

# TOWN OF UNDERHILL

## Development Review Board

MICHAEL DIFFENDERFFER

CONDITIONAL USE

Docket #: DRB-19-12

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Applicant(s):	Michael Diffenderffer
Consultant:	RSG & JH Stuart Associates
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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- The Applicant's project was scheduled for Monday, October 21, 2019. Abutting property owners were notified of the hearing via certified mail.
- The hearing commenced on Monday, October 21, 2019. A Staff Report was prepared with accompanying Exhibits A-M, as set out below:
  - 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
- Staff Comments were provided within the Staff Report (see Exhibit A).
- The hearing was continued to Monday, January 6, 2020. After the hearing, on October 22, 2019, Staff, on behalf of the Development Review Board, provided the Applicant a letter advising of additional materials the Board requested (see Exhibit N)
- On Monday, January 6, 2020, the Applicant did not have any new materials to present at the continued hearing, and therefore, the hearing was then again continued, this time to Monday, March 16, 2020.
- On Monday, March 16, 2020, the hearing commenced via Zoom due the COVID-19 outbreak.

During this hearing, the Board and the Applicant discussed associated parking issues, as well as issues surrounding the property lines. The hearing was once again continued, this time to Monday, June 2, 2020.

- When preparing for the Monday, June 2, 2020 hearing, Staff discovered that the hearing was not originally warned in a publication: the *Burlington Free Press*, which is a requirement of the hearing process.
- At the Monday, June 2, 2020 hearing, the Applicant was absent. Staff informed the Board that the initial hearing was not warned properly and that he would warn the hearing for whenever the Board was intending to continue the evening's hearing. The Board selected Monday, August 3, 2020 as the next hearing date, and Staff advised that that hearing would be warned in order to conform with the warning requirements.
- Moreover, at the June 2, 2020 meeting, Staff informed the Board of additional information that the Applicant had submitted to him in an email on May 27 & May 28 (submitted as Exhibit O).
- After the June 2, 2020 hearing, the Applicant submitted additional exhibits (see Exhibits P & Q), provided in the contents section of this Supplemental Staff Report.
- Staff anticipates that the Applicant will submit more exhibits after this supplemental staff report is disseminated, but before the Board's hearing on Monday, August 3, 2020.

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Staff recommends that the Board re-enter the exhibits from the previous Staff Report into the record, as well as the provided testimony, which can be obtained via the audio recordings and video recording. In addition, Staff recommends reading into the record the outline above that summarizes the events that transpired.

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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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### **ADDITIONAL CONTENTS:**

- n. Exhibit N – PV015 Supplemental Staff Report
- o. Exhibit O – PV015 Conditional Use Hearing Procedures
- p. Exhibit P - Conditional Use Continuance Request Materials
- q. Exhibit Q - Email Correspondence from Diffenderffer
- r. Exhibit R - Wastewater System & Potable Water Supply Design
- s. Exhibit S - Proposed Site Plan

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### **PREVIOUS 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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## UNDERHILL DEVELOPMENT REVIEW BOARD

CONDITIONAL USE REVIEW  
HEARING PROCEDURES  
Monday, August 3, 2020

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

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1. **State the following (Intro):** "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."

The aforementioned application was originally submitted for review in the fall of 2019. A hearing was scheduled for October 21, 2019, and subsequently continued to January 6, 2020, March 16, 2020, June 2, 2020 and to today, August 3, 2020. Prior to the June 2, 2020 hearing, Staff discovered an administrative error, specifically that the hearing was not warned in the *Burlington Free Press* as originally thought. Therefore, tonight's hearing was re-warned in order to comply with the requirements under 24 V.S.A. Chapter 117. Therefore, prior to this evening's hearing, the Applicant was administered a new public notice sign, abutting neighbors were notified via certified mail, and the hearing was warned in the *Burlington Free Press*. The Board is also going to reintroduce all of the evidence provided in the previous defective hearings by reference, including the audio recordings from October 21, 2019 and January 6, 2020 meetings, and the video recordings from the March 13, 2020 and June 2, 2020 meetings. For the record, following the outlining of procedures, Staff and Applicant will provide an overview of the original project, including the associates updates from the continued "hearings." A summary of events can be found in the Supplemental Staff Report (Exhibit N).

This application is subject to review under the 2011 *Unified Land Use & Development Regulations*, as amended thru 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 impose 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. **Identify those DRB Members who are present on the Go-To-Meeting hearing.**

3. **Ask the following (Public in Attendance):** “Are there any members of the public in attendance to comment about the application, and if so, can you please identify yourself and state your address for the record? If your mailing address differs from your physical address and wish to receive a copy of the decision, please provide that address as well.”
4. **Ask the following (Officials in Attendance):** “Are there any state or municipal representatives present, other than the Planning & Zoning Administrator, and acting in their representative capacities.”
5. **State the following (Rules of Procedure & Interested Parties Info Sheet):** “Copies of the Rules of Procedure that the Board follows, as well as an Interested Parties Info Sheet are available to all attendees for review on the Town’s website, and can also be obtained from the Planning & Zoning Administrator.”
6. **State the following (Interested Parties/Oath):** “Only these 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.

If you are an applicant, representative of the applicant(s), or an interested party who wants to participate in the hearing, we ask that you clearly state your name prior to speaking.

We will now swear in all those present who wish to speak tonight regarding the application. All individuals who plan to test must take the following oath by responding ‘I do’ at the end of the following statement: “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 the pains and penalties of perjury?”

7. **Ask the following (Ex Parte Communications and Conflicts of Interest):** “Are there any conflicts of interest, or have there been any ex parte communications on part of any of the Board Members?”
8. **State the following (Process):** “In regards to tonight’s hearing process, to help alleviate interruptions and allow for an efficient meeting over the remote teleconferencing platform, the Board will hearing from the following parties in the following order:
  - a. The applicant(s) and his or her/their representative(s);
  - b. The Planning & Zoning Administrator, Andrew Strniste;
  - c. Members of the Board in the following order:
    - (1) Shanie Bartlett (if in attendance)
    - (2) Matt Chapek
    - (3) Mark Green
    - (4) Mark Hamelin (if in Attendance)
    - (5) Daniel Lee
    - (6) Karen McKnight
    - (7) Penny Miller
    - (8) Will Towle (if in Attendance)
    - (9) Stacey Turkos
    - (10) Chares Van Winkle

- d. Members of the public;
  - e. The applicant(s) and his or her/their representative(s) will then have an opportunity to respond;
  - f. Final comments will be solicited from the Planning & Zoning Administrator, members of the public and the applicant(s) and his or her/their representative(s);
  - g. Members of the Board will then have an opportunity to ask final questions or make any final comments.”
9. ***State the following (Comment & Question Procedures):*** “All speakers should address their comments to the Board, and not to other parties present at the hearing. Members of the public are afforded five minute unless by request and a majority of the Board consents to extending the time. The Board may ask questions of anyone in attendance to relating to the application.”
10. ***State the following (the Record):*** “At this point, the information package (the staff report with associated exhibits) that was distributed by the Planning & Zoning Administrator prior to the original hearing, October 21, 2020, and tonight’s hearing will be entered into the record. The materials accompanying the original staff report included the following exhibits:

- 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

The materials accompanying the supplemental staff report include the following exhibits:

- Exhibit N – PV015 Supplemental Staff Report
- Exhibit O – PV015 Conditional Use Hearing Procedures
- Exhibit P – Diffenderffer 08032020 Conditional Use Continuance Request Materials
- Exhibit Q - Email Correspondence from Diffenderffer
- Exhibit R - Wastewater System & Potable Water Supply Design
- Exhibit S - Proposed Site Plan

11. ***State the following (the Record):*** “Were any additional exhibits submitted after the dissemination of the supplemental staff report, but before tonight’s hearing?
- a. *If yes, then state the exhibit(s) letter and title of the exhibit(s).*
  - b. *If no, then proceed directly below.*

These exhibits are available in the Diffenderffer conditional use review file DRB-19-12 / PV015 at the Underhill Planning & Zoning Office by request, and for the time being, are also available on the Town's website."

12. **State the following (Project Overview):** "To resolve potential issues relating to the warning oversight described earlier, we'll begin with an overview of the project, as originally presented and subsequently updated at the continued 'hearings,' by Staff and the Applicant for the record."
13. **State the following (Applicants'/Representatives' Turn):** "Next, we will ask for additional testimony by first hearing from applicant(s) and/or his or her/their representative(s) regarding any new updates relating to the project from what was originally presented during the previous DRB meeting dates."
14. **State the following (PZA's Turn):** "Next, we will hear from the Planning & Zoning Administrator."
15. **State the following (Boards' Turn):** "Next, we will hear from Board Members:
  - a. Shanie Bartlett (if in attendance)
  - b. Matt Chapek
  - c. Mark Green
  - d. Mark Hamelin (if in Attendance)
  - e. Daniel Lee
  - f. Karen McKnight
  - g. Penny Miller
  - h. Will Towle (if in Attendance)
  - i. Stacey Turkos
  - j. Chares Van Winkle"
16. **Ask the following (Publics' Turn):** "We will now take comments from the public who wish speak about the application. Is there anyone who wishes to speak?"
17. **State the following (Applicants'/Representatives' Turn):** "The applicants and/or their representatives are now afforded the opportunity to respond to anything they heard in tonight's hearing."
18. **Ask the following (Last Call from Comments/Questions):** "Are there any final comments or questions from the applicants and/or their representatives, members of the public, the Planning & Zoning Administrator, or any other attendees?"
19. **Ask the following (Final Comments from the Board):** "Are there any final comments or questions from the Board?"
20. **Ask the following (Final Comments from the Board):** "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.]*

**21. If the Board has enough information, ask the following (Motions):**

- a. *Ask for a motion to close the evidentiary portion of the hearing.*
- b. *Inquire if the Board wishes to vote to approve or deny the application in open session, and if so, ask for a motion to approve the application.*
- c. *Inquired if the Board wishes to deliberation in open or closed deliberation. Once chosen, ask for a motion to enter into [insert "open" or "closed" here] deliberation.*

**22. State the following (Boards' Turn):** "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

P.O. Box 120, Underhill, VT 05489

www.underhillvt.gov

Phone: (802) 899-4434, x106

Fax: (802) 899-2137

October 22, 2019

Michael & Emily Diffenderffer  
P.O. Box 42  
Underhill Center, VT 05490

Dear Mr. Diffenderffer,

At your October 21, 2019 hearing with the Development Review Board (the Board), the Board informed you that they would provide written correspondence containing necessary materials to assist them in evaluating your proposed project regarding the conversion of your multi-family dwelling to a mixed-use structure. Directly below are the materials they have requested:

1. A survey of the property;
2. A site plan depicting the following information:
  - a. The updated property lines;
  - b. A more precise parking plan:
    - i. 9 ft. by 18 ft. parking spaces (including handicapped parking spaces) to be located to the side and rear of the structure;
    - ii. Waste and recycling collection areas;
    - iii. Loading and service areas for emergency vehicles, waste and recycling collection, utility boxes and snow storage;
  - c. The 100 ft. Mills River Riparian Buffer boundary;
  - d. The 50 ft. mandatory vegetative buffer for Mills River;
  - e. The Special Flood Hazard Area boundary;
  - f. Walkways/pedestrian circulation, including any required handicapped ramps;
  - g. External area lighting depiction per section 3.11;
  - h. Bicycle rack location;
3. Elaboration of the stormwater management techniques/design, during and after construction;
4. Elaboration regarding the hours of operation, including any proposed evening/night events;
5. Building and lot coverage percentages;
6. The design details for the submitted wastewater system plan;
7. The design details for the proposed sign with the location depicted on the site plan;
8. Landscaping and screening techniques with locations depicted on site plan;
9. An access permit application formalizing review of the entryways and parking layout;
10. Should the Selectboard agreed to a shared parking arrangement, a draft of the arrangement should be submitted;

**DUPLICATE**  
(unsigned)

11. Requests for any waivers of variances;

Please feel free to use this list as a checklist. As a courtesy, Staff would ask if you could submit your materials at your earliest convenience to provide adequate time for the Board to review them prior to your continued hearing on Monday, January 6, 2019 at 6:35 PM at Underhill Town Hall, 12 Pleasant Valley Road, Underhill, VT.

Should you have any questions, please feel free to contact me at either [astrniste@underhillvt.gov](mailto:astrniste@underhillvt.gov) or at (802)899-4434, ext. 106.

Sincerely,

**Andrew Strniste**  
Planning Director & Zoning Administrator

cc: File

**Andrew Strniste**

**From:** Andrew Strniste  
**Sent:** Friday, May 29, 2020 1:34 PM  
**To:** Charlie VanWinkle (DRB); Daniel Lee (DRB); Karen McKnight (DRB-H) (kmcknight802@gmail.com); Mark Green (mpgreen914@gmail.com); Mark Hamelin (mhamelin@vhb.com); Matt Chapek (DRB); Penny Miller (pennymillervt@gmail.com); Shanie Bartlett (DRB); Stacey Turkos (DRB); Will H. Towle (DRB)  
**Subject:** FW: Diffenderffer 15 Pleasant Valley update.

Good afternoon Development Review Board,

For Monday's meeting, please find an update from Michael Diffenderffer directly below.

Should anyone have any questions, please let me know.

Kind regards,

**Andrew Strniste**

Planning Director  
Zoning Administrator  
Town of Underhill  
P.O. Box 120  
Underhill, VT 05489  
Phone #: (802) 899-4434 x6  
Fax #: (802) 899-2137  
[astrniste@underhillvt.gov](mailto:astrniste@underhillvt.gov)

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**From:** m diff.ws <m@diff.ws>  
**Sent:** Wednesday, May 27, 2020 2:31 PM  
**To:** Andrew Strniste <astrniste@underhillvt.gov>  
**Subject:** Diffenderffer 15 Pleasant Valley update.

Hi Andrew,

I have contacted RSG who have agreed to help with the parking analysis (see email thread below with their initial impressions). Their initial response is positive that we can reduce the number of required parking spaces. They have referred me to their friends at Civil Engineering associates to draw up a proposed site plan. I have also been talking to Trudell who is also giving me a proposal.

They all will be looking at the possibility of putting some diagonal parking for subcompacts in front of the building which would involve a waiver from the town. I believe 8 spaces could be accommodated in front. Two of them would be for EV charging. I am talking to Blink <https://www.blinkcharging.com/> about a profit-sharing arrangement by which they would manage them on their cloud platform.

The insulated concrete slab is complete, and I am ready to move on with further developments by way of a new mortgage that will be closing on June 2<sup>nd</sup>.

While I am finalizing the parking and site plan, I would like to move forward with the new septic, water supply and rear porch. All these items I plan on doing as improvements to secure the structures future viability and optimal environmental integrity. The slab and porch at the rear will keep moisture and frost heave away from the foundation. The water supply will come from a deep well and the septic leach field will be moved far from the river. Even if the bottom story was never developed into useable space, I would still wish to proceed with these improvements.

I am confident that all will go according to the unfolding plan and that a professional site plan including adequate parking is not far off. I have calls into St Thomas and the Historical society about permission to have overflow parking there as well. We also have lots of room at 20 Pleasant Valley as well.

Thanks,  
Michael  
Michael Diffenderffer  
Managing Director  
Diff Enterprises LLC  
PO Box 42  
Underhill Center  
VT 05490  
Tel WK : 615 -MR DIFFY  
Cell : 203-444-4766  
Fax: 203-413-4407

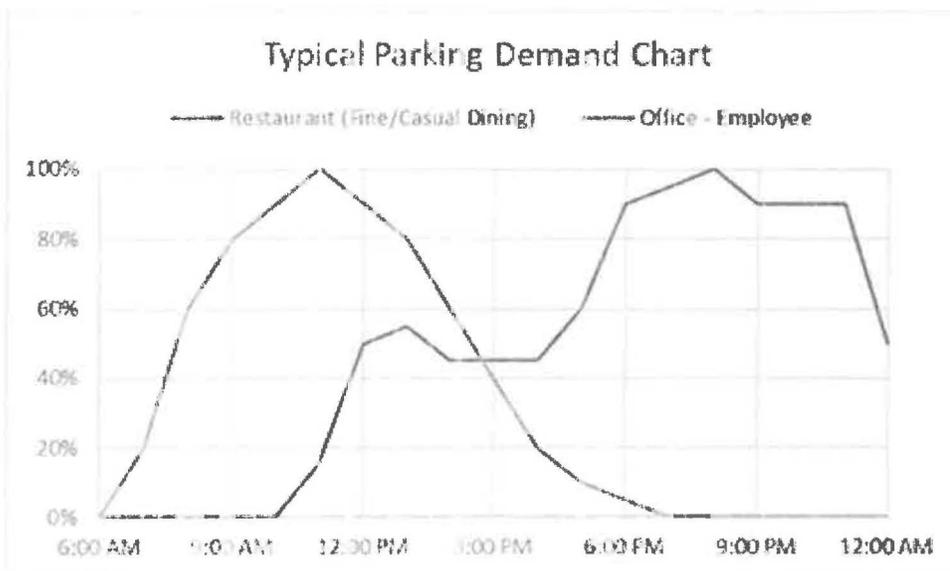
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**From:** Corey Mack <Corey.Mack@rsginc.com>  
**Sent:** Wednesday, May 27, 2020 11:53 AM  
**To:** m diff.ws <m@diff.ws>  
**Cc:** 'cgalipeau@cea-vt.com' <cgalipeau@cea-vt.com>  
**Subject:** RE: Diffenderffer Underhill Center project details attached

Hi Mike,

Thanks again for reaching out and discussing the site and potential uses. It's a neat site and I think a really cool opportunity to reengage the space as a public gathering point. From a parking and traffic perspective, my specialty, I would say a shared use parking waiver should be relatively simple, and a traffic study isn't necessary.

Parking: The two proposed land uses, café and office are fairly complimentary. Looking at a typical demand chart (below), we see office demand peaks during the day, and restaurant in the evening. We'd have to do a little more research to confirm the data for a café rather than restaurant. Also, given the proximity of the adjacent town lot and nearby church lot, any overflow parking could easily be accommodated.



Traffic: Considering just the two proposed uses, office and café, we'd estimate about 25 trips in the PM peak hour. This is well below the VTrans threshold requiring a traffic impact study.

A memo explaining both of these issues would be fairly simple to assemble – feel free to forward the above items to the Town to show some progress.

Regarding the site layout, there's a couple issues I see that I think our friends at CEA, led by Chris Galipeau, cc'd, can help with, elaborate on, or tell me to stay in my traffic lane, so to speak!

- Expanding the parking lot into the floodplain may have permitting issues
- The parallel parking aisle in the front, with the EV chargers, may be constrained by the existing utility poles
- You may need a pedestrian path from the front of the building by the parallel spaces, to the rear of the building to the commercial entrances, to keep people from walking in the street
- You should probably also show the pedestrian path to the Town office crosswalk and overflow parking area – that would certainly strengthen the case for shared and overflow parking
- The Town review also indicates a need for landscaping and screening; I could see this as particularly important on the east side of the property to shield the neighboring property from headlights.

A site plan is really helpful to identify and address these issues – Chris's team is really helpful at figuring this stuff out!  
Contact information:

*Christopher Galipeau*  
Staff Engineer  
Civil Engineering Associates, Inc.  
10 Mansfield View Lane  
So. Burlington, Vermont 05403

Phone: 802-864-2323 x307  
Fax: 802-864-2271  
e-mail: [cgalipeau@cea-vt.com](mailto:cgalipeau@cea-vt.com)

Happy to talk more about it – in the meantime, feel free to reach out to Chris and discuss site layout detail. I already forwarded him the zoning application.

Best,  
Corey

.....  
COREY MACK, PE  
Project Engineer

**RSG**  
180 Battery St., Suite 350 | Burlington, VT 05401  
858.231.2322 (m)  
[www.rsginc.com](http://www.rsginc.com)

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**From:** m diff.ws <m@diff.ws>  
**Sent:** Tuesday, May 26, 2020 10:50 PM  
**To:** Corey Mack <Corey.Mack@rsginc.com>  
**Subject:** Diffenderffer Underhill Center project details attached

CAUTION - EXTERNAL EMAIL

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**From:** m diff.ws  
**Sent:** Saturday, May 23, 2020 9:52 PM  
**To:** 'Jennifer Desautels' <Jennifer.Desautels@tcevt.com>  
**Subject:** RE: Contact Information

Hi Corey,

Nice talking with you this morning, please find attached the Town of Underhill Staff Report which will give you a comprehensive overview of the project. The parking requirements below are what we have discussed but

they are open to reducing them based on your professional analysis. I am writing the DRB a letter proposing parking at the front of the building for sub compact cars with some EV charging stations. This is a recent development that I am proposing because the town has unofficially let me know that they would consider waiving the setbacks from Pleasant Valley Rd. They desire EV charging stations in the town as part of their proposed objectives. It is about 20 ft from the edge of Pleasant Valley Rd road to the building.

- Three Dwelling Units (3 Spaces per 2 Dwelling Units): 5 Parking Spaces
- Office Space (1 per 300 sq. ft. of gross floor area):
  - 1500 square feet = 5 Parking Spaces
- Restaurant Space (1 per 5 Seats, and 1 per Employee):
  - 60 proposed seats = 12 Spots
  - Assumed 5 Employees = 5
- Total: 22 Parking Spaces

Call anytime with questions.

Thanks,  
Michael  
Michael Diffenderffer  
Managing Director  
Diff Enterprises LLC  
PO Box 42  
Underhill Center  
VT 05490  
Tel WK : 615 -MR DIFFY  
Cell : 203-444-4766  
Fax: 203-413-4407

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**From:** Jennifer Desautels <[Jennifer.Desautels@tcevt.com](mailto:Jennifer.Desautels@tcevt.com)>  
**Sent:** Saturday, May 23, 2020 10:21 AM  
**To:** m\_diff.ws <[m@diff.ws](mailto:m@diff.ws)>  
**Subject:** Contact Information

Hi Mike,

It was nice chatting with you this morning. Please send along whatever information you have regarding your work with the Town (correspondence, maps by others, etc.). I'll be in touch next week with a proposed scope of work based on our discussion and the information that you send us.

Thank you.

Jenn



**Jennifer A. Desautels, P.E.**

*Senior Project Manager/Engineer*

*e. [Jennifer.Desautels@tcevt.com](mailto:Jennifer.Desautels@tcevt.com)*

*p. 802.879.6331 x109 | c. 802.370.4270*



[tcevt.com](http://tcevt.com)

*478 Blair Park Road, W.iston, VT 05495  
42 Montpelier Depot St., Albans, VT 05478*

## Andrew Strniste

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**From:** m diff.ws <m@diff.ws>  
**Sent:** Tuesday, June 09, 2020 4:24 PM  
**To:** Andrew Strniste  
**Subject:** 15 Pleasant Site plan attached  
**Attachments:** Dieffenderffer060520DWG1.pdf; Dieffenderffer060520DWG2.pdf

Hi Andrew,

Attached is proposed parking layout that fits all 27 spaces on site utilizing parallel parking. I will see if I can reduce the parking with more info from RSG. What I am wondering is if I can continue with the porch and leach field because even at the worst scenario, I want to do those anyway. Any chance of getting a zoom meeting earlier. I am listening to the recording of the meeting now.

Thanks,

Michael

Michael Diffenderffer

Managing Director

Diff Enterprises LLC

PO Box 42

Underhill Center

VT 05490

Tel WK : 615 -MR DIFFY

Cell : 203-444-4766

Fax: 203-413-4407

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**From:** Andrew Strniste <astrniste@underhillvt.gov>

**Sent:** Tuesday, June 9, 2020 3:47 PM

**To:** m diff.ws <m@diff.ws>

**Subject:** RE: Tonight's Meeting

Good afternoon Michael,

Please be advised that your hearing has been continued to August 3, 2020 @ 6:35 PM. We will likely be conducting the hearing via Go-To-Meeting again. In preparing for that hearing, I would recommend watching the last week's DRB meeting, which can be found at the following website: <https://archive.org/details/underhill-drb-06012020>.

If you have any questions once you finish watching the meeting, please do not hesitate to ask. The Board will be looking for more definitive information next meeting.

Kind regards,

**Andrew Strniste**

Planning Director

Zoning Administrator

Town of Underhill

P.O. Box 120

Underhill, VT 05489

Phone #: (802) 899-4434

x6

Fax #: (802) 899-2137

[astrniste@underhillvt.gov](mailto:astrniste@underhillvt.gov)

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**From:** m diff.ws <m@diff.ws>  
**Sent:** Tuesday, June 02, 2020 5:38 AM  
**To:** Andrew Strniste <[astrniste@underhillvt.gov](mailto:astrniste@underhillvt.gov)>  
**Subject:** Re: Tonight's Meeting

Dear Andrew,

I can't believe my stupidity but I guess I will have to. I am so sorry to waste the DRBs precious time. My phone lost charge and I don't know why I thought the meeting was on Tuesday when the last email I sent you said "see you Monday" . There I was sitting in my kitchen playing backgammon with my daughter while you were all waiting.

Please let the DRB know how sorry I am. I would like to donate something that they would enjoy like food or beverages if that is legal.

I will write DRB date and time with permanent magic marker on the back of my hand and forehead if they extend mercy to me with another meeting.

Please let me know what the way forward is if any.

Repentantly yours,

Michael

Michael Diffenderffer  
Managing Director  
Diff Enterprises LLC  
PO Box 42  
Underhill Center  
VT 05490  
Tel WK : 615 -MR DIFFY  
Cell : 203-444-4766  
Fax: 203-413-4407

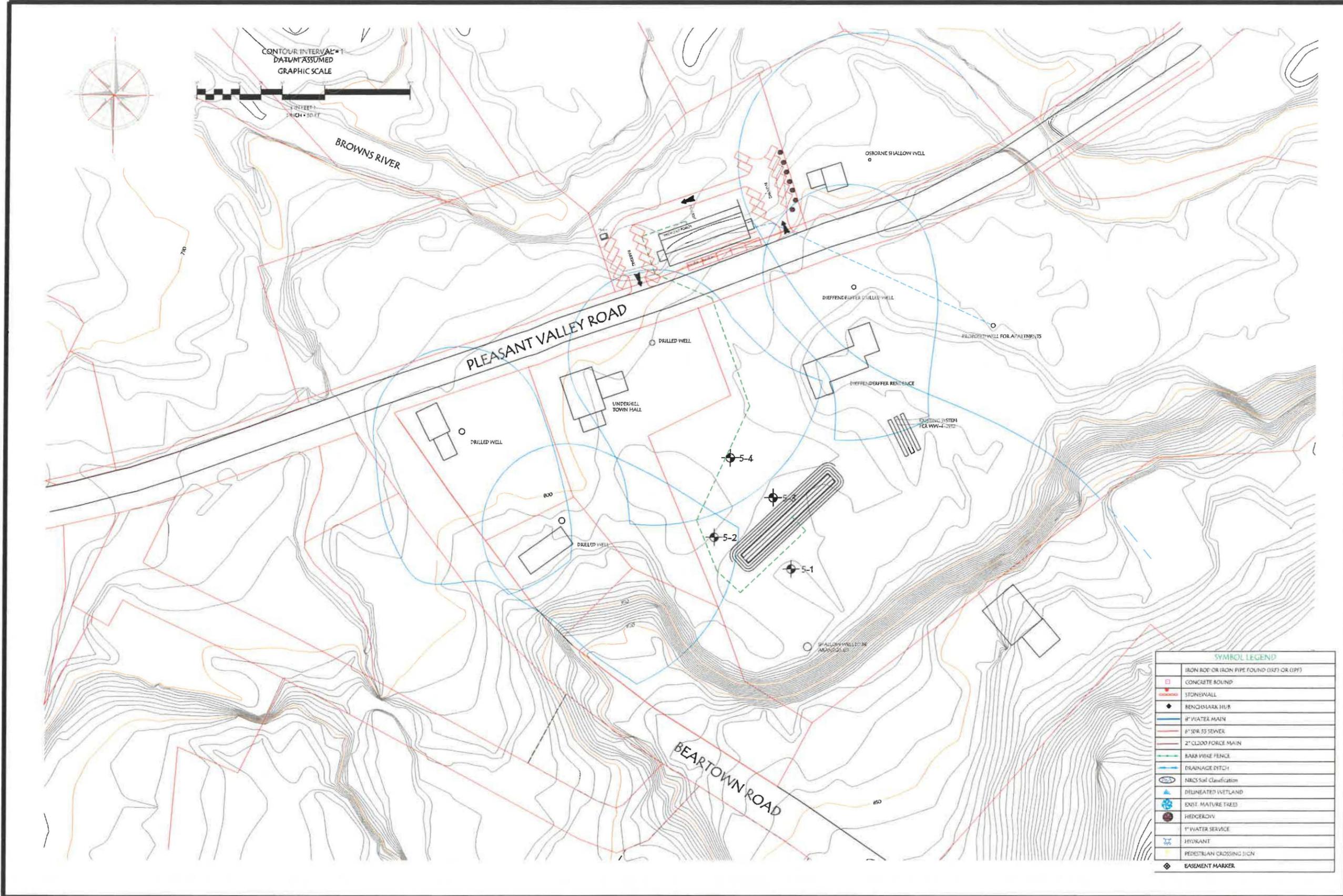
On Jun 1, 2020, at 6:40 PM, Andrew Strniste <[astrniste@underhillvt.gov](mailto:astrniste@underhillvt.gov)> wrote:

Hello Michael,

Are you able to attend tonight's meeting via Go-To-Meeting?

Kind regards,

Andrew

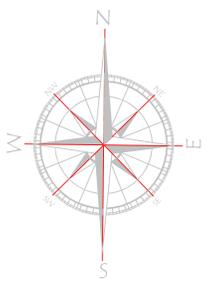
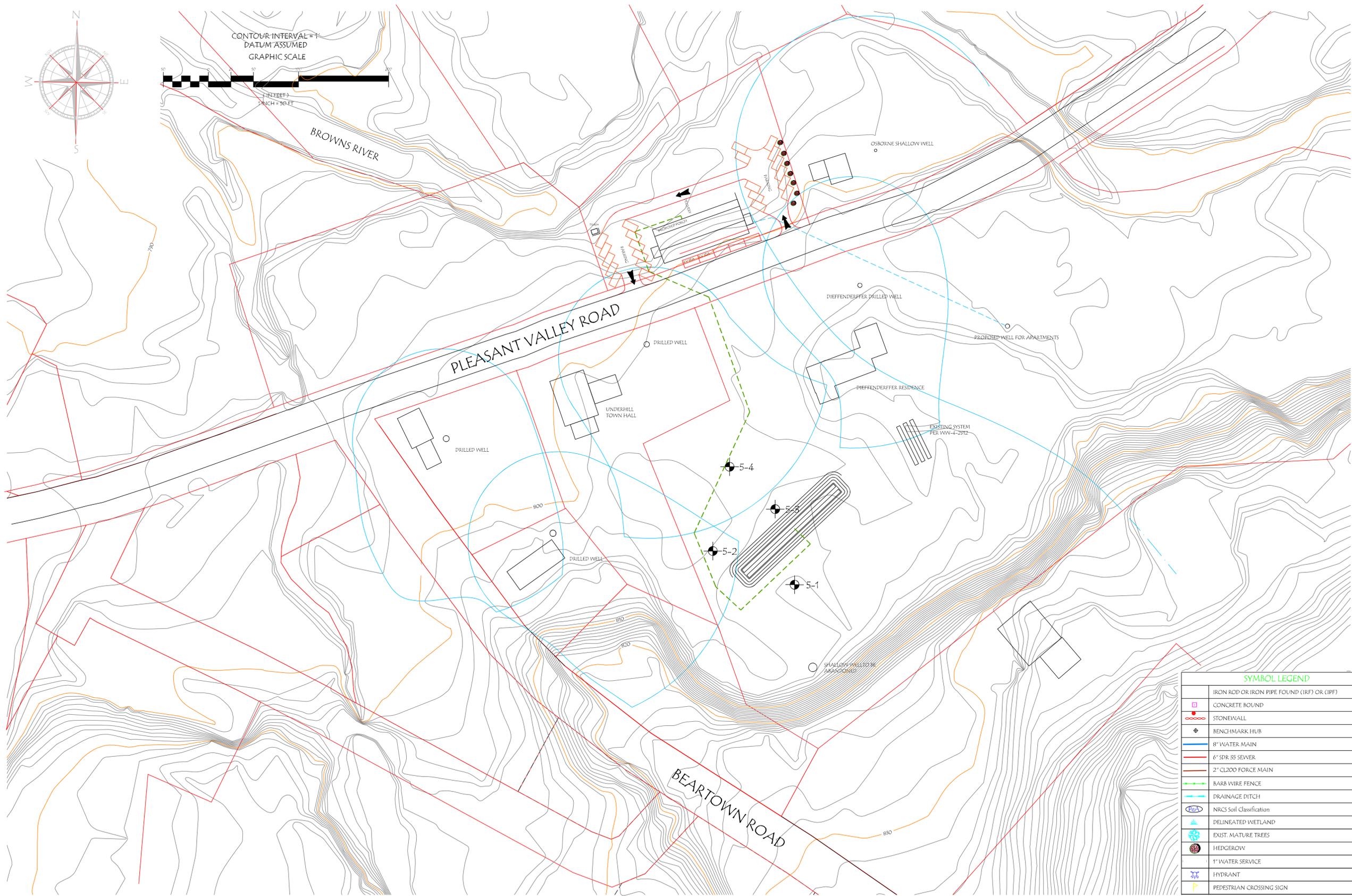


MICHAEL DIEFFENDERFFER

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

JH STUART ASSOCIATES

22 TANGLEWOOD DRIVE P.O. BOX 8567  
ESSEX, VERMONT 05451 802-878-5171



CONTOUR INTERVAL = 1'  
 DATUM ASSUMED  
 GRAPHIC SCALE



SYMBOL LEGEND	
	IRON ROD OR IRON PIPE FOUND (IRF) OR (IPF)
	CONCRETE ROUND
	STONE WALL
	BENCHMARK HUB
	8" WATER MAIN
	6" SDR 35 SEWER
	2" FLOOD FORCE MAIN
	RAB WIRE FENCE
	DRAINAGE DITCH
	NRCS Soil Classification
	DELINEATED WETLAND
	EXIST. MATURE TREES
	HEDGEROW
	1" WATER SERVICE
	HYDRANT
	PEDESTRIAN CROSSING SIGN
	EASEMENT MARKER

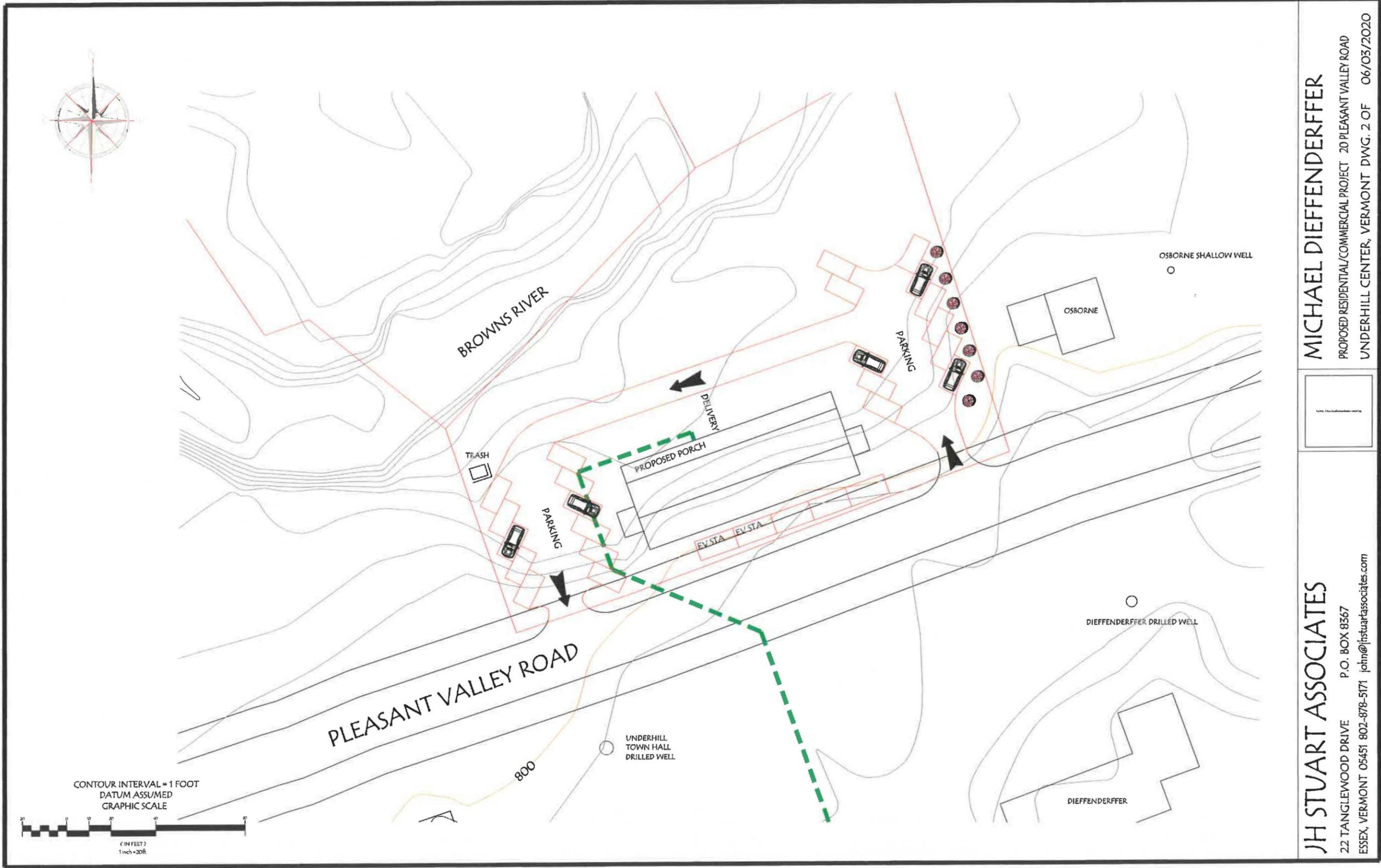
**JH STUART ASSOCIATES**

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

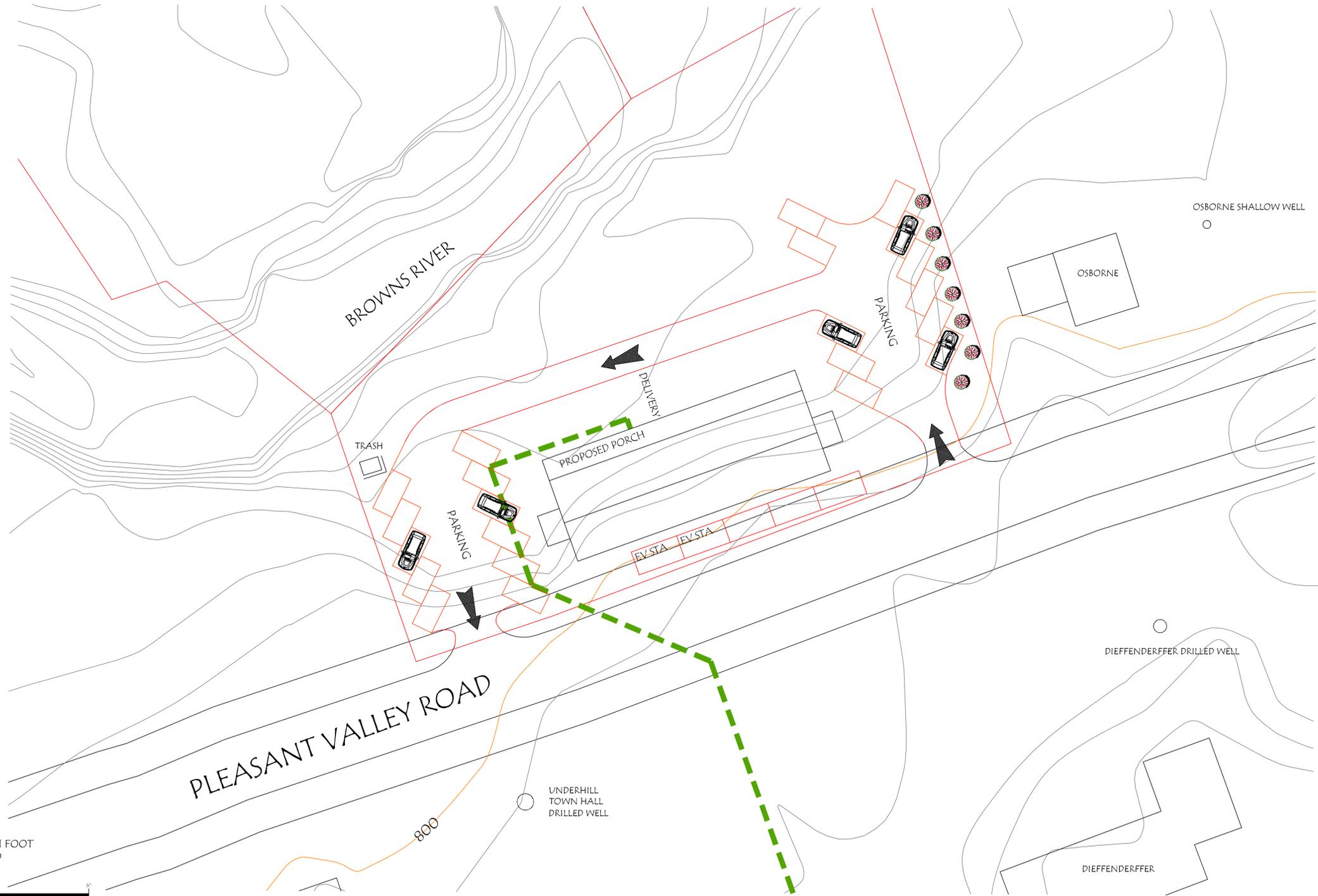




**MICHAEL DIEFFENDERFFER**  
PROPOSED RESIDENTIAL/COMMERCIAL PROJECT 20 PLEASANT VALLEY ROAD  
UNDERHILL CENTER, VERMONT DWG. 2 OF 06/03/2020



**JH STUART ASSOCIATES**  
22 TANGLEWOOD DRIVE P.O. BOX 8567  
ESSEX, VERMONT 05451 802-878-5171 [john@jhstuartassociates.com](mailto:john@jhstuartassociates.com)



CONTOUR INTERVAL = 1 FOOT  
DATUM ASSUMED  
GRAPHIC SCALE



**JH STUART ASSOCIATES**

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

**MICHAEL DIEFFENDERFFER**

PROPOSED RESIDENTIAL/COMMERCIAL PROJECT - 20 PLEASANT VALLEY ROAD  
UNDERHILL CENTER, VERMONT DWG. 2 OF 06/03/2020