

APPLICATION OVERVIEW

SITE PLAN REVIEW (§ 5.3)

DRB DOCKET #:	DRB-20-07
APPLICANT(S):	Ross Brewer
CONSULTANT(S):	Jay Meadows, Exemplars Peter Mazurak, TCE Engineering Scott Pike, Larson Construction
PROPERTY ADDRESS (PARCEL ID CODE):	413 Vermont Route 15 (VT413)
ZONING DISTRICT(S):	Underhill Flats Village Center District
INITIAL FILING DATE:	Monday, June 15, 2020
APPLICATION COMPLETION DATE:	Monday, June 15, 2020
SCHEDULED HEARING DATE:	July 20, 2020

PROJECT DESCRIPTION:	The Applicants are seeking approval to construct an office building mostly within the previous nonconforming structure's footprint.
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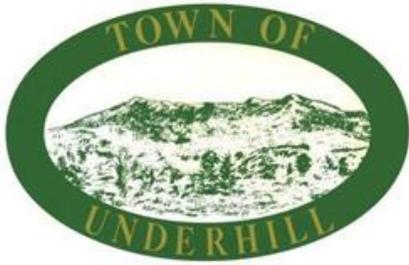
MOST RELEVANT ULUDR SECTIONS:	§ 5.3 (Site Plan Review)
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REASON FOR SITE PLAN REVIEW:	<ul style="list-style-type: none"> • The construction of an office building is a permitted use requiring site plan review (Table 2.2.B.14). • Since the Applicant is seeking to largely place the new structure in the previous nonconforming structure's footprint, a dimensional waiver is not required since the degree of nonconformance is not being increased (see § 3.9). • The Applicant is seeking to construct the building within two years from when the notable damage was discovered (see § 3.1).
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APPLICABILITY OF ROAD ORDINANCE:	The 2015 Road Ordinance, as amended December 18, 2018 APPLIES .
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STATE PERMIT INFORMATION:	<ul style="list-style-type: none"> • A Wastewater System & Potable Water Supply Permit is required. • An AOT Access Permit is required. • A State Wetlands Permit MAY be required.
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COMMENTS/NOTABLE ISSUES:	<ul style="list-style-type: none"> • The Board should evaluate the proposed parking lot as it relates to the Road Ordinance and setback requirements. • The Board should obtain clarity relating to the State permits.
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TOWN OF UNDERHILL

Development Review Board

ROSS BREWER
SITE PLAN REVIEW
Docket #: DRB-20-07

Applicant(s):	Ross Brewer
Consultant:	Jay Meadows, Exemplars Peter Mazurak, TCE Engineering Scott Pike, Larson Construction
Property Location:	413 Vermont Route 15 (VT413)
Acreage:	± 0.29 Acres
Zoning District(s):	Underhill Flats Village Center District
Project Information:	The Applicant is proposing to construct an office building. The previously approved mixed-use structure, which was permitted by the Board (DRB-17-09), was abandoned after discovering that the project was cost prohibitive. The structure was demolished in the fall of 2019.

2020 UNDERHILL UNIFIED LAND USE & DEVELOPMENT REGULATIONS RELEVANT REGULATIONS:

- Article II, Table 2.2 – Underhill Flats Village Center District (pg. 9)
- Article III, Section 3.1 – Abandoned & Damaged Structures (pg. 29)
- 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 3.8 – Nonconforming Lots (pg. 37)
- Article III, Section 3.9 – Nonconforming Structures (pg. 38)
- 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 3.16 – Signs (pg. 49)
- 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 3.23 – Water Supply & Wastewater Systems (pg. 66)
- Article V, Section 5.1 – Applicability (pg. 110)
- Article V, Section 5.3 – Site Plan Review (pg. 113)
- Article VI – Flood Hazard Area Review (pg. 125)
- Appendix A – *Underhill Road, Driveway, Trail Ordinance*

CONTENTS:

- a. Exhibit A - Brewer Site Plan Review Staff Report
- b. Exhibit B - Brewer (VT413) Site Plan Review Hearing Procedures
- c. Exhibit C - Brewer Development Review Application
- d. Exhibit D - Responses to Supplemental Questions
- e. Exhibit E - BFP Notice
- f. Exhibit F - VT413 Certificate of Service
- g. Exhibit G - Zoning Permit Application (VT413)
- h. Exhibit H - Access Permit Application (A-20-03)
- i. Exhibit I - Floor Plan
- j. Exhibit J - Elevation
- k. Exhibit K - AOT Notice of Permit Action
- l. Exhibit L - Site Plan
- m. Exhibit M - DRB Decision DRB-17-09

COMMENTS/QUESTIONS

1. **TABLE 2.4 – UNDERHILL FLATTS VILLAGE CENTER DISTRICT:**
 - a. The Applicant is proposing to construct the structure within the same footprint as the previously approved project, though with a smaller footprint.
 - b. The proposed office building will fail to satisfy the south side property setback requirement, as well as the west rear property setback requirement.
2. **SECTION 3.1 – ABANDONED & DAMAGED STRUCTURES:** During the renovations of the structure, which was for a previously approved conversion of use permit (DRB-17-09, Exhibit M), the Applicant discovered that the project was becoming cost prohibitive due to the significant damage to the structure, and therefore, forced to abandon the project.
3. **SECTION 3.2 – ACCESS:**
 - a. The Applicant is proposing to close the currently existing northern curb cut and plant grass in what is currently the northern half of the parking lot.
 - b. The nearest part of the parking lot is ± 1 ft. from the south, side property line; therefore, is nonconforming with the 12 ft. setback requirement.
4. **SECTION 3.7 – LOT, YARD & SETBACK REQUIREMENTS:**
 - a. Lot size: ± 0.29 acres in a 1.00 acre zoning district.
 - b. The proposed structure will fail to meet the south side setback requirement and the west rear setback requirement, though the building will become more conforming, as the proposed structure will encroach less upon the south side setback.
 - c. The part of the parking lot that is to remain will remain nonconforming, as it will be ± 1 ft. from the south side property line, thus failing to meet the 12 ft. setback requirement.
 - d. The western portion of the proposed building will be in a Class II Wetlands buffer. (see Section 3.19 below).
5. **SECTION 3.9 – NONCONFORMING STRUCTURES:**
 - a. Reconstruction of a structure within the a nonconforming footprint is permitted in accordance with Section 3.1 without needing to get approval from the Board.

- b. While the Applicant is proposing a minute expansion of the footprint, it is done so in a conforming area.
6. **SECTION 3.11 – OUTDOOR LIGHTING:** The Board typically requires that if new lighting is installed, it shall be downcast and shielded.
7. **SECTION 3.16 – SIGNS:** The Board should inquire as whether the Applicant is proposing a sign.
8. **SECTION 3.18 – STEEP SLOPES:** The Board should inquire if the steep slopes that are to be located behind the structure will remain undisturbed.
9. **SECTION 3.19 – SURFACE WATERS & WETLANDS:** While the Applicant is not proposing to enlarge the footprint of the previously existing structure, since the footprint of the building will be modified, verification from the State’s wetlands ecologist is recommended to ensure compliance.
10. **SECTION 3.23 – WATER SUPPLY & WASTEWATER SYSTEMS:** Staff is uncertain as to whether a new Wastewater System & Potable Water Supply permit needs to be submitted to the State and approved due to the changes with the proposed project.
11. **SECTION 5.3.B.1 – EXISTING SITE FEATURES:** The proposed office building appears to avoid, or conforms with, the constraints and requirements pertaining to the resources identified under Section 5.3.A.1, except for a wetland buffer (Section 5.3.B.1.a.iv).
12. **SECTION 5.3.B.2 – SITE LAYOUT & DESIGN:** The Applicant is proposing a traditional-looking structure that will conform with the village settlement pattern.
13. **SECTION 4.C – DEVELOPMENT ROAD & DRIVEWAY STANDARDS:**
 - a. The entrance to the parking area and parking lot currently satisfies the topography requirements except for impacting prime agricultural soils
 - b. The Board should inquire with the Applicant what the turning radii is.
 - c. Curbing shall be a minimum of seven inches in height, granite, and either vertical or sloped.
 - d. The Board should inquire about drainage patterns, especially with the addition of curbs.
 - e. The Board should inquire about banks and ditches.
 - f. Comments from the Road Foreman will need to be solicited and will be subsequently entered into the record.
14. **SECTION 5.A – DRIVEWAYS:**
 - a. The entrance to the parking area is located approximately 19 feet from the south side property line; however, fails to satisfy the setback requirements of the district (though the parking lot is already nonconforming).
 - b. During the site visit on Saturday, July 18, 2020, the Board should examine if the parking area and entrance are required to be brought up to the AOT B-71 standards.

STAFF FINDINGS OF RELEVANT SECTIONS

ARTICLE II - ZONING DISTRICTS

Zoning Districts	
■	Underhill Flats Village Center (1.0 Acre)
■	Underhill Center Village (1.5 Acres)
■	Rural Residential (3 Acres)
■	Water Conservation (5.0 Acres)
■	Scenic Preservation (10 Acres)
■	Soil and Water Conservation (15 Acres)



	Underhill Flats Village Center		Proposed Office Building
Lot Size:	1.0 Acre		±0.29 Acres
Frontage:	150 ft.		±112 ft.
Setbacks:	Principal	Accessory Behind Front Building Line	Source: Site Plan (Exhibit L)
• Front East	0 ft.		±46 ft.
• Side 1 North	20 ft.	15 ft.	±38 ft.
• Side 2 South	20 ft.	15 ft.	±17 ft.
• Rear West	20 ft.	15 ft.	±16 ft.
Max. Building Coverage:	50%		Assumed Met
Max. Lot Coverage:	75%		Assumed Met
Maximum Height:	35 ft.		Assumed Met

TABLE 2.4 – UNDERHILL FLATS VILLAGE CENTER DISTRICT

PG. 9

Purpose Statement: The purpose of the Underhill Flats Village Center District (formerly known as the Residential District) is to allow for the continuation of existing small scale commercial, residential and public uses, and to encourage development that is compatible with and promotes a compact, historic village settlement pattern. This may include higher densities of development as supported by existing and planned infrastructure.

- The proposed office conforms with the above-outlined purpose statement, as the use is small-scale commercial.
- The existing lot does not conform to the minimize lot size requirement, and is therefore, a preexisting nonconforming lot (see Section 3.8, Nonconforming Lots below).
- The Applicant is proposing to construct the structure within the same footprint as the previously approved project, though with a smaller footprint.
 - The proposed office building will fail to satisfy the south side property setback requirement, as well as the west rear property setback requirement.
- See Sections 3.7, 3.8 and 3.9 for more discussion.

ARTICLE III – GENERAL REGULATIONS

SECTION 3.1 – ABANDONED & DAMAGED STRUCTURES

PG. 29

- During the renovations of the structure, which was for a previously approved conversion of use permit (DRB-17-09, Exhibit M), the Applicant discovered that the project was becoming cost prohibitive due to the significant damage to the structure, and therefore, forced to abandon the project.
 - The discovery of this damage was unanticipated, and did not emerge until 2019.
 - Deconstruction of the building occurred in the fall of 2019.
 - Reconstruction should commence within two years from the event that caused the damage (Staff interprets this as beginning once discovered for these older types of buildings).
 - A zoning permit is required since the Applicant is proposing different dimensions and a change of use from a mixed-use structure to an office building.

SECTION 3.2 – ACCESS

PG. 30

- The subject lot accesses Vermont Route 15, a State Highway, with two curb cuts – a north and a south curb cut.
- The Applicant is proposing to close the currently existing northern curb cut and plant grass in what is currently the northern half of the parking lot.
 - The Applicant submitted a Town Access Permit Application (see Exhibit H), as well as documentation showing Vermont Agency of Transportation issued a permit (see Exhibit K).
- The nearest part of the parking lot is ±1 ft. from the south, side property line and ±64 ft. from the rear, west property line; therefore, is nonconforming 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.
 - Relocation is not recommended and seems unnecessary.
- While the Applicant is proposing to remove the northern curb cut, as well as plant grass in place of the northern half of the parking lot, no modifications are being proposed to the southern part of the parking lot.
 - The Board has the authority to further review the parking lot area to bring it into conformance, though not recommended.

SECTION 3.3 – CONVERSION OR CHANGE OF USE

PG. 31

- The Applicant is proposing to convert the subject structure from a mixed-use structure (conditional use review required) to an office building (site plan review required).
- Since the proposed use requires site plan review, review by the Board is still required.

SECTION 3.7 – LOT, YARD & SETBACK REQUIREMENTS

PG. 36

- The proposed structure, an office building, will be the sole structure and use of the property.
- The existing lot is nonconforming:
 - Lot size: ±0.29 acres in a 1.00 acre zoning district.
 - Frontage: ±112 ft. instead of greater than 150 ft.
- See table above for setback requirements and conformance with the dimensional requirements of the underlying district – the Underhill Flats Village Center District.
 - The proposed structure will fail to meet the south side setback requirement and the west rear setback requirement, though the building will become more conforming, as the proposed structure will encroach less upon the south side setback.
- The part of the parking lot that is to remain will remain nonconforming, as it will be ±1 ft. from the south side property line, thus failing to meet the 12 ft. setback requirement.
- The western portion of the proposed building will be in a Class II Wetlands buffer. (see Section 3.19 below).

SECTION 3.8 – NONCONFORMING LOTS

PG. 37

- The subject lot was legally in existence on the effective date of the current *Unified Land Use & Development Regulations* (March 1, 2011; Amended thru March 3, 2020).
 - The lot may be developed for purposes allowed in the underlying district (Section 3.8.A).

SECTION 3.9 – NONCONFORMING STRUCTURES

PG. 38

- The Applicant has already demolished the existing structure, and is proposing a smaller structure in the same footprint of what once existence, which will be in conformance with Section 3.1 that will be more conforming.
 - The construction of the new building is largely within the same footprint, thereby not increasing the degree of nonconformance.
 - Reconstruction of a structure within the a nonconforming footprint is permitted in accordance with Section 3.1 without needing to get approval from the Board.
 - While the Applicant is proposing a minute expansion of the footprint, it is done so in a conforming area.

SECTION 3.11 – OUTDOOR LIGHTING

PG. 40

- The Applicant is only proposing lighting at the entrance to the building (see Exhibit D).
- 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

- Office space has a parking requirement of one parking space per 300 sq. ft. of gross area.
 - The proposed structure is to be 2,284 sq. ft.
 - Eight parking spaces are required (2,284 sq. ft. / 300 sq. ft. = 7.6 spaces)
- The Applicant is proposing 9 parking space, which includes a handicapped parking space.

SECTION 3.14 – PERFORMANCE STANDARDS

PG. 45

- The proposed office space is not anticipated to cause, create or result in any of the situations identified in Section 3.14.B.

SECTION 3.16 – SIGNS

PG. 49

- The Board should inquire as whether the Applicant is proposing a sign.
 - If so, the proposed sign will need to be reviewed to ensure compliance.

SECTION 3.17 – SOURCE PROTECTION AREAS

PG. 53

- The subject lot is not located within the Groundwater Source Protection Area.
- The subject lot is not located within the vicinity of a public water source.

SECTION 3.18 – STEEP SLOPES

PG. 55

- The ANR Atlas depicts areas of steep slopes (15%-25%) or very steep slopes (>25%) in the project area (see directly to the right).
- As witnessed at the site visit for the Applicant’s previous application (DRB-17-09), the previously existing structure was not located in a steep slope, but was located directly adjacent to one.
- The Board should inquire if the steep slopes that are to be located behind the structure will remain undisturbed.



SECTION 3.19 – SURFACE WATERS & WETLANDS

PG. 62

- The ANR Atlas does not depict any surface waters on the property.
- The Applicant has submitted a site plan depicting Class II Wetlands on the abutting lot to the west (see Exhibit L).
 - The Class II Wetlands buffer is depicted as bisecting the western portion of the structure.
- While the Applicant is not proposing to enlarge the footprint of the previously existing structure, since the footprint of the building will be modified, verification from the State’s wetlands ecologist is recommended to ensure compliance.
 - Section 3.19.D.6 states: “A state wetlands permit shall be required prior to local approval for permits involving Class I and II buffer/setback reductions.
 - The Regulations appear to silent in regards to decreasing the nonconformance of a structure.

SECTION 3.23 – WATER SUPPLY & WASTEWATER SYSTEMS

PG. 66

- The Applicant has submitted a revised engineering plan (originally submitted as part of the Board’s previous review – DRB-17-09).
- Staff is uncertain as to whether a new Wastewater System & Potable Water Supply permit needs to be submitted to the State and approved due to the changes with the proposed project.

ARTICLE V – DEVELOPMENT REVIEW

SECTION 5.1 – APPLICABILITY

SECTION 5.1.A – TYPE OF REVIEW REQUIRED

PG. 110

- Site plan review is required in accordance with Table 2.2.B.14.

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 intended to ensure that site layout and development design are functional, safe, attractive, and consistent with the purpose and character of the district(s) in which the development is located. Standards specifically relate to the internal layout of the site, its physical design, and the functional and visual integration of the site with adjoining properties, uses and infrastructure.

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 office building appears to avoid, or conforms with, the constraints and requirements pertaining to the resources identified under Section 5.3.A.1, except for a wetland buffer (Section 5.3.B.1.a.iv).
- 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. 113

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

- The proposed office building appears to be consistent with the site layout & design standards provided directly to the left.
- The Applicant is proposing a traditional-looking structure that will conform with the village settlement pattern.
- The proposed structure will be of smaller scale from what originally existed, and will be consistent with the buildings in the surrounding area.
- The main entrance will face Vermont Route 15, and will be consistent with other structures in regards to its distance from the road.

SECTION 5.3.B.3 – VEHICLE ACCESS

PG. 114

- The Applicant is proposing to close the northern curb cut, as well as reducing the size of the parking lot, and will be accessed for a curb cut located towards the southeast portion of the property.
- See Section 3.2 above.

SECTION 5.3.B.4 – PARKING, LOADING & SERVICE AREAS **PG. 115**

- See Section 3.13 above.

SECTION 5.3.B.5 – SITE CIRCULATION **PG. 115**

- With the reduction of parking area and the consolidation of access to one defined curb cut, site circulation for pedestrians and vehicles should be safer.

SECTION 5.3.B.6 – LANDSCAPING & SCREENING **PG. 116**

- With the parking lot almost directly abutting the abutting neighbor to the south, the Board should consider the requirement of a fence between the two lots to shield the southern neighbor from car headlights.
- The Applicant is proposing to add a fence that will shield the northern neighbor from the parking lot (see Exhibit L).
- The regulations require that landscaping and natural screening shall be provided in front yards, adjacent to parking areas.
 - Given the nonconformity of the lot and the tight parking arrangements, the Board should determine if they wish to forgo this requirement (as allowed under Section 5.3.B – see language above)

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.
- The Applicant is proposing to eliminate the northern half of the parking lot and plant grass, which should reduce the impervious surface of the lot.

SECTION 5.5 – WAIVERS & VARIANCES

SECTION 5.5.B – DIMENSIONAL WAIVERS **PG. 113**

- Since the Applicant is proposing to construct a structure in the same footprint, Staff opined that the waiver process could be forgone, as the structure conforms with Sections 3.1 & 3.9 above.

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

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

APPENDIX A – ROAD & DRIVEWAY STANDARDS

SECTION 4 – GENERAL PROVISIONS RELATING TO ACCESSWAYS

SECTION 4.B – REASONABLE ACCESS **PG. 8**

- The Applicant is proposing to eliminate the northern entrance, thus creating one entrance towards the southeast portion of the lot.
- The lot will be accessed via Vermont State Route 15.
 - The Applicant submitted a Town Access Permit Application (see Exhibit H), as well as documentation showing Vermont Agency of Transportation issued a permit (see Exhibit K).

SECTION 4.C – DEVELOPMENT ROAD & DRIVEWAY STANDARDS

PG. 8

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. GRADES 2. TOPOGRAPHY 3. RADII 4. CURBS 5. GEOTEXTILES 6. DRAINAGE 7. SLOPES, BANKS & DITCHES 8. WET AREAS 9. CULVERS 10. STREAM CROSSINGS 11. BRIDGES 12. DESIGN | <ul style="list-style-type: none"> • The entrance to the parking area and parking lot currently satisfies the 10% slope requirement. • The entrance to the parking area and parking lot currently satisfies the topography requirements except for impacting prime agricultural soils; however, the Applicant is proposing to decrease the impervious surface of the lot, which be beneficial rather than adverse to prime agricultural soils. • The site plan does not provide the turning radii. <ul style="list-style-type: none"> ○ The Board should inquire with the Applicant what the turning radii is. • The Applicant is proposing curbing: <ul style="list-style-type: none"> ○ Curbing shall be a minimum of seven inches in height, granite, and either vertical or sloped. ○ Curbing is permitted only in the Underhill Flats Village Center District. • Staff makes no findings regarding geotextiles. • The Board should inquire about drainage patterns, especially with the addition of curbs. • The Board should inquire about banks and ditches. • Staff makes no findings. • Comments from the Road Foreman will need to be solicited and will be subsequently entered into the record. • Does not apply. • Does not apply. • The proposed parking area appears to satisfy the requirements of this section. |
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SECTION 5 – SPECIFIC PROVISIONS: DRIVEWAYS & DEVELOPMENT ROADS

SECTION 5.A - DRIVEWAYS

PG. 11

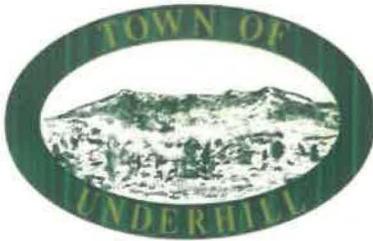
- | | |
|---|--|
| <ol style="list-style-type: none"> 1. CONSTRUCTION & DESIGN REQUIREMENTS | <ul style="list-style-type: none"> • The entrance to the parking area is located approximately 19 feet from the south side property line; however, fails to satisfy the setback requirements of the district (though the parking lot is already nonconforming). • During the site visit on Saturday, July 18, 2020, the Board should examine if the parking area and entrance are required to be brought up to the AOT B-71 standards. |
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2. *LOCATION*

- The Applicant is proposing to eliminate the northern curb cut.
 - One curb cut towards the southeast portion of the lot will be provided for.
 - The width of the parking lot entrance is proposed to be approximately 25 ft. (Detail C of the B-71 Standards required a minimum of 24 ft.).
 - 8 parking spaces are provided that are 9 ft. by 18 ft. and one handicapped space that is 11 ft. by 18 ft.
- Staff does not believe this section applies.

3. *WIDTHS*

4. *NONCONFORMING LOTS*



UNDERHILL DEVELOPMENT REVIEW BOARD

SITE PLAN REVIEW
HEARING PROCEDURES
Monday, July 20, 2020

Applicant(s): Ross Brewer
Docket #: DRB-20-07

1. **State the following (Intro):** "This is a site plan review hearing on the application of Ross Brewer for the proposed construction of an office building on the land he owns at 413 Vermont Route 15 (VT413) 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.

Site plan review is intended to ensure that site layout and development design are functional, safe, attractive, and consistent with the purpose and character of the district(s) in which development is located. Standards specifically relate to the internal layout of the site, its physical design, and the functional and visual integration of the site with adjoining properties, uses and infrastructure."

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 - Brewer Site Plan Review Staff Report
Exhibit B - Brewer (VT413) Site Plan Review Hearing Procedures
Exhibit C - Brewer Development Review Application
Exhibit D - Responses to Supplemental Questions

Exhibit E - BFP Notice
Exhibit F - VT413 Certificate of Service
Exhibit G - Zoning Permit Application (VT413)
Exhibit H - Access Permit Application (A-20-03)
Exhibit I - Floor Plan
Exhibit J - Elevation
Exhibit K - AOT Notice of Permit Action
Exhibit L - Site Plan
Exhibit M - DRB Decision DRB-17-09

These exhibits are available in the Brewer site plan review file DRB-20-07 / VT413 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."

C



TOWN OF UNDERHILL

DEVELOPMENT REVIEW (ART. V) APPLICATION

<p>OFFICE USE ONLY</p> <p>PROPERTY CODE: <u>VT413</u></p> <p>PROPERTY ADDRESS: <u>413 Vermont Route 15</u></p>	<p>ZONING DISTRICT(S):</p> <p><input checked="" type="checkbox"/> Underhill Flats Village Center</p> <p><input type="checkbox"/> Underhill Center Village</p> <p><input type="checkbox"/> Rural Residential</p> <p><input type="checkbox"/> Water Conservation</p> <p><input type="checkbox"/> Mt. Mansfield Scenic Preservation</p> <p><input type="checkbox"/> Soil & Water Conservation</p>	<p>DRB Docket #: <u>DRB-20-07</u></p> <p>Received Date: <u>June 15, 2020</u></p> <p>Hearing Date: <u>July 20, 2020</u></p> <p>Application Completion Date: <u>June 15, 2020</u></p> <p style="text-align: right;"><small>(See Requirements Below)</small></p>
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SUBJECT PROPERTY ADDRESS: 413 Rte 15

Applicant Information	Landowner Information (if Different)
NAME(S): <u>W Ross Brewer</u>	NAME(S):
MAILING ADDRESS: <u>271 Pokerhill Rd Underhill</u>	MAILING ADDRESS:
EMAIL ADDRESS: <u>Ross VT 1 @ mac.com</u>	EMAIL ADDRESS:
PHONE NUMBER: <u>802 899 3407</u>	PHONE NUMBER:

Description of Proposed Project	Contractor/Surveyor Information (if Applicable)
<p><u>Construction of office to replace a razed structure.</u></p>	<p>NAME(S): <u>SCOTT PIKE Larson Construction</u></p> <p>MAILING ADDRESS: <u>Colchester VT PO Box 548 05446</u></p> <p>EMAIL ADDRESS: <u>SPLARSONINC@AOL.COM</u></p> <p>PHONE NUMBER: <u>802 233 3272</u></p>

<p>APPLICANT SIGNATURE: <u>[Signature]</u></p>	<p>DATE: <u>6/11/20</u></p>	<p>Conditional Use Review</p>
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Variance Request
<p>Applicable:</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>Required Materials</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 style="font-size: small;"><i>Please Checkoff All Submitted Materials</i></p>

Site Plan Review
<p>Applicable:</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>Required Materials</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 style="font-size: small;"><i>Please Checkoff All Submitted Materials</i></p>

Conditional Use Review
<p>Applicable:</p> <p><input type="checkbox"/> Yes</p> <p style="margin-left: 20px;"><input type="checkbox"/> Other: _____</p> <p style="margin-left: 20px;"><input type="checkbox"/> Floodplain Review</p> <p style="margin-left: 20px;"><input type="checkbox"/> Required for Proposed Use</p> <p style="margin-left: 20px;"><input type="checkbox"/> Stream/Wetland Encroachment</p> <p style="margin-left: 20px;"><input type="checkbox"/> Waiver Request</p> <p><input type="checkbox"/> No</p> <p>Required Materials</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 & site plan review requirements (see Page 2)</p> <p style="font-size: small;"><i>Please Checkoff All Submitted Materials</i></p>

Answers To Development Review Application

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).

The site is a small (.25 acre) pre-existing lot formerly occupied by a two story schoolhouse built mid 19th Century and a garage added at a later date. It is on Route 15 across from the fire station in Underhill and is in The Underhill Flats Village Center Zoning District. The structure was razed this year. A new one story structure will replace the school house. It will sit on the footprint of the razed structure with an additional small el as shown in the floor plan. The footprint of the new structure is smaller than the one it is replacing when the garage is considered. There are no wildlife areas or travel corridors to effect. Site design includes water runoff controls. The plan also calls for a new septic system.

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.

The site is located in The Underhill Flats Village Center Zoning District whose Goals call for a "traditional compact village settlement pattern." The lot's small size and the proposed placement of the structure on the footprint of the previous structure maintain the Goal of a "pedestrian scale." The only alteration is that the new structure will be one story instead of two. The design is in keeping with the area's existing architecture. The site is served by the Jericho Underhill Water District. The Site Plan includes an In-Ground Conventional Disposal System and also includes a wastewater leaching field.

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 path-ways.

As it currently exists the site includes no curb cuts and Route 15 can be entered at any point. In working with The Agency of Transportation curbing defining parking spaces have been specified and curb cuts designated. Route 15 can be entered at only one point from the site.

4. Please advise how the proposed project conforms to the parking, loading & service areas.

Parking for 8 vehicles will be designated on the site including one Handicapped Space. These are laid out in The Site Plan as approved by The Agency of Transportation.

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.

Requirements under Sections 5.3.B.5.a & b

- a. Limit the number and size of curb cuts in accordance with Section 3.2. 41
- b. Require the reduction, consolidation or elimination of noncomplying curb cuts.

There is at present no curbing. As shown in The Site Plan a defined entrance is created to the lot and designated parking places with curbing are shown. This is The Site Plan submitted to gain approval by The Agency of Transportation.

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.

The lot's small size makes landscaping a challenge, given the need for designated parking. However we do plan on removing asphalt and planting grass on the North side of the lot and in a small area at the South end along Route 15. A fence will be added in front of the parking on the North side.

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.

No outdoor lighting is required beyond lighting at the entrance to the building.

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.

Access to the site will be constructed in such a manner as to prevent water from flowing on to Route 15. In addition asphalt will be removed from the North end of the site to be replaced by grass and The Site Plan shows a wastewater leaching bed which will be installed.



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). 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.



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 23rd 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 Site Plan Review application pertaining to the construction of an office building on property located at 413 Vermont Route (VT413) in Underhill, Vermont, which is owned by Ross W. Brewer.

Recipients and Corresponding Address:

✓ **413 VERMONT ROUTE 15 (VT413)**

Ross W. Brewer
271 Poker Hill Road
Underhill, VT 05489

✓ **416 VERMONT ROUTE 15 (VT416)**

Burton T. & Janice A. Robinson Life Estate
P.O. Box 73
Underhill, VT 05489

✓ **411 VERMONT ROUTE 15 (VT411)**

Karl F. Riemer
411 Vermont Route 15
Underhill, VT 05489

✓ **417 VERMONT ROUTE 15 (VT417)**

Vincent J. & Cheryl M. Arpey
417 Vermont Route 15
Underhill, VT 05489

✓ **414 VERMONT ROUTE 15 (VT414)**

Moses & Gretchen Daly
414 Vermont Route 15
Underhill, VT 05489

✓ **429 VERMONT ROUTE 15 (VT429)**

Robert F. & Judith L. Peterson
429 Vermont Route 15
Underhill, VT 05489

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

Date: 06/23/2020



TOWN OF UNDERHILL

ZONING PERMIT APPLICATION

<p>OFFICE USE ONLY</p> <p>APPLICATION #: <u>B-208-19</u></p> <p>PROPERTY CODE: <u>VT413</u></p>	<p>ZONING DISTRICT(S):</p> <p><input checked="" type="checkbox"/> Underhill Flats Village Center</p> <p><input type="checkbox"/> Underhill Center Village</p> <p><input type="checkbox"/> Rural Residential</p> <p><input type="checkbox"/> Water Conservation</p> <p><input type="checkbox"/> Mt. Mansfield Scenic Preservation</p> <p><input type="checkbox"/> Soil & Water Conservation</p>	<p style="text-align: center;">Section A</p> <p>Zoning Permit Application Type:</p> <p><input type="checkbox"/> Agricultural Exemption (Requires VT Review)</p> <p><input type="checkbox"/> Boundary Line Adjustment Permit (see Supp. Form)</p> <p><input checked="" type="checkbox"/> Building Permit (see Section B)</p> <p><input type="checkbox"/> After-the-Fact Building Permit (see Section B)</p> <p><input type="checkbox"/> Conversion/Change of Use Permit (see Section C)</p> <p><input type="checkbox"/> Home Occupation Permit (see Supplemental Form)</p> <p><input type="checkbox"/> Sign Permit (see Supplement Form)</p> <p><input type="checkbox"/> Temporary Structure Permit</p> <p><input type="checkbox"/> Temporary Use Permit</p> <p><input type="checkbox"/> General/Other: _____</p> <hr/> <p style="text-align: center;">Section B</p> <p>Building Permit Application Information:</p> <p><input type="checkbox"/> Accessory Dwelling (see Section D)</p> <p><input type="checkbox"/> Accessory Structure(s) (e.g. barn, garage, shed, etc.)</p> <p><input type="checkbox"/> Addition:</p> <p style="padding-left: 20px;">Number of Bedrooms (if applicable): _____</p> <p style="padding-left: 20px;">Number of Bathrooms (if applicable): _____</p> <p><input type="checkbox"/> Single-Family Dwelling:</p> <p style="padding-left: 20px;">Number of Bedrooms: _____</p> <p style="padding-left: 20px;">Number of Bathrooms: _____</p> <p><input type="checkbox"/> Two-Family Dwelling:</p> <p style="padding-left: 20px;">Dwelling 1 - Number of Bedrooms: _____</p> <p style="padding-left: 20px;">Dwelling 1 - Number of Bathrooms: _____</p> <p style="padding-left: 20px;">Dwelling 2 - Number of Bedrooms: _____</p> <p style="padding-left: 20px;">Dwelling 2 - Number of Bathrooms: _____</p> <p><input type="checkbox"/> Multi-Family Dwelling:</p> <p style="padding-left: 20px;">Number of Units: _____</p> <p style="padding-left: 20px;">Total Number of Bedrooms: _____</p> <p style="padding-left: 20px;">Total Number of Bathrooms: _____</p> <p><input checked="" type="checkbox"/> Commercial/Industry</p> <p><input type="checkbox"/> Carport</p> <p><input type="checkbox"/> Porch/Deck/Fence</p> <p><input type="checkbox"/> In-Ground Pool</p> <hr/> <p style="text-align: center;">Section D</p> <p>Accessory Dwelling Application Information:</p> <p><input type="checkbox"/> Attached Accessory Dwelling, or</p> <p><input type="checkbox"/> Detached Accessory Dwelling</p> <p>Square Footage of Principal Dwelling: _____ sq. ft.</p> <p>Square Footage of Proposed Accessory Dwelling: _____ sq. ft.</p> <p>Number of Bedrooms (in Accessory Dwelling): _____</p> <p>Number of Bathrooms (in Accessory Dwelling): _____</p>
<p>APPLICANT: <u>W Ross Brewer</u></p> <p>PROPERTY LOCATION: <u>413 Rte 15</u></p> <p>MAILING ADDRESS: <u>271 Paker Hill Rd Underhill</u></p> <p>EMAIL ADDRESS: <u>ROSSVT2@MAC.COM</u></p> <p>PHONE NUMBER: <u>802 899 3407</u></p> <p>LANDOWNER (IF DIFFERENT FROM APPLICANT):</p> <p>LANDOWNER'S CONTACT INFORMATION:</p> <p>CONTRACTOR:</p> <p>CONTRACTOR'S CONTACT INFORMATION:</p> <p>PROJECT DESCRIPTION: <u>Construction of Office to replace a razed structure</u></p>	<p style="text-align: center;">Section C*</p> <p>Conversion/Change of Use Application Information:</p> <p>Existing Use: _____</p> <p>Proposed Use: _____</p> <p style="padding-left: 20px;"># of Bedrooms Added (if applicable): _____</p> <p style="padding-left: 20px;"># of Bathrooms Added (if applicable): _____</p> <p><small>*Please fill out this section if the project includes the conversion of unfinished living space to living space.</small></p>	

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



TOWN OF UNDERHILL

ZONING PERMIT APPLICATION

Dimensions of ALL Proposed Construction

Proposed Structure(s)	Front	Side	Side	Rear	Height (Max. 35 ft.)	Square Feet Added
Office Bldg	54'	46'	36'	54'	28'	2284

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

Building & Lot Coverage Information

- 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

- 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.

Site plan + floor plan
provided separately

Please Accurately Depict the Following (Checklist):

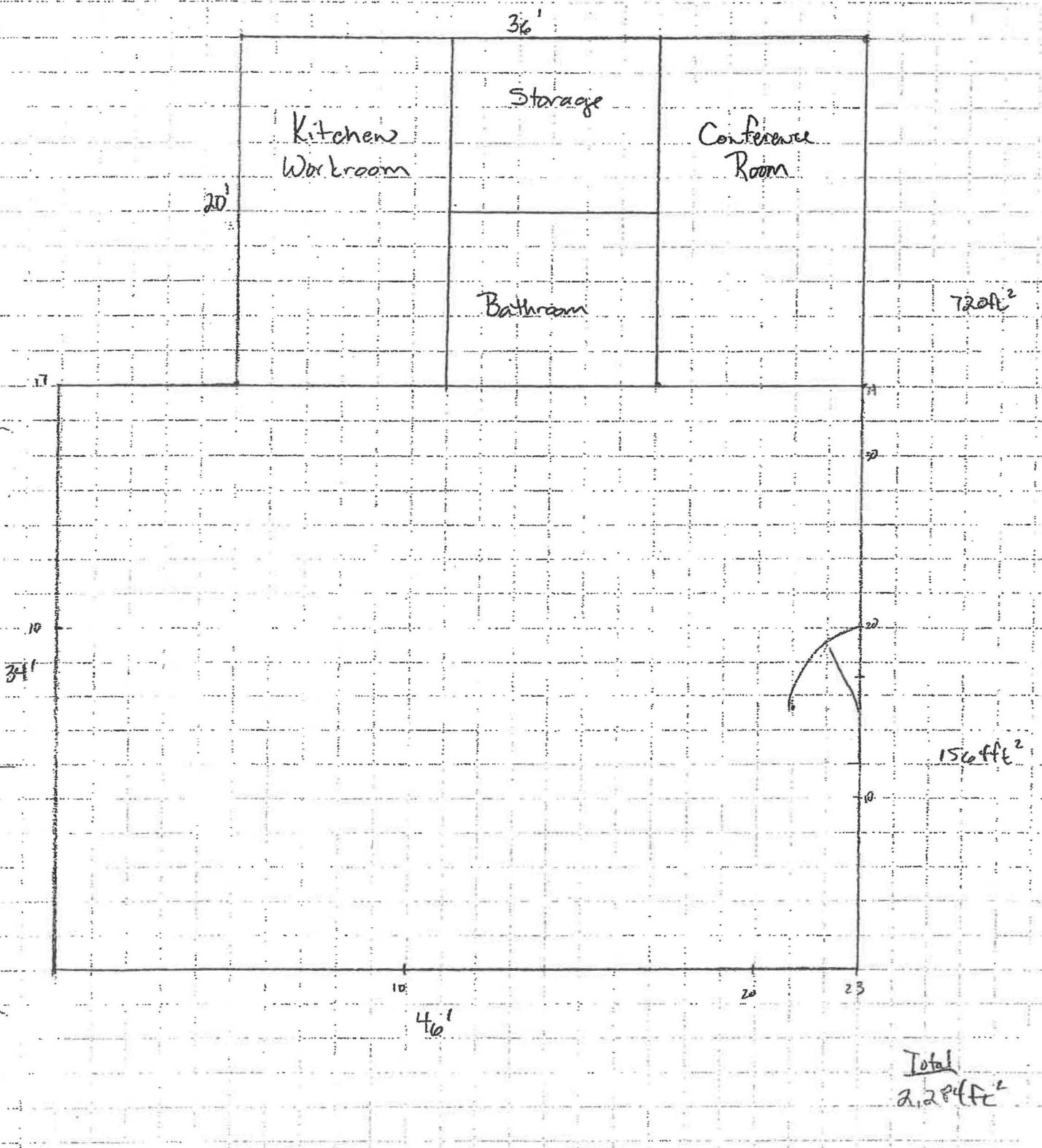
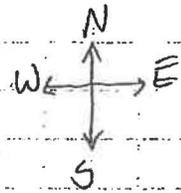
Required Features to Depict

- 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 specialists). Interest persons have the right to appeal the approval of a permit to the Development Review Board within fifteen days (15) from the date of issuance.



Room K

Total
270 ft²



TOWN OF UNDERHILL

ZONING PERMIT APPLICATION

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

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

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

WRoss
Applicant Signature

6/11/20
Date

Landowner Signature

Date

OFFICE USE ONLY

RECEIVED: Date 6/15/2020

DEVELOPMENT REVIEW BOARD REVIEW (IF APPLICABLE):
 Required Not Required

Date: 6/15/2020

- Conditional Use Review
- Site Plan Review
- Variance Request

APPROVED: Date _____
 Effective Date _____
 Expiration Date _____

REJECTED: Date _____

Permit Fee	\$
Posting Fee	\$
Recording Fee	\$
TOTAL FEE	\$
<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 posed 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

ACCESS PERMIT APPLICATION

All Driveways and private roads shall conform to the standards of the 2015 Underhill Driveway, Road and Trail Ordinance, as amended December 18, 2018, which includes the AOT A-76 and B-71 standards. Waiver requests must be submitted at the time application. Applications shall be referred by the Zoning Administrator to the Selectboard and/or the Development Review Board where applicable.

OFFICE USE ONLY

APPLICATION #: A-20-03
 PROPERTY CODE: VT413

ZONING DISTRICT(S):

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

APPLICATION TYPE

- Access Permit
- Access Permit Amendment
- Administrative Access Permit Amendment
- Temporary Access Permit

REVIEWING BODY

- | | |
|---|-----------------------|
| <input type="checkbox"/> Administration/Staff | Review Date |
| <input type="checkbox"/> Development Review Board | _____ / _____ / _____ |
| <input type="checkbox"/> Selectboard | |

OFFICE REVIEW

Received by: Andrew Strimste Ageo

Received Date: 6/15/2020

Site Visit Date: / /

Road Classification:

Speed Limit /Average Running Speed: mph
(if applicable)

Sight Distances:
 Left: ft.
 Right: ft.

Culvert Required?
 No
 Yes; Size:

Comments, Restrictions, Conditions Recommended:

APPLICANT: W Ross Brewer
 PROPERTY LOCATION: 413 Rte 15
 MAILING ADDRESS: 271 Poker Hill Rd Underhill
 EMAIL ADDRESS: RossVT2@mac.com
 PHONE NUMBER: 802 899 3407
 LANDOWNER (IF DIFFERENT FROM APPLICANT):
 LANDOWNER'S CONTACT INFORMATION:
 CONTRACTOR: SCOTT PIKE Larson Construction
 CONTRACTOR'S CONTACT INFORMATION: AOL.COM
802-233-3272 SPLARSONINC@
 PROJECT DESCRIPTION:
BUILD 1 STORY office building
on site of previous building

REQUIRED APPLICATION MATERIALS

Required Materials

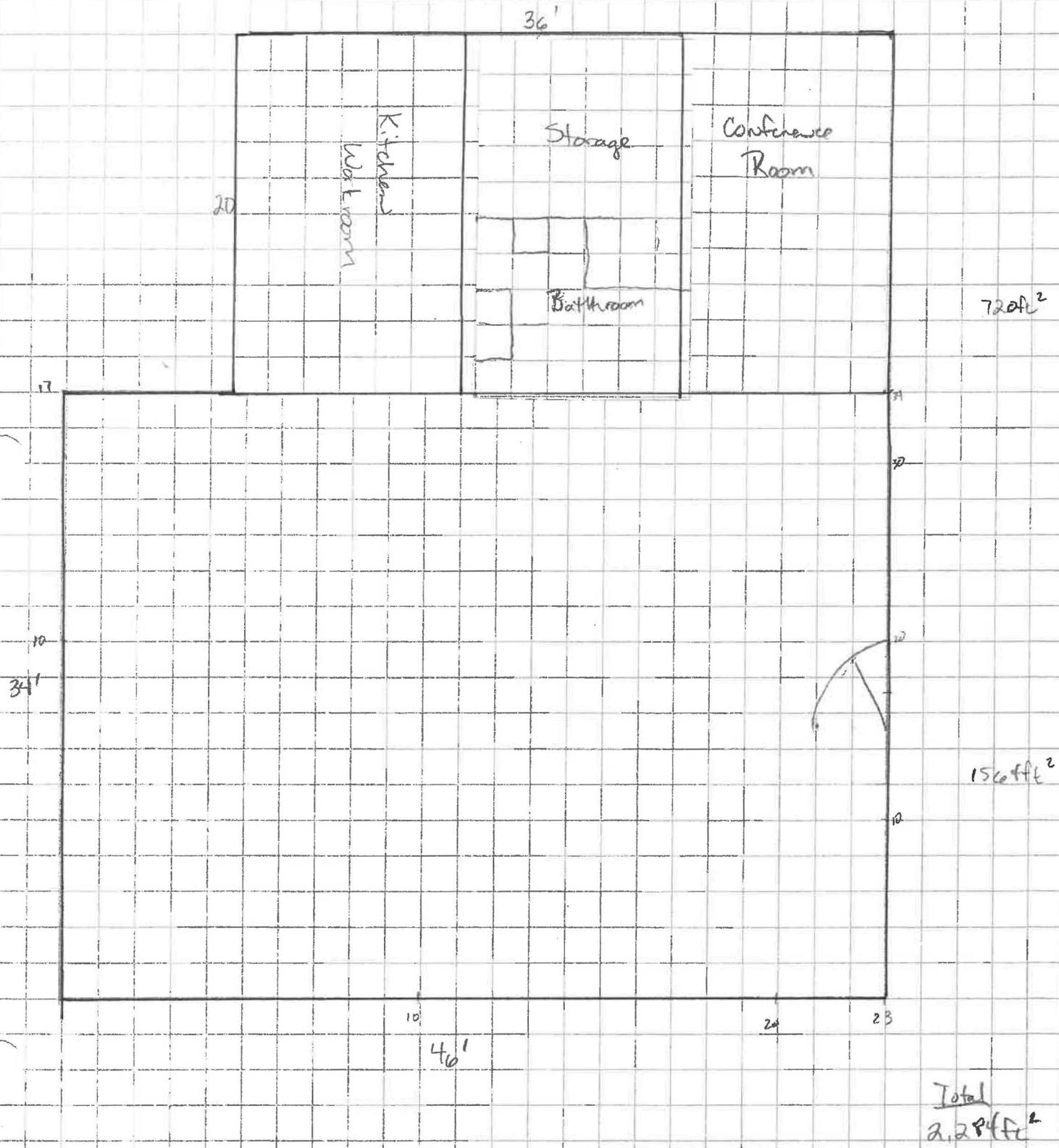
- Application
- Application Fee (\$50.00 + Recording Fees)
- Copies of a Site Plan Illustrating (please submit 3 copies):
 - Proposed Access on a Public or Private Road
 - Property Boundaries with Measurements to Proposed Curb Cut
 - Landmarks Sufficient to Determine Access Point and Path of Traveled Way
 - Distance From All Waterways
 - All Easements, Covenants, and Abutting Property Owners
- Written Waivers/Modifications Requests
- Stake the Centerline of the Proposed Driveway/Road at 50 ft. Intervals

Please Checkoff All Submitted Materials

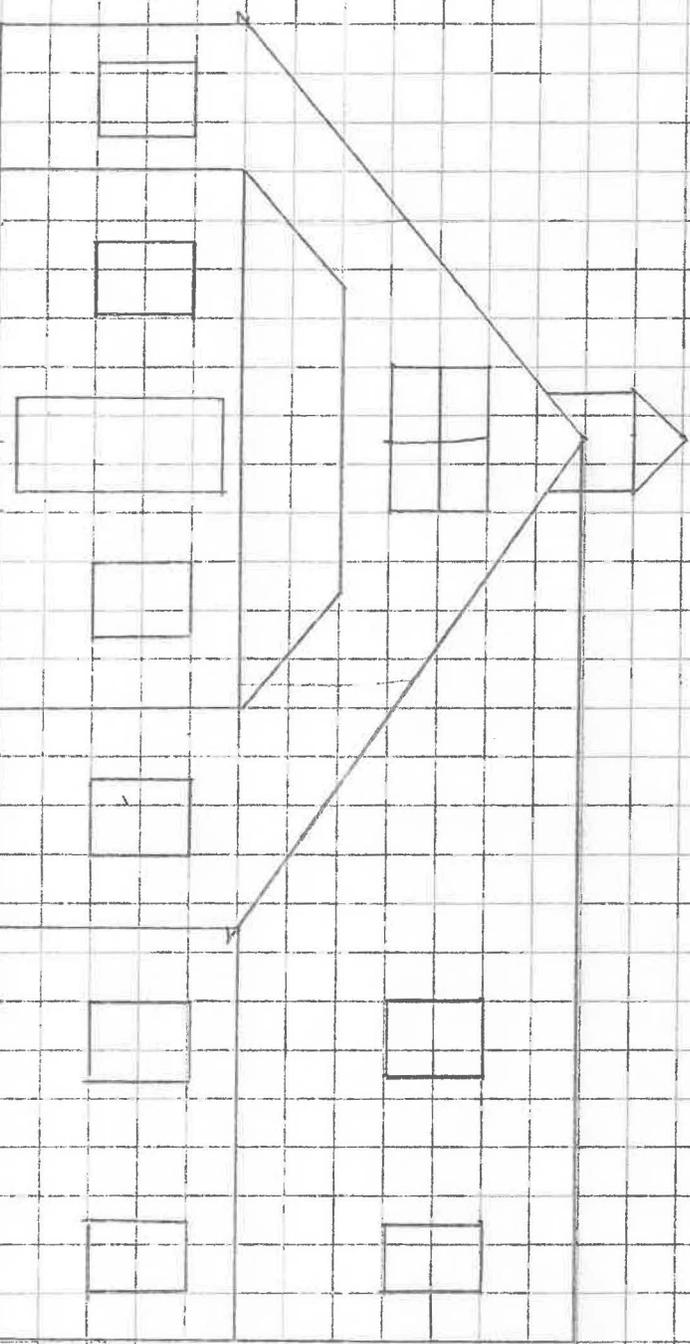
APPLICANT SIGNATURE <u>WR Brewer</u>	DATE	LANDOWNER SIGNATURE <u>WR Brewer</u>	DATE <u>5/29/20</u>
---	------	---	------------------------

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.

EXHIBIT
I



0
30
304
40
6



VERMONT AGENCY OF TRANSPORTATION
NOTICE OF PERMIT ACTION

EXHIBIT
 K

Grantor (Owner/Applicant): ROSS BREWER
Address: Street: 271 Poker Hill Road
City/State/ZIP: UNDERHILL, VT 05489

Location of Work:

<u>Location Start</u>	
Town:	Underhill
Route:	VT15
Log Station/MM:	6+40 ~ 7+20 / 0.12 + 0.14

<u>Location End</u>	
Town:	
Route:	
Log Station/MM:	

Property Deed Reference: Book: 218 Page: 45
Additional Book: Additional Page:

Permit ID #: 41811

Description of Work: CONNECT TO EXISTING WATER MAIN AT L.S. 6+40 LT/RT; UPGRADE EXISTING ACCESS AT L.S. 6+55 TO 25' IN WIDTH IN ACCORDANCE WITH DETAIL "C" OF STANDARD DRAWING B-71; AND PLACE CURBING ALONG OUTER EDGE OF PARKING SPACES ALONG HIGHWAY RIGHT-OF-WAY LINE; AND ELIMINATE ACCESS AT L.S. 7+20 LT

Issued Permit Notice of Violation
 Suspension of Permit Withdrawn

Action Date: June 12, 2017

Signature: 
Craig S. Keller, P.E.,
Authorized Representative for
the Secretary of Transportation

Location of Record: Vermont Agency of Transportation
Development Review & Permitting Services Section
One National Life Drive
Montpelier, Vermont 05633-5001

Town/City of _____ Clerk's Office
Received _____ at _____ a.m./p.m.
and recorded in Book _____ on Page _____
of land records. _____
Attest: _____
Assistant Town/City Clerk



PROJECT LOCATION

Revisions

No.	Description	Date	By
1	CONSTRUCTION NOTES	2017-10-27	PM
2	ELEVATIONS AND SPOT GRADES	2017-12-07	PM

SITE NOTES:

1. ALL OF THE EXISTING ASPHALT PAVEMENT AT THE SITE IS TO BE REMOVED.
2. EXIST TREES SHALL REMAIN WHERE POSSIBLE.
3. DRAINAGE TO BE DIVERTED AWAY FROM STATE HIGHWAY.

ELEVATIONS:

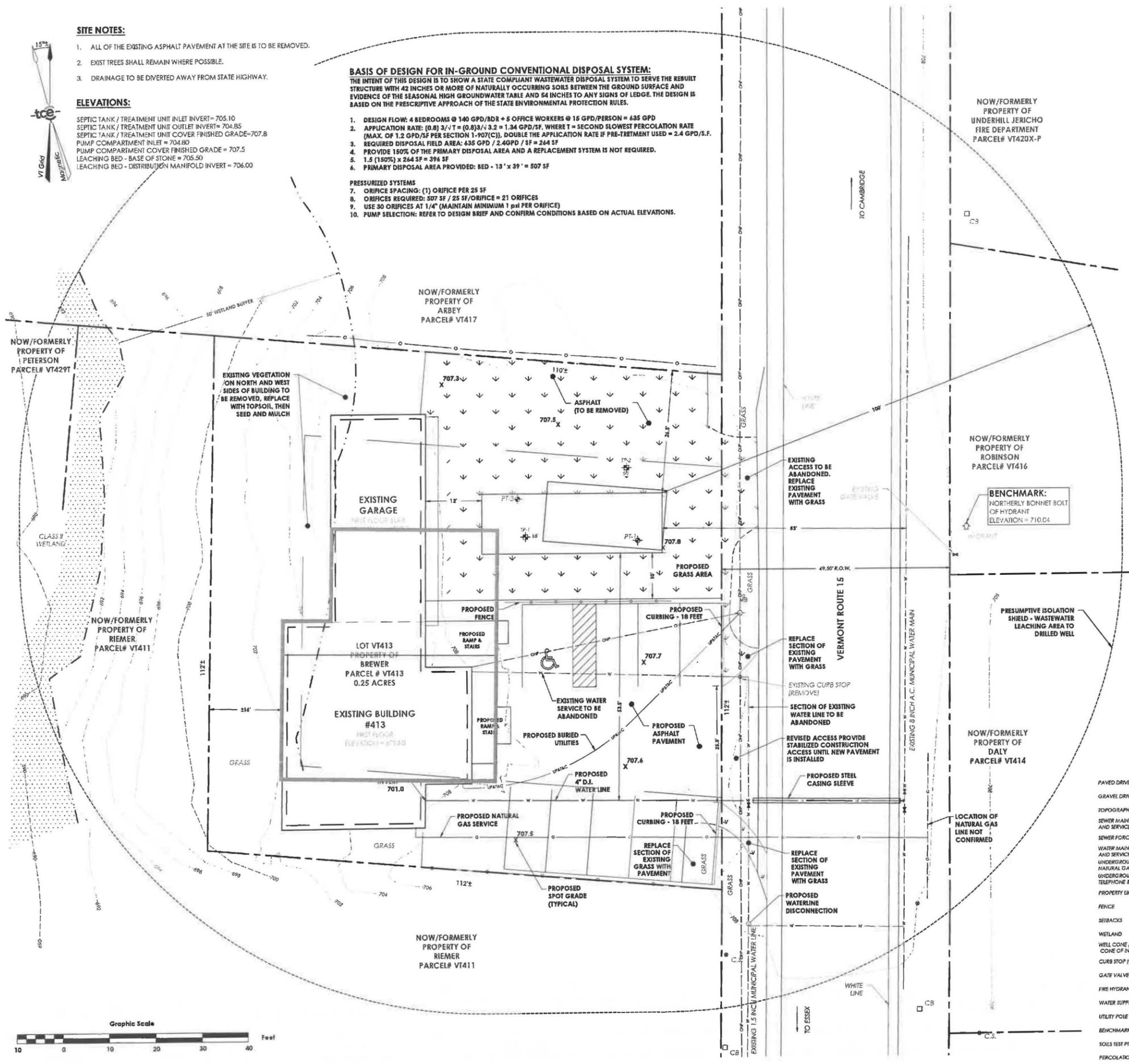
SEPTIC TANK / TREATMENT UNIT INLET INVERT = 705.10
 SEPTIC TANK / TREATMENT UNIT OUTLET INVERT = 704.85
 SEPTIC TANK / TREATMENT UNIT COVER FINISHED GRADE = 707.8
 PUMP COMPARTMENT INLET = 704.80
 PUMP COMPARTMENT COVER FINISHED GRADE = 707.5
 LEACHING BED - BASE OF STONE = 705.50
 LEACHING BED - DISTRIBUTION MANIFOLD INVERT = 706.00

BASIS OF DESIGN FOR IN-GROUND CONVENTIONAL DISPOSAL SYSTEM:

THE INTENT OF THIS DESIGN IS TO SHOW A STATE COMPLIANT WASTEWATER DISPOSAL SYSTEM TO SERVE THE REBUILT STRUCTURE WITH 42 INCHES OR MORE OF NATURALLY OCCURRING SOILS BETWEEN THE GROUND SURFACE AND EVIDENCE OF THE SEASONAL HIGH GROUNDWATER TABLE AND 64 INCHES TO ANY SIGNS OF LEDGE. THE DESIGN IS BASED ON THE PRESCRIPTIVE APPROACH OF THE STATE ENVIRONMENTAL PROTECTION RULES.

1. DESIGN FLOW: 4 BEDROOMS @ 140 GPD/BDR + 5 OFFICE WORKERS @ 15 GPD/PERSON = 435 GPD
2. APPLICATION RATE: (0.8) 3/4 T = (0.8) 3/4 / 3.2 = 1.34 GPD/SF, WHERE T = SECOND SLOWEST PERCOLATION RATE (MAX. OF 1.2 GPD/SF PER SECTION 1-907(C)). DOUBLE THE APPLICATION RATE IF PRE-TREATMENT USED = 2.4 GPD/S.F.
3. REQUIRED DISPOSAL FIELD AREA: 435 GPD / 2.4 GPD / SF = 264 SF
4. PROVIDE 150% OF THE PRIMARY DISPOSAL AREA AND A REPLACEMENT SYSTEM IS NOT REQUIRED.
5. 1.5 (150%) x 264 SF = 396 SF
6. PRIMARY DISPOSAL AREA PROVIDED: BED - 13' x 39' = 507 SF

- PRESSURIZED SYSTEMS**
7. ORIFICE SPACING: (1) ORIFICE PER 25 SF
 8. ORIFICES REQUIRED: 507 SF / 25 SF/ORIFICE = 21 ORIFICES
 9. USE 30 ORIFICES AT 1/4" (MAINTAIN MINIMUM 1 psi PER ORIFICE)
 10. PUMP SELECTION: REFER TO DESIGN BRIEF AND CONFIRM CONDITIONS BASED ON ACTUAL ELEVATIONS.



PROJECT INFORMATION:

1. OWNER OF RECORD: ROSS BREWER
271 POKER HILL ROAD
UNDERHILL, VERMONT 05489
2. TAX PARCEL ID: VT413
3. PHYSICAL ADDRESS OF PROPERTY: 413 VT ROUTE 15
UNDERHILL, VERMONT 05489
4. PARCEL SIZE: ±0.25 ACRES
5. ZONING DISTRICT: UNDERHILL FLATS VILLAGE CENTER

SETBACKS:

PRINCIPAL: FRONT/SIDE/REAR 0/20/20 FT
 ACCESSORY: FRONT/SIDE/REAR 0/15/15 FT
 DRIVEWAY: 12 FT.

6. PARKING ANALYSIS:

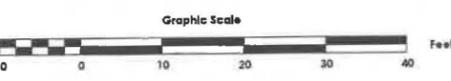
OFFICE: 1 SPACE PER 300 SQ. FT. GROSS FLOOR AREA
 DWELLING - MULTI-FAMILY: 3 SPACES PER EVERY 2 DWELLING UNITS

PROPOSED OFFICE AREA = 1200 SQ. FT. 1200 / 300 = 4 SPACES
 3 DWELLING UNITS PROPOSED = 3 / 2 * 3 UNITS = 4.5 SPACES
 TOTAL REQUIRED = 8.5 SPACES
 TOTAL PROPOSED = 9 SPACES

EXISTING CONDITIONS NOTES:

1. THE PURPOSE OF THE EXISTING CONDITIONS PLAN IS TO DEPICT PERTINENT EXISTING CONDITIONS AS OF THE DATE OF SURVEY.
 2. BEARINGS SHOWN ARE BASED UPON VERMONT GRID NORTH.
 3. VERTICAL DATUM IS BASED ON POINTS PROVIDED BY CROSS CONSULTING ENGINEERS.
 4. COORDINATE SYSTEM IS BASED ON VERMONT STATE PLANE (U.S. SURVEY FEET).
 5. THE LOCATION OF EXISTING UNDERGROUND UTILITIES AND IMPROVEMENTS SHOWN ARE BASED ON RESEARCH, UTILITY PLANS PROVIDED BY OTHERS, AND/OR SURFACE EVIDENCE ENCOUNTERED AND WERE OBTAINED IN A MANNER CONSISTENT WITH THE ORDINARY STANDARD OF PROFESSIONAL CARE AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR THE DESIGN ENGINEER. ADDITIONAL UTILITIES NOT SHOWN MAY EXIST. ENGINEER SHALL BE NOTIFIED IF ANY DISCREPANCIES ARE ENCOUNTERED. ACTUAL LOCATION OF UNDERGROUND UTILITIES MAY VARY. DIGSAFE MUST BE CONTACTED PRIOR TO ANY EXCAVATION. CALL 1-888-DIG SAFE (344-7233).
 6. PERIMETER BOUNDARIES SHOWN HEREON ARE BASED ON PLAN BY CROSS CONSULTING ENGINEERS TITLED "ROSS BREWER - UNDERHILL SCHOOL HOUSE - SITE PLAN" AND DATED "JULY 18, 2016".
 7. THE WETLAND DELINEATION SHOWN ON THIS PLAN WAS PERFORMED ON MAY 3, 2017 ACCORDING TO STANDARDS OF THE 1987 US ARMY CORPS OF ENGINEERS WETLAND DELINEATION MANUAL AND THE NORTHEAST REGIONAL SUPPLEMENT. THIS DELINEATION WAS PERFORMED BY KARINA DAILEY OF TRUDELL CONSULTING ENGINEERS AND CONFIRMED BY VT ANR WETLANDS DISTRICT ECOLOGIST TINA HEATH.
 8. NO EXISTING WASTEWATER SYSTEM WAS FOUND AT THE SITE. IF THE SYSTEM IS ENCOUNTERED DURING CONSTRUCTION, IT SHOULD BE ABANDONED IN PLACE. ANY TANKAGE SHOULD BE PUMPED OUT AND THEN FILLED WITH CLEAN SAND.
- "I HEREBY CERTIFY THAT THE DESIGN RELATED INFORMATION SUBMITTED WITH THIS APPLICATION IS TRUE AND CORRECT, AND THAT, IN THE EXERCISE OF MY REASONABLE PROFESSIONAL JUDGMENT, THE DESIGN INCLUDED IN THIS APPLICATION FOR A PERMIT COMPLIES WITH THE VERMONT WASTEWATER SYSTEM AND POTABLE WATER SUPPLY RULES AND THE VERMONT WATER SUPPLY RULES" (REF. ENVIRONMENTAL PROTECTION RULES CHAPTER 1 S 1-302 (b)(1)).

BENCHMARK:
 NORTHERLY BONNET BOLT
 OF HYDRANT
 ELEVATION = 710.04



	LEGEND	
	EXISTING	PROPOSED
PAVED DRIVE OR ROAD	—	—
GRAVEL DRIVE OR ROAD	---	---
TOPOGRAPHIC CONTOURS	124	124
SEWER MAINS AND SERVICES	S	S
SEWER FORCE MAIN	FM	FM
WATER MAINS AND SERVICES	W	W
UNDERGROUND NATURAL GAS LINE	G	G
UNDERGROUND ELECTRIC TELEPHONE & CABLE	U.P.A.T.C.	U.P.A.T.C.
PROPERTY LINE	---	---
FENCE	X	X
SETBACKS	---	---
WETLAND	---	---
WELL CONE / WASTEWATER CONE OF INFLUENCE	○	○
CURB STOP (CS)	○	○
GATE VALVE	⊕	⊕
FIRE HYDRANT (HYD)	⊕	⊕
WATER SUPPLY WELL	⊕	⊕
UTILITY POLE	⊕	⊕
BENCHMARK	⊕	⊕
SOILS TEST PIT	⊕	⊕
PERCOLATION TEST	⊕	⊕

VT413

Use of These Drawings
 1. Unless otherwise noted, these Drawings are intended for preliminary planning, coordination with other disciplines or utilities, and/or approval from the regulatory authorities. They are not intended as construction drawings unless noted as such or marked approved by a regulatory authority.

2. By use of these drawings for construction of the Project, the Owner represents that they have reviewed, approved, and accepted the drawings, obtained all necessary permits, and have met with all applicable parties/disciplines, including but not limited to, the Engineer and the Architect, to insure these plans are properly coordinated including, but not limited to, contract documents, specifications, owner/contractor agreements, building and mechanical plans, private and public utilities, and other pertinent permits for construction.

3. Owner and Architect, are responsible for final design and location of buildings shown, including an area measured a minimum five (5) feet around any building and coordinating final utility connections shown on these plans.

4. Prior to using these plans for construction layout, the user shall contact TCE to ensure the plan contains the most current revisions.

5. These Drawings are specific to the Project and are not transferable. As instruments of service, these drawings, and copies thereof, furnished by TCE are its exclusive property. Changes to the drawings may only be made by TCE. If errors or omissions are discovered, they shall be brought to the attention of TCE immediately.

6. It is the User's responsibility to ensure this copy contains the most current revisions.



Project Title

Ross Brewer
 413 VT Route 15
 Underhill, Vermont

Sheet Title

Wastewater Plan

Date: 05/23/2017
 Scale: 1" = 10'
 Project Number: 17-025
 Drawn By: NPC
 Project Engineer: PM
 Approved By:
 Field Book:



APPLICATION OF ROSS BREWER FOR A CONDITIONAL USE PERMIT TO CONVERT AN ABANDONED BUILDING TO A MIXED-USE BUILDING CONTAINING THREE APARTMENTS AND OFFICE SPACE

In re: Ross Brewer
413 Vermont Route 15 (VT413)
Underhill, VT 05489

Docket No. DRB-17-09

Decision: Approved with Conditions (see Section V for More Details)

I. INTRODUCTION AND PROCEDURAL HISTORY

This proceeding concerns a conditional use application for the conversion of an abandoned building to a mixed-use facility containing three apartments and office space at 413 Vermont Route 15 (VT413) in Underhill, Vermont, owned by Ross Brewer.

- A. On April 24, 2017, Katelin Brewer-Colie, on behalf of her father Ross Brewer (collectively known as the applicants), filed an application for a conditional use for the abovementioned project. The application was accepted and determined to be complete shortly thereafter. A site visit was scheduled for Thursday, June 1, 2017 at 6:30 PM, and the hearing was scheduled for Monday, June 5, 2017 at 7:00 PM.
- B. On May 10, 2017, a copy of the notice of the conditional use review hearing was mailed via Certified Mail to the following property owners adjoining the property subject to the application:
1. VT411 – Karl F. Riemer, 411 Vermont Route 15, Underhill, VT 05489
 2. VT414 – Moses & Gretchen Daly, 414 Vermont Route 15, Underhill, VT 05489
 3. VT416 – Burton T. & Janice A. Robinson Life Estate, P.O. Box 73, Underhill, VT 05489
 4. VT417 – Vincent J. & Cheryl M. Arpey, 417 Vermont Route 15, Underhill, VT 05489
 5. Applicant: VT413 – W. Ross Brewer, 271 Poker Road, Underhill, VT 05489
- C. During the week of May 7, 2017, notice of the public hearing for the proposed conditional use permit was posted at the following locations:
1. The Underhill Town Clerk's office;
 2. The Underhill Center Post Office; and
 3. The Underhill Flats Post Office.
- D. On May 10, 2017, the notice of public hearing was published in the *Burlington Free Press*.

E. A site visit at the property located at 413 Vermont Route 15, Underhill, Vermont commenced at 6:30 pm on June 1, 2017.

F. Present at the site visit were the following members of the Development Review Board:

1. Board Member, Charles Van Winkle, Chairperson
2. Board Member, Matt Chapek
3. Board Member, Mark Green
4. Board Member, Karen McKnight
5. Board Member, Penny Miller
6. Board Member, Stacey Turkos

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

7. Planning & Zoning Administrator, Andrew Strniste
8. Co-Applicant, Katelin Brewer-Colie
9. Abutting Neighbor, Moses Daly
10. Abutting Neighbor, Karl Riemer
11. Abutting Neighbor, Janice Robinson

G. The conditional use review hearing commenced at 7:00 PM on June 5, 2017 at the Town of Underhill Town Hall.

H. Present at the conditional use review hearing were the following members of the Development Review Board:

1. Board Member, Charles Van Winkle, Chairperson
2. Board Member, Matt Chapek
3. Board Member, Mark Green
4. Board Member, Karen McKnight
5. Board Member, Penny Miller
6. Board Member, Stacey Turkos

Also in attendance was Staff Member Andrew Strniste, Planning Director & Zoning Administrator.

Others present at the hearing were:

1. Karl F. Riemer, Abutting Neighbor (411 Vermont Route 15, Underhill, VT 05489)
2. Moses Daly, Abutting Neighbor (414 Vermont Route 15, Underhill, VT 05489)
3. Gretchen Daly, Abutting Neighbor (414 Vermont Route 15, Underhill, VT 05489)
4. Peter Mazurak, Applicant's Engineer (478 Blair Park Road, Williston, VT 05495)
5. Katelin Brewer-Colie, Co-Applicant (44 Booth Street, Burlington, VT)
6. Ross Brewer, Applicant (271 Poker Road, Underhill, VT 05489)

I. At the outset of the hearing, Chair C. Van Winkle explained the criteria under 24 V.S.A § 4465(b) for being considered an "interested party." Those who spoke at the hearing were:

1. Karl F. Riemer
2. Moses Daly
3. Gretchen Daly

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

- Exhibit A – Brewer Conditional Use Review Staff Report
- Exhibit B- Conditional Use Hearing Request Form
- Exhibit C - Site Plan Hearing Request Form
- Exhibit D - Site Plan Review Standards Checklist
- Exhibit E - Conditional Use Review Standards Checklist
- Exhibit F - Certificate of Service
- Exhibit G - Maintenance Plan
- Exhibit H - MMU Ability to Serve Letter
- Exhibit I - Notice to Agency of Transportation
- Exhibit J - Correspondence Regarding Wastewater-Water Permit
- Exhibit K - Site Plan
- Exhibit L - First Floor Floor Plan
- Exhibit M - Second Floor Floor Plan
- Exhibit N - ANR Slopes Map

Prior to the hearing, and after the Staff Report was distributed, Planning & Zoning Administrator, Andrew Strniste, circulated the following exhibit:

Exhibit O - VT413 Conditional Use Rules of Procedure

The applicants submitted the following exhibits during the hearing:

- Exhibit P – Confirmation from Mark Maheux Regarding Additional Parking Spaces
- Exhibit Q – Examples of Proposed Light Fixture & Sign

All exhibits are available for public review in the VT413 Conditional Use Review file (DRB 17-09) at the Underhill Zoning & Planning office.

II. FINDINGS

The Minutes of the June 5, 2017 meeting, written by Andrew Strniste, are incorporated by reference into this decision. Please refer to the Minutes for a summary of the testimony.

Based on the submitted application, testimony, exhibits, and evidence, the Development Review Board makes the following findings under the requirements of the Underhill Unified Land Use and Development Regulations (ULUDR) as amended March 6, 2012 & March 4, 2014:

FACTUAL FINDINGS

The applicant, Ross Brewer, record owner of the property located at 413 Vermont Route 15 (VT413) in Underhill, Vermont, and his co-applicant, Katelin Brewer-Colie, are seeking a conditional use permit to convert an existing abandoned building to a mixed-use facility containing three apartments and office space. Since the applicants are proposing a building containing two types of uses, the project is designated as a mixed-use project, thus requiring conditional use review under Article II, Table 2.1.

The property is located in one zoning district: the Underhill Flats Village Center District as defined in Article II, Table 2.3 of the ULUDR.

ARTICLE II, ZONING DISTRICTS

A. ARTICLE II, TABLE 2.4 – UNDER FLATS VILLAGE CENTER DISTRICT

The Board finds that the existing lot does not meet the minimum dimensional requirements, specifically pertaining to setbacks and frontage; however, the building qualifies as a nonconforming structure per Section 3.9 and the lot qualifies as a nonconforming lot per Section 3.8.

ARTICLE III, GENERAL REGULATIONS

A. SECTION 3.2 – ACCESS

The Board finds that the existing lot contains two access points from Vermont Route 15, a regularly maintained State Highway. One access point is located towards the northeastern part of the lot, while the other access point is located towards the southeastern portion of the lot. The Board finds that there is no evidence that an access permit has ever been obtained, most likely since the existing development predates the access permitting process; however, the applicants have been in communication with the Agency of Transportation regarding the closing of the northern access point, thus satisfying the one access point requirement of Section 3.2.D.2

The Board waives the 12-foot setback requirement per Table 2.2 for the parking lot due to the small nature of the lot, noting that the applicants are not proposing to expand the boundaries of the existing lot, but rather, are eliminating the northern half of the lot to accommodate the wastewater water system and are retaining the boundaries of the south half of the parking.

The Board finds that the lot does not conform to the District's frontage requirement of at least 150 feet; however, the lot predates the current Underhill Unified Land Use & Development Regulations, and therefore qualifies as a pre-existing, nonconforming lot under Section 3.8.

B. SECTION 3.3 – CONVERSION OR CHANGE OF USE

The Board finds that the applicants have failed to satisfy the requirements of Section 3.3.A.1 since the lot fails to meet the dimensional requirements. However, Section 3.3.A.4 allows a nonconforming structure to be converted so long as it meets the requirements of Section 3.9.

Conditional use review is required under Section 3.3.A.3 since the proposed project includes three (3) dwelling units, as well as office space, thus qualifying the use as "mixed use." Multi-family dwellings (structures containing three or more dwelling units) and mixed uses are classified as conditional uses under Table 2.1, while office space is classified as a permitted use requiring site plan approval. Since the proposed use is a mixed-use facility, conditional use is the overriding review mechanism.

The Board finds that the applicants are in the process of obtaining Wastewater System & Potable Water Supply Permit from the Vermont Department of Environmental Conservation. The applicants propose to eliminate half of the parking lot to accommodate the wastewater system. Once obtained, the permit will confirm the presumption that the soils, water, and groundwater will not be contaminated.

C. SECTION 3.7 – LOT, YARD & SETBACK REQUIREMENTS

The Board finds that the existing structure and existing lot are both nonconforming. While the lot contains one existing structure, which is proposed to be occupied by three (3) apartments and office space, the structure fails to meet the setback requirements, and possibly the building and lot coverage requirements.

The Board finds that the structure has the following lot characteristics: the lot is ±0.29 acres; the front setback is ±52 feet; the south side setback is ±8 feet; the north side setback is ±13 feet; and the rear setback is 16 feet. The Underhill Flats Village Center District requires a 0-foot front setback and 20 feet side & rear setback requirement. The lot fails to meet the 150 feet frontage requirement, as it only has 112 feet of frontage along Vermont Route 15. Lastly, the Board finds that the existing building is within a Class II Wetlands buffer; however, since the applicants do not propose to enlarge the building's footprint, conditional use review under 3.19 is not required for approval.

The Board finds that applicants have satisfied the requirements of Sections 3.8 and 3.9, and will not be prevented from obtaining approval from the Board under this section.

D. SECTION 3.8 – NONCONFORMING LOTS

The Board finds that the lot was legally existing on the effective date of the current Underhill Unified Land Use & Development Regulations (March 1, 2011; Amended March 6, 2012; Amended March 4, 2014), and therefore, per Section 3.8.A, the lot may be developed for the purposes allowed in the district in which it is located even though it does not conform to the minimum lot size requirements.

E. SECTION 3.9 – NONCONFORMING STRUCTURES

The Board finds that the existing structure was legally in existence as of the effective dates of the current Underhill Unified Land Use & Development Regulations, and therefore, may continue to be occupied or used indefinitely. The applicants do not propose to structurally enlarge, extend, expand, modify, or move the building, but rather, the applicants propose the building to remain in the same footprint.

F. SECTION 3.10 – NONCONFORMING USES

The Board finds that both the proposed uses conform to the Underhill Flats Village Center, if approved as a conditional use, and therefore, this section does not apply.

G. SECTION 3.11 – OUTDOOR LIGHTING

The Board finds that the applicants did not submit a lighting plan; however, it waives this requirement under Section 3.11.C. The Board finds that the applicants propose to remove the existing exterior light fixtures and install new architectural light fixtures, maintaining minimal lighting on the exterior of the building and no lighting in the parking area. The proposed architectural-style light fixtures as presented in Exhibit Q or similar shall be located on the east side of the building, be full cutoff or shielded, not exceed 1800 lumens each (~100 watt incandescent bulb), have no spillover light to adjacent properties, and shall not exceed a total count of 5. The exterior light fixtures at the commercial entrances shall be on timers and motion sensors. No signage lighting has been requested by the applicants. Locations for new light fixtures shall be shown on the as-built site plan. Proposals for additional light fixtures or change of fixture style shall require review and approval by the Planning/Zoning Administrator and shall be referred to the DRB for a new Conditional Use review at the PZA's discretion.

H. ARTICLE III, TABLE 3.1 – MINIMUM OFF-STREET PARKING REQUIREMENTS

The Board finds that Table 3.1 Minimum Off-Street Parking Requirements does not adequately address how to accommodate fractions of parking spaces for mixed-use occupancies. Per this Table, the applicants are required to provide 4.5 spaces for residential tenants and four (4) spaces for the office space tenants. As a result, the Board requires the applicants to provide a total of nine (9) on-site parking spaces for the proposed project - 5 for residential tenants and 4 for the

commercial tenant.

The Board also finds that the applicants entered into a shared parking agreement with a nearby neighbor to allow for two (2) overflow parking spaces. Conditions regarding the parking arrangement are provided below in Section 3.13.

I. SECTION 3.13 – PARKING, LOADING & SERVICE AREAS

PARKING SPACES: The Board finds that the applicants have submitted a site plan indicating a total of 9 on-site parking spaces as required – eight (8) standard parking spaces and one (1) handicapped parking space. Furthermore, the Board finds that the applicants have provided two (2) overflow parking spaces on Mr. Mark Maheux's property two lots to the north, which was confirmed by the submission of an email to the Board during the hearing. The Board acknowledges that this agreement is voluntary and could lapse at Mr. Maheux's discretion. If that agreement expires and parking becomes an issue, the applicants will be required to submit an overflow parking plan for review and approval by the Planning/Zoning Administrator. Failure to adequately address parking-related issues in a timely manner shall result in a violation issued by the PZA.

The Board finds that no parking associated with this multi-use building is allowed on Route 15, and the applicants are responsible for enforcement. The applicants are responsible for directing overflow parking for their commercial or residential tenants to pre-arranged off-site parking spaces or public parking areas.

BICYCLE RACK: The Board finds that the applicants shall provide a bicycle rack and indicate its location on the as-built site plan to be submitted prior to obtaining a Certificate of Occupancy. The location of the bike rack shall not impede vehicular or pedestrian traffic.

FENCING: Given the parking lot's dimensional limitations, the Board recognizes the infeasibility of requiring landscape screening at the parking lot's southern border as a visual barrier between the adjacent residence and vehicle lights in the parking lot. As a substitute, the Board requires the applicants to provide and maintain opaque fencing at the parking lot's southern boundary, ensuring it does not block vehicular sight lines onto Route 15 from either the adjacent residential property or the property being developed. The Board waives the requirement that parking must be screened at its eastern border along Route 15, the public right-of-way, as required under Section 3.13.A.3.

PROPERTY MAINTENANCE: The Board finds that the applicants have provided a Maintenance Plan that addresses snow and trash removal and landscape maintenance. The Boards finds that the applicants will furnish an enclosure on the north side of the building for trash receptacles. Trash, composting, and recycling containers if stored outside shall be screened from the road and immediate neighboring properties to the satisfaction of the Planning and Zoning Administrator.

For snow removal, the applicants have agreed to pile plowed snow onto the grass north of the parking lot. The applicants shall ensure that all nine (9) on-site parking spaces are continuously available for parking throughout the year, and in the event of snow build-up encumbering on-site parking or site circulation or impeding vehicular sight lines onto Route 15, the applicants shall arrange for the excess snow to be removed to an off-site location. The location for on-site snow storage shall be added to the site plan.

The Board finds that the applicants are responsible for keeping the property free of debris and

trash.

J. SECTION 3.14 – PERFORMANCE STANDARDS

The Board finds that the applicants did not submit the requisite information to satisfy the requirements of Section 3.14; however, the Board does not anticipate that the proposed use of the property will cause, create or result in any of the situations identified in this section. Nevertheless, the applicants have communicated that the intended business is an educational publishing company, with hours of operation between 8:30 am and 4:30 pm, Monday through Friday. The Board recognizes that the hours of operation are more restrictive than the typical business day, and therefore, permits the hours of operation to occur anytime between 8:00 am and 5:30 pm, Monday through Friday. A change to the hours of operation requires the applicants to contact the Planning and Zoning Administrator for review and approval.

K. SECTION 3.16 – SIGNS

The Board finds that the applicants have proposed a sign containing an area of not more than eight (8) sq. ft., which is to be installed on the front of the building facing Vermont Route 15. The Board approves the sign size and locations and notes that a change to signage size or location requires the applicants to contact the Planning and Zoning Administrator for review and approval.

L. SECTION 3.17 – SOURCE PROTECTION AREAS

The Board finds the existing structure is located out of all known source protection areas, and therefore, this section does not apply.

M. SECTION 3.18 – STEEP SLOPES

The Board finds that there are areas of steep slopes (15-25%) or very steep slopes (>25%) on the lot; however, these areas are contained towards the rear portion (west) of the lot. The applicants have not proposed to expand the building footprint, and therefore, there will be no impact to the existing slopes.

N. SECTION 3.19 – SURFACE WATERS & WETLANDS

The Board finds that there is a Class II Wetlands Buffer on the rear portion (west) of the lot. The applicants have not proposed to expand the building footprint, nor have proposed to disturb the wetland buffer. Therefore, review under this Section is not required since there will be no impact to this area.

O. SECTION 3.22 – WATER SUPPLY & WASTEWATER SYSTEMS

The Board finds that the applicants are in the process of obtaining a Wastewater System & Potable Water Supply Permit from the Vermont Department of Environmental Conservation. As communicated by the applicants, the permit will allow for the business to operate with six employees (15 gallons per employee) and three apartments (140 gallons per bedroom). Obtaining a Wastewater System & Potable Water Supply Permit is a requirement to obtain the Certificate of Occupancy Permit per Section 10.4.A.2. If the layout of the wastewater system changes between this approval and the installation of the system, it shall require review and approval by the Planning/Zoning Administrator and shall be referred to the DRB for a new Conditional Use review at the PZA's discretion

ARTICLE IV, SPECIFIC USE STANDARDS

A. SECTION 4.13 – MIXED USE

The Board finds that in the Underhill Flats Village Center zoning district a multi-family use (three dwelling units) is a conditional use, while an office use is a permitted use requiring site plan

review. Together, the two uses qualify the structure as a mixed-use structure requiring conditional use review. Therefore, with Board approval, the proposed project can be conditionally permitted. The proposed structure does not meet the required minimum lot size, frontage, setback, and maximum lot coverage of the Underhill Flats Village Center District; however, as discussed above, the lot and structure are both nonconforming and pre-existing.

In addition, the Board approves the application with the understanding that the proposed business is an office use in nature. If the nature of the business changes from office-type to another use, a subsequent Conditional Use review will be required, as the nature of the business could potentially impact other areas of the Board's decision (e.g. parking).

ARTICLE V, DEVELOPMENT REVIEW

A. SECTION 5.1 – APPLICABILITY

The Board finds that as part Section 5.4.C of the ULUDR, site plan review is required in addition to conditional use review required by Section 5.4.

B. SECTION 5.3 – SITE PLAN REVIEW

Section 5.3.A – Purpose: The Board finds that site plan review is required as part of conditional use review per Section 5.4.C.

Section 5.3.B – Standards: The Board has considered the following standards, and imposes and comments about the following safeguards, modifications, and conditions:

SECTION 5.3.B.1 – Existing Site Features: The Board finds that the applicants provided an adequate site plan allowing the Board to make a determination regarding the project. The Board notes that the building at issue is existing, and therefore, the site layout and design will more or less remain the same.

Section 5.3.B.2 – Site Layout & Design: The Board finds that the site layout and design conforms to the stated goals of the Underhill Flats Village Center District under Section 5.3.B.2.a. The Board notes that the proposed project is a revitalization project that supports the goals and purposes of the Underhill Flats Village Center.

Section 5.3.B.3 – Vehicle Access: The Board finds that the vehicular access points and parking lot are existing; however, the applicants propose to close the northern-most access point. The Board finds that this is consistent with Section 5.3.B.3.b which provides the Board the ability to reduce, consolidate, or eliminate all noncomplying curb cuts.

Section 5.3.B.4 – Parking, Loading & Service Areas: See Section 3.13 above for information regarding parking and service area requirements.

Section 5.3.B.5 – Site Circulation: The Board finds that the lot layout has inherent dimensional constraints which restrict site circulation. Nevertheless, the applicants shall ensure that the tenants have sufficient ingress and egress from the lot during all hours and an unimpeded path to the building entrances.

Section 5.3.B.6 – Landscaping and Screening: See Section 3.13 above for information regarding screening requirements.

Section 5.3.B.7 – Outdoor Lighting: See Section 3.11 above for information regarding outdoor lighting requirements.

Section 5.3.B.8 – Stormwater Management and Erosion Control: The Board waives this requirement under 5.5.A as there will be no development phases since the application pertains to a conversion of use rather than an expansion of the existing structure or the construction of a new building. Furthermore, the Board finds that the applicants are reducing the amount of impervious surface on the lot with the installation of the wastewater system on the northern part of the existing parking lot.

C. SECTION 5.4 – CONDITIONAL USE REVIEW

Section 5.4.A – Purpose: The Board finds that conditional use review is required due to the proposed use. The Board finds that the conditions imposed herein address the identified potential impacts, as well as help reduce, avoid, or mitigate those impacts.

Section 5.4.B – General Standards: The Board finds that the conditions imposed herein will mitigate any potential undue adverse effects.

Section 5.4.B.1 – The Capacity of Existing or Planned Community Services or Facilities: The Board finds that the proposed multi-family units and office business will not result in an increase in community services and facilities. The Board also finds that the applicants are in the process of obtaining a Wastewater System & Potable Water Supply Permit from the Vermont Department of Environmental Conservation, which will confirm the presumption that the proposed project will not be a strain on the community's services or facilities.

Section 5.4.B.2 – The Character of the Area Affected: The Board finds that the Town Plan encourages multi-family dwellings/mixed-use buildings to be located in the village centers, such as Underhill Flats Village District:

§ 3.1 Land Use, which states: "1. Traditional Village Centers: Underhill has two traditional village centers, Underhill Center and the Underhill Flats area. *These areas are characterized by relatively dense, mixed use development.*" [Emphasis Added]

§ 3.1 Land Use, which states under item 2: "Multi-family dwellings are allowed as a conditional use in all zoning districts except Soil & Water Conservation. Commercial operations exist in all zoning districts because of allowed conditional uses."

Section 5.4.B.3 – Traffic on Roads and Highways in the Vicinity: The Board finds that the change of use from an abandoned building to a mixed-use building containing office space and three apartments will result in a minimal impact on the road network.

Section 5.4.B.4 – Bylaws in Effect: The Board finds that the application is in conformance with the regulations in effect at this time.

Section 5.4.B.5 – The Utilization of Renewable Energy Resources: The Board finds that the proposed conversion of use will not interfere with any sustainable use of renewable energy resources.

Section 5.4.C – Site Plan Review Standards: The Board finds that the site plan review is required as a part of conditional use review. Analysis can be found under Section 5.3 above.

Section 5.4.D – Specific Standards: The Board finds that they may consider the Subsections 5.4.D.1 through 5.4.D.4 and impose conditions as necessary to reduce or mitigate any identified adverse impacts of a proposed development.

Section 5.4.D.1 – Conformance with the Town Plan: The proposed conversion of use complies with the Town Plan (see Section 5.4.B.2 above).

Section 5.4.D.2 – Zoning District & Use Standards: The Board finds that the project contains a nonconforming structure on a nonconforming lot, and that these characteristics shall not bar the applicants from approval.

Section 5.4.D.3 – Performance Standards: The Board finds that the proposed project will comply with the performance standards set forth in Section 3.14 above.

Section 5.4.D.4 – Legal Documentation: The Board finds that the applicants have provided a maintenance plan, which addresses trash removal, snow removal and landscape maintenance.

D. SECTION 5.5 – WAIVERS & VARIANCES

Section 5.5.A – Applications & Review Standards: The Board finds that it has the authority to waive application requirements and site plan or conditional use review standards under Sections 5.3 and 5.4 that it determines are not relevant to a particular application. The Board has noted those conditions that have been waived throughout this decision. Any provision that was not explicitly waived, and has not been explicitly addressed, the Board makes no finding on.

ARTICLE VI, FLOOD HAZARD AREA REVIEW

There are no Flood Hazard Areas present on the lot, and therefore, review under Article VI is not required.

III. CONCLUSION

The Board thoroughly reviewed all aspects of the proposal under the evaluation criteria in the ULUDR, and it is satisfied with the level of investigation, engineering and evaluation conducted in the application submittal and review process concerning the abovementioned project.

Based on the evidence submitted and the above findings, the Board concludes that the proposed project generally conforms to the Underhill Land Use & Development Regulations.

IV. WAIVERS, MODIFICATIONS & SUPPLEMENTATIONS

The Board grants the following waivers/modifications:

- The Board waives the 12-foot setback requirement per Table 2.2 at the parking lot's south boundary because the parking lot is pre-existing and dimensionally constrained.
- The Board waives that the requirement that parking must be screened from public rights-of-way, as required under Section 3.13.A.3.

V. DECISIONS AND CONDITIONS OF APPROVAL

Based upon the findings above, the Development Review Board grants conditional use approval as presented at the hearing, subject to the following conditions. See the narrative above for more detailed requirements related to the summarized conditions below.

1. The proposed architectural-style light fixtures shall be located on the east side of the building, be full cutoff or shielded, not exceed 1800 lumens each (~100 watt incandescent bulb), have no spillover light to adjacent properties, and shall not exceed a total count of 5. The exterior light fixtures at the commercial entrances shall be on timers and motion sensors.
2. The applicants shall provide a bicycle rack.
3. The applicants shall provide opaque fencing to screen the parking from the residential lot located to the south (411 Vermont Route 15).
4. The applicants shall ensure that all nine (9) on-site parking spaces are available for parking continuously throughout the year. In the event of snow build-up encumbering on-site parking or site circulation or impeding vehicular sight lines onto Route 15, the applicants shall arrange for the excess snow to be removed to an off-site location.
5. The standard parking spaces shall be dimensioned per Section 3.13.A, and the handicapped parking space shall be dimensioned per the Vermont State Accessibility Code. All parking spaces shall be striped.
6. If the off-site, private parking arrangement expires and the lot cannot adequately accommodate parking for the residential and commercial tenants, the applicants are required to contact the Planning and Zoning Administrator for review.
7. No parking for this multi-use building is allowed on Route 15, and the applicants are responsible for enforcement.
8. The applicants shall ensure that all tenants have sufficient ingress and egress from the lot during all hours.
9. Trash, composting, and recycling receptacles shall be adequately screened from Vermont Route 15 and adjacent residential properties.
10. The applicants are responsible for keeping the property free of debris and trash.
11. The hours of operation for the non-retail, office-type business can occur anytime between 8:00 am and 5:30 pm, Monday through Friday.
12. The Board finds that the applicants shall erect a sign containing an area of not more than eight (8) sq. ft., which is to be installed on the front of the building facing Vermont Route 15.
13. Second story emergency egress such as a fire escape that may require ground based infrastructure shall not require a subsequent Conditional Use review. Such infrastructure shall be shown on the as-built drawings.
14. The applicants shall submit as-built drawings prior to obtaining the Certificate of Occupancy. The revised site plan shall locate and identify the following: handicapped ramp; bicycle rack; exterior trash enclosure; location of new exterior light fixtures; location for intended snow pile storage; location of south boundary fence and descriptive note that it shall be opaque-type.
15. The applicants shall secure all required permits or approvals from the applicable Vermont state agencies, including but not limited to the Division of Fire Safety (or written verification a permit

is not required). These permits shall be submitted to the Zoning Administrator prior to obtaining to a Certificate of Occupancy as required under Section 10.4.A.2.

16. The above conditions must be met by the applicants prior to obtaining a Certificate of Occupancy, and any ongoing conditions shall be the permanent responsibility of the building owner if the property changes ownership. Additionally, the project shall conform to the submitted application materials and hearing testimony presented by the applicants. Any changes to the plans, the wastewater layout, the office-type occupancy or any obstructions to the conditions above shall be brought to the attention of the Planning and Zoning Administrator for review and shall be referred to the DRB for a new Conditional Use review at the PZA's discretion.

Dated at Underhill, Vermont this 28 day of JUNE, 2017.

**Charles Van
Winkle**

Digitally signed by Charles Van Winkle
DN: cn=Charles Van Winkle, o=Northern
Reliability, Inc, ou=Chief Operations Officer,
email=charlievanwinkle@outlook.com, c=US
Date: 2017.06.28 09:14:50 -04'00'

Charlie Van Winkle, Chair, Development Review Board

NOTICE: This decision may be appealed to the Vermont Environment Court by an interested person who participated in the proceedings before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings. Appeal period ends July 29, 2017.