The Board finds that the requirements of Section 5.3.B.5.b do not apply.

Section 5.3.B.6 – Landscaping and Screening: See Section 3.13 above for information regarding landscaping and 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 Section 5.2.B.2 and 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 applicant does not propose to increase the amount of impervious surface on the subject properties.

#### **C. SECTION 5.4 – CONDITIONAL USE REVIEW**

Section 5.4.A – Purpose: The Board finds that conditional use review is required because the project is mixed-use. While the mixed-use designation triggers conditional use review, in addition the Board also notes that the several of the proposed uses are designated as conditional uses under Article II (see Tables 2.5 and 2.7 above) and as such, require conditional use review. The Board finds that the conditions imposed and identified throughout this decision 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 mixed-use facility will not result in an increase in community services or facilities since the buildings and infrastructure are existing. Emergency services were already providing service to the facility. In addition, the Board limits the proposed use to the constraints of the Wastewater System and Potable Water Permit, as explain above under Section 3.23 above. Lastly, since the proposed uses include educational services and programs, there will be a negligible impact on the public school system. At this time, the Board does not foresee any conditions that need to be imposed to ensure that the demand for community facilities or services does not exceed the available capacity.

Section 5.4.B.2 – The Character of the Area Affected: The Board notes that the purpose statements of both the Water Conservation District and the Soil & Water Conservation District do not help the Board in evaluating whether the proposed development conforms to the scale, type, density and intensity in relation to the character of the area affected. Therefore, the Board turns to relevant policies and standards of the Underhill Town Plan as well as the specific standards under Section 5.4.D below. In addition, in evaluating the character of the area, the definition of “character of the area” under Article XI states

“For purposes of these regulations, the “character of the area” or character of a neighborhood is the planned type, density and pattern of development for a particular area or neighborhood, as defined by zoning district purpose statements and clearly stated goals, policies, and objects of the Underhill Town Plan that are specific to that area and/or the physical circumstances of

development. “

Since the Board finds that the purpose statements of the relevant zoning districts do not apply, the Board turns to the proposed development in a particular area or neighborhood. The Board defines the area/neighborhood as largely rural residential not inconsistent with other rural areas of the town. However, since the former facility has been in operation prior to the enactment of the zoning regulations, the board finds the “institutional use” of the property to be a defining character of the neighborhood.

First, the Board finds that there is no new “proposed development,” as the applicant intends to utilize the existing buildings and not construct any new buildings or additions. The board finds the institutional use to be a continuation of a pre-existing use. As explained above, when considered separately, the scale of each existing building is similar to the scale of the buildings in the area affected, as defined above. While the type and intensity of the proposed project is at variance with the single-family dwellings in the area, the Board finds that vastness of the property creates a feeling of seclusion, shielding the facility from the surrounding area and neighborhood. As a result, this buffer serves as a mitigation measure, and therefore, the Board does not find any undue adverse impact to the character of the area. Lastly, the Board finds that density is not relevant to this analysis, over time the use has grown from the original structures and expanded with the former facility and therefore the Board finds the density to be consistent with the neighborhood.

See Section 5.4.D.1 below for information regarding the Town Plan.

Section 5.4.B.3 – Traffic on Roads and Highways in the Vicinity: The applicant presented that the proposed mixed-use facility would create less traffic on the roads and highways in the vicinity than the previous use – a drug rehabilitation center. The Board finds that there is no evidence supporting that assertion; however, the Board does not find any evidence to the contrary. Nevertheless, the Board finds that the difference of traffic from what was previously on the road when the facility was operating as a drug rehabilitation center compared to what is being proposed will not result in noticeable impact on the roads and highways in the vicinity, which includes condition, capacity, safety and efficiency. Additionally, the Board finds that the proposed use will not result in the creation of unsafe conditions for motorists or pedestrians. Lastly, the Board finds that the proposed project will not result in 75 or more peak hour trips, and therefore, a traffic impact analysis is not required under Section 5.4.B.3.b.

Section 5.4.B.4 – Bylaws in Effect: The Board finds that the previous use – a drug rehabilitation center – was likely nonconforming; however, the submission and approval of this application brings the use into 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 Board finds that the Town Plan identifies managed forest lands as an important community goal, as it helps define the rural character of the Town (see Section 1.3, Page 3). The proposed project will, at this time, continue the conservation of the forested area since the applicant proposes to keep the land in Current Use, which minimizes potential subdivision. In addition, the Town Plan also supports the protection of wildlife habitat areas, which for the same reasons stated above, the proposed project will benefit.

In regards to the underlying zoning districts as described in the Town Plan, the Board finds that the proposed project meets the purpose of both districts. First, the proposed mixed-use facility would not be adverse to the gravel aquifer recharge area for Underhill Center, as the facility is already legally permitted by the State of Vermont, Department of Conservation. In addition, the proposed uses are either permitted uses or conditional uses, as outlined on page 23, Section 3.5 of the Town Plan. Second, the proposed project meets the purpose of the Soil & Water Conservation district, as the portion of land that lay in this zoning district will remain untouched, and will continue to be in the State’s Current Use Program. Lastly, in reviewing the Town Plan, the Board finds the project is not contrary or inconsistent with the goal of past efforts to manage growth, protect scenic, historic, and natural resources and maintain a vibrant community..

Section 5.4.D.2 – Zoning District & Use Standards: The Board finds no evidence that the proposed project is noncompliant with the zoning district and use standards, and that the approval of the application by this Board will legally permit the project.

Section 5.4.D.3 – Performance Standards: See Section 3.14 above for more formation regarding performance standards requirements.

Section 5.4.D.4 – Legal Documentation: The Board finds that this section does not apply, as rights-of-way and easements, as well as other common lands or facilities, are not under review. The Board finds that there are is no other legal documentation that need to be reviewed.

#### **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**

The Board finds that there are no Flood Hazard Areas present on the lot, and therefore, review under Article VI is not required.

#### **ARTICLE X, SPECIFIC USE STANDARDS**

#### **C. 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 permits issued as part of

this decision will remain in effect for two years from the date of issuance. The applicant must substantially commence the permit within two years 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")

**SECTION 10.3.D.2 – DRB APPROVALS:** The Board finds that conditional use 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 conditional use approval will remain in effect and run with the land. The Board finds that the applicant shall establish the uses within 24 months (2 years) of the approval date of this decision 30 April 2020.

### **III. WAIVERS, MODIFICATIONS & SUPPLEMENTATIONS**

The Board grants the following waivers/modifications:

- Except for barns and detached garages, the applicant, or subsequent applicant(s)/landowner(s), are/is not required to come before the Board for the construction of any out buildings, ancillary buildings, or accessory buildings, which would typically be required for any projects obtaining site plan review approval; instead the application for a building permit for those accessory-type buildings can be administratively reviewed and approved. However, the abovementioned structures must conform to the Regulations in effect at the time of the proposed projects.
- The applicant is not required to come before the Board for additional review should any modifications to the driveway be made during the access permit review process so long as those modifications are consistent with this decision, as determined by the Zoning Administrator.

### **IV. DECISIONS AND CONDITIONS OF APPROVAL**

The Board feels the information presented as part of the review process was sub-par and scattered adding to the complexity and duration for issuing the decision. After thorough deliberation the Board is minimally satisfied with the level of investigation, research 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 Unified Land Use & Development Regulations*, and concludes that based on the evidence submitted and the above findings, the proposed development generally conforms to the aforementioned Regulations.

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

1. The applicant shall submit an as-built site plan prior to obtaining the Certificate of Occupancy. Said site plan shall contain physical features of the site to include the location of any external lighting and signage.
2. The applicant shall submit a parking plan which identifies all of the available parking spaces, loading areas, service areas, and pedestrian crosswalks, prior to obtaining the Certificate of Occupancy.

3. The Board retains continuing jurisdiction over this property for the lifetime of this permit. Should the Board or the Zoning Administrator find the facility is being operated in such a way that is inconsistent with the representations made during this review, the Board after being referred to by the Zoning Administrator retains the ability to impose additional conditions.
4. The standard parking spaces shall be dimensioned per Section 3.13.A, and the handicapped parking spaces shall be dimensioned per the Vermont State Accessibility Code. In accordance with ADA standards, the applicant shall provide the requisite number of identified, handicapped parking spaces.
5. The applicant may obtain a separate Certificate of Occupancy permit for each building, and use, rather than obtaining one Certificate of Occupancy for the entire project; however, the applicable conditions relevant to each building as outlined in this decision shall be satisfied prior to obtaining a Certificate of Occupancy, as confirmed by the Zoning Administrator.
6. The Board is limiting the project to the already approved and installed wastewater system. The board acknowledges the wastewater allocation will need to be revised. The applicant is required to submit a revised permit from the State of Vermont, Department of Environmental Conservation regarding the Wastewater System & Potable Water Supply permit prior to obtaining their first Certificate of Occupancy.
7. Due to the configuration of the parking lot directly abutting Maple Leaf Road, the Board finds that parking shall not obstruct or disturb two-way vehicular traffic circulation.
8. The Board conditions this decision to limit traffic at 75 or less peak hour vehicle trip ends (VTE) as measured during the AM or PM peak hour. Should the facility exceed the designated 75 Vehicle Trip End peak limitation, the Board shall require a traffic impact analysis as defined under Section 5.4.B.3.b. The Board delegates the authority to require a traffic impact analysis to the Zoning Administrator.
9. The Board finds that the applicant shall provide loading and servicing areas in accordance with Section 3.13.B on the as-built site plan to be submitted prior to obtaining a Certificate of Occupancy permit. The location of these areas shall not impede with vehicular or pedestrian traffic.
10. The Board finds that all lighting shall be downward facing, shielded lighting and shall be installed with motion sensors. Each light shall not exceed 1800 lumens each (~100 watt incandescent bulb) and have no spillover light to adjacent properties. Locations for new light fixtures shall be shown on the as-built site plan.
11. Each single-family dwelling shall be occupied by someone connected with the daily activities of the permitted uses allowed by this decision. The single-family dwellings shall not be used as rental units for persons not involved with ReTribe, and in the event that one, or both, are used as rental units for unassociated parties, it will be considered contrary to this decision, and this permit shall become void.
12. The number of beds allowed for the boarding school and hostel shall not exceed 30, collectively, noting that the maximum number of beds allowed for the hostel cannot exceed 22, as allowed under Section 4.5.
13. The Board requires the school become either an "Approved" or "Recognized" Independent school as allowed by the Vermont Department of Education, either prior to, or within 10 months of the start of instructional curriculum on site.
14. The Board requires verification that the health clinic and associated professionals are licensed in accordance with the services they are providing as defined by the Vermont Secretary of State.
15. The Board requires that all applicable documentation related to the hostel shall be obtained

prior to obtaining the Certificate of Occupancy for the relevant building(s).

16. The Board requires that the uses permitted by this approval shall conform to the conditions outlined above under Section 3.14, Performance Standards, and are hereby incorporated into this section by reference.
17. The applicant shall submit an amended Wastewater System & Potable Water Supply Permit for recordation, or documentation advising that an updated permit is not required, prior to obtaining the first certificate of occupancy.
18. The Board conditions that no new signage, or additional square footage of signage, shall be erected; however, the applicant is permitted to utilize the existing signage, not to exceed the cumulative square footage currently in place. Any change to signage size or location requires the applicants to contact the Planning and Zoning Administrator for review and approval. Subsequently, if the applicant proposes additional signage square footage, she shall comply with the requirements of the zoning regulations in effect at the time of application.
19. The Board requires snow removal and parking operations be outside of the town rights of way and not interfere snow removal and maintenance operations conducted by the town. The storage of snow on-site shall not impede upon sight lines onto Maple Leaf Road, and in the event that excess snow interferes with the amount of parking spaces provided, the applicant shall arrange that the excess snow is removed from the site and located elsewhere.
20. The permittee shall ensure that trash is stored in a location that is enclosed and shielded from public view, which shall be confirmed by the Planning and Zoning Administrator prior to obtaining a Certificate of Occupancy permit. The location of the trash storage shall be shown on the as-built site plan. The Board finds that the applicant is ultimately responsible for keeping the property free of debris and trash.
21. The permittee is responsible for verifying with Vermont Department of Tax that the proposed project is consistent with the Current Use program.
22. The permittee will need to obtain an access permit from the Selectboard prior to commencing with the project, as required by Section 3.B (iii) of the Underhill Road Ordinance.
23. The permittee shall provide a bicycle rack.
24. The permittee shall ensure that all residents of the single-family dwellings have sufficient ingress and egress from the lot during all hours.
25. 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.
26. The Board delegates review / approval authority to the Zoning Administrator for minor modifications to the development that would normally require an amended conditional use review. Minor modifications shall be updated on the approved site plan. The Zoning Administrator has discretion over what constitutes a minor modification.
27. The permittee 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 for the use approved under this decision and as required under Section 10.4.A.2.
28. 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.

29. This permit is valid for two years from the date of issuance. To maintain validity the permittee must demonstrate a reasonable good faith effort to begin construction or development of the approvals outlined herein, unless delayed by other outside entities.

Dated at Underhill, Vermont this 30<sup>th</sup> day of April, 2018.

*Charles Van Winkle*

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Charles Van Winkle, Chairman, 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 May 30<sup>th</sup> 2018.

**WASTEWATER SYSTEM AND POTABLE WATER SUPPLY PERMIT**

**LAWS/REGULATIONS INVOLVED**

10 V.S.A. Chapter 64, Potable Water Supply and Wastewater System Permit  
 Wastewater System and Potable Water Supply Rules, Effective September 29, 2007  
 Chapter 21, Water Supply Rules, Effective December 1, 2010

**Landowner(s): Northern Shire, L3C**  
**14 Maple Leaf Road**  
**Underhill VT 05489**

**Permit Number: WW-4-0294-6R**

This permit affects the following properties in Underhill, Vermont:

<i>Lot</i>	<i>Parcel</i>	<i>SPAN</i>	<i>Acres</i>	<i>Book(s)/Page(s)#</i>
1	ML010	660-209-10439	80.00	Book:50 Page(s):459

This project, consisting of amending Permit WW-6-0294-5 for the change of use from a residential treatment facility to a day school, boarding school, hostel, healing center, cafeteria and assembly space, no increase in design, no changes to the existing water and wastewater disposal systems, located on 10 Maple Leaf Road in Underhill, Vermont, is hereby approved under the requirements of the regulations named above subject to the following conditions.

**1. GENERAL**

1.1 The project shall be completed as shown on the plans and/or documents prepared by Douglas Hewitt P.E. with the stamped plans listed as follows:

<i>Title</i>	<i>Sheet Number</i>	<i>Plan Date</i>	<i>Revision Date</i>
<i>Existing Conditions</i>	S1	05/10/2018	

1.2 This permit does not relieve the landowner from obtaining all other approvals and permits **PRIOR** to construction including, but not limited to, those that may be required from the Act 250 District Environmental Commission; the Drinking Water and Groundwater Protection Division; the Watershed Management Division; the Division of Fire Safety; the Vermont Department of Health; the Family Services Division; other State departments; or local officials.

1.3 The conditions of this permit shall run with the land and will be binding upon and enforceable against the landowner and all assigns and successors in interest. The landowner shall record and index this permit in the Underhill Land Records within thirty, (30) days of issuance of this permit and prior to the conveyance of any lot subject to the jurisdiction of this permit.

1.4 All conditions set forth in **Permit Number WW-4-0294-5** shall remain in effect except as amended or modified herein. The project is approved for the following:

<b>Building #</b>	<b>Description/Basis of Design</b>	<b>Water</b>	<b>Wastewater</b>
Barn/Dorm	Forest School 20 students x 20 gpd	400	400
	High School boarders 16 x 100 gpd	1600	1600
	Hostel 5 residents x 70 gpd	350	350
	Resident Staff 10 staff x 70	700	700
	Cafeteria seats 10 x 50 gpd	500	500
	Healing Center 2 staff x 35 gpd, 20 patients x 10 gpd	270	270
	Assembly 60 visitors x 5 gpd	300	300



	Reserve		65
	<b>Barn/Dorm System wastewater flows</b>		<b>4120</b>
Annex/Admin	Resident administrator 1 bedroom apt	140	140
	Wellness center 2 medical staff x 35 gpd, 15 patients x 10 gpd	220	220
	<b>Annex Admin System wastewater flows</b>		<b>360</b>
Separate Dorm	Residential staff 5 x 70 gpd	350	350
	Reserve	420	420
	<b>Separate Dorm System wastewater flows</b>	<b>770</b>	<b>770</b>
	<b>Totals</b>	<b>5315</b>	<b>5315</b>

Construction of additional nonexempt buildings, including commercial and residential buildings, is not allowed without prior review and approval by the Drinking Water and Groundwater Protection Division and such approval will not be granted unless the proposal conforms to the applicable laws and regulations. No construction is allowed that will cause non-compliance with an existing permit.

- 1.5 Each purchaser of any portion of the project shall be shown a copy of the Wastewater System and Potable Water Supply Permit and the stamped plan(s), if applicable, prior to conveyance of any portion of the project to that purchaser.
- 1.6 By acceptance of this permit, the landowner agrees to allow representatives of the State of Vermont access to the property subject to this permit, at reasonable times, for the purpose of ascertaining compliance with Vermont environmental/health statutes, regulations, and permit conditions, including performing an inspection of the wastewater disposal and water supply systems serving the/each structure.
- 1.7 Any person aggrieved by this permit may appeal to the Environmental Court within 30 days of the date of issuance of this permit in accordance with 10 V.S.A. Chapter 220 and the Vermont Rules of Environmental Court Proceedings.

**2.WATER SUPPLY**

- 2.1 The project is approved with an existing Public Non-Transient Non-Community well water supply system WSID #8333 N-2641-10.0 provided the water supply meets or exceeds the isolation distances, construction standards, and water quality standards required in the Water Supply Rule. The landowner shall operate the potable water supply in a manner that keeps the supply free from contamination.
- 2.2 No changes shall be made to the existing water system unless prior approval is obtained from the Drinking Water and Groundwater Protection Division. No other means of obtaining potable water shall be allowed without prior review and approval by the Drinking Water and Groundwater Protection Division unless otherwise exempt. The landowner shall immediately notify the Division if the water supply system fails to function properly and becomes a “failed supply”.

**3.WASTEWATER DISPOSAL**

- 3.1 The wastewater systems for this project is approved for domestic type wastewater only except as allowed for water treatment discharges. No discharge of other type process wastewater is permitted unless prior written approval is obtained from the Drinking Water and Groundwater Protection Division.
- 3.2 This project is approved with existing wastewater disposal systems. No changes shall be made to the existing wastewater system unless prior approval is obtained from the Drinking Water and Groundwater Protection Division. Should the system fail and not qualify for the minor repair or replacement exemption, the landowner shall engage a qualified Licensed Designer to evaluate the cause of the failure and to submit an application to Drinking Water and Groundwater Protection Division prior to correcting the failure.

- 3.3 No buildings, roads, water lines, earthwork, re-grading, excavation or other construction that might interfere with the operation of the wastewater disposal systems are allowed on or near the site-specific wastewater system or replacement area depicted on the stamped plans. Adherence to all isolation distances that are set forth in the Wastewater System and Potable Water Supply Rules is required.

Emily Boedecker, Commissioner  
Department of Environmental Conservation



By \_\_\_\_\_

Dated June 20, 2018

Jessanne Wyman  
Regional Engineer  
Essex Junction Regional Office  
Drinking Water and Groundwater Protection Division

- cc: Douglas Hewitt P.E.  
Underhill Planning Commission  
Act 250 District Environmental Commission-4C0658  
Department of Public Safety, Division of Fire Safety  
Department of Health – Food & Lodging Licenses



## State of Vermont

# LAND USE PERMIT ADMINISTRATIVE AMENDMENT

**CASE NO:** 4C0658-12

Merchants/Community Bank  
by Douglas J. Wolinsky  
30 Main Street, Suite 500  
Burlington, VT 05402

and

Northern Shire, L3C  
663 Guyette Road  
Plainfield, VT 05667

**LAW/REGULATIONS INVOLVED**

10 V.S.A. §§ 6001 – 6092 (Act 250)  
Act 250 Rule 34(D)

District Environmental Commission #4 hereby issues Land Use Permit Administrative Amendment #4C0658-12 pursuant to the authority vested in it by 10 V.S.A., §§ 6001-6093. This permit amendment applies to the lands identified in Book 50, Page 459; Book 136, Page 285; and Book 185, Page 74 of the land records of the Town of Underhill, Vermont.

This permit specifically authorizes the Permittees to change in use of the former Maple Leaf Farm to a year-round school and retreat (the "Project"). The Project is located at 10 Maple Leaf Road in the Town of Underhill, Vermont.

Jurisdiction attaches because the Project constitutes a material change to a permitted development or subdivision, and thus requires a permit amendment pursuant to Act 250 Rule 34.

1. The Permittees, and their assigns and successors in interest, are obligated by this permit to complete, operate and maintain the Project as approved by the District Commission in accordance with the following conditions.
2. The Project shall be completed, operated and maintained in accordance with the plans and exhibits on file with the District Environmental Commission, and the conditions of this permit.
3. All conditions of Land Use Permit #4C0658 and amendments are in full force and effect except as amended herein.
4. The Permittees shall comply with all of the conditions of the following Agency of Natural Resources Permit:
  - a. Wastewater System and Potable Water Supply Permit #WW-4-0294-6R issued on June 20, 2018 by the Agency of Natural Resources Wastewater Management Division.
5. Any nonmaterial changes to the permit listed in the preceding condition shall be automatically incorporated herein upon issuance by the Agency of Natural Resources.

6. Representatives of the State of Vermont shall have access to the property covered by this permit, at reasonable times, for the purpose of ascertaining compliance with Vermont environmental and health statutes and regulations and with this permit.
7. No change shall be made to the design, operation or use of this Project without a permit amendment issued by the District Commission or a jurisdictional opinion from the District Coordinator that a permit is not required.
8. Pursuant to 10 V.S.A. § 8005(c), the District Commission may at any time require that the permit holder file an affidavit certifying that the Project is in compliance with the terms of this permit.
9. The conditions of this permit and the land uses permitted herein shall run with the land and are binding upon and enforceable against the Permittees and their successors and assigns.
10. The Permittees shall apply and maintain water and/or other agents approved by the Watershed Management Division on all roadways or disturbed areas within the Project during construction to control dust.
11. The Permittees and all subsequent owners or lessees shall install and maintain only low-flow plumbing fixtures in any buildings. Any failed water conservation measures shall be promptly replaced with products of equal or better performance.
12. At a minimum, the Permittees shall comply with the Department of Environmental Conservation's *Low Risk Site Handbook for Erosion Prevention and Sediment Control* (2006).
13. No new signage, landscaping or exterior lighting is proposed in conjunction with the Project.
14. The installation and/or use of electric resistance space heat is specifically prohibited without the prior written approval of the District Environmental Commission.
15. Pursuant to 30 V.S.A. Section 51, the Permittees and/or subsequent lot owner, at a minimum, shall renovate the Annex and Farm House into single family homes in accordance with Vermont's Residential Building Energy Standards ("RBES").
16. Pursuant to 30 V.S.A. § 53, energy design and construction in the south end of the Barn for the Large Meeting Room shall, at a minimum, comply the *2015 Vermont Commercial Building Energy Standards*. (More information on this update can be found at [http://publicservice.vermont.gov/topics/energy\\_efficiency/cbes](http://publicservice.vermont.gov/topics/energy_efficiency/cbes)).
17. The Permittees shall provide each prospective purchaser of any interest in this Project a copy of the Land Use Permit Amendment and Wastewater System and Potable Water Supply Permit before any written contract of sale is entered into.
18. Upon completion of the renovation of each building and prior to occupancy, the Permittees shall submit to the District Commission a copy of the certification submitted to the Public Service Department as described under 30 V.S.A. § 53(d) or 51(f).
19. Pursuant to 10 V.S.A. § 6090(c), this permit amendment is hereby issued for an indefinite term, as long as there is compliance with the conditions herein. Notwithstanding any other provision herein, this permit shall expire three years from the date of issuance if the

Permittees have not commenced construction and made substantial progress toward completion within the three-year period in accordance with 10 V.S.A. § 6091(b).

20. All site work and construction shall be completed in accordance with the approved plans by **October 1, 2021**, unless an extension of this date is approved in writing by the Commission. Such requests to extend must be filed prior to the deadline and approval may be granted without public hearing.
21. The Permittees shall file a Certificate of Actual Construction Costs, on forms available from the Natural Resources Board, pursuant to 10 V.S.A. § 6083a(g) within one month after construction has been substantially completed or two years from the date of this permit, whichever shall occur first. Application for extension of time for good cause shown may be made to the District Commission. If actual construction costs exceed the original estimate, a supplemental fee based on actual construction costs must be paid at the time of certification in accordance with the fee schedule in effect at the time of application. Upon request, the Permittees shall provide all documents or other information necessary to substantiate the certification. Pursuant to existing law, failure to file the certification or pay any supplemental fee due constitutes grounds for permit revocation. The certificate of actual construction costs and any supplemental fee (by check payable to the "State of Vermont") shall be mailed to: Natural Resources Board, 10 Baldwin Street, Montpelier, VT 05633-3201; Attention: Certification
22. Failure to comply with all of the above conditions may be grounds for permit revocation pursuant to 10 V.S.A., § 6027(g).

Dated at Essex Junction, Vermont, this 22<sup>nd</sup> day of June, 2018.

By /s/ Rachel Lomonaco  
Rachel Lomonaco  
District #4 Coordinator

This permit is issued pursuant to Act 250 Rule 34(D), Administrative Amendments, which authorizes a district coordinator, on behalf of the District Commission, to "amend a permit without notice or hearing when an amendment is necessary for record-keeping purposes or to provide authorization for minor revisions to permitted projects raising no likelihood of impacts under the criteria of the Act." The rule also provides that all parties of record and current adjoining landowners shall receive a copy of any administrative amendment.

Prior to any appeal of this Administrative Amendment to the Superior Court, Environmental Division, the applicant or a party must file a motion to alter with the District Commission within 15 days from the date of this Administrative Amendment, pursuant to Act 250 Rule 34(D)(2).

Y:\NRB\Essex\DISTRICTS\DIST4\PROJECTS\4C0501-4C0750\4C0658-12\4C0658-12.administrative.amendment.docx

## CERTIFICATE OF SERVICE

I hereby certify on this 22<sup>nd</sup> day of June, 2018, a copy of the foregoing **ACT 250 LAND USE PERMIT #4C0658-12**, was sent by U.S. mail, postage prepaid to the following individuals without email addresses and by email to the individuals with email addresses listed.

**Note: any recipient may change its preferred method of receiving notices and other documents by contacting the District Office staff at the mailing address or email below. If you have elected to receive notices and other documents by email, it is your responsibility to notify our office of any email address changes.** All email replies should be sent [nrb-act250essex@vermont.gov](mailto:nrb-act250essex@vermont.gov) Please note you can now fill out and submit the Act 250 survey online at: <http://permits.vermont.gov/act250-survey> instead of printing and mailing the attached pdf version.

**Northern Shire, L3C**  
c/o Julie Martin  
663 Guyette Road  
Plainfield, VT 05667  
[retribetransformation@gmail.com](mailto:retribetransformation@gmail.com)

**Merchants Community Bank**  
By Douglas J. Wolinsky, Trustee  
30 Main Street, Suite 500  
Burlington, VT 05402  
[dwolinsky@primer.com](mailto:dwolinsky@primer.com)

Jane Martin  
[eolseminars@comcast.net](mailto:eolseminars@comcast.net)

John Hunt  
[sampetra@hotmail.com](mailto:sampetra@hotmail.com)

Sheri Morin, Town Clerk  
Chair, Selectboard/Chair Planning Commission  
**Town of Underhill**  
PO Box 120  
Underhill, VT 05489  
[smorin@underhillvt.gov](mailto:smorin@underhillvt.gov)

Charlie Baker, Executive Director  
Regina Mahony, Senior Planner  
**Chittenden County Regional Planning Commission**  
110 West Canal Street, Suite 202  
Winooski, VT 05404  
[cbaker@ccrpcvt.org](mailto:cbaker@ccrpcvt.org)  
[rmahony@ccrpcvt.org](mailto:rmahony@ccrpcvt.org)

Elizabeth Lord, Land Use Attorney  
**Agency of Natural Resources**  
National Life Drive, Davis 2  
Montpelier, VT 05602  
[anr.act250@vermont.gov](mailto:anr.act250@vermont.gov)

Barry Murphy  
**Vt. Dept. of Public Service**  
112 State Street, Drawer 20  
Montpelier, VT 05620-2601  
[barry.murphy@vermont.gov](mailto:barry.murphy@vermont.gov)

Craig Keller/John Gruchacz/Jeff Ramsey/Christopher Clow  
**VTrans Policy, Planning & Research Bureau**  
One National Life Drive, Drawer 33  
Montpelier, VT 05633  
[craig.keller@vermont.gov](mailto:craig.keller@vermont.gov); [jeff.ramsey@vermont.gov](mailto:jeff.ramsey@vermont.gov)  
[john.gruchacz@vermont.gov](mailto:john.gruchacz@vermont.gov); [christopher.clow@vermont.gov](mailto:christopher.clow@vermont.gov)

Act 250 Development Coordinator  
**Vt. Agency of Agriculture, Food & Markets**  
116 State Street, Drawer 20  
Montpelier, VT 05620-2901  
[AGR.ACT250@vermont.gov](mailto:AGR.ACT250@vermont.gov)

**Division for Historic Preservation**  
National Life Building, Drawer 20  
Montpelier, VT 05620  
[scott.dillon@vermont.gov](mailto:scott.dillon@vermont.gov)  
[james.duggan@vermont.gov](mailto:james.duggan@vermont.gov)

### FOR YOUR INFORMATION

**DISTRICT #4 ENVIRONMENTAL COMMISSION**  
Thomas A. Little, Chair  
111 West Street  
Essex Junction, VT 05452

### ADJOINING LANDOWNERS

On File VIA: CTRL Click below scroll to Schedule E  
[https://anrweb.vt.gov/PubDocs/ANR/Planning/4C0658-12/Application%20Documents/Act%20250%20amendment%20application\\_revised%204.18.pdf](https://anrweb.vt.gov/PubDocs/ANR/Planning/4C0658-12/Application%20Documents/Act%20250%20amendment%20application_revised%204.18.pdf)

Dated at Essex Junction, Vermont, this 22<sup>nd</sup> day of June, 2018.

/s/ Barbara J. Cady  
879-5614



Vermont Department of Public Safety  
**DIVISION OF FIRE SAFETY**  
 Office of the State Fire Marshal, State Fire Academy and State Haz-Mat Team  
 firesafety.vermont.gov



Barre Regional Office  
 1311 U.S. Route 302 - Berlin, Suite 500  
 Barre, VT 05641  
 [phone] 802-479-4434  
 [fax] 802-479-4446

Rutland Regional Office  
 56 Howe Street, Building A, Suite 200  
 Rutland, VT 05701-3449  
 [phone] 802-786-5867  
 [fax] 802-786-5872

Williston Regional Office  
 380 Hurricane Lane, Suite 101  
 Williston, VT 05495-2080  
 [phone] 802-879-2300  
 [fax] 802-879-2312

Springfield Regional Office  
 100 Mineral Street, Suite 307  
 Springfield, VT 05156-3168  
 [phone] 802-885-8883  
 [fax] 802-885-8885

**FIRE INSPECTION RESULTS**

Site Id: 83864

**Structure Information**

Name: MAPLE LEAF FARM - MODULAR OFFICE BUILDING  
 Structure Id: 83864  
 Address: 10 MAPLE LEAF ROAD (PO BOX 120)  
 UNDERHILL, VT 05489

**Owner Information**

Owner: MAPLE LEAF FARM ASSOCIATES INC (N 7019)  
 Phone: 802-899-2911  
 Address: 10 MAPLE LEAF ROAD  
 PO BOX 120  
 UNDERHILL, VT 05489

**Building Description**

Risk Index: L3	Smoke Det: No	Occupants:	Units: 1
Const Type: 5B	CO Detect: No	Stand Pipe:	Floors: 1
Occ Type: B	Fire Alarm:	Sprinkler:	Sq Feet: 1200

**Project Description**

Name: Time of Sale/Change of Use Inspection  
 Type: Building Project Received: 04/30/2018 Workitem Id: 421710

**Inspection Detail**

Insp Date: 09/12/2018 Insp Type: Occupancy  
 Comply By: Occ Granted: Yes Violations:  
 Inspector: JESSE DOBIECKI (S 83527) Hazard Index: Level 2

**Violations and Notes**

- OK to re-occupy this office building.
1. Repair/replace non-functioning exit signs/emergency lights.
  2. Sand or replace ramp handrails.
- \*Access to the marked rear exits must be available at all times when the building is occupied.



**FIREPROTEC, AN IMPACT FIRE COMPANY**  
552 AVENUE D, SUITE 20  
WILLISTON VT 05495

September 21, 2018

Northern Shire  
Retribe  
14 Maple Leaf Farm Rd  
Underhill, VT 05489

**Re: Confirmation of Portable Fire Extinguisher Service**

Dear Jane :

This letter is to confirm that FireProTec has completed the annual maintenance inspection and service on the portable fire extinguishers at Retribe. The annual maintenance inspection was completed in accordance with the NFPA #10 standard on August 10, 2018. The extinguishers have new service tags attached which are valid until the end of August 2019.

Thank you for your patronage. If you have any questions please don't hesitate to contact us.

Sincerely,

Debbie Crowley  
Administrative Assistant

EXHIBIT

P

**Vermont Department of Taxes**

133 State Street PO Box 547 Montpelier, VT 05601-0547

**MEALS AND ROOMS TAX LICENSE**

This License is hereby issued to RETRIBE in accordance with the provisions of Chapter 225 of Title 32, V.S.A., to operate an establishment known as RETRIBE UNDERHILL located at 8 MAPLE LEAF RD, UNDERHILL, VT

\*\*\*PRINTDOC\*\*\*

RETRIBE  
RETRIBE UNDERHILL  
14 MAPLE LEAF RD BLDG 8  
UNDERHILL, VT 05489

  
Commissioner of Taxes

This license is issued effective Jul-15-2018 to Vermont business tax account number MRT-10200926-001. It is not transferable, and must be surrendered upon sale, transfer, merger, termination of business, or revocation of the license.

***Display this license in a prominent place at the business location.***