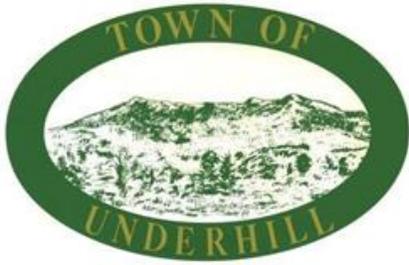


# APPLICATION OVERVIEW

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

<b>DRB DOCKET #:</b>	DRB-20-06
<b>APPLICANT(S):</b>	Jonathan & Heather Fuller
<b>CONSULTANT(S):</b>	N/A
<b>PROPERTY ADDRESS (PARCEL ID CODE):</b>	97 Stevensville Road (ST097)
<b>ZONING DISTRICT(S):</b>	Water Conservation
<b>INITIAL FILING DATE:</b>	Saturday, May 30, 2020
<b>APPLICATION COMPLETION DATE:</b>	Tuesday, June 9, 2020
<b>SCHEDULED HEARING DATE:</b>	Monday, July 20, 2020

<b>PROJECT DESCRIPTION:</b>	The Applicants are seeking approval to construct a single-family dwelling, which would result in the existing tiny house, currently serving as the single-family dwelling, to be converted to an accessory dwelling.
<b>MOST RELEVANT ULUDR SECTIONS:</b>	§ 5.3 (Site Plan Review) and § 5.4 (Conditional Use Review)
<b>REASON FOR CONDITIONAL USE REVIEW:</b>	Section 4.15.A.2 provides that the construction of a new structure to accommodate a proposed accessory dwelling requires conditional use review. The circumstances in the current application are similar in that a new dwelling is being constructed (though not on point); however, the new structure will be the primary structure – a single-family dwelling. As a result, the existing single-family dwelling, a tiny house, will be converted to accessory structure.
<b>APPLICABILITY OF ROAD ORDINANCE:</b>	The 2015 Road Ordinance, as amended December 18, 2018 <b>COULD POTENTIALLY APPLY.</b>
<b>STATE PERMIT INFORMATION:</b>	<ul style="list-style-type: none"> <li>The Applicants have obtained a Wastewater System &amp; Potable Water Supply Permit (WW-4-4545-1).</li> </ul>
<b>COMMENTS/NOTABLE ISSUES:</b>	<ul style="list-style-type: none"> <li>Depending on when the driveway was completed could result in an access permit being required, as there is no record of an access permit in the zoning file:             <ul style="list-style-type: none"> <li>If the driveway was pre-existing, prior to the submission for a zoning permit to construct the current single-family dwelling, the driveway may not need a permit if no modifications are occurring.</li> <li>If the driveway was not constructed prior to the submission of an application for the tiny house, the Applicants will need to obtain an access permit.</li> </ul> </li> </ul>



# TOWN OF UNDERHILL

## Development Review Board

JONATHAN & HEATHER FULLER

SITE PLAN REVIEW

Docket #: DRB-20-06

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Applicant(s):	Jonathan & Heather Fuller
Consultant:	N/A
Property Location:	97 Stevensville Road (RV073)
Acreage:	± 5.86 Acres
Zoning District(s):	Water Conservation
Project Information:	The Applicants are proposing to construct a new single-family dwelling and convert the existing single-family dwelling (a tiny house) to a detached accessory dwelling

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### **2020 UNDERHILL UNIFIED LAND USE & DEVELOPMENT REGULATIONS RELEVANT REGULATIONS:**

- Article II, Table 2.5 – Water Conservation (pg. 18)
- Article III, Section 3.2 – Access (pg. 30)
- Article III, Section 3.3 – Conversion or Change of Use (pg. 31)
- Article III, Section 3.7 – Lot, Yard & Setback Requirements (pg. 36)
- Article III, Section 3.11 – Outdoor Lighting (pg. 40)
- Article III, Section 3.13 – Parking, Loading & Service Areas (pg. 42)
- Article III, Section 3.14 – Performance Standards (pg. 45)
- Article III, Section 3.17 – Source Protection Areas (pg. 53)
- Article III, Section 3.18 – Steep Slopes (pg. 55)
- Article III, Section 3.19 – Surface Waters & Wetlands (pg. 62)
- Article III, Section 3.22 – Tiny Houses (pg. 66)
- Article III, Section 3.23 – Water Supply & Wastewater Systems (pg. 66)
- Article IV, Section 4.15 – Multi-Dwelling Structures (Accessory Dwellings, Two-Family Dwellings and Multi-Family Dwellings) (pg. 90)
- Article V, Section 5.1 – Applicability (pg. 110)
- Article V, Section 5.3 – Site Plan Review (pg. 113)
- Article V, Section 5.4 – Conditional Use Review (pg. 118)
- Article VI – Flood Hazard Area Review (pg. 125)
- Appendix A – *Underhill Road, Driveway, Trail Ordinance*

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### **CONTENTS:**

- a. Exhibit A - Fuller Conditional Use Review Staff Report
- b. Exhibit B - Fuller (ST097) Conditional Use Review Hearing Procedures
- c. Exhibit C - Fuller Development Review Application
- d. Exhibit D - Conditional Use Review Supplemental Questions

- e. Exhibit E - Site Plan Review Supplemental Questions
- f. Exhibit F - Zoning Permit Application (B-20-14)
- g. Exhibit G - BFP Public Notice
- h. Exhibit H - Certificate of Service
- i. Exhibit I - WaterWastewater Permit (WW-4-4545-1)
- j. Exhibit J - Floor Plans & Elevations
- k. Exhibit K - Site Plan

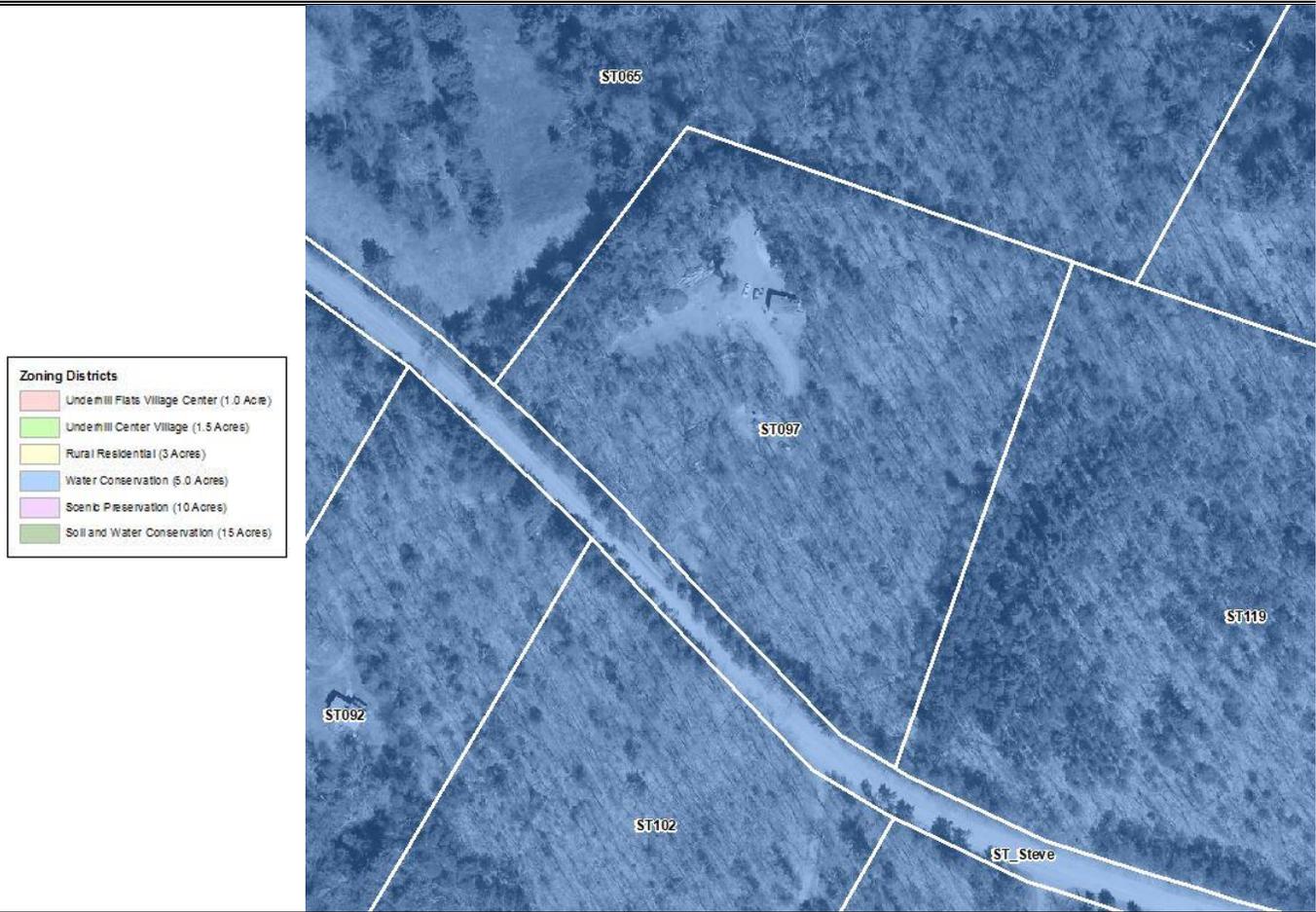
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## COMMENTS/QUESTIONS

1. **SECTION 3.7 – LOT, YARD & SETBACK REQUIREMENTS:** (See Appendix A as well)
  - a. The Board should take note during the site visit as to whether any modifications to the driveway made during construction, or if modifications are required, which may require an access permit.
  - b. The Board should inquire when the driveway constructed to provide more clarity about whether an access permit is required (see Appendix A below).
2. **SECTION 3.11 – OUTDOOR LIGHTING:** The Board typically requires that if new lighting is installed, it shall be downcast and shielded.
3. **SECTION 4.15 – MULTI-DWELLING STRUCTURES (ACCESSORY DWELLINGS, TWO-FAMILY DWELLINGS AND MULTI-FAMILY DWELLINGS):** While this section is not entirely on point, as the Applicants are constructing a new single-family dwelling, Staff believes the logical association is that any construction of a new structure for a new dwelling unit requires conditional use review, which is why the application was referred to the Board.
4. **SECTION 5.3.B.6 – LANDSCAPING & SCREENING:** The Board should confirm that the Applicants are anticipating the surrounding areas to remain unchanged.
5. **SECTION 5.4.B.1 – THE CAPACITY OF EXISTING OR PLANNED COMMUNITY SERVICES OR FACILITIES:** Should the Board wish to obtain input from UJFD or MMU, Staff will request that information.
6. **SECTION 5.4.B.2 – THE CHARACTER OF THE AREA AFFECTED:** The proposed single-family dwelling and conversion of the tiny house to a detached accessory dwelling will increase the density in the area affected; however, the added density is expected and/or foreseeable on pre-existing lots.

# STAFF FINDINGS OF RELEVANT SECTIONS

## ARTICLE II – ZONING DISTRICTS



	Water Conservation		Proposed Single-Family Dwelling (Principal Structure)	Existing Tiny House (To Be Converted to An Accessory Structure)
<b>Lot Size:</b>	5.0 Acres		±5.86 Acres	
<b>Frontage:</b>	300 ft.		±622 ft.	
<b>Setbacks:</b>	Principal	Accessory	Source: Site Plan (Exhibit K)	
• Front South.	30 ft.	30 ft.	±210 ft.	±300 ft.
• Side 1 West	50 ft.	20 ft.	±66 ft.	±165 ft.
• Side 2 East	50 ft.	20 ft.	±396 ft.	±284 ft.
• Rear North	50 ft.	20 ft.	±131 ft.	±120 ft.
<b>Max. Building Coverage:</b>	20%		Assumed Met	Assumed Met
<b>Max. Lot Coverage:</b>	30%		Assumed Met	Assumed Met
<b>Maximum Height:</b>	35 ft.		Assumed Met	Assumed Met

**TABLE 2.5 – WATER CONSERVATION**

**PG. 18**

**Purpose Statement:** The purpose of the Water Conservation District is to protect the important gravel aquifer recharge area in Underhill Center.

- The Applicants have obtained a Wastewater System & Potable Water Supply Permit from the State of Vermont (WW-4-4545-1) (see Exhibit I) for a three-bedroom single-family dwelling and a one-bedroom accessory structure, thus creating the presumption that the gravel aquifer area will not be contaminated.
- The proposed single-family dwelling and existing tiny house (to be a detached accessory structure) conform with the property’s setback requirements.
- The subject property conforms with the acreage and frontage requirements.

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**ARTICLE III – GENERAL REGULATIONS**

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**SECTION 3.2 – ACCESS**

**PG. 30**

- The subject lot accesses the Class III portion of Stevensville Road, a Town Highway.
- There is no access permit in the zoning file.
  - The Board should take note during the site visit as to whether any modifications to the driveway made during construction, or if modifications are required, which may require an access permit.
  - The Board should inquire when the driveway constructed to provide more clarity about whether an access permit is required (see Appendix A below).
- No modifications to the existing access way are being proposed, nor does the proposed project require modifications to the existing access way.
  - *Note:* The nearest part of the driveway is ±116 ft. from the west, side property line and ±119 ft. from the rear, north property line; therefore, is conforming with the 12 ft. setback requirement.
  - *Note:* The Board has authority to require the Applicants to relocated the existing access way if necessary per Section 3.2.D.4. Any relocation of the access way requires an access permit.
    - Relocation is not recommended and seems unnecessary.
- In regards to § 3.2.C.3, requiring an access permit for this project proposal may be unnecessary.
- Since no modifications are being made to the existing driveway, review of § 3.2.D is unnecessary.

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

**PG. 31**

- A conversion or change of use from one permitted use to another permitted use only requires a zoning permit, as approved by the Zoning Administrator.
  - Both single-family dwellings and accessory dwellings are permitted uses, and therefore, the conversion of the tiny house from its current status from a single-family dwelling to an accessory dwelling typically (once the new single-family dwelling is constructed) only requires a permit from the Zoning Administrator, and does not require Board approval.
    - *Note: the approval of this application by the Board is inherently approving the conversion of the tiny house from its current status as a single-family dwelling to an accessory dwelling.*

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

**PG. 36**

- The proposed single-family dwelling will serve as the lot’s principal structure/use, while the existing tiny house, which will be converted to a detached accessory dwelling, will serve as an accessory dwelling.
  - Both structures will conform with the setback requirements for primary structures/uses of the Water Conservation District.

- The existing lot conforms with the frontage and acreage requirements of the Water Conservation District.
- The Applicants are not requesting any dimensional waivers.

**SECTION 3.11 – OUTDOOR LIGHTING**

**PG. 40**

- The Applicants have advised that they will be installing porch lights (see Exhibit E).
  - The proposed lighting appears to be consistent with other lighting in the Water Conservation District.
- The Board typically requires that if new lighting is installed, it shall be downcast and shielded.

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

**PG. 42**

- The Applicants have advised that there is enough parking for six vehicles, which satisfies the parking requirement (three parking spaces):
  - Two parking spaces for the principal dwelling unit, and
  - One parking space for an accessory dwelling unit.
- The proposed construction of the single-family dwelling will only result in a net increase of one parking space (for the addition of an accessory structure).

**SECTION 3.14 – PERFORMANCE STANDARDS**

**PG. 45**

- The proposed single-family dwelling and existing tiny house (to be converted to an accessory dwelling) is not anticipated to create any of the situations/circumstances enumerated within this Section.

**SECTION 3.17 – SOURCE PROTECTION AREAS**

**PG. 53**

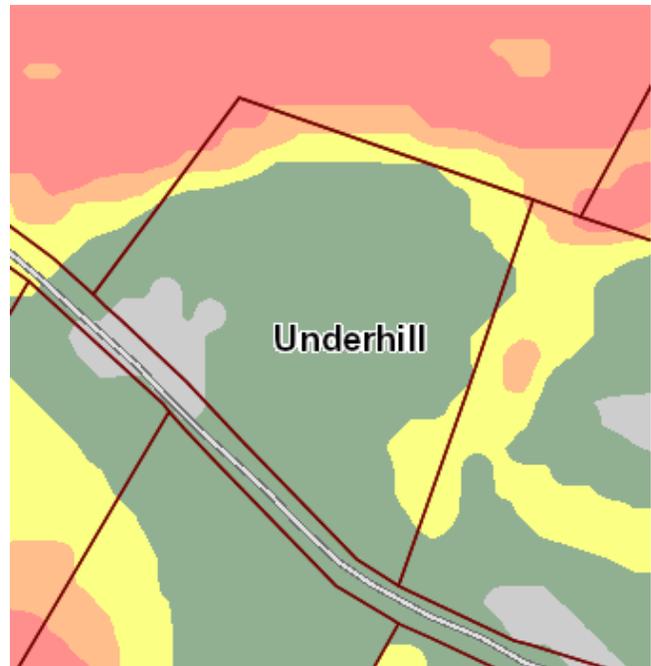
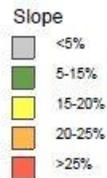
- The subject lot is located entirely within the Groundwater Source Protection Area.
- The project is exempt from review under Section 3.17.B since it relates to a single-family dwelling and accessory dwelling.



**SECTION 3.18 – STEEP SLOPES**

**PG. 55**

- The ANR Atlas depicts areas of steep slopes (15%-25%) or very steep slopes (>25%) in the vicinity of the project area (see directly to the right).
  - The submitted site plan (see contour lines depicted in Exhibit K) confirms that the proposed single-family dwelling is to be constructed in an area that is relatively flat.



**SECTION 3.19 – SURFACE WATERS & WETLANDS**

**PG. 62**

- The ANR Atlas and the submitted site plan (see Exhibit K) does not depict any surface waters or wetlands on the property.

**SECTION 3.22 – TINY HOUSES**

**PG. 66**

- Tiny houses are to be treated in the same manner as single-family dwellings and/or accessory dwellings (§ 3.22.A).

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

**PG. 66**

- A water/wastewater permit has been acquired by the Applicants (WW-4-4545-1, Exhibit I).
- The permit allows for the construction of a three-bedroom single-family dwelling and a one-bedroom accessory dwelling (see Exhibit I).
  - Both dwellings will be served by a soil-based wastewater system and a drilled well.

**ARTICLE IV – SPECIFIC USE STANDARDS**

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

**PG. 90**

- If a detached accessory dwelling involves the construction of a new structure, then conditional use review is required (see Section 4.15.A.2).
  - While this section is not entirely on point, as the Applicants are constructing a new single-family dwelling, Staff believes the logical association is that any construction of a new structure for a new dwelling unit requires conditional use review, which is why the application was referred to the Board.
- The converted accessory dwelling’s square footage will not exceed 50% of the proposed single-family dwelling’s square footage, nor will the converted accessory dwelling exceed 1,000 sq. ft.
  - The primary residence will be ±1,728 sq. ft.

- The existing tiny house, soon to be accessory dwelling is ±510 sq. ft. (~29.5% of the principal structure).
- The accessory dwelling will be in close proximity of the single-family dwelling, and therefore, appurtenant to one another.
- The landowners are expected to live in one of the dwelling units.
- Both dwelling units will satisfy the underlying zoning district’s requirements.
- The State Wastewater System & Potable Water Supply permit allows for both dwelling units.
- The existing driveway will serve both dwelling units.

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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. 110

- Conditional use review is required in accordance with Section 4.15.A.2.

#### SECTION 5.1.B – COORDINATION OF REVIEW

PG. 110

- Does not apply.

### SECTION 5.3 – SITE PLAN REVIEW

#### SECTION 5.3.A – PURPOSE

PG. 113

- 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. 113

- The proposed single-family dwelling appears to avoid, or conforms with, the constraints and requirements pertaining to the resources identified under Section 5.3.A.1.
  - A habitat block, level 4 (a low level habitat block), encompasses the entire lot (*Note: the threat level was identified as 6*).
- 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. 114

**Rural Residential and Water Conservation Districts.** Site design and layout shall reinforce the rural character and traditional working landscape of these districts, characterized by wooded hillsides, open fields, and a visual and functional relationship of structures to the surrounding landscape. Buildings shall be sited to minimize, to the

- The proposed single-family dwelling is likely to be consistent with the other single-family dwellings in the area, thereby reinforcing the rural character and traditional working landscape within the Water Conservation District.
- The Water Conservation District is largely a resident district.

extent physically feasible, encroachments on open fields and prominent ridgelines or hilltops, and be oriented and designed in a manner that is compatible with the residential character and scale of adjoining development within these districts.

- Those lots that contain single-family dwellings are permitted to have an accessory dwelling.
- See Section 4.15 for more information.

**SECTION 5.3.B.3 – VEHICLE ACCESS**

**PG. 114**

- The property is currently accessed by one curb-cut via the Class III section of Stevensville Road.
  - No modifications to the existing curb-cut or driveway are anticipated.

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

**PG. 115**

- See Section 3.13 above.

**SECTION 5.3.B.5 – SITE CIRCULATION**

**PG. 116**

- Site circulation is expected to continue being consistent with site circulation patterns associated with single-family dwellings and single-family dwellings with detached accessory dwellings.

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

**PG. 116**

- No modifications to landscaping and screening are proposed.
- The proposed construction site and existing tiny house are already entirely encompassed by a forested area, thereby already providing adequate screening from Stevensville Road.
  - The Board should confirm that the Applicants are anticipating the surrounding areas to remain unchanged.

**SECTION 5.3.B.7 – OUTDOOR LIGHTING**

**PG. 117**

- See Section 3.11 above.

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

**PG. 117**

- The Board typically requires as a condition of approval that 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. 118**

- Board approval is required for the reasons outlined in Section 4.15 above.

**SECTION 5.4.B – GENERAL STANDARDS**

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

**PG. 119**

- The construction of the proposed deck addition is not anticipated to have an adverse impact on the existing or planned community services or facilities.
  - Normally, the construction of a single-family dwellings on pre-existing lots do not require any review by the Development Review Board, nor does staff solicit input from UJFD or MMU when those applications are submitted for review.
  - Accessory dwellings, in the majority of circumstances, do not require review from the Board, and in those circumstances, Staff does not solicit input from UJFD or MMU.

- Staff did not solicit input from UJFD or MMU.
  - Should the Board wish to obtain input from UJFD or MMU, Staff will request that information.

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

**PG. 119**

- The construction of the single-family dwelling is not anticipated to have an adverse impact on the character of the area, as single-family dwelling and converted accessory dwelling are allowed for, and common uses, within the Water Conservation District and along Stevensville Road.
  - **Location:** the property is located in the Water Conservation District, specifically in an area where single-family dwellings are prevalent.
  - **Scale:** the scale of the proposed construction is consistent with the development that currently exists on the surrounding properties.
  - **Type:** the proposed single-family dwelling and the conversion of the tiny house to a detached accessory dwelling are permitted uses in the Water Conservation District.
  - **Density:** the proposed single-family dwelling and conversion of the tiny house to a detached accessory dwelling will increase the density in the area affected; however, the added density is expected and/or foreseeable on pre-existing lots.
  - **Intensity:** while one extra dwelling will be added as a result of the proposed project, the intensity of the area will negligibly change.

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

**PG. 119**

- The proposed single-family dwelling (and conversion of the tiny house to a detached accessory dwelling) will negligibly increase the traffic on the roads and highways in the vicinity, thus not resulting in an adverse impact.

*SECTION 5.4.B.4 – BYLAWS IN EFFECT*

**PG. 120**

- Staff is unaware of any violations or other noncompliance issues pertaining to the property.
- The proposed project conforms with the *Underhill Unified Land Use & Development Regulations* should the Applicants receive approval from the Board.

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

**PG. 120**

- The proposed development is not anticipated to interfere with any sustainable use of renewable energy resources.
- The Applicants have informed the Board that they hope to install Solar panels as part of the proposed project (see Exhibit D).

SECTION 5.4.C – SITE PLAN REVIEW STANDARDS

**PG. 121**

- 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. 121**

The proposed development is consistent with the existing & proposed Town Plans.

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

**PG. 121**

- The proposed single-family dwelling and conversion of the existing tiny house to an accessory dwelling complies with the Water Conservation District’s dimensional and use standards.

*SECTION 5.4.D.3 – PERFORMANCE STANDARDS*

**PG. 121**

- See Section 3.14 above.

*SECTION 5.4.D.4 – LEGAL DOCUMENTATION*

**PG. 121**

- Does not apply.

**SECTION 5.5 – WAIVERS & VARIANCES**

SECTION 5.5.A – APPLICATIONS & REVIEW STANDARDS

**PG. 121**

- The Applicants are not asking for any dimensional waiver.

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**ARTICLE VI – FLOOD HAZARD AREA REVIEW (PG. 125)**

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- No Special Flood Hazard Areas are depicted on the existing lot (source: ANR Website); therefore, review under this Article is not required.

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**APPENDIX A – ROAD & DRIVEWAY STANDARDS**

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- Since no modifications to the existing driveway and curb cut are proposed, review under the Road Ordinance may be unnecessary.
  - If the driveway was preexisting to any development on the property, then an access permit is not required unless the Applicants are proposing to make modifications to the existing driveway.
  - If the driveway was constructed as part of the construction of the tiny house development, then an access permit should be issued.



## UNDERHILL DEVELOPMENT REVIEW BOARD

CONDITIONAL USE REVIEW  
HEARING PROCEDURES  
Monday, July 20, 2020

**Applicant(s):** Jonathan & Heather Fuller  
**Docket #:** DRB-20-06

1. **State the following (Intro):** "This is a conditional use review hearing on the application of Jonathan & Heather Fuller for the proposed construction of a single-family dwelling on the land they own at 97 Stevensville Road in Underhill, Vermont.

This application is subject to review under the 2011 *Unified Land Use & Development Regulations*, as amended thru March 3, 2020 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 response;
  - 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 the a majority of the Board consents to extending the time. The Board may ask questions to anyone in attendance to discuss 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 tonight's hearing will be entered into the record. The materials included in this package relevant to this hearing contain:

Exhibit A - Fuller Conditional Use Review Staff Report  
Exhibit B - Fuller (ST097) Conditional Use Review Hearing Procedures  
Exhibit C - Fuller Development Review Application  
Exhibit D - Conditional Use Review Supplemental Questions  
Exhibit E - Site Plan Review Supplemental Questions  
Exhibit F - Zoning Permit Application (B-20-14)  
Exhibit G - BFP Public Notice  
Exhibit H - Certificate of Service  
Exhibit I - WaterWastewater Permit (WW-4-4545-1)  
Exhibit J - Floor Plans & Elevations  
Exhibit K - Site Plan

These exhibits are available in the Fuller conditional use review file DRB-20-06 / ST097 at the Underhill Planning & Zoning Office by request, and are also available on the Town's website."

11. **State the following (Applicants'/Representatives' Turn):** "We'll begin testimony by first hearing from applicant(s) and/or his or her/their representative(s)."
12. **State the following (PZA's Turn):** "Next, we will hear from the Planning & Zoning Administrator."
13. **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"
14. **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?"
15. **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."
16. **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?"
17. **Ask the following (Final Comments from the Board):** "Are there any final comments or questions from the Board?"

18. **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.]*
19. **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.*
20. **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

## DEVELOPMENT REVIEW (ART. V) APPLICATION

<p><b>OFFICE USE ONLY</b></p> <p>PROPERTY CODE: <u>ST097</u></p> <p>PROPERTY ADDRESS: <u>97 Stevensville Road</u></p>	<p><b>ZONING DISTRICT(S):</b></p> <p><input type="checkbox"/> Underhill Flats Village Center</p> <p><input type="checkbox"/> Underhill Center Village</p> <p><input type="checkbox"/> Rural Residential</p> <p><input checked="" 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-20-06</u></p> <p>Received Date: <u>May 30, 2020</u></p> <p>Hearing Date: <u>July 20, 2020</u></p> <p>Application Completion Date: <u>June 9, 2020</u> <i>(See Requirements Below)</i></p>
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**SUBJECT PROPERTY ADDRESS:**

Applicant Information	Landowner Information (if Different)
<b>NAME(S):</b> Jonathan & Heather Fuller	<b>NAME(S):</b>
<b>MAILING ADDRESS:</b> 97 Stevensville Rd Underhill VT 05489	<b>MAILING ADDRESS:</b>
<b>EMAIL ADDRESS:</b> jonathanifuller@yahoo.com	<b>EMAIL ADDRESS:</b>
<b>PHONE NUMBER:</b> 802.578.4812	<b>PHONE NUMBER:</b>

Description of Proposed Project	Contractor/Surveyor Information (if Applicable)
Convert Primary to Accessory and build new Prim.	<p><b>NAME(S):</b></p> <p><b>MAILING ADDRESS:</b></p> <p><b>EMAIL ADDRESS:</b></p> <p><b>PHONE NUMBER:</b></p>

<b>APPLICANT SIGNATURE</b> 	<b>DATE</b>	<b>Conditional Use Review</b>
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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: 40px;"><input type="checkbox"/> Floodplain Review</p> <p style="margin-left: 40px;"><input type="checkbox"/> Required for Proposed Use</p> <p style="margin-left: 40px;"><input type="checkbox"/> Steam/Wetland Encroachment</p> <p style="margin-left: 40px;"><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.

# Answers to Conditional Use Review Supplemental Questions

**Please advise how the proposed project affects the demand for community services and facilities.**

We do not see any likely affects to the demand for Community Services and Facilities – The accessory dwelling will be used primary as a guest house for friends and relatives with the possibility of a family member living there longer term.

**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.**

The project conforms well to the character of the area. Having extra room for friends and family seems to be a common occurrence on the road and in the neighborhood. While the two structures will be relatively close to one another, they both fit in well with the general density of the area.

**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. We don't foresee any impact on traffic patterns in the area. As visitors will be relatively rare, and will never be numerous**

**Please advise of any aspects of the proposed project that does not comply with any Town regulations or ordinances. To the best of our understanding, this project complies with Town Regulations and Ordinances.**

**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. We hope to install Solar panels as part of this project. The new home will be as energy efficient as we can manage. We do not shadow any other properties that might be used for energy production, either with Solar or Wind.**

# Answers to Site Plan Review Supplemental   6   Questions

**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). The project does not impact and significant natural, historic, or scenic resource. The existing topography and drainage patterns will not be significantly changed. No land above 1500 exists on the property. No areas of steep or very steep slope are in the construction area. No surface waters, wetlands, associated buffers are present. No special flood hazard zones are present on the property. The zoning area is in the Underhill water conservation zone and the water supply and waste water systems were engineered with both that, and the total bedrooms post project in mind.**

**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. The proposed structures will fit in well with the existing structures in the neighborhood. There is a screen of trees along the road that largely obscures any sight of the site.**

**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. This project does not involve any new curb cuts of access requirements.**

**Please advise how the proposed project conforms to the parking, loading & service areas. The drive way is built with sufficient parking and loading areas for 6 vehicles.**

**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. The existing drive is designed and built to allow for emergency and service vehicles access.**

**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. The screening along the road will remain unchanged by this project**

**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. No outdoor lighting beyond porch lights will be required.**

**Please advise of the proposed temporary and permanent stormwater management and erosion control measures that will be undertaken as part of the proposed project. No additional stormwater management or erosion control measures are required due to the flat nature of the site and the existing measures already in place.**



# TOWN OF UNDERHILL

## ZONING PERMIT APPLICATION

**OFFICE USE ONLY**

APPLICATION #:

B-20-14

PROPERTY CODE:

ST097

**ZONING DISTRICT(S):**

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

**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: \_\_\_\_\_

**APPLICANT:**

Jonathan &amp; Heather Fuller

**PROPERTY LOCATION:**

97 Stevensville Rd

**MAILING ADDRESS:**

97 Stevensville Rd Underhill VT 05489

**EMAIL ADDRESS:**

jonathanifuller@yahoo.com

**PHONE NUMBER:**

802.578.4812

**LANDOWNER (IF DIFFERENT FROM APPLICANT):****LANDOWNER'S CONTACT INFORMATION:****CONTRACTOR:**

Tom Moore

**CONTRACTOR'S CONTACT INFORMATION:**

802.373.3733

**PROJECT DESCRIPTION:**

New Construction of a Single Family dwelling ~1600 sqft post and beam. This will be our Primary Dwelling when complete and the structure currently on the property will be converted to an accessory dwelling.

**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: 3  
     Number of Bathrooms: 2.5  
 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: \_\_\_\_\_

# 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
Single Family Post and Beam	36	24	24	36	28	

➔
 Acreage: \_\_\_\_\_ Frontage: \_\_\_\_\_ Estimated Value/Cost of Construction: \$ \_\_\_\_\_
 ➔

### 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: \_\_\_\_\_ acre(s)
- 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 Service (sq. ft.): \_\_\_\_\_ sq. ft.
- h. Total Lot Coverage (lines e + g / line b \* 100): \_\_\_\_\_ %

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

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

Large empty rectangular area for providing a sketch of the proposed construction.

**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: \_\_\_\_\_

*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.*



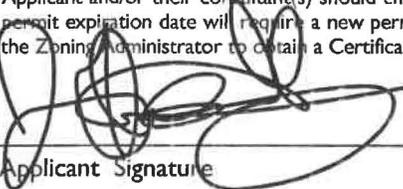
# TOWN OF UNDERHILL

## ZONING PERMIT APPLICATION

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 bares 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).

  
Applicant Signature

2020-06-06  
Date

Landowner Signature

Date

### OFFICE USE ONLY

RECEIVED: Date 06/06/2020

DEVELOPMENT REVIEW BOARD REVIEW (IF APPLICABLE):

Required  Not Required

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

Conditional Use Review

Site Plan Review

Variance Request

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

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

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

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

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

REFERRED (IF APPLICABLE):

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

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

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

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.

**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 06/27/2020**

\*\*\*\*\*

## NOTICE OF PUBLIC MEETING

Town of Underhill Development Review Board (DRB)  
Monday, July 20, 2020  
To Be Held Remotely Via Go-To-Meeting

The DRB will hold a hearing on the Conditional Use Review application by Jonathan & Heather Fuller pertaining to the construction of a single-family dwelling on property they own at 97 Stevensville Road (ST097). The subject property is located in the Water Conservation zoning district. A site visit will be held at the property's location on Saturday, July 18, 2020 at 9:00 AM. The hearing will be held remotely via Go-To-Meeting and will commence at 6:35 PM on Monday, July 20, 2020.

The DRB will hold a hearing on the Site Plan Review application by Ross Brewer pertaining to the construction of an office building on property he owns at 413 Vermont Route 15 (VT413). The subject property is located in the Underhill Flats Village Center zoning district. A site visit will be held at the property's location on Saturday, July 18, 2020 at 9:30 AM. The hearing will be held remotely via Go-To-Meeting and will commence at 7:10 PM on Monday, July 20, 2020.

Additional information, including information to access the public meeting on the Go-To-Meeting platform, may be obtained on the Town's website ([underhillvt.gov](http://underhillvt.gov)). 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: 07-20-20 DRB Hearing, P.O. Box 120, Underhill, VT  
05489. Thank you.***



## 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 23<sup>rd</sup> day of June, 2020, a copy of the following documents were delivered to the below recipients and corresponding addresses by United certified mail, return receipt requested.

Documents:

Notice to abutting neighbors regarding a Conditional Use Review application pertaining to the construction of a single-family dwelling on property located at 97 Stevensville Road (ST097) in Underhill, Vermont, which is owned by Jonathan I. & Heather V. Fuller.

Recipients and Corresponding Address: \$6.90

✓ **97 STEVENSVILLE ROAD (ST097)**  
Jonathan I. & Heather V. Fuller  
119 Stevensville Road  
Underhill, VT 05489

✓ **102 STEVENSVILLE ROAD (IS102)**  
Lois T. Nassau Trustee  
P.O. Box 129  
Underhill Center, VT 05490

✓ **65 STEVENSVILLE ROAD (ST065)**  
Underhill Farm, LLC  
P.O. Box 2  
Underhill Center, VT 05490

✓ **108 STEVENSVILLE ROAD (ST108)**  
John B. & Penelope B. Moore Trustees  
P.O. Box 24  
Underhill Center, VT 05490

✓ **92 STEVENSVILLE ROAD (ST092)**  
Nicolas E. & Jill G. Ash  
92 Stevensville Road  
Underhill, VT 05489

✓ **119 STEVENSVILLE ROAD (ST119)**  
Martha B. Abbott  
119 Stevensville Road  
Underhill, VT 05489

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

Date: 06/23/2020

**WASTEWATER SYSTEM AND POTABLE WATER SUPPLY PERMIT****LAWS/REGULATIONS INVOLVED**

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

**Landowner(s): Jonathan & Heather Fuller**  
**97 Stevensville Road**  
**Underhill VT 05489**

**Permit Number: WW-4-4545-1**

This permit affects the following properties in Underhill, Vermont:

<b>Lot</b>	<b>Parcel</b>	<b>SPAN</b>	<b>Acres</b>	<b>Book(s)/Page(s)#</b>
N/A	ST097	660-209-11189	5.00	Book:225 Page(s):10

This project, consisting of amending Permit # WW-4-4545 to 3 bedroom home with 1 bedroom detached accessory dwelling, served by soil-based wastewater system and drilled well, located on 97 Stevensville Road in Underhill, Vermont, is hereby approved under the requirements of the regulations named above subject to the following conditions.

**1. GENERAL**

- 1.1 The project shall be completed as shown on the plans and/or documents prepared by Justin Willis, Class BW, with the stamped plans listed as follows:

<b>Title</b>	<b>Sheet Number</b>	<b>Plan Date</b>	<b>Revision Date</b>
<b>Details, Wastewater System &amp; Water Supply</b>	D1	09/15/2017	
<b>Site Plan, Wastewater System &amp; Water Supply</b>	S1	09/15/2017	

- 1.2 This permit does not relieve the landowner from obtaining all other approvals and permits **PRIOR** to construction including, but not limited to, those that may be required from the Act 250 Environmental Commission; the Drinking Water and Groundwater Protection Division; the Watershed Management Division; the Division of Fire Safety; the Vermont Department of Health; the Family Services Division; or other State departments and local officials.
- 1.3 The conditions of this permit shall run with the land and will be binding upon and enforceable against the landowner and all assigns and successors in interest. The landowner shall record and index this permit in the Underhill Land Records within thirty, (30) days of issuance of this permit and prior to the conveyance of any lot subject to the jurisdiction of this permit.
- 1.4 The landowner shall record and index all required installation certifications and other documents that are required to be filed under these Rules or under a specific permit condition in the Underhill Land Records and ensure that copies of all certifications are sent to the Secretary.
- 1.5 No permit issued by the Secretary shall be valid for a substantially completed potable water supply and wastewater system until the Secretary receives a signed and dated certification from a qualified Vermont Licensed Designer (or where allowed, the installer) that states:

*"I hereby certify that, in the exercise of my reasonable professional judgment, the installation-related information submitted is true and correct and the potable water supply and wastewater system were installed in accordance with the permitted design and all the permit conditions, were inspected, were properly tested, and have successfully met those performance tests",*

or which otherwise satisfies the requirements of §1-308 and §1-911 of the referenced rules.



- 1.6 All conditions set forth in **Permit Number WW-4-4545** shall remain in effect except as amended or modified herein. This project is approved for the construction of a three bedroom single family residence and a one bedroom detached accessory apartment on the existing lot
- 1.7 No alterations to the existing building other than those indicated in this permit that would change or affect the water supply or wastewater system shall be allowed without prior approval by the Drinking Water and Groundwater Protection Division. Construction of additional nonexempt buildings including commercial and residential buildings is not allowed without prior permitting by the Drinking Water and Groundwater Protection Division and such permit may not be granted unless the proposal conforms to the applicable laws and regulations. No construction is allowed that will cause non-compliance with an existing permit.
- 1.8 Each purchaser of any portion of the project shall be shown a copy of the Wastewater System and Potable Water Supply Permit and the stamped plan(s), if applicable, prior to conveyance of any portion of the project to that purchaser.
- 1.9 By acceptance of this permit, the landowner agrees to allow representatives of the State of Vermont access to the property covered by the permit, at reasonable times, for the purpose of ascertaining compliance with the Vermont environmental and health statutes and regulations, and permit conditions.
- 1.10 Any person aggrieved by this permit may appeal to the Environmental Court within 30 days of the date of issuance of this permit in accordance with 10 V.S.A. Chapter 220 and the Vermont Rules of Environmental Court Proceedings.

## **2. WATER SUPPLY**

- 2.1 This project is approved for a potable water supply using a drilled or percussion bedrock well for 560 gallons of water per day provided the supply is located as shown on the stamped plan(s) and meets or exceeds the isolation distances, construction standards, and water quality standards required in the Water Supply Rule. The landowner shall operate the potable water supply in a manner that keeps the supply free from contamination. The landowner shall immediately notify the Division if the water supply system fails to function properly and becomes a "failed supply".
- 2.2 The components of the potable water supply herein approved shall be routinely and reliably inspected during construction by a qualified Vermont Licensed Designer (or where allowed, the installer) who shall, upon completion and prior to occupancy of the associated building, report in writing to the Drinking Water and Groundwater Protection Division that the installation was accomplished in accordance with the referenced plans and permit conditions, as specifically directed in Condition #1.5 herein.
- 2.3 The potable water source location as shown on the stamped plan(s) shall be staked out and flagged by a qualified Vermont Licensed Designer prior to any construction on this project with the flagging being maintained until construction is complete.
- 2.4 Upon completion of the drilling of the well, a qualified licensed designer or well driller, shall submit to the Drinking Water and Groundwater Protection Division a copy of the water quality analysis and water quantity (well log and any required calculations) required by the Water Supply Rules, Appendix A, Part 11 that demonstrates the water quality meets the standards of the Rules as a potable water source and the quantity meets the demand for the water system design approved by this Permit. An amended application form, fee and complete engineering plans for such system shall be submitted for review and approval by the Drinking Water and Groundwater Protection Division should the water quality require treatment to meet the water quality standards, or, the water quantity requires modifications to the approved water system design to meet the average day demand, maximum day demand, or peak demand.

## **3. WASTEWATER DISPOSAL**

- 3.1 This project is approved for the disposal of wastewater in accordance with the design depicted on the stamped plan(s) for 560 gallons of wastewater per day. The system(s) shall be operated at all times in a manner that will not permit the discharge of effluent onto the surface of the ground or into the waters of the State. Should the system fail and not qualify for the minor repair or replacement exemption, the current landowner shall engage a qualified Vermont Licensed Designer to evaluate the cause of the failure and to submit an application to this office and receive written approval prior to correcting the failure.
- 3.2 The components of the sanitary wastewater system herein approved shall be routinely and reliably inspected during construction by a Vermont Licensed Designer (or where allowed, the installer) who shall, upon completion and prior to occupancy of the associated building, report in writing to the Drinking Water and Groundwater Protection Division

that the installation was accomplished in accordance with the referenced plans and permit conditions, as specifically directed in Condition #1.5 herein.

- 3.3 The corners of the proposed wastewater area(s) shall be accurately staked out and flagged prior to construction with the flagging/staking being maintained until construction is complete.
- 3.4 The wastewater system for this project is approved for domestic type wastewater only except as allowed for water treatment discharges. No discharge of other type process wastewater is permitted unless prior written approval is obtained from the Drinking Water and Groundwater Protection Division.
- 3.5 No buildings, roads, water lines, earthwork, re-grading, excavation or other construction that might interfere with the installation or operation of the wastewater systems are allowed on or near the site-specific wastewater system or replacement area depicted on the stamped plans. All isolation distances that are set forth in the Wastewater System and Potable Water Supply Rules shall be adhered to and will be incorporated into the construction and installation of the wastewater system.
- 3.6 No replacement area is required as the system is designed at 150% and is pressurized.

Emily Boedecker, Commissioner  
Department of Environmental Conservation



By \_\_\_\_\_

Dated October 9, 2017

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

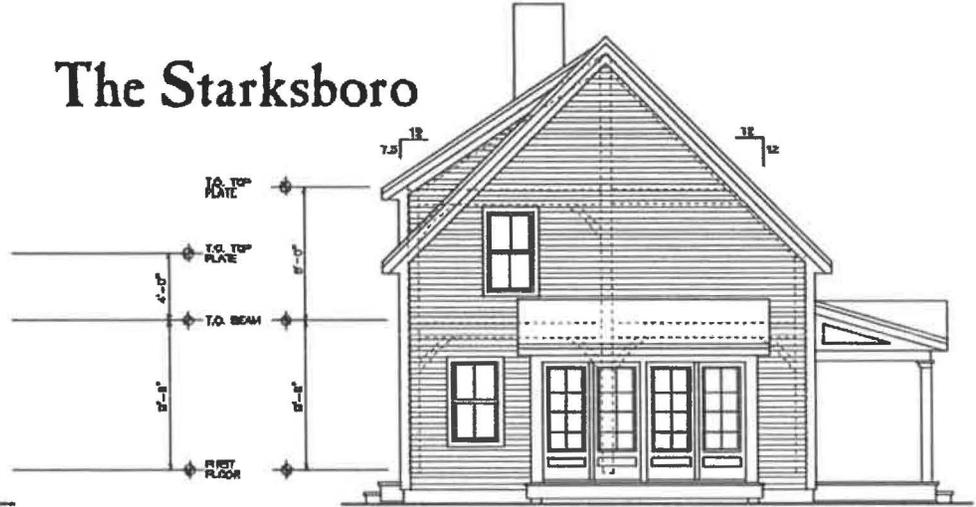
cc: Justin Willis  
Underhill Planning Commission

EXHIBIT

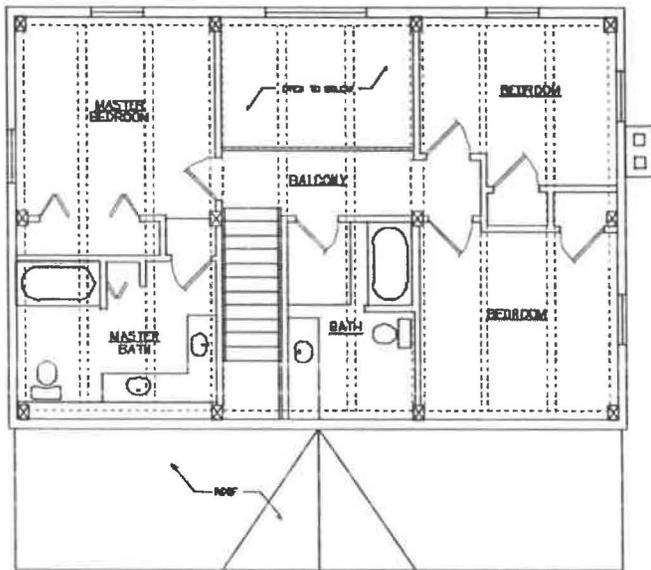


FRONT ELEVATION

# The Starksboro

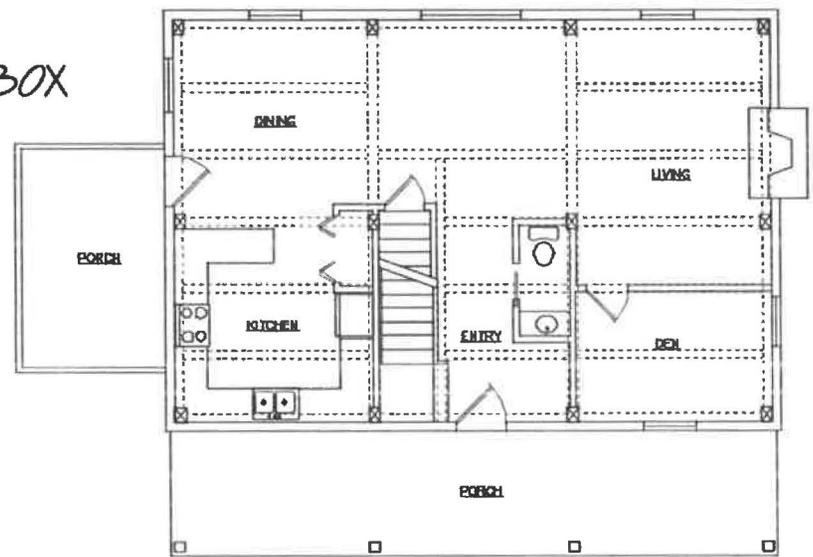


SIDE ELEVATION



SECOND FLOOR PLAN

24' X 36'  
DUTCH SALTBOX  
1,640 SF  
3 BEDROOM  
2 1/2 BATH



FIRST FLOOR PLAN

## The Starksboro

Frame Erected \$38,410  
Frame Unerected \$28,448  
SIPs \$26,027

⌘ Price does not include delivery  
⌘ Panels Quoted: R-38 Roof R-24 Walls  
⌘ Price subject to change  
⌘ Price does not include panel installation

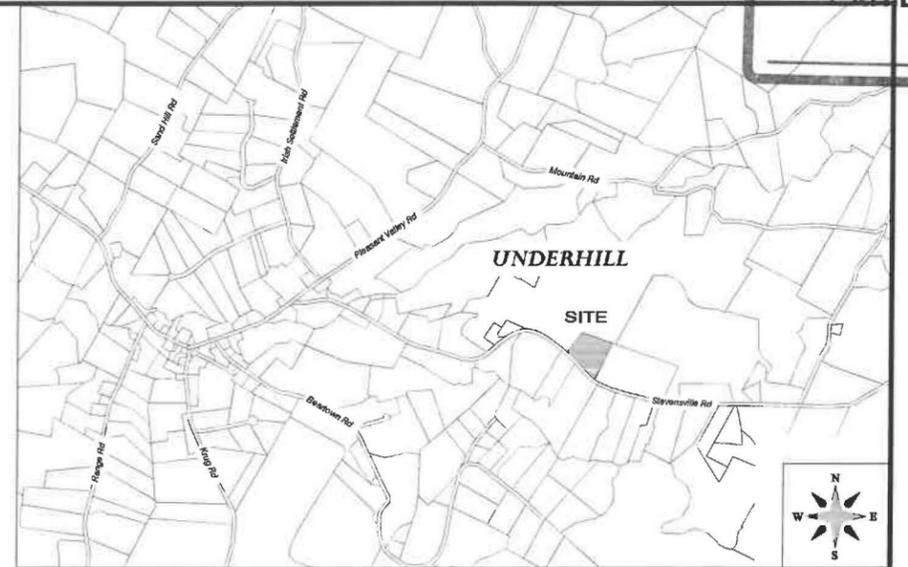
## VERMONT FRAMES

Box 100, Hinesburg, Vermont 05461  
ph: 802.453.3727 fax: 802.453.2339

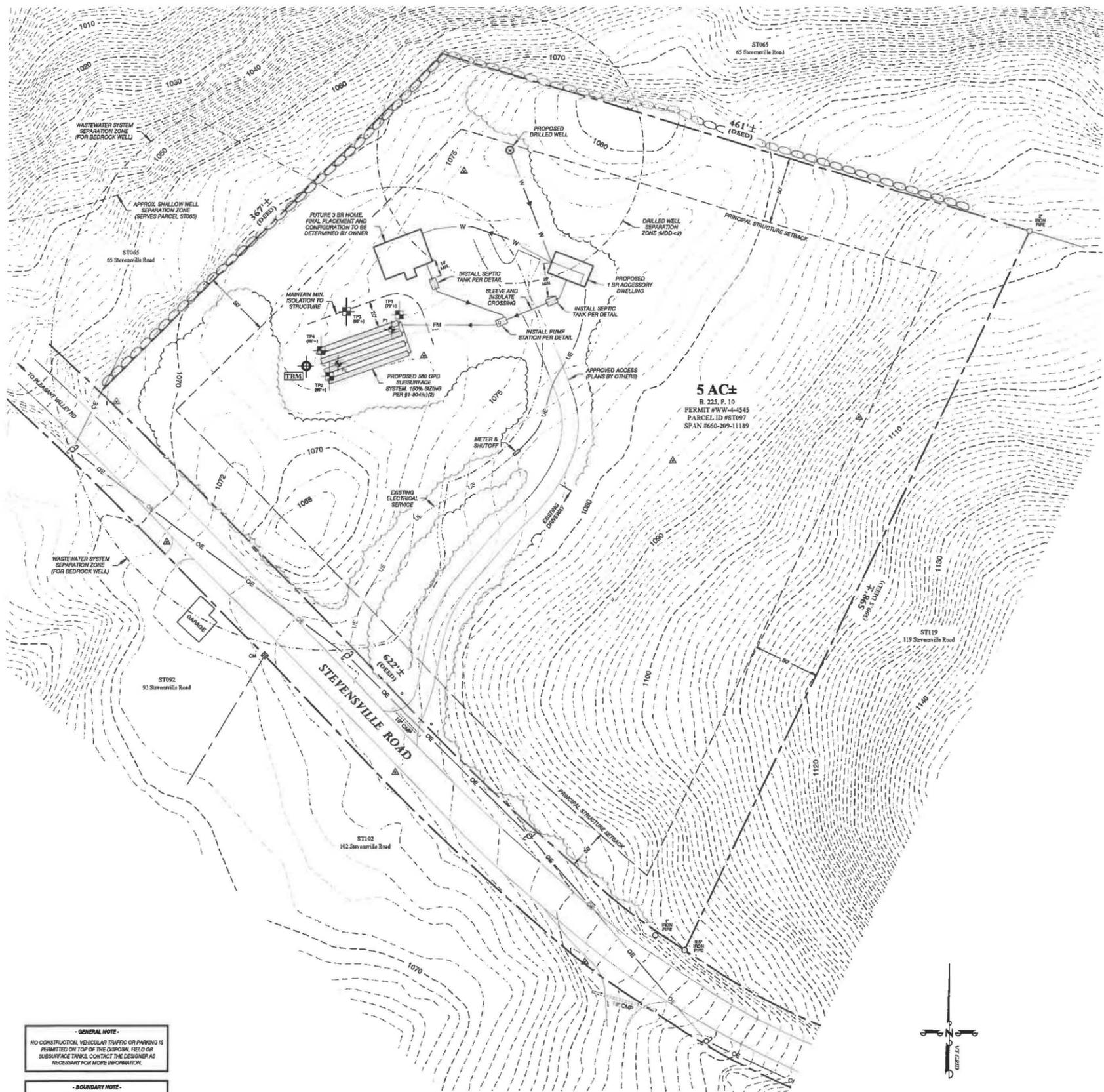
HOUSE DESIGN BY:



21 SCOTSDALE ROAD, SOUTH BURLINGTON, VT 05403 (802) 853-8715



LOCATION MAP  
1" = 1200'



5 AC±  
R. 225, R. 10  
PERMIT #WW-4-4545  
PARCEL ID #ST097  
SPAN #660-209-11189

**- GENERAL NOTE -**  
NO CONSTRUCTION, VEHICULAR TRAFFIC OR PARKING IS PERMITTED ON TOP OF THE DRAINAGE FIELD OR SUBSURFACE TANKS. CONTACT THE DESIGNER AS NECESSARY FOR MORE INFORMATION.

**- BOUNDARY NOTE -**  
THIS IS NOT A BOUNDARY SURVEY. APPROXIMATE BOUNDARIES ARE DEPICTED PER DEED DESCRIPTION, TAX MAP, PLAT OF RECORD AND LIMITED EVIDENCE FOUND IN THE FIELD. CONTACT A LICENSED LAND SURVEYOR AS NECESSARY.  
SUBJECT LOT IS PRE-EXISTING ACCORDING TO A LEGAL OPINION OBTAINED BY THE OWNER.

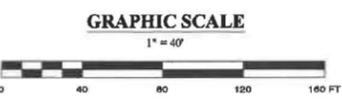
TBM  
TEMPORARY BENCHMARK  
- NAIL IN BASE 1" BIRCH  
ELEVATION = 1074.5

CALL DIG SAFE  
PRIOR TO ANY EXCAVATION  
DIAL "811" (OR 1-888-DIG-SAFE)



VERMONT  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
Dividing Water & Groundwater Protection Division  
THIS IS SUBJECT TO PROVISIONS OR CONDITIONS LISTED IN PERMIT  
Permit # WW-4-4545-1  
Date: 10/09/2017

- ZONING DISTRICT -  
WATER CONSERVATION



LEGEND	
	TEST PIT (DEPTH TO ESH-W)
	PERCOLATION TEST
	CONTROL POINT (SPIKE IN GROUND)
	REBAR OR IRON PIPE LOCATED
	CONCRETE MONUMENT
	UTILITY POLE
	DRILLED WELL
	EXISTING CONTOURS
	APPROX. BOUNDARY
	TREE LINE
	W WATER LINE
	OE CH ELECTRIC
	UE UG ELECTRIC

NO.	DATE	REVISION	BY

**WILLIS DESIGN ASSOC., INC.**  
P.O. BOX 1001, JERICHO, VERMONT 05465 (802) 858-9228

SITE PLAN WASTEWATER SYSTEM & WATER SUPPLY		DATE:	SCALE:
DRAWN: JTW	DESIGN: JTW	0/19/17	NOTED
<b>JONATHAN &amp; HEATHER FULLER</b> 97 STEVENSVILLE ROAD UNDERHILL - VERMONT		15-021	SHEET: <b>S1</b>
WILLIS DESIGN ASSOC., INC. P.O. BOX 1001, JERICHO, VERMONT 05465 (802) 858-9228		15021-2	