

# APPLICATION OVERVIEW

## CONDITIONAL USE REVIEW (§ 5.4) & SITE PLAN REVIEW (§ 5.3)

<b>DRB DOCKET #:</b>	DRB-19-12
<b>APPLICANT(S):</b>	Michael Diffenderffer
<b>CONSULTANT(S):</b>	Unknown
<b>PROPERTY ADDRESS (PARCEL ID CODE):</b>	15 Pleasant Valley Road (PV015)
<b>ZONING DISTRICT(S):</b>	Underhill Center Village
<b>INITIAL FILING DATE:</b>	September 6, 2019
<b>APPLICATION COMPLETION DATE:</b>	September 6, 2019
<b>SCHEDULED HEARING DATE:</b>	October 21, 2019

<b>PROJECT DESCRIPTION:</b>	The Applicant is seeking to convert a multi-family dwelling to a mixed-use structure containing: multiple dwelling units (multi-family dwelling), restaurant space and office space, as well as to construct a covered porch within the Crane Brook riparian buffer.
<b>MOST RELEVANT ULUDR SECTIONS:</b>	§ 3.19 (Surface Waters & Wetlands); § 5.3 (Site Plan Review); § 5.4 (Conditional Use Review; and § 5.5 (Waivers & Variances)
<b>REASON FOR CONDITIONAL USE REVIEW:</b>	<ul style="list-style-type: none"> <li>The construction of a structure within a riparian buffer necessitates either a dimensional waiver (§ 5.5.B) or a variance (§ 5.5.C).</li> <li>The conversion of a multi-family dwelling to a mixed-use structure requires conditional use review (§ 5.4)</li> </ul>
<b>APPLICABILITY OF ROAD ORDINANCE:</b>	The 2015 Road Ordinance, as amended December 18, 2018 <b>APPLIES</b> . <ul style="list-style-type: none"> <li>An Access Permit is required.</li> </ul>
<b>STATE PERMIT INFORMATION:</b>	<ul style="list-style-type: none"> <li>A Wastewater System &amp; Potable Water Supply Permit is required.</li> </ul>
<b>COMMENTS/NOTABLE ISSUES:</b>	<ul style="list-style-type: none"> <li>More information relating to parking is required (see § 3.13 and Appendix A of the Staff Report).</li> <li>If a sign is envisioned, more information relating to the sign will be required (§ 3.16).</li> <li>If the covered porch was shortened, and not built to the entire length of the existing structure, the covered porch could satisfy the riparian buffer setback requirements.</li> </ul>



# TOWN OF UNDERHILL

## Development Review Board

MICHAEL DIFFENDERFFER

CONDITIONAL USE

Docket #: DRB-19-12

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Applicant(s):	Michael Diffenderffer
Consultant:	Unknown
Property Location:	15 Pleasant Valley Road (PV015)
Acreage:	±1.1 Acres (Grand List) / ±0.82 Acres (ArcMap)
Zoning District(s):	Underhill Center Village District
Project Information:	The Applicant is proposing to convert a multi-family dwelling to a mixed-use structure containing: three dwelling units (multi-family dwelling), office space and restaurant space, as well as to construct a covered porch within a riparian buffer.

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### **2018 UNDERHILL UNIFIED LAND USE & DEVELOPMENT REGULATIONS**

#### **RELEVANT REGULATIONS:**

- Article II, Table 2.3 – Underhill Center Village District (pg. 12)
  - 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 3.8 – Nonconforming Lots (pg. 39)
  - Article III, Section 3.9 – Nonconforming Structures (pg. 40)
  - Article III, Section 3.11 – Outdoor Lighting (pg. 41)
  - Article III, Section 3.13 – Parking, Loading & Service Areas (pg. 44)
  - Article III, Section 3.14 – Performance Standards (pg. 46)
  - 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 4.12 – Mixed-Use (pg. 87)
  - Article IV, Section 4.15 – Multi-Dwelling Structures (Access Dwellings, Two-Family Dwellings and Multi-Family Dwellings (pg. 92)
  - Article V, Section 5.1 – Applicability (pg. 112)
  - 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)
  - Appendix A – *Underhill Road, Driveway, Trail Ordinance*
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## CONTENTS:

- a. Exhibit A - Diffenderffer Conditional Use Review Staff Report
- b. Exhibit B - Diffenderffer (PV015) Conditional Use Review Hearing Procedures
- c. Exhibit C - Development Review Application
- d. Exhibit D - Project Narrative & Information
- e. Exhibit E - Zoning Permit Application # B-19-18
- f. Exhibit F - Zoning Permit Application # CL-19-05
- g. Exhibit G - Certificate of Service
- h. Exhibit H - BFP Notice
- i. Exhibit I - § 3.17 Source Protection Areas (ULUDR)
- j. Exhibit J - Existing & Proposed Upper Level Floor Plan
- k. Exhibit K - Existing & Proposed Lower Level Floor Plan
- l. Exhibit L - Existing & Proposed Elevations
- m. Exhibit M - Wastewater System Site Plan

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## COMMENTS/QUESTIONS

### UNIFIED LAND USE & DEVELOPMENT REGULATIONS

1. **TABLE 2.3 – UNDERHILL CENTER VILLAGE DISTRICT:** The proposing parking areas shall be 12 ft. from the property lines unless waived by the Development Review Board.
2. **TABLE 2.3 – UNDERHILL CENTER VILLAGE DISTRICT:** Should the Board pursue more information about the parking arrangement, obtaining the building and lot coverage percentages is recommended.
3. **SECTION 3.2 – ACCESS:** While the Applicant has not submitted an access permit application at this time, the Board can still review the layout of the access way and parking layout, as the application itself only provides informational materials.
4. **SECTION 3.2 – ACCESS:** Staff has informed the Applicant that more information regarding the parking layout is likely to be required.
5. **SECTION 3.2 – ACCESS:** Upon ascertaining what information will be required, Staff can solicit comments from the Road Foreman.
6. **SECTION 3.2 – ACCESS:** The existing lot already contains two existing accesses (curb cuts). The Board has the authority to require the Applicant to close one of the curb cuts (Sections 3.2.D.2 and 3.2.D.4).
7. **SECTION 3.2 – ACCESS:** The Board has the authority to require the Applicant to bring the driveway up to AOT B-71 Standards.
8. **SECTION 3.3 – CONVERSION OR CHANGE OF USE:** Conditional use approval is required since the Applicant is proposing to convert the structure from a multi-family dwelling (a conditional use) to a mixed-use structure (a conditional use) (§ 3.3.A.3).
9. **SECTION 3.11 – OUTDOOR LIGHTING:** If lighting in the parking areas occurs, the Applicant will need to confirm that they will conform with the outdoor lighting requirements.
10. **SECTION 3.13 – PARKING, LOADING & SERVICE AREAS:** All parking spaces are required to be 9 ft. by 18 ft., and shall be located to the side or rear of the building, behind the front building line, unless approved by the Board.

11. **SECTION 3.13 – PARKING, LOADING & SERVICE AREAS:** Parking areas, loading areas, utilities, waste and recycling collection areas, shall be screened from adjoining residential properties.
12. **SECTION 3.13 – PARKING, LOADING & SERVICE AREAS:** The parking area shall consist a minimum 10% landscaping unless waived by the Board.
13. **SECTION 3.13 – PARKING, LOADING & SERVICE AREAS:** The Board may require as a condition of approval standards relating to: a) shared parking, b) landscaping, c) screening, d) lighting, e) snow removal, f) pedestrian, or g) transit facilities.
14. **SECTION 3.13 – PARKING, LOADING & SERVICE AREAS:** The Applicant will need to depict loading and service areas for emergency vehicles, waste and recycling collection, utility boxes, snow storage and other purposes found to be necessary.
15. **SECTION 3.13 – PARKING, LOADING & SERVICE AREAS:** Loading and service areas will need to be clearly marked and located in a manner that will not obstruct vehicular and pedestrian circulation.
16. **SECTION 3.13 – PARKING, LOADING & SERVICE AREAS:** The Board retains the right to waive some the aforementioned requirements (see § 3.13.C).
17. **SECTION 3.16 – SIGNS:** The Board shall inquire with the Applicant if he is an anticipating the utilization of a sign.
18. **SECTION 3.19 – SURFACE WATERS & WETLANDS:** The proposed covered porch will be ~66 ft. from Crane Brook, and therefore, will encroach upon the riparian buffer by 34 ft.
19. **SECTION 3.19 – SURFACE WATERS & WETLANDS:** The first 50 ft. of the riparian buffer are to be maintained as an undisturbed, naturally vegetated riparian buffer (§ 3.19.D.5).
20. **SECTION 5.3.B.6 – LANDSCAPING & SCREENING:** Landscaping shall be provided to shield parking areas from neighboring properties – specifically in the front and side portions of the property where they abut residential properties or public roads.
21. **SECTION 5.4.B.1 – THE CAPACITY OF EXISTING OR PLANNING COMMUNITY SERVICES OR FACILITIES:** Staff can consult the Road Foreman should the Board desire more information relating to access and drainage issues.
22. **SECTION 5.5.B.4 – WAIVER REQUEST ELEMENTS:** The porch could be shortened in order to conform to the riparian buffer requirement.
23. **ARTICLE VI – FLOOD HAZARD AREA REVIEW:** Additional information relating to parking is required to determine if any of the flood hazard area review standards apply.

#### **APPENDIX A – ROAD ORDINANCE**

1. **SECTION 4.C – DEVELOPMENT ROAD & DRIVEWAY STANDARDS – GRADES:** More information relating to the grade of the driveway is required to determine if it satisfies the 10% grade requirement.
2. **SECTION 4.C – DEVELOPMENT ROAD & DRIVEWAY STANDARDS – TOPOGRAPHY:** Should the Board require updated information relating to parking, further review will be required.
3. **SECTION 4.C – DEVELOPMENT ROAD & DRIVEWAY STANDARDS – DRAINAGE:** Upon the submission of additional parking materials, Staff can solicit comments from the Road Foreman regarding drainage.

4. **SECTION 4.C – DEVELOPMENT ROAD & DRIVEWAY STANDARDS – SLOPES, BANKS & DITCHES:** Upon the submission of additional parking materials, Staff can solicit comments from the Road Foreman and conduct a more thorough review regarding this subsection.
  5. **SECTION 4.C – DEVELOPMENT ROAD & DRIVEWAY STANDARDS – WET AREAS:** Upon the submission of additional parking materials, Staff can conduct a more thorough review regarding this subsection.
  6. **SECTION 4.C – DEVELOPMENT ROAD & DRIVEWAY STANDARDS – CULVERTS:** Upon the submission of additional parking materials, Staff can solicit comments from the Road Foreman regarding culverts.
  7. **SECTION 4.C – DEVELOPMENT ROAD & DRIVEWAY STANDARDS – DESIGN:** A paved apron shall be provided.
  8. **SECTION 5.A – DRIVEWAYS – CONSTRUCTION & DESIGN REQUIREMENTS:** The Board should require the Applicant to upgrade the existing driveway and proposed parking areas to be upgraded to AOT B-71 Standards.
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# STAFF FINDINGS OF RELEVANT SECTIONS

## ARTICLE II – ZONING DISTRICTS



	Underhill Center Village		Existing	Proposed
<b>Lot Size:</b>	1.50 Acres		1.1 Acres (Grand List) 0.82 Acres (ArcMap)	
<b>Frontage:</b>	100 ft.		236 ft.	
<b>Setbacks:</b>	Principal	Accessory	Source: ArcMap (Exhibits J & K)	
• Front South	0 ft.	0 ft.	±18 ft.	±18 ft.
• Side 1 West	15 ft.	12 ft.	±53 ft.	±53 ft.
• Side 2 East	15 ft.	12 ft.	±61 ft.	±61 ft.
• Rear North	15 ft.	12 ft.	±73 ft.	±66 ft.
<b>Max. Building Coverage:</b>	50%		Assumed Met	Assumed Met
<b>Max. Lot Coverage:</b>	75%		Assumed Met	Assumed Met
<b>Maximum Height:</b>	35 ft.		Assumed Met	Assumed Met

**Purpose Statement:** The purpose of the Underhill Center Village District is to encourage a community that reflects its historic character, which includes diverse residential, public, and small-scale commercial uses. This District’s intent is to provide gathering places, services, work spaces and recreational spaces in a compact, safe, walkable and welcoming setting to the extent topographical and environmental conditions allow.

- The proposed uses: multi-family, office space and restaurant space, conform with the small-scale commercial uses, gathering places, services and work spaces provided in the purpose statement above.
  - The proposed uses require the following review:
    - Office – **Site Plan Review**
    - Mixed Use (max: 10,000 sq. ft.) – **Conditional Use Review**
    - Dwelling-Multi Family (max: 3 units) – **Conditional Use Review**
    - Restaurant (max: 90 seats; no drive-through) – **Conditional Use Review**
- The existing lot does not conform to the minimize lot size requirement, and is therefore, a preexisting nonconforming lot (see Section 3.8, Nonconforming Lots below).
- The existing structure conforms to the property’s setback requirements.
- The proposed covered porch will conform with the property’s setback requirements.
- The proposed covered porch will **NOT** conform with the riparian buffer setback (see Section 3.19, Surface Waters & Wetlands below).
- The proposing parking areas shall be 12 ft. from the property lines unless waived by the Development Review Board (see Sections 3.2 and 3.13 below).

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**ARTICLE III – GENERAL REGULATIONS**

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**SECTION 3.2 – ACCESS**

- The subject lot accesses Pleasant Valley Road, a Class II Town Highway, via two curb cuts.
- While the lot is nonconforming, it is not nonconforming regarding frontage, and therefore, the standards under Section 3.2.B do not apply.
- The Applicant is required to submit an access permit for the proposed project:
  - While the Applicant has not submitted an access permit application at this time, the Board can still review the layout of the access way and parking layout, as the application itself only provides informational materials.
  - Staff has informed the Applicant that more information regarding the parking layout is likely to be required.
  - Upon ascertaining what information will be required, Staff can solicit comments from the Road Foreman.
- The existing lot already contains two existing accesses (curb cuts). The Board has the authority to require the Applicant to close one of the curb cuts (Sections 3.2.D.2 and 3.2.D.4).
- The Board has the authority to require the Applicant to bring the driveway up to AOT B-71 Standards.

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

- The proposed uses seemingly satisfy the requirements the ULUDR standards.
- Conditional use approval is required since the Applicant is proposing to convert the structure from a multi-family dwelling (a conditional use) to a mixed-use structure (a conditional use) (§ 3.3.A.3).
- The Applicant has submitted a wastewater system design, thereby having submitted evidence that sufficient wastewater can be provided to the proposed project (see Exhibit M).

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

**PG. 38**

- The existing structure will conform to the district’s setback requirements.
- While the proposed covered porch will conform to the district’s setback requirements, it will not conform to the riparian buffer requirements for Crane Brook, a named river.
- The Applicant proposed multiple principal uses, and therefore, is proposing a mixed-use facility, which is allowed per Section 3.7.A.

**SECTION 3.8 – NONCONFORMING LOTS**

**PG. 39**

- While the existing lot is nonconforming, the dimensions of the lot do not appear to be prohibitive in regards to the proposed project.
- The Board may reduce applicable surface water setback requirements in accordance with the waiver standards (no more than 50%) or the variance standards (more than 50%) in Article V (see Section 3.8.C).

**SECTION 3.9 – NONCONFORMING STRUCTURES**

**PG. 40**

- The existing structure is approximately 73 ft. from Crane Brook. Therefore, in the riparian buffer.
  - The proposed covered porch will be considered an expansion of a nonconforming structure (Section 3.19.G).
- A nonconforming structure may be enlarged as part of a waiver or variance review in accordance with Section 5.5 of the ULUDR.

**SECTION 3.11 – OUTDOOR LIGHTING**

**PG. 41**

- Lighting over the building’s entry points will be downward directed and shielded (see Exhibit D).
- The Board should inquire if the parking areas will consist of any lighting.
  - If lighting in the parking areas occurs, the Applicant will need to confirm that they will conform with the outdoor lighting requirements.

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

**PG. 44**

- The proposed mixed use structure requires 27 parking spaces, as outlined below:

**Dwelling Units**

*(3 Dwelling Units)*

3 Parking Spaces Per 2 Dwelling Units

5 Parking Spaces

**Office Space**

*(1,500 sq. ft.)*

1 Parking Space per 300 sq. ft. of  
Gross Floor Area

5 Parking Spaces

**Restaurant Space**

*(60 Proposed Seats & 5  
Assumed Employees)*

1 Parking Space per 5 Seats and 1  
Parking Space per Employee

17 Parking Spaces

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**Total**

27 Parking Spaces

- All parking spaces are required to be 9 ft. by 18 ft., and shall be located to the side or rear of the building, behind the front building line, unless approved by the Board.
- Parking areas, loading areas, utilities, waste and recycling collection areas, shall be screened from adjoining residential properties.
- The parking area shall consist a minimum 10% landscaping unless waived by the Board.
- The Board may require as a condition of approval standards relating to: a) shared parking, b) landscaping, c) screening, d) lighting, e) snow removal, f) pedestrian, or g) transit facilities.

- The Applicant will need to depict loading and service areas for emergency vehicles, waste and recycling collection, utility boxes, snow storage and other purposes found to be necessary.
  - Loading and service areas will need to be clearly marked and located in a manner that will not obstruct vehicular and pedestrian circulation.
- The Board retains the right to waive some the aforementioned requirements (see § 3.13.C).

**SECTION 3.14 – PERFORMANCE STANDARDS**

**PG. 46**

- Staff does not anticipate that the proposed project will create any of the situations enumerated within this Section.
- Should the project create one of the enumerated situations within, enforcement action by the Zoning Administrator shall ensue.

**SECTION 3.16 – SIGNS**

**PG. 46**

- The Board shall inquire with the Applicant if he is an anticipating the utilization of a sign.
- Should the Applicant propose a sign, he shall submit and conform to the standards in this section.

**SECTION 3.17 – SOURCE PROTECTION AREAS**

**PG. 55**

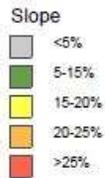
- The subject lot is located entirely within the Groundwater Source Protection Area.
- The proposed project will need to conform to the requirements of § 3.17.B (see Exhibit I).
  - Subsections 2, 4 and 7 seem to be the most applicable.
- The Board may require on-site groundwater monitoring (§ 3.17.C).



**SECTION 3.18 – STEEP SLOPES**

**PG. 56**

- The ANR Atlas does not depict any areas of steep slopes (15%-25%) or very steep slopes (>25%) on the lot (see directly to the right).



**SECTION 3.19 – SURFACE WATERS & WETLANDS**

**PG. 63**

- The ANR Atlas does not depict any wetlands on the property.
- The property’s rear property line is Crane Brook, which contains a Zone AE (1-percent annual chance floodplains with elevations) Floodplain, thus requiring new development to be set back from the Brook, 100 ft.
- The proposed covered porch will be approximately 66 ft. from Crane Brook, and



therefore, will encroach upon the riparian buffer by 34 ft.

- The first 50 ft. of the riparian buffer are to be maintained as an undisturbed, naturally vegetated riparian buffer (§ 3.19.D.5).
- The Board can authorize encroachments within riparian buffers, subject to conditional use review (§ 5.4) and in accordance with § 3.19.E.2
- The proposed construction of the covered porch within the riparian buffer is considered to be an expansion of a nonconforming structure (see § 3.19.G).

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

**PG. 68**

- The Applicant has submitted a site plan of the wastewater system design (see Exhibit M), which will presumably be approved by the State of Vermont, Department of Environmental Conservation.

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**ARTICLE IV – DEVELOPMENT REVIEW**

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**SECTION 4.12 – MIXED USE**

**PG. 87**

- Mixed use structures are permitted in the Underhill Center Village District if approved as a conditional use.
- Mixed use projects are required to conform to the requirements of the ULUDR, including access, sign and parking requirements.

**SECTION 4.15 – MULTI-DWELLING STRUCTURES (ACCESSORY DWELLINGS, TWO-FAMILY DWELLING AND MULTI-FAMILY DWELLINGS)**

**PG. 94**

- The proposed dwelling units already existing within the existing structure.
- The Applicant is not proposing to the enlarge the existing structure itself, but rather add onto the existing structure, and therefore, the footprint will not be changed to house the proposed uses, including dwelling units.
- The Applicant is required to provide on-site parking (see Section 3.13).
- The Applicant has submitted a site plan of the wastewater system design (see Exhibit M).

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**ARTICLE V – DEVELOPMENT REVIEW**

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**SECTION 5.1 – APPLICABILITY**

SECTION 5.1.A – TYPE OF REVIEW REQUIRED

**PG. 112**

- Conditional use review is required in accordance with Sections 3.7.E.1 and 3.9.

SECTION 5.1.B – COORDINATION OF REVIEW

**PG. 112**

- Does not apply.

**SECTION 5.3 – SITE PLAN REVIEW**

SECTION 5.3.A – PURPOSE

**PG. 115**

- Site plan review is required per § 5.4.C when reviewing a conditional use review application.

SECTION 5.3.B – STANDARDS *(the Board may wish to consider and impose appropriate safeguards, modifications and conditions relating to any of the following standards:)*

*SECTION 5.3.B.1 – EXISTING SITE FEATURES*

**PG. 115**

- The proposed project will encroach upon the Crane Brook riparian buffer (§ 5.3.B.1.iv).
- The proposed project could potentially impact a special flood hazard area, depending on the configuration of the required parking area (§ 5.3.B.1.v).
- The proposed project is in a delineated source protection area – a ground source protection area (§ 5.3.B.1.vi) (see Section 3.17 above).
- In regards to the other resources listed, the project appears to avoid, or conforms with, the requirements/resources therein.
- Should the Board discover any of the resources identified under Section 5.3.A.1, they have the ability to require one or more of the mitigation techniques:
  - Increased setback distances or undisturbed buffer areas between proposed development and identified resources.
  - The designation of building envelopes sited to exclude identified resource areas, and to limit the extent of site clearing and disturbance.
  - Permanent protection of identified resource areas as designated open space.
  - The screening of development as viewed from public vantage points.
  - The preparation and implementation of management plans for identified resources.

*SECTION 5.3.B.2 – SITE LAYOUT & DESIGN*

**PG. 115**

**Underhill Flats Village Center and Underhill Center Village Districts.** Site design and layout shall reinforce a traditional, compact village settlement pattern characterized by a pedestrian scale and orientation, traditional densities and setbacks, well-defined streetscapes that include sidewalks or paths to facilitate pedestrian circulation, and a well-defined physical and visual edge to the built environmental. Principal buildings shall be scaled and oriented in relation to adjoining structures, with principal facades and entrances facing the road or central greens, and shall establish or maintain a consistent front set back distance (building line) from the street in relation to adjoining structures.

- The proposed structure is already existing, and seemingly satisfies the intent of this requirement.
- The proposed project will provide commercial opportunities and denser residential development, which satisfies the Town Plan’s effort of focus those resources in the Town’s centers.
- The proposed project is in an area that can be accessed by pedestrians from Underhill Center.
- The existing building is seemingly consistent with other structures in the area.
- The restaurant entrance and office space entrance will not be accessed from the side facing the road; however, the dwelling units will have access from the side facing the road.

*SECTION 5.3.B.3 – VEHICLE ACCESS*

**PG. 116**

- The property is currently accessed by two curb-cuts via Pleasant Valley Road.
- The Board has the authority to require modifications, such as eliminating one of the curb cuts.

*SECTION 5.3.B.4 – PARKING, LOADING & SERVICE AREAS*

**PG. 117**

- See Section 3.13 above.

*SECTION 5.3.B.5 – SITE CIRCULATION*

**PG. 117**

- More detailed information relating to the parking plan is required to make findings about site circulation (see Section 3.13 above).

*SECTION 5.3.B.6 – LANDSCAPING & SCREENING*

**PG. 118**

- The Applicant is proposing to add shrubs along the road side of the building to improve the aesthetics of the project (see Exhibit D).
- In accordance with this subsection and Section 3.13, landscaping shall be provided to shield parking areas from neighboring properties – specifically in the front and side portions of the property where they abut residential properties or public roads.
- Refer to this section of the Land Use & Development Regulations for landscaping techniques.

*SECTION 5.3.B.7 – OUTDOOR LIGHTING*

**PG. 119**

- See Section 3.11 above.

*SECTION 5.3.B.8 – STORMWATER MANAGEMENT AND EROSION CONTROL*

**PG. 119**

- The Board typically requires as a condition of approval the applicants adhere to the guidelines set out in the Vermont DEC Low Risk Site Handbook for Erosion Prevention and Sediment Control.

**SECTION 5.4 – CONDITIONAL USE REVIEW**

SECTION 5.4.A – PURPOSE *(the standards and conditions should relate to the identification, avoidance and/or mitigation of potential impacts:)*

**PG. 120**

- Board approval is required for development that is proposed to occur in the property's setbacks per Sections 3.7.E.1 and 3.9.
- Board approval is required for the conversion of from a permitted use to a conditional use, or from one conditional use to another conditional in accordance with Section 3.3.A.3.

SECTION 5.4.B – GENERAL STANDARDS

*SECTION 5.4.B.1 – THE CAPACITY OF EXISTING OR PLANNING COMMUNITY SERVICES OR FACILITIES*

**PG. 121**

- The proposed project is not anticipated to have an adverse impact on the existing or planned community services or facilities.
- Staff did not solicit input from UJFD or MMU, as the structure currently exists and the number of dwelling units is not increasing.
- Staff can consult the Road Foreman should the Board desire more information relating to access and drainage issues.

*SECTION 5.4.B.2 – THE CHARACTER OF THE AREA AFFECTED*

**PG. 121**

- The proposed project is not anticipated to have an adverse impact on the character of the area, as the mixed-use structure will contain uses that are allowed as a permitted use with site plan review required (office) and conditionally (multi-family and restaurant). These uses are consistent with the Town Plan's desire to increase commercial activity and have denser residential development in the Town's centers.
  - **Location:** the property is located in the Underhill Center Village District, a zoning district that provides for multi-family dwellings (conditionally), restaurant space (conditionally) and office space (permitting as a site plan review project).
  - **Scale:** the scale of the structure is negligibly going to change, as the Applicant is only proposing to construct a covered porch onto the rear portion of the building. Otherwise, the existing footprint is expected to remaining unchanged.
  - **Type:** the proposed uses are either permitting conditionally (multi-family and restaurant) or permitted as a site plan review application (office). All of the

applicable proposed uses require review by the Board. However the proposed uses conform to the intent of Town Plan regarding the underlying zoning district and center.

- **Density:** the density is not going to change, as the same number of dwelling units will not alter from the existing three (3).
- **Intensity:** the proposed project will result in increased intensity; however, this type of intensity (a restaurant use, an office use, and a multi-family dwelling use) is anticipated in the Town's centers.

*SECTION 5.4.B.3 – TRAFFIC ON ROADS & HIGHWAYS IN THE VICINITY* **PG. 121**

- The proposed project is anticipated to impact traffic on the roads and highways in the vicinity, as additional traffic is expected with the proposed restaurant space and proposed office space (see Exhibit D).
- The Board could require a traffic impact analysis if deemed necessary in accordance with Section 5.4.B.3.b.

*SECTION 5.4.B.4 – BYLAWS IN EFFECT* **PG. 122**

- If approved, the proposed project will conform with the bylaws currently in effect.

*SECTION 5.4.B.5 – THE UTILIZATION OF RENEWABLE ENERGY RESOURCES* **PG. 122**

- No findings.

SECTION 5.4.C – SITE PLAN REVIEW STANDARDS **PG. 123**

- See analysis under Section 5.3 above.

SECTION 5.4.D – SPECIFIC STANDARDS *(The Board may consider the following subsections 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* **PG. 123**

- The proposed development is seemingly consistent with the Town Plan.
  - Commercial activity and increased density are to be focused to towards the Town's centers.

*SECTION 5.4.D.2 – ZONING DISTRICT & USE STANDARDS* **PG. 123**

- The proposed project will comply with the Underhill Center Village District's dimensional and use standards should the Board grant conditional use approval.

*SECTION 5.4.D.3 – PERFORMANCE STANDARDS* **PG. 123**

- See Section 3.14 above.

*SECTION 5.4.D.4 – LEGAL DOCUMENTATION* **PG. 123**

- Does not apply.

**SECTION 5.5 – WAIVERS & VARIANCES**

SECTION 5.5.A – APPLICATIONS & REVIEW STANDARDS **PG. 123**

- The applicants have asked for a waiver to construct a covered porch in the Crane Brook riparian buffer.
  - The proposed covered porch will be approximately 66 ft. from Crane Brook, and therefore, will encroach upon the riparian buffer by 34 ft.
- Other waivers may be granted by the Board as they see appropriate.

- The Board may waive application requirements and site plan or conditional use review standards under §§ 5.3 and 5.4 that it determines are not relevant to the application.

**SECTION 5.5.B – DIMENSIONAL WAIVERS**

*SECTION 5.5.B.1 – WAIVER REQUEST RATIONALE*

**PG. 124**

- The Applicants have requested a waiver to construct a cover porch in the Crane Brook riparian buffer, which will serve the mixed-use structure.

*SECTION 5.5.B.2 – APPLICABILITY OF WAIVER REQUEST*

**PG. 124**

- The Board may grant a waiver if one of the following is true:
  - To allow for the reasonable development and use of a pre-existing nonconforming lot under Section 3.8.
  - To allow for additions or improvements to a pre-existing nonconforming structure under Section 3.9.
  - Comply with federal or state public health, safety, access and disability standards.
  - Allow for the siting of renewable energy structures.
- Statement 1 above appears to be applicable.

*SECTION 5.5.B.4 – WAIVER REQUEST ELEMENTS*

**PG. 124**

- |   |  |
|---|--|
| <p>a. <i>Element 1</i> – No reasonable alternative exists for siting the structure, addition or improvement outside of the required setback area.</p>   | <ul style="list-style-type: none"> <li>• When reviewing the submitted plans (see Exhibits E, J &amp; M), siting the porch outside of the riparian buffer is possible, as there are no site-wide constraints that would prevent development. I.e. the porch could be shortened in order to conform to the riparian buffer requirement.</li> </ul> |
| <p>b. <i>Element 2</i> – The reduced setback is not contrary to public health, safety and welfare, stated objectives and policies of the Underhill Town Plan, or the intent of these regulations.</p>   | <ul style="list-style-type: none"> <li>• Staff is unaware of any stated objectives and policies in the Town Plan where the construction of the proposed covered porch would be contrary.</li> </ul>  |
| <p>c. <i>Element 3</i> – The waiver represents the minimum setback reduction necessary to allow for the proposed development.</p>   | <ul style="list-style-type: none"> <li>• The porch could be shorted in order to conform to the riparian buffer requirements.</li> <li>• The Applicant has expressed a desire to have the porch extend the entire length of the existing structure.</li> </ul>  |
| <p>d. <i>Element 4</i> – Any potential adverse impacts resulting from reduced setbacks on adjoining properties, surface waters or wetlands shall be mitigated through site design, landscaping and screening, other accepted mitigation measures.</p> | <ul style="list-style-type: none"> <li>• The Board should evaluate if any mitigation measures are required as a result of the construction of the proposed covered porch.</li> </ul>   |

**ARTICLE VI – FLOOD HAZARD AREA REVIEW**

- The property’s rear property line is Crane Brook, which contains a Zone AE (1-percent annual chance floodplains with elevations) Floodplain, thus requiring new development to be set back from the Brook, 100 ft (source: ANR Website).
- The existing structure is not, nor will the proposed covered porch be, located in the identified floodplain.
- Parking may occur within the floodplain, at-grade, provided review is conducted by the State under Section 6.5 and meets the applicable standards under Section 6.6 (§ 6.4.D.4).
  - Additional information relating to parking is required to determine if any of the flood hazard area review standards apply.




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## APPENDIX A – ROAD & DRIVEWAY STANDARDS

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### SECTION 4 – GENERAL PROVISIONS RELATING TO ACCESSWAYS

#### SECTION 4.B – REASONABLE ACCESS

PG. 8

- The existing lot has two accesses (curb cuts) to Pleasant Valley Road.

#### SECTION 4.C – DEVELOPMENT ROAD & DRIVEWAY STANDARDS

PG. 8

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>• <i>GRADES</i></li> </ul>                      | <ul style="list-style-type: none"> <li>• More information relating to the grade of the driveway is required to determine if it satisfies the 10% grade requirement.</li> </ul>  |
| <ul style="list-style-type: none"> <li>• <i>TOPOGRAPHY</i></li> </ul>                  | <ul style="list-style-type: none"> <li>• When reviewing the ANR Atlas Website, the existing driveway does not appear to impact any of the enumerated resources in this section (other than prime agricultural soils which encompasses the entire lot).</li> <li>• Should the Board require updated information relating to parking, further review will be required.</li> </ul> |
| <ul style="list-style-type: none"> <li>• <i>RADII</i></li> </ul>                       | <ul style="list-style-type: none"> <li>• The existing parking area appears to conform to the radii requirements.</li> </ul>   |
| <ul style="list-style-type: none"> <li>• <i>CURBS</i></li> </ul>                       | <ul style="list-style-type: none"> <li>• Does not apply.</li> </ul>   |
| <ul style="list-style-type: none"> <li>• <i>GEOTEXTILES</i></li> </ul>                 | <ul style="list-style-type: none"> <li>• No findings.</li> </ul>  |
| <ul style="list-style-type: none"> <li>• <i>DRAINAGE</i></li> </ul>                    | <ul style="list-style-type: none"> <li>• Upon the submission of additional parking materials, Staff can solicit comments from the Road Foreman regarding drainage.</li> </ul>   |
| <ul style="list-style-type: none"> <li>• <i>SLOPES, BANKS &amp; DITCHES</i></li> </ul> | <ul style="list-style-type: none"> <li>• Upon the submission of additional parking materials, Staff can solicit comments from the Road Foreman and conduct a more thorough review regarding this subsection.</li> </ul>   |
| <ul style="list-style-type: none"> <li>• <i>WET AREAS</i></li> </ul>                   | <ul style="list-style-type: none"> <li>• Upon the submission of additional parking materials, Staff can conduct a more thorough review regarding this subsection.</li> </ul>  |
| <ul style="list-style-type: none"> <li>• <i>CULVERS</i></li> </ul>                     | <ul style="list-style-type: none"> <li>• Upon the submission of additional parking materials, Staff can solicit comments from the Road Foreman regarding culverts.</li> </ul>   |
| <ul style="list-style-type: none"> <li>• <i>STREAM CROSSINGS</i></li> </ul>            | <ul style="list-style-type: none"> <li>• Does not apply.</li> </ul>   |

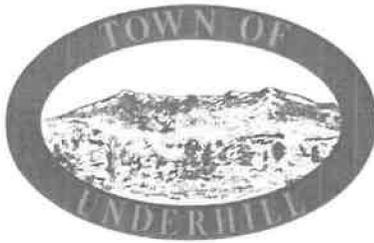
- *BRIDGES*
- *DESIGN*
- GENERAL COMMENTS*
- Does not apply.
- A paved apron shall be provided.
- None

**SECTION 5 – SPECIFIC PROVISIONS: DRIVEWAYS & DEVELOPMENT ROADS**

SECTION 5.A - DRIVEWAYS

**PG. 11**

1. *CONSTRUCTION & DESIGN REQUIREMENTS*
  - The Board should require the Applicant to upgrade the existing driveway and proposed parking areas to be upgraded to AOT B-71 Standards.
2. *LOCATION*
  - The existing lot is currently served by two curb cuts, which can be limited if the Board finds it necessary.
3. *WIDTHS*
  - The Board should ensure that the Applicant will satisfy the width requirement.
4. *NONCONFORMING LOTS*
  - Does not apply.



**UNDERHILL DEVELOPMENT REVIEW BOARD**

**CONDITIONAL USE REVIEW  
HEARING PROCEDURES  
Monday, October 21, 2019**

**Applicant(s):** Michael Diffenderffer  
**Docket #:** DRB-19-12

State the following:

1. This is a conditional use review hearing on the application of Michael Diffenderffer for the conversion of a multi-family dwelling to a mixed-use structure containing: three dwelling units (multi-family dwelling), office space, and restaurant space, as well as to construct a covered porch within a riparian buffer on land he co-owns at 15 Pleasant Valley Road (PV015) in Underhill, Vermont.

This application is subject to review under the 2011 *Unified Land Use & Development Regulations*, as amended March 6, 2018 and the 2015 *Road, Driveway and Trail Ordinance*, as amended December 18, 2018.

Conditional use review is intended to ensure compliance with standards addressing the potential impacts of development on adjoining properties, the neighborhood, and/or zoning district in which the development is located, and the community at large. Typically, land uses are subject to conditional use review because their scale, intensity and potential for off-site impacts warrant more careful scrutiny by the Development Review Board (DRB). Standards and conditions to be imposed relate to the identification, avoidance and/or mitigation of potential impacts. Should additional information be required, the Board reserves the option to continue the hearing to a time and date certain in order for that information to be submitted and reviewed by this Board.

2. Copies of the Rules of Procedure that the Board follows are available for review at the front counter, and can be obtained from the Planning & Zoning Administrator.
3. The order of speakers tonight will be:
  - a. We will hear from, and ask questions of, the applicant(s) and his or her representative(s);
  - b. Then we will hear and ask questions of the Planning & Zoning Administrator;
  - c. Then we will give other persons in the room a chance to speak. Under our Rules of Procedure, each speaker is limited to five minutes; however, that time can be extended upon request to the Board and majority consent of the Board; then
  - d. The applicant(s) and/or their representative(s) will have an opportunity to respond; then;
  - e. Final comments will be solicited from all parties.

All speakers should address their comments to the Board, not to other parties present at the hearing. Board Members may feel free to ask questions of any speaker.

4. Are any state or municipal representatives present, and acting in their representative capacities?
5. An Interested Parties Info Sheet is available to all attendees at the front counter or from the Planning & Zoning Administrator. Please review it for further information.

***Then state:***

Only those interested persons who have participated, either orally or through written statements in a DRB proceeding may appeal a decision rendered in that proceeding to the Environmental Division of Superior Court.

6. If you are an applicant, representative of the applicant(s), or an interested party who wants to participate in the hearing, we will have you come up to the witness chair and clearly state your name, residential address, and mailing address if it differs.
7. I am now going to swear in all those present who wish to speak tonight. All individuals who plan to testify must take the following oath by responding "I do" at the end: ***"Do you hereby swear that the evidence you give in the cause under consideration shall be the whole truth and nothing but the truth under pains and penalties of perjury?"***
8. Are there any conflicts of interest or have there been any ex parte communications on the part of the Board Members?
9. At this point I am going to enter into the record the information package that was sent by the Planning & Zoning Administrator prior to the hearing. The information included in this package relevant to this hearing is:

Exhibit A - Diffenderffer Conditional Use Review Staff Report  
Exhibit B - Diffenderffer (PV015) Conditional Use Review Hearing Procedures  
Exhibit C - Development Review Application  
Exhibit D - Project Narrative & Information  
Exhibit E - Zoning Permit Application # B-19-18  
Exhibit F - Zoning Permit Application # CL-19-05  
Exhibit G - Certificate of Service  
Exhibit H - BFP Notice  
Exhibit I - § 3.17 Source Protection Areas (ULUDR)  
Exhibit J - Existing & Proposed Upper Level Floor Plan  
Exhibit K - Existing & Proposed Lower Level Floor Plan  
Exhibit L - Existing & Proposed Elevations  
Exhibit M - Wastewater System Site Plan

These exhibits are available in the Diffenderffer conditional use review file (DRB-19-12 / PV015) at the Underhill Zoning & Planning Office and on the Town's website.

10. We'll begin testimony, and hear from the applicant(s) and/or their representative(s).
11. Next we will hear from the Planning & Zoning Administrator.
12. Are there members of the public who would like to speak?

13. Any final comments from the Board or applicant(s) and/or their representative(s)?
14. Does the Board feel that they have enough information at this time to make a decision on the application?
  - a. *If more information is needed to make a decision on the application, continue the hearing to a date and time certain, and outline for the Applicant(s) what is required at that continued hearing; or*
  - b. *If, by consensus, enough information has been presented to make a decision on the application, ask for a motion to close the evidentiary portion of the hearing.*
15. Ask for a motion to approve or deny the application, as well as asking the Board if they wish to discuss the application in open or closed deliberation? (After the ruling, continue with the info below.)

“Within 45 days from this hearing, the Planning & Zoning Administrator, on behalf of the Board, will send a copy of the decision to the Applicant(s), their representative(s), and those who have participated in tonight’s hearing. A 30-day appeal period will begin on the date the decision is signed. The letter will outline the next steps in the process. If there are no other comments or questions we will close this portion of the meeting.”



# TOWN OF UNDERHILL

## DEVELOPMENT REVIEW (ART. V) APPLICATION

C

<p><b>OFFICE USE ONLY</b></p> <p>PROPERTY CODE: <u>PV015</u></p> <p>PROPERTY ADDRESS: <u>15 Pleasant Valley Road</u></p>	<p><b>ZONING DISTRICT(S):</b></p> <p><input type="checkbox"/> Underhill Flats Village Center</p> <p><input checked="" type="checkbox"/> Underhill Center Village</p> <p><input type="checkbox"/> Rural Residential</p> <p><input type="checkbox"/> Water Conservation</p> <p><input type="checkbox"/> Mt. Mansfield Scenic Preservation</p> <p><input type="checkbox"/> Soil &amp; Water Conservation</p>	<p>DRB Docket #: <u>DRB-19-12</u></p> <p>Received Date: <u>September 6, 2019</u></p> <p>Hearing Date: <u>October 21, 2019</u></p> <p>Application Completion Date: <u>September 6, 2019</u> <i>(See Requirements Below)</i></p>
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**SUBJECT PROPERTY ADDRESS:**

Applicant Information	Landowner Information (if Different)
<b>NAME(S):</b> <u>MICHAEL DIFFENDERFER</u>	<b>NAME(S):</b>
<b>MAILING ADDRESS:</b> <u>P.O. Box 42 UNDERHILL CENTER, VT 05490</u>	<b>MAILING ADDRESS:</b>
<b>EMAIL ADDRESS:</b> <u>m@diff.ws</u>	<b>EMAIL ADDRESS:</b>
<b>PHONE NUMBER:</b> <u>203-444-4766</u>	<b>PHONE NUMBER:</b>

Description of Proposed Project	Contractor/Surveyor Information (if Applicable)
<p><u>MIXED USE BUILDING MULTI FAMILY, OFFICE, AND RESTAURANT, (SEE ATTACHED)</u></p>	<p><b>NAME(S):</b></p> <p><b>MAILING ADDRESS:</b></p> <p><b>EMAIL ADDRESS:</b></p> <p><b>PHONE NUMBER:</b></p>

<p>APPLICANT SIGNATURE: <u>[Signature]</u></p>	<p>DATE: <u>7/27/19</u></p>	<p><b>Conditional Use Review</b></p>
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Variance Request	Site Plan Review	Conditional Use Review
<p><b>Applicable:</b></p> <p><input type="checkbox"/> Yes</p> <p style="margin-left: 20px;"><input type="checkbox"/> Concurrent with an Appeal Request</p> <p style="margin-left: 20px;"><input type="checkbox"/> Concurrent with a Site Plan Review or Conditional Use Review App.</p> <p><input type="checkbox"/> No</p> <p><b>Required Materials</b></p> <p><input type="checkbox"/> Application (incl. Zoning Permit App.)</p> <p><input type="checkbox"/> Application Fee (\$150.00)</p> <p><input type="checkbox"/> Copies of a Site Plan</p> <p><input type="checkbox"/> State Project Review Sheet</p> <p><input type="checkbox"/> Draft Legal Documents</p> <p><input type="checkbox"/> Other Information Identified by the Zoning Administrator or Checklists (see § 5.2.A.1.e)</p> <p><input type="checkbox"/> Written Waivers/Modifications Requests</p> <p><input type="checkbox"/> Written response to variance requirements (see Page 2)</p> <p><small>Please Checkoff All Submitted Materials</small></p>	<p><b>Applicable:</b></p> <p><input type="checkbox"/> Yes</p> <p style="margin-left: 20px;"><input type="checkbox"/> Standalone Site Plan Review App.</p> <p style="margin-left: 20px;"><input type="checkbox"/> Concurrent Conditional Use Review</p> <p><input type="checkbox"/> No</p> <p><b>Required Materials</b></p> <p><input type="checkbox"/> Application (incl. Zoning Permit App.)</p> <p><input type="checkbox"/> Application Fee (\$150.00)</p> <p><input type="checkbox"/> Copies of a Site Plan</p> <p><input type="checkbox"/> State Project Review Sheet</p> <p><input type="checkbox"/> Draft Legal Documents</p> <p><input type="checkbox"/> Other Information Identified by the Zoning Administrator or Checklists (see § 5.2.A.1.e)</p> <p><input type="checkbox"/> Written Waivers/Modifications Requests</p> <p><input type="checkbox"/> Written response to site plan review requirements (see Page 2)</p> <p><small>Please Checkoff All Submitted Materials</small></p>	<p><b>Applicable:</b></p> <p><input type="checkbox"/> Yes</p> <p style="margin-left: 20px;"><input type="checkbox"/> Other: _____</p> <p style="margin-left: 20px;"><input type="checkbox"/> Floodplain Review</p> <p style="margin-left: 20px;"><input type="checkbox"/> Required for Proposed Use</p> <p style="margin-left: 20px;"><input type="checkbox"/> Stream/Wetland Encroachment</p> <p style="margin-left: 20px;"><input type="checkbox"/> Waiver Request</p> <p><input type="checkbox"/> No</p> <p><b>Required Materials</b></p> <p><input type="checkbox"/> Application (incl. Zoning Permit App.)</p> <p><input type="checkbox"/> Application Fee (\$150.00)</p> <p><input type="checkbox"/> Copies of a Site Plan</p> <p><input type="checkbox"/> State Project Review Sheet</p> <p><input type="checkbox"/> Draft Legal Documents</p> <p><input type="checkbox"/> Other Information Identified by the Zoning Administrator or Checklists (see § 5.2.A.1.e)</p> <p><input type="checkbox"/> Written Waivers/Modifications Requests</p> <p><input type="checkbox"/> Written response to conditional use &amp; site plan review requirements (see Page 2)</p> <p><small>Please Checkoff All Submitted Materials</small></p>



# TOWN OF UNDERHILL

## DEVELOPMENT REVIEW (ART. V) APPLICATION

In submitting this application, please submit a copy of the zoning permit application (if applicable), two (2) to-scale site plans, twelve (12) 11" x 17" copies of the site plan, in addition to the other requirements provided on page one of this application. Please be advised that separate State permits, include but not limited to, water/wastewater, stormwater, Act 250, and Construction General permits may be required. The applicant bears the responsibility and obligation to contact the State Permit Specialist (802-477-2241) to obtain a Project Review Sheet. A hearing before the Development Review Board will be scheduled by the Zoning Administrator upon determining that the application is complete. Note, that Zoning Administrator may require additional information or supporting documentation in conformance with Section 5.2.A.1.e of *Underhill Unified Land Use & Development Regulations*.

### Conditional Use Review Supplemental Questions (Please Answer on a Separate Sheet of Paper)

Applies:  Yes or  No

1. Please advise how the proposed project affects the demand for community services and facilities.
2. Please advise how the proposed project relates to the character of the area. Discuss how project's a) location, b) type, c) density, and d) intensity relate to the character of area. Should the project not conform with any of the abovementioned attributes (location, type, density and intensity), please explain what mitigation measures will be utilized to avoid any undue adverse (negative) impacts to the character of the area.
3. Please specify the projected impact on traffic patterns resulting from the proposed project. The explanation shall address impacts on the following: a) traffic conditions; b) capacity; c) safety; d) efficiency; and e) the use of existing and planning roads, bridges, intersections, and associated highway infrastructure, in the vicinity.
4. Please advise of any aspects of the proposed project that does not comply with any Town regulations or ordinances.
5. Please advise how the proposed will not interfere with the sustainable use of renewable energy resources, including access to, or the direct use or future availability of, such resources.

### Site Plan Review Supplemental Questions (Please Answer on a Separate Sheet of Paper)

Applies:  Yes or  No

1. Please provide supporting information on how the proposed site layout and design avoids undue adverse impacts to significant natural, historic and scenic resources. These resources include, but are not limited to: a) existing topography and drainage patterns; b) land above 1500 ft. elevation; c) areas of steep and very steep slope; d) surface waters, wetlands, and associate buffers; e) special flood hazard areas; f) delineated source protection areas; g) significant wildlife habitat areas and travel corridors; and h) scenic resources (see § 5.3.B.1.a.viii).
2. Please advise how the proposed location and orientation of structures, and supporting infrastructure on the site, are compatible with their proposed setting and context, as provided by the Town's Plan, zoning district objects, existing site conditions and features, adjoining or facing structures in the vicinity, and other applicable provisions in the *Underhill Unified Land Use & Development Regulations*. See Section 5.3.B.2 for more details.
3. Please advise how the proposed use meets the Town and State access management and design standards. Include an explanation of how the curb cut (s)/access way(s) and road intersection(s) do not create hazards to vehicles, pedestrians or bicyclists onsite or on adjoining roads, sidewalks and pathways.
4. Please advise how the proposed project conforms to the parking, loading & service areas.
5. Please explain how the proposed project provides for adequate and safe onsite vehicular and pedestrian circulation. Site plans shall address the requirements under Sections 5.3.B.5.a & b.
6. Please advise any proposed landscaping and screening modifications anticipated to occur. Any reduction in landscaping or screening, or any significant proposed project shall address the requirements of Section 5.3.B.6.
7. Please advise if the proposed project requires outdoor lighting. If so, please explain how the proposed lighting conforms to the requirements of Section 3.11.
8. Please advise of the proposed temporary and permanent stormwater management and erosion control measures that will be undertaken as part of the proposed project.

### Variance Request Supplemental Questions (Please Answer on a Separate Sheet of Paper)

Applies:  Yes or  No

1. Please Submit a to-scale drawing depicting the following: a) frontage on a public or private road or right-of-way; b) setbacks to the front, rear, and side property lines; c) location of the septic system and well; d) easements or covenants where appropriate to show on the plan; e) any watercourse on the property; and f) abutting neighbors.
2. Please submit a short statement explaining why a variance is being sought. Please address any easements or covenants that may be attached to the property if not shown on the site plan.
3. For a variance to be granted, the Board needs to find that the following conditions are met:
  - a. There are unique physical circumstances or conditions (e.g. lot irregularities, lot narrowness, shallowness of lot size and/or shape, exceptional topography, or other physical conditions peculiar to the particular property) and that an unnecessary hardship is due to these conditions, and not the circumstances or conditions generally created by the provisions of the bylaw in the neighborhood or district in which the property is location.
  - b. Because of the physical circumstances or conditions identified above, there is no possibility that the property can be developed in strict conformity with the provisions of the bylaw, and that the authorization of a variance is therefore a necessary to enable the reasonable use of the property.
  - c. The unnecessary hardship has not been created by the appellant.
  - d. The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially, or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare.
  - e. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the bylaw and from the plan.

In the written statement, required under #2 above, please address each of the preceding conditions (a-e), specifically advising why the proposed project satisfies those conditions.

## 15 Pleasant Valley Rd Proposed Property Utilization

This project is located in the Underhill Center Village District and the proposal would involve a Mixed-Use facility that would contain apartments (existing), a Café and office space on a parcel of 1.1 acres. A Conditional Use permit is required for this proposal under Section 4.12 of the Underhill Unified Land Use Development Regulations (UULUDR). Substandard water and wastewater systems will be replaced to conform with all applicable Vermont regulations.

### Existing Property Description

15 Pleasant Valley Rd is currently a Multi-family apartment building consisting of one 3-bedroom apartment, one 2-bedroom apartment and one 1bedroom apartment all located on the upper level. The lower level is an unfinished basement which as the result of dampness is being waterproofed with an insulated slab. The supporting walls have been replaced because the moisture had caused the supporting framing to deteriorate. In an effort to keep moisture away from the basement, the front basement wall is being sealed from the outside and a foundation drain installed. The plan is to extend a 8 'X 100' foot covered porch along the rear of the building to protect the foundation. All the above is being done to preserve the building.

The walk out basement area will be converted to a coop workspace and restaurant/café. Years ago, this building was a dance hall and the location would be ideal for a community gathering spot. A new wastewater system will be constructed on 20 Pleasant Valley Road. Testing and analyses have been completed for a mound wastewater system consistent with the ANR Environmental Protection Rules (effective 04/12/2019), and an application is being prepared for a Water and Wastewater Permit that will cover the planned uses.

### Conditional Use Review Supplemental Questions

1. Underhill has many people who work from home and would rather have the support of a cooperative workspace. The space will have sit / stand desks, office equipment, Wi-Fi etc. as well as administrative support as needed.

The Cafe portion will be a much-desired place to gather for the Underhill community and give local cooks a chance to partner with offering different types of food on different days. Cafes and Restaurants many times find it hard to make a go of it because the owners never get a break or have too much overhead. This model would be more about partnering with people who are passionate in the community, spreading the workload, and sharing the profits.

2. 15 pleasant Valley includes three (3) apartments and the immediate surrounding area has historically been used for commercial purposes. Patricia Halsey had a herb shop across the street at 20 Pleasant

Valley some years ago. The town hall is a neighbor to the west. The former Underhill General Store was located just to the west. Abutting residential neighbors that I have mentioned the idea to are in favor of the project.

3. Most people that will visit the site already drive by it daily. The only question is where will they park? The office space may draw a maximum of 10-15 cars if fully subscribed. The Cafe may draw a maximum of 15 patrons (example Village Wine and Café in Shelburne rarely exceeds that number). The apartments could require a maximum of 7 cars. The parking on site would be limited to 15 cars total. The balance can park across the street behind the town hall on 20 Pleasant Valley property. I propose to sell or lease the town some land immediately adjacent to the rear of their existing parking lot. This would give the town much needed additional parking and provide additional parking for 15 Pleasant Valley customers. Ample safe stopping sight distances exist to the east and west and the addition of the offices/Café, while adding local area traffic, will not create an undue traffic impact given the existing low volume of traffic. No new curb cuts will be required to serve the project.

4. The rear covered porch will be too close to the river and would need a variance. There is an existing smaller porch there already and we are only extending what is already there to provide added protection to the building.

5. There will not be any undue adverse effect on renewable energy resources that will result from operating this project. Further, the property does not contain any potential energy resources that would be impacted by this project.

#### **Site Plan Review Supplemental Questions**

1. The project involves the rehabilitation of an existing apartment building and the addition, within the building confines, of office space and Café. Existing parking and curb cuts will be used to support the project and the former either expanded or augmented to provide the necessary parking spaces. None of the existing or planned improvements lie within the Special Flood Corridor. Although the building is in close proximity to Browns River no construction is planned that will impact water quality or the hydraulic capacity of the water resource. Placement of the mound system on the 20 Pleasant Valley Road parcel replaces an existing system of unknown size and condition, and provides greater separation to Browns River. Although the new system is situated within the Jericho-Underhill Source Protection Area (SPA), the Water Supply Division has determined that planned disposal field offers adequate protection from contamination to the SPA. Further, testing and analysis have been directed towards satisfaction of Section 3.17(B)(1) of the UULUDR. Topography of the area is generally flat with surface and subsurface water moving generally north towards Browns River. There are no known natural resources on either properties that contain wetlands, buffers or wildlife habitat areas. Additionally, there are no scenic resources connected with the project.

2. The project will use the footprint of the existing building located on 15 Pleasant Valley Road. The planned extension of the rear porch cover will generally not be visible to area traffic.

3. The project will use existing curb cuts which provide adequate safe stopping sight distances (SSSD) in both the east and west directions, specifically, 425' +/- and 750' +/-, respectively. For the posted speed limit the SSSD is 225-250 feet. If the plan to add additional parking adjacent to the municipal parking lot is implemented, any new parking will use the existing Town Hall curb cut.

4. There are two existing parking areas located on the project site, both of which will be expanded to accommodate the increase in parking requirements. Any related improvements will be outside the flood zone and no related construction will interfere with the Browns River waters. The planned parking spaces conform to the criteria contained in the UULUDR.

5. Vehicular access is available to two existing parking areas on the property, both of which will be expanded to meet the parking space requirement for this project (Table 3.1). Traffic will be allowed to circulate on the river side of the building thereby connecting the parking lots. Additional parking will be available on 20 Pleasant Valley Road. No pedestrian traffic is anticipated.

6. The project site is characterized by several mature trees adjacent to the building on east, west and north sides. The tree on the east will be removed. Extensive tree cover exists along Browns River and will be retained. Several trees along the east boundary line will be removed to allow expansion of the parking area. Low salt resistant shrubs will be added along the road side of the building to improve the aesthetics of the finished project.

7. Project lighting will consist of downward directed (shielded) low wattage fixtures over the building entry points.

8. Expansion of the parking areas surrounding the building will require the installation of silt fencing along the downhill edge of the parking area.

### **Café and Office Description**

#### **The Cafe**

The café will be in approximately 1500 square feet in the east half of the lower level of 15 Pleasant Valley Rd. It will seat a maximum of 60 people. It will be open from 6am until 10pm. Burritos, salads, frozen yoghurt, espresso, fresh juices and baked goods will be served from the counter. Beer and wine will not be served from the café. We are looking into a mobile self-service growler filling trailer for locally produced beer and wine that can be sold separately at a nearby location. Customers could then "bring their own" to be consumed in the café. There will be themed community evenings such as open

mic nights, story telling nights, game nights etc. This is the general concept which may change as we connect with local chefs in the community who may want to offer other types of food for different days of the week.

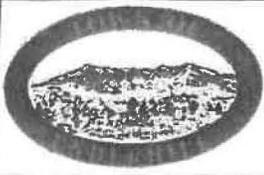
#### The Coop Workspace

The coop workspace will consist of a maximum of 20 sit stand desks in 1500 square feet of the western half of the building. People may rent a desk by the month and share the use of copiers, printers etc. An administrative person will be on site offering support services such as accounting, invoicing and other tasks billed by the hour. Mailboxes will be available for a yearly fee as well. The general atmosphere will be cooperative but not intrusive. Educational events to help entrepreneurs and artists will be held there on occasion.

#### Snow removal and Garbage

Snow will be plowed by the owner to keep parking and access clear by the owner incorporating the use of salt and sand or subcontracted to a local provider.

Garbage will be stored in an enclosed shed near east side parking spots and removed daily by the owner or a local subcontractor. Compost, recycling and nonrecyclables will be stored in separate containers.



# TOWN OF UNDERHILL

## ZONING PERMIT APPLICATION

**OFFICE USE ONLY**

**ZONING DISTRICT(S):**

APPLICATION #: B-19-18

PROPERTY CODE: PV015

Underhill Flats Village Center

Underhill Center Village

Rural Residential

Water Conservation

Mt. Mansfield Scenic Preservation

Soil & Water Conservation

**APPLICANT:**  
MICHAEL DIFFENDERFFER

**PROPERTY LOCATION:** UNDERHILL, UT 05489  
15 PLEASANT VALLEY RD

**MAILING ADDRESS:** 05490  
P.O. Box 42, UNDERHILL CTR. UT

**EMAIL ADDRESS:**  
m@diff.ws

**PHONE NUMBER:** 203-444-4766

**LANDOWNER (IF DIFFERENT FROM APPLICANT):**

**LANDOWNER'S CONTACT INFORMATION:**

**CONTRACTOR:** OWNER

**CONTRACTOR'S CONTACT INFORMATION:**

**PROJECT DESCRIPTION:** ADDING COVERED PORCHES AT REAR OF BUILDING.

Section A

**Zoning Permit Application Type:**

Agricultural Exemption (Requires VT Review)

Boundary Line Adjustment Permit (see Supp. Form)

Building Permit (see Section B)

After-the-Fact Building Permit (see Section B)

Conversion/Change of Use Permit (see Section C)

Home Occupation Permit (see Supplemental Form)

Sign Permit (see Supplement Form)

Temporary Structure Permit

Temporary Use Permit

General/Other: \_\_\_\_\_

Section B

**Building Permit Application Information:**

Accessory Dwelling (see Section D)

Accessory Structure(s) (e.g. barn, garage, shed, etc.)

Addition:  
Number of Bedrooms (if applicable): \_\_\_\_\_  
Number of Bathrooms (if applicable): \_\_\_\_\_

Single-Family Dwelling:  
Number of Bedrooms: \_\_\_\_\_  
Number of Bathrooms: \_\_\_\_\_

Two-Family Dwelling:  
Dwelling 1 - Number of Bedrooms: \_\_\_\_\_  
Dwelling 1 - Number of Bathrooms: \_\_\_\_\_  
Dwelling 2 - Number of Bedrooms: \_\_\_\_\_  
Dwelling 2 - Number of Bathrooms: \_\_\_\_\_

Multi-Family Dwelling:  
Number of Units: \_\_\_\_\_  
Total Number of Bedrooms: \_\_\_\_\_  
Total Number of Bathrooms: \_\_\_\_\_

Commercial/Industry

Carport

~~Porch/Deck/Fence~~

In-Ground Pool

Section D

**Accessory Dwelling Application Information:**

Attached Accessory Dwelling, or

Detached Accessory Dwelling

Square Footage of Principal Dwelling: \_\_\_\_\_ sq. ft.

Square Footage of Proposed Accessory Dwelling: \_\_\_\_\_ sq. ft.

Number of Bedrooms (in Accessory Dwelling): \_\_\_\_\_

Number of Bathrooms (in Accessory Dwelling): \_\_\_\_\_

Section C\*

**Conversion/Change of Use Application Information:**

Existing Use: \_\_\_\_\_

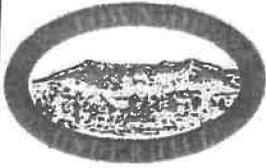
Proposed Use: N/A

# of Bedrooms Added (if applicable): \_\_\_\_\_

# of Bathrooms Added (if applicable): \_\_\_\_\_

\*Please fill out this section if the project includes the conversion of unfinished living space to living space.

All construction is to be completed in accordance with the Town of Underhill Unified Land Use & Development Regulations, as amended, and any & all federal and/or State regulations currently in effect. Once approved, notice of the permit is required to be posted in a conspicuous location on the property during the appeal period. The Town recommends that that notice be posted during the duration of the construction period. The applicant and/or landowner is required to contact the necessary State agencies to obtain permits: (802) 477-2241 (permit specialist). Interest persons have the right to appeal the approval of a permit to the Development Review Board within fifteen days (15) from the date of issuance.



# TOWN OF UNDERHILL

## ZONING PERMIT APPLICATION

### Dimensions of ALL Proposed Construction

Proposed Structure(s)	Front	Side	Side	Rear	Height (Max. 35 ft.)	Square Feet Added
DECK & PORCH AT REAR				8' x 100'	20'	800 SF
Deck/Porch	100ft.	8ft.	8ft.	100ft.	20ft.	800sq.ft.
Stairs	12ft.	4ft.	4ft.	12ft.		48sq.ft.

OF PORCH

← Acreage: 1.1 Acres    Frontage: 236ft.    Estimated Value/Cost of Construction: \$ 5000 →

### FOR OFFICE USE ONLY

Setbacks: To be measured as the closest part of ALL NEW CONSTRUCTION to the subject lot line and natural features.

Proposed Structure(s)	Front	Side	Side	Rear	River, Stream, or Ponds	Wetland
Proposed Deck/Porch	47ft. (South)	65ft. (West)	68ft. (East)	65ft. (North)	Brown's River 79ft. (North)	N/A

#### Site Constraints

- Class II Wetland
- Class III Wetland
- Wetland Buffers
- Deer Wintering Yard
- Floodplain: Zone AE
- Named River(s)  
     Named River 1a Brown's River (79 ft)  
     Named River 2a \_\_\_\_\_
- Prime Agricultural Soils
- Unnamed Stream
- Source Protection Area
- Steep Slopes
- Very Steep Slopes

#### Building & Lot Coverage Information

- a. Total # of Acres: 1.1 acres (sq)
- b. Total Lot Area (1 Acre = 43,560 sq. ft.): 47,916 sq. ft.
- c. Footprint of Proposed Project (sq. ft.): (751 sq. ft. Added) 800 sq. ft.
- d. Footprint of Existing Buildings (sq. ft.): 6,443 sq. ft.
- e. Footprint of Proposed & Existing Buildings (sq. ft.): 7,194 sq. ft.
- f. Total Building Coverage (line e / line b \* 100): 15.01 %
- g. Total Impervious Surface (sq. ft.): 4,750 sq. ft.
- h. Total Lot Coverage (lines e + g / line b \* 100): 24.93 %

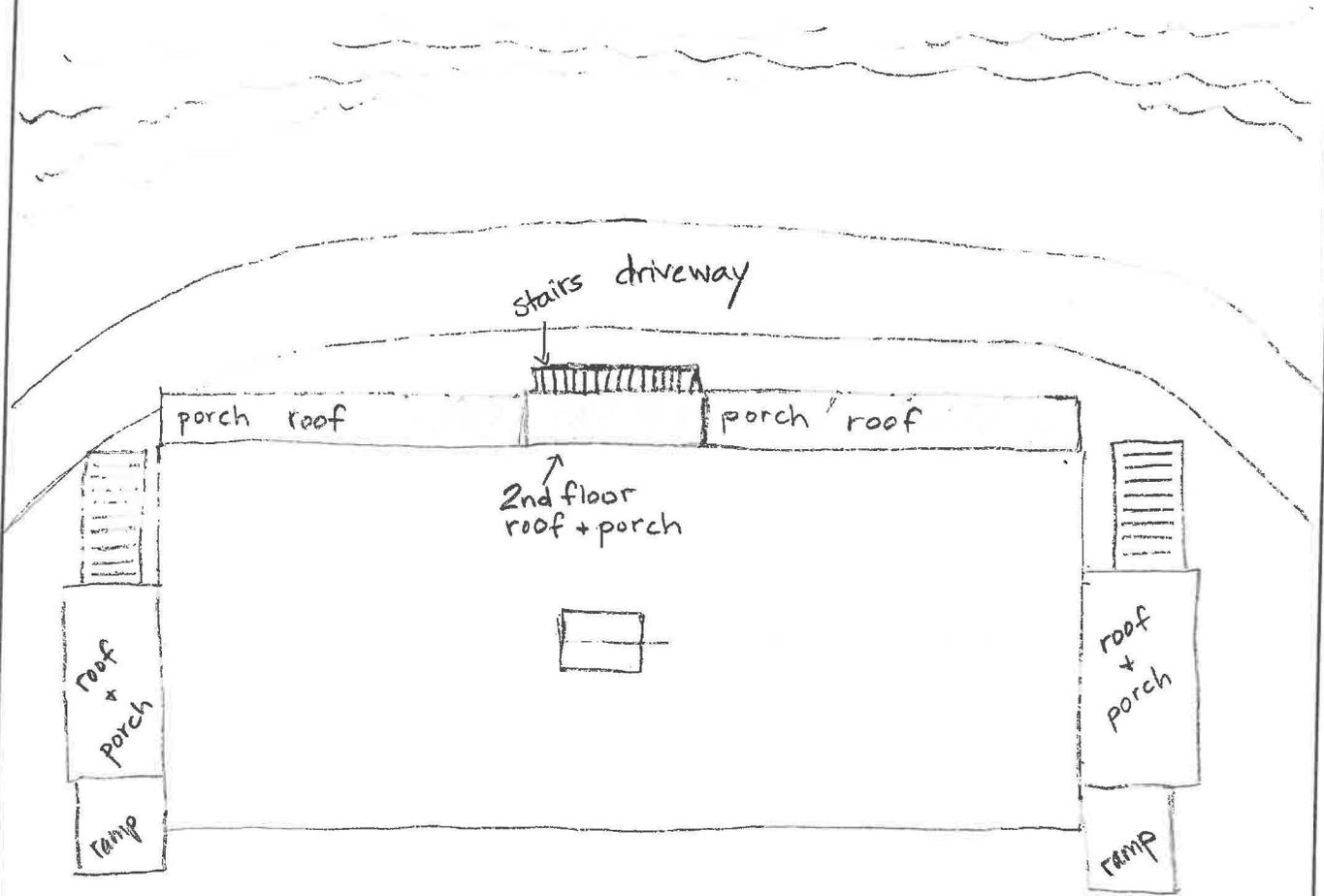
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# TOWN OF UNDERHILL

## ZONING PERMIT APPLICATION

**INSTRUCTIONS:** Provide a sketch showing dimensions of the proposed construction. You may use another sheet or the space below.



Please Accurately Depict the Following (Checklist):

### Required Features to Depict

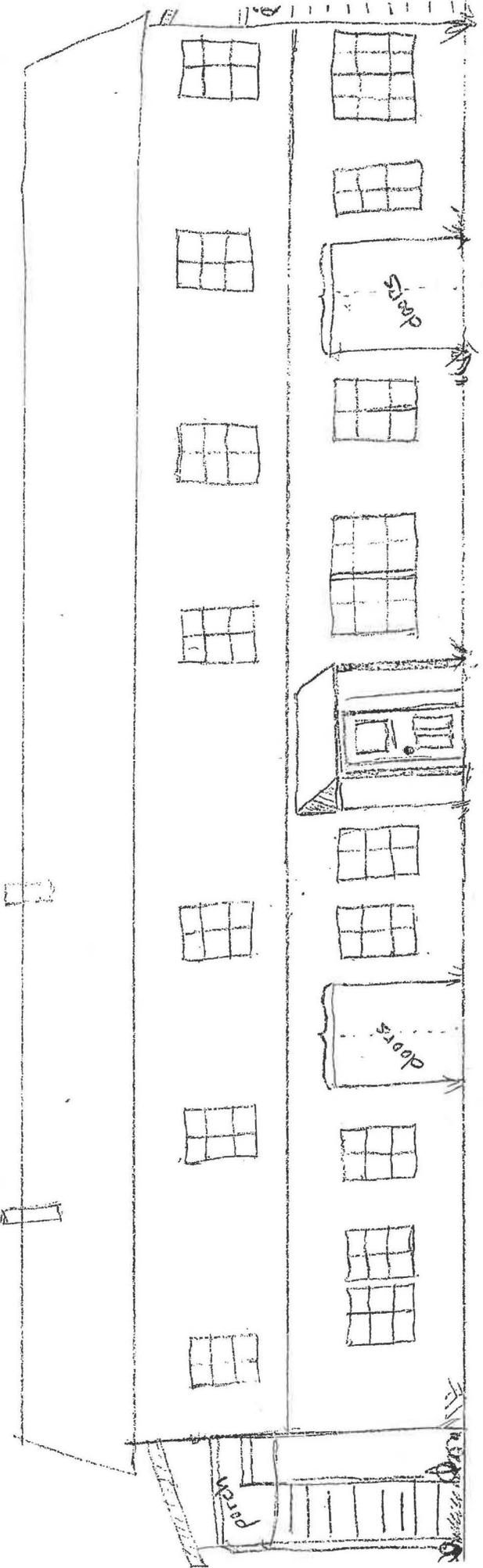
- Location of Existing Property Boundaries
- Dimensions of Property's Boundaries
- Location & Footprints of Existing Structure(s)
- Location & Footprints of Proposed Structure(s)
- Location & Footprints of Existing Access Ways
- Location & Footprints of Proposed Access Ways
- Dimensions of Existing/Proposed Access Ways
- Setbacks from Property Boundaries
- Floor Plan of Proposed Structure(s)
- Height of Proposed Structure(s)

### Required Features to Depict if Applicable

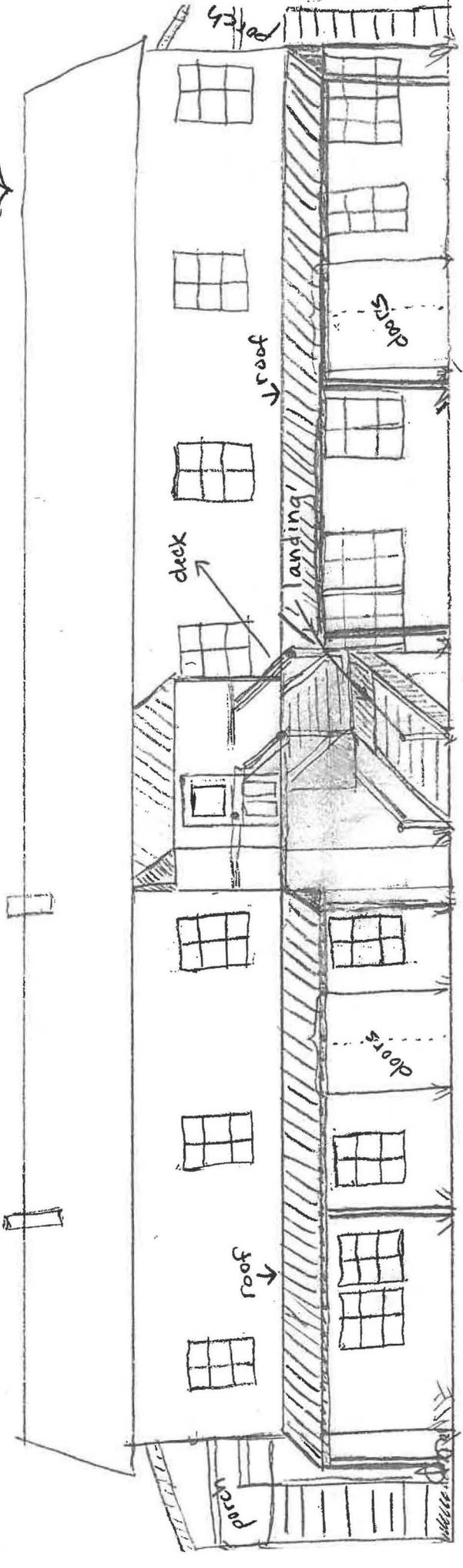
- Location of Existing/Proposed Easements
- Location of Existing/Proposed Rights-of-Way
- Location of Existing/Proposed Utilities
- Setbacks from Road Rights-of-Way
- Setbacks from Surface Waters & Wetlands
- Location of Existing/Proposed Water System (Well)
- Location of Existing/Proposed Wastewater Systems
- Other: \_\_\_\_\_

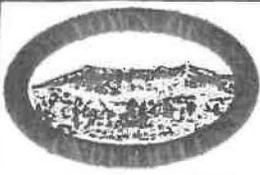
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EXISTING REAR OF BUILDING ↘



PROPOSED REAR OF BUILDING ↘





# TOWN OF UNDERHILL

## ZONING PERMIT APPLICATION

The undersigned hereby requests a Zoning Permit for the construction project described in this application. By signing below, Applicant acknowledges that he/she/they will comply with the requirements of the permit, if granted, and all Town Regulations. Separate State permits including, but not limited to, water/wastewater, stormwater, Act 250, and Construction General Permits may be required. The applicant bears the responsibility and obligation to contact the State Permit Specialist at 802-477-2241 prior to construction.

The Zoning Administrator (or representative) may access the subject property for purposes of inspections before, during, and upon completion of the project. Upon approval, a Permit Notice sign will be supplied to the Applicant to be posted within view of a Town Highway until the 15-day appeal period expires. Interested parties may exercise their appeal rights pursuant to 24 VSA §4465.

Applicant and/or their consultant(s) should check with the Road Foreman for any posted road restrictions. Failure to substantially commence construction by the permit expiration date will require a new permit from the Zoning Administrator. Upon completion of construction, Applicant must contact the Listers' office and the Zoning Administrator to obtain a Certificate of Occupancy (where applicable).

[Signature]  
Applicant Signature

6/3/19  
Date

[Signature]  
Landowner Signature

6/3/19  
Date

### OFFICE USE ONLY

RECEIVED: Date 6/4/2019

DEVELOPMENT REVIEW BOARD REVIEW (IF APPLICABLE):

Required  Not Required

Date: 6/11/2019

- Conditional Use Review
- Site Plan Review
- Variance Request

APPROVED: Date \_\_\_\_\_

Effective Date \_\_\_\_\_

Expiration Date \_\_\_\_\_

REJECTED: Date \_\_\_\_\_

Permit Fee	\$	
Posting Fee	\$	15.00
Recording Fee	\$	10.00
<b>TOTAL FEE</b>	<b>\$</b>	
<input type="checkbox"/> Check #		
<input type="checkbox"/> Cash		

REFERRED (IF APPLICABLE):

To: \_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_

Date: \_\_\_\_\_

Comments/Conditions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Zoning Administrator: \_\_\_\_\_ Date \_\_\_\_\_

All construction is to be completed in accordance with the Town of Underhill Unified Land Use & Development Regulations, as amended, and any & all federal and/or State regulations currently in effect. Once approved, notice of the permit is required to be posted in a conspicuous location on the property during the appeal period. The Town recommends that that notice be posted during the duration of the construction period. The applicant and/or landowner is required to contact the necessary State agencies to obtain permits: (802) 477-2241 (permit specialist). Interest persons have the right to appeal the approval of a permit to the Development Review Board within fifteen days (15) from the date of issuance.



# TOWN OF UNDERHILL

## ZONING PERMIT APPLICATION

**OFFICE USE ONLY**

APPLICATION #: CL-19-05

PROPERTY CODE: PV015

**ZONING DISTRICT(S):**

Underhill Flats Village Center

Underhill Center Village

Rural Residential

Water Conservation

Mt. Mansfield Scenic Preservation

Soil & Water Conservation

**APPLICANT:**  
MICHAEL DIFFENDERFFER

**PROPERTY LOCATION:**  
15 PLEASANT VALLEY RD, UNDERHILL VT

**MAILING ADDRESS:**  
P.O. Box 42, UNDERHILL CENTER VT

**EMAIL ADDRESS:**  
m@diff.ws 05440

**PHONE NUMBER:**  
203-444-4766

**LANDOWNER (IF DIFFERENT FROM APPLICANT):**

**LANDOWNER'S CONTACT INFORMATION:**

**CONTRACTOR:**

**CONTRACTOR'S CONTACT INFORMATION:**

**PROJECT DESCRIPTION:**  
ADDING BACK PORCHES AND CREATING OFFICE + RESTAURANT SPACE IN LOWER LEVEL

**Section A**

**Zoning Permit Application Type:**

Agricultural Exemption (Requires VT Review)

Boundary Line Adjustment Permit (see Supp. Form)

Building Permit (see Section B)

After-the-Fact Building Permit (see Section B)

Conversion/Change of Use Permit (see Section C)

Home Occupation Permit (see Supplemental Form)

Sign Permit (see Supplement Form)

Temporary Structure Permit

Temporary Use Permit

General/Other: \_\_\_\_\_

**Section B**

**Building Permit Application Information:**

Accessory Dwelling (see Section D)

Accessory Structure(s) (e.g. barn, garage, shed, etc.)

Addition:  
Number of Bedrooms (if applicable): \_\_\_\_\_  
Number of Bathrooms (if applicable): \_\_\_\_\_

Single-Family Dwelling:  
Number of Bedrooms: \_\_\_\_\_  
Number of Bathrooms: \_\_\_\_\_

Two-Family Dwelling:  
Dwelling 1 - Number of Bedrooms: \_\_\_\_\_  
Dwelling 1 - Number of Bathrooms: \_\_\_\_\_  
Dwelling 2 - Number of Bedrooms: \_\_\_\_\_  
Dwelling 2 - Number of Bathrooms: \_\_\_\_\_

Multi-Family Dwelling:  
Number of Units: \_\_\_\_\_  
Total Number of Bedrooms: \_\_\_\_\_  
Total Number of Bathrooms: \_\_\_\_\_

Commercial/Industry

Carport

Porch/Deck/Fence

In-Ground Pool

**Section D**

**Accessory Dwelling Application Information:**

Attached Accessory Dwelling, or

Detached Accessory Dwelling

Square Footage of Principal Dwelling: \_\_\_\_\_ sq. ft.

Square Footage of Proposed Accessory Dwelling: \_\_\_\_\_ sq. ft.

Number of Bedrooms (in Accessory Dwelling): \_\_\_\_\_

Number of Bathrooms (in Accessory Dwelling): \_\_\_\_\_

**Section C**

**Conversion/Change of Use Application Information:**

Existing Use: UNFINISHED LOWER LEVEL

Proposed Use: OFFICE + RESTAURANT

# of Bedrooms Added (if applicable): \_\_\_\_\_

# of Bathrooms Added (if applicable): \_\_\_\_\_

\*Please fill out this section if the project includes the conversion of unfinished living space to living space.

All construction is to be completed in accordance with the Town of Underhill Unified Land Use & Development Regulations, as amended, and any & all federal and/or State regulations currently in effect. Once approved, notice of the permit is required to be posted in a conspicuous location on the property during the appeal period. The Town recommends that that notice be posted during the duration of the construction period. The applicant and/or landowner is required to contact the necessary State agencies to obtain permits: (802) 477-2241 (permit specialists). Interest persons have the right to appeal the approval of a permit to the Development Review Board within fifteen days (15) from the date of issuance.



# TOWN OF UNDERHILL

## ZONING PERMIT APPLICATION

### ZONING DISTRICT(S):

**OFFICE USE ONLY**

APPLICATION #: CL-19-05  
 PROPERTY CODE: PV015

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

**APPLICANT:**  
MICHAEL DIFFENDERFFER

**PROPERTY LOCATION:**  
15 PLEASANT VALLEY RD 05489  
UNDERHILL VT

**MAILING ADDRESS:**  
P.O. BOX 42 UNDERHILL CENTER VT  
05496

**EMAIL ADDRESS:**  
m@diff.ws

**PHONE NUMBER:**  
203-444-4766

**LANDOWNER (IF DIFFERENT FROM APPLICANT):**

**LANDOWNER'S CONTACT INFORMATION:**

**CONTRACTOR:**

**CONTRACTOR'S CONTACT INFORMATION:**

**PROJECT DESCRIPTION:**  
MIXED USE BUILDING  
MULTI FAMILY, OFFICE &  
RESTURANT.  
(SEE ATTACHED)

### Section A

**Zoning Permit Application Type:**

- Agricultural Exemption (Requires VT Review)
- Boundary Line Adjustment Permit (see Supp. Form)
- Building Permit (see Section B)
- After-the-Fact Building Permit (see Section B)
- Conversion/Change of Use Permit (see Section C)
- Home Occupation Permit (see Supplemental Form)
- Sign Permit (see Supplement Form)
- Temporary Structure Permit
- Temporary Use Permit
- General/Other: \_\_\_\_\_

### Section B

**Building Permit Application Information:**

- Accessory Dwelling (see Section D)
- Accessory Structure(s) (e.g. barn, garage, shed, etc.)
- Addition:
  - Number of Bedrooms (if applicable): \_\_\_\_\_
  - Number of Bathrooms (if applicable): \_\_\_\_\_
- Single-Family Dwelling:
  - Number of Bedrooms: \_\_\_\_\_
  - Number of Bathrooms: \_\_\_\_\_
- Two-Family Dwelling:
  - Dwelling 1 - Number of Bedrooms: \_\_\_\_\_
  - Dwelling 1 - Number of Bathrooms: \_\_\_\_\_
  - Dwelling 2 - Number of Bedrooms: \_\_\_\_\_
  - Dwelling 2 - Number of Bathrooms: \_\_\_\_\_
- Multi-Family Dwelling:
  - Number of Units: \_\_\_\_\_
  - Total Number of Bedrooms: \_\_\_\_\_
  - Total Number of Bathrooms: \_\_\_\_\_
- Commercial/Industry
- Carport
- Porch/Deck/Fence
- In-Ground Pool

### Section D

**Accessory Dwelling Application Information:**

- Attached Accessory Dwelling, or
  - Detached Accessory Dwelling
- Square Footage of Principal Dwelling: \_\_\_\_\_ sq. ft.
- Square Footage of Proposed Accessory Dwelling: \_\_\_\_\_ sq. ft.
- Number of Bedrooms (in Accessory Dwelling): \_\_\_\_\_
- Number of Bathrooms (in Accessory Dwelling): \_\_\_\_\_

### Section C

**Conversion/Change of Use Application Information:**

Existing Use: UNFINISHED BASEMENT

Proposed Use: OFFICE & RESTURANT

# of Bedrooms Added (if applicable): \_\_\_\_\_

# of Bathrooms Added (if applicable): \_\_\_\_\_

\*Please fill out this section if the project includes the conversion of unfinished living space to living space.

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# TOWN OF UNDERHILL

## ZONING PERMIT APPLICATION

### Dimensions of ALL Proposed Construction

Proposed Structure(s)	Front	Side	Side	Rear	Height (Max. 35 ft.)	Square Feet Added
BACK PORCH	940'	8'	8'	940'	8'	752'
2ND STOREY BACK PORCH	6'	8'	8'	6'	8'	48'
FINISHED LOWER	100'	30'	30'	100'	8'	3000'

← Acreage: 1.1      Frontage: 232'      Estimated Value/Cost of Construction: \$ 50,000 →

### FOR OFFICE USE ONLY

**Setbacks:** To be measured as the closest part of ALL NEW CONSTRUCTION to the subject lot line and natural features.

Proposed Structure(s)	Front	Side	Side	Rear	River, Stream, or Ponds	Wetland

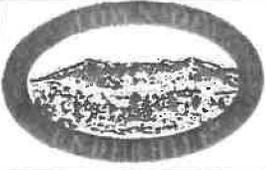
#### Site Constraints

- Class II Wetland
- Class III Wetland
- Wetland Buffers
- Deer Wintering Yard
- Floodplain: Zone \_\_\_\_\_
- Named River(s)  
Named River 1: \_\_\_\_\_  
Named River 2: \_\_\_\_\_
- Prime Agricultural Soils
- Unnamed Stream
- Source Protection Area
- Steep Slopes
- Very Steep Slopes

#### Building & Lot Coverage Information

- a. Total # of Acres: \_\_\_\_\_ ac(=sq)
- b. Total Lot Area (1 Acre = 43,560 sq. ft.): \_\_\_\_\_ sq. ft.
- c. Footprint of Proposed Project (sq. ft.): \_\_\_\_\_ sq. ft.
- d. Footprint of Existing Buildings (sq. ft.): \_\_\_\_\_ sq. ft.
- e. Footprint of Proposed & Existing Buildings (sq. ft.): \_\_\_\_\_ sq. ft.
- f. Total Building Coverage (line e / line b \* 100): \_\_\_\_\_ %
- g. Total Impervious Surface (sq. ft.): \_\_\_\_\_ sq. ft.
- h. Total Lot Coverage (lines e + g / line b \* 100): \_\_\_\_\_ %

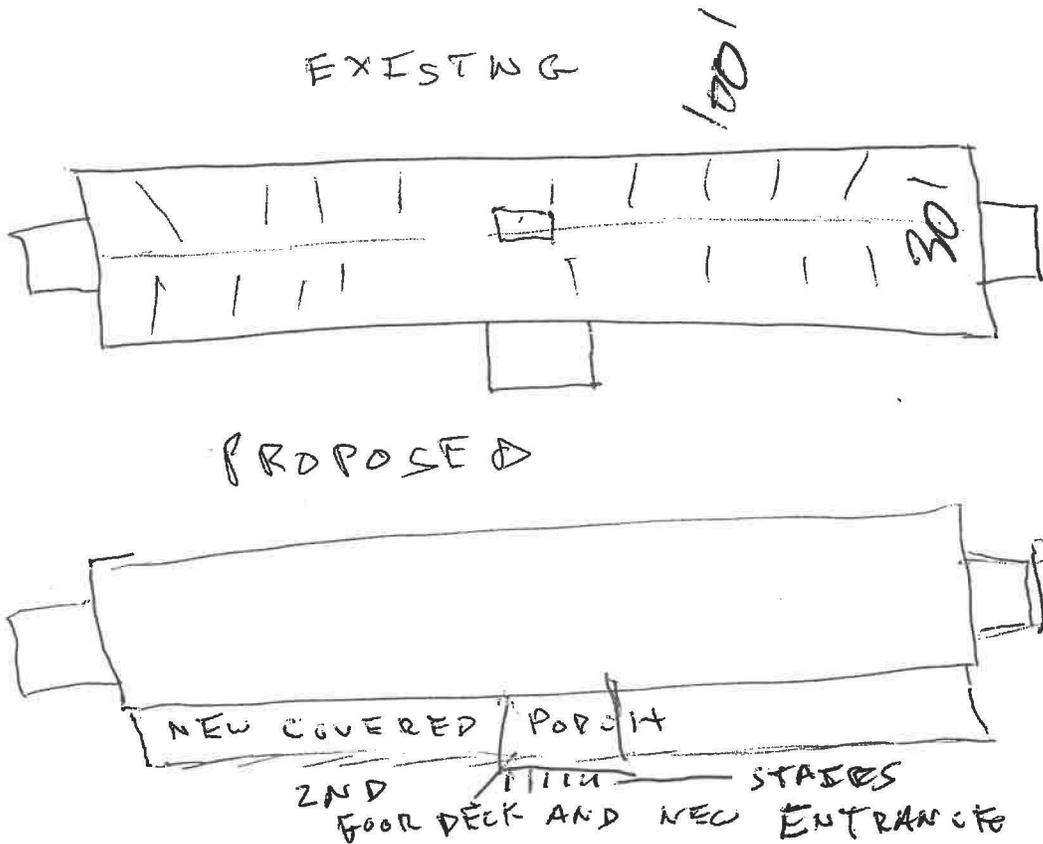
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# TOWN OF UNDERHILL

## ZONING PERMIT APPLICATION

**INSTRUCTIONS:** Provide a sketch showing dimensions of the proposed construction. You may use another sheet or the space below.



Please Accurately Depict the Following (Checklist):

**Required Features to Depict**

- Location of Existing Property Boundaries
- Dimensions of Property's Boundaries
- Location & Footprints of Existing Structure(s)
- Location & Footprints of Proposed Structure(s)
- Location & Footprints of Existing Access Ways
- Location & Footprints of Proposed Access Ways
- Dimensions of Existing/Proposed Access Ways
- Setbacks from Property Boundaries
- Floor Plan of Proposed Structure(s)
- Height of Proposed Structure(s)

**Required Features to Depict if Applicable**

- Location of Existing/Proposed Easements
- Location of Existing/Proposed Rights-of-Way
- Location of Existing/Proposed Utilities
- Setbacks from Road Rights-of-Way
- Setbacks from Surface Waters & Wetlands
- Location of Existing/Proposed Water System (Well)
- Location of Existing/Proposed Wastewater Systems
- Other: \_\_\_\_\_

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# TOWN OF UNDERHILL

## ZONING PERMIT APPLICATION

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[Signature]  
Applicant Signature

9/6/19  
Date

[Signature]  
Landowner Signature

9/6/19  
Date

### OFFICE USE ONLY

RECEIVED: Date 9/6/2019

DEVELOPMENT REVIEW BOARD REVIEW (IF APPLICABLE):

Required  Not Required  
Date: 9/6/2019 Hearing 10/21/2019

- Conditional Use Review
- Site Plan Review
- Variance Request

Permit Fee	\$
Posting Fee	\$ 15.00
Recording Fee	\$ 15.00
<b>TOTAL FEE</b>	\$
<input type="checkbox"/> Check #	<input type="checkbox"/> Cash

REFERRED (IF APPLICABLE):

To: \_\_\_\_\_  
Date: \_\_\_\_\_  
To: \_\_\_\_\_  
Date: \_\_\_\_\_

APPROVED: Date: \_\_\_\_\_

Effective Date: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

REJECTED: Date: \_\_\_\_\_

Comments/Conditions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Zoning Administrator

Date

All construction is to be completed in accordance with the Town of Underhill Unified Land Use & Development Regulations, as amended, and any & all federal and/or State regulations currently in effect. Once approved, notice of the permit is required to be posted in a conspicuous location on the property during the appeal period. The Town recommends that that notice be posted during the duration of the construction period. The applicant and/or landowner is required to contact the necessary State agencies to obtain permits: (802) 477-2241 (permit specialist). Interest persons have the right to appeal the approval of a permit to the Development Review Board within fifteen days (15) from the date of issuance.

# EXISTING



60 30 0 60 Feet

1 inch = 61 feet



For Planning Purposes Only.  
Scale and feature locations are approximate.  
Map created 05/30/2019

# PROPOSED



60 30 0 60 Feet

1 inch = 61 feet



For Planning Purposes Only.  
Scale and feature locations are approximate  
Map created 05/30/2019



## 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 2 day of October, 2019, 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 hearing pertaining to the proposed conversion of a multi-family dwelling to a mixed-use structure containing: three dwelling units (multi-family dwelling), office space, and restaurant space; as well as to construct a porch within the riparian buffer, on property located at 15 Pleasant Valley Road (PV015) in Underhill, Vermont, which is owned by Michael & Emily Diffenderffer.

#### Recipients and Corresponding Address:

- |  |   |
|--|---|
| <p>✓ <b>15 PLEASANT VALLEY ROAD (PV015)</b><br/>Michael &amp; Emily Diffenderffer<br/>P.O. Box 42<br/>Underhill Center, VT 05490</p>     | <p>✓ <b>11 PLEASANT VALLEY ROAD (PV011)</b><br/><b>[HAND DELIVERED]</b><br/>Town of Underhill<br/>Attn: Town Administrator<br/>P.O. Box 120<br/>Underhill, VT 05489</p>             |
| <p>✓ <b>25 PINE RIDGE ROAD (PR025)</b><br/>Peter K. &amp; Ellen M. Duval<br/>25 Pine Ridge Road<br/>Underhill, VT 05489</p>              | <p>✓ <b>12 PLEASANT VALLEY ROAD (PV012)</b><br/><b>[HAND DELIVERED]</b><br/>Town of Underhill<br/>Attn: Town Administrator<br/>P.O. Box 120<br/>Underhill, VT 05489</p>             |
| <p>✓ <b>27 PINE RIDGE ROAD (PR027)</b><br/>David A. Demuynck<br/>Cathy A. Leathersich<br/>27 Pine Ridge Road<br/>Underhill, VT 05489</p> | <p>✓ <b>19 PLEASANT VALLEY ROAD (PV019)</b><br/>Trustees of David A. &amp; Carla N. Osgood<br/>David &amp; Carla Revocable Trust<br/>P.O. Box 81<br/>Underhill Center, VT 05490</p> |
|  | <p>✓ <b>20 PLEASANT VALLEY ROAD (PV020)</b><br/>Michael K. &amp; Emily E. Diffenderffer<br/>20 Pleasant Valley Road<br/>Underhill, VT 05489</p>                                     |



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Andrew Strniste  
Planning Director & Zoning Administrator  
12 Pleasant Valley Road  
Underhill, VT 05489

Date: 10/2/2019



To: Burlington Free Press  
Classifieds/Legals  
legals@bfp.burlingtonfreepress.com  
860-5329

From: Town of Underhill  
Zoning & Planning  
P.O. Box 120  
Underhill, VT 05489

**LEGAL AD**

*\*Please e-mail to confirm receipt of this ad.\**

.....

**Release Date: NO LATER THAN 10/05/2019**

\*\*\*\*\*

**NOTICE OF PUBLIC MEETING**

Town of Underhill Development Review Board (DRB)  
Monday, October 21, 2019

At the Underhill Town Hall, 12 Pleasant Valley Road, Underhill, VT

The DRB will hold a hearing on the Conditional Use Review Application by Michael Diffenderffer for the conversion of a multi-family dwelling to a mixed-use structure containing: three dwelling units (multi-family dwelling), office space, and restaurant space, as well as to construct a porch within a riparian buffer, on property he owns located at 15 Pleasant Valley Road (PV015). The subject property is located in the Underhill Center Village zoning district. A site visit will commence at the property's location at 6:00 PM on Monday, October 21, 2019, and the hearing will be held at Underhill Town Hall at 6:35 PM on Monday, October 21, 2019.

Additional information may be obtained at the Underhill Town Hall. The hearing(s) are open to the public. Pursuant to 24 VSA §§4464(a)(1)(C) and 4471(a), participation in this local proceeding is a prerequisite to the right to take any subsequent appeal. If you cannot attend the hearing(s), comments may be made in writing prior to the meeting and mailed to: Andrew Strniste, Planning Director & Zoning Administrator, P.O. Box 120 Underhill, VT 05489 or to [astrniste@underhillvt.gov](mailto:astrniste@underhillvt.gov).

\*\*\*\*\*

***Please call Andrew Strniste at the Planning & Zoning Administrator's office at 899-4434 x106 with any questions concerning this ad and to confirm receipt. Please remit bill to: Town of Underhill, RE: 10-21-19 DRB Hearing, P.O. Box 120, Underhill, VT 05489. Thank you.***

**Article III. General Regulations**

1 I. **Nonconforming Signs.** Any sign lawfully in place prior to the effective date of these  
2 regulations that does not conform to these regulations with respect to area, height, setback,  
3 location, number or lighting, shall be considered a nonconforming sign. Such signs may  
4 receive normal maintenance and repair; however no nonconforming sign shall be enlarged,  
5 extended, changed in design or altered to advertise a different business or product, unless it  
6 is brought into conformance with these standards.

- 7  
8 1. A nonconforming sign that has been damaged or destroyed beyond 50% of its appraised  
9 value for a period of six months; that has been abandoned for a period of six months or  
10 more; or that identifies a business, activity or product that has not existed at that  
11 location for six months or more must be removed.  
12

**Section 3.17 Source Protection Areas**

13  
14  
15 A. To protect the quality of public water supplies, and associated source protection areas:

- 16  
17 1. No development shall be allowed within a 200-foot radius of a well or spring that serves  
18 a public water supply, except for activities, structures and uses that directly relate to the  
19 water system; and  
20 2. To the extent physically feasible, all on-site septic systems, including leach fields, shall  
21 be located outside of a designated source protection area.  
22

23 B. All development within designated source protection areas, except for agriculture,  
24 forestry, single and two family dwellings, associated accessory uses and structures, and uses  
25 that are specifically prohibited under Subsection D, shall be subject to conditional use review  
26 by the Development Review Board under Section 5.4, to include findings that:

- 27  
28 1. The proposed development is consistent with the Source Protection Plan as most  
29 recently adopted and approved by the state, does not include a prohibited activity or  
30 use under Subsection B, and does not present a threat to the public water supply.  
31  
32 2. There shall be no on-site discharge of hazardous materials from floor drains; all floor  
33 drains will drain into holding tanks.  
34  
35 3. All drainage ways and sediment traps shall be regularly maintained in full working order  
36 by the owner.  
37  
38 4. Site clearing and disturbance, and on-site paving, roofing, and other impervious surfaces  
39 that increase surface runoff and limit water infiltration and recharge, are minimized. All  
40 runoff from impervious surfaces shall be diverted to areas covered with vegetation for  
41 surface infiltration.  
42  
43 5. The storage and application of fertilizers, pesticides, herbicides and other chemicals  
44 shall comply with all state and federal regulations and best management practices.  
45

1 6. Above ground storage tanks for oil, gasoline or other petroleum products shall be placed  
2 in a building or other impervious containment area to prevent spills and leaks from  
3 reaching groundwater (also see Section 3.12).

4  
5 7. The use of sodium chloride for ice control shall be minimized.

6  
7 C. The DRB, as a condition of approval, may required groundwater monitoring on-site or in  
8 the immediate vicinity of the project.

9  
10 D. The following uses and activities are specifically prohibited within designated source  
11 protection areas:

12  
13 1. Operations, including home based businesses, which manufacture, use, process, store or  
14 dispose of hazardous materials or wastes in amounts that could threaten public water  
15 supplies, including but not limited to metal plating, chemical manufacturing, wood  
16 preserving, photographic processing, motor vehicle service, auto body repair, furniture  
17 stripping, and dry cleaning materials.

18  
19 2. Solid and hazardous waste landfills, storage and transfer facilities, dumps, and salvage  
20 yards.

21  
22 3. Outdoor storage of salt, de-icing materials, snow dumps, pesticides or herbicides.

23  
24 4. The storage or spreading of sludge from wastewater treatment facilities.

25  
26 5. Cemeteries.

27  
28 6. The storage of unregistered vehicles, unless stored in an enclosed structure and parked  
29 on an impervious surface or drained of all fluids.

30  
31 7. Installation of floor drains or sumps that discharge directly to the ground.

32  
33 8. Underground storage tanks, and above ground storage tanks that lack an adequate  
34 impervious containment area.

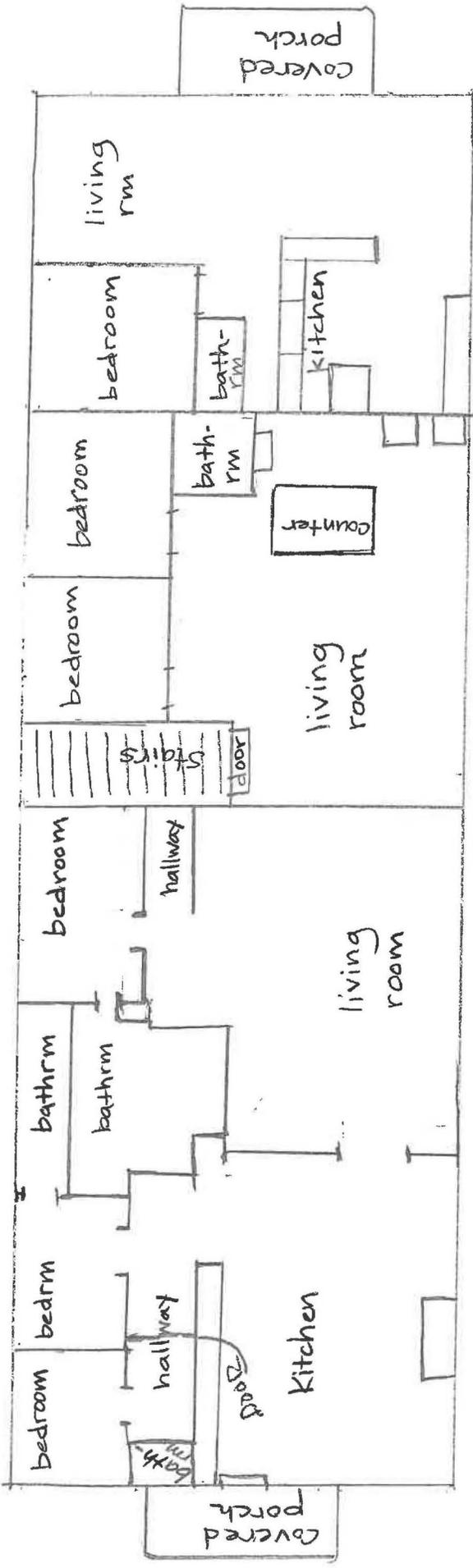
35  
36 **Section 3.18 Steep Slopes**

37  
38 A. **Purpose.** The purpose of this section is to regulate land subdivision and development to  
39 minimize site disturbance and construction on steep slopes (15% to 25%), and to avoid site  
40 disturbance on very steep slopes (> 25%) in order to:

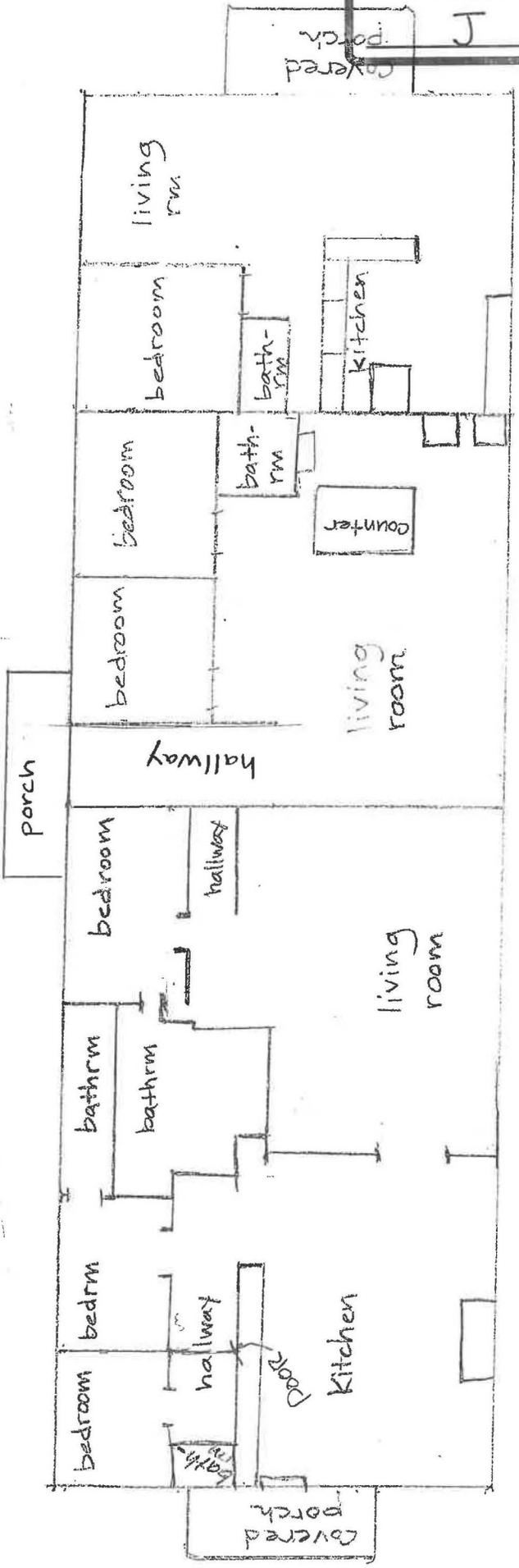
41  
42 1. Maintain existing topography, including natural (pre-development) elevations, grades  
43 and drainage patterns.

44 2. Minimize impervious surfaces, stormwater runoff, channeling, flooding and soil erosion,  
45 on steep slopes.

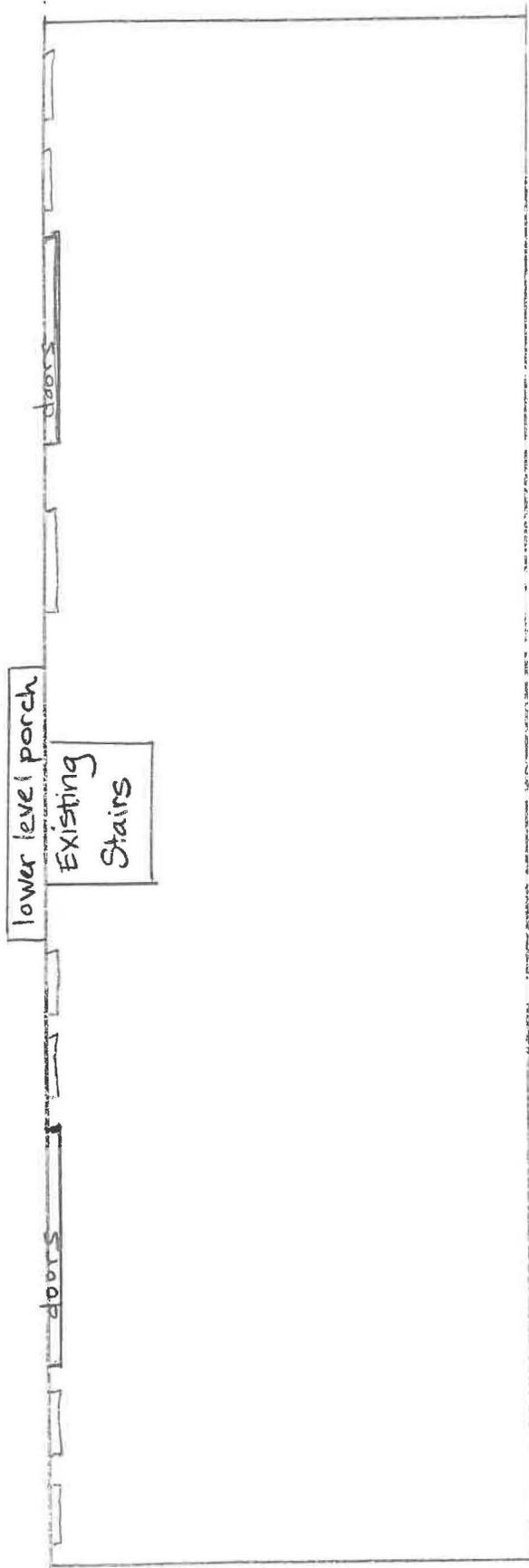
Existing



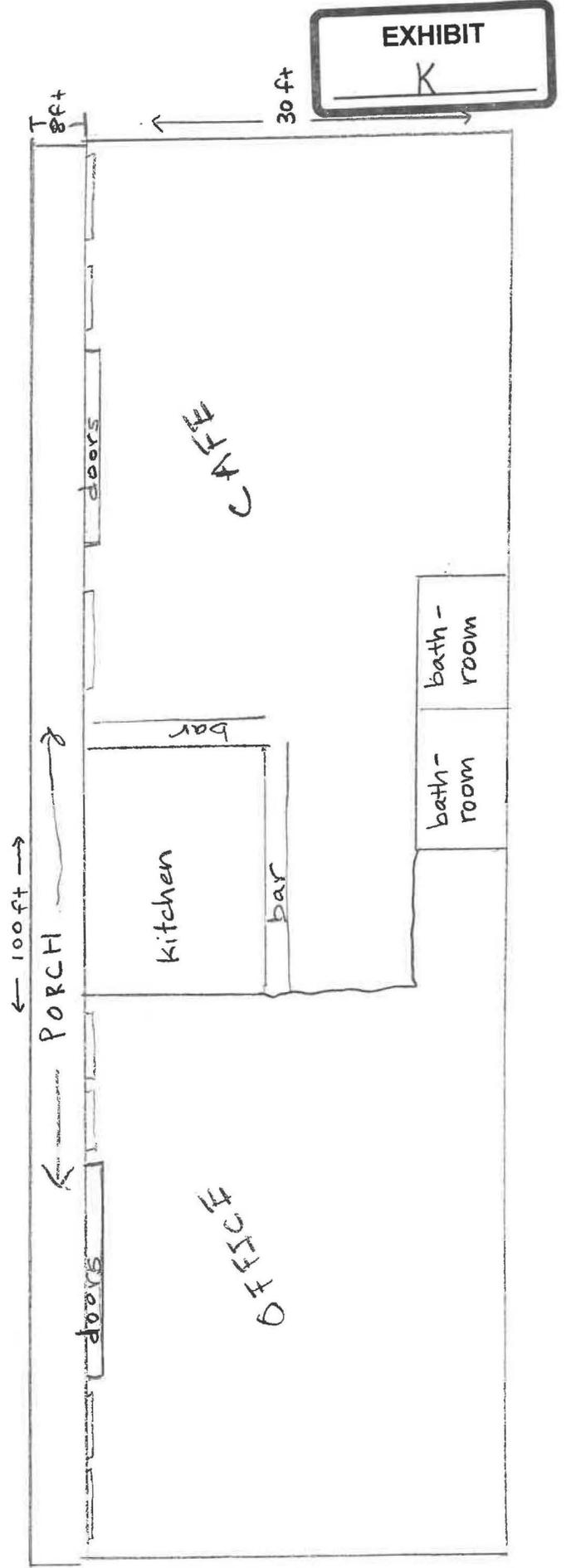
Proposed



EXISTING LOWER LEVEL



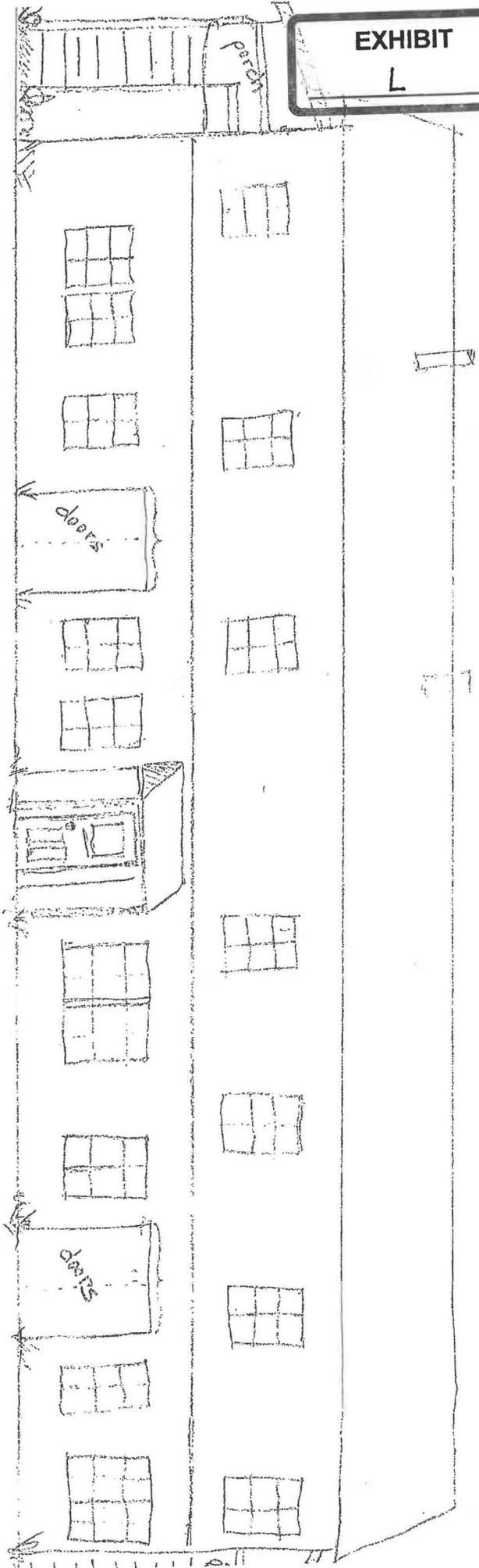
PROPOSED LOWER LEVEL



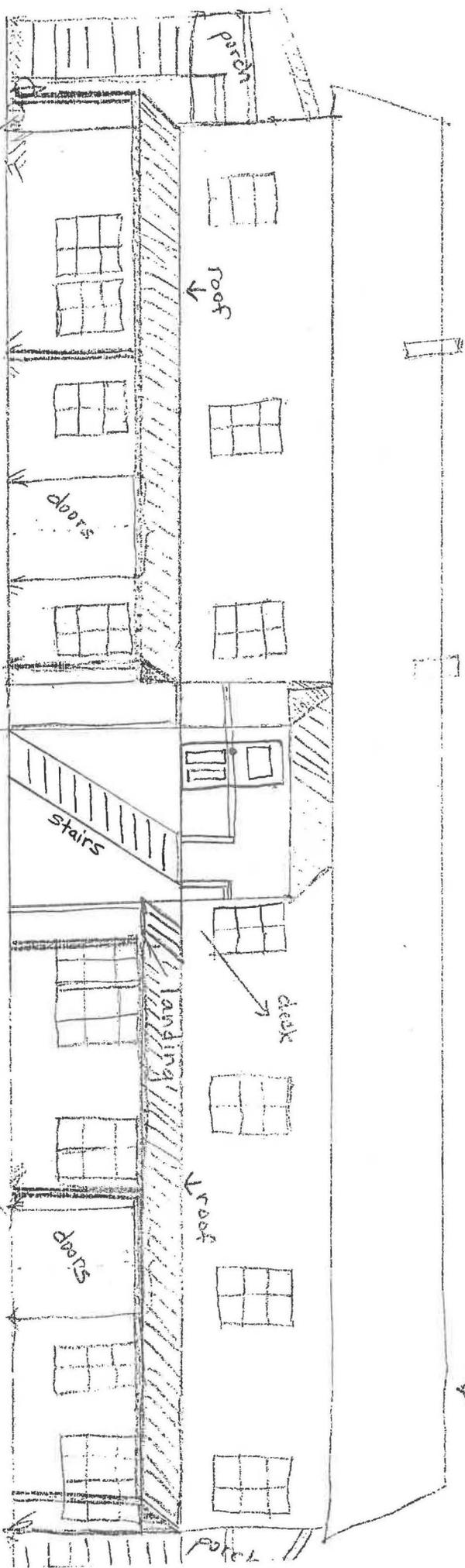
EXHIBIT

L

EXISTING REAR OF BUILDING



PROPOSED REAR OF BUILDING





JH STUART ASSOCIATES

22 TANGLEWOOD DRIVE P.O. BOX 8367  
ESSEX, VERMONT 05451 802-878-5171

MICHAEL DIEFFENDERFFER

PROPOSED RESIDENTIAL/COMMERCIAL PROJECT 20 PLEASANT VALLEY ROAD  
UNDERHILL CENTER, VERMONT DWG. 1 OF 09/06/2019