

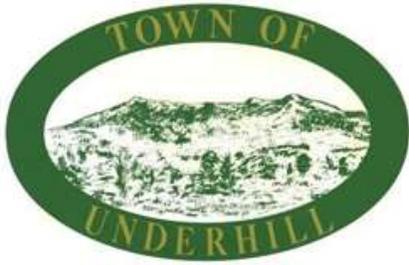
APPLICATION OVERVIEW

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

DRB DOCKET #:	DRB-19-04
APPLICANT(S):	Robert & Paige Manning
CONSULTANT(S):	Dan Westover
PROPERTY ADDRESS (PARCEL ID CODE):	421 Vermont Route 15 (VT421)
ZONING DISTRICT(S):	Underhill Flats Village Center District
INITIAL FILING DATE:	March 27, 2019
APPLICATION COMPLETION DATE:	April 17, 2019
SCHEDULED HEARING DATE:	May 6, 2019

PROJECT DESCRIPTION:	The applicants are seeking to construct a deck onto the accessory structure/dwelling, which is proposed to be within the property's setback.
MOST RELEVANT ULUDR SECTIONS:	§ 5.3 (Site Plan Review); § 5.4 (Conditional Use Review; and § 5.5 (Waivers & Variances)
REASON FOR CONDITIONAL USE REVIEW:	The construction of a structure within the property's setback requirements necessitates either a dimensional waiver (§ 5.5.B) or a variance (§ 5.5.C). See Exhibit K for a depiction of the proposed structure within the setback requirements.
APPLICABILITY OF ROAD ORDINANCE:	The 2015 Road Ordinance, as amended December 18, 2018 DOES NOT APPLY .
STATE PERMIT INFORMATION:	A wastewater permit was obtained as part of the conversion of use permitting (CL-18-09) process (WW-4-5151).

COMMENTS/NOTABLE ISSUES:	<ul style="list-style-type: none"> • The Board should evaluate if reasonable alternatives exist (§§ 3.8 & 5.5.B.4.a). • The applicants are not in conformance with the current bylaws in effect (§ 5.4.B.4), as the accessory dwelling is being utilized without a Certificate of Occupancy Permit. • The variance regulations do not appear to apply; however, should they need to, the variance criteria under Section 5.5.C shall be applied.
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TOWN OF UNDERHILL

Development Review Board

ROBERT & PAIGE MANNING

CONDITIONAL USE: WAIVER/VARIANCE REQUEST HEARING

Docket #: DRB-19-04

Applicant(s):	Robert & Paige Manning
Consultant:	Dan Westover (Contractor)
Property Location:	421 Vermont Route 15 (VT421)
Acreage:	± 15.1 Acres
Zoning District(s):	Underhill Flats Village Center District
Project Proposal:	Request for a Dimensional Waiver to Construct a Deck onto the Accessory Structure/Dwelling, which is Proposed to Be Within the Property's Setback

2018 UNDERHILL UNIFIED LAND USE & DEVELOPMENT REGULATIONS RELEVANT REGULATIONS:

- Article II, Table 2.2 – Underhill Flat Village Center District (pg. 9)
- Article III, Section 3.2 – Access (pg. 30)
- Article III, Section 3.3. – Conversion or Change of Use (pg. 33)
- Article III, Section 3.7 – Lot, Yard & Setback Requirements (pg. 38)
- Article III, Section 3.8 – Nonconforming Lots (pg. 39)
- Article III, Section 3.9 – Nonconforming Structures (pg. 40)
- Article III, Section 3.11 – Outdoor Lighting (pg. 41)
- Article III, Section 3.13 – Parking, Loading & Service Areas (pg. 44)
- Article III, Section 3.14 – Performance Standards (pg. 46)
- Article III, Section 3.17 – Source Protection Areas (pg. 55)
- Article III, Section 3.18 – Steep Slopes (pg. 56)
- Article III, Section 3.19 – Surface Waters & Wetlands (pg. 63)
- Article III, Section 3.23 – Water Supply & Wastewater Systems (pg. 68)
- Article V, Section 5.1 – Applicability (pg. 112)
- Article V, Section 5.3 – Site Plan Review (pg. 115)
- Article V, Section 5.4 – Conditional Use Review (pg. 120)
- Article V, Section 5.5 – Waivers & Variances (pg. 123)
- Article VI – Flood Hazard Area Review (pg. 127)
- Appendix A – *Underhill Road, Driveway, Trail Ordinance*

CONTENTS:

- a. Exhibit A - Manning Conditional Use Review Staff Report
- b. Exhibit B - Manning (VT421) Conditional Use Review Hearing Procedures
- c. Exhibit C - Development Review Application
- d. Exhibit D - Responses to Development Review Application Questions

- e. Exhibit E - Zoning Permit Application (B-19-07)
- f. Exhibit F - Notice to BFP
- g. Exhibit G - Certificate of Service
- h. Exhibit H - Site Plan-Existing Conditions
- i. Exhibit I - Site Plan-Setbacks
- j. Exhibit J - Waiver & Variance Limitations
- k. Exhibit K - Proposed Deck w. Waiver & Variance Limitations
- l. Exhibit L - Photographs
- m. Exhibit M - Applicants' Hand-drawn Site Plan
- n. Exhibit N - Variance Request Narrative (if Required)

COMMENTS/QUESTIONS

1. **SECTION 3.7 – LOT, YARD & SETBACK REQUIREMENTS:** A dimensional waiver may be approved by the Board “to allow for limited additions to or enlargements of nonconforming structures or structures on nonconforming lots” (§ 3.7.E.1).
2. **SECTION 3.8 – NONCONFORMING LOTS:** The Board may reduce the district setback requirements in accordance with Article V “as necessary to allow for the development of a pre-existing nonconforming lot, if the Board determines that the lot cannot otherwise be developed in conformance with the regulations.”
3. **SECTION 3.11 – OUTDOOR LIGHTING:** The Board typically requires that if new lighting is installed, it shall be downcast and shielded.
4. **SECTION 3.18 – STEEP SLOPES:** The ANR Atlas depicts steep slopes (15%-25%) in the vicinity of the project area; however, photographs illustrate that the project area is relatively flat.
5. **SECTION 5.3.B.6 – LANDSCAPING & SCREENING:** The Board should take note of the landscaping & screening techniques of other properties in the areas to determine if any measures under this section should be taken.
6. **SECTION 5.3.B.8 – STORMWATER MANAGEMENT AND EROSION CONTROL:** 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.
7. **SECTION 5.4.B.4 – BYLAWS IN EFFECT:** The landowners have yet to receive a Certificate of Occupancy Permit for the accessory dwelling, as they had previously advised that they would submit the necessary certification letter required to obtain the permit as soon as possible. To date, the certification letter has not been submitted, and therefore, the habitants (landowners/applicants) of the accessory dwelling are in violation of the *Underhill Unified Land Use & Development Regulations*.
8. **SECTION 5.5.B.2 – APPLICABILITY OF WAIVER REQUEST:** A waiver may be approval in four situations. The proposed project seemingly qualifies under two of the four situations below:
 - a. To allow for the reasonable development and use of a pre-existing nonconforming lot.
 - b. To allow for additions or improvements to a pre-existing nonconforming structure.
9. **SECTION 5.5.B.4 – WAIVER REQUEST ELEMENTS:** The Board shall find that the proposed project satisfies four elements prior to issuing a waiver. When reviewing the four elements, the Board should take note of the following elements as it relates to the project:
 - a. *Element 1* – No reasonable alternative exists for siting the structure, addition or improvement outside of the required setback area.

b. *Element 3* – The waiver represents the minimum setback reduction necessary to allow for the proposed development.

10. **SECTION 5.5.C – VARIANCES:** Should the applicants revise their plans to have a wider deck, a variance may be required, and the project shall be reviewed under the variance criteria enumerated within this subsection.

STAFF FINDINGS OF RELEVANT SECTIONS

ARTICLE II – ZONING DISTRICTS

	Underhill Flats Village Center	Existing Single-Family Dwelling	Existing Accessory Dwelling	Proposed Deck
Lot Size:	1.0 Acre	0.67 Acres		
Frontage:	150 ft.	167 ft.		
Setbacks:	Principal	Accessory	Source: Site Plan (Exhibit I)	
• Front East	0 ft.	0 ft.	37 ft.	119 ft. 146 ft.
• Side 1 North	20 ft.	15 ft.	39 ft.	1.5 ft. 8 ft.
• Side 2 South	20 ft.	15 ft.	79 ft.	141 ft. 148 ft.
• Rear West	20 ft.	15 ft.	76 ft.	29 ft. 12 ft.
Max. Building Coverage:	50%	Assumed Met		
Max. Lot Coverage:	75%	Assumed Met		
Maximum Height:	35 ft.	Assumed Met		

TABLE 2.2 – 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 a development as supported by existing and planned infrastructure.

- The proposed deck neither adds, nor reduces density in the Underhill Flats Village Center District.
- The existing lot does not conform to the lot size requirement, and is therefore, a preexisting nonconforming lot (see Section 3.8, Nonconforming Lots below).
- The existing accessory structure does not satisfy the north side property setback requirement, and is therefore, nonconforming (see Section 3.9, Nonconforming Structures below).
- The proposed project does not satisfy the north, side setback requirement, nor satisfies the west, rear setback requirement, thus requiring a setback waiver (see Table above).

ARTICLE III – GENERAL REGULATIONS

SECTION 3.2 – ACCESS

PG. 30

- The subject lot has access to Vermont Route 15, a State Highway.
- While the lot is nonconforming, no modifications to the existing access way are being proposed, nor does the proposed project require modifications to the existing access way.
- This application has not been referred to the Road Foreman or VT AOT since the access way will remain unchanged
- In regards to § 3.2.C.3, requiring an access permit for this project proposal is unnecessary.
- Since no modifications are being made to the existing driveway, review of § 3.2.D is unnecessary.

SECTION 3.3 – CONVERSION OR CHANGE OF USE

PG. 33

- A Conversion of Use Permit (CL-18-09) was approved on November 9, 2018 to permit the conversion of the accessory structure (garage) to a detached accessory dwelling.

SECTION 3.7 – LOT, YARD & SETBACK REQUIREMENTS **PG. 38**

- The proposed deck will be attached to the accessory dwelling, which is accessory to the one principal structure on the lot – a single-family dwelling.
- The proposed deck will not satisfy the north, side and the west, rear property setback requirements, and therefore, a dimensional waiver is required.
 - A dimensional waiver may be approved by the Board “to allow for limited additions to or enlargements of nonconforming structures or structures on nonconforming lots” (§ 3.7.E.1)

SECTION 3.8 – NONCONFORMING LOTS **PG. 39**

- The Board may reduce the district setback requirements in accordance with Article V “as necessary to allow for the development of a pre-existing nonconforming lot, if the Board determines that the lot cannot otherwise be developed in conformance with the regulations.”

SECTION 3.9 – NONCONFORMING STRUCTURES **PG. 40**

- The existing accessory structure/dwelling is a pre-existing, nonconforming structures.
- Typically, nonconforming structures cannot be expanded; however, the Board may grant a dimensional waiver to expand a nonconforming structure in accordance with Article V.

SECTION 3.11 – OUTDOOR LIGHTING **PG. 41**

- No new lighting is proposed (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. 44**

- The proposed deck does not increase the number of parking spaces that are required for the existing uses on the property – a single-family dwelling (two parking spaces) + an accessory dwelling (one parking space).

SECTION 3.14 – PERFORMANCE STANDARDS **PG. 46**

- The proposed deck is not anticipated to create any of the situations/circumstances enumerated within this Section (specifically § 3.14.B).

SECTION 3.17 – SOURCE PROTECTION AREAS **PG. 55**

- The subject lot is not within a Source Protection Area, and therefore, review under this Section is not required.

SECTION 3.18 – STEEP SLOPES **PG. 56**

- The ANR Atlas depicts steep slopes (15%-25%) in the vicinity of the project area (see directly to the right)
- The applicants have submitted photographs illustrating that the project area is likely under a 15% slope (see Exhibit L).



SECTION 3.19 – SURFACE WATERS & WETLANDS

PG. 63

- The ANR Atlas does not depict any surface waters or wetlands on the property.
- While an existing pond is located to the northwest of the project area, the pond is approximately 84 ft. from the northwest corner of the property.

SECTION 3.23 – WATER SUPPLY & WASTEWATER SYSTEMS

PG. 68

- A wastewater permit is not required for the proposed project.
- The applicants obtained a wastewater permit (Permit #: WW-4-5151) as part of the Conversion of Use Permit (CL-18-09) process.

ARTICLE V – DEVELOPMENT REVIEW

SECTION 5.1 – APPLICABILITY

SECTION 5.1.A – TYPE OF REVIEW REQUIRED

PG. 112

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

SECTION 5.1.B – COORDINATION OF REVIEW

PG. 112

- Does not apply.

SECTION 5.3 – SITE PLAN REVIEW

SECTION 5.3.A – PURPOSE

PG. 115

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

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

SECTION 5.3.B.1 – EXISTING SITE FEATURES

PG. 115

- The proposed deck appears to avoid the resources identified under Section 5.3.A.1.
- Should the Board discover any of the resources identified under Section 5.3.A.1, they have the ability to require one or more of the mitigation techniques:
 - Increased setback distances or undisturbed buffer areas between proposed development and identified resources.
 - The designation of building envelopes sited to exclude identified resource areas, and to limit the extent of site clearing and disturbance.
 - Permanent protection of identified resource areas as designated open space.
 - The screening of development as viewed from public vantage points.
 - The preparation and implementation of management plans for identified resources.

SECTION 5.3.B.2 – SITE LAYOUT & DESIGN

PG. 115

Underhill Flats Village Center & 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

- The proposed deck is consistent with the traditional, compact village settlement pattern, as described.
- The proposed deck is located in the rear of the accessory structure, and therefore, not visible from the front yard.

scaled and oriented in relation to adjoining structures, with principal facades and entrances facing the road or central greens, and shall establish maintain a consistent front set back distance (building line) from the street in relation to adjoining structures.

SECTION 5.3.B.3 – VEHICLE ACCESS **PG. 116**

- The property is currently accessed by one curb-cut via Vermont Route 15.
 - No modifications to the existing curb-cut or driveway are anticipated.

SECTION 5.3.B.4 – PARKING, LOADING & SERVICE AREAS **PG. 117**

- See Section 3.13 above.

SECTION 5.3.B.5 – SITE CIRCULATION **PG. 117**

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

SECTION 5.3.B.6 – LANDSCAPING & SCREENING **PG. 118**

- No modifications to landscaping and screening are proposed.
- The proposed deck will be located to the rear of the accessory structure and will not be seen the front yard.
- The Board should take note of the landscaping & screening techniques of other properties in the areas to determine if any measures under this section should be taken.

SECTION 5.3.B.7 – OUTDOOR LIGHTING **PG. 119**

- See Section 3.11 above.

SECTION 5.3.B.8 – STORMWATER MANAGEMENT AND EROSION CONTROL **PG. 119**

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

SECTION 5.4 – CONDITIONAL USE REVIEW

SECTION 5.4.A – PURPOSE *(the standards and conditions should relate to the identification, avoidance and/or mitigation of potential impacts:)* **PG. 120**

- Board approval is required for development that is proposed to occur in the property's setbacks per Sections 3.7.E.1 and 3.9.

SECTION 5.4.B – GENERAL STANDARDS

SECTION 5.4.B.1 – THE CAPACITY OF EXISTING OR PLANNING COMMUNITY SERVICES OR FACILITIES **PG. 121**

- The construction of the proposed deck is not anticipated to have an adverse impact on the existing or planning community services or facilities.
- Staff did not solicit input from UJFD or MMU.

SECTION 5.4.B.2 – THE CHARACTER OF THE AREA AFFECTED **PG. 121**

- The construction of the proposed deck is not anticipated to have an adverse impact on the character of the area, as the accessory dwelling and proposed deck is an accessory structure to the single-family dwelling.

- **Location:** the property is located in the Underhill Flats Village Center District, which largely contains compact development, including single-family dwellings and accessory structures.
- **Scale:** the scale of the proposed construction is consistent with the development that currently exists on the property and the surrounding properties.
- **Type:** the proposed deck would be attached to the accessory dwelling, which is an accessory use to the single-family dwelling. Accessory structures are permitted within the Underhill Flats Village Center District.
- **Density:** the proposed structures will not increase the density in the area affected.
- **Intensity:** the proposed deck will negligibly change the intensity of the area affected.

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

- The proposed deck is unlikely to increase the traffic on the roads and highways in the vicinity, thus not resulting in an adverse impact.

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

- The landowners have yet to receive a Certificate of Occupancy Permit for the accessory dwelling, as they had previously advised that they would submit the necessary certification letter required to obtain the permit as soon as possible. To date, the certification letter has not been submitted, and therefore, the habitants (landowners/applicants) of the accessory dwelling are in violation of the *Underhill Unified Land Use & Development Regulations*.
- The proposed deck will conform with the *Underhill Unified Land Use & Development Regulations* should they applicants get approval from the Board.

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

- The proposed development is not anticipated to interfere with any sustainable use of renewable energy resources.

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

- See analysis under Section 5.3 above.

SECTION 5.4.D – SPECIFIC STANDARDS *(The Board may consider the following subsections and impose conditions as necessary to reduce or mitigate any identified adverse impacts of a proposed development:)*

SECTION 5.4.D.1 – CONFORMANCE WITH THE TOWN PLAN **PG. 123**

- The proposed development is consistent with the Town Plan.

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

- The proposed deck will comply with the Underhill Flats Village Center District and use standards should the Board grant conditional use approval under Section 5.5 below.

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

- See Section 3.14 above.

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

- Does not apply.

SECTION 5.5 – WAIVERS & VARIANCES

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

SECTION 5.5.B – DIMENSIONAL WAIVERS

SECTION 5.5.B.1 – WAIVER REQUEST RATIONALE

PG. 124

- The applicants have requested a waiver to construct a deck which will provide an outdoor area for their elderly relatives (see Exhibit N).

SECTION 5.5.B.2 – APPLICABILITY OF WAIVER REQUEST

PG. 124

- The Board may grant a waiver if one of the following is true:
 - To allow for the reasonable development and use of a pre-existing nonconforming lot under Section 3.8.
 - To allow for additions or improvements to a pre-existing nonconforming structure under Section 3.9.
 - Comply with federal or state public health, safety, access and disability standards.
 - Allow for the siting of renewable energy structures.
- Statement 1 and 2 above appear to be applicable.

SECTION 5.5.B.4 – WAIVER REQUEST ELEMENTS

PG. 124

- | | |
|---|---|
| <p>a. <i>Element 1</i> – No reasonable alternative exists for siting the structure, addition or improvement outside of the required setback area.</p> | <ul style="list-style-type: none">• In viewing the submitted photographs (see Exhibit L), the sliding door appears to be centered in the middle of the building; therefore, the construction of a deck that aligns with the door appears inevitable, thereby encroaching upon the setback and requiring a waiver. |
| <p>b. <i>Element 2</i> – The reduced setback is not contrary to public health, safety and welfare, stated objectives and policies of the Underhill Town Plan, or the intent of these regulations.</p> | <ul style="list-style-type: none">• Staff is unaware of any stated objectives and policies in the Town Plan where the construction of the proposed deck would be contrary. |
| <p>c. <i>Element 3</i> – The waiver represents the minimum setback reduction necessary to allow for the proposed development.</p> | <ul style="list-style-type: none">• The Board should explore if the deck can encroach in the setback area less than what is depicted in Exhibit K. |
| <p>d. <i>Element 4</i> – Any potential adverse impacts resulting from reduced setbacks on adjoining properties, surface waters or wetlands shall be mitigated through site design, landscaping and screening, other accepted mitigation measures.</p> | <ul style="list-style-type: none">• The Board should evaluate if any mitigation measures are required as a result of the construction of the proposed deck. |

SECTION 5.5.C – VARIANCES

- Staff warned the hearing a variance request/waiver request hearing with the understanding that the applicants were requesting a variance, but were willing to discuss a potential waiver. After reviewing the application in more detail, and observing Exhibit K, Staff discovered that only a waiver is necessary assuming that the applicants still wish to building a 12 ft. by 16 ft. deck that is center on the accessory structure (see Zoning Permit Application in Exhibit E). Should the applicants revise their plans to have a wider deck, a variance may be required.

SECTION 5.5.C.2 – VARIANCE REQUEST ELEMENTS

PG. 125

- Due to Staff’s discovery that only a waiver is required with the plans currently proposed, variance review is not required. However, in the event the plans change, or the Board determines that a variance review is required, the Board shall consider the application in relation to the variance criteria set out directly below.

Element 1 – There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to these conditions and not the circumstances or conditions generally created by the provisions of these regulations in the neighborhood or district in which the property is located.

Element 2 – Because of such physical circumstances and conditions, there is no possibility that the property can be developed in strict conformity with the provisions of these regulations and that the authorization of a variance is necessary to enable the reasonable use of the property.

Element 3 – The unnecessary hardship has not been created by the applicant or appellant.

Element 4 – The variance, if authorized will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources or be detrimental to the public welfare.

Element 5 – The variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from these regulations and from the plan.

SECTION 5.5.C.3 – RENEWABLE ENERGY STRUCTURES

PG. 125

- Does not apply.

SECTION 5.5.C.4 – VARIANCES WITHIN THE FLOOD HAZARD OVERLAY DISTRICT

PG. 126

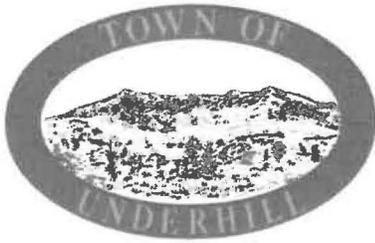
- Does not apply.

ARTICLE VI – FLOOD HAZARD AREA REVIEW

- 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

- Since no modifications to the existing driveway and curb cut are proposed, review under the Road Ordinance is unnecessary – an access permit is therefore not being sought at the direction of Staff.



UNDERHILL DEVELOPMENT REVIEW BOARD

CONDITIONAL USE REVIEW
HEARING PROCEDURES
Monday, May 6, 2019

Applicant(s): Robert & Paige Manning
Docket #: DRB-19-04

State the following:

1. This is a conditional use review: waiver/variance request hearing on the application of Robert & Paige Manning for the construction of a deck within the property's setback requirements on the land they own at 421 Vermont Route 15 (VT421) in Underhill, Vermont.

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

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

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

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

4. Are any state or municipal representatives present, and acting in their representative capacities?

5. An Interested Parties Info Sheet is available to all attendees at the front counter or from the Planning & Zoning Administrator. Please review it for further information.

Then state:

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

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

- Exhibit A - Manning Conditional Use Review Staff Report
- Exhibit B - Manning (VT421) Conditional Use Review Hearing Procedures
- Exhibit C - Development Review Application
- Exhibit D - Responses to Development Review Application Questions
- Exhibit E - Zoning Permit Application (B-19-07)
- Exhibit F - Notice to BFP
- Exhibit G - Certificate of Service
- Exhibit H - Site Plan-Existing Conditions
- Exhibit I - Site Plan-Setbacks
- Exhibit J - Waiver & Variance Limitations
- Exhibit K - Proposed Deck w. Waiver & Variance Limitations
- Exhibit L - Photographs
- Exhibit M - Applicants' Hand-drawn Site Plan
- Exhibit N - Variance Request Narrative (if Required)

These exhibits are available in the Manning conditional use review file (DRB-19-04 / VT421) at the Underhill Zoning & Planning Office and on the Town's website.

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

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

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



TOWN OF UNDERHILL

DEVELOPMENT REVIEW (ART. V) APPLICATION

<p>OFFICE USE ONLY</p> <p>PROPERTY CODE: <u>VT421</u></p> <p>PROPERTY ADDRESS: <u>421 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-19-04</u></p> <p>Received Date: <u>3/27/2019</u></p> <p>Hearing Date: <u>5/6/2019</u></p> <p>Application Completion Date: <u>4/17/2019</u></p> <p style="text-align: right;"><small>(See Requirements Below)</small></p>
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SUBJECT PROPERTY ADDRESS:

Applicant Information	Landowner Information (if Different)
NAME(S): <u>Robert + Paige Manning</u>	NAME(S):
MAILING ADDRESS: <u>421 VT Rte 15 Underhill</u>	MAILING ADDRESS:
EMAIL ADDRESS: <u>pb4wego421@gmail.com</u>	EMAIL ADDRESS:
PHONE NUMBER: <u>802-999-2554</u>	PHONE NUMBER:

Description of Proposed Project	Contractor/Surveyor Information (if Applicable)
<u>add back deck to converted barn structure</u>	<p>NAME(S): <u>Dan Westover</u></p> <p>MAILING ADDRESS: <u>43 Snipe Island Rd Jenzho</u></p> <p>EMAIL ADDRESS: <u>westovercustombldg@icloud.com</u></p> <p>PHONE NUMBER: <u>Dan cell - 802.363.4096</u></p>

APPLICANT SIGNATURE <u>Paige E. Manning</u>	DATE <u>3/18/2019</u>
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Variance Request	Site Plan Review	Conditional Use Review
<p>Applicable:</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> Concurrent with an Appeal Request</p> <p><input checked="" 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 checked="" type="checkbox"/> Application (incl. Zoning Permit App.)</p> <p><input checked="" type="checkbox"/> Application Fee (\$150.00)</p> <p><input checked="" type="checkbox"/> Copies of a Site Plan</p> <p><input checked="" type="checkbox"/> State Project Review Sheet</p> <p><input checked="" 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 checked="" type="checkbox"/> Written response to variance requirements (see Page 2)</p> <p><small>Please Checkoff All Submitted Materials</small></p>	<p>Applicable:</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> Standalone Site Plan Review App.</p> <p><input checked="" 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 checked="" type="checkbox"/> Written response to site plan review requirements (see Page 2)</p> <p><small>Please Checkoff All Submitted Materials</small></p>	<p>Applicable:</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> Other: <u>Variance Request</u></p> <p><input type="checkbox"/> Floodplain Review</p> <p><input type="checkbox"/> Required for Proposed Use</p> <p><input type="checkbox"/> Stream/Wetland Encroachment</p> <p><input type="checkbox"/> Waiver Request</p> <p><input type="checkbox"/> No</p> <p>Required Materials</p> <p><input checked="" type="checkbox"/> Application (incl. Zoning Permit App.)</p> <p><input checked="" type="checkbox"/> Application Fee (\$150.00)</p> <p><input checked="" type="checkbox"/> Copies of a Site Plan</p> <p><input checked="" type="checkbox"/> State Project Review Sheet → <u>Jeff McMahon (802) 477-2241</u></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 checked="" type="checkbox"/> Written response to conditional use & site plan review requirements (see Page 2)</p> <p><small>Please Checkoff All Submitted Materials</small></p>



TOWN OF UNDERHILL

DEVELOPMENT REVIEW (ART. V) APPLICATION

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

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

Applies: Yes or No

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

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

Applies: Yes or No

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

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

Applies: Yes or No

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

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



CONDITIONAL USE

Line 2.

The proposed deck will enhance the outdoor space available to the dwelling. The land behind the structure is lawn space and no trees or natural objects need to be removed to complete the project.

Line 4.

Only possible aspect we are aware of is that the deck will be within the buffer zone the town requires from the neighbors property line. The back of the structure is 30 ft across. From the back of the structure the lookers left wall of the structure is approximately 8ft from the neighbor's property line. The proposed deck's width will be the center 16ft on the 30ft wall leaving its side approximately 15 feet from the neighbors property line.

Line 5.

Has zero impact on any renewable resources. The deck will be added to the existing structure in a space that has been lawn for years.

SITE PLAN REVIEW SUPPLEMENTAL QUESTIONS

Line 1.

The deck will be built at the rear of the structure as you see it from the road. The structure's facade from the street remains the same.

Line 2.

The deck will not impact neighboring properties views or any adjoining structures in the vicinity.

Line 6.

There will be no modifications for the deck.

Line 7.

Proposed project does not require outdoor lighting.

Line 8.

No storm water management measures need to be taken.



TOWN OF UNDERHILL

ZONING PERMIT APPLICATION

Section A

OFFICE USE ONLY

APPLICATION #: B-19-07PROPERTY CODE: VT421

ZONING DISTRICT(S):

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

Zoning Permit Application Type:

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

APPLICANT:

Robert & Paige Manning

PROPERTY LOCATION:

421 VT Rte 15 Underhill

MAILING ADDRESS:

same as above

EMAIL ADDRESS:

pb4wego421@gmail.com

PHONE NUMBER:

802-999-2554

LANDOWNER (IF DIFFERENT FROM APPLICANT):

LANDOWNER'S CONTACT INFORMATION:

CONTRACTOR:

Dan Westover

CONTRACTOR'S CONTACT INFORMATION:

cell - 802-363-4096

PROJECT DESCRIPTION:

add back deck to converted barn structure

Section B

Building Permit Application Information:

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

Section D

Accessory Dwelling Application Information:

- Attached Accessory Dwelling, or
 Detached Accessory Dwelling

Square Footage of Principal Dwelling: _____ sq. ft.

Square Footage of Proposed Accessory Dwelling: _____ sq. ft.

Number of Bedrooms (in Accessory Dwelling): _____

Number of Bathrooms (in Accessory Dwelling): _____

Section C*

Conversion/Change of Use Application Information:

Existing Use: _____

Proposed Use: _____

of Bedrooms Added (if applicable): _____

of Bathrooms Added (if applicable): _____

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

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



TOWN OF UNDERHILL

ZONING PERMIT APPLICATION

Dimensions of ALL Proposed Construction

Proposed Structure(s)	Front	Side	Side	Rear	Height (Max. 35 ft.)	Square Feet Added
back porch	16 ft	12 ft	12 ft	16 ft	from furthest point approx 7 feet	192 sq. ft.

➔
 Acreage: 0.67 Acres
 Frontage: 167 ft.
 Estimated Value/Cost of Construction: \$ _____
 ➔

FOR OFFICE USE ONLY

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

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

Site Constraints

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

Building & Lot Coverage Information

a. Total # of Acres:	0.67	acre(s)
b. Total Lot Area (1 Acre = 43,560 sq. ft.):	29,185	sq. ft.
c. Footprint of Proposed Project (sq. ft.):	192	sq. ft.
d. Footprint of Existing Buildings (sq. ft.):	2,065	sq. ft.
e. Footprint of Proposed & Existing Buildings (sq. ft.):	2,257	sq. ft.
f. Total Building Coverage (line e / line b * 100):	7.73	%
g. Total Impervious Service (sq. ft.):	~2,300	sq. ft.
h. Total Lot Coverage (lines e + g / line b * 100):	15.61	%

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.

Please see attached engineering plans
with proposed construction in blue

Please Accurately Depict the Following (Checklist):

Required Features to Depict

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

Required Features to Depict if Applicable

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

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



TOWN OF UNDERHILL

ZONING PERMIT APPLICATION

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

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

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

Applicant Signature Paige E. Manning

Date 3/18/2019

Landowner Signature _____

Date _____

OFFICE USE ONLY

RECEIVED: Date 3/27/2019

DEVELOPMENT REVIEW BOARD REVIEW (IF APPLICABLE):

Required Not Required

Date: 3/27/2019 (referred)

- Conditional Use Review
- Site Plan Review
- Variance Request

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

APPROVED: Date _____

Effective Date _____

Expiration Date _____

REJECTED: Date _____

REFERRED (IF APPLICABLE):

To: _____

Date _____

To: _____

Date _____

Comments/Conditions:

Zoning Administrator _____ Date _____

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



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

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

LEGAL AD

Please e-mail to confirm receipt of this ad.

.....

Release Date: NO LATER THAN 04/20/2019

NOTICE OF PUBLIC MEETING

Town of Underhill Development Review Board (DRB)

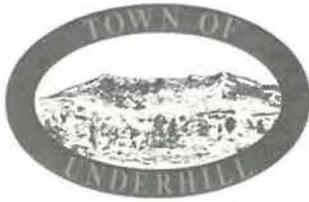
Monday, May 6, 2019

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

The DRB will hold a hearing on the Conditional Use Review - Variance Request/Waiver Request Application by Robert & Paige Manning for the proposed construction of a deck within the property's setback requirements on property they own located at 421 Vermont Route 15 (VT421). This property is located in the Underhill Flats Village Center zoning district. A site visit will commence at the property's location at 6:00 PM on Monday, May 6, 2019, and the hearing will be held at Underhill Town Hall at 6:35 PM on Monday, May 6, 2019.

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

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: 05-06-19 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 18 day of April, 2019, a copy of the following documents were delivered to the below recipients and corresponding addresses by United certified mail, return receipt requested.

Documents:

Notice to abutting neighbors regarding a Conditional Use Review - Variance Request/Waiver Request hearing pertaining to the proposed construction of a deck within the property's setback requirements on property located at 421 Vermont Route 15 (VT421) in Underhill, Vermont, which is owned by Robert & Paige Manning.

Recipients and Corresponding Address:

\$6.80

✓ **421 VERMONT ROUTE 15 (VT421)**
Robert & Paige Manning
421 Vermont Route 15
Underhill, VT 05489

✓ **420 VERMONT ROUTE 15 (VT420X-P)**
Underhill-Jericho Fire Department
P.O. Box 150
Underhill, VT 05489

✓ **16 HARVEST RUN (HR016)**
Philip Jacobs
73 Upper English Settlement Road
Underhill, VT 05489

✓ **423 VERMONT ROUTE 15 (VT423)**
Stephen K. & Theresa L. Jennings
423 Vermont Route 15
Underhill, VT 05489

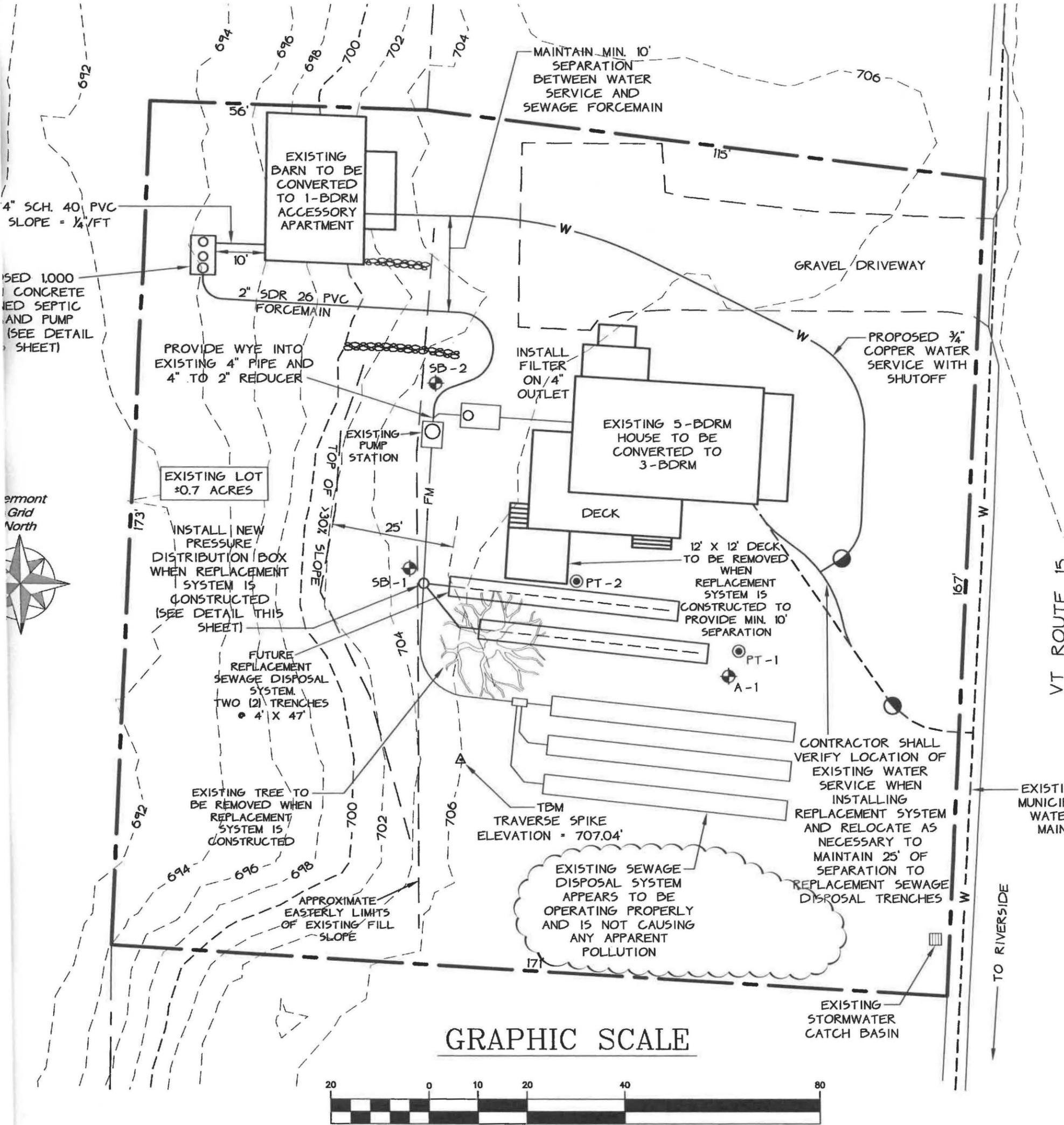
✓ **419 VERMONT ROUTE 15 (VT419)**
Marc R. & Jane Maheux
P.O. Box 236
Underhill, VT 05489

✓ **424 VERMONT ROUTE 15 (VT424)**
Malachi & Shannon McCaulley
424 Vermont Route 15
Underhill, VT 05489

✓ **429 VERMONT ROUTE 15 (VT429T)**
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: 4/18/2019



AUGER LOGS

3/22/05 (SB-1&2)
 9/6/18 (AUGER-1)
 EXCAVATOR/HAND AUGER
 NICHOLAS NOWLAN (SB-1&2)
 GRAHAM TIDMAN (AUGER-1)

T BROWN SILTY GRAVEL
 LEDGE, NO REDOX

T BROWN SILTY GRAVEL
 LEDGE, NO REDOX

WN LOAM
 WN FINE SANDY LOAM, 25% STONES 2"-6"
 WN FINE SAND
 WN/GRAY COARSE SAND, 15% GRAVEL

SUMMARY OF SOIL TESTING

PITS SB-1 & SB-2 PERFORMED BY NICHOLAS NOWLAN ON 3/22/05
 POST HOLE / AUGER 1 PERFORMED BY GRAHAM TIDMAN ON 11/6/18

SOIL AUGER NUMBER	EXISTING GROUNDWATER (DEPTH IN INCHES)	REDOXIMORPHIC FEATURES (DEPTH IN INCHES)	EXISTING LEDGE (DEPTH IN INCHES)
SB-1	> 80	> 80	> 80
SB-2	> 72	> 72	> 72
A-1	> 64	> 64	> 64

BACKFILL WITH APPROVED EXCAVATED MATERIAL THOROUGHLY COMPACTED IN 6" LIFTS

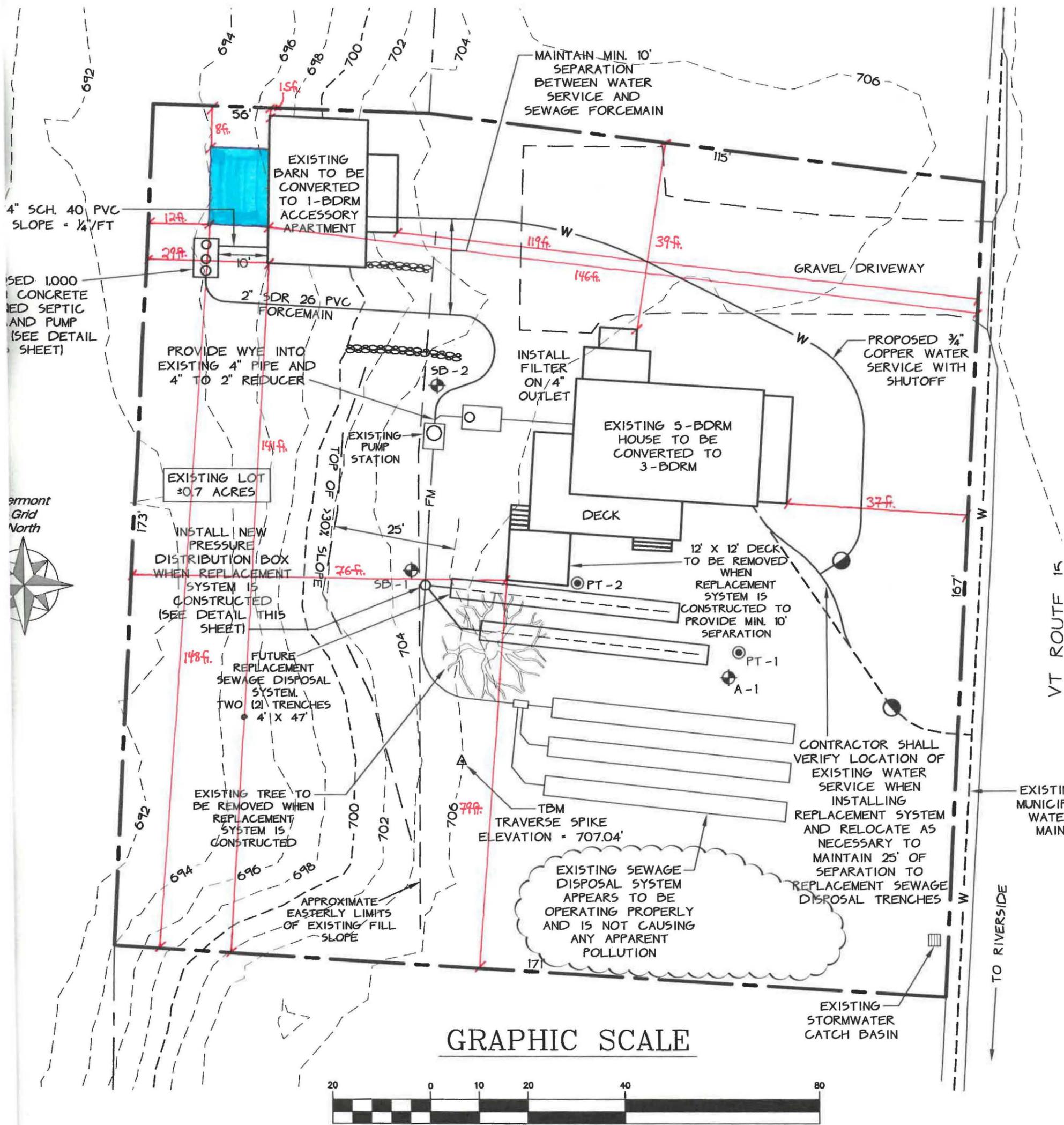
THE SIDES OF TRENCHES 4 FT. OR MORE IN DEPTH ENTERED BY PERSONNEL SHALL BE SHEETED OR SLOPED TO THE ANGLE OF REPOSE

APPROVED ROCK FREE BACKFILL THOROUGHLY COMPACTED IN 6" LIFTS (NO STONES LARGER THAN 1-1/2" DIA.); BACKFILL WITH 3/4" CRUSHED STONE UNDER DRIVES AND ROADS.

PERCOLATION TEST RESULTS

TESTS PERFORMED ON 3/22/05 BY NICHOLAS NOWLAN

TEST	TEST DEPTH	PERCOLATION RATE



AUGER LOGS

3/22/05 (SB-1&2)
9/6/18 (AUGER-1)
EXCAVATOR/HAND AUGER
NICHOLAS NOWLAN (SB-1&2)
GRAHAM TIDMAN (AUGER-1)

T BROWN SILTY GRAVEL
LEDGE, NO REDOX

T BROWN SILTY GRAVEL
LEDGE, NO REDOX

WN LOAM
OWN FINE SANDY LOAM, 25% STONES 2"-6"
OWN FINE SAND
OWN/GRAY COARSE SAND, 15% GRAVEL

SUMMARY OF SOIL TESTING

PITS SB-1 & SB-2 PERFORMED BY NICHOLAS NOWLAN ON 3/22/05
POST HOLE / AUGER 1 PERFORMED BY GRAHAM TIDMAN ON 11/6/18

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SB-1	> 80	> 80	> 80
SB-2	> 72	> 72	> 72
A-1	> 64	> 64	> 64

BACKFILL WITH APPROVED EXCAVATED MATERIAL - THOROUGHLY COMPACTED IN 6" LIFTS

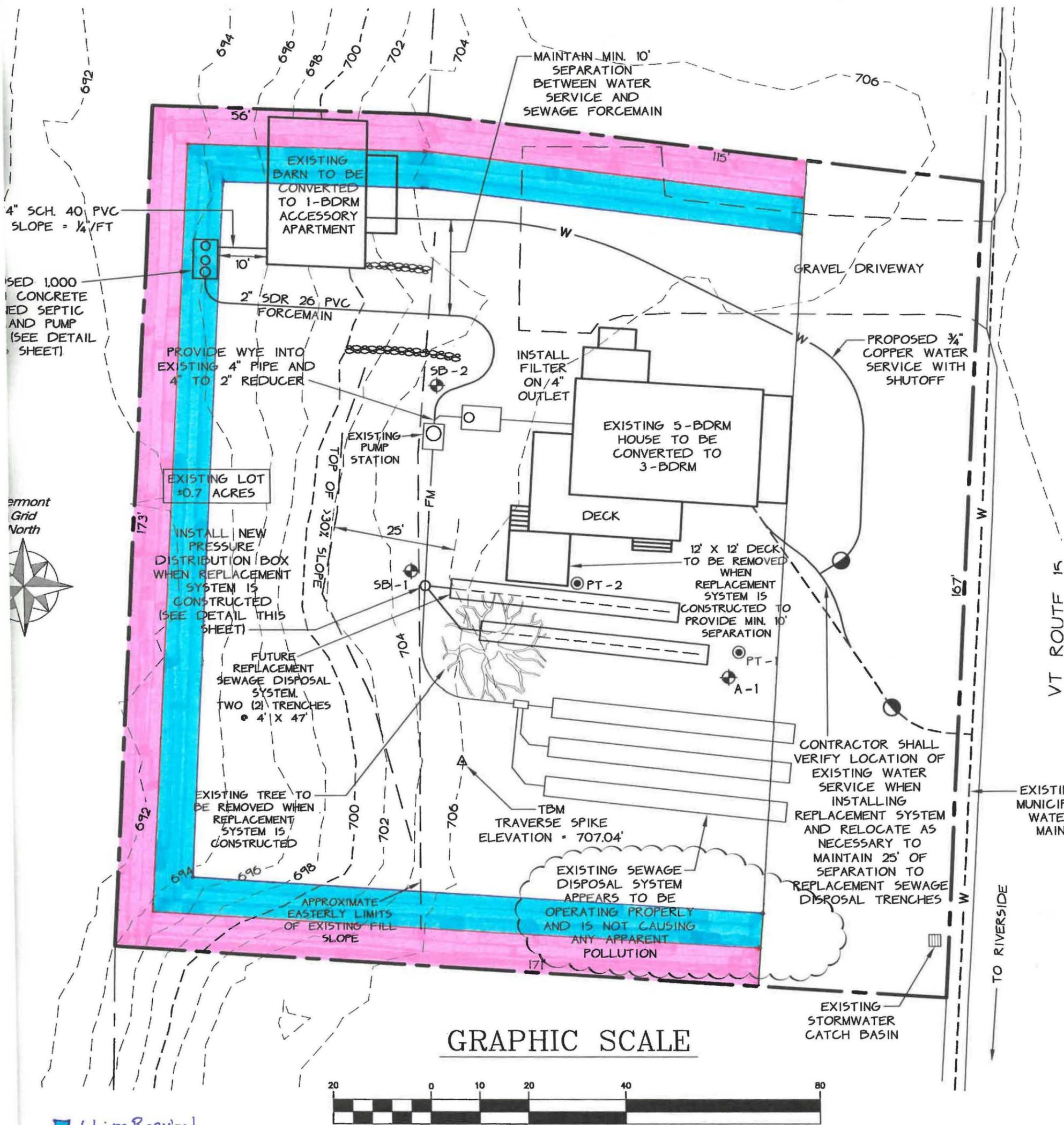
THE SIDES OF TRENCHES 4 FT. OR MORE IN DEPTH ENTERED BY PERSONNEL SHALL BE SHEETED OR SLOPED TO THE ANGLE OF REPOSE

APPROVED ROCK FREE BACKFILL THOROUGHLY COMPACTED IN 6" LIFTS (NO STONES LARGER THAN 1-1/2" DIA.) BACKFILL WITH 3/4" CRUSHED STONE UNDER DRIVES AND ROADS.

PERCOLATION TEST RESULTS

TESTS PERFORMED ON 3/22/05 BY NICHOLAS NOWLAN

TEST	TEST DEPTH	PERCOLATION RATE



■ Waiver Required
■ Variance Required

AUGER LOGS

3/22/05 (SB-1&2)
 9/6/18 (AUGER-1)
 EXCAVATOR/HAND AUGER
 NICHOLAS NOWLAN (SB-1&2)
 GRAHAM TIDMAN (AUGER-1)

T BROWN SILTY GRAVEL
 LEDGE, NO REDOX

T BROWN SILTY GRAVEL
 LEDGE, NO REDOX

WN LOAM
 OWN FINE SANDY LOAM, 25% STONES 2"-6"
 OWN FINE SAND
 OWN/GRAY COARSE SAND, 15% GRAVEL

SUMMARY OF SOIL TESTING

PITS SB-1 & SB-2 PERFORMED BY NICHOLAS NOWLAN ON 3/22/05
 POST HOLE / AUGER 1 PERFORMED BY GRAHAM TIDMAN ON 11/6/18

SOIL AUGER NUMBER	EXISTING GROUNDWATER (DEPTH IN INCHES)	REDOXIMORPHIC FEATURES (DEPTH IN INCHES)	EXISTING LEDGE (DEPTH IN INCHES)
SB-1	> 80	> 80	> 80
SB-2	> 72	> 72	> 72
A-1	> 64	> 64	> 64

BACKFILL WITH APPROVED EXCAVATED MATERIAL - THOROUGHLY COMPACTED IN 6" LIFTS

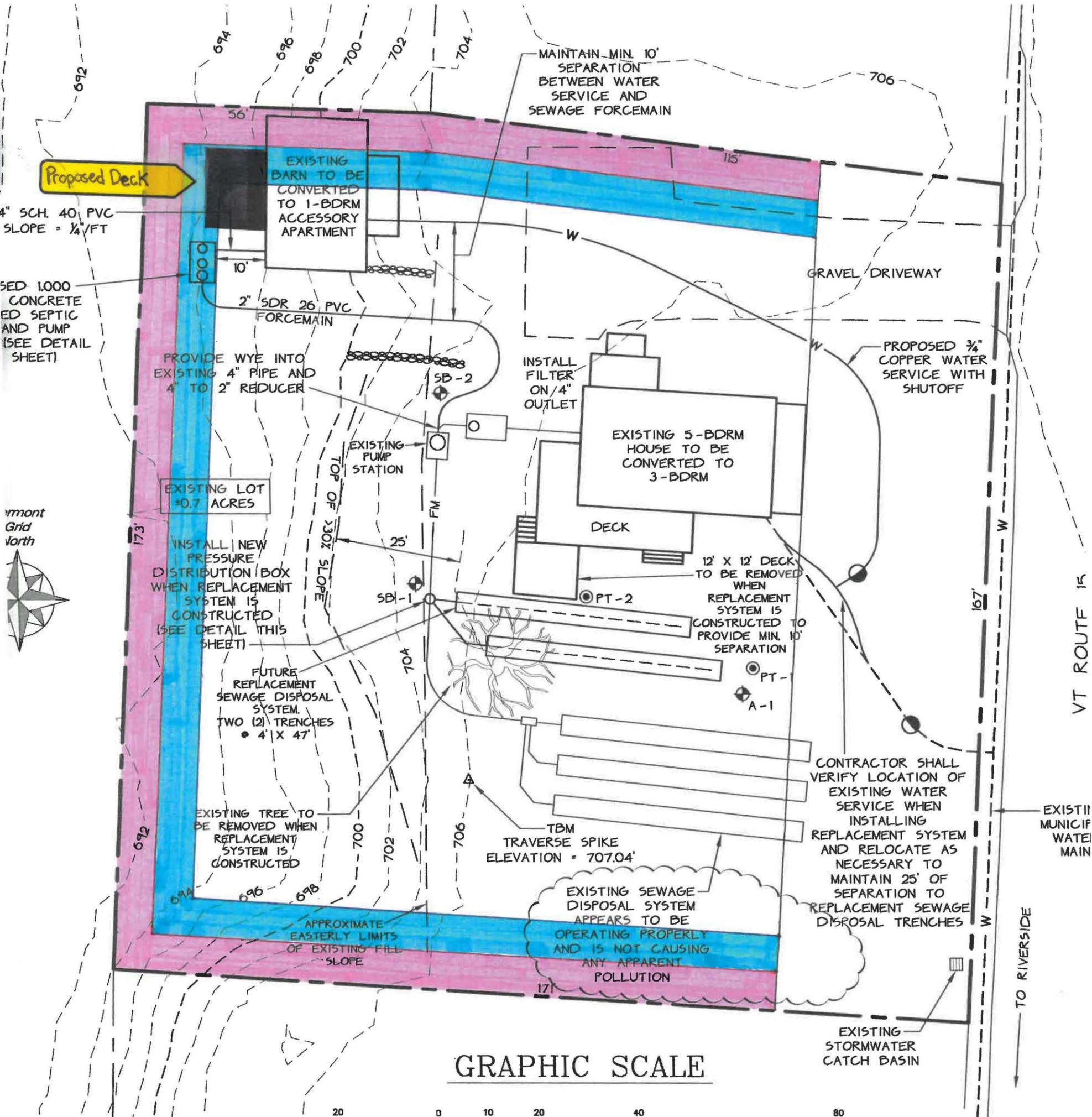
THE SIDES OF TRENCHES 4 FT. OR MORE IN DEPTH ENTERED BY PERSONNEL SHALL BE SHEETED OR SLOPED TO THE ANGLE OF REPOSE

APPROVED ROCK FREE BACKFILL THOROUGHLY COMPACTED IN 6" LIFTS (NO STONES LARGER THAN 1-1/2" DIA.); BACKFILL WITH 3/4" CRUSHED STONE UNDER DRIVES AND ROADS.

PERCOLATION TEST RESULTS

TESTS PERFORMED ON 3/22/05 BY NICHOLAS NOWLAN

TEST	TEST DEPTH	PERCOLATION RATE



■ Waiver Required
■ Variance Required

AUGER LOGS

3/22/05 (SB-1&2)
 9/6/18 (AUGER-1)
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BACKFILL WITH APPROVED EXCAVATED MATERIAL - THOROUGHLY COMPACTED IN 6" LIFTS

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PERCOLATION TEST RESULTS

TESTS PERFORMED ON 3/22/05 BY NICHOLAS NOWLAN

TEST	TEST DEPTH	PERCOLATION RATE

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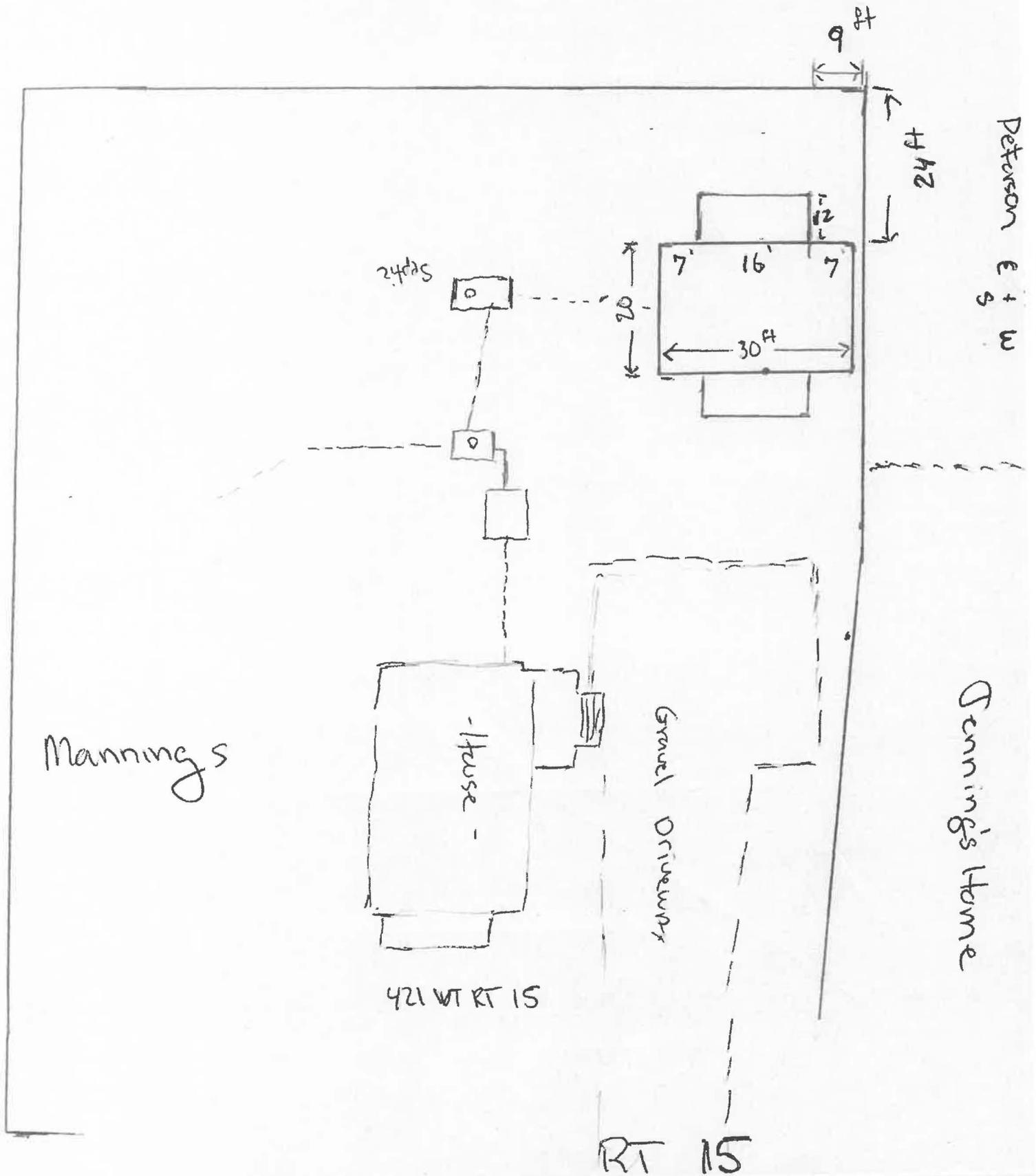






- Peterson Field -

EXHIBIT
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Explanation for variance request

We are seeking a variance in order to provide easy access to outdoor space on the rear of the converted barn on our property. Paige's elderly parents have moved up from Boston to live in the converted space and her father has limited mobility independently. A deck directly off their living space will provide a safe outdoor space with an even surface and access to handrails for safety/support.

The rear of the converted structure faces open field belonging to neighbors Robert and Judy Peterson and was built on the property in early to mid 1900's in it's current location. Neighbors directly to the north Steve and Theresa Jennings would not see the deck from their property. Ideally we would like to have the deck centered on the back of the converted barn and ask the board to consider the project under the variance criteria.

In discussion with Andrew we have become aware of the fact that repositioning the deck further south on the structure conforms with waiver criteria. We are open to accepting the waiver option but as stated above, ideally we would prefer to have it centered.